Tuesday January 14, 2020 Medway Planning and Economic Development Board 155 Village Street Medway, MA 02053

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

The meeting is being broadcast and recorded by Medway Cable Access.

ALSO PRESENT:

Susy Affleck-Childs, Planning and Economic Development Coordinator Gino Carlucci, Planning Consultant (PGC Associates) Amy Sutherland, Recording Secretary

The Chairman opened the meeting at 7:00 pm

There were no Citizen Comments.

24 Stable Way Performance Security Lot Release:

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

- Letter dated 1-8-20 from Attorney Paul Kenney
- Lot Release for PEDB signature

Mr. Paul Kenney was present to represent Leland Custom Homes in connection with the purchase of 24 Stable Way. He is requesting that the Board issue the Release of Covenant in order to clear the title to the property.

On a motion made by Bob Tucker, and seconded by Di Iulio, the Board voted unanimously to approve the performance security lot release for 24 Stable Way.

NOTE – The Board signed the lot release document.

<u>PUBLIC HEARING CONTINUATION - William Wallace Village Multi-</u> Family Housing Special Permit and Site Plan:

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

- Public Hearing continuation notice dated 12-4-19 to continue hearing to 1-14-20
- Revised site plan by Legacy Engineering, LLC dated December 27, 2019
- Revised site plan by Cosmos Associates dated January 8, 2020
- Revised architectural plans by Charles Basile Architect updated received December 10, 2019 and January 7, 2020.
- Waiver from MGL, Chapter 40A, Section 6 regarding compliance with revised Multi-Family zoning bylaw approved at the November 18, 2019 town meeting.
- Email dated January 4, 2020 from Larry Rucki asking for authorization to secure a building permit for the first building before infrastructure is installed.
- Revised draft decision dated January 13, 2020.

- Sale prices of Townhouse Condominiums (December 2017-May 2019) compiled by Susan Affleck-Childs with data from Medway Assessor's office
- Letter dated January 14, 2020 from Dan Merrikin, Legacy Engineering, LLC regarding the revised landscaping plan

Dan Merrikin from Legacy Engineering was present to explain the changes made to the special permit and site plan. The revised project scope has changed from 15 units to 12 units. The plan includes 4 visitor parking spots. The stormwater basin is in the middle of the site. This system will pick up the roof run off. The grading plan has not changed. The patios will have pervious pavers which was a recommendation from the Conservation Commission. Consultant Steve Bouley of Tetra Tech has reviewed the revisions and indicated in an email that there are no additional comments and that he is satisfied with the revisions. The Conservation Commission will be drafting the amended Order of Conditions next week at the meeting to be held on Thursday January 23, 2020. There has been an increase of plantings on the site. This includes 111 new trees both being deciduous and evergreen species. There will also be 165 shrubs, 240 plantings around foundations, and 333 perennial plants, ornamental grasses and groundcover plantings. The total proposed tree caliper for the 92 specified trees is 253 inches. The Board was also informed that the applicant has signed a waiver from M.G.L, Chapter 40A, Section 6 agreeing to compliance with revised Multi-Family zoning regulations approved at the November 2019 town meeting. The Board reviewed the sale prices of townhouse condominiums to determine the affordable housing component which would be 1.2 unit. One unit will be built on site. The remaining 20% of a unit would be "converted" to a payment in lieu of construction and provided to the Medway Affordable Housing Trust. The revised draft decision was reviewed by the Board.

There were several revisions to the decision:

- Parking quantity needs to be changed from 54 to 52 spaces.
- Include reference to the DRC letter which has not been received.
- The date of the Order of Conditions will be changed to January 23, 2020.
- Include a reference to the recently submitted Landscaping plan dated January 8, 2020.
- Page 8 Clarify the affordable housing number from 2 to 1.2.
- Page 8 The maximum number of dwelling units needs to indicate 24 units not 36.
- Page 14 There was revised language based on the updated landscape plan from November 2019.

Findings:

On a motion made by Matt Hayes and seconded by Rich Di Iulio, the Board voted to approve the findings for the William Wallace Special Permit and Site Plan. (Vote 4 to 1)

Waivers:

On a motion made by Tom Gay and seconded by Matthew Hayes, the Board voted to approve the requests for waivers as presented. (Vote 4 to 1)

Continue:

On a motion made by Matt Hayes and seconded by Tom Gay, the Board voted unanimously to continue the hearing for William Wallace Multi-Family Housing Special Permit and Site Plan to January 28, 2020 at 7:50 pm.

MERRIMACK BUILDING SUPPLY PROJECT COMPLETION:

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

- Revised as-built plan dated 1-3-20.
- Tetra Tech review memo dated 1-9-20 re: project completion and as-built plan
- Guerrierre and Halnon project completion certification letter dated 1-9-20.
- Joanne Russo email dated 12-16-19 re: status of taxes paid.
- Draft of Certificate of Site Plan Completion

The Board reviewed all the information presented regarding the Merrimack Building Supply. It is the recommendation to authorize the Building Department to issue a full Certificate of Occupancy and to vote to refund the performance security in the amount of \$16,250 plus interest.

On a motion made by Rich Di Iulio and seconded by Bob Tucker, the Board voted unanimously to authorize the Building Department to issue a full Certificate of Occupancy and to refund the performance security in the amount of \$16,250.00 plus interest.

PUBLIC HEARING CONTINUATION - 4 MARC ROAD/NEOORGANICS SPECIAL PERMITS AND SITE PLAN:

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

- Public Hearing Continuation notice dated December 4, 2019
- Revised site plan dated December 13, 2019
- Revised Land Disturbance Area plan dated December 13, 2019
- Tetra Tech review letter dated December 16, 2019
- Fire Chief Jeff Lynch email dated December 12, 2019
- Conservation Commission Order of Conditions dated November 18, 2019
- Letter from Abutter John Lally dated December 4, 2019
- DRAFT decision dated January 9, 2020
- Email from Jeff Komrower of Noise Control Engineering dated January 13, 2020
- Email from Bruce Straughan of Straughan Forensics, dated January 11, 2020

The Chairman opened the continued hearing for 4 Marc Road. Present for the applicant was Jaime Lewis. The Board was informed that Ron Dempsey who was the Noise Control Engineering consultant who assisted with this application is no longer employed by company. Jeff Komrower has been assigned as the new consultant who is working on behalf of the Town. The draft decision has been provided to Bruce Straughan, the odor consultant, to seek his guidance on the conditions within the decision. The draft decision has been emailed to Jaimie Lewis of Neo Organics. Consultant Carlucci is assisting with Findings.

Mr. Komrower introduced himself and indicated that he has reviewed all of the relevant documents, correspondence, Acentech's report and noise control plan and all applicable ordinances. It was explained from John Lally that the AHU unit in the North West corner and barrier were left off the modeling done by Acentech for the applicant. This has been corrected. There was a revision to the barrier around the GRTU units. The height was 3.5 meters and it is now increased to 5 meters. The predictions still show that all octave band noise levels will meet the Town of Medway maximum permissible sound pressure levels at the property line locations and projected residence locations being 17 ft. height. Consultant Komrower also looked at the effect of the noise levels of adding the 17' wide driveway around the concrete pad on the west side of the building. His conclusion is that this driveway will not have any effect on the noise

Minutes of January 14, 2020 Meeting Medway Planning & Economic Development Board APPROVED – January 28, 2020

levels. Any sound propagating to the far field path over the barrier will not be significantly higher and will be negligible.

He further communicated that on page 18 paragraph 2 of the decision it mentions measuring ambient sound levels as determined if it complies with Section 7.3 of the Zoning Bylaw. It was indicated that this is not a correct. The current bylaw makes no reference to background noise levels; that is a MA DEP policy standard. The Board needs to decide whether NeoOrganics has to adhere to the Town ordinance or the MA DEP standard or both. The MA DEP policy requires a project to meet the standard that new noise cannot exceed the background level by more than 10 db. Mr. Komrower indicated that taking noise measurement at the property line at the height of the second story window is reasonable. The Town's noise standards do not require the establishment of background noise levels, but this needs to be determined.

Abutter, John Lally expressed his concern that the typical nighttime noise has a level of 30-40 and the Town of Medway bylaw allows 46 which puts him in the urban range. He believes this is inappropriate at the residential line. Mr. Lally requests that the level be below 40dba at the property line. The other property lines are abutting industrial properties and there is no issue with those.

Ms. Lewis responded that they are required to comply with the state requirements (MA DEP policy) for noise. Both requirements (Town and state) are going to have to be met. It is recommended to have bi-annual checks of the facility since the noise levels could change seasonally. There will need to be discussions about how to handle inspections and who will be billed for this. The inspections would need to be done through the Building Department. Ms. Lewis stated that the background noise levels should have been established prior to operation of the 2 Marc Road facility. There could be remote monitoring after 2 Marc Road takes the chillers off the roof and provides the mitigation.

The Board does not feel comfortable requiring lowering the acceptable noise level to 40 without knowing the background levels. The consultant does not think that the noise levels will be lower since this is an industrial level.

The Board discussed that there could be language in the decision which has the applicant establishing the background level. The applicant noted that the background levels would need to be determined in the next 5 months./ Mr. Lally wanted to know if there can be a condition that 4 Marc Road reestablish background noise levels after the 2 Marc Road mitigation measures have been implemented.

There was a question if the Board is able to put a condition within this decision that is contingent upon the action of 2 Marc Road.

The applicant was informed that the organizational structure requirement still needs to be submitted. It was indicated that she will provide this to the Board.

The decision will be revised to include the information discussed and Susy will seek out the assistance from Jeff Komrower.

On a motion made by Rich Di Iulio, and seconded by Matt Hayes, the Board voted unanimously to continue the hearing for 4 Marc Road to January 28, 2020 at 9:00 pm.

PUBLIC HEARING CONTINUATION - MEDWAY PLACE SHOPPING CENTER SITE PLAN:

The Board was made aware that Attorney Gareth Orsmond has requested a continuation to the hearing for Medway Place Shopping Center Site Plan.

On a motion made by Matt Hayes and seconded by Bob Tucker, the Board voted unanimously to continue the hearing for the Medway Shopping Center Site Plan to February 11, 2020 at 7:30 pm.

Extension Deadline:

On a motion made by Matt Hayes and seconded by Tom Gay, the Board voted unanimously to approve the applicant's request to extend the deadline for the PEDB to act on the site plan application to February 28, 2020.

ZBA PETITION 14-16R FRANKLIN STREET – MODIFY PREVIOUS SPECIAL PERMIT AND VARIANCE DECISION

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

- ZBA decision dated August 7, 2019
- PEDB comment letter dated 6-21-19
- Petition dated 12-23-19 for modification

The Board was made aware that there were several large trees 18 ft removed from the setback areas of the property. The ZBA's prior decision was very clear about what trees needed to remain. It is the consensus of the Board that a letter be sent to the Zoning Board of Appeals recommending they not approve the modification of the Special Permit for 14-16 R Franklin Street and revoke the permit since they are in violation of the permit. There is a formula which can be used for tree planting and replacement. The applicant will also need to address what is being done for land disturbance since 20,000 sq. ft was disturbed which triggers the stormwater/land disturbance permit. The Board would like a letter sent expressing their concerns.

<u>PUBLIC HEARING CONTINUATION - 2 MARC ROAD SITE PLAN</u> MODIFICATION:

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

- Public Hearing Continuation Notice dated 12-16-19
- Mullin Rule Certification form from Andy Rodenhiser for being absent from the 12-10-20 hearing
- Email memo from Fire Chief Jeff Lynch dated 12-12-19
- Revised 2 Marc Road Site Plan dated 12-12-19 by Legacy Engineering
- ConCom Determination of Applicability dated 12-18-19
- Draft decision dated 1-14-20

Dan Merrikin from Legacy Engineering provided an update on the proposed Site Plan Modification. The chillers will be coming off the roof and will be in the enclosures. The Conservation Commission issued a negative Determination of Applicability for the relocation of the driveway. The pads and bollards are in place. The contractors are working on the second floor. The email from the Fire Chief noted that he is good with the plan and the proposed reduction is only in the area of the AC units so it should not impede their operations.

The decision was reviewed, and the following recommendations were noted:

• John Lally wanted the completion dated 8 months out.

On a motion made by Rich Di Iulio and seconded by Bob Tucker, the Board voted unanimously to approve the decision with noted revisions for 2 Marc Road.

On a motion made by Matt Hayes and seconded by Tom Gay, the Board voted unanimously to approve close the hearing for 2 Marc Road.

PEDB MEETING MINUTES:

January 7, 2020:

On a motion made by Rich Di Iulio and seconded by Tom Gay, the Board voted unanimously to accept the minutes from January 7, 2020 with revisions.

CORRESPONDENCE:

- MS4 (stormwater) informational materials distributed at the SWAP December meeting
- Living Little Phase 2 Cottage Cluster Zoning Best Practices report dated December 19, 2019 from MAPC. Consultant Carlucci will look at where the cottage clusters may be possible in the town. There will be a meeting at the end of January with the other towns to work on drafting a bylaw.

FUTURE MEETING:

• Tuesday, January 28, 2020

ADJOURN:

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

The meeting was adjourned at 9:45 pm.

Prepared by,

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Amy Sutherland Recording Secretary

Reviewed and edited by,

Server E OPAC

Susan E. Affleck-Childs Planning and Economic Development Coordinator



January 14, 2020 Medway Planning & Economic Development Board Meeting

Lot Release for 24 Stable Way

- Letter dated 1-8-20 from Attorney Paul Kenney
- Lot Release for PEDB Signature

Kenney & Kenney ATTORNEYS AT LAW

STEPHEN J. KENNEY PAUL V. KENNEY 181 VILLAGE STREET MEDWAY, MASSACHUSETTS 02053 TEL: (508) 533-6711 FAX: (508) 533-6904 EMAIL: <u>kenney@kenney-law.com</u>

PETER J. KENNEY (1973-1980)

January 8, 2020

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

Re: 24 Stable Way, Medway, MA

Dear Members,

This office represents Leland Custom Homes, Inc. in connection with the sale of the above-referenced property. The Buyer's title examination indicates that the Planning Board Covenant dated November 30, 1999, recorded with the Norfolk Registry of Deeds in Book 13897, Page 303, and has not been released. Therefore, I would respectfully request that the Board issue the Release of Covenant in order to clear the title to the property.

Thank you for your attention to this request, and if there are any questions, please let me know.

Very Truly Yours,

Pml Many

Paul V. Kenney

PVK/MB

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

We, the undersigned members, being a majority of the Planning & Economic Development Board of the Town of Medway, Norfolk County, Massachusetts, hereby certify on this date that Lot 26 (now known as 24 Stable Way) on a definitive subdivision plan entitled "Country View Estates", dated August 7, 1999, prepared by DeSimone & Associates of Medway, MA which is recorded with the Norfolk Country Registry of Deeds in Plan Book 471, Page 829 (December 8, 1999) to which reference may be had for a more particular description, is hereby released from the terms, provisions and conditions as to sale and building thereon as set forth in a Covenant pursuant to Sec. 81-U, Chapter 41, G.L. between W. Gregory Whelan of Millis, MA, Greg Whelan, Trustee of the Broad Acres Management Trust u/d/t dated December 10, 1996 and recorded with the Norfolk County Registry of Deeds in Book 12925, Page 468, of Millis, MA, and the Planning Board of the Town of Medway dated November 30, 1999 and recorded at the Norfolk County Registry of Deeds on December 8, 1999 in Book 13897, Pages 303-304.

Executed under seal this _____ day of _____, 2020.

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

COMMONWEALTH OF MASSACHUSETTS

Norfolk County, SS.

On this _____ day of _____, 2019, before me, the undersigned notary

public, personally appeared _____

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

> Notary Public My commission expires:



January 14, 2020 Medway Planning & Economic Development Board Meeting

William Wallace Village Multi-Family Housing Special Permit and Site Plan

- PH continuation notice dated 12-4-19 to continue the hearing to January 14, 2020
- Revised site plan by Legacy Engineering dated December 27, 2019
- Revised landscape plan by Cosmos Associates dated January 8, 2020
- Revised architectural plans by Charles Basile Architect undated, received December 10, 2019 and January 7, 2020.
- Waiver from MGL, chapter 40A, §6 regarding compliance with revised Multi-Family zoning regulations approved at the November town meeting.
- Email dated January 4, 2020 from Larry Rucki asking for authorization to secure a building permit for the first building before infrastructure is installed.
- Revised DRAFT decision dated January 13, 2020.

NOTE – The Conservation Commission is not quite finished with this project. They are still working on an amended Order of Conditions and Land Disturbance permit for the revised project scope from 15 units to 12 units. They await Tetra Tech's stormwater review on the revised site plan/stormwater design. The ConCom hearing on this was continued to January 23, 2020.

So . . . I would not recommend you close this hearing at this time.



TOWN OF MEDWAY Planning & Economic Development Board 155 Village Street

Medway, Massachusetts 02053

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

MEMORANDUM

December 4, 2019

TO:	Maryjane White, Town Clerk Town of Medway Departments, Boards and Committees		
FROM:	Susy Affleck-Childs, Planning & Economic Development Coordinator		
RE:	Public Hearing Continuation:	William Wallace Village Multifamily Development (274-276 Village Street)	
	CONTINUATION DATE: LOCATION:	Tuesday, January 14, 2020 at 7:00 p.m. Medway Town Hall – Sanford Hall, 155 Village Street	

At its meeting on December 3, 2019, the Planning and Economic Development Board (PEDB) voted to continue the public hearing on the applications of DTRT, LLC of Truro, MA for a multifamily housing special permit and major site plan approval for William Wallace Village, a proposed townhouse condominium community with associated site improvements at 274 & a portion of 276 Village Street, to the regular PEDB meeting to be held on Tuesday, January 14, 2020 at 7:00 p.m. in Sanford Hall at Medway Town Hall, 155 Village Street. The meeting room is accessible via elevator to persons with physical disabilities.

The applicant has submitted a revised proposal for a 12 unit development (instead of 15 units) with 11 townhouse style residential dwellings including one triplex building and four duplexes; the existing single family building on the premises will be retained. Two affordable dwelling units will be included within the development. Access will be from Village Street. A total of 52 off-street parking spaces will be provided. Surface and sub-surface stormwater management facilities will be installed on site as will landscaping, lighting, and an open space area. Connections will be made to existing Town sewer and water services. The site plan entitled *William Wallace Village*, dated July 1, 2019, last revised October 22, 2019, was prepared by Legacy Engineering LLC of Millis. MA.

The applications, site plan and associated documents for the proposed William Wallace Village are on file with the Medway Town Clerk and at the Community and Economic Development Department at Medway Town Hall, 155 Village Street, Medway, MA and may be reviewed during regular business hours. The materials are 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/william-wallace-village-274-village-street

The Board is in receipt of a concept plan dated 11-26-19 showing the revised development concept. That plan has been posted to the Board's web page. Please forward any comments on the revised plan to me by January 8th. Thanks.







2013 MASSGIS AERIAL LOCUS SCALE: 1" = 500'



OWNER

#274 DDRT LLC P.O. BOX 95 TRURO, MA 02666

PORTION OF #276 **KEITH & JUDITH SPINNEY** 276 VILLAGE STREET MEDWAY, MA 02053

APPLICANT DDRT LLC P.O. BOX 95 TRURO, MA 02666

ZONING DISTRICT AGRICULTURAL RESIDENTIAL II

ASSESSORS PARCEL 59-55

PLAN & DEED REFERENCE DEED BOOK 6563 PAGE 42 DEED BOOK 19198 PAGE 100 PLAN BOOK 315 NO. 1166 OF 1984

WAIVERS LIST

PLANNING BOARD RULES AND REGULATIONS 204-3.A.7.a TO NOT REQUIRE A TRAFFIC IMPACT ASSESSMENT. 204-3.A.7.b TO NOT REQUIRE AN ENVIRONMENTAL IMPACT STUDY. 204-5.C.3 & D.7 TO NOT REQUIRE LOCATING EXISTING TREES OVER 1' IN DIAMETER.

205-3.B.2 TO ALLOW A DRIVEWAY WITHIN 15' OF A SIDE PROPERTY LINE.

- 205-6.H TO ALLOW CAPE COD BERM AT PARKING LOTS.
- 205-6.G.3.a TO ALLOW 18' DEEP PARKING SPACES.

205-9.F TO NOT REQUIRE FULL REPLACEMENT OF TREES.





I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMITY WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS

DATE: _

REGISTERED LAND SURVEYOR

FOR REGISTRY USE

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OWNER #274 DDRT LLC P.O. BOX 95 TRURO, MA 02666

PORTION OF #276 KEITH & JUDITH SPINNEY 276 VILLAGE STREET MEDWAY, MA 02053

APPLICANT DDRT LLC P.O. BOX 95 TRURO, MA 02666

- ZONING DISTRICT AGRICULTURAL RESIDENTIAL II
- ASSESSORS PARCEL 59-55
- PLAN & DEED REFERENCE DEED BOOK 6563 PAGE 42 DEED BOOK 19198 PAGE 100 PLAN BOOK 315 NO. 1166 OF 1984

DANIEL J. MERRIKIN CIVIL No. 43309 Digitally signed to Daniel J. Merrikin, P.E. Date: 2019.12.27 10:02:52 -05'00'





DATE APPROVED:

DATE ENDORSED:

WILLIAM WALLACE VILLAGE SITE CONTEXT PLAN OF LAND MEDWAY PLANNING & ECONOMIC DEVELOPMENT BOARD EGACY ENGINEERING



I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMITY WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS

DATE: __

REGISTERED LAND SURVEYOR

FOR REGISTRY USE

OWNER #274 DDRT LLC P.O. BOX 95 TRURO, MA 02666

PORTION OF #276 **KEITH & JUDITH SPINNEY** 276 VILLAGE STREET MEDWAY, MA 02053

APPLICANT DDRT LLC P.O. BOX 95 TRURO, MA 02666

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LEGEND & ABBREVIATIONS

CB: SINGLE-GRATE CATCH BASIN

ODMH: DRAIN MANHOLE

⊖SMH: SEWER MANHOLE

X G.V.: WATER GATE VALVE

— G — GAS PIPELINE ----- E ------ ELECTRIC CONDUIT

🜣 S.P.: TRAFFIC SIGNAL POLE

E.O.P. EDGE OF PAVEMENT

🕱 HYD: HYDRANT

🌺 L.P.: LIGHT POLE

O G.Y.: GUY WIRE

С.С.В.

V.B.B.

S.G.C.

V.G.C.

V.C.C.

E.C.S.

C.L.F.

W.S.F.

P.P.F.

G.R.

C.C.

G.V.

Ø U.P.: UTILITY POLE

INFIL. TR.: INFILTRATION TRENCH

PVC: POLYVINYL CHLORIDE PIPE

℃.O.: SEWER SERVICE CLEANOUT

• C.S.: WATER SERVICE CURB STOP

0 M.B.: WATER SERVICE METER BOX

_________ EXISTING CONTOUR

PROPOSED CONTOUR

INTEGRAL SLOPED BIT. BERM

VERTICAL BITUMINOUS BERM

SLOPED GRANITE CURB

EDGE CONCRETE SLAB

WOOD STOCKADE FENCE

CHAIN LINK FENCE

PVC PICKET FENCE

HANDICAP CURB CUT

GATE VALVE

GUARD RAIL

DATE APPROVED: _

DATE ENDORSED:

VERTICAL GRANITE CURB

VERTICAL CONCRETE CURB

RCP: REINFORCED CONCRETE PIPE

TR. DR.: TRENCH DRAIN

🔟 CB: DOUBLE-GRATE CATCH BASIN

1. PARCEL A & B WILL BE SWAPPED PRIOR TO CONSTRUCTION AND THE EXISTING SHED WILL BE DEMOLISHED. THE DEVELOPMENT WILL THEREFORE CONSIST OF LOT C-2 AND PARCEL A. THE REST OF THE PLAN SHEETS DEPICT THESE PARCELS AS THE PROJECT BOUNDARIES.

EXISTING CONDITION NOTES:

- THE LOCATION OF EXISTING 2. UTILITIES IS BASED ON AVAILABLE INFORMATION SUCH AS SURFACE FEATURES AND RECORD PLANS. THE SHOWN UTILITY LOCATIONS ARE APPROXIMATE, ARE NOT WARRANTED TO BE CORRECT, AND SHALL BE FIELD VERIFIED BY THE CONTRACTOR PRIOR TO CONSTRUCTION.
- CONTRACTOR SHALL CONTACT 3. DIGSAFE PRIOR TO CONDUCTING ANY EXCAVATION ON THE SITE.
- 4. OFFSITE FEATURES SUCH AS BUILDING, PAVING LIMITS, UTILITIES, ETC... ARE APPROXIMATE ONLY AND BASED ON MASSGIS AERIAL PHOTOGRAPHS.
- 5. ELEVATIONS ARE ON THE NAVD88 DATUM.



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



30 Щ OPTU XXX: PROPRIETARY STORMWATER UNIT PLA] REVI VICICI' RE/ RE/ RE/ GE ILLIAM WALLACE VILLA EXISTING CONDITIONS PLAN OF LAND Z A MEDW

MEDWAY PLANNING & ECONOMIC DEVELOPMENT BOARD

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I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMITY WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS

DATE: _

REGISTERED LAND SURVEYOR

FOR REGISTRY USE

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LLIAM WALLACE VILLA EROSION CONTROL PLAN OF LAND

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OWNER #274 DDRT LLC P.O. BOX 95 TRURO, MA 02666

PORTION OF #276 KEITH & JUDITH SPINNEY 276 VILLAGE STREET MEDWAY, MA 02053

APPLICANT DDRT LLC P.O. BOX 95 TRURO, MA 02666

ZONING DISTRICT AGRICULTURAL RESIDENTIAL II

ASSESSORS PARCEL 59-55

PLAN & DEED REFERENCE DEED BOOK 6563 PAGE 42 DEED BOOK 19198 PAGE 100 PLAN BOOK 315 NO. 1166 OF 1984

CONSTRUCTION NOTES:

- 1. FOR A FULL EXPLANATION OF EXPECTED CONSTRUCTION PRACTICES, PLEASE SEE THE STORMWATER POLLUTION PREVENTION PLAN IN THE STORMWATER MANAGEMENT REPORT.
- 2. CONSTRUCTION SEQUENCE:
- 2.1. INSTALL CONSTRUCTION ENTRANCE AND PERIMETER EROSION CONTROLS2.2. LOCATE EXISTING UTILITIES ON AND AROUND THE CONSTRUCTION AREA
- 2.3. DEMOLISH THE EXISTING GYM AND APPURTENANCES
- 2.4. CLEAR AND GRUB THE DEVELOPMENT AREA2.5. INSTALL TEMPORARY STORMWATER BASIN
- 2.6. GRADE THE SITE
- 2.7. CONSTRUCT THE STORMWATER BASINS
- 2.8. INSTALL UTILITIES & BEGIN ROAD CONSTRUCTION2.9. INSTALL BUILDING FOUNDATIONS FOR ALL UNITS EXCEPT FOR UNITS 7 & 8
- 2.10. COMPLETE BUILDING CONSTRUCTION AND BEGIN LANDSCAPING 2.11. ONCE NEW STORMWATER SYSTEMS ARE ONLINE, CONSTRUCT UNITS 7 & 8
- 2.11. ONCE NEW STORMWATER STSTEMS ARE ONLINE, C 2.12. FINISH LANDSCAPING AND PAVEMENT TOP COAT
- 2.13. ENSURE THAT ALL STORMWATER FACILITIES ARE CLEANED OUT AND
- OPERATE AS INTENDED 3. REMOVE INVASIVE PLANT SPECIES WHERE DIRECTED BY THE CONSERVATION COMMISSION AGENT.

EROSION CONTROL NOTES:

- 1. EROSION CONTROLS SHALL BE INSTALLED PRIOR TO ANY EXCAVATION. EROSION CONTROLS SHALL BE MAINTAINED IN GOOD CONDITION AT ALL TIMES. EROSION CONTROLS SHALL REMAIN UNTIL SUCH TIME AS THE ADJACENT DISTURBED AREAS ARE COMPLETELY STABILIZED AS APPROVED BY THE CONSERVATION COMMISSION.
- 2. ALL SOIL STOCKPILES SHALL BE PROTECTED WITH COMPOST SOCK PERIMETER CONTROLS AND SEEDING/STABILIZATION PROTOCOL.
- ALL EXISTING CATCH BASINS NEAR THE SITE AND ALL PROPOSED CATCH BASINS ARE TO BE PROTECTED WITH A SILTSAC UNTIL ALL UPSTREAM AREAS ARE STABILIZED. CLEAN AS NEEDED THROUGHOUT CONSTRUCTION.
 INSPECT AND CLEAN NEWLY INSTALLED UNDERGROUND INFILTRATION
- SYSTEMS REGULARLY. 5. REFER TO THE SWPPP FOR ADDITIONAL REQUIREMENTS.
- 6. THE TOTAL AREA OF DISTURBANCE IS 136,807 S.F.

DATE APPROVED: _

DATE ENDORSED: _____

MEDWAY PLANNING & ECONOMIC DEVELOPMENT BOARD





D158-01





I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMITY WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS

DATE:

REGISTERED LAND SURVEYOR

LAYOUT NOTES

1. TRASH WILL BE COLLECTED BY PRIVATE CURBSIDE PICKUP WITHIN THE DEVELOPMENT AND NOT AT THE VILLAGE STREET FRONTAGE.

2. ALL PATIOS TO BE CONSTRUCTED OF PERVIOUS PAVER SYSTEMS AND ARE TO BE EXCLUDED FROM IMPERVIOUS COVERAGE CALCULATIONS.

3. REMOVE EXISTING DRIVEWAY APRON, SAWCUT STREET PAVING, INSTALL MATCHING CONCRETE CURB, INSTALL MATCHING GRASS STRIP, AND REPAVE EXISTING SIDEWALK AND PATCH STREET PAVING AS NEEDED FROM EXISTING CURB CUT TO NEW DRIVEWAY.

ZONING REQUIREMENTS

1. PROPOSED PARKING SPACES ARE 9' WIDE BY 18' DEEP.

2. 10% OF THE UNITS ARE REQUIRED TO BE AFFORDABLE, WHICH EQUALS 1.2 UNITS (ROUNDED DOWN TO ONE UNIT). 3. UNIT 11 WILL BE THE AFFORDABLE UNIT.

OWNER #274 DDRT LLC P.O. BOX 95 TRURO, MA 02666

PORTION OF #276 **KEITH & JUDITH SPINNEY** 276 VILLAGE STREET MEDWAY, MA 02053

FOR REGISTRY USE

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APPLICANT DDRT LLC P.O. BOX 95 TRURO, MA 02666

ZONING DISTRICT AGRICULTURAL RESIDENTIAL II

ASSESSORS PARCEL 59-55

PLAN & DEED REFERENCE DEED BOOK 6563 PAGE 42 DEED BOOK 19198 PAGE 100 PLAN BOOK 315 NO. 1166 OF 1984

ZONING REQUIREMENTS:

- ZONE: AGRICULTURAL RESIDENTIAL II MIN. LOT AREA: REQUIRED: 30,000 S.F. (FOR TWO FAMILY DWELLINGS) PROVIDED: 158,077 S.F.
- MIN. FRONTAGE: REQUIRED: 50' (FOR MULTIFAMILY) PROVIDED: 150.01' MIN. FRONT SETBACK:
- REQUIRED: 35'
- PROVIDED: 73.6' MIN. SIDE SETBACK
- REQUIRED: 15'
- PROVIDED: 23.9'
- MIN. REAR SETBACK: REQUIRED: 15'
- PROVIDED: 36.2'
- MAX. HEIGHT: REQUIRED: 40' (FOR MULTIFAMILY) PROVIDED: APPROX. 26' MAX.BUILDING COVERAGE:
- REQUIRED: 30%
- PROVIDED: 15% (24,273 S.F.)
- MAX. LOT COVERAGE:
- REQUIRED: 40% PROVIDED: 35% (56,121 S.F.)
- OPEN SPACE: REQUIRED: 15% (FOR MULITFAMILY)
- PROVIDED: 55% PARKING SPACES:
- REQUIRED: 1.5/UNIT + 1 VISITOR/2 UNITS =24 PARKING SPACES PROVIDED: 4/UNIT + 4 VISITOR = 52 SPACES

DATE APPROVED:

DATE ENDORSED:

730 MAIN STREET SUITE 2C **MILLIS, MA 02054** 508-376-8883(o) C-4 D158-01

DANIEL J

MERRIKIN

CIVIL No. 43309



MEDWAY PLANNING & ECONOMIC

DEVELOPMENT BOARD

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I HEREBY CERTIFY THAT THE PROPERTY LINES SHOWN ON THIS PLAN ARE THE LINES DIVIDING EXISTING OWNERSHIPS, AND THE LINES OF THE STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED, AND THAT NO NEW LINES FOR DIVISION OF EXISTING OWNERSHIP OR FOR NEW WAYS ARE SHOWN. I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMITY WITH THE RULES AND REGULATIONS OF THE

RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS

DATE: ____

REGISTERED LAND SURVEYOR

FOR REGISTRY USE

OWNER #274 DDRT LLC P.O. BOX 95 TRURO, MA 02666

PORTION OF #276 KEITH & JUDITH SPINNEY 276 VILLAGE STREET MEDWAY, MA 02053

APPLICANT DDRT LLC P.O. BOX 95 TRURO, MA 02666

- ZONING DISTRICT AGRICULTURAL RESIDENTIAL II
- ASSESSORS PARCEL
- PLAN & DEED REFERENCE DEED BOOK 6563 PAGE 42 DEED BOOK 19198 PAGE 100 PLAN BOOK 315 NO. 1166 OF 1984

GRADING NOTES

- EXPECTED SOIL IMPORT: ~900 C.Y.
 EXPECTED SOIL EXPORT: ~350 C.Y.
 MOSTLY CONCRETE & PAVEMENT
- DEBRIS 3. LOAM AND SEED BUFFER ZONE RESTORATION AREAS WITH AN UPLAND EROSION CONTROL MIX. PLANT A TOTAL OF 10 SHRUBS (MIN 18" TALL AT INSTALLATION) IN RESTORATION AREAS. (SPECIES TO BE APPROVED BY CONSERVATION AGENT).



WILLIAM WALLACE VILLAGE GRADING & UTILITIES PLAN OF LAND IN

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MEDWAY PLANNING & ECONOMIC DEVELOPMENT BOARD





D158-01



DATE APPROVED:

DATE ENDORSED:



I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMITY WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS

DATE:

REGISTERED LAND SURVEYOR

UTILITY NOTES:

- 1. DOMESTIC WATER SERVICE SHALL BE TYPE K COPPER IN ACCORDANCE WITH THE REQUIREMENTS OF THE SEWER AND WATER DEPARTMENT. THE PROJECT ARCHITECT SHALL VERIFY THE DOMESTIC, IRRIGATION AND FIRE WATER SERVICE PIPE SIZE REQUIREMENTS FOR THE BUILDINGS. 2. WATER MAINS SHALL BE CLASS 52 CEMENT LINED DUCTILE IRON.
- 3. SEWER SERVICE SHALL BE 6-INCH SDR35 PIPE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MEDWAY SEWER AND WATER DEPARTMENT. MIN SLOPE = 0.02.
- CLEANOUTS SHALL BE POSITIONED IN LANDSCAPE AREAS. PROVIDE MIN. 18" VERTICAL SEPARATION BETWEEN SEWER SERVICES AND WATER MAIN.
- 4. STORMWATER PIPING SHALL BE HDPE RATED FOR H20 LOADING. (ADS N12 OR EQUAL) PIPES.
- 5. EXCEPT WHERE NOTED, ROOF DRAIN PIPING TO BE 6" HDPE. 6. THE ELECTRIC COMPANY SHALL DETERMINE THE FINAL LOCATION AND DESIGN OF THE ELECTRIC SERVICE AND TRANSFORMER. ALL ON-SITE ELECTRICAL WIRING SHALL BE
- UNDERGROUND. 7. FIRE PROTECTION SPRINKLERS SHALL BE PROVIDED FOR ALL RESIDENTIAL UNITS.
- 8. THE EXISTING HYDRANT MAY NEED TO BE RELOCATED DURING CONSTRUCTION IF REQUIRED BY THE DPW. 9. ALL FIRE SERVICE LINES SHALL BE CONNECTED DIRECTLY TO
- 10. CURB STOPS LOCATED IN PAVEMENT SHALL BE FURNISHED

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OWNER #274 DDRT LLC P.O. BOX 95 TRURO, MA 02666

- PORTION OF #276 KEITH & JUDITH SPINNEY 276 VILLAGE STREET MEDWAY, MA 02053
- APPLICANT DDRT LLC P.O. BOX 95
- TRURO, MA 02666 ZONING DISTRICT
- AGRICULTURAL RESIDENTIAL II ASSESSORS PARCEL
- 59-55

SMH

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DATE APPROVED:

DATE ENDORSED:

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PLAN & DEED REFERENCE DEED BOOK 6563 PAGE 42 DEED BOOK 19198 PAGE 100 PLAN BOOK 315 NO. 1166 OF 1984



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MEDWAY PLANNING & ECONOMIC DEVELOPMENT BOARD



730 MAIN STREET SUITE 2C **MILLIS, MA 02054** 508-376-8883(o) C-6

D158-01



FOR REGISTRY USE

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				Digitally signed by Daniel J. Merrikin, P.E. Date: 2019.12.27 09:58:54 -05'00'	D158-01	



I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMITY WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS

DATE: _____

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OWNER #274 DDRT LLC P.O. BOX 95 TRURO, MA 02666

PORTION OF #276 KEITH & JUDITH SPINNEY 276 VILLAGE STREET MEDWAY, MA 02053

APPLICANT DDRT LLC P.O. BOX 95 TRURO, MA 02666

ZONING DISTRICT AGRICULTURAL RESIDENTIAL II

ASSESSORS PARCEL 59-55

PLAN & DEED REFERENCE DEED BOOK 6563 PAGE 42 DEED BOOK 19198 PAGE 100 PLAN BOOK 315 NO. 1166 OF 1984

SNOW REMOVAL NOTES:

- 1. SNOW SHALL BE PLOWED INTO WINDROWS ALONG PAVEMENT WHERE POSSIBLE AND STOCKPILED IN DESIGNATED SNOW STORAGE AREAS.
- 2. NO SNOW STORAGE ALLOWED WITHIN THE 100' BUFFER ZONE.
- 3. SNOW SHALL NOT BE PILED AT THE ENTRANCE CORNERS IN SUCH A MANNER THAT IT WILL OBSTRUCT SIGHT DISTANCE
- 4. ICE CONTROL SHALL BE BY SAND, SODIUM CHLORIDE OR CALCIUM CHLORIDE.
- 5. THE TOTAL AREA REQUIRING SNOW REMOVAL IS APPROXIMATELY 16,171 S.F. THE SNOW STORAGE AREAS TOTAL APPROXIMATELY 9,910 S.F.

DATE APPROVED:

DATE ENDORSED:

MEDWAY PLANNING & ECONOMIC

DEVELOPMENT BOARD

. DANIEL J. MERRIKIN CIVIL No. 43309 Digitally signed by Merrikin, P.E. Date: 2019.12.27 09:58:25 -05'00'

730 MAIN STREET SUITE 2C MILLIS, MA 02054 508-376-8883(o) **C-9**

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I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMITY WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS

DATE:

REGISTERED LAND SURVEYOR

FOR REGISTRY USE

PLANT LIST - Trees & Shrubs in Common Areas:

		TREES - DECIDUOUS AND EVERGREEN		
Qty.	Sym.	Botanical Name	Common Name	Size
23	AG	Amelanchier x grand. 'Autumn Brilliance'	'Autumn Brilliance' Serviceberry	15 gallon pot
9	AR	Acer rubrum	Red Maple	3 - 3 1/2" cal.
8	BN	Betula nigra 'Heritage'	'Heritage' River Birch	12-14' ht. clmp
3	CF	Cornus florida	Flowering Dogwood	6 - 7' height
3	GB	Ginkgo biloba 'Autumn Gold'	'Autumn Gold' Ginkgo	3 - 3 1/2" cal.
24	JN	Juniperus virginiana	Eastern Red Cedar	7 - 8' ht. / B+B
8	JV	Juniperus virginiana 'Emerald Sentinel'	'Emerald Sentinel' Red Cedar	7 - 8' ht. / B+B
7	LS	Liquidambar styraciflua	American Sweetgum	3 - 3 1/2" cal.
10	PA	Picea abies	Norway Spruce	8 - 10' ht. B&B
2	PP	Picea pungens glauca	Colorado Blue Spruce	8 - 10' ht. B&B
7	QP	Quercus palustris	Pin Oak	3 - 3 1/2" cal.
5	QR	Quercus rubra	Red Oak	3 - 3 1/2" cal.
2	TD	Taxodium distichum 'Shawnee Brave'	'Shawnee Brave' Bald Cypress	8 - 10' ht. B&B
		SHRUBS - DECIDUOUS AND EVERGRE	EN	
28	Ca	Cornus alba 'Ivory Halo'	'Ivory Halo' Dogwood	24 - 30" height
25	CI	Clethra alnifolia 'Ruby Spice'	'Ruby Spice' Summersweet	24 - 30" height
16	lg	llex glabra 'Shamrock'	Shamrock Inkberry	24 - 30" height
6	Po	Physocarpus opulifolius 'Diabolo'	'Diabolo' Purple Ninebark	30 - 36" height
15	Rp	Rhododendron 'PJM'	'PJM' Rhododendron	24 - 30" height
25	Vp	Viburnum plicatum toment. 'Shasta'	'Shasta' Doublefile Viburnum	30 - 36" height
		ORNAMENTAL GRASSES		
31	ca	Calamagrostis x acutiflora 'Karl Foerster'	'Karl Foerster' Feather Rd. Grass	3 gallon pot
19	ms	Miscanthus sinensis 'Gracillimus'	'Gracillimus' Maiden Grass	3 gallon pot

PLANT LIST - Shrubs at Foundations & Perennials:

		SHRUBS - DECIDUOUS AND EVERGRE		
23	Bm	Buxus microphylla 'Green Mountain'	'Green Mountain' Boxwood	18 - 24" height
21	CI	Clethra alnifolia 'Ruby Spice'	'Ruby Spice' Summersweet	24 - 30" height
21	Hm	Hydrangea macro. 'Endless Summer'	'Endless Summer' Hydrangea	5 gallon pot
60	lg	llex glabra 'Shamrock'	Shamrock Inkberry	24 - 30" height
19	Pf	Potentilla fruticosa 'Gold Drop'	'Gold Drop' Cinquefoil	24 - 30" height
42	Pj	Pieris japonica 'Compacta'	'Compacta' Japanese Andromeda	24 - 30" height
12	Rp	Rhododendron 'PJM'	'PJM' Rhododendron	24 - 30" height
18	Sj	Spiraea japonica 'Neon Flash'	'Neon Flash' Spirea	18 - 24" height
15	Sp	Syringa paluta 'Miss Kim'	'Miss Kim' Lilac	30 - 36" height
9	Vd	Viburnum dentatum 'Blue Muffin'	'Blue Muffin' Vibumum	30 - 36" height
		GROUNDCOVER, PERENNIALS AND OF	RNAMENTAL GRASSES	
65	ca	Calamagrostis x acutiflora 'Karl Foerster'	'Karl Foerster' Feather Rd. Grass	3 gallon pot
40	ер	Echinacea purpurea 'Kim's Knee High'	'Kim's Knee High' Coneflower	2 gallon pot
60	hs	Hemerocallis x 'Happy Retums'	'Happy Returns' Daylily	1 gallon pot
40	ls	Leucanthemum x superbum 'Becky'	'Becky' Shasta Daisy's	2 gallon pot
40	pe	Pennisetum alopecuroides 'Hameln'	'Hameln' Dwarf Fountain Grass	1 gallon pot
2 fl.	pt	Pachysandra terminalis 'Green Sheen'	'Green Sheen' Pachysandra	24 per flat
40	rf	Rudbeckia fulgida 'Goldsturm'	'Goldsturm' Black-Eved Susan	1 gallon pot



SHEET C-8

DATE

8/9/2019

PLAN NO.

DRAWN BY

GC / REC

CHECKED BY

Village-Lndscp_2019-9.dwg

Call DIGSAFE, 1-888-344-7233, for location and marking of all utilities prior to any excavation. Private utilities may require additional marking and investigation.

LANDSCAPE PLAN

VILLAGE STREET

MEDWAY, MA

Cosmos Associates

Landscape Architects & Site Planners

5 Longview Street Natick, MA 01760

p: 508.654.6847 www.cosmosassociates.com









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WAIVER PURSUANT TO M.G.L. c. 40A, § 6

THIS WAIVER is made this _____ day of January, 2020 by the undersigned DTRT, LLC, a Massachusetts limited liability company ("DTRT") and Keith B. Spinney and Judith M. Spinney (together, "the Spinneys").

WHEREAS, DTRT is the owner of the premises known as and numbered 274 Village Street, Medway, MA ("274 Village") by deed dated March 31, 2019 and recorded with the Norfolk Registry of Deeds in Book 36923, Page 590; and

WHEREAS, the Spinneys are the owners of the premises known as and numbered 276 Village Street, Medway, MA ("276 Village") by deed dated June 27, 2003 and recorded with the Norfolk Registry of Deeds in Book 19198, Page; and

WHEREAS, on or about July 1, 2019, DTRT and the Spinneys filed a joint application with the Town of Medway Planning and Economic Board (the "Board") for a Special Permit to construct a multi-housing project to be known as "William Wallace Village" on 274 Village and a portion of 276 Village (the "Project"), which was accepted by the Board as complete; and

WHEREAS, Sub-section 5.6.4 of the Town of Medway's Zoning By-law (the "By-law") was amended on November 18, 2019 (the "Amendment"); and

WHEREAS, Paragraph J of said Section 5.6.4 provides that the Amendment shall not apply to any application for a special permit pursuant thereto which was submitted to and accepted as complete by the Board prior to November 18, 2019 unless the applicant waives the protection of Sub-Section 5.6.4.J as provided in G.L. c. 40A, Section 6 and elects to proceed under the amended By-law;

NOW THEREFORE, for consideration paid, the receipt of which is hereby acknowledged, the undersigned hereby waive the provisions of Section 5.6.4.J and elect to proceed with the Project under the By-law, as amended.

Executed under seal as of the date set forth above.

DTRT, LLC

By:_____

Gregory T. Rucki, Manager

COMMONWEALTH OF MASSACHUSETTS

County of _____

On this ______ day of January, 2020 before me, the undersigned notary public, personally appeared Gregory T. Rucki, Manager of DTRT, LLC, proved to me through satisfactory evidence of identification, which was ______, to be the person whose name is signed on the above document, and acknowledged to me that he signed it voluntarily for its stated purpose as Manager of DTRT, LLC.

Notary Public: My commission Expires: Keith B. Spinney

Judith M. Spinney

COMMONWEALTH OF MASSACHUSETTS

County of _____

On this ______ day of January, 2020 before me, the undersigned notary public, personally appeared _______, proved to me through satisfactory evidence of identification, which was ______, to be the person whose name is signed on the above document, and acknowledged to me that ______ signed it voluntarily for its stated purpose.

Notary Public: My commission Expires:

Susan Affleck-Childs

From:	Larry Rucki <lrucki51@gmail.com></lrucki51@gmail.com>
Sent:	Saturday, January 04, 2020 9:30 AM
То:	Susan Affleck-Childs
Subject:	274 village st

Hello Susan

Just a quick update. we will have the elevations complete for the planning board this week hopefully on Tuesday. The lawyer is working on easements ,land swap and 40A section 6 waiver.

I would also like to request that we be allowed to begin building immediately after approval units noted as 1 and 2 and in addition the renovation of the existing house. Thank You for your help with this project.

Larry



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

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

REVISED DRAFT - January 13, 2020

MULTI-FAMILY HOUSING SPECIAL PERMIT and SITE PLAN DECISION William Wallace Village – 274 & a portion of 276 Village Street

with Waivers and Conditions

Decision Date:

Name of Applicant/Permittee: DTRT, LLC

Address of Applicant: DTRT, LLC PO Box 95

Truro, MA 02666

TBD

Name/Address of Property Owners: DTRT, LLC PO Box 95

Truro, MA 02666

Keith and Judith Spinney 276 Village Street Medway, MA 02053

Engineer:

Daniel Merrikin, P.E. Legacy Engineering, LLC 730 Main Street Millis, MA 02054

Site Plan:

William Wallace Village Dated July 1, 2019, last revised December 27, 2019 by Legacy Engineering of Millis, MA

Location: Assessors' Reference: Zoning District: 274 and a portion of 276 Village Street Map 55, Parcel 55 and a portion of Parcel 54 Agricultural Residential II Multi-Family Housing Overlay District

Telephone: 508-533-3291 Fa

Fax: 508-321-4987

Medway Planning & Economic Development Board William Wallace Village Multi-Family Special Permit and Site Plan REVISED DRAFT – January 13, 2020

planningboard@townofmedway.org

Medway Planning & Economic Development Board William Wallace Village Multi-Family Special Permit and Site Plan REVISED DRAFT – January 13, 2020

I. PROJECT DESCRIPTION – The Applicant proposes to develop a 12-unit residential condominium community at 274 Village Street and a small portion of 276 Village Street which is to be conveyed to the Applicant. The combined area of the site is 158,077 sq. ft. The project includes construction of one 3-unit building, four duplex buildings and the renovation of the existing single family house; the units will range in size from 2 – 4 bedrooms. Two of the dwelling units shall be available for sale to low or moderate income households and comply with the requirements for inclusion on the Subsidized Housing Inventory ("SHI") compiled by the Massachusetts Department of Housing and Community Development ("DHCD") pursuant to Massachusetts General Laws, Chapter 40B, §§20-23 (the "affordable housing units").

Access to the development will be from Village Street via a permanent, private roadway to be known as Sterling Circle. A total of 54 parking spaces will be provided (2 in the garage and 2 in the driveway for each of the 12 units plus 6 spots for visitors and guests). The existing gym building at 274 Village Street will be demolished. Sub-surface stormwater management facilities will be installed on site as will landscaping and lighting. Connections will be made to the existing Town sewer and water services on Village Street.

The proposed use requires a multifamily 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 includes resources under the jurisdiction of the Medway Conservation Commission and is subject to the provisions of Article XXVII of the Medway General Bylaws, Stormwater Management and Land Disturbance.

VOTE OF THE BOARD - After reviewing the application and information gathered П. during the public hearing and review process, the Medway Planning and Economic Development Board (the "Board"), on , on a motion made by and , voted to with CONDITIONS a Multiseconded by Family Housing Special Permit to DTRT, LLC of Truro, MA (hereafter referred to as the Applicant or the Permittee) and to with WAIVERS and CONDITIONS as specified herein, a site plan for the construction of a twelve unit, condominium development and associated site improvements on the property at 274 and a portion of 276 Main Street as shown on the plan titled William Wallace Village dated July 1, 2019, last revised December 27, 2019 to be further revised as specified herein before endorsement and recording.

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

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

III. PROCEDURAL HISTORY

A. July 1, 2019 – Special permit and site plan applications and associated materials filed with the Board and the Medway Town Clerk

Vote
- B. July 2, 2019 Public hearing notice filed with the Town Clerk and posted at the Town of Medway web site.
- C. July 8, 2019 Public hearing notice mailed to abutters by certified sent mail.
- D. July 9, 2019 Site plan information distributed to Town boards, committees and departments for review and comment.
- E. July 8, 2019 and July 16, 2019 Public hearing notice advertised in *Milford Daily News.*
- F. July 23, 2019 Public hearing commenced. The public hearing was continued to August 27, September 10, September 24, October 22, November 5, and December 3, 2019 and to January 14 and ______ 2020 when the hearing was closed and a decision rendered.

IV. INDEX OF SITE PLAN/SPECIAL PERMIT DOCUMENTS

- A. The special permit application for the proposed William Wallace Village condominium development included the following plans, studies and information that were provided to the Board at the time the application was filed:
 - 1. Multifamily Housing Special Permit application dated July 1, 2019 with Special Permit Narrative prepared by Daniel Merrikin, P.E., Legacy Engineering, LLC of Millis, MA.
 - 2. Major Site Plan application dated July 1, 2019 with Site Narrative prepared by Daniel Merrikin, P.E., Legacy Engineering, LLC of Millis, MA.
 - 3. *William Wallace Village site plan*, dated July 1, 2019 prepared by Daniel Merrikin, P.E., Legacy Engineering, LLC of Millis, MA.
 - 4. Certified Abutters List from Medway Assessor's office dated May 29, 2019
 - 5. *Development Impact Statement* for William Wallace Village, dated June 25, 2019, prepared by Legacy Engineering, LLC.
 - 6. Requests for Waivers from *Site Plan Rules and Regulations* dated June 25, 2019, prepared by Legacy Engineering, LLC.
 - 7. Quit Claim deed dated March 31, 2019 conveying 274 Village Street from McKenna/Dowley to DTRT, LLC.
 - 8. *Stormwater Report* for William Wallace Village, dated June 25, 2019, prepared by Legacy Engineering, LLC.
 - 9. Building architectural plans including elevations and floor plan, undated, unattributed, received July 1, 2019.
- 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. *William Wallace Village* site plan, revised September 4, 2019, prepared by Daniel Merrikin, P.E. Legacy Engineering, LLC.
 - 2. *William Wallace Village* site plan, revised October 7, 2019, prepared by Daniel Merrikin, P.E., Legacy Engineering LLC.
 - 3. *William Wallace Village* site plan, revised October 22, 2019, prepared by Daniel Merrikin, P.E., Legacy Engineering LLC.

- 4. *William Wallace Village* revised concept plan/progress print dated November 26, 2019, prepared by Daniel Merrikin, P.E., Legacy Engineering, LLC.
- 5. *William Wallace Village* site plan, revised December 27, 2019, prepared by Daniel Merrikin, P.E., Legacy Engineering, LLC.
- 6. *Stormwater Report* for William Wallace Village, revised September 4, 2019, prepared by Legacy Engineering, LLC.
- 7. *Stormwater Report* for William Wallace Village, revised October 7, 2019 prepared by Legacy Engineering, LLC.
- 8. *Stormwater Report* for William Wallace Village, revised October 22, 2019 prepared by Legacy Engineering, LLC.
- 9. *Stormwater Report* for William Wallace Village, revised December 27, 2019 prepared by Legacy Engineering, LLC.
- Landscape Plan for William Wallace Village, dated August 9, 2019, prepared by Cosmos Associates, Landscape Architects and Site Planners, Natick, MA.
- 11. Landscape Plan for William Wallace Village, revised September 11, 2019, prepared by Cosmos Associates, Landscape Architects and Site Planners, Natick, MA.
- 12. Landscape Plan for William Wallace Village, revised November 2, 2019, prepared by Cosmos Associates, Landscape Architects and Site Planners, Natick MA.
- 13. *Landscape Plan for William Wallace Village*, revised January 8, 2020 prepared by Cosmos Associates, Landscape Architects and Site Planners, Natick MA.
- 14. Email communication dated July 29, 2019 from Daniel Merrikin, Legacy Engineering re: applicability of *Scenic Road Rules and Regulations* to the subject site.
- Response letters dated September 5, 2019, October 7, and October 22, 2019 from Daniel Merrikin, P.E., Legacy Engineering to the plan review letters from Tetra Tech and PGC Associates.
- 16. Revised architectural plans including elevations, floor plans and renderings, undated, unattributed, received September 23, 2019.
- 17. Revised architectural plans including elevations, floor plans and renderings, undated, unattributed, received November 27, 2019.
- 18. Revised architectural plans including elevations, floor plans and renderings, undated, unattributed, received December 10 and 11, 2019.
- 19. Revised architectural plans including elevations, floor plans and renderings, undated, unattributed, received January 8, 2020
- 20. Resubmission letters dated October 23, 2019 and December 27, 2019 from Daniel Merrikin, P.E., Legacy Engineering with revised site plan.
- 21. Additional Requests for Waivers from *Site Plan Rules and Regulations* dated September 2 and September 4, 2019, prepared by Legacy Engineering, LLC.
- 22. Sewer Calculations dated August 21, 2019 prepared by Daniel Merrikin, P.E., Legacy Engineering, LLC.

- 23. William Wallace Village *Fire Circulation Plan of Land* dated September 4, 2019 prepared by Legacy Engineering, LLC.
- 24. Email communication dated October 17, 2019 from applicant Larry Rucki
- 25. Letter dated November 4, 2019 from Daniel Merrikin, P.E., Legacy Engineering summarizing proposed additional site landscaping
- 26. DRAFT waiver pursuant to M.G.L. c 40A, §6 regarding compliance with changes to the Zoning Bylaw approved November 18, 2019.
- 27. Email from Larry Rucki dated January 4, 2020 requesting the Board's authorization to allow construction on one duplex building while the infrastructure is being installed.
- C. Other documentation submitted to the Board during the course of the public hearing:
 - 1. PGC Associates plan review letters dated August 1, 2019 and September 23, 2019
 - 2. Tetra Tech plan review letters dated July 31, 2019 and September 15, 2019
 - 3. ANR Plan of Land dated July 15, 2019, revised July 19, 2019, prepared by Colonial Engineering, Inc. of Medway, MA, endorsed by PEDB on July 30, 2019. The ANR plan shows the splitting off a 5,858 sq. ft. portion of 276 Village Street to be conveyed by owners Keith and Judith Spinney to DTRT, LLC and the splitting off a 2,924 sq. ft. portion of 274 Village Street to be conveyed by DTRT, LLC to Keith and Judith Spinney.
 - 4. Design Review Committee comment memorandum dated September 10, 2019
 - 5. Design Review Committee comment memorandum dated October 21, 2019.
 - 6. Review comment letter dated July 11, 2019 from Medway Police Safety Officer Sergeant Jeffrey Watson.
 - William Wallace Village site plan mark-ups from DPW Director Dave D'Amico dated July 11, 2019
 - 8. Memorandum from Community and Economic Development Director Barbara Saint Andre dated August 1, 2019 regarding definition of a multifamily development.
 - 9. Email from Fire Chief Jeff Lynch dated October 18, 2019
 - 10. Email from DPW Water and Sewer Superintendent Barry Smith dated October 22, 2019 re: sewer connection
 - 11. Order of Conditions and Land Disturbance Permit dated October 28, 2019 issued by the Medway Conservation Commission
 - 12. REVISED Order of Conditions and Land Disturbance Permit dated _________ issued by the Medway Conservation Commission
 - 13. Tetra Tech email from Steve Bouley dated 11-5-2019.
 - 14. Email from Dave D'Amico dated 11-5-2019 re: sewage treatment capacity
 - 15. Project review letter from Matthew Buckley, Design Review Committee Chairman dated ______ (forthcoming)

- 16. Information on market rate sales of townhouse style condominiums in Medway, provided by the Assessor's office.
- 17.
- 18.
- 19.
- 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.
 - Daniel Merrikin, P.E., engineer for the Applicant Commentary provided throughout the public hearing process
 - Larry Rucki, Applicant
 - Abutter James Rucki, 1 Bedelia Lane
 - Abutter Wayne Brundage, 268 Village Street
 - Abutter Scott Peterson, 6 Forest Road
 - Abutter Patricia Muratori, 8 Forest Road

VI. FINDINGS - The Board, at its meeting on ______, on a motion made by _______, voted to approve the following FINDINGS regarding the site plan and special permit applications for the proposed William Wallace Village located at 274 and a portion of 276 Village 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 within the Multifamily Housing Overlay District (Section 5.6.4) and thus eligible for the multifamily housing proposal.

- 2) Traffic capacity Village Street is a major artery within the town and has sufficient capacity to handle the traffic from the 12 units that are proposed. The 12 units do not rise to the level of triggering the requirement of a traffic study.
- 3) Parcel size & frontage Following the land swap proposed for Parcels A and B, the site will consist of 3.62 acres, which exceeds the minimum area requirement of 22,500 square feet. The site has more than 50 feet of frontage on Village Street, so it meets the frontage requirement of Section 5.6.4.B(1) of the Bylaw.

Dimensional

4) Dimension adjustments – The dimensional requirements of the underling AR-II zoning district apply to the project, as set forth in Table 2 of Section 6 of the Bylaw. The plan shows a front building setback of 73.6 feet from Village Street. The minimum front setback for the AR-II district is 35 feet. The plan shows a side setback

Commented [SA1]: This was updated to reflect the new layout of the revised site plan.

of 16' where the minimum required is 15'. The plan shows a rear setback of 36.2 feet where a 15' minimum is required. The plans indicate that the project complies with maximum building coverage requirements (15% provided vs. 30% maximum allowed) and the maximum impervious surface standards (35% provided vs. 40% allowed).

5) Building Height - As noted on the plans, the height of the six buildings will be approximately 26 feet, less than the maximum 40 feet allowed.

Density

6) Density - The maximum density for multifamily projects is 8 units per whole acre. With 3.62 acres, the site could include a maximum possible 24 dwelling units. With 12 units, the project is well under the allowed maximum.

Special Regulations

- 7) Affordable housing At 12 units, 10% (or 1.2 units) must be affordable in accordance with Section 8.6.C. of the Bylaw.
- 8) Open Space A minimum of 15% of the parcel must be open space or yard area. This requirement is met with 51% open space provided.
- 9) Parking spaces Two off-street spaces per unit (24 spaces) are the minimum required per Section 5.6.4 E. 3 of the Bylaw and 54 off-street parking spaces are provided.
- 10) Town water and sewer service The project will be served by Town water and sewer.
- 11) Number of units The number of units proposed (12) is less than the 36 unit maximum possible allowed under the Bylaw.
- 12) Historic Properties Existing buildings on the site will be razed but they are not designated as "historically significant buildings" by the Medway Historical Commission.

Decision Criteria

- 13) Meets purposes of Multifamily 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, and (2) increases the number of affordable housing units. It also meets the purpose of the Site Plan Rules and Regulations. 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.
- 14) Consistent with the Medway Housing Production Plan The project is consistent with Medway's Housing Production Plan in that it includes two new affordable housing units but also meets the implementation strategies of encouraging the use of the Multifamily Housing special permit provision of the Bylaw and providing additional options for duplexes and multifamily housing.

Commented [SA2]: The applicant has a choice. They can provide two affordable units on site or/ provide one affordable unit on site and make a cash payment to the Medway Affordable Housing Trust = %20 of the amount of a payment in lieu of constructing an affordable housing. I have not yet calculated what that amount would be. I have requested sales info from the Assessors' office.

- 15) Impact on abutting properties and adjacent neighborhoods The impact on abutting properties and adjacent neighborhoods has been addressed through vegetative screening, elimination of a possible driveway connecting William Wallace Village to the adjacent property on Bedelia Lane, provision of plentiful, on-site guest parking, and the aesthetics of the buildings.
- 16) Variety of housing stock The development increases the variety of housing stock in the community by providing four duplex buildings, and one 3-unit building.
- 17) Designed to be reflective of or compatible with the character of the surrounding neighborhood *The surrounding neighborhood includes a mix of housing types including single family, multifamily, and a complex of independent living cottages and assisted living units currently under construction. Therefore, the proposed development is compatible with 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 property abuts an existing multi-family building to the west (Anderson Village), a two-family building and private way to the east, and an abandoned railroad bed to the north. The proposed use is a multifamily development within the Multi-Family Housing Overlay District as approved by Town Meeting. Therefore the proposed use is in an appropriate location.
- 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 uses. Town officials, the Town's Consulting Engineer and Consulting Planner have all reviewed the proposed facilities. 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 regulations.
- 3) The proposed use as developed will not create a hazard to abutters, vehicles, pedestrians or the environment. The proposed use adds 11 residential units off a major through street and it is estimated that the development will generate less traffic than the most recent previous use of the Property as a gym. The entrance to the site has more than adequate sight distance and does not create a hazard to abutters, vehicles, or pedestrians. Suitable sidewalk facilities exist on Village Street and within the new development. The proposed stormwater management system has been reviewed by the Town's Consulting Engineer and will not present a hazard to the environment.

- 4) The proposed use will not cause undue traffic congestion or conflicts in the immediate area. Village Street has the capacity to handle the traffic from 12 residential units. The development is expected to generate less traffic than the most recent previous gym use. The entrance has been designed for maximum sight distance 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 and the Conservation Commission that its stormwater management plan is adequate to prevent flooding. The development will utilize residential style driveway lanterns instead of traditional parking lot lighting. The plans also document that there is no light trespass. Household refuse will be disposed of by curb-side pickup along the private roadway by private collection service. 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 proposed use is within the Multi-Family Housing Overlay District. It is adjacent to a two-family building and multifamily development (Anderson Village) and is nearby an independent and assisted living development currently under construction (Salmon Willows) and thus will not alter the character of the 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 proposed use is in harmony with the general purpose and intent of the Bylaw.
- 8) The proposed use is consistent with the goals of the Medway Master Plan. The proposed use is consistent with the Master Plan goals of identifying housing needs and implementing projects to meet those needs such as increasing housing diversity and the number of affordable housing units.
- 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 impact. 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 William Wallace 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?
 - 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.

a)

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. 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 11 residential units off a major street. The*

> entrance to the site has adequate sight distance and does not create a hazard to abutters, vehicle, or pedestrians. There is sidewalk along the north side of Village Street adjacent to the subject property. Within the site are 690 linear feet of sidewalk.

- 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. 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 and it protects sensitive environmental resources. The stormwater management system reduces impacts on the sensitive environmental resources.*

VII. WAIVERS – At its ______ 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 ______ by a vote of ____ in favor and ____opposed.

SITE PLAN SUBMITTAL REQUIREMENTS/PLAN CONTENTS

- 1) Section 204 3.A. 7. A. Traffic Impact Assessment A full *Traffic Impact Assessment* is needed if the project involves one or more of the following characteristics:
 - (a) proposes an additional thirty (30) or more parking spaces;
 - (b) contains frontage or proposes access on a public way.

The Applicant has requested a waiver from this requirement due to the relatively small size of this proposed development (12 units). Instead, the Applicant has provided a general traffic overview as part of the project narrative submitted with the applications. The traffic overview was prepared by project engineer Daniel Merrikin, P.E. of Legacy Engineering and reviewed by Tetra Tech, the Town's Consulting Engineer, which does not believe that a full traffic impact assessment is merited. The development's proposed access and egress is on a straight portion of Village Street that offers more than 1,000 feet of sight distance to the west and more than 500 feet to the east. The estimated traffic generation from the proposed development (5.86 trips per day per dwelling unit) is less than the estimated traffic generated by the most recent active use of the Property for a gym and one single family home. The location is served by a sidewalk on the north side of Village Street, the same side as the proposed development, and provides safe

pedestrian access to and from the site. For the foregoing reasons, the Board approves this waiver request.

- Section 204 3 A. 7. B. Environmental Impact Assessment An Environmental Impact Assessment is needed if the project involves one or more of the following characteristics:
 - (a) proposes an additional thirty (30) or more parking spaces;
 - (b) proposes a building footprint of fifteen thousand (15,000) square feet or greater;
 - (c) proposes to disturb thirty thousand (30,000) square feet of land or greater.

The Applicant has requested a waiver from this requirement. Due to the presence of wetlands on the property, a Notice of Intent has been filed with the Medway Conservation Commission and the Massachusetts Department of Environmental Protection for site work in the buffer zone of the wetland resources. The Applicant has also filed an application for a Land Disturbance Permit with the Conservation Commission. The site is already disturbed due to its past uses as a single family dwelling and a gym with paved parking at the front of the site. Historically, the site had been used for poultry farming and there are a number of abandoned concrete slabs from previously demolished buildings, these will be removed. Given the highly disturbed nature of the site, it does not contain substantive undisturbed animal habitats nor are there any endangered species on the site. Movement of wildlife will not be impeded by the development as there are no large parking areas and the landscaping will include native trees, grasses and bushes. For the foregoing reasons, the Board approves this waiver request.

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

The Applicant has requested a waiver from this requirement because all trees need to be removed from the site to accommodate the proposed development. Locating the trees on site would be an unnecessary additional expense as there will be no opportunity to retain the existing trees in the interior of the site given the scope of the proposed development. Undertaking this task provides no added value. For the foregoing reasons, the Board approves this waiver request.

SITE PLAN DEVELOPMENT STANDARDS

1) Section 205-3 B. 2 Internal Site Driveways - No part of any driveway shall be located within fifteen (15) feet of a side property line.

The Applicant has requested a waiver from this requirement as it pertains to the location of the main roadway into the development from Village Street. It borders, in part, the eastern boundary of 276 Village Street. The location of the proposed roadway is where the current driveway to the site has been located for many years, an existing condition. Moving the driveway 15 feet easterly would eliminate the driveways in front of seven of the residential units, resulting in an inferior site design with parking located on portion of the property facing Village 13

> Street. The affected abutter at 276 Village Street (and co-applicant) is satisfied with the driveway location and overall site design as it reflects a land swap with the Applicant and an associated easement over the roadway that will give the abutter access to the rear portion of their property. 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.

 Section 205-6 Parking G. 3. a) Parking Spaces/Stalls - Car parking spaces/ stalls shall be ten (10) feet by twenty (20) feet

The Applicant has requested a waiver from this requirement seeking authorization for 9' x 18' parking spaces which is consistent with the parking space size provisions of the Bylaw. 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.

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

The Applicant has requested a waiver from this requirement and proposes to use Cape Cod berm in lieu of vertical granite curbing on the perimeter of the parking areas. The curbing elsewhere on the property will be Cape Cod berm. Granite curbing shall be retained for use at the roundings of the entrance and exits to the site. 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 205-9. F. Landscaping - Tree Replacement – The total diameter of all trees over ten (10) inches in diameter that are removed from the site shall be replaced with trees that equal the total breast height diameter of the removed trees. The replacement trees may be placed on or off site as recommended by the Board.

The Applicant has requested a waiver from this requirement due to the extensive land clearance which is needed for the site, the consequent extent of tree removal and the demands of fulfilling this requirement. A general tree inventory performed by Legacy Engineering found that the approximate total diameter of 45 existing trees over 10" in diameter to be cleared is 620". Approximately 84" of these trees will be replaced with new deciduous trees and an additional 21 evergreen trees not measured by caliper will also be planted on the site, all as shown on the landscaping plan prepared by a licensed landscape architect. The replacement of all removed trees on site would result in overcrowding. Based on the November 2, 2019 revised landscape plan, 92 new replacement trees are planned including 33 deciduous and 59 ornamental, clump-style trees or evergreen species for a total of 206.5 caliper inches of replacement trees. In addition, 135 shrubs in the common areas are planned throughout the site along with 227 shrub plantings

Commented [SA3]: This is revised language based on the updated landscape plan from November 2019.

around building foundations and 172 perennial plants, ornamental grasses and groundcover plantings. BOARD DECISION on this??

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 constructed under this special permit shall be fifteen.
- 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 *William Wallace Village* dated July 1, 2019, last revised October 22, 2019, to be modified as referenced herein; and
 - c) in accordance with subsequent approved plans or amendments to this special permit.
- 3. The tracts of land and buildings comprising William Wallace Village shall not be used, sold, transferred or leased except in conformity with this special permit and shall not be further divided.
- **Plan Endorsement** Within sixty (60) days after the Board has filed its *Decision* with the Town Clerk, the site plan set for William Wallace Village dated July 1, 2019, last revised October 22, 2019, prepared by Daniel Merrikin, P.E., of Legacy Engineering including a landscaping plan by Cosmos Associates and architectural drawings including building elevations, floor plans and renderings, shall be further revised to reflect all Conditions and required revisions, including those as follows, and shall be submitted to the Board to review for compliance with the Board's *Decision. (Said plan is hereinafter referred to as the Plan).* Upon approval, the Applicant 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 October 22, 2019 site plan shall be revised as follows:
 - 1. Include the list of APPROVED Requests for Waivers
 - 2. Add reference to the architectural elevations, floor plans and renderings to the Legend
 - 3. Include a new plan revision date

- 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.
- Add a reference to the Long Term Stormwater Operations and Maintenance Plan to the Legend
- 6. Any other plan revisions needed
- D. **Other Plan Revisions** Prior to plan endorsement, the following plan revisions shall be made to the October 22, 2019 Site Plan.
 - 1. Change all references to "driveway" on all sheets of the plan to "Sterling Circle"
 - 2. Show the access easement across Sterling Circle for the benefit of Keith and Judith Spinney of 276 Village Street.
 - Change "Bedelia Way" to "Bedelia Lane" on all applicable plan sheets.
 - 4. Denote the elimination of the driveway for Keith and Judith Spinney of 276 Village Street that presently exists on what will become Sterling Circle.
 - 5. Add information to specify the color of the Versa-Lok blocks for the retaining wall to run along approximately 80' along the western edge of the Sterling Circle, to be approved by the Design Review Committee.
 - 6. Change the detail for the type of fencing planned for installation adjacent to the 276 Village Street property from a stockade style to be vinyl with a natural, non-glossy wood tone.
 - 7. Revise information on the building siding color palette pursuant to the October 21, 2019 DRC memorandum, said revised color palette to be approved by the Design Review Committee.
 - 8. Per the recommendation of the Design Review Committee, the building elevations shall be revised to show consistently square columns on the

building units' front porches/entryways and side porches and the gas stove-bump out on the south façade of unit #1 shall be removed. The building elevation drawings shall also indicate that Clopay Gallery garage doors shall be used on all garages. The plans shall also be dated and attributed to the designer.

- 9. A sheet shall be added to the plan set to document the property's Long Term Stormwater Operations and Maintenance Plan.
- 10. Street addresses, as assigned by the Assessor's office, shall be added to the plan set in addition to the existing unit numbers.
- E. **Other Documentation** Prior to plan endorsement, the Applicant shall provide the following additional documentation to the Board:
 - 1. Revised color palette for building siding as recommended by the Design Review Committee in its October 21, 2019 letter, to be approved by the Design Review Committee
 - 2. Proposed color for Versa-Lok stones for retaining wall along western edge of Sterling Circle, to be approved by the Design Review Committee.
 - 3. Copy of the deed conveying the portion of 276 Village Street from Keith B. and Judith M. Spinney, shown as Parcel A on the ANR Plan, to the Permittee and a copy of the deed conveying the portion of 274 Village Street from the Permittee to Keith B. and Judith M. Spinney, shown as

Commented [SA4]: Is this easement for the full 20' width of the roadway? And for what distance/length?

Parcel B on the ANR Plan. NOTE - Said deeds are to be recorded prior to recording this Decision and endorsed plan.

- 4. Copy of the access easement across Sterling Circle from the Permittee for the benefit of Keith and Judith Spinney of 276 Village Street in a form suitable for recording at the Registry of Deeds or Land Court, as may be applicable.
- 5. Copy of the 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.
- 6. Copy of the Restrictive Covenant from the William Wallace Estates Condominium Association (Bedelia Lane) for an approximately 10' wide by 180' long, permanent "no cut zone" along the western edge of the adjacent William Wallace Estates (Bedelia Lane) property behind Units 4-7 of the William Wallace Village property, in a form suitable for recording at the Registry of Deeds or Land Court, as may be applicable, for review, comment, amendment and approval by Town Counsel.
- 7. Copy of the stormwater and sewer easements from the William Wallace Estates Condominium Association (Bedelia Lane) for the benefit of the Permittee and assigns, in a form suitable for recording at the Registry of Deeds or Land Court, as may be applicable, for review, comment, amendment and approval by Town Counsel.
- Copy of the Long Term Stormwater Management Operations & Maintenance Plan prepared by Legacy Engineering.
- 9. 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 clearly state that the William Wallace Village Condominium Trust shall own and be responsible for the maintenance and upkeep of development's private roadway (Sterling Circle), the stormwater management system, and all other infrastructure.
- 10. Written communication from the owners of 1 and 3 Bedelia Lane agreeing, in principle, to the granting of stormwater and sewer easements on the William Wallace Estates Condominium property (Bedelia Lane) and the establishment of a restrictive covenant for a 10' no cut zone along the western edge of the William Wallace Estates Condominium property (Bedelia Lane) in the area behind units 4-7 of William Wallace Village.

F. **Recording of Plans and Documents**

- The Plan of Record associated with this special permit is titled: *William Wallace Village*, dated July 1, 2019, last revised October 22, 2019 to be further revised as specified herein, prepared by Daniel Merrikin, P.E., Legacy Engineering, of Millis, MA with additional sheets provided by other building, design and landscape architectural consultants.
- 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 decision with 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.
 - a) William Wallace Village Condominium Master Deed
 - b) Declaration of Trust of William Wallace Village Condominium Association
 - c) Access easement on Sterling Circle granted by the Permittee to Keith and Judith Spinney of 276 Village Street to allow access to the rear of the 276 Village Street property.
 - d) A stormwater and sewer easement through the adjacent William Wallace Estates Condominium (Bedelia Lane) property granted to the Permittee from the William Wallace Estates (Bedelia Lane) Condominium Association.
 - e) A restrictive covenant by the William Wallace Estates Condominium Association (Bedelia Lane) for a 10' wide by approximately 180' long "no cut zone" zone along the western edge of the adjacent William Wallace Estates condominium property (Bedelia Lane) behind Units 4-7 of the William Wallace Village property.
- The following documents which shall be in compliance with the conditions of this decision shall also be recorded at the Norfolk County Registry of Deeds.
 - a) If and to the extent approved by DHCD, an affordable housing deed rider in compliance with the requirements of the Massachusetts Department of Housing and Community Development's Local Initiative Program.
 - b) Executed Affordable Housing Regulatory Agreement with DHCD, if and to the extent approved by DHCD.

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.

G. Open Space/Yard Area –

5.

At least 15% of the site shall be retained as open space and/or yard area in perpetuity. This is an ongoing obligation of the William Wallace 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. The no-cut zone on western edge of the adjacent William Wallace Estates Condominium property (Bedelia Lane) shall not be included in the minimum required 15% open space area.

2. The Permittee has agreed to convey an easement of that portion of the railroad right of way (Medway Assessors Map 51, Parcel 26) that is north of and adjacent to the William Wallace Village property, to whatever

Commented [SA5]: This is new. Consistent with the CC Order of Conditions

extent the land is under ownership of the Permittee or its successors, to the Conservation Commission pursuant to G.L. c. 40 for conservation and passive recreation purposes.

H. Ownership/Maintenance of Common Areas

- 1. Sterling Circle, the stormwater drainage facilities, and all other infrastructure shall be owned and maintained by the William Wallace 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) Sterling Circle and parking areas
 - b) Stormwater management facilities
 - c) Sidewalks
 - d) Snowplowing/sanding
 - e) Landscaping
 - f) Street lights
- I. Building Permits
 - 1. For the First Building The Board authorizes the applicant to apply for a building permit to begin construction of the first building (Units 1 & 2) prior to installation of the base coat of paving (binder course) on the development's roadway, Sterling Circle. One of the units will be used as a model home for the development.
 - 2. For the Remaining Buildings Before the Board will authorize a building permit for the second structure, the following items, at a minimum must be installed and inspected and approved by the Board:
 - a) Roadway and parking area gravel sub-base (excluding unit driveways)
 - b) Roadway and parking 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.
- J. Buffer The Applicant has agreed to work with the adjacent William Wallace Estates Condominium Association (Bedelia Lane) to establish a permanent 10' wide by approximately 180' long "no cut zone" along a portion of the western edge of the William Wallace Estates Condominium property (Bedelia Lane) behind Units 4-7 of the William Wallace Village property. Prior to plan

endorsement, the Permittee shall provide a suitable easement or comparable restriction to the Board for review.

- K. **Patios** To not increase stormwater runoff, all patios to be constructed in the development shall be fabricated with pervious paving materials as patio surface areas are not included in the impervious coverage calculations.
- L. Sidewalk Construction Any damage to the sidewalk on the north side of Village 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 8th condominium unit.

M. Easements

- The Applicant has agreed to grant an access easement across the William Wallace roadway to Keith and Judith Spinney of 276 Village Street to provide access to the rear of the 276 Village Street property.
- 2) The William Wallace Estates Condominium Association (Bedelia Lane) will grant an easement(s) to the Permittee and his assigns for stormwater and sewer access through a portion of the adjacent William Wallace Estates Condominium property (Bedelia Lane)
- N. The Declaration of Trust for the William Wallace Village Condominium shall include the following language: "The construction and operation of the condominium is authorized by a Multifamily Housing Special Permit and Site Plan approval granted by the Medway Planning and Economic Development Board on _____2020, a copy of which is available for inspection at the Town Clerk's office and which is recorded at the Norfolk County Registry of Deeds.

O. Affordable Housing

In accordance with the Bylaw, Section 8.6 Affordable Housing, 1.2 dwelling units within William Wallace Village shall be "Affordable" and comply with the requirements for inclusion on the Town's Subsidized Housing Inventory as maintained by the MA Department of Housing and Community Development (DHCD). All provisions of Section 8.6 shall apply to William Wallace Village.

2. Within 180 days after the Decision and Plan are recorded at the Norfolk County Registry of Deeds, the Applicant shall apply to DHCD's Local Initiative Program (LIP) for inclusion of the proposed Affordable Housing Units as Local Action Units on the Town's Subsidized Housing Inventory and thereafter shall diligently pursue DHCD approval of the LIP/Local Action Unit Application. Prior to submitting the LIP Application to DHCD, the Applicant shall meet with the Medway Board of Selectmen and the Medway Affordable Housing Committee and Trust for purposes of securing their support for the LIP/LAU application including the proposed marketing plan and local preference guidelines.

3. Each Affordable Housing Unit shall be subject to a perpetual affordable

Commented [SA6]: Need to decide how to handle this - on-site and/or payment in lieu of.

housing deed rider, in a form acceptable to DHCD, to be recorded at the Norfolk County Registry of Deeds with the deed for the affordable housing unit as required by LIP. The Affordable Housing Units shall be sold and resold in accordance with the provisions of the affordable housing deed rider.

- 4. The Affordable Housing Units are to be located within the development as required by DHCD for approval of the project's LIP application. The location of the affordable housing units shall comply with the provisions of Section 8.6 Affordable Housing of the Bylaw, F. Location and Comparability of Affordable Housing Units. The Applicant has proposed condominium Units #2 and #6 as the Affordable Housing Units. However, the unit locations must be approved by DHCD. Upon direction by DHCD or request of the Permittee (*without effect to the Subsidized Housing Inventory eligibility*), the Board shall permit a change in the location of the Affordable Housing Units. In the event that DHCD does not approve of the project's eligibility under the Subsidized Housing Inventory, then the Applicant will work diligently with the Town to take any action necessary to ensure the units are included on the Town's Subsidized Housing Inventory.
- 5. Affordable Housing Regulatory Agreement If and to the extent that DHCD approves the Affordable Housing Units pursuant to 760 CMR 56.04(7) and 56.05 (10)(b), the Permittee shall prepare or cause to be prepared and submit to DHCD, before an occupancy permit is issued for the first dwelling unit, an Affordable Housing Regulatory Agreement to be executed by the Town of Medway, the Permittee (DTRT, LLC or its successors/assigns) and the Massachusetts DHCD. After such submittal to DHCD, the Permittee shall diligently pursue DHCD approval of the Regulatory Agreement. Upon execution, the Regulatory Agreement shall be recorded at the Norfolk County Registry of Deeds. To the extent approved by DHCD, the Affordable Housing Units shall be subject to the Regulatory Agreement and shall be sold and resold in accordance with its provisions.

The Permittee shall select and compensate a Lottery Agent to prepare the LIP/Local Action unit application and Regulatory Agreement, and manage the marketing and initial sale of the Affordable Housing Units. Any such Lottery Agent must meet DHCD's experience requirements so that the Affordable Housing Units may be counted on the Town's Subsidized Housing Inventory. The Permittee and/or the William Wallace Village Condominium Trust shall identify such Lottery Agent to the Board and any changes thereto.

- 7. DHCD shall oversee the initial sale of the Affordable Housing Units pursuant to the LIP/LAU program in conjunction with the selected Lottery Agent.
- 8. The ongoing Monitoring Agent for the affordable units shall be DHCD. The Board hereby names the Town of Medway Affordable Housing Trust, if

Commented [SA7]: Need to finalize this based on the new layout and applicant's decision how to meet the affordable housing requirement.

c)

a)

approved by DHCD, as an additional Monitoring Agent for the sale and resale of the Affordable Housing Units.

- 9. The William Wallace Village Condominium Master Deed and all legal documents related to the Affordable Housing Units shall include language to specify:
 - a) the unit numbers of the designated Affordable Housing Units;
 - b) that the Affordable Housing Units shall be sold to income eligible persons or households that meet the income restrictions;
 - c) that the local preference criteria for the sale and re-sale of the Affordable Housing Unit shall be in accordance with the Massachusetts Department of Housing and Community Local Initiative Program or other applicable state housing program
 - d) that the Affordable Housing Units are eligible for inclusion on the Town's Subsidized Housing Inventory;
 - e) that the Affordable Housing Units are subject to a use restriction; and
 - f) that the Affordable Housing Units shall not be encumbered for any financing purposes beyond the original mortgage amount without the express advance written permission of the Monitoring Agent.
- 10. Timing of construction of affordable units
 - a) No building permit for any unit shall be issued until the Board of Selectmen has approved the Affordable Housing Regulatory Agreement and the Permittee has submitted it to DHCD.
 - b) The building permit for the 8th dwelling unit shall not be issued until the Affordable Housing Regulatory Agreement is approved by DHCD and recorded with the Norfolk County Registry of Deeds.
 - The building permit for the 10th market rate unit shall not be issued before the building permit for the first affordable dwelling unit is issued. The building permit for the 11th market rate unit shall not be issued before the building permit for the second affordable dwelling unit is issued.
 - The occupancy permit for the 13th market rate unit shall not be issued before the second affordable unit is determined to be occupiable by the Building Commissioner.
 - Comparability of construction of affordable housing units

The Permittee shall construct the affordable housing units to be indistinguishable from other units in the development from the exterior including the provision of garages and parking spaces. The units shall be equivalent to the market-rate units in terms of design, quality of construction and workmanship, mechanical, plumbing, heating and cooling systems, roofing, insulation, windows and energy efficiency.

b) The affordable housing units shall contain complete living facilities and include an equivalent quantity of cabinets, countertops, appliances, lighting, kitchen and bathroom plumbing fixtures, closets, and washer/dryer hookups, and heating and air

> conditioning equipment to those provided for market rate units. The affordable units shall contain good quality and highly durable interior finishes, flooring, lighting and plumbing fixtures that are consistent with contemporary standards for new housing and installed with equivalent workmanship to the market rate units.

- c) Product and system warrantees for the affordable housing units shall be equivalent to those supplied for market rate units.
- P. *Fire Protection* In lieu of providing a secondary access to the site, the Applicant has agreed to install sprinklers in all of the 12 units on the property in accordance with the Fire Chief's request/approval.
- Q. *Underground Utilities* All electric, telephone, cable TV, and other utilities shall be located underground.
- R. *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.)
- S. *Addresses* The addresses for the William Wallace Village units shall be as determined by the Medway Assessor's office upon consultation with the Medway Fire and Police Departments.
- T. **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.

Stormwater Management

1.

- Until transferred to the William Wallace 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 the Board.
- 2. The stormwater drainage system, water and sewer systems shall be maintained by the Permittee, its successors and assigns, and the William Wallace Village Condominium Trust and shall not be dedicated to the Town. It is the intent of the Board and the Applicant that these systems not be accepted by the Town.
- 3. The Permittee and its successors and assigns shall maintain the stormwater management system in accordance with the long term operation and maintenance plan included with the stormwater/drainage report submitted with the application, as revised.

- 4. In the event a management company is engaged by the condominium association, the stormwater maintenance and operation plan shall be incorporated by reference in the management contract.
- 5. In the event that the Permittee, its successors and assigns, its agent, and the William Wallace 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 Applicant 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 Applicant shall promptly reimburse the Town for all reasonable expenses associated therewith; if the Applicant fails to so reimburse the Town, the Town may place a lien on the site or any unit therein to secure such payment.
- V. Order of Conditions - Prior to plan endorsement, the Applicant shall provide the Board with a copy of any and all "Order of Conditions" as issued by the Conservation Commission or other appropriate agency, and recorded by the Applicant, pursuant to the Massachusetts Wetlands Protection Act and the Medway General Bylaws. Any changes to the William Wallace Village Plan that may be required under the "Order of Conditions" shall be presented to the Board by the Applicant, for review and approval as a plan modification. The Board reserves the right to work with the issuing authority to accomplish any mutually acceptable modifications to the "Order of Conditions" that may be deemed appropriate by the Board and the Town's Consulting Engineer. After the public hearing and acceptance of the modifications to the plan, the Board shall take action on the modified plan, reporting said action to the Town Clerk. The statutory notification of the expiration of the twenty (20) day appeal period must be received from the Town Clerk's office before the Board endorses the plan modification. The Applicant shall provide this plan for endorsement by the Board and shall provide a receipt from the Registry of Deeds indicating that the endorsed amended plan has been duly recorded.

GENERAL CONDITIONS OF APPROVAL

- A. *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.

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

D. 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 shall conduct an initial inspection of the landscaping to determine whether and which landscape items need replacement or removal and provide a report to the Board. At any time subsequent to this initial inspection, the Town's Consulting Engineer or the 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.

E. 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. Accumulated snow which exceeds the capacity of the designated snow storage areas on–site shall be removed from the premises within 24 hours after the conclusion of the storm event.
- F. **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 William Wallace Village Condominium to inspect the site at any time, to ensure continued compliance with the terms and conditions of this special permit and the endorsed plan.

Construction Oversight

G.

Construction Account

Inspection of infrastructure and utility construction, installation of site a) amenities including landscaping, and the review of legal documents by Town Counsel is required. Prior to plan endorsement, the Permittee shall establish a construction account with the Board. The funds may be used at the Board's discretion to retain professional outside consultants to perform the items listed above as well as the following other tasks inspect the site during construction/installation, identify what site plan work remains to be completed, prepare 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.
- 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 Applicant.
- 2. 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 and the sewer and water connection permits.
- 3. The Permittee shall have a professional engineer licensed in the Commonwealth of Massachusetts conduct progress inspections of the construction of the approved site improvements. Inspections shall occur at least on a monthly basis. The engineer shall prepare a written report of each inspection and provide a copy to the Board within 5 days of inspection. Failure of the Permittee to provide these reports may be reason to withhold 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.

Prior to undertaking such field changes, the Permittee and/or contractor shall discuss the possible field changes with the Town's Consulting Engineer and submit a letter and drawings to the Planning and Economic Development Coordinator and the Building Commissioner describing the proposed changes and what conditions, situations, or emergencies necessitate such changes. In accordance with Section 3.5.2.C of the Bylaw, the Building Commissioner may determine that the field change is insubstantial, authorize the change, and so notify the Board. Otherwise, the Board shall review the proposed field changes are reasonable and acceptable based on the unforeseen conditions, situations, or emergencies and whether other options are feasible or more suitable. A written authorization of field change will be provided. Any approved field change shall be reflected in the as-built plan to be provided at project completion.

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

3.

- 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.

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**

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 no unit 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 (excluding unit driveways) 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 two 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.

Commented [SA8]: Check with applicant on timeframe. Also

3.

- 2. Alternative Performance Security
 - a) At such time as the Permittee wishes to secure a building permit for the second building within the development, or secure an occupancy permit for any dwelling unit, 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 Applicant, 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.
 - Amount The amount of the performance guarantee shall be equal b) 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 also include the cost to maintain the roadway and infrastructure in the event the Permittee fails to adequately perform such. 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. 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.
 - 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 also include the cost to

> maintain the roadway, stormwater management system and other infrastructure in the event the Permittee fails to adequately perform such. 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. 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.

4. *Final Release of Performance Security* - Final release of performance security is contingent on project completion.

L. Project Completion

- . 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 fifteenth 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 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.

Commented [SA9]: Do you want to include a limit on the number of bond reductions?? Or state that you will not reduce the bond below x amount. Check new SP Rules and Regs.

- M. *Construction Standards* All construction shall be completed in full compliance with all applicable local, state and federal laws, including but not limited to the Americans with Disabilities Act and the regulations of the Massachusetts Architectural Access Board for handicap accessibility.
- N. *Conflicts* If there is a conflict between the site plan and the Decision's Conditions of Approval, the Decision shall rule. If there is a conflict between this Decision and/or site plan and the Bylaw, the Bylaw shall apply.

IX. APPEAL

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

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

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 Applicant. A copy of the recorded Decision, and notification by the Applicant of the recording, shall be furnished to the Board.

Medway Planning and Economic Development Board SITE PLAN and SPECIAL PERMIT DECISION William Wallace Village – 274 and a portion of 276 Village Street

AYE:	NAY:				
ATTEST:					
	Susan E. Affleck-Childs Date				
	Planning & Economic Development Coordinator				
COPIES TO-	Michael Boynton, Town Administrator				
COFIES IO.	David D'Amico Department of Public Works				
	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				
	Larry Rucki				
	Dan Merrikin, Legacy Engineering				
	Steven Bouley, Tetra Tech				
	Gino Carlucci, PGC Associates				

32



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

January 14, 2020

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

Ref: William Wallace Village Special Permit and Site Plan Review

Dear Members of the Board:

I am writing to summarize our previously submitted revised landscape plan dated January 8, 2020. The proposed design is consistent with the last revision except that the reduced scale of the development has impacted the planting scheme. In total the landscape plan provides the following extensive plantings on the site:

- ✓ 111 new trees including deciduous and evergreen species;
- ✓ 165 shrubs and perennial plantings within common areas throughout the site. This does not include foundation plantings;
- ✓ 240 shrub plantings around foundations; and
- ✓ 333 perennial plants, ornamental grasses and groundcover plantings around foundations.

With respect to caliper, only 31 of the proposed trees are rated for caliper from the nursery. The other 80 trees are either ornamental, clump-style trees or evergreen. Our landscape architect has estimated caliper size for these specimens as follows:

- ✓ River Birch Clumps: 3" total caliper
- ✓ Serviceberry Clumps: 2" total caliper
- ✓ Dogwood: 1.5" caliper
- ✓ Eastern Red Cedar: 1.5" caliper
- ✓ Emerald Sentinel Red Cedar: 1.5" caliper
- ✓ Norway Spruce: 2.5" caliper
- ✓ Blue Spruce: 2.5" caliper
- ✓ Bald Cypress: 2.5" caliper

Using these estimates, the total proposed tree caliper for the 92 specified trees is 253 inches. It is our view that the proposed planting plan is quite elaborate, and that the Applicant has made

Planning & Econ. Dev. Board January 14, 2020 Page 2 of 2



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

extensive efforts to propose a comprehensive landscape community at the site. Do not hesitate to contact me if you have any questions or comments.

Yours Truly,

LEGACY ENGINEERING LLC

Daniel J. Merrikin, P.E. President

cc: File

Sale Prices of Townhouse Condominiums (December 2017 - May 2019)								
					GLA		GRADE	
30-070-008	48 LOVERING ST 8	FC	\$221 900	04/20/2018	1 292	1988	C	<u> </u>
30-070-C007	48 LOVERING ST 7	FC	\$235,000	01/19/2018	1 292	1988	C	
30-079-C001	1 HERITAGE DR	CP	\$250,000	03/25/2019	1,202	1990	C	
61-070-C003	115 VILLAGE ST 3	VH	\$335,000	07/09/2018	1,020	1986	C	
48-116-C00A	170 MAIN ST A	CX	\$357,500	12/14/2018	1,800	2006	C+	
57-139-C001	362 VILLAGE ST	VL	\$366,000	08/06/2018	1,686	1967	C	
46-013-C033	3 KINGSON LN 3	WS	\$380.000	12/27/2018	2.228	2001	C+	
66-025-C001	250 A MAIN ST	MSC	\$396,900	02/22/2019	1.655	2018	C+	
20-004-C046	4 RIDGESTONE DR	MD	\$399.000	05/25/2018	1.997	2016	B-	
47-036-C004	176 MAIN ST UNIT 4	MG	\$400,000	03/14/2018	1.850	2018	C+	
55-005-C021	21 WILLIAMSBURG WAY	WM	\$400.000	09/19/2018	1.850	2010	C+	
20-004-C044	11 FIELDSTONE DR	MD	\$415.000	06/08/2018	2.021	2018	B-	
20-004-C045	2 RIDGESTONE DR	MD	\$425.000	12/08/2017	2.496	2016	B-	
20-004-C039	1 FIELDSTONE DR	MD	\$425,100	06/21/2018	2.341	2018	B-	
20-004-C041	5 FIELDSTONE DR	MD	\$426,739	07/25/2018	2.038	2018	B-	
20-004-C047	6 RIDGESTONE DR	MD	\$437.400	03/07/2018	2.107	2016	B-	
59-056-C002	3 BEDELIA LANE	WW	\$450.000	05/10/2019	2.301	2018	C+	
20-004-C042	7 FIELDSTONE DR	MD	\$450,400	09/05/2018	2.038	2018	B-	
20-004-C070	1 FLAGSTONE DR	MD	\$461,740	02/16/2018	2.220	2017	B-	
46-013-C016	1 KINGSON LN 6	WS	\$469.900	08/03/2018	2.218	2001	C+	
20-004-C067	2 FIELDSTONE DR	MD	\$476.300	05/10/2018	2.240	2018	B-	
20-004-C033	4 FIELDSTONE DR	MD	\$476.650	06/08/2018	2.240	2018	B-	
20-004-C038	14 FIELDSTONE DR	MD	\$487.350	09/21/2018	2.221	2018	B-	
55-005-C019	19 WILLIAMSBURG WAY	WM	\$489.000	08/30/2018	2,461	2010	C+	
55-005-C015	15 WILLIAMSBURG WAY	WM	\$516.500	09/07/2018	2.506	2013	C+	
20-004-C037	12 FIELDSTONE DR	MD	\$528,100	11/09/2018	2.510	2018	B-	
62-002-C021	2 PINE RIDGE DRIVE 1	PR	\$528,500	11/16/2018	2.274	2008	B-	
62-002-C051	5 PINE RIDGE DRIVE 1	PR	\$529,900	04/30/2019	2,274	2010	B-	
					,			
CONDO COMPL	EXES							
			NOTE - There v	vere 28 sales o	f townho	use type u	nits betwe	en
			December 1, 20	17 and May 30	, 2019 . ⁻	The mediar	n sales pric	e is halfway:
MD	MILLSTONE		between the sa	le prices of 1 a	and 5 Fiel	dstone Dri	ve = \$425,9) 19
FC	FOX CONDOS			_				
WS	WOODSIDE							
MG	MEDWAY GREEN (MAIN & ME	CHANIC)						
СХ	CONDEX							
WM	WILLIAMSBURG							
VL	VILLAGE 362-364 Village St							
WW	WILLIAM WALLACE							
VH	VILLAGE HILL							[]
PR	PINE RIDGE							
MSC	MAIN STREET							
								[]
1/14/2020 - Data	provided by Medway Assessor's (Office						



January 14, 2020 Medway Planning & Economic Development Board Meeting

Merrimack Building Supply Project Completion

- Revised as-built plan dated 1-3-2020
- Tetra Tech review memo dated 1-9-2020 re: project completion and as-built plan
- Guerriere and Halnon project completion certification letter dated 1-9-2020
- Joanne Russo email dated 12-16-1919 re: status of taxes paid
- DRAFT Certificate of Site Plan Completion

I recommend you approve the Certificate of Site Plan Completion, authorize the Building Department to issue a full Certificate of Occupancy, and vote to refund the performance security in the amount of \$16,250 plus interest.



SMH R=251.18 (1)=240.70 (0)=240.55	DATE:
LOST HILL DRIVE	 REFERENCE IS MADE TO A PLAN ENTITLED "MERRIMACK BUILDING SUPPLY SITE PLAN FOR 20 TROTTER DRIVE IN MEDWAY, MASSACHUSETTS" DATED MARCH 10, 2017 REVISED JUNE 4, 2018 REFERENCE IS MADE TO
PLAN BOOK 455 PLAN 233 OF 1998 ORFOLK DISTRICT REGISTRY OF DEEDS	 2. REFERENCE IS MADE TO DEED BOOK 24920 PAGE 145 AND PLAN BOOK 455 PLAN 233 OF 1998 RECORDED AT THE NORFOLK DISTRICT REGISTRY OF DEEDS. 4. ELEVATION REFER TO NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88). 5. ZONING DISTRICT INDUSTRIAL III MIN AREA 40,000 SF MAX COVERAGE 40% MIN WIDTH 100 FT MIN FRONT SETBACK 30 FT MIN SIDE SETBACK 20 FT MIN REAR SETBACK 30 FT
	"WARNING" EXISTING UTILITY LINES INDICATED OR NOTED ON THESE DRAWINGS ARE SHOWN AS OBTAINED FROM EXISTING INFORMATION AND ARE ONLY APPROXIMATE IN LOCATION. THE CONTRACTOR SHALL TAKE CAUTION IN THESE AREAS TO AVOID DAMAGE TO EXISTING UTILITY LINES AND/OR HARM TO PERSONNEL ENGAGED IN WORKING IN THESE AREAS. CALL "DIG SAFE" 1–888–DIG–SAFE (1–888–344–7233). EXISTING LINES OTHER THAN THOSE INDICATED ON THESE DRAWINGS MAY BE ON THE SITE. THE CONTRACTOR IS WARNED TO PROCEED WITH CAUTION WITH ALL WORK, ESPECIALLY EXCAVATION WORK, AND TO MAKE ALL POSSIBLE INVESTIGATIONS AS TO POSSIBLE UNMARKED UTILITY LINES.
	OWNER/APPLICANT MEDWAY TROTTER, LLC 20 TROTTER DRIVE MEDWAY, MA 02053
	BOOK 24920 PAGE 145 NORFOLK DISTRICT REGISTRY OF DEEDS
	"MERRIMACK BUILDING SUPPLY"
	AS-BUILT PLAN OF LAND
	20 TROTTER DRIVE MEDWAY, MASS. scale: 40 feet to an inch
	DATE: OCTOBER 25, 2019111-20-19212-12-19DROP INLET & OUTLET STRUC.31-3-20SHED ROOF DRAINFJO
"I HEREBY CERTIFY THAT THIS PLAN SHOWS THE ACTUAL AS-BUILT LOCATIONS, PROFILES AND ELEVATIONS OF THE ROADWAYS, DRAINAGE FACILITIES AND UTILITIES, BASED UPON A FIELD SURVEY PERFORMED FROM SEPTEMBER 24, 2019 TO DECEMBER 11, 2019."	GRAPHIC SCALE: 1"=40' 0 10 20 30 40 50 75 100 FEET METERS 0 5 10 15 20 30
	Guerriere Balnon, Inc. Engineering & Land Surveying 333 West street MILFORD, MA 01757 FX. (508) 473–8243 www.gandhengineering.com
PLS DATE	sheet 1 OF 1 G-8542

Susan Affleck-Childs

Bouley, Steven <steven.bouley@tetratech.com></steven.bouley@tetratech.com>
Thursday, January 09, 2020 11:22 AM
Susan Affleck-Childs
RE: Merrimac Building Supply

Hi Susy,

The repairs were completed on the basin but I suggest someone, either us or Bridget, take a look in the spring once vegetation starts to establish to determine if additional repair is required.

As-built has been revised to include the requested items and is ok.

Project is complete.

Steve

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

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From: Susan Affleck-Childs <sachilds@townofmedway.org>
Sent: Thursday, January 9, 2020 11:17 AM
To: Bouley, Steven <Steven.Bouley@tetratech.com>
Subject: RE: Merrimac Building Supply

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

Hi,

So, you are all OK with both the condition of all the site improvements and the completeness of the as-built plan.

Do you feel the project is complete per the approved site plan?

Susan E. Affleck-Childs Planning and Economic Development Coordinator Town of Medway 155 Village Street Medway, MA 02053 508-533-3291 To: Susan Affleck-Childs Subject: RE: Merrimac Building Supply

Hi Susy,

They added the manifold and repaired the slope and stone at the site, all outstanding items have been addressed.

Steve

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

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From: Susan Affleck-Childs <<u>sachilds@townofmedway.org</u>>
Sent: Tuesday, January 7, 2020 1:25 PM
To: Bouley, Steven <<u>Steven.Bouley@tetratech.com</u>>
Subject: FW: Merrimac Building Supply

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

Hi Steve,

Please review and let me know if this is OK.

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

From: Bob Poxon [mailto:rpoxon@gandhengineering.com]
Sent: Tuesday, January 07, 2020 1:18 PM
To: Bouley, Steven (<u>Steven.Bouley@tetratech.com</u>); Susan Affleck-Childs; Bridget Graziano; 'Bill Donegan'
Subject: Merrimac Building Supply

Attached, please find the final as-built plan for Merrimac Building supply.
G-8542



Est. 1972

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

Dear Ms Childs;

Guerriere & Halnon has performed various as-built field surveys between September 4 and December 11, 2019. This information was used to prepare the as-built plan dated October 25, 2019 with final revisions January 3, 2020.

"Guerriere & Halnon, hereby certifies that all building and site work has been completed in strict compliance with the approved and endorsed site plan, and any modifications thereto."

Milford Office 333 West Street, P. O. Box 235 Milford, MA 01757-0235 (508) 473-6630/Fax (508) 473-8243

Franklin Office 55 West Central Street Franklin, MA 02038-2101 (508) 528-3221/Fax (508) 528-7921

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

January 9, 2020

Dale MacKinnon, P.E.



TOWN OF MEDWAY Planning & Economic Development Board

155 Village Street Medway, Massachusetts 02053

Andy Rodenhiser, Chairman Robert K. Tucker, Vice-Chairman Thomas A. Gay, Clerk Cranston (Chan) Rogers, P.E. Karyl Spiller Walsh

Request for Medway Treasurer/Collector's Verification of Status of Paid Taxes

Date: December 16, 2019

V

Applicant's Name: Medway Trotter LLC – Merrimack Building Supply

Subject Property Address: 20 Trotter Drive

Map/Parcel Number(s): 64-002

Project Name: Merrimack Building Supply Addition Site Plan

Type of Permit: Major Site Plan & Groundwater Protection Special Permit Occupancy Permit

Please indicate the status of taxes/fees owed to the Town:

- By checking this box and with my signature below, I verify that all taxes and fees owed the Town of Medway *for the subject property* are paid in full as of this date for the subject property noted above.
- By checking this box and with my signature below, I verify that all taxes and fees owed the Town of Medway *for other properties owned by the applicant* noted above are paid in full as of this date.
- By checking this box and with my signature below, I verify that the *Town is* **owed taxes or fees** on properties owned by the above noted applicant. Briefly explain on the lines below. Please attach a report that indicates the property address, what taxes are owed, and the respective amounts.

Signature Date Please complete and return to the Planning and Economic Development office.



TOWN OF MEDWAY Planning and Economic Development Board

Certificate of SITE PLAN Completion Merrimack Building Supply – 20 Trotter Drive

January 14, 2020

Project Location: 20 Trotter Drive

Assessor's Map/Parcel Numbers: 64-002

Title of Plan:Merrimack Building Supply Site Plan of Land for 20 Trotter DriveDate of Plan:March 14, 2017, last revised June 4, 2018 (plan modification)Drawn by:Guerriere and Halnon, Milford, MA

Date of Site Plan Decision: July 11, 2017

Date of Site Plan Endorsement: December 12, 2017

Permittee's Name: Merrimack Building Supply Permittee's Address: 20 Trotter Drive, Medway, MA 02053

Date of As-Built Plan: November 20, 2019, last revised January 3, 2020

Performance Security: \$16,250 established 10-17-19 at Charles River Bank

Project Status

__X Temporary occupancy permit issued by Building Department: _____

- __X__ Applicant's Project Engineer's Certification of Completion & Compliance for site plan work and/or stormwater management facilities – January 9, 2020 by Dale MacKinnon, P.E., Guerriere and Halnon.
- ___X___ Town Consulting Engineer's Project Completion Sign-off: January 9, 2020
- _____ Acceptance of required public off-site improvements by BOS and/or DPW NA
- _____ Acceptance of required private off-site improvements by PEDB NA
- ___X__ As-Built Plan submitted January 7, 2020
- ___X___ As-Built Plan reviewed and accepted by Town's Consulting Engineer: January 9, 2020
- ___X__ Treasurer's Certification of Taxes Paid: December 17, 2019
- __X__ PEDB vote of project completion:



January 14, 2020 Medway Planning & Economic Development Board Meeting

<u>4 Marc Road/NeoOrganics Special</u> <u>Permits and Site Plan</u>

- PH continuation notice dated December 4, 2019
- Revised site plan dated December 13, 2019
- Revised Land Disturbance Area plan dated December 13, 2019
- Tetra Tech review letter dated December 16, 2019
- Fire Chief Jeff Lynch email dated December 12, 2019
- Conservation Commission Order of Conditions dated November 18, 2019
- Abutter John Lally letter dated December 4, 2019.
- DRAFT decision dated January 9, 2020

I contacted Noise Control Engineering, the Board's noise consultant, to seek their help with writing conditions for the decision. I learned that Ron Dempsey, the consultant who has assisted Medway with this and the 2 Marc Road project, is no longer employed there. They have assigned a new consultant to this project; his name is Jeff Komrower. I have provided Jeff with documents to assist him in getting up to speed on this project and forwarded the draft decision to him for review and help with the Conditions. He is able to attend the 1-14-20 hearing. I have also forwarded the draft decision to Bruce Straughan, your odor consultant, and he will review it as well and provide guidance on Conditions. I emailed the decision to Jaimie Lewis of Neo Organics as well. Gino is also helping with some of the FINDINGS.



TOWN OF MEDWAY Planning & Economic Development Board 155 Village Street

Medway, Massachusetts 02053

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

MEMORANDUM

December 4, 20)19		
TO:	Maryjane White, Town Clerk Town of Medway Departments, Boards and Committees		
FROM:	Susy Affleck-Childs, Planning & Economic Development Coordinator		
RE:	Public Hearing Continuation: CONTINUATION DATE: LOCATION:	Neo Organics, LLC - 4 Marc Road <mark>Tuesday, January 14, 2020 at 7:45 p.m.</mark> Medway Town Hall – Sanford Hall, 155 Village Street	

At its meeting on December 3, 2019, the Planning and Economic Development Board (PEDB) voted to continue the public hearing on the applications of Neo Organics LLC of Sudbury, MA for approval of a special use permit to operate an adult recreational marijuana cultivation and processing establishment at 4 Marc Road, a groundwater protection special permit, and the associated minor site plan to Tuesday, January 14, 2020 at 7:45 p.m. The hearing will take place during a special PEDB meeting to be held in Sanford Hall at Medway Town Hall, 155 Village Street.

The applicant proposes to use the existing 29,718 sq. ft. industrial manufacturing building at 4 Marc Road (Map 32, Parcel 026) for the cultivation, manufacturing, processing, and packaging of marijuana for adult recreational use and the delivery of such products off site to retail marijuana establishments in other communities. A retail marijuana operation open to the public is NOT proposed for this property.

The 6.68 acre property, currently owned by NEK, LLC of Camas, WA, is located on the north side of the Marc Road cul-de-sac in the East Industrial zoning district. The subject property is west and north of property owned by Ellen Realty Trust and south and east of property owned by John and Anne Lally. A portion of the property is located within the Town's Groundwater Protection District. The site includes wetland resources in its northeast corner which are under the jurisdiction of the Medway Conservation Commission. After site improvements, 24.5% of the site will be impervious surface, thus necessitating a Groundwater Protection District special permit.

The planned scope of work includes interior renovations to the existing building to accommodate the new use, construction of a 3,000 sq. ft. outside concrete mechanical pad to house some HVAC and odor control equipment with associated noise mitigation measures, construction of a dumpster pad with associated fencing, installation of a series of stormwater management measures (recharge/infiltration system and sub-surface stormwater treatment units), maintenance excavation and clean-up of the existing manmade drainage ditch, and installation of associated erosion and sedimentation controls during construction. The planned work is shown on *Permit Site Plan for 4 Marc Road*, dated August 6, 2019, last revised October 24, 2019, prepared by DGT Associates Surveying and Engineering of Framingham, MA.

The permit applications, site plan, noise and odor mitigation plans, and other associated documents are on file with the Medway Town Clerk and at the office of the Planning and Economic Development Board at Medway Town Hall, 155 Village Street and may be reviewed during regular business hours. **The Applicant has submitted a Fire Access Plan dated December 3, 2019 to address safety and access concerns identified by the Fire Department.** All materials have been posted to the Planning and Economic Development Board's web page at: <u>https://www.townofmedway.org/planning-economic-development-board/pages/neo-organics-4-marc-road-marijuana-special-permit</u>.

The Board will continue to review a draft decision for this project at the January 14th hearing, so we need any input from you regarding recommended conditions for this project by January 4th.

Please contact me if you have any questions. Thanks.

GENERAL NOTES

- 1. ELEVATIONS SHOWN HEREON REFER TO NAVD 1988, DETERMINED BY GPS **OBSERVATIONS USING GEOID 12B.**
- TOPOGRAPHIC FEATURES, SITE DETAILS AND SIGNIFICANT IMPROVEMENT DEPICTED HEREON, WERE OBTAINED FROM AERIAL MAPPING BY BLUESKY AN FIELD SURVEYS CONDUCTED BY DGT ASSOCIATES ON 4/9/19, 6/24/19 AND 7/2/19
- THE CONTRACTOR SHALL VERIFY THE LOCATION AND RELATIVE ELEVATION OF BENCH MARKS PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION. ANY **DISCREPANCY SHALL BE REPORTED TO THE ENGINEER.**
- ALL SITE CONSTRUCTION SHALL COMPLY WITH THE MEDWAY DEPARTMEN **PUBLIC WORKS.**
- IN CASES WHERE LEDGE, BURIED FOUNDATIONS OR BOULDERS ARE PRESENT DGT ASSOCIATES SHALL NOT BE RESPONSIBLE FOR THE AMOUNT OF ROCK OF **CONCRETE ENCOUNTERED.**
- DGT ASSOCIATES SHALL BE NOTIFIED OF ANY SIGNIFICANT DIFFERENCES IN THE EXISTING CONDITIONS OR UTILITIES THAT MAY AFFECT THE CONSTRUCTION SHOWN ON THIS PLAN FOR ANY NECESSARY PLAN REVISIONS.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE REPAIR AND/OR **REPLACEMENT OF ANY EXISTING FEATURES DAMAGED DURING CONSTRUCTION** THAT ARE NOT INTENDED FOR DEMOLITION AND/OR REMOVAL HEREON. SAFETY MEASURES, CONSTRUCTION METHODS AND CONTROL OF WORK SHALL **BE THE RESPONSIBILITY OF THE CONTRACTOR.**

GRADING AND UTILITY PLAN NOTES

- 1. LOCATIONS OF EXISTING UNDERGROUND UTILITIES SHOWN HEREON ARE APPROXIMATE ONLY. ALL UTILITIES, OBSTRUCTIONS AND/OR SYSTEMS MAY NOT BE SHOWN. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR FOR LOCATING AND PROTECTING ALL EXISTING UNDERGROUND UTILITIES AND/OR SYSTEMS WHETHER OR NOT SHOWN HEREON.
- UNLESS OTHERWISE SHOWN HEREON, ALL NEW UTILITIES SHALL BE UNDERGROUND.
- RIM ELEVATIONS SHOWN HEREON FOR NEW STRUCTURES ARE PROVIDED TO ASSIST THE CONTRACTOR WITH MATERIAL TAKEOFFS. FINAL RIM ELEVATIONS SHALL MATCH PAVEMENT, GRADING, LANDSCAPING, UNLESS SPECIFICALLY INDICATED OTHERWISE.
- WHERE CONNECTIONS AND STRUCTURES ARE TO BE INSTALLED AT EXISTING UTILITIES, THE CONTRACTOR SHALL CONFIRM THE LOCATION AND ELEVATION PRIOR TO INSTALLATION AND SHALL REPORT ANY SIGNIFICANT DISCREPANCY FROM THE PLAN INFORMATION TO THE ENGINEER.
- WHERE NEW PAVING MEETING EXISTING PAVING, MEET LINE AND GRADE OF EXISTING WITH NEW PAVING.
- AT LOCATIONS WHERE EXISTING PAVEMENT ABUTS NEW CONSTRUCTION, THE EDGE OF THE EXISTING PAVEMENT SHALL BE SAWCUT TO A CLEAN AND SMOOTH EDGE.
- PERIMETER EROSION CONTROLS SHOWN HEREON SHALL BE INSTALLED PRIOR TO ANY EARTH DISTURBANCE AND SHALL SERVE AS A LIMIT OF WORK, UNLESS **OTHERWISE SHOWN.**
- THE CONTRACTOR SHALL PROVIDE DUST CONTROL FOR CONSTRUCTION **OPERATIONS AS APPROVED BY THE ENGINEER.**
- ALL POINTS OF CONSTRUCTION EGRESS OR INGRESS SHALL BE MAINTAINED TO PREVENT THE TRACKING OR FLOWING OF SEDIMENT ONTO PUBLIC ROADS. 10. ALL EXISTING DRAIN PIPES TO BE JETTED AND ALL EXISTING DRAIN STRUCTURES TO BE VACUUMED WITH A VACTOR TRUCK BEFORE AND AFTER

REGULATORY NOTES

SITE CONSTRUCTION.

- 1. THE LOCATION OF ALL UNDERGROUND UTILITIES SHOWN HEREON ARE BASED ON FIELD LOCATION OF VISIBLE STRUCTURES AND COMPILING INFORMATION FROM PLANS PROVIDED BY UTILITY COMPANIES AND GOVERNMENT AGENCIES. THE LOCATION SHOWN HEREON SHALL BE CONSIDERED APPROXIMATE. BEFORE ANY CONSTRUCTION, DEMOLITION OR SITE WORK, THE LOCATION OF ALL UNDERGROUND UTILITIES SHALL BE VERIFIED BY THE CONTRACTOR BY CONTACTING "DIG-SAFE" AT 811.
- THE CONTRACTOR SHALL MAKE HIMSELF AWARE OF ALL CONSTRUCTION **REQUIREMENTS, CONDITIONS AND LIMITATIONS IMPOSED BY PERMITS AND** APPROVALS ISSUED BY REGULATORY AUTHORITIES PRIOR TO THE COMMENCEMENT OF ANY WORK. CONTRACTOR SHALL COORDINATE AND **OBTAIN ALL CONSTRUCTION PERMITS REQUIRED BY REGULATORY AUTHORITIES.**
- ALL WORK OUTSIDE OF THE BUILDING THAT IS LESS THAN 10 FEET FROM THE INSIDE FACE OF THE BUILDING FOUNDATIONS SHALL CONFORM WITH THE UNIFORM STATE PLUMBING CODE OF MASSACHUSETTS. 248 CMR 2.00.
- **CONSTRUCTION ACTIVITIES SHALL CONFORM TO THE RULES AND REGULATIONS** OF THE OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA).

PLAN INTENT

1. THE INTENT OF THIS PLAN IS FOR PERMITTING PURPOSES ONLY AND SHALL NOT **BE USED FOR CONSTRUCTION PURPOSES.**

ZONING

INDUSTRIAL - 1 (I-1) **UNDERLYING ZONING DISTRICT EAST** INDUSTRIAL (EI) & GROUNDWATER **PROTECTION DISTRICT**

RECORD OWNER

NEK, LLC

DIMENSIONAL REQUIREMENTS

	REQU	IRE	
LOT AREA:	20,000	SF	
LOT FRONTAGE:	100	FT	
FRONT YARD SETBACK:	30	FT	
SIDE YARD SETBACK:	20	FT	
REAR YARD SETBACK:	30	FT	
BUILDING HEIGHT:	60	FT	
MAXIMUM IMPERVIOUS COVERA	GE: 80	%	
MINIMUM OPEN SPACE:	20	%	

SITE DATA

	PRE-DEVELOPM
BUILDING AREA	29,718 SF (10.
PAVEMENT & SIDEWALKS	38,294 SF (13.
TOTAL IMPERVIOUS	68,012 SF (23.
OPEN SPACE & LANDSCAPED AREA	222,872 SF (76.
TOTAL SITE AREA	290,884 SF (100
AREA OF DISTURBANCE = 1	19,931 SF (6.9 %)

THE TOTAL AREA OF DISTURBANCE OF 19,931 SQUARE FEET IS ASSOCIATED WITH THE PROPOSED CONCRETE PAD, PROPOSED FIRE ACCESS ROUTE, SITE DRAINAGE IMPROVEMENTS INCLUDING THE PROPOSED WORK WITHIN THE DRAINAGE DITCH. RE-GRADING OF SLOPE DOWN-GRADIENT OF THE EMPLOYEE PARKING AND WEST OF THE PROPOSED FIRE ACCESS **ROUTE AND OFFICE HVAC PAD.**

PARKING DATA

REQUIRED:	
1 SPACE / 2 EMPLOYEES	13
1 SPACE / 1,000 SF OF BUILDING	30
TOTAL REQUIRED	43
EXISTING:	
STANDARD SPACES	69
VAN ACCESSIBLE SPACES	0
STANDARD HANDICAP SPACES	0
TOTAL PROVIDED	69

SHEET INDEX

C-8 SITE DETAILS #3

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C-2 EXISTING CONDITIONS PLAI	Ν
C-3 PROPOSED CONDITIONS PL	AN
C-4 EROSION AND SEDIMENT CO	ONTROL
C-5 EROSION AND SEDIMENT CO	ONTROL
C-6 SITE DETAILS #1	
C-7 SITE DETAILS #2	

REQUESTED WAIVERS

THE FOLLOW WAIVERS FROM THE TOWN OF MEDWAY PLANNING BOARD RULES AND REGULATIONS ARE REQUESTED:

1. CHAPTER 200, ARTICLE IV, SECTION 204-4.B (SITE CONTEXT SHEET) (EXISTING LANDSCAPE INVENTORY) 2. CHAPTER 200, ARTICLE IV, SECTION 204-4.C.3 3. CHAPTER 200, ARTICLE IV, SECTION 204-4.D.7 (LANDSCAPE ARCHITECTURAL PLAN) 4. CHAPTER 200, ARTICLE IV, SECTION 204-4.D.12 (SIGNAGE PLAN) (LIGHTING PLAN) 5. CHAPTER 200, ARTICLE IV, SECTION 204-4.D.13 6. CHAPTER 200, ARTICLE IV, SECTION 204-3.A.7

4 MARC ROAD MEDWAY, MASSACHUSETTS 02053 for **NEO ORGANICS LLC**

REFERENCES

MEDWAY ASSESSOR'S PARCEL: 32-026 NORFOLK COUNTY REGISTRY OF DEEDS BOOK 21910 PAGE 102

APPLICANT

NEO ORGANICS LLC 365 BOSTON POST ROAD, #184 SUDBURY, MA 01776

EXISTING	PROVIDED
290,884± SF	290,884± SF
194.6 FT	194.6 FT
91.5 FT	91.5 FT
117.1 FT	117.1 FT
276.7 FT	276.7 FT
15.9 FT	15.9 FT
23.4 %	26.1 %
76.6 %	73.9 %

IENT	POST-DEVELOPMENT
2 %)	29,718 SF (10.2 %)
2 %)	46,213 SF (15.9 %)
4 %)	75,931 SF (26.1 %)
6 %)	214,953 SF (73.9 %)
.0 %)	290,884 SF (100.0 %)

PROPOSED:	
STANDARD SPACES	66
VAN ACCESSIBLE SPACES	1
STANDARD HANDICAP SPACES	2
TOTAL PROVIDED	69

PLAN **NOTES AND DETAILS**



(DEVELOPMENT IMPACT STATEMENT)



- 1. RECORD OWNER IS NEK LLC. SEE DEED BOOK 21910 PAGE 102. 2. ELEVATIONS REFER TO NAVD 1988, DETERMINED BY GPS OBSERVATIONS USING GEOID 12B.
- 3. SEE MEDWAY ASSESSOR'S PARCEL 32-026.
- 4. THIS PARCEL FALLS WITHIN ZONING DISTRICT I-1.
- 5. OWNERS OF ADJOINING PROPERTIES ARE ACCORDING TO CURRENT ASSESSORS RECORDS.
- 6. SEE NORFOLK COUNTY REGISTRY OF DEEDS FOR RECORD DOCUMENTS. 7. TOPOGRAPHIC FEATURES, SITE DETAILS AND SIGNIFICANT IMPROVEMENTS DEPICTED HEREON, WERE OBTAINED FROM AERIAL MAPPING BY BLUESKY AND FIELD SURVEYS CONDUCTED BY DGT ASSOCIATES ON 4/9, 6/24, 7/2, 9/4 AND 9/6/2019.
- 8. THIS TOPOGRAPHIC SURVEY BY DGT ASSOCIATES WAS PREPARED TO MEET NATIONAL MAP ACCURACY STANDARDS AT A SCALE OF 1"=40' HORIZONTALLY AND A 1 FOOT CONTOUR INTERVAL VERTICALLY. ANY REPRODUCTIONS OR RESCALING MAY AFFECT THE MAP ACCURACY.
- 9. WETLAND DELINEATION WAS CONDUCTED ON 6/27 AND 8/30/2019 BY DGT ASSOCIATES. DELINEATION WAS ADJUSTED WITH CONSERVATION AGENT ON 8/30/2019. ADJUSTED FLAGGING WAS SURVEY LOCATED ON 9/6/2019 AND ARE SHOWN ON THIS PLAN.
- 10. THIS PARCEL LIES IN ZONE "X-UNSHADED" (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN) AS SHOWN ON FEMA FLOOD INSURANCE RATE MAP NUMBER 25021C0142E DATED JULY 17,
- 11. AREAS OUTLINED IN RED AND LABELED "DENSE TREES" WERE OBSCURED AND CONTAIN NO TOPOGRAPHIC INFORMATION. 12. LEGAL STATUS OF EASEMENTS, WAYS, AND RESTRICTIONS NOT DETERMINED BY THIS SURVEY.
- 13. LOCATION OF UNDERGROUND UTILITIES SHOWN HEREON ARE BASED ON FIELD LOCATION OF VISIBLE STRUCTURES AND COMPILING INFORMATION FROM UTILITY RECORDS. THE LOCATION SHOWN SHALL BE CONSIDERED APPROXIMATE. BEFORE ANY CONSTRUCTION, THE LOCATION OF UNDERGROUND UTILITIES SHALL BE VERIFIED BY THE CONTRACTOR IN ACCORDANCE WITH CH. 82, SEC. 40 AS AMENDED, ALL UTILITY COMPANIES AND APPLICABLE GOVERNMENT AGENCIES MUST BE CONTACTED CONTACT "DIG-SAFE" AT 1-888-344-7233 OR 811.

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	BITUMINOUS CONCRETE
+	BENCH MARK
	CATCH BASIN
0	CLEAN OUT
	CONCRETE
D	DRAIN MANHOLE
E	ELECTRIC METER
	EDGE OF PAVEMENT
+	FINISHED FLOOR ELEVATION
+	HYDRANT
	INVERT ELEVATION OF PIPE
	LANDSCAPED AREAS
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S	SEWER MANHOLE
+125.33	SPOT ELEVATION, HARD SURFACE
+125.3	SPOT ELEVATION, SOFT GROUND
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SCALE: 1" = 40'

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DGT Associates

Surveying &

Engineering

1071 Worcester Road Framingham, MA 01701 508-879-0030

www.DGTassociates.com

APPLICANT
NEO ORGANICS LLC
365 BOSTON POST ROAD, #184
SUDBURY, MA 01776

MINOR SITE PLAN REVIEW/SPECIAL PERMIT MEDWAY PLANNING AND ÉCONOMIC DEVELOPMENT BOARD:

DATE SIGNED:

ISSUED FOR:

MINOR SITE PLAN & **MARIJUANA SPECIAL PERMIT& GROUNDWATER PROTECTION** DISTRICT SPECIAL PERMIT



SCALE: **1" =40'** DRAFTED: CHECKED: APPROVED: BEC JAL JAL



NEO CULTIVATION & MANUFACTURING

C-2

SHEET: 2 OF 8 PROJECT NO. 25457 © 2019 BY DGT ASSOCIATES



LEGEND

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DGT Associates Surveying & Engineering

Framingham Boston • Worcester

1071 Worcester Road Framingham, MA 01701 508-879-0030

www.DGTassociates.com

APPLICANT NEO ORGANICS LLC 365 BOSTON POST ROAD, #184 SUDBURY, MA 01776

MINOR SITE PLAN REVIEW/SPECIAL PERMIT MEDWAY PLANNING AND ÉCONOMIC DEVELOPMENT BOARD:

DATE SIGNED: ISSUED FOR:

> MINOR SITE PLAN & **MARIJUANA SPECIAL PERMIT& GROUNDWATER PROTECTION** DISTRICT SPECIAL PERMIT



DATE: AUGUST 6, 2019

PROJECT TITLE:

SCALE: **1" =40'** CHECKED: DRAFTED: JAL JAL

NEO CULTIVATION & MANUFACTURING

APPROVED:

BEC

4 MARC ROAD MEDWAY, MASSACHUSETTS 02053

SHEET TITLE:

PROPOSED SITE PLAN

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C-3

SHEET: 3 OF 8 PROJECT NO. 25457

SCALE:	1"	=	40'	



		DGT Associates Surveying & Engineering
		Framingham Boston ● Worcester
		1071 Worcester Road Framingham, MA 01701 508-879-0030
		www.DGTassociates.com
		APPLICANT NEO ORGANICS LLC 365 BOSTON POST ROAD, #184 SUDBURY, MA 01776
		MINOR SITE PLAN REVIEW/SPECIAL PERMIT MEDWAY PLANNING AND ECONOMIC DEVELOPMENT BOARD:
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	$\begin{array}{cccccccccccccccccccccccccccccccccccc$	SHEET: 4 OF 8 PROJECT NO.: 25457 © 2019 BY DGT ASSOCIATES

EROSION AND SEDIMENT CONTROL NOTES AND PERFORMANCE STANDARDS

1.0 CONSTRUCTION PERIOD EROSION AND SEDIMENT CONTROL 1.1 THE PURPOSE OF THE CONSTRUCTION PERIOD EROSION AND SEDIMENT CONTROL PLAN IS TO MINIMIZE THE INTRODUCTION OF SEDIMENTS INTO THE TOWN'S DRAINAGE SYSTEM, PUBLIC RIGHT OF WAYS, ABUTTING PROPERTIES, AND TO POST-DEVELOPMENT STORMWATER BMP'S RESULTING FROM THE LAND DISTURBANCE ACTIVITIES DURING CONSTRUCTION.

1.2 THE EROSION AND SEDIMENT CONTROL NOTES AND PERFORMANCE STANDARDS LISTED ON THIS SHEET SHALL BE SHALL BE IMPLEMENTED.

1.3 INSPECTIONS SHALL BE CONDUCTED BY THE GENERAL CONTRACTOR ON A BI-WEEKLY BASIS (EVERY TWO WEEKS), OR FOLLOWING SIGNIFICANT STORM EVENTS (RAINFALL OF 0.5" OR MORE) THAT CAN AFFECT THE SEDIMENT AND EROSION CONTROL PRACTICES IMPLEMENTED AT THE SITE. THE PURPOSE OF THE INSPECTIONS ARE TO EVALUATE THE EFFECTIVENESS ON THE CONTROLS AND ANY REQUIRED MAINTENANCE ACTIVITIES. IF AN EROSION/SEDIMENTATION CONTROL MEASURE IS FOUND TO BE INADEQUATE FOR PROPERLY CONTROLLING SEDIMENT, AN ADEQUATE MEASURE SHALL BE DESIGNED AND IMPLEMENTED. A COPY OF THE WRITTEN INSPECTION SHALL BE KEPT ON FILE AT THE CONSTRUCTION SITE.

1.4 DURING CONSTRUCTION, EXISTING AND PROPOSED STORMWATER MANAGEMENT STRUCTURES SHALL BE PROTECTED FROM SEDIMENT. ALL PROPOSED NEW STORMWATER MANAGEMENT STRUCTURES THAT INFILTRATE RUNOFF ARE PARTICULARLY SENSITIVE TO DAMAGE BY SEDIMENT. INFILTRATION TECHNOLOGIES ARE NOT DESIGNED TO HANDLE THE HIGH CONCENTRATIONS OF SEDIMENTS TYPICALLY FOUND IN CONSTRUCTION RUNOFF, AND MUST BE PROTECTED FROM CONSTRUCTION RELATED SEDIMENT LOADINGS. SITE RUNOFF FROM UNSTABILIZED AREAS SHALL NOT BE DISCHARGED INTO THE PROPOSED INFILTRATION SYSTEM UNTIL THE TRIBUTARY DRAINAGE AREA IS STABLE OR THE RUNOFF IS TREATED TO BE ESSENTIALLY FREE FROM SEDIMENT TO THE SATISFACTION OF THE ENGINEER. THE CONTRACTOR SHALL PROVIDE TEMPORARY BY-PASS SYSTEMS AS NECESSARY TO PREVENT CONSTRUCTION SITE RUNOFF FROM ENTERING THE INFILTRATION SYSTEM. THE INFILTRATION SYSTEM SHALL REMAIN OFF-LINE AND PROTECTED.

2.0 GENERAL PERFORMANCE STANDARDS

2.1 THE CONTRACTOR SHALL INSTALL, ROUTINELY INSPECT AND MAINTAIN ALL SEDIMENT AND EROSION CONTROLS SUCH THAT THEY ARE IN PROPER WORKING ORDER AT ALL TIMES DURING THE CONSTRUCTION PROJECT UNTIL SUCH TIME AS ALL AREAS OF THE SITE TRIBUTARY TO THOSE EROSION CONTROLS ARE IN A PERMANENTLY STABILIZED CONDITION.

2.2 THE CONTRACTOR SHALL MANAGE THE SITE SUCH THAT EROSION AND SEDIMENT FROM RUNOFF AND WIND BLOWN DUST ARE CONTROLLED AND MINIMIZED AT ALL TIMES. THE EROSION CONTROLS SHOWN ON THIS PLAN INCLUDE THE INITIAL SETUP OF EROSION CONTROLS AND BASIC INFORMATION. TO MEET THE REQUIREMENT OF BEST MANAGEMENT PRACTICES. THE CONTRACTOR MUST MANAGE THE SITE PROPERLY WHICH MAY INCLUDE, BUT NOT BE LIMITED TO: MINIMIZING AREAS OF EXPOSED SOILS; INSTALLING TEMPORARY COVER; MAKE NECESSARY ADJUSTMENTS TO THE EROSION CONTROL INSTALLATIONS TO IMPROVE FUNCTION; PROVIDE TEMPORARY SEDIMENT BASINS; INSTALL ADDITIONAL EROSION CONTROL WHERE NECESSARY.

2.3 THE EROSION CONTROL WORK SHOWN ON THIS PLAN ARE ALSO SUBJECT TO PERMITS AND APPROVALS BY THE MEDWAY CONSERVATION COMMISSION UNDER THE WETLANDS PROTECTION ACT AND MAY ALSO BE SUBJECT TO OTHER STATE AND LOCAL APPROVALS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR COMPLIANCE WITH THE CONDITIONS AND REQUIREMENTS OF THOSE PERMITS.

2.3 DESIGN, INSTALLATION AND MAINTENANCE OF SEDIMENT AND EROSION CONTROLS SHALL BE IN ACCORDANCE WITH BEST MANAGEMENT PRACTICES FOLLOWING THE GUIDELINES INCLUDED IN THE FOLLOWING:

- -"STORMWATER MANAGEMENT FOR CONSTRUCTION ACTIVITIES, DEVELOPING POLLUTION PREVENTION PLANS AND BEST MANAGEMENT PRACTICES" U.S. ENVIRONMENTAL PROTECTION AGENCY, OCTOBER 1992.
- "MASSACHUSETTS EROSION AND SEDIMENT CONTROL GUIDELINES FOR URBAN AND SUBURBAN AREAS, A GUIDE FOR PLANNERS, DESIGNERS AND MUNICIPAL OFFICIALS", MASS. EXECUTIVE OFFICE OF
- ENVIRONMENTAL AFFAIRS, MAY 2003.

- U.S.D.A. NATURAL RESOURCES AND CONSERVATION SERVICES (NRCS) GUIDELINES.

3.0 FEDERAL NPDES PHASE II COMPLIANCE

3.1 THIS PROJECT IS NOT SUBJECT TO THE FEDERAL CLEAN WATER ACT REQUIREMENTS FOR CONSTRUCTION SITES ADMINISTERED BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY (EPA).

4.0 PERIMETER EROSION CONTROL BARRIER AND LIMIT OF WORK

4.1 PRIOR TO ANY DISTURBANCE OR ALTERATIONS OF ANY AREA ON THE SITE, AN EROSION CONTROL BARRIER SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THE PLAN.

4.2 INSTALL THE STRAW WATTLE ON THE INSIDE OF THE SILT FENCE AS SHOWN. IN THOSE AREAS WHERE THE TOPOGRAPHY INDICATES THAT STORMWATER RUNOFF WILL BE CONCENTRATED (AT LOW POINTS), ADDITIONAL STRAW WATTLES OR STRAW BALES AS NECESSARY SHALL BE STAKED ON THE UPGRADIENT SIDE OF THE SILT FENCE FOR ADDED FILTRATION AND PROTECTION. THE REQUIRED LOCATIONS FOR THE ADDED BARRIER INSTALLATION WILL BE SELECTED BY THE ENGINEER AND / OR THE AUTHORIZED INSPECTOR UPON COMPLETION OF THE PERIMETER EROSION CONTROL INSTALLATION (SEE DETAIL).

4.3 ONCE INSTALLED, THE EROSION CONTROL BARRIER SHALL BE MAINTAINED IN PLACE UNTIL ALL AREAS UPGRADIENT FROM THE BARRIERS HAVE BEEN PERMANENTLY STABILIZED.

4.4 ALL DISTURBED AREAS NOT OTHERWISE DEVELOPED OR WHERE SPECIAL STABILIZATION MEASURES OR LANDSCAPE PLANTINGS ARE PROPOSED SHALL BE LOAMED AND SEEDED OR SODDED. SIX INCHES OF LOAM TOPSOIL (MIN. COMPACTED DEPTH) SHALL BE APPLIED UNLESS, OTHERWISE SPECIFIED. (SEE LANDSCAPE PLAN AND OTHER PLANS AS APPLICABLE).

5.0 STREET SWEEPING

5.1 THE CONTRACTOR SHALL SWEEP THE ADJACENT ROADWAYS WHEN MUD, DUST, DIRT, DEBRIS, ETC. HAS SHOWN SIGNS OF BUILDUP ON THE ROADWAYS EXITING THE SITE. THE CONTRACTOR SHALL PAY PARTICULAR ATTENTION TO THIS MATTER AND IMMEDIATE ATTENTION IS ALWAYS REQUIRED.

6.0 DEWATERING OF EXCAVATIONS

6.1 DISCHARGE FROM DEWATERING PUMPS OR TEMPORARY TRENCH OR EXCAVATION DRAINS SHALL NOT BE DISCHARGED DIRECTLY TO THE ON-SITE DRAINAGE SYSTEM. OR WETLAND RESOURCE AREAS. DISCHARGES SHALL BE DIRECTED TO A TREATMENT SYSTEM CONSISTING OF A SEDIMENT BASIN, STRAW BALE SEDIMENT BASIN, FILTER BAG SYSTEM OR OTHER APPROVED METHOD TO FILTER THE DISCHARGE WATER AND PREVENT EROSION.

6.2 THE PUMP DISCHARGE SYSTEMS MUST BE GREATER THAN 100 FEET FROM WETLAND RESOURCES UNLESS APPROVED BY THE MEDWAY CONSERVATION COMMISSION AND IN ACCORDANCE WITH OTHER APPLICABLE LAWS AND REGULATIONS.

6.3 ALL DEWATERING DRAINAGE ASSOCIATED WITH CONSTRUCTION ACTIVITIES MUST FIRST OBTAIN A DEWATERING DRAINAGE PERMIT, IF REQUIRED. SUCH DISCHARGES SHALL COMPLY WITH THE TOWN OF MEDWAY REQUIREMENTS, UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, MASSACHUSETTS DEP AND OTHER APPROPRIATE AGENCIES. UNDER NO CIRCUMSTANCE SHALL DEWATERING DRAINAGE BE DISCHARGED INTO A SANITARY SEWER.

- COMPLETED.

WITHIN THE WORK AREA.

9. INSTALL RIP-RAP AT OUTFALL OF EXISTING DRAINAGE PIPE.

ROUTE MEETS THE BANK DUE TO MULTIPLE TRIPS IN AND OUT OF THE BANK WHILE REMOVING SEDIMENT.

FORBS MIX SEED ALONG ROUTE USED FOR PROPOSED WORK.



D S E	urveying & ngineering						
Framiı Boston ●	ngham Worcester						
1071 Worcester Road Framingham, MA 01701							
508-87 www.DGTas	9-0030 sociates.com						
APPLICANT NEO ORGANICS L 365 BOSTON POS SUDBURY, MA 01	LC ST ROAD, #184						
MINOR SITE PLAN RI MEDWAY PLANNING A DEVELOPMENT ROAD	EVIEW/SPECIAL PERMIT AND ECONOMIC						
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MINOR SI MARIJUANA SP GROUNDWATE DISTRICT SPE	TE PLAN & ECIAL PERMIT& R PROTECTION ECIAL PERMIT						
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BERT E. COREY CIVIL No. 48423 BROCESSIONAL ENTERING	DAVID W. HUMPHREY No. 33320 BOCESSION						
12/13/11	13 ym.						
3 BEC 12/13/19 2 BEC 10/24/19	PER FIRE DEPARTMENT COMMENTS PER TOWN & PEER REVIEW COMMENTS						
1 BEC 09/19/19 NO. APP DATE	PER TOWN COMMENTS DESCRIPTION						
DATE: AUGUST 6, 2	019						
SCALE: AS NOTED							
PROJECT TITLE:	AL BEC						
NEO CULTIVATION & MANUFACTURING							
4 MAR(CROAD						
MEDWAY, MASSA	ACHUSETTS 02053						
SITE DE	TAILS #1						
SHEET: 6 OF 8	<u> </u>						
PROJECT NO.: 25457	L-b						

SITE DATA

BUILDING AREA PAVEMENT & SIDEW TOTAL IMPERVIOUS OPEN SPACE & LANDSCAPED AREA **TOTAL LOT AREA**

THE TOTAL AREA OF DISTURBANCE OF 19,931 SQUARE FEET IS ASSOCIATED WITH THE PROPOSED CONCRETE PAD, PROPOSED FIRE ACCESS ROUTE, SITE DRAINAGE IMPROVEMENTS INCLUDING THE PROPOSED WORK WITHIN THE DRAINAGE DITCH, RE-GRADING OF SLOPE DOWN-GRADIENT OF THE EMPLOYEE PARKING AND WEST OF THE PROPOSED FIRE ACCESS ROUTE AND OFFICE HVAC PAD.

	PRE-DEVELOPMENT	POST-DEVELOPMENT
	29,718 SF (10.2 %)	29,718 SF (10.2 %)
VALKS	38,294 SF (13.2 %)	46,213 SF (15.9 %)
;	68,012 SF (23.4 %)	75,931 SF (26.1 %)
	222,872 SF (76.6 %)	214,953 SF (73.9 %)
	290,884 SF (100.0 %)	290,884 SF (100.0 %)

AREA OF DISTURBANCE = 19,931 SF (6.9 %)

* NOTE: THE AREAS USED FOR THE LAND DISTURBANCE CALCULATION ARE BASED ON ON THE AREAS DISCUSSED AT THE CONSERVATION COMMISSION HEARING ON 9/26/19. AREAS NOT COUNTED TOWARDS THE LAND DISTURBANCE CALCULATION PREVIOUSLY INCLUDED ARE THE STAGING AREAS WITHIN THE PAVED PARKING LOT AREA, THE RE-PAVING / RE-GRADING ASSOCIATED WITH THE EXISTING PAVED EMPLOYEE PARKING LOT AND CONCRETE WALKWAY REVISIONS FOR HANDICAP ACCESSIBILITY, AND THE AREA USED FOR TEMPORARY STOCKPILING OF SEDIMENT TO BE REMOVED FROM THE DRAINAGE DITCH.

SCALE: 1" = 40'

	DGT Associates Surveying & Engineering
	Framingham Boston
	1071 Worcester Road
	Framingham, MA 01701 508-879-0030
	www.DGTassociates.com
	ISSUED FOR: CONSERVATION
	REVIEW
	2 12/13/19 FIRE DEPT. COMMENTS
	110/22/19PEER REVIEW COMMENTSNO.APPDATEDESCRIPTION
	DATE: SEPTEMBER 27, 2019
	DRAFTED: CHECKED: APPROVED: JAL BEC
	PROJECT TITLE:
	NEO CULTIVATION &
WP.dwg	4 MARC ROAD MEDWAY, MASSACHUSETTS 02053 SHEET TITLE:
to/-tng	LAND DISTURBANCE
+C2/ DWU	AREA PLAN
10402/5	SHEET:
rison Job.	1 OF 1 EXHIBIT
20	25457

© 2019 BY DGT ASSOCIATES

September 11, 2019 (revised October 4, 2019) (revised October 24, 2019) (revised December 16, 2019)

Ms. Bridget Graziano Medway Conservation Agent Medway Town Hall 155 Village Street Medway, MA 02053

Re: Neo Alternatives, LLC Stormwater & Land Disturbance Review 4 Marc Road Medway, Massachusetts

Dear Ms. Graziano:

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 Conservation Commission (Commission). The proposed Project is located at existing developed site at 4 Marc Road in Medway, MA. Proposed Project includes construction of a 3,000 s.f. equipment pad and the modifications of the existing drainage system and rehabilitation of the existing drainage outlet swale located on-site.

TT is in receipt of the following materials:

- A plan (Plans) set titled "NOI Site Plan, 4 Marc Road, Medway, Massachusetts 02053 for Neo Alternatives, LLC", dated July 25, 2019, prepared by DGT Associates Surveying & Engineering (DGT).
- A Notice of Intent (NOI) cover letter dated July 25, 2019, prepared by DGT.
- A stormwater management report (Stormwater Report) titled "Stormwater Management Design and Runoff Calculations Report", dated July 25, 2019, prepared by DGT.
- A site narrative titled "Notice of Intent Narrative", dated July 25, 2019, prepared by DGT.

The Plans and accompanying materials were reviewed for conformance with the Massachusetts Department of Environmental Protection's (MA DEP) Stormwater Standards (Standards) and appurtenant Stormwater Handbook (Handbook), Town of Medway Article 26 – Stormwater and Land Disturbance Bylaw (Stormwater Bylaw), applicable Town Stormwater Regulations (Regulations) and good engineering practice. Review of the project for zoning and site related issues was not completed as these reviews are conducted by separate town permitting authorities.

TT 10/4/19 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 "NOI Site Plan, 4 Marc Road, Medway, Massachusetts 02053 for Neo Alternatives, LLC", dated July 25, 2019, prepared by DGT Associates Surveying & Engineering (DGT).
- A stormwater management report (Stormwater Report) titled "Stormwater Management Design and Runoff Calculations Report", dated July 25, 2019, prepared by DGT.
- A Response to Comments letter dated September 26, 2019, prepared by DGT.
- A Land Disturbance Permit Application dated September 19, 2019, prepared by DGT.

• Pipe flow calculations dated September 13, 2019, prepared by DGT.

The revised Plans and supporting information were reviewed against our previous comment letter (September 11, 2019) and comments have been tracked accordingly. Text shown in <u>gray</u> represents information contained in previous correspondence while new information is shown in <u>black</u> text.

TT 10/24/19 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 "NOI Site Plan, 4 Marc Road, Medway, Massachusetts 02053 for Neo Alternatives, LLC", dated July 25, 2019, prepared by DGT Associates Surveying & Engineering (DGT).
- A plan titled "Land Disturbance Area Plan", dated September 27, 2019, revised October 22, 2019, prepared by DGT.
- Backup calculations for the stormwater management report (Stormwater Report) which include capture area adjustment related to stormwater recharge, pipe flow calculations and swale capacity.
- A Response to Comments letter dated October 23, 2019, prepared by DGT.

The revised Plans and supporting information were reviewed against our previous comment letter (October 4, 2019) and comments have been tracked accordingly. Text shown in <u>gray</u> represents information contained in previous correspondence while new information is shown in <u>black</u> text.

TT 12/16/19 Update

The Applicant has supplied TT with a revised submission since our previous letter. The Site Plan was revised to include a paved fire lane adjacent to the proposed equipment pad location for access to the equipment pad in the event of a fire emergency. The lane will also be used by the Applicant to gain access to the equipment for regular maintenance. Since the lane will be paved, it required modification to the proposed stormwater mitigation at the site and thus required revision to the Stormwater Report has been submitted by the Applicant. The Applicant has supplied the following documents as part of this latest submission:

- A plan (Plans) set titled "Permit Site Plan, 4 Marc Road, Medway, Massachusetts 02053 for Neo Organics, LLC", dated August 6, 2019, revised December 13, 2019, prepared by DGT.
- A plan titled "Land Disturbance Area Plan" dated September 27, 2019, revised December 13, 2019, prepared by DGT.
- A stormwater management report (Stormwater Report) titled "Stormwater Management Design and Runoff Calculations Report for 4 Marc Road", dated July 25, 2019, revised December 13, 2019, prepared by DGT.

The Plans and accompanying materials were reviewed for conformance with the Massachusetts Department of Environmental Protection's (MA DEP) Stormwater Standards (Standards) and appurtenant Stormwater Handbook (Handbook), Town of Medway Article 26 – Stormwater and Land Disturbance Bylaw (Stormwater Bylaw), applicable Town Stormwater Regulations (Regulations) and good engineering practice. Text shown in gray represents information contained in previous correspondence while new information is shown in <u>black</u> text.

STORMWATER REVIEW

MA DEP Stormwater Standards

- Please provide total area of disturbance on the plans including areas of clearing, staging areas, temporary construction impacts, and repaving (including area required to install the proposed CDS units) associated with the proposed work. Furthermore, the Applicant shall provide information related to construction term bmp maintenance procedures and contact information for responsible party for inspection and maintenance of the erosion controls. (Standard 8)
 - DGT 9/26/19 Response: The total area of disturbance is 29,636 square feet which exceeds a 20,000 square feet threshold. Therefore, a Land Disturbance Application has been filed with the Medway Conservation Commission.

Performance standards for erosion and sediment controls, as well as construction period maintenance, are included in the plans. Based on a site walk with the Conservation Commission Chairman, the existing stormwater drainage network will need to be flushed/cleaned, and a note specifying that the contractor will be responsible for this work has been included in the plans.

A general contractor and site contractor have not been selected at this time. Prior to any site construction, NEO Organics LLC, 365 Boston Post Road, Sudbury, MA 01776 will submit to the Town of Medway contact information for the party responsible for inspections and maintenance of the erosion and sedimentation controls.

- TT 10/4/19 Update: See "Additional Comments" section below related to the Land Disturbance Bylaw.
 - DGT 10/23/19 Response: Per discussion at the Conservation Commission Hearing on September 26, 2019 the Total Are of Land Disturbance Calculation was revised. The revised calculation shows 18,435 square feet of land disturbance as shown on the Exhibit Plan dated 9/27/19. The total area of Land Disturbance is below 20,000 square feet and therefore a Land Disturbance Permit is not required.

(Postscript: The Total Area of Disturbance has been updated due to newly proposed work to provide 200' sight distance per comments received from Tetra Tech through the Planning and Economic Development Board. The new Total Area of Disturbance is 18, square feet. A revised Land Disturbance Area Plan dated 10/22/19 is attached with this letter)

- TT 10/24/19 Update: Comment resolved. Project does not meet the thresholds for requiring the Land Disturbance Permit.
- 2. We anticipate additional fiber log protection may be required in the "drainage ditch maintenance area" to prevent erosion in the ditch prior to final stabilization. (Standard 8)
 - DGT 9/26/19 Response: An additional row of fiber logs has been added to the plans. In addition, the performance standards for erosion and sediment controls, which are included in the plans, specifies that the contractor is to maintain controls until upgradient areas are stabilized.
 - TT 10/4/19 Update: Comment resolved.

Town Stormwater Regulations (Ch. 200 §205-4)

- 3. The Applicant has not provided pipe sizing calculations for the piping proposed. (Ch. 200 §205-4.E.1)
 - DGT 9/26/19 Response: Pipe size calculations have been submitted.
 - TT 10/4/19 Update: The Applicant has not supplied backup information for the runoff rates used in the roof drain pipe calculations, these rates were not able to be derived from the HydroCAD provided. Additionally, it appears incorrect flow rate was used in calculation for the 6" pvc connection from the concrete pad to WQU #1, calculation shows 0.045 cfs (cfs is inferred, no flow rate units provided in calculation sheet) and the HydroCAD shows 0.45 cfs for the P-1b Catchment in the 25-year event. We do not anticipate issues with the piping but this information should be provided for the record.
 - DGT 10/23/19 Response: Pipe flow calculations using the rational method are attached with this letter.
 - TT 10/24/19 Update: Comment resolved.

Town Stormwater Management and Land Disturbance Bylaw Review (Article 26)

- 4. See Comment 1. However, we anticipate the total project disturbance is less than the minimum 20,000 sf of disturbance required for administrative review. The Applicant has provided a Stormwater Report and appurtenant design calculations reflecting storm depths from current NOAA Atlas 14 precipitation frequency estimates and an Erosion & Sediment Control Plan which appear to address any potential concerns for erosion during construction.
 - DGT 9/26/19 Response: See 1 above.
 - TT 10/4/19 Update: See "Additional Comments" section below related to the Land Disturbance Bylaw.
 - DGT 10/23/19 Response: See response to item #1 above.
 - TT 10/24/19 Update: Comment resolved.

GENERAL STORMWATER COMMENTS

- 5. It appears approximately half of the proposed concrete pad is located at or downgradient of the surrounding grade which will allow runoff from the slope to the west of the pad to discharge to the area drains. We recommend the Applicant provide a section or more detailed information to confirm relation of the proposed pad to the nearby grade. If runoff (on-site and off-site) can enter the pad it should be included in the HydroCAD model discharging to the Cultec system.
 - DGT 9/26/19 Response: A wide, shallow swale was added adjacent to the proposed concrete pad to direct stormwater runoff away from the pad. The swale collects any possible runoff from land adjacent to the north and west of the proposed concrete pad and directs it away from the pad. This has been added to the plans.
 - TT 10/4/19 Update: We recommend the Applicant include the proposed swale in the HydroCAD analysis to confirm capacity and determine proposed runoff being directed to the existing catch basin located adjacent to the northwest corner of the building. Additionally, areas outside of the limit of the property that are tributary to site stormwater controls should be included in the analysis.
 - DGT 10/23/19 Response: The proposed grass lined swale has been incorporated in the HydroCAD model. A printout of the model (included with this letter) shows the capacity of the swale to be greater than 40 cfs. The sub catchment draining to the swale includes the upgradient wooded area, concrete pad, and the swale itself. For the 100-year storm event, the swale receives 0.71 cfs and experiences a maximum velocity of approximately 1 fps.

We walked the site on 10/16/19 to examine the sub catchment area that drains to the swale. The off-site cart path that runs along the west side of the site3 effectively directs runoff from the abutting property away from the subject property.

- TT 10/24/19 Update: Comment resolved.
- 6. We anticipate potential drainage issues along the western side of the building. We recommend the Applicant propose a swale or similar conveyance to ensure runoff from the slope to the west (on-site and off-site) does not channelize against the pad and building foundation and cause erosion. Additionally, additional detail or spot grades may be required to ensure runoff from the slope to the south of the building is not impeded by the proposed pad.

- DGT 9/26/19 Response: The swale mentioned above collects runoff from the west and immediate south of the concrete pad and directs it away from the pad.
 - TT 10/4/19 Update: Comment resolved.
- 7. Provide detail of proposed cleanout at downstream end of the Cultec system.
 - DGT 9/26/19 Response: A detail of the proposed cleanout to be located downstream of the Cultec system has been added to the plans.
 - TT 10/4/19 Update: Comment resolved.

ADDITIONAL COMMENTS

MA DEP Stormwater Standards

- 8. The Applicant shall provide a capture area adjustment related to recharge of the proposed impervious areas. The proposed parking improvements are not directed to the proposed recharge system. The proposed recharge area appears to be sufficient, but the calculation should be provided for the record. (Standard 3)
 - DGT 10/23/19 Response: Capture area adjustment calculations related to the recharge volume required from the increase in impervious surfaces are included with this letter. The proposed recharger system is sized to adequately handle the adjusted recharge volume.
 - TT 10/24/19 Update: Comment resolved.

Town Stormwater Management and Land Disturbance Bylaw Review (Article 26)

- TT 10/24/19 Update: The proposed Project does not require the Land Disturbance Permit and therefore these items no longer apply.
- 9. The Applicant shall confirm that erosion controls proposed can accommodate a 100-year storm event, particularly related to fiber log placed directly on paved areas. (§26.7.2.c)
- 10. We recommend additional silt sack be proposed in the catch basin adjacent to the intersection of the site driveway with Marc Road. (§26.7.2.e)
- 11. The Applicant has not provided detail related to preventing tracking of sediment to Marc Road. (§26.7.2.i)
- 12. We recommend the Applicant relocate stockpile area away from the catch basin proposed within the stockpile area limits. We anticipate the silt sack in this area will not operate as intended and will require greater frequency of maintenance. If stockpile area must remain, we recommend placing additional fiber logs or crushed stone berm around the catch basin grate to further protect from sediment intrusion. (§26.7.2.k)
- 13. The Applicant shall include the information provided in Section 26.7.3 on the Erosion and Sediment Control Plan. Proposed grading, limits of disturbance, laydown areas, limits of sawcutting and repaving, etc. have not been shown on the plan and the plan is lacking any information related to the requirements of the Bylaw. (§26.7.3)
- 14. The Applicant shall provide narrative related to compliance with Section 26.8.3.c. (§26.8.3.c)
- 15. We recommend the Applicant provide narrative related to this permit in the stormwater report as the plan and documentation related to stormwater must be recorded at the Registry of Deeds. (§26.8.4)

ADDITIONAL COMMENTS

- 16. The Applicant increased capacity in the proposed subsurface recharge system from 8 chambers to 20 chambers to accommodate increased runoff generated from the addition of the proposed fire access lane. The system is designed to mitigate the 100-year event and no increase in runoff as compared to existing conditions is proposed. Recharge has also been recalculated and appears to meet the standard along with the remaining Standards. No further action required for this item.
- 17. The project disturbs approximately 19,931 sf of site area, falling below the threshold of applicability for review under the Town Stormwater Management and Land Disturbance Bylaw. No further action required for this item.

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 bouley

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

P:\21583\143-21583-19017 (CC 4 MARC RD)\DOCS\4MARCRD-CCREV(2019-12-16).DOCX

Susan Affleck-Childs

From:	Jeff Lynch
Sent:	Thursday, December 12, 2019 11:17 AM
То:	Susan Affleck-Childs; Mike Fasolino
Cc:	Jaime Lewis; Bert Corey
Subject:	RE: 4 Marc Road - REVISED PLAN

Susy, The FD is good with the 4 Marc Road fire lane plan. Thanks. Chief Lynch

From: Susan Affleck-Childs
Sent: Wednesday, December 04, 2019 12:54 PM
To: Jeff Lynch <ChiefLynch@townofmedway.org>; Mike Fasolino <mfasolino@townofmedway.org>
Cc: Jaime Lewis <jlewis@neoalts.com>; Bert Corey <bcorey@dgtassociates.com>
Subject: FW: 4 Marc Road - REVISED PLAN

Hi Jeff and Mike,

See attached revised plan for 4 Marc Road to address the Fire Department's concerns as discussed Monday morning.

Please review and advise if this is acceptable as presented.

Thanks.

Susy

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

From: Bert Corey [mailto:bcorey@dgtassociates.com] Sent: Wednesday, December 04, 2019 9:12 AM To: Susan Affleck-Childs Subject: RE: 4 Marc Road

Hi Susan,

Attached are the documents. If anyone has any questions, please don't hesitate to contact me. Thanks so much, Bert

Bert E. Corey, P.E. Engineering Group Manager DGT Associates (formerly Schofield Brothers) **DGT Associates** Surveying & Engineering

Framingham / Boston / Worcester 1071 Worcester Road Framingham, MA 01701

Office: 508-879-0030 x 224 www.dgtassociates.com

From: Susan Affleck-Childs [mailto:sachilds@townofmedway.org]
Sent: Wednesday, December 04, 2019 8:32 AM
To: Bert Corey <<u>bcorey@dgtassociates.com</u>>
Subject: 4 Marc Road

Hi Bert,

Thanks so much for attending last night's PEDB meeting and explaining the revisions to the Board about the fire lane around the west side of the building and the modifications to the drainage system to accommodate the increased stormwater runoff.

Please forward the handouts you distributed last night to me asap. I want to forward them to Steve Bouley and Bridget Graziano.

Thanks.

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

From: Lally, John - 0666 - MITLL [mailto:jlally@ll.mit.edu] Sent: Thursday, December 05, 2019 2:33 PM To: Susan Affleck-Childs Subject: Tom Email Follow Up

Hi Susy,

As mentioned at the last PEDB meeting on 03Dec2019, I wanted to provide some follow up to Tom's email. This email and attachments are that follow up. I respectfully request that you please include this email and attachments in the public record associated with the 4 Marc Rd permit application(s) and also make available to the Planning and Economic Development Board and anyone else as you see fit.

I want to thank Tom again for his thoughtful email, it was helpful to see things from a different perspective.

Below is a list of sentence fragments from Tom's email where he expressed concerns, and beneath each is my attempt to address them.

The original email from Tom is attached with the below sentence fragments highlighted with superscripted numbers added that correspond to the item numbers in the list below:

1.) "...<u>concerns about holding the applicant to impossible conditions</u>..."

- a. In my email of 26Nov2019 in 3.c) I offered a condition for the boards consideration that allows for the facility to generate noise at its westerly property line up to the maximum limit of the generally accepted suburban range. This seems not only possible but very reasonable given the facilities proximity to residential areas.
- b. I have no issues with the predicted noise levels along the facilities easterly, southerly, and northerly property lines and therefore I have not offered any noise level conditions applicable to those areas. Assuming of course the one predicted exceedance at PL14(500Hz) is addressed.

2.) "...achieve near silence at 15', no increase in ambient noise nor elimination of the inherent properties of sound..."

- a. Per Acentechs community sound level characterization on the Town's website and presented to the board on 13Nov2018 (see attached), nighttime community sound levels in the Neo facility area are in the suburban bordering on rural range.
- b. In my email of 26Nov2019 in 3.c) I offered for the boards consideration a condition that would provide for <u>increasing</u> noise levels to:
 - i. <u>At the facilities westerly property line</u> to the Generally accepted Overall Suburban maximum.
- c. In my email of 26Nov2019 in 3.d) I offered for the boards consideration a condition that would provide for Noise levels <u>during Nighttime hours at the AR1 Zone setback along facilities</u> <u>westerly property line (i.e. most likely bordering area to be developed with residences) up to</u> 30dBA.
 - i. This is the during Nighttime hours noise level at nearest residences recommended by Acentech, the applicants noise consultant. See highlighted sentence under Table I, on Pg1 of the attached letter from Acentech of 25Sep2019.
 - ii. Because this was recommended by the applicants consultant I assumed this to be reasonable.
- d. The AR1 Zone minimum setback is 15ft. Per the applicants site plan, 15ft onto our property looks to be well over 100ft from the nearest Neo Noise source. This provides for considerable attenuation distance.
 - i. I examined the proposed sound mitigation improvements by CommCan for the 2 Marc Rd facility. The concrete slab for the sound enclosure is shown as 24ft from the property line and the predicted noise levels at the closest property line (PL03) is 39dBA. See CommCan modeling results attached.
 - 1. After seeing the CommCan improvements it's difficult to accept that Neo with ~4x the distance to its westerly property line than CommCan and with quieter noise sources finds it unreasonable to satisfy a noise limit of the generally accepted suburban maximum at their westerly property line.

3.) "...based on the nature of sound, I don't see a path to requiring them to eliminate it ..."

a. I have no expectation that sound from the facility will be eliminated, and recognize any condition requiring the applicant to do so would be unreasonable.

4.) "...Both sides seem to have "absolute" positions ... "

- a. I took it for granted that the during Nighttime hours noise level at nearest residences of 30dBA recommended by Acentech is reasonable. I recognize 30dBA is on the low end of the suburban range bordering on rural. I am certainly open to considering reasonable alternatives.
- b. However, I find it very difficult to accept that raising the noise level at my families property line into the urban range will not be detrimental to me and my families property, nor create an adverse economic impact to me and my family. Each of which the board must find will not happen, yet:
 - i. If the decision is conditioned only to comply with the current Town of Medway Noise Performance standards then, PL04 & PL05 along our property line are predicted to reach the urban level. See Table V on last page of Acentechs letter attached.
 - ii. And PL03 & PL06 along our property line will also reach the urban level when +3dB of uncertainty is added. +3dB was identified by the Towns noise consultant as a constituent factor of prediction uncertainty, there may be additional uncertainties.

5.) "...<u>language supported by the bylaw</u>..."

- a. I acknowledge that conditions 3.c) & 3.d) offered in my email of 26Nov2019 are deviations from the noise performance standards in section 7.3 of the Medway Zoning Bylaw.
- b. However, as discussed during the CommCan 2 Marc Rd permitting process, and as I recall confirmed by the Boards Planning Consultant, under the special permit provisions the board

may impose more stringent requirements than those specified in section 7.3 Environmental Standards of the Bylaw, provided they are reasonable and not arbitrary nor capricious.

- i. For the reasons set forth above, and described in my prior emails and my testimony at public hearings I submit that conditions 3.c) & 3.d) offered in my 26Nov2019 email are: reasonable, not arbitrary nor capricious, and therefore fall within the boards authority to attach to the Neo Special Permit decision.
- c. And on the "flip-side", if the decision as conditioned allows for elevated noise levels into the urban range along our property line that would seem to conflict with the following sections of Medway's Zoning Bylaw which provide protections for abutters and the surrounding neighborhood from RME's:
 - i. 8.10.A
 - ii. 8.10.H
 - iii. 8.10.J.6.i
 - iv. 8.10.J.7.f (This calls for reasonably appropriate conditions. Conditions allowing for urban level noise along a residential property line in Medway I don't think would be appropriate nor reasonable.)

6.) <u>"...I don't know that we have grounds to support what he wants..."</u>

- a. Beyond the detrimental and adverse impacts to my family's property and me, there's also the potential detrimental impacts to the Medway community as a whole that elevated noise levels at our property line may cause. It seems reasonable to expect that for the following reasons elevated noise levels at our property line will put in jeopardy the future development of moderately priced housing stock in the town of Medway. Which I would think would be a detrimental impact to the community.
 - i. Due to its proximity to the East Industrial park and the Brentwood neighborhood (one of the more dense neighborhoods in Medway), it's likely that our property is more suitable for moderately priced residences than the large expensive residences typically found in the AR1 zone in Medway.
 - ii. Moderately priced housing in Medway, especially new construction is a scarce commodity.
 - iii. It would be a shame for the community to lose moderately priced residences due to elevated noise levels caused by the Neo facility that could have been prevented by attaching conditions to the decision that limits noise to more reasonable levels than what are provided for in section 7.3 of the Medway Zoning Bylaw.
- b. It would seem the above could be considered as additional grounds to support more reasonable noise levels at our property line than what is provided for in 7.3 of the Bylaw.

Respectfully Submitted, John Lally 35 Coffee Street Medway, MA 02053

Susan Affleck-Childs

From:
Sent:
To:
Subject:

tag70c3 <tag70c3@verizon.net> Wednesday, November 20, 2019 8:09 AM Susan Affleck-Childs; Andy Rodenhiser 4 Marc Rd sound

Susy & Andy,

At our last meeting concerning 4 Marc Rd, specifically sound, a couple of things started to become clearer to me. Participating remotely enabled me to concentrate on the charts and numbers while listening to both the applicant and abutting property owners.... without the "noise" of the room it was much easier to understand the numbers and put in perspective with what was being said, as well as with the details of the current bylaw.

While sympathetic to the neighbors I also have ¹concerns about holding the applicant to impossible conditions or expectations....

What dawned on me is that when it comes to sound we have a similar (not same) situation as with light. With light we have a "0" measurement for spillage at the property line.... however, we always caution people that they will still see the source. Due to the nature of light you will see the source and it will diminish with distance. Sound is different but ultimately similar. We currently require that sound not exceed a certain level at the property line. While that level is not "0" it is measurable and attainable, however, accepting that level is not silent you will still hear the sound beyond the property line and it will diminish with distance.

Listening to John Lally (realizing he has done a lot to educate himself on the nature of sound) speak about his family property, as well as what he wants measured (and where) it struck me as apparent that the current bylaw, even with its recent interpretations for measurement and changes, does not

support his demand.... in other words, ⁶I don't know that we e have grounds to support what he wants. With the bylaw allowing for noise to exist, i see no way to ²achieve near silence at 15`, no increase in ambient noise nor elimination of the inherent properties of sound.

On the other side of the coin we have an applicant who is also well versed in sound. That applicant also exhibited a strong understanding of the current bylaw, it's current interpretations and what to do

to achieve the specifics. While we may be able to urge them to do better, ³based on the nature of sound, I don't see a path to requiring them to eliminate it.

We are faced with managing expectations within the context of the bylaw and it's current

specification. ⁴Both sides seem to have "absolute" positions and I fear if we stay from the currents bylaw and the licensed experts interpretations we will be in a position for challenge from both sides. I don't know that we can achieve a decision that each side views as reasonable. Change is immanent and this is a classic case of residential/industrial collision.... I'm not sure what language can be applied to minimize it.

The trick will be to include ⁵language supported by the bylaw so the applicant does not challenge as unreasonable while while convincing abbuters that there expectations are being managed to the best extent possible.

Thanks for listening..... I will be home this weekend and happy to discuss in more detail on Monday if desired.... could potentially be available by phone later today or tomorrow.

See you next week....

TAG

Sent from my Verizon, Samsung Galaxy Tabletrts

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

September 25, 2019

Jaime Lewis Neo Organics 635 Boston Post Road #184 Sudbury, MA 01776

Phone 415-519-1063

Subject Noise Mitigation Plan Neo-Organics Cannabis Cultivation Facility – Medway, MA Acentech Project No. 632403

Dear Jaime,

Neo-Organics has retained Acentech to conduct a study of community noise produced by mechanical equipment serving proposed cannabis cultivation and processing facility located at 4 Marc Road in Medway, Massachusetts (the facility). Acentech has worked with Neo-Organics to develop this Noise Mitigation Plan, which is required as part of the Town of Medway's Special Permit Process. This Noise Mitigation Plan has been reviewed by an acoustical consultant whose qualifications include Institute of Noise Control Engineering (INCE) board certification.

We have reviewed project drawings and sound data for submitted noise-producing equipment to develop a community noise model. From the results of this modeling, we have developed concept noise-control recommendations.

PROJECT NOISE REQUIREMENTS OF THE TOWN OF MEDWAY

The Medway noise ordinance as currently written has outdated octave-band limits. The Town of Medway and their noise peer review consultant (NCE, Billerica, MA) have estimated corresponding limits in the current octave-bands in connection with another nearby facility, and we have referred to these estimates to facilitate our work. The daytime and nighttime noise limits from the ordinance in modern octave bands are shown below in TABLE 1. The daytime noise limits are 5 dB greater than the nighttime limits. We understand the noise ordinance to be applicable at the <u>source</u> property lines.

TABLE I. Medway Noise Ordinance										
Octave-band center frequency (Hz)	63	125	250	500	1000	2000	4000	8000		
Nighttime	67	55	48	42	38	35	32	28		
Daytime	72	60	53	47	43	40	37	33		

Our current engagement does not include review of facility sound in connection with the noise policies of the MassDEP, but based on our experience, we recommend that noise levels at the nearest residences should not exceed ~30 dBA during nighttime hours. Further, MassDEP has a noise policy preventing tonal noise. Determining compliance with the tonal requirements was not within the scope of our study.

COMMUNITY NOISE MODELING

Model Description

We have developed a computer model of facility sound using CadnaA, an acoustic modeling software that considers 3-dimensional propagation of sound. This model implements the methods and equations of ISO 9613-2 "Attenuation of sound during propagation outdoors -- Part 2: General method of calculation". FIGURE 2 presents the receptor locations used in computer modeling.

The facility has noise-producing equipment located on grade that includes a 300 kw generator, a transformer, air handling units, and condensing units. In addition, there are two rooftop exhaust fans. The mechanical equipment is identified in FIGURE I. The sound power levels of the equipment are given in TABLE II below. APPENDIX A includes the sound data sheets from the manufacturers. Currently, we have assumed that all equipment, except the generator, will run at all hours at maximum capacity.

	t sound	powerie			inputer n	loueiing			
Description	Sound power level (dB re: 1pW)								
Octave-band center frequency (Hz)	63	125	250	500	1000	2000	4000	8000	dBA
300 kw Generator*	83	89	91	96	96	91	86	81	99
Exhaust Fan (EF-X)	80	77	76	68	64	63	59	53	72
Air Handling Unit (AHU-1)	89	97	94	92	89	83	79	75	94
Ground mounted unit (GRTU-1)	89	85	87	81	79	78	73	62	85
GPod Condenser Small (GPCU-1)	73	74	69	68	66	62	56	52	71
GPod Condenser Large (GPCU-2)	38	55	56	60	62	61	52	49	66
Trane Condenser (CU-1)**	65	62	59	56	53	50	47	44	59
Trane Condenser (DCU)**	56	53	50	47	44	41	38	35	50
Mitsubishi Condenser (CU-2)**	65	62	59	56	53	50	47	44	59

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TABLE II. Equipment sound power levels used in computer modeling

* We have assumed daytime maintenance testing only.

**Octave band data unavailable, assumed spectrum.

*** Sound data estimated based on NEMA rating.

Model Results, No Noise Controls

2000 kVA Transformer***

Based on our baseline computer model (as designed, no noise mitigation), we expect that the proposed equipment will *not* comply with the Medway noise ordinance at all facility property lines (see APPENDIX B, Table IV).

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Noise Control Recommendations

A partial contribution analysis of the noise-producing equipment revealed that the most significant noise sources are the GRTUs and AHUs. To mitigate the noise from these sources, we recommend placing barriers, identified in FIGURE 3, around the sources (3 m tall barriers for GRTUs, 4.5 m tall barriers for AHUs). We also recommend that you select a generator and enclosure that meets the criteria 64 dBA at a distance of 7 m.

Model Results, Noise Controls

TABLE III summarizes the calculated noise levels at the property lines with noise control applied. The estimated sound levels created by MEP equipment are all below the octave-band provisions of the Medway noise regulation.

However, our model predicts that the transformer will exceed the criteria by 1 dB in the 500 Hz octave band at one property line receptor. We have used generic estimates of transformer sound power levels based on the estimated NEMA rating and surface area. The 1 dB exceedance is within the uncertainty of our model, which we can refine upon receipt of more representative sound data.

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It is possible that some equipment will have reduced fan speeds during nighttime operation, leading to reduced sound levels. Currently, we have assumed that all equipment, except the generator, will run at all hours at maximum capacity. Nighttime sound data for major equipment could influence the following noise control recommendations.

	<u> </u>				<u> </u>	<u> </u>		1 /
Receptor	63	125	250	500	1000	2000	4000	8000
PL01	45	51	45	42	37	29	23	<20
PL02	45	46	41	39	35	29	23	<20
PL03	42	39	39	35	32	29	21	<20
PL04	47	44	45	39	37	35	28	<20
PL05	49	45	47	40	37	35	29	<20
PL06	42	38	39	35	32	29	20	<20
PL07	37	32	32	29	26	22	<20	<20
PL08	34	34	29	25	24	<20	<20	<20
PL09	36	40	36	31	26	20	<20	<20
PL10	37	40	37	32	27	21	<20	<20
PL11	40	45	40	36	31	24	<20	<20
PL12	42	47	42	38	32	25	<20	<20
PL13	41	46	41	37	31	24	<20	<20
PL14	48	52	47	43	38	31	26	<20
Medway Noise Ordinance	67	55	48	42	38	35	32	28

TABLE I	I. Estimated nighttime	octave-band sound	d levels at facilit	v property lines	(dB re: 20 uF	Pa)
	1. Eounatoa mgritamo			y proporty miloo	(ab 10. 20 pi	<i>u</i> ,

Full modeling results with and without mitigation are shown in APPENDIX B.

* * * * *

I trust this memo provides the information you need at this time. Please contact us if you have any questions or comments.

Sincerely,

Andy Carballeira, INCE Bd Cert Senior Consultant 617-499-8025

lp la

Alex Odom Consultant 617-499-8027

CC: Alex Odom (Acentech) Encl: FIGURES APPENDIX A: Manufacturer Noise Data APPENDIX B: Modeling Results

FIGURES

FIGURE 1. Facility Mechanical Plan

FIGURE 2. Computer model receptor points on source property line and beyond

FIGURE 3. Recommended Noise Control Solutions, Barriers shown in Orange around GRTUs and AHUs

APPENDIX A MANUFACTURER NOISE DATA

LEVEL 2 ACOUSTIC ENCLOSURE SD300 10.3L FPT

DISTANCE: 7 METERS

MICROPHONE		OCTAVE BAND CENTER FREQUENCY (Hz)								
LOCATION	31.5	63	125	250	500	1000	2000	4000	8000	dB(A)
FRONT	45.9	57.9	62.8	67.0	73.2	71.6	65.6	64.9	60.7	77.1
RIGHT	43.9	61.4	64.9	67.3	70.7	73.0	68.8	62.7	58.1	77.1
REAR	40.1	55.9	62.1	65.2	68.1	68.2	61.7	54.9	49.2	73.1
LEFT	41.5	58.9	65.7	64.9	71.4	70.8	66.9	60.1	56.2	76.0
AVERAGE	42.9	58.5	63.9	66.1	70.9	70.9	65.7	60.6	56.0	75.8

	60Hz FULL-LOAD DATA, dB(A)						DISTA	NCE: 7 M	ETERS	
MICROPHONE		OCTAVE BAND CENTER FREQUENCY (Hz)								
LOCATION	31.5	63	125	250	500	1000	2000	4000	8000	dB(A)
FRONT	46.9	58.3	64.5	68.6	73.1	69.1	67.5	65.2	61.3	76.9
RIGHT	44.0	60.6	66.4	67.8	72.4	70.8	69.2	64.9	61.6	77.3
REAR	41.9	57.4	62.7	65.0	68.6	65.5	60.7	56.2	53.9	72.6
LEFT	43.4	60.6	66.6	65.4	71.5	67.6	64.7	61.2	60.4	75.3
AVERAGE	44.0	59.2	65.1	66.7	71.4	68.2	65.5	61.9	59.3	75.6





1. All positions at 23 feet (7 meters) from side faces of generator set.

2. Test conducted on a 100 foot diameter asphault surface.

3. Sound pressure levels are subject to instrumentation, installation and testing conditions.



Job Name: Clover Prepared By: Impact Engineering Unit Tag: 15 Ton Quantity: 1

Trane Voyager Gas/Electric Packaged Rooftop

Unit Overview - YHD180G4RHB**00B1A10000000000000000000000000000000										
Application	Unit Size	Supp	ly Fan	External Dimensions (in.)		r Fan External Dimensions (in.) Weight		ght	EER	IEER/SEER
Gas/Electric	15 Ton	Airflow	External Static Pressure	Height	Width	Length	Minimum	Maximum	12.1 EER	14.00
		6000 cfm	1.000 in H2O	66.250 in	84.188 in	121.688 in	2241.0 lb	2663.0 lb		

Unit Features

Panels/Filters Std panels/2" pltd filters MERV 8

Unit Electrical					
Voltage/phase/hertz	460/60/3				
MCA	33.00 A				
MOP	45.00 A				



Controls

Unit Controls Reliatel

Cooling Section			
Entering Dry Bulb 80.0	.00 F	Сара	acity
Entering Wet Bulb 67.0	.00 F	Gross Total	180.52 MBh
Ambient Temp 95.0	.00 F	Gross Sensible	142.17 MBh
Leaving Coil Dry Bulb 58.0	.06 F	Net Total	171.67 MBh
Leaving Coil Wet Bulb 57.3	.30 F	Net Sensible	133.32 MBh
Leaving Unit Dry Bulb 59.7	.77 F	Fan Motor Heat	8.85 MBh
Leaving Unit Wet Bulb 57.9	.96 F	Refrig Charge-circuit 1	13.0 lb
Refrigeration Syste	tem Options	Refrig Charge-circuit 2	8.5 lb
Leaving Dew Point 56.8	.82 F		

Heating Section

Heat Type	Gas
Heating Stages	2
Output Heating Capacity	280.00 MBh
Heating EAT	55.00 F
Heating LAT	98.01 F
Heating Temp Rise	43.01 F

Fan Section			
Indoor F	Fan Data	Outdoor	Fan Data
Туре	FC Centrifugal	Туре	Propeller
Drive Type	Belt	Fan Quantity	2
Indoor Fan I	Performance	Drive Type	Direct
Airflow	6000 cfm	Outdoor Fan	Performance
Design ESP	1.000 in H2O	Outdoor Motor Power	0.89 kW
Component SP	0.040 in H2O	Condenser Fan FLA	1.35 A
Total SP	1.058 in H2O	Exhaust Fan	Performance
Indoor Motor Operating Power	2.81 bhp	Exhaust Fan FLA	4.80 A
Indoor Motor Power	2.09 kW		
Indoor RPM	709 rpm		

Compressor Section				Access	Accessories				
Power 12.28 kW					Roof curb yes				
	Circuit 1 RLA 14.70 A								
Circuit 2 RLA 7.00 A									
Acoustics									
Sound Path	63 Hz	125 Hz	250 Hz	500 Hz	1 kHz	2 kHz	4 kHz	8 kHz	
Ducted Discharge	87 dB	82 dB	76 dB	79 dB	72 dB	70 dB	69 dB	63 dB	
Ducted Inlet	91 dB	82 dB	74 dB	70 dB	65 dB	60 dB	60 dB	53 dB	

92 dB

89 dB

83 dB

79 dB

94 dB

Outdoor Noise

89 dB

97 dB

75 dB



Model: AE-12-433-A4 Propeller Hooded Roof Direct Drive Exhaust Fan

Dimensional							
Quantity	1						
Weight w/o Acc's (lb)	41						
Weight w/ Acc's (lb)	43						
Max T Motor Frame Size	0						
Roof Opening (in.)	14.5 x 14.5						

Performance	ce
Requested Volume (CFM)	1,000
Actual Volume (CFM)	976
Total External SP (in. wg)	0.381
Fan RPM	1750
Operating Power (hp)	0.14
Elevation (ft)	663
Airstream Temp.(F)	75
Air Density (lb/ft3)	0.073
Tip Speed (ft/min)	5,498
Static Eff. (%)	43

Motor	
Motor Mounted	Yes
Size (hp)	1/4
Voltage/Cycle/Phase	115/60/1
Enclosure	ODP
Motor RPM	1750
Windings	1



Sound Power by Octave Band

 Juna I O II	er og	oetai	• 2 an								
Sound Data	62.5	125	250	500	1000	2000	4000	8000	LwA	dBA	Sones
Inlet	80	77	76	68	64	63	59	53	72	61	11.1

Notes: All dimensions shown are in units of in. *Please consult factory for actual motor amp draw LwA - A weighted sound power level, based on ANSI S1.4 dBA - A weighted sound pressure level, based on 11.5 dB attenuation per Octave band at 5 ft - dBA levels are not licensed by AMCA International Sones - calculated using AMCA 301 at 5 ft



Generated by: matt.impactengineering@gmail.com



Acoustic Analysis Report

Project

GRW

Date

September 13, 2019

Price Acoustic Analysis utilizes industry accepted algorithms and laboratory tested data. Sources include Chapter 48 of the 2011 ASHRAE Applications Handbook, AHRI, and HVAC acoustic algorithms. Only qualified design professionals should provide noise control recommendations. Price accepts no responsibility for the design of systems through the use of Price Acoustic Analysis.

PROJECT: LOCATION: DATE: REVISION: REP NAME: REP OFFICE: ENGINEER: CONTRACTOR:



General Unit Information:

Model: GRW

Tag: Unit 1

Casing: 0.08 Aluminum

Insulation Type: 3.5" Fiberglass

Liner: 0.08 Aluminum

Latent Fans: APM Size 27 Dual

Airflow: 22,000 CFM

TSP: 4.11 in.w.g.

Fan Speed: 1456 RPM

Sensible Fans: APD Size 355 Dual

Airflow: 4,070 CFM

TSP: 3.23 in.w.g.

Fan Speed: 2365 RPM

Compressors:

Qty 3 ZPDT31 Digital Tandem

Qty 3 ZPDT36 Digital Tandem

Cond Fans

Qty 6 33" fans, ~860 RPM, 10 degrees

Sound Analysis Definitions:

Sum = Logarithmic addition of sound sources less attenuation of components and adjustment for receiver distance.

Target = target sound pressure level at a specified distance

Current = A-weighted sound pressure (dBA) or sound power (LwA) level of the sum values

PROJECT:	GRW
LOCATION:	
DATE:	SEPTEMBER 13, 2019
REVISION:	



CONDENSER FANS

Element	63Hz	125Hz	250Hz	500Hz	1KHz	2KHz	4KHz	8KHz Commen	its
Condenser Fan 1	78	74	74	72	71	70	65	53	
Condenser Fan 2	78	74	74	72	71	70	65	53	
Condenser Fan 3	78	74	74	72	71	70	65	53	
Condenser Fan 4	78	74	74	72	71	70	65	53	
Condenser Fan 5	78	74	74	72	71	70	65	53	
Condenser Fan 6	78	74	74	72	71	70	65	53	
Receiver	-24	-24	-24	-24	-24	-24	-24	-24	
Sum	62	58	58	56	55	54	49	37	
Target:									
Current: 60 dBA									

Notes:

Sound data created by theoretical methods

Sound pressure calculated at a distance of 20 feet using a directivity factor (Q) of 2 assuming one reflective surface. The environment influences sound pressure, therefore dBA levels cannot be guaranteed.

LATENT FANS RADIATED

Element	63Hz	125Hz	250Hz	500Hz	1KHz	2KHz	4KHz	8KHz	Comments
Supply Fan - Dual	89	92	98	93	90	85	80	77	
Breakout - Cabinet Attenuation	-11	-15	-20	-31	-38	-40	-40	-40	Thermoshield Cabinet
Receiver	-24	-24	-24	-24	-24	-24	-24	-24	
Sum	54	53	54	38	28	21	16	13	
Target:									
Current: 46 dBA									
Nataa									

Notes:

Sound data created by theoretical methods



LATENT FANS AT FA INLET

Element	63Hz	125Hz	250Hz	500Hz	1KHz	2KHz	4KHz	8KHz	Comments
Supply Fan - Dual	83	88	96	87	81	79	75	72	Inlet
4 Row Coil	0	-3	-3	-5	-6	-6	-8	-8	
6 Row Coil	0	-3	-5	-5	-7	-7	-9	-8	
6 Row Coil	0	-3	-5	-5	-7	-7	-9	-8	
4" Panel Filter	0	-1	-1	-2	-1	-3	-4	-4	
Receiver	-24	-24	-24	-24	-24	-24	-24	-24	
Sum	59	54	58	46	36	32	21	20	
Target:									
Current: 51 dBA									
N.L									

Notes:

Sound data created by theoretical methods

Sound pressure calculated at a distance of 20 feet using a directivity factor (Q) of 2 assuming one reflective surface. The environment influences sound pressure, therefore dBA levels cannot be guaranteed.

SENSIBLE FANS RADIATED

Element	63Hz	125Hz	250Hz	500Hz	1KHz	2KHz	4KHz	8KHz	Comments
Sensible Fan - Dual	84	83	85	82	82	78	75	70	
Breakout - Cabinet Attenuation	-11	-15	-20	-31	-38	-40	-40	-40	Thermoshield Cabinet
Receiver	-24	-24	-24	-24	-24	-24	-24	-24	
Sum	49	44	41	27	20	14	11	6	
Target:									
Current: 35 dBA									
Notes:									

Sound data created by theoretical methods



SENSIBLE FAN AT FA INLET

Element	63Hz	125Hz	250Hz	500Hz	1KHz	2KHz	4KHz	8KHz	Comments
Sensible Fan - Dual	84	83	85	78	73	73	70	66	Inlet
4 Row Coil	0	-3	-3	-5	-6	-6	-8	-8	
4" Panel Filter	0	-1	-1	-2	-1	-3	-4	-4	
Receiver	-24	-24	-24	-24	-24	-24	-24	-24	
Sum	60	55	57	47	42	40	34	30	
Target:									
Current: 51 dBA	(NC 49 / RC 43)								
Notes:									

Sound data created by theoretical methods

Sound pressure calculated at a distance of 20 feet using a directivity factor (Q) of 2 assuming one reflective surface. The environment influences sound pressure, therefore dBA levels cannot be guaranteed.

COMPRESSORS RADIATED

Element	63Hz	125Hz	250Hz	500Hz	1KHz	2KHz	4KHz	8KHz	Comments
ZPDT36 Compressor 1	73	63	71	78	79	80	76	71	
ZPDT36 Compressor 2	73	63	71	78	79	80	76	71	
ZPDT36 Compressor 3	73	63	71	78	79	80	76	71	
ZPDT31 Compressor 1	68	57	62	76	76	79	73	69	
ZPDT31 Compressor 2	68	57	62	76	76	79	73	69	
ZPDT31 Compressor 3	68	57	62	76	76	79	73	69	
Breakout - Cabinet Attenuation	-11	-15	-20	-31	-38	-40	-40	-40	Thermoshield Cabinet
Receiver	-24	-24	-24	-24	-24	-24	-24	-24	
Sum	43	29	32	31	24	24	19	15	
Target:									
Current: 32 dBA									
Notes:									

Sound data created by theoretical methods



COMPRESSORS AT FA INLET

572	125Hz	250Hz	500Hz	1KHz	2KHz	4KHz	8KHz	Comments
73	63	71	78	79	80	76	71	
73	63	71	78	79	80	76	71	
73	63	71	78	79	80	76	71	
68	57	62	76	76	79	73	69	
68	57	62	76	76	79	73	69	
68	57	62	76	76	79	73	69	
-11	-14	-17	-23	-29	-35	-35	-35	Internal Walls
-24	-24	-24	-24	-24	-24	-24	-24	
43	30	35	39	33	29	24	20	
-	73 73 73 68 68 68 68 68 11 24 43	73 63 73 63 73 63 68 57 68 57 68 57 11 -14 24 -24 43 30	73 63 71 73 63 71 73 63 71 68 57 62 68 57 62 68 57 62 11 -14 -17 24 -24 -24 43 30 35	73 63 71 78 73 63 71 78 73 63 71 78 73 63 71 78 68 57 62 76 68 57 62 76 68 57 62 76 11 -14 -17 -23 24 -24 -24 -24 43 30 35 39	73 63 71 78 79 73 63 71 78 79 73 63 71 78 79 73 63 71 78 79 63 71 78 79 68 57 62 76 76 68 57 62 76 76 68 57 62 76 76 68 57 62 76 76 11 -14 -17 -23 -29 24 -24 -24 -24 -24 43 30 35 39 33	73 63 71 78 79 80 73 63 71 78 79 80 73 63 71 78 79 80 73 63 71 78 79 80 73 63 71 78 79 80 68 57 62 76 76 79 68 57 62 76 76 79 68 57 62 76 76 79 11 -14 -17 -23 -29 -35 24 -24 -24 -24 -24 -24 43 30 35 39 33 29	73 63 71 78 79 80 76 73 63 71 78 79 80 76 73 63 71 78 79 80 76 73 63 71 78 79 80 76 63 71 78 79 80 76 68 57 62 76 76 79 73 68 57 62 76 76 79 73 68 57 62 76 76 79 73 11 -14 -17 -23 -29 -35 -35 24 -24 -24 -24 -24 -24 -24 43 30 35 39 33 29 24	73 63 71 78 79 80 76 71 73 63 71 78 79 80 76 71 73 63 71 78 79 80 76 71 73 63 71 78 79 80 76 71 73 63 71 78 79 80 76 71 63 71 78 79 80 76 71 68 57 62 76 76 79 73 69 68 57 62 76 76 79 73 69 68 57 62 76 76 79 73 69 11 -14 -17 -23 -29 -35 -35 -35 24 -24 -24 -24 -24 -24 -24 -24 43 30 35 39 33 29 24 20

Notes:

Sound data created by theoretical methods

Sound pressure calculated at a distance of 20 feet using a directivity factor (Q) of 2 assuming one reflective surface. The environment influences sound pressure, therefore dBA levels cannot be guaranteed.

Path 63Hz 125Hz 250Hz 500Hz 1KHz 2KHz 4KHz 8KHz **Condenser Fans** Latent Fans Radiated Latent Fans at FA inlet Sensible Fans Radiated Sensible Fan at FA inlet **Compressors Radiated** Compressors at FA Inlet Sum Current: 61 dBA

SINGLE UNIT SUMMATION

Notes:

Sound data created by theoretical methods

AIR FLOW DATA

SYSTEM SIZE	36K	48K	58K
Outdoor (CFM)	2,130	4,500	4,415

SOUND PRESSURE

SYSTEM SIZE		36K	48K	58K
Outdoor sound pressure level	dBa	63	62.5	64

SOUND PRESSURE IN OCTAVE BANDS

SIZE	Frequency (Hz)	63	125	250	500	1000	2000	4000	8000
261	Cooling dB(A)	51.3	59.2	56.3	51.3	49.4	46.8	42.6	35.7
301	Heating dB(A)	53.8	62.3	60.8	53.7	52.0	48.4	45.8	37.8
101	Cooling dB(A)	59.2	61.6	55.9	58.1	59.6	51.9	47.8	43.8
401	Heating dB(A)	65.1	66.1	61.3	59.7	58.2	54.1	47.5	43.6
FOK	Cooling dB(A)	22.9	41.3	46.6	50.1	50.8	52.6	46.0	40.4
JOK	Heating dB(A)	30.0	46.8	48.4	52.0	54.3	52.8	43.7	41.3

OUTDOOR UNIT SOUND PRESSURE TEST CONDITIONS



3.3 ft. (1m)

NOTE: H=0.5 x Height of outdoor unit

	INDOOR C	ONDITION	OUTDOOR	CONDITION	
	DB	B WB DB			
Cooling	80.6F (27C)	66.2F (19C)	95F (35C)	75.2F (24C)	
Heating	68F (20C)	59F (15C)	44.6F (7C)	42.8F (6C)	

Outdoor Unit

APPENDIX B MODELING RESULTS



Receptor	63	125	250	500	1000	2000	4000	8000	dBA
R01	26	24	25	<20	20	<20	<20	<20	23
R02	32	31	32	25	23	<20	<20	<20	28
R03	34	34	33	28	25	22	<20	<20	31
R04	36	39	36	33	29	24	<20	<20	34
R05	36	41	38	35	32	27	20	<20	37
R06	39	44	41	40	37	30	21	<20	41
R07	40	44	41	39	37	30	20	<20	41
PL01	51	58	53	51	49	43	38	30	54
PL02	51	55	50	49	46	41	35	27	51
PL03	42	42	41	36	34	34	28	<20	40
PL04	47	46	48	45	43	42	36	22	48
PL05	49	48	52	46	44	43	37	24	50
PL06	42	39	43	39	37	36	29	<20	43
PL07	36	35	35	30	35	30	22	<20	38
PL08	40	43	38	36	38	31	22	<20	41
PL09	44	50	44	43	42	35	27	<20	46
PL10	45	51	46	45	43	37	30	<20	47
PL11	48	55	51	49	48	42	36	24	52
PL12	49	56	52	51	49	43	37	27	53
PL13	49	55	50	49	47	41	35	25	51
PL14	55	62	57	56	54	48	43	36	58
Medway Noise Ordinance	67	55	48	42	38	35	32	28	-

TABLE IV. Estimated nighttime octave-band sound levels without mitigation (dB re: 20 µPa)



Recentor	63	125	250	500	1000	2000	4000	8000	dBA
R01	26	20	200	12	15	10	-6	-54	20
R01	20	22	25	10	20	10	-0	-34 25	20
	32	30	30	23	20	15	4	-25	26
RU3	34	32	33	27	24	21	11	-16	30
R04	36	33	31	27	26	22	12	-12	31
R05	34	37	33	29	25	20	10	-12	31
R06	35	39	34	32	27	19	8	-16	33
R07	34	39	34	32	26	18	7	-19	32
PL01	45	51	45	42	37	29	23	13	43
PL02	45	46	41	39	35	29	23	13	40
PL03	42	39	39	35	32	29	21	3	38
PL04	47	44	45	39	37	35	28	13	43
PL05	49	45	47	40	37	35	29	15	44
PL06	42	38	39	35	32	29	20	7	38
PL07	37	32	32	29	26	22	13	-5	31
PL08	34	34	29	25	24	19	10	-2	28
PL09	36	40	36	31	26	20	11	-5	33
PL10	37	40	37	32	27	21	12	-2	34
PL11	40	45	40	36	31	24	17	5	38
PL12	42	47	42	38	32	25	18	7	39
PL13	41	46	41	37	31	24	18	6	38
PL14	48	52	47	43	38	31	26	17	45
Medway Noise Ordinance	67	55	48	42	38	35	32	28	-

TABLE V. Estimated nighttime octave-band sound levels with mitigation (dB re: 20 µPa)



Amplitude

- Sound pressure [Pa] -> sound pressure level [dB]
- Humans can hear ~ 13 orders of magnitude
- Decibel (dB) is a *log ratio*
 - Unitless
 - Manageable scale (roughly 0 to 130 dB)
 - Better matches perception (loudness)
 - "pressure <u>level</u>" and "power <u>level</u>"









Sound measurement locations (SM1- SM5)





Late-night sound levels measured in community surrounding CommCan

from May 15, 2018 report





from September 10, 2018 report



Daytime sound levels measured in community surrounding CommCan

from September 10, 2018 report





Memorandum

FROM Andrew Carballeira

DATE June 26, 2019

PROJECT CommCan Medway Chiller Noise

SUBJECT Modeling Results

PROJECT NO 630410

CC Alex Odom (Acentech)

Dear Ellen,

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

Model Description

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

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

TABLE I. Chiller s	ound po	wer leve	els used	in comp	uter mo	deling		
Description			Sound p	oower le	vel (dB r	e: 1pW)		
Octave-band center frequency (Hz)	63	125	250	500	1000	2000	4000	8000
RTAC 310 (new)	93	95	95	99	101	96	88	81
RTAC225 (existing)	103	104	100	101	98	93	88	85

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

In addition to the enclosure, the chillers will be outfitted with source noise control treatments¹. These additional measures will be beneficial, but we have not included them in the model in order to make conservative predictions.

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

Model Results

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

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

* * * * *

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

Sincerely,

Andy Carballeira, INCE Bd Cert Senior Consultant



APPENDIX A NOISE ENCLOSURE SPECIFICATIONS



Email: dan.burley@brd-nonoise.com Web: www.Hushcore.net HD-48/H High Pressure Silencer Tag: Exhaust



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

Performance

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

Dynamic Insertion Loss (dB)

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

Generated Noise (dB)

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

Construction

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

Notes

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

Performance data is obtained in a similar fashion as other silencer manufacturers using 24" x 24" cross section area test units.

CUSTOMER: UNIT OF MEASURE: Imperial SUBMITTAL DATE: 6/11/2019 QUOTE NO: DRAWING REVISION:

Email: dan.burley@brd-nonoise.com Web: www.Hushcore.net HD-48/H High Pressure Silencer Tag: Exhaust



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

Performance

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

Dynamic Insertion Loss (dB)

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

Generated Noise (dB)

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

Construction

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

Notes

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

CUSTOMER: UNIT OF MEASURE: Imperial SUBMITTAL DATE: 6/11/2019 QUOTE NO: DRAWING REVISION:

Email: dan.burley@brd-nonoise.com Web: www.Hushcore.net HD-84/M Medium Pressure Silencer Tag: Intake



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

Performance

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

Dynamic Insertion Loss (dB)

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

Generated Noise (dB)

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

Construction

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

Notes

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

Performance data is obtained in a similar fashion as other silencer manufacturers using 24" x 24" cross section area test units.

CUSTOMER: UNIT OF MEASURE: Imperial SUBMITTAL DATE: 6/11/2019 QUOTE NO: RAWING REVISION:

Email: dan.burley@brd-nonoise.com Web: www.Hushcore.net HD-84/M Medium Pressure Silencer Tag: Intake



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

Performance

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

Dynamic Insertion Loss (dB)

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

Generated Noise (dB)

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

Construction

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

Notes

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

Performance data is obtained in a similar fashion as other silencer manufacturers using 24" x 24" cross section area test units.

CUSTOMER: UNIT OF MEASURE: Imperial SUBMITTAL DATE: 6/11/2019 QUOTE NO: DRAWING REVISION:

Absorbers Barriers Composites Damping & Diffusion Electronic Flow Control

Source/Airborne Industrial Source/Structure Architectural Path/Direct Path/Indirect Receiver

HVAC OEM **Environmental**

Product Data Section

Removable/Reusable Blanket Insulation For Sound Attenuation At The Source



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

Advantages:

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



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

Applications:

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

GUARANTEED FIT ON ALL APPLICATIONS!

BRÐ

Product Data Section

About BRD HUSH COVER™ Acoustic Insulation:

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



Pressure blower housing treated with two-piece Velcro system.

Service:

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

3RD

General Information Technical Information Application Details New Products Installation Guidelines Accessories Selection Information

Design Components For HC-500S

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

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

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

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



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

General Information **Technical Information** Application Details New Products Installation Guidelines Accessories Selection Information

Product Data Section

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



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



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

Acoustic Field Test Results

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



Ball mill HUSH COVER[™] using HC-500S-1" with banding attachment.

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

RĐ

1-610-863-6300

General Information Technical Information Application Details New Products Installation Guidelines Accessories Selection Information

Product Data Section

General Installation Instructions

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



Boiler feedwater pump at fit-up prior to lacing.

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

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

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

BRD Installation Services Available

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





P.P

1-610-863-6300



Noise and Vibration Control, Inc.

Product Data Section

General Information Technical Information Application Details New Products Installation Guidelines Accessories Selection Information

Valve Cover Take-Off Sheet

_		_
В	C	D
F	G	Н
J	K	L
	B F J	B C F G J K

 HUSH COVER[™] blankets can be quoted based on field sketches, equipment cut sheets or templates created in the field.

В

- Standard items such as valves, elbows, fittings, pumps, etc. can be quoted based on standardized takeoff sheets such as the one shown above.
- Field measurements by a qualified BRD Representative may be required prior to fabrication.



- HUSH COVER[™] designs are complete and require no additional tools or materials.
- When requesting a quotation, please supply the make and model of the equipment if known.
- For OEM applications, private labeling can be provided to meet customer specifications.



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



Typical "D" ring and strap attachment feature

1-610-863-6300

Noise and Vibration Control, Inc.

HUSH GUARD™ Modular Acoustical Panels & Enclosures

Product Data Section

General Information **Technical Information** Application Details New Products Installation Guidelines Accessories Selection Information

Acoustic Performance Data:

Product	Sound Transmission Loss (dB) Frequency (Hz)						
FIGURE	125	250	500	1000	2000	4000	310
HG-200	17	23	34	47	55	57	37
HG-210	24	25	33	43	50	55	38
HG-400	21	28	39	48	56	58	40
HG-410	23	31	40	49	56	62	42
HG-420	27	34	41	46	53	59	44
HG-500	18	26	35	45	49	52	37

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

Panel Constructions:

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

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

BRĐ

Panel Finishes:

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

Steel Finishes:

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

APPENDIX B MODELING RESULTS





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



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



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

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





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

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

DRAFT - January 9, 2020

Adult Recreational Marijuana Special Permit, Groundwater Protection Special Permit and Site Plan Decision NeoOrganics, LLC - 4 Marc Road _______ with Conditions

Decision Date:

January 14, 2020

Name/Address of Applicants:

Neo Organics LLC 365 Boston Post Road, # 184 Sudbury, MA 01776

NEK, LLC 20533 SE Evergreen Highway Camas, WA 98607

Name/Address of Property Owner:

NEK, LLC 20533 SE Evergreen Highway Camas, WA 98607

Location:4 Marc RoadAssessors' Reference:32 – 026Zoning District:East Industrial

Site Plan:

Permit Site Plan for 4 Marc Road, Neo Cultivation and Manufacturing, dated August 6, 2019, last revised December 13, 2019, prepared by DGT Associates Surveying and Engineering of Framingham, MA

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

The Applicants seek a Special Permit pursuant to sub-section 8.10 of the Medway Zoning Bylaw, a Groundwater Protection Special Permit pursuant to sub-section 5.6.3 of the Zoning Bylaw, and site plan approval pursuant to Section 3.5 of the Zoning Bylaw, to use the existing 29,718 sq. ft. (more or less) industrial building at 4 Marc Road, (Medway Assessors' Parcel 32-026 on the north side of Marc Road in the East Industrial zoning district for the cultivation, processing, manufacturing, and packaging of marijuana for adult recreational use by Neo Organics, LLC of Sudbury, MA. The proposed scope of work includes interior renovations to accommodate the new use, construction of a 3,000 sq. ft. outside concrete mechanical pad to house HVAC and odor control equipment, construction of a dumpster pad with associated fencing, installation of stormwater management measures to supplemental those presently on site, clean-up of the existing manmade drainage ditch, and construction of a 17' wide fire lane along the west side of the building. The property includes wetlands resources which are under the jurisdiction of the Medway Conservation Commission. Because a portion of the site is located within the Town's Groundwater Protection District and 24% of the improved site will have impervious surface, a Groundwater Protection special permit is also required.

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, comments offered by the public, and comments provided by the Board's consultants and Town staff, the Medway Planning and Economic Development Board, on ______, on a motion made by ______ and seconded by ______,

voted to ______ with CONDITIONS and WAIVERS as specified herein a recreational marijuana establishment special permit, a groundwater protection special permit, and a site plan for 4 Marc Road in Medway, MA.

The vote was _____ by a vote of ____in favor and ____opposed.

Planning & Economic Development Board Member

Vote

Richard Di Iulio Matthew Hayes Thomas A. Gay Andy Rodenhiser Robert Tucker

III. PROCEDURAL HISTORY

- A. August 6, 2019 Special permit application filed with the Board; filed with the Town Clerk on August 7, 2019
- B. August 9, 2019 Public hearing notice filed with the Town Clerk and posted at the Town of Medway web site.
- C. August 9, 2019 Public hearing notice mailed to abutters by certified sent mail.
- D. August 13 and August 20, 2019 Public hearing notice advertised in *Milford Daily News*.

E. August 27, 2019 - Public hearing commenced. The public hearing was continued to September 24, October 8, November 12 and 26, 2019 and to January 14, 2020 when the hearing was closed and a decision rendered.

IV. INDEX OF DOCUMENTS

A. The following documents were provided at the time the applications were filed with the Board:

Site Plan Application

- Application for Minor Site Plan Approval dated August 6, 2019 with Project Description
- PERMIT SITE PLAN Neo Cultivation & Manufacturing, dated August 6, 2019, prepared by DGT Associates of Framingham, MA
- Requests for Waivers from Medway Site Plan Rules and Regulations
- Purchase & Sale Agreement dated February 8, 2019, between NEK, LLC (property owner) and Pangea Realty LLC (buyer), pertaining to the sale of the 4 Marc Road property.
- Stormwater Management Design and Runoff Calculations Report for 4 Marc Road, dated July 25, 2019, prepared by DGT Associates of Framingham, MA
- Schematic Design (floor plan), Sheet A1.2, 4 Marc Road, by Anderson Porter Design, Cambridge, MA

Marijuana Special Permit Application

- Marijuana Special Permit Application dated August 6, 2019 with Project Description
- Odor Mitigation Plan received August 6, 2019, unattributed
- Noise Mitigation Plan received August 6, 2019, unattributed
- Security Plan received August 6, 2019, unattributed
- Transportation of Marijuana Guidelines received August 6, 2019, unattributed

Groundwater Protection Special Permit

- Groundwater Protection Special Permit Application dated August 8, 2019 with Project Description
- B. During the course of the review, a variety of other materials were submitted to the Board by the Applicant and its representatives and consultants:
 - Updated Noise Mitigation Plan dated September 27, 2019 with Noise Mitigation Plan letter from Andy Caballerira of Acentech, Inc. dated September 25, 2019
 - Updated Odor Mitigation Plan by Impact Engineering dated September 12, 2019.
 - Revised site plans from DGT Engineering Associates dated September 19, 2019, October 24, 2019 and December 13, 2019.
 - Plan revision submittal letter from DGT Engineering Associates dated September 19, 2019
 - Response letter from DGT Engineering Associates dated September 26, 2019 to Tetra Tech review comments dated August 22, 2019.

- Response letter from DGT Engineering Associates dated October 23, 2019 to Tetra Tech comments dated September 27, 2019
- Revised floor plans from Anderson Porter Design dated September 9, 2019
- Photometric plan by Illuminate dated September 23, 2019
- NeoOrganics security plan, unattributed, received September 19, 2019
- Assignment of interest in the purchase and sale agreement from Pangea, LLC to 4 Marc Road LLC dated March 1, 2019
- Lease dated May 3, 2019 between Neo Organics, LLC and 4 Marc Road LLC for 4 Marc Road.
- Additional request for a waiver from *Site Plan Rules and Regulations*, dated September 10, 2019.
- Proposed sound wall information received November 8, 2019
- *Land Disturbance Area Plan* dated September 27, 2019, revised October 22, 2019 and December 13, 2019, prepared by DGT.
- Stormwater Management Design and Runoff Calculations Report for 4 Marc Road dated July 25, 2019, revised September 19, 2019, last revised December 13, 2019, prepared by DGT Associates of Framingham, MA.
- C. During the course of the review, a variety of other materials were submitted to the Board by the Board's consultants and Town staff:
 - Plan review letters and emails from Gino Carlucci, PGC Associates, dated August 20, 2019, October 3, 2019 and October 31, 2019
 - Plan review letters from Tetra Tech to the Board dated August 22, 2019, September 27, 2019 and October 28, 2019
 - Noise mitigation plan review letters from Ron Dempsey, Noise Control Engineering, dated August 21, 2019, October 3, 2019 and October 23, 2019
 - Odor mitigation plan review letters from Bruce Straughan, Straughan Forensic dated August 21, 2019 and October 2, 2019.
 - Host Community Agreement dated March 4, 2019 between Neo Cultivation MA, LLC and Neo Manufacturing MA, LLC and the Town of Medway.
 - Letter dated August 16, 2019 from Building Commissioner Jack Mee
 - Review letter dated October 7, 2019 from Police Chief Allen Tingley
 - Email memo dated August 12, 2019 from Treasurer/Collector Joanne Russo
 2 Marc Road CommCan recreational marijuana special permit decision dated February 26, 2019
 - Email memo dated November 26, 2019 from Deputy Fire Chief Mike Fasolino
 - Email memo dated December 12, 2019 from Fire Chief Jeff Lynch.
 - Plan review letter from Tetra Tech to the Conservation Commission dated December 16, 2019.
 - Conservation Commission Order of Conditions dated November 18, 2019.
 REVISED ORDER OF CONDITIONS to be issued after its 1-9-20 meeting
- D. Abutter Comments
 - Email communication dated October 8, 2019 (with attachments) from abutter John Lally, 35 Coffee Street

Comm	ented [SA1]: This is new.
Comm	ented [SA2]: This is new.
Comm	ented [SA3]: This is new.
Comm	ented [SA4]: This is new.

- Email communication dated November 12, 2019 (with attachments) from abutter John Lally, 35 Coffee Street
- Email communication dated December 4, 2019 (with attachments) from abutter John Lally, 35 Coffee Street
- E. Other Documentation
 - 1. Mullins Rule Certification dated September 10, 2019 for Board member Matthew Hayes pertaining to the August 27, 2019 hearing.
 - 2. Mullins Rule Certification dated October 22, 2019 for Board member Robert Tucker pertaining to the October 8, 2019 hearing.
 - 3. Mullins Rule Certification dated October 17, 2019 for Board member Thomas Bay pertaining to the October 8, 2019 hearing.
- **V. TESTIMONY** During the course of the public hearing, the Board heard and received verbal testimony from:
 - Gino Carlucci, PGC Associates, the Town's Consulting Planner Commentary throughout the public hearing process.
 - Steve Bouley, P.E, Tetra Tech Commentary throughout the public hearing process
 - Ron Dempsey, Noise Control Engineering LLC, acoustic sound consultant for the Town.
 - Jaime Lewis, Neo Organics
 - Andy Carballeria, Acentech Inc., acoustic sound consultant for the Applicant.
 - Bert Corey and Joe Losanno, DGT Associates, engineering consultant for the Applicant.
 - Resident and abutter John Lally, 35 Coffee Street
 - Resident and neighbor Edward Burns, 43 Coffee Street

VI. FINDINGS

The Planning and Economic Development Board, at its meeting on ______, 2019, on a motion made by _______ and seconded by _______, voted to _______the following *FINDINGS* regarding the site plan and special permit applications for 4 Marc Road. The motion was ______ by a vote of ______ in favor and ______opposed.

GENERAL FINDINGS from PUBLIC HEARING TESTIMONY

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

Frequency Band (Cycles per Second)	Sound Pressure Level (Decibels 43 0.0002 Dyne/CM2)
2-72	69
75-150	54
150-300	47

Commented [SA5]: This is new.

300 - 600	41
600 - 1,200	37
1,200 - 2,400	34
2,400 - 4,800	31
4,800 - 10,000	28

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

- Daytime operation only: +5
- Noise source operated at less than 20% of any 1-hour period: +5"
- B. Earlier in 2019, during the Board's review of the marijuana establishment special permit application for 2 Marc Road, the Board along with the Board's sound consultant (Noise Control Engineering) and that applicant's sound consultant (Acentech, Inc.) agreed that the frequency band range form of noise measurement specified in the Medway *Zoning Bylaw* is outdated. The consultants concurred that noise measurements in accordance with the *Zoning Bylaw's* standards are neither ideal nor typical today. The Board acknowledged that frequency band ranges presently included in the *Zoning Bylaw* do not accurately reflect contemporary sound measurement standards and provide challenges to interpretation and enforcement of the applicable provisions of the *Zoning Bylaw*. The Board was willing to allow a conversion to more modern standards, but only as long as the conversion was more, not less restrictive.

Noise Control Engineering converted the Bylaw's frequency band noise levels to octave bands for noise measurement purposes. The method used was based on the frequency span of the octave bands and is consistent with the conversion documented in the 1980 EPA document 905-*R*-80-117 Noise Legislation Trends and Implications. The table below shows the conversion of the *Bylaw's* frequency band noise standards to the modern octave band noise standards with the nightime and daytime adjustments.

Octave Band Center Frequency (Hz)	Medway Zoning Bylaw Sound Pressure Level, (dB re 20 micro-Pa) Nighttime	Medway <i>Zoning Bylaw</i> Sound Pressure Level, (dB re 20 micro-Pa) Daytime
63	67	72
125	55	60
250	48	53
500	42	47
1000	38	43
2000	35	40
4000	32	37
8000	28	33

- C. The Applicant's preliminary noise mitigation plan was submitted to the Board on August 6, 2019 with the special permit application. The Board retained Noise Control Engineering (NCE) of Billerica, MA to review that preliminary noise mitigation plan. NCE provided an email communication dated August 21, 2019 with comments and recommendations of additional information needed.
- D. The Applicant prepared an updated noise mitigation plan which was submitted to the Board on September 27, 2019. The Applicant also retained sound consultant Acentech, Inc. of Cambridge, MA to evaluate the anticipated levels of noise producing equipment to be installed at the 4 Marc Road facility and provide recommendations for suitable noise control measures. Acentech developed a computer model of the facility's sound using CadnaA, an acoustic modeling software. The noise producing equipment includes a 300 kw generator, transformer, air handling units, a variety of condensing units, and rooftop exhaust fans. Acentech determined that the proposed noise generating equipment, absent any noise mitigation measures, will not comply with the noise regulations included in Section 7.3.C.2. of the *Zoning Bylaw* at all property lines of 4 Marc Road. To mitigate the excessive noise from certain of the noise producing sources, Acentech recommended placing sound barriers around the condensing and air handling units and to select a generator and enclosure that would meet the Bylaw's sound requirements.

Acentech then calculated the expected noise levels at 14 receptor locations at the property lines of 4 Marc Road with the noise control measures applied. Acentech found that the estimated sound levels created by the noise generating equipment, with the added noise mitigation measures recommended by Acentech, would be below the Town's noise standards (converted from frequency band to octave band) as described in Item B.

- E. Noise Control Engineering, LLC (NCE) was retained by the Board to evaluate the Applicant's proposed noise mitigation plan for the 4 Marc Road property. NCE provided an email communication dated October 3, 2019 and personal testimony by NCE personnel was provided during the November 12, 2019 hearing.
- F. The Board is in receipt of written and verbal testimony of abutters and nearby residents in the vicinity of 4 Marc Road expressing serious concerns and objections to the excessive noise emanating from the existing marijuana facility operating at 2 Marc Road. Concern was expressed that similar issues would occur with the 4 Marc Road facility.

(2) **ODOR ISSUES**

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

threshold as defined in Table III in Chapter 5 of Air Pollution Abatement Manual (copyright 1951 by manufacturing Chemists Assoc., Inc., Washington, DC) shall be permitted."

- B. The Applicant's preliminary odor mitigation plan was submitted to the Board August 6, 2019 with the special permit application. The Board retained Straughan Forensic, LLC of Arvada, CO, to review that preliminary odor mitigation plan. Straughan Forensic provided review letters dated August 21, 2019 with comments and recommendations of additional information needed.
- C. The Applicant retained Impact Engineering Inc. of Castle Rock, CO to prepare an updated odor mitigation plan which was submitted to the Board on September 19, 2019. At the Board's request, Straughan Forensic, LLC evaluated the Applicant's updated odor mitigation plan for the 4 Marc Road property and provided a review letter dated October 2, 2019.
- (3) HOURS OF OPERATION The applicant has informed the Board that as a marijuana growing facility, the establishment will operate 24 hours a day/7 days a week. The Applicant anticipates that the facility will be occupied by a maximum of twenty-five employees. Occupancy will be generally limited to the hours of 7 am to 7 pm, Sunday – Saturday.

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

- (1) The recreational marijuana cultivation and processing establishment will operate inside the existing building at 4 Marc Road, a permanent, stand-alone building which does not include residential units or doctors' offices. The site includes driveways, parking areas, utility systems, and stormwater management facilities.
- (2) None of the uses listed in Section 8.10 E. 4. of the *Zoning Bylaw* (public or private school serving students in grades K-12) are located within 500 feet of the site of the proposed facility.
- (3) As conditioned herein and as required by the *Zoning Bylaw*, smoking, burning and consumption of marijuana or marijuana-infused products on the premises is not allowed.
- (4) No drive-through service is proposed. It is not needed as a retail operation is not planned for the site nor does the *Zoning Bylaw* allow for a drive-through facility.
- (5) As conditioned herein, any signage for the facility shall comply with Section 8.10.F and Section 7.2 of the *Zoning Bylaw*.
- (6) As conditioned herein, the Applicant shall provide the contact information for management staff and key holders of the facility.
- (7) As conditioned herein, the Board finds that the recreational marijuana establishment will not create a nuisance to abutters or to the surrounding area or create any hazard. Both the Applicant and the Town have contracted with noise consultants to monitor noise from the facility and both found the operation to be

within DEP noise regulations. The Board is requiring the Applicant to prepare a noise mitigation plan for the Board's approval after consultation with its noise consultant and to implement suitable noise mitigation measures. Further, the Board is also requiring the Applicant to prepare an odor control plan for the Board's approval after consultation with its odor consultant and to implement suitable odor mitigation measures. The Building Commissioner, in consultation with the Health Agent, and the Town's consultant(s), will confirm compliance with the noise and odor requirements of the Zoning Bylaw after the required noise and odor mitigation measures are installed.

- (8) The existing building meets the requirements for "openness of premises" since no activities within the building or displays of products are visible from the exterior of the building and the front of the building, which includes the primary entrance to the facility, is fully visible from the site's frontage. All operations are within the restricted building and there is no direct consumer access as no retail sales are allowed pursuant to the *Zoning Bylaw*.
- (9) The special permit authorizes only the following adult recreational marijuana establishment activities: cultivation, manufacturing, processing and packaging of marijuana and marijuana products, and the transport and delivery of such to other recreational marijuana establishments. Retail sales and marijuana social establishments are not allowed pursuant to the *Zoning Bylaw*.
- (10) As conditioned herein, copies of required licenses and permits issued by the Commonwealth will be provided upon approval by the Massachusetts Cannabis Control Commission. The recreational marijuana operation will be operated in strict compliance with Massachusetts Cannabis Control Commission regulations.
- (11) Applicant, NEK, LLC is the record owner of the property as shown on the Medway Assessor's records and the seller on a purchase and sale agreement with Pangea Realty LLC dated February 8, 2019. On March 1, 2019, Pangea Realty LLC assigned its interest in the purchase and sales agreement to 4 Marc Road, LLC which will own the 4 Marc Road property.

The Applicant, Neo Organics, LLC will be a tenant in the subject property and building pursuant to a lease dated May 3, 2019 with 4 Marc Road, LLC. Accordingly, the Applicant has the right to use the site for a registered marijuana establishment.

- (12) A sworn statement disclosing the owner's or other similarly situated individuals' interest in the registered marijuana establishment has been provided.
- (13) A certified list of all abutter and parties of interest was provided. The Planning and Economic Development office coordinated the production and mailing of the required public hearing notice for the Special Permit and Site Plan applications to the required parties.
- (14) A site plan was submitted and has been revised pursuant to comments from the Board's consultants and the Conservation Commission. A detailed floor plan of the premises showing the functional areas of the facility has also been provided.

Commented [SA6]: This has been requested but not yet submitted.

The facility's security plan including lighting, fencing, gates and alarms was submitted and provided to the Police Chief during the permitting process.

- (15) A copy of the policies and procedures for the transfer, acquisition, or sale of adult recreational marijuana between approved marijuana establishments was provided as part of the special permit application.
- (16) A comprehensive noise mitigation plan prepared by the applicant's noise consultant, Acentech, Inc. was submitted and reviewed by Noise Control Engineering, the Board's noise consultant. The plan was revised, re-submitted, and re-reviewed. The planned noise mitigation measures are expected to enable the facility to meet the Town's noise standards as included in Section 7.3 of the *Zoning Bylaw*. As conditioned herein, any non-compliance will be addressed through zoning enforcement.
- (17) A comprehensive odor mitigation plan prepared by the applicant's odor consultant, Impact Engineering, Inc, was submitted to the Board and reviewed by Straughan Forensic, LLC, the Board's odor consultant. The odor mitigation plan was revised, re-submitted and re-reviewed. As conditioned herein, any noncompliance will be addressed through zoning enforcement.
- (18) The required public hearing and review process for this special permit application has been followed.
- (19) The adult recreational marijuana establishment, as conditioned herein, has been designed to minimize adverse visual or economic impacts on abutters and other parties in interest. No changes in the existing building or site are proposed other than the described site improvements and possible additional measures to address potential noise and odor impacts if such occur in the future.
- (20) 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.
- (21) As conditioned herein, the Applicant has satisfied the conditions and requirements of this Section 8.10 and Section 3.4 of the *Zoning Bylaw*.

SITE PLAN RULES AND REGULATIONS FINDINGS – The Planning and Economic Development Board shall determine whether the proposed development is in conformance with the standards and criteria set forth in the *Rules and Regulations*, unless specifically waived. In making its decision, the Planning and Economic Development Board shall determine the following:

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

The site is within an industrial park which is accessed directly from Route 109 so there is no access through minor streets serving residential areas. There is no backing up onto a public way. (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 existing building and site are of an industrial style, with the scale and materials similar to other buildings within the industrial park. No exterior building façade renovations are planned.

(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 site is heavily wooded at its access driveway from Marc Road. The parking areas are along the driveway and behind the building. There is no outside storage of materials. An outdoor dumpster is included but it will be located at the back of the site and will have an enclosure around it. As the site is already developed, considerable landscaping is already provided. The building is set back approximately 110' from the western boundary line of the subject property.

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

The site plan has been revised pursuant to feedback from the Medway Fire Department to now include construction of a fire lane on the west side of the building. Fire Chief Jeff Lynch, in an email dated December 12, 2019, approved the revised site plan as suitable access to the building will be provided.

- (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.

Commented [SA7]: Gino is preparing Findings for this item.

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

There is no significant pedestrian use anticipated since no public access to the building is allowed. Pedestrian safety within the parking lot is standard and is adequate due to minimal vehicular traffic. Sidewalk improvements are planned to modify the existing concrete walkway to provide for handicap accessibility. The existing sight lines at the driveway for exiting traffic will be increased through the

clearing of some trees (9" diameter and less) to the east of the driveway and some regarding.

(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 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?

A photometric plan has been submitted that demonstrates that there is no light trespass or glare 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. It makes use of an already developed site and provides a comprehensive stormwater management system to address the existing facility and proposed site improvements.

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) and Table 1 – Schedule of Uses specifies that non-retail recreational marijuana establishments are allowed by special permit in the East and West Industrial zoning districts. The subject site at 4 Marc Road is located within the East Industrial zoning district and is therefore an eligible location for the proposed use. Further, the site is not located within 500 feet of any of the uses from which marijuana establishments are prohibited (existing public or private school serving students in grades K-12). The site includes an existing industrial building constructed in 1984; the property has been used for industrial purposes for 35 years.

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

The recreational marijuana cultivation and processing uses will occur within the existing industrial building at 4 Marc Road. Suitable parking is available with access from Marc Road. As documented in the findings under Site Plan Rules and Regulations above, adequate and appropriate facilities have been provided for the operation of the facility. The site's internal driveways and stormwater management system have been reviewed by the Board's Consulting Engineer and found to be adequate.

(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. Pedestrians are not expected to access the site as no retail marijuana operation is permitted. As conditioned herein, the Applicant is required to meet the Town's noise and odor standards as specified in Section 7.3 of the Zoning Bylaw and provide additional noise and odor mitigation measures if needed in the future.

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

The proposed facility is expected to have 25 employees. The available on-site parking exceeds the number of parking spaces required. As the facility will not have a retail operation, non-employee traffic to the site will be minimal. The Industrial Park Road system is adequate to handle the routine employee traffic. Marc Road was recently reconstructed as part of the approval of an adjacent business facility at 2 Marc Road, so the adjacent roadway quality leading to the property is excellent. Furthermore, the site's access is via Marc Road from Industrial Park Road from Main Street/Route 109, a major east-west arterial roadway, so there is no traffic impact on local residential roadways.

(5) The proposed use will not be detrimental to the adjoining properties due to lighting, flooding, odors, dust, noise, vibration, refuse materials, or other undesirable visual, site or operational attributes of the proposed use. **Commented [SA8]:** Gino is preparing Findings for this item.

(6)

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

The proposed use is manufacturing and is therefore consistent with the character of the East Industrial Zoning District in which the subject property is located. This application proposes to produce marijuana for adult recreational use within the existing building. The proposed use will not significantly alter the character of the East Industrial zoning district.

The Board heard testimony from residential abutters and neighbors about their concerns regarding adverse noise and odor conditions which may emanate from the proposed facility. These concerns result from their experience of noise and odor issues related to the existing marijuana cultivation and manufacturing operation at the adjacent 2 Marc Road marijuana facility. The Applicant made repeated verbal commitments during the public hearing that they will address

neighbor concerns through reasonable noise and odor mitigation measures. The Applicant will be held to the environmental standards included in Section 7.3 of the Zoning Bylaw. As conditioned herein, the Board finds that reasonable measures will be taken such that this particular industrial use will not adversely affect the surrounding neighborhood.

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

The Recreational Marijuana section of the Zoning Bylaw (Section 8.10) was adopted by the Town in May 2018 with the specific intent of allowing the establishment of non-retail recreational marijuana establishments at limited locations 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 appropriate places and under strict conditions. As the proposed facility is located within one of the designated zoning districts, it meets the purpose of the Zoning Bylaw.

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

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

- Goal 1: Maximize the area's economic resources
- Goal 6: Attract new (and retain existing) businesses and increase the industrial/manufacturing base.
- (9) The proposed use will not be detrimental to the public good.

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

GROUNDWATER PROTECTION DISTRICT SPECIAL PERMIT FINDINGS (Sub-Section 7.3 of the Zoning Bylaw) – A portion of the 4 Marc Road site is located within the Town's Groundwater Protection District, therefore a groundwater protection special permit is required.

- (1) Maintenance, repair and enlargement of any existing structure and new construction are permitted uses, subject to certain restrictions, within the Groundwater Protection District. As conditioned, and as noted below, the project will comply with those restrictions.
- (2) As conditioned herein, storage of hazardous materials, as defined in Massachusetts General Laws, c. 21E, is prohibited unless enclosed in a free standing container within a building. Any accidental spillage will also be contained within the building and any that may enter the municipal sewer system will be treated prior to being discharged to the municipal sewer system.

- (3) As conditioned herein, any commercial fertilizers, as defined in Massachusetts General Law, c. 128, §64, used for the growing of marijuana plants will be stored within containers and kept inside the 4 Marc Road building.
- (4) The facility will handle toxic and hazardous materials. All use of hazardous materials will be contained within the building and as the risk of spillage during deliveries is low, the facility qualifies for a special permit. Operation and maintenance procedures are in place to prevent any accidental outdoor spillage from reaching groundwater.
- (5) Water control devices are prohibited unless they can be shown to prevent adverse impacts on groundwater. The stormwater management plans have been reviewed by the Town's Consulting Engineer to ensure that no adverse impacts will result.
- (6) The facility and associated site improvements will render more than 71,000 square feet of the site impervious. The Town's Consulting Engineer has reviewed the stormwater management plan to ensure that groundwater recharge does not degrade groundwater quality.
- (7) As required by Section 5.6.F. 1. of the *Zoning Bylaw*, the plans have been provided to the Board of Health, Conservation Commission, Water and Sewer Commission, and Department of Public Services for review and consultation to evaluate whether the proposed project will adversely impact the quality or quantity of water available within the Groundwater Protection District, and to determine that disturbance of the soils, topography, drainage, vegetation and other characteristics is minimized.

VII. WAIVERS – At its ______ 2019 meeting, the Board, on a motion made 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 ______ by a vote of ____ in favor and ____opposed.

SITE PLAN SUBMITTAL REQUIREMENTS/PLAN CONTENTS

Section 204-3 A. 7. - Development Impact Statement. A written Development Impact Statement shall be provided to describe the potential and anticipated impacts of the proposed development, identify all positive and adverse impacts, and propose an acceptable program to prevent or mitigate adverse impacts. At its discretion, the Planning Board, upon written request of the applicant, and based on the Board's preliminary assessment of the scale and type of development proposed, may waive or modify the requirements for submission of any of the elements of the Development Impact Statement. The Development Impact Statement shall consist of the following four elements: traffic, environmental, community and parking.

The Applicant has requested a waiver from this requirement. The site is already developed and has been used for industrial purposes since 1984. The proposed site improvement work is minimal. Traffic is not expected to increase beyond previous occupants. The preparation of traffic, environmental, community and parking impact assessments is not expected to reveal any useful information related to the site or the project's impacts. The recreational marijuana facility 15

use is highly regulated by the Massachusetts Cannabis Control Commission and is subject to a special use zoning permit from the Board. For the foregoing reasons, the Board APPROVES this waiver 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.

Section 204-4 B - Site Context Sheet. A Site Context Sheet including the following items shall be submitted.

- 1) A locus plan showing the site and its boundaries in relation to all surrounding streets within two thousand (2,000) feet of the perimeter of the site. The plan shall be at a maximum scale of one (1) inch equals one thousand (1,000) feet. Scenic roads shall be noted.
- 2) Abutters' names and addresses with assessor's reference.
- 3) Lot lines with dimensions and easement areas.
- Existing topography at two (2) foot intervals from USGS survey maps or actual land survey.
- 5) All easements (*utility, conservation and other*) and rights-of-way.
- 6) Zoning district boundaries including groundwater protection district, wetlands, and flood plain zones.

The Applicant has requested a waiver from this requirement. A separate Site Context Sheet has not been provided as part of the plan set. However, the information specified to be included on a Site Context Sheet is included on other sheets included in the plan set. For the foregoing reason, the Board APPROVES this waiver 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.

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

The Applicant has requested a waiver from this requirement. The site is large (6.68 acres) and is mostly wooded in nature. The existing building will be reused. Site improvements are minimal and will not result in a large land disturbance area. A 32" pine tree located in the southeast corner of the property is specifically identified to remain and be protected during construction. Locating the all trees with a diameter of one foot or greater at four feet above grade throughout the site would be an unnecessary additional expense and provide no added value to the site design or development. For the foregoing reasons, the Board APPROVES this waiver 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.

Section 204-5 D. 7. Proposed Landscape Design – A *Landscape Architectural Plan* shall be prepared by a Landscape Architect licensed in the Commonwealth of Massachusetts. This *Plan* shall be prepared as an overlay of the existing conditions sheets and shall incorporate, whenever possible, the significant features of the existing site and topography, particularly existing trees with a diameter of one (1) foot or greater at four (4) feet above grade. The *Landscape*

Architectural Plan shall indicate the areas slated for excavation; any woodlands, trees or other existing features or structures to be retained; all new plantings by common and Latin name including their proposed locations and sizes at the time of installation. Plan graphics for tree canopies shall reflect, as closely as possible, the actual canopy dimension of proposed tree plantings at the time of installation with a "lesser" intensity graphic used to represent potential canopy at maturity.

The applicant has requested a waiver from this requirement as no new landscaping is proposed for this already developed site. Any marijuana facility is subject to a permit from the Massachusetts Cannabis Control Commission which has strict requirements that prohibit shrubs and trees from being planted in proximity to marijuana establishments in order to promote safety in and around the facility. For the foregoing reasons, the Board APPROVES this waiver 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.

Section 204-5 D. 12 – Signage Plan - A Signage Plan shall be submitted which includes the design, location, materials, dimensions and lighting for:

- (a) the proposed development and all building identification signage, both freestanding and attached; and
- (b) standards for tenant signs.

The applicant has requested a waiver from this requirement. The applicant intends to reuse the existing monument sign from the prior occupant to display only the property address. No other signage is planned for the building. For the foregoing reasons, the Board APPROVES this waiver as being consistent with the purpose and intent of the Site Plan Rules and Regulations which will have no significant detriment to the achievement of any of the purposes of Site Plan Review and Approval.

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

SPECIFIC CONDITIONS OF APPROVAL

- A. All standard requirements included in Section 8.10 Recreational Marijuana of the *Zoning Bylaw* apply to this special permit. These include but are not limited to:
 - 1. Upon approval and prior to commencing operations on the property to cultivate and process marijuana for adult recreational use, the Applicant shall provide the Building Commissioner, Health Agent, Fire Chief, Police Chief, and the Board with a copy of the applicable state adult recreational marijuana establishment licenses, permits, and approvals from the Massachusetts Cannabis Control Commission.
 - The Applicant shall provide an annual report of Neo Organics, LLC's operations to the Board and other Town officials no later than January 31st of

each year, including a copy of all current state licenses and demonstrating continued compliance with the conditions of this special permit. Any change in ownership of Neo Organics, LLC 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, Neo Organics, LLC, as the operator of an adult recreational marijuana establishment on the premises.
- 4. Smoking, burning and consumption of marijuana or marijuana infused products on the premises is prohibited.

B. Noise Management

- 1. The Applicant shall install and maintain at all times effective noise reduction equipment for the property to comply with Section 7.3 of the *Zoning Bylaw*. The Applicant will achieve compliance through industry best practices and suitable noise abatement measures. The Applicant shall ensure proper maintenance of all noise abatement equipment to ensure maximum efficiency and effectiveness and ongoing compliance.
- 2. Prior to the issuance of an occupancy permit, the Applicant shall provide the Building Commissioner, Health Agent, and Board with a noise study measuring ambient sound levels without the external mechanical equipment in operation and the sound at each of the property boundaries during full operating conditions. The purpose is to determine if the facility complies with Section 7.3 of the *Zoning Bylaw*.

All sound measurements shall be conducted by a qualified acoustical consultant (INCE board certification or equivalent experience) in accordance with industry best practices.

The sound measurements will consist of:

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

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

The measurements shall be taken at?????????? (the nearest residential line to the north, south (behind the Coffee Street residents), southwest (near 35 Coffee Street), and west (on the County Layout/private way that abuts the industrial park to the west of 4 Marc Road). The sound measurements shall be made at the height of second story windows.

Measurement instrumentation shall comply with Class 1 in accordance with IEC 61678, and should be capable of measuring A-weighted and octave-band sound levels. The acoustic descriptor for reporting shall be the L90 sound

Commented [SA9]: Or do you want the sound measurements to be taken at the buildings on the adjacent properties or at the property line? Do you want to measure noise at the abutting industrial properties too or just at the residential?

level, to minimize the influence of transient sound. Sound level meters shall be provided with windscreens and their calibration shall be field-checked before and after the measurements. Measurements shall be conducted during periods of worst-case impacts, which is typically at night after midnight when ambient sound levels are lower. If possible, ambient conditions shall be measured for at least 10 minutes with the equipment turned off. If operational constraints make measuring ambient noise levels at the site impractical, said measurements shall be taken in a similar environment away from the facility. Measurements of operational conditions shall be taken and compared to the ambient noise levels and an analysis provided addressing the DEP Noise Policy and Section 7.3 of the *Zoning Bylaw*.

The Board, Building Commissioner or Health Agent may forward the noise study to the Town's noise consultant for peer review and comment, at the Applicant's expense. The Board, Building Commissioner or Health Agent may require the Applicant to implement additional noise mitigation measures if the noise study indicates that the facility is non-compliant with Section 7.3 of the *Zoning Bylaw*.

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

The Applicant shall submit that study to the Building Commissioner, Health Agent and Board so as to determine continued compliance with the Bylaw and any conditions set forth herein as to noise. The Building Commissioner, Health Agent or Board may forward the plan to the Town's noise consultant for review and comment, at the Applicant's expense. The Board may require the Applicant to implement additional noise mitigation measures if the facility is non-compliant with the Bylaw.

- 4. For each of the two successive years following occupancy, the Applicant shall annually submit a certification by a registered professional mechanical engineer that there are no changes in the installed mechanical equipment which may impact the noise emanating from the facility. Such certification shall be provided to the Building Commissioner, Health Agent and the Board.
- 5. The Building Commissioner, in enforcing the conditions contained herein, may require the Applicant to provide additional noise studies by a qualified noise consultant and/or implement additional mitigation measures should legitimate concerns or complaints develop in the future about noise generation from the facility. The Applicant may further be required to address such issues with the Board to its satisfaction.

C. Odor Management

1. The Applicant shall install and maintain at all times effective odor control technology to remove odors from the facility's exhaust system to comply

with Section 7.3 of the *Zoning Bylaw*. The Applicant will complete this through industry best practices and suitable building filtration systems including a secondary safeguard system as required by the *Zoning Bylaw*. The Applicant shall maintain all odor migration equipment to ensure maximum efficiency and effectiveness and ongoing compliance.

- 2. The presented Odor Mitigation Plan dated September 12, 2019 does not include mechanical drawings for the odor management system. At such time as the mechanical drawings are available, they shall be submitted to the Board for review by the Board's odor consultant, at the applicant's expense, to determine if they comply with the Odor Mitigation Plan.
- 3. The October 2, 2019 review letter of Straughan Forensic, LLC, the Board's odor consultant, identifies a number of issues and information missing from the Odor Mitigation Plan. The Straughan Forensic letter dated October 2, 2019 is attached and made a part of this decision. These items shall be fully addressed and included in the odor plans submitted to the Massachusetts Cannabis Control Commission for approval. The submittal to the Cannabis Control Commission shall indicate that the odor control system must comply with Section 7.3 of the Medway *Zoning Bylaw*.
- 4. The Applicant shall provide the odor plan approved by the Massachusetts Cannabis Control Commission to the Board.
- 5. Prior to the issuance of an occupancy permit by the Medway Building Department, the Applicant shall review the approved odor control system as installed with the Building Commissioner and demonstrate that the measures specified in the approved odor control, abatement and mitigation plan including the secondary safeguard system have been implemented. The Applicant shall provide a certification made by a licensed engineer that the odor mitigation measures included in the approved plan have been installed. Additional odor mitigation measures may be required if determined to be necessary by the Building Commissioner.

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

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

D. Conditions Pertaining to Groundwater Protection District Special Permit

9.

- 1. Storage of hazardous materials and other hazardous materials is prohibited unless in a free-standing container within a building. Any hazardous materials that will be used at the facility shall be identified and a list provided to the Board. Any accidental spillage shall also be contained within the building and any that enters the sewer system shall be treated prior to being discharged to the municipal sewer system.
- 2. Any fertilizers used on landscape material anywhere on the site shall be the slow-release organic granular type, and only the absolute minimum necessary. All storage of fertilizers must be in a free-standing container within a building, have adequate secondary storage capacity or be within a facility designed to prevent the generation and escape of contaminated runoff or leachate. Application of fertilizers on site must be done in a manner to minimize adverse impacts on groundwater.
- Outdoor storage anywhere on the site shall consist only of non-hazardous materials. Metal materials stored outside shall be under cover of a building or structure to prevent leaching of the metal into the groundwater.
- 4. There shall be no outdoor storage of pesticides, herbicides, fungicides or insecticides anywhere on the site. Any such products shall be stored inside.
- 5. Deicing materials shall be limited to calcium chloride or other deicer material approved by the Medway Department of Public Works.
- 6. Plowed snow for the site shall be stored only in the designated areas shown on the plan or taken off site in times of substantial storms. No snow shall be disposed of in the stormwater detention basin.
- 7. All vehicles shall be parked/stored on the paved surface to ensure treatment of any leaks of fluids from the vehicles. There shall be no outdoor maintenance or cleaning of vehicles.
- 8. There shall be no earth removal within six feet of the historical high groundwater level.
 - The Town reserves the right to periodically inspect the site to ensure compliance with these conditions.
- E. **Utilities** All electric, telephone, cable TV and other utilities shall be located underground. No overhead utilities are permitted.
- F. *Signage* Any changes to the existing sign or proposed new signs shall comply with Section 7.2 of the Bylaw.
- G. The permit holder shall notify the Building Commissioner, Health Agent, Fire Chief, Police Chief, and the Board in writing within forty-eight hours of the cessation of operation of the marijuana business or the expiration or termination of the license holder's certificates or registration with the Massachusetts Cannabis Control Commission.

- H. There shall be a valid Host Community Agreement with the Town of Medway in effect at all times during the operation of the marijuana establishment.
- I. Limitations This special permit is limited to the operation of a recreational marijuana cultivation and processing facility at 4 Marc Road. This permit does not authorize operation of a retail outlet for the sale of adult recreational marijuana products, or the operation of a marijuana social establishment, or the operation of a marijuana testing facility on the premises.

GENERAL CONDITIONS OF APPROVAL

- A. **Fees** Prior to filing the special permit and site plan decision with the Town Clerk, the Applicant shall pay:
 - 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;
 - an advance on fees for the continued review services to be provided by outside noise and odor consultants as approved by the Planning and Economic Development Board;
 - 3. any other outstanding expenses or obligations due the Town of Medway pertaining to this property, including real estate and personal property taxes and business licenses.
- B. Other Permits This special permit does not relieve the Applicant from its responsibility to apply for, obtain, pay for, and comply with all other required federal, state and Town permits, licenses and approvals. The Applicant or agent shall apply for, obtain, pay for, and comply with all other required Town permits.
- C. **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.
 - . Construction Time Construction work at the site and in the building and the operation of construction equipment including truck/vehicular and machine start-up and movement shall commence no earlier than 7 a.m. and shall cease no later than 6 p.m. Monday Saturday. No construction shall take place on Sundays or legal holidays without the advance approval of the Building Commissioner. These rules do not apply to interior construction work such as carpentry, installation of drywall, flooring, electrical and HVAC systems, painting, etc.
 - 2. *Neighborhood Relations* The Permittee shall notify neighbors in the general area around the site when site work and construction are scheduled to begin and provide a phone number for them to use for questions and concerns that arise during construction.

- 3. The Permittee shall take all measures necessary to ensure that no excessive dust leaves the premises during construction including use of water spray to wet down dusty surfaces.
- 4. There shall be no tracking of construction materials onto any public way. Daily sweeping of roadways adjacent to the site shall be done to ensure that any loose gravel/dirt is removed from the roadways and does not create hazardous or deleterious conditions for vehicles, pedestrians or abutting residents. In the event construction debris is carried onto a public way, the Permittee shall be responsible for all clean-up of the roadway which shall occur as soon as possible and in any event within twelve (12) hours of its occurrence.
- 5. The Permittee is responsible for having the contractor clean-up the construction site and the adjacent properties onto which construction debris may fall on a daily basis.
- 6. All erosion and siltation control measures shall be installed by the Permittee prior to the start of construction and observed by the Board's consulting engineer and maintained in good repair throughout the construction period.
- 7. Construction Traffic/Parking During construction, adequate provisions shall be made on-site for the parking, storing, and stacking of construction materials and vehicles. All parking for construction vehicles and construction related traffic shall be maintained on site. No parking of construction and construction related vehicles shall take place on adjacent public or private ways or interfere with the safe movement of persons and vehicles on adjacent properties or roadways.
- 8. *Noise* Construction noise shall not exceed the noise standards as specified in the *Bylaw*, SECTION V. USE REGULATIONS, Sub-Section B. Area Standards, Paragraph 2. b).

Construction Oversight

1. Construction Account

- a) Inspection of infrastructure and utility construction, installation of site amenities including landscaping, and the review of legal documents by Town Counsel is required. Prior to plan endorsement, the Permittee shall establish a construction account with the Board. The funds may be used at the Board's discretion to retain professional outside consultants to perform the items listed above as well as the following other tasks inspect the site during construction/installation, identify what site plan work remains to be completed, prepare a bond estimate, conduct other reasonable inspections until the site work is completed and determined to be satisfactory, review as-built plans, and advise the Board as it prepares to issue a *Certificate of Site Plan Completion*.
- b) Prior to plan endorsement, the Permittee shall pay an advance toward the cost of these services to the Town of Medway. The advance amount shall

be determined by the Board based on an estimate provided by the Town's Consulting Engineer.

- c) Depending on the scope of professional outside consultant assistance that the Board may need, the Permittee shall provide supplemental payments to the project's construction inspection account, upon invoice from the Board.
- d) Any funds remaining in the Permittee's construction inspection account after the *Certificate of Site Plan Completion* is issued shall be returned to the Permittee.
- 2. Board members, its staff, consultants or other designated Town agents and staff shall have the right to inspect the site at any time, for compliance with the endorsed site plan and the provisions of this *Decision*.
- 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.
- 4. The Permittee shall have a professional engineer licensed in the Commonwealth of Massachusetts conduct progress inspections of the construction of the approved site improvements. Inspections shall occur at least on a monthly basis. The engineer shall prepare a written report of each inspection and provide a copy to the Board within 5 days of inspection.

E. 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.
- Prior to undertaking such field changes, the Permittee and/or contractor shall discuss the possible field changes with the Town's Consulting Engineer and submit a letter and drawings to the Planning and Economic Development Coordinator and the Building Commissioner describing the proposed changes and what conditions, situations, or emergencies necessitate such changes. In accordance with Section 3.5.2.C of the Bylaw, the Building Commissioner may determine that the field change is insubstantial, authorize the change, and so notify the Board. Otherwise, the Board shall review the proposed field changes are reasonable and acceptable based on the unforeseen conditions, situations, or emergencies and whether other options are feasible or more suitable. A written authorization of field change will be provided. Any approved field change shall be reflected in the as-built plan to be provided at project completion.

F. Modification of Plan and/or Decision

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

Compliance with Plan and Decision

- 1. The Permittee shall construct all improvements in compliance with the approved and endorsed site plan and this *Decision* any modifications thereto.
- 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.

H. Performance Security

 No occupancy permit shall be granted until the Board has provided a written communication to the Building Commissioner/Zoning Enforcement Officer that the project, as constructed, conforms completely and fully to the approved 25 site plan and that any conditions including construction of any required on and off-site improvements, have been satisfactorily completed OR that suitable security/performance guarantee has been provided to the Town of Medway, to the Board's satisfaction, to cover the cost of all remaining work.

- 2. The Permittee shall propose a form of performance security which shall be of a source and in a form acceptable to the Board, the Treasurer/Collector and Town Counsel. The Board requires that the performance guarantee be accompanied by an agreement which shall define the obligations of the Permittee and the performance guarantee company including:
 - a) the date by which the Permittee shall complete construction
 - b) a statement that the agreement does not expire until released in full by the Board
 - c) procedures for collection upon default.
- 3. The amount of the performance guarantee shall be equal to 100% of the amount that would be required for the Town of Medway to complete construction of the site infrastructure including installation of stormwater management facilities, utilities, services, pedestrian facilities and all site amenities as specified in the approved Site Plan that remain unfinished at the time the performance guarantee estimate is prepared if the developer failed to do so.
- 4. The security amount shall be approved by the Board based on an estimate provided by the Town's Consulting Engineer based on the latest weighted average bid prices issued by the Mass Highway Department. The estimate shall reflect the cost for the Town to complete the work as a public works project which may necessitate additional engineering, inspection, legal and administrative services, staff time and public bidding procedures. The estimate shall also include the cost to maintain the infrastructure in the event the Permittee fails to adequately perform such and the cost for the development of as-built plans. In determining the amount, the Board shall be guided by the following formula in setting the sum: estimate of the Town's Consulting Engineer of the cost to complete the work plus a 30% contingency.
 - . Final release of performance security is contingent on project completion.

I. Project Completion

1. Site plan approval shall lapse after one (1) year of the grant thereof if substantial use has not commenced except for good cause. The work shown on the approved site plan shall be completed by the Permittee or its assignees within two (2) years of the date of plan endorsement. Upon receipt of a written request from 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.

L.

- 2. Prior to issuance of a final occupancy permit, the Permittee shall request a *Certificate of Site Plan Completion* from the Board. The *Certificate* serves as the Board's confirmation that the completed work conforms to the approved site plan and any conditions and modifications thereto, including the construction of any required on and off-site improvements. The *Certificate* also serves to release any security/performance guarantee that has been provided to the Town of Medway. To secure a *Certificate* of Site Plan Completion, the Permittee shall:
 - a) provide the Board with written certification from a Professional Engineer registered in the Commonwealth of Massachusetts that all building and site work has been completed in substantial compliance with the approved and endorsed site plan, and any modifications thereto; and
 - b) submit an electronic version of an As-Built Plan, prepared by a registered Professional Land Surveyor or Engineer registered in the Commonwealth of Massachusetts, to the Board for its review and approval. The As-Built Plan shall show actual as-built locations and conditions of all buildings and site work shown on the original site plan and any modifications thereto. The As-Built Plan shall also show all utilities found during the construction process. The final As-Built Plan shall also be provided to the Town in CAD/GIS file format per MASS GIS specifications.
- J. **Right to Enter Property** Board members, its staff, consultants or other designated agents of the Town shall have the right to enter the property at any time to ensure continued compliance with the terms and conditions of this special permit and the endorsed site plan.
- K. *Recording* Within thirty days of recording the Decision, the Applicant shall provide the Board and the Building Commissioner with a receipt from the Norfolk County Registry of Deeds indicating that the Decision and Plan have been duly recorded, or supply another alternative verification that such recording has occurred.

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

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

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 Applicant. A copy of the recorded Decision, and notification by the Applicant of the recording, shall be furnished to the Board.

###

APPROVED by the Medway Planning & Economic Development Board: ____

AYE:	NAY:
ATTEST:	
	Susan E. Affleck-ChildsDatePlanning & Economic Development CoordinatorDate
COPIES TO:	Michael Boynton, Town Administrator Dave D'Amico, DPW 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 Alan Tingley, Police Chief Jeff Watson, Police Department Chad Blair, Neo Organics and 4 Marc Road Realty, LLC Jaime Lewis, Neo Organics
	Bert Corey, DGT Associates Steven Bouley, Tetra Tech Gino Carlucci, PGC Associates

29

Susan Affleck-Childs

From:	Bruce Straughan <bastraughan@comcast.net></bastraughan@comcast.net>
Sent:	Saturday, January 11, 2020 7:10 PM
То:	Susan Affleck-Childs
Subject:	Re: 4 Marc Road - Medway, MA marijuana facility

Susan,

I think this document is well written. I perused the whole thing and paid special attention to the pages you mentioned and any other pages that mention odor. It states that my prior review letter will be an attachment to the document and made a part of the decision and requires compliance with it, so I think we're covered. I take no exceptions to the draft decision as it is written pertaining to odor, and therefore, I made no edits and did not produce any review comments.

Please feel free to contact me with any questions or concerns.

Thank You, Bruce Straughan, PE Straughan Forensic, LLC

On January 9, 2020 at 2:33 PM Susan Affleck-Childs <sachilds@townofmedway.org> wrote:

Hi Bruce,

Happy New Year!

Attached is a draft decision for the 4 Marc Road marijuana cultivation and processing facility.

Would you review, specifically the section on Odor Management conditions. See pages 19 and 20. I welcome your edits for improved, clearer, additional, more specific language.

The Board hopes to finalize the decision next Tuesday night, so any feedback you can provide asap would be most appreciated.

Best regards,

Susan E. Affleck-Childs

Planning and Economic Development Coordinator

Town of Medway

155 Village Street

Medway, MA 02053

508-533-3291

Susan Affleck-Childs

-	
From:	Jeff Komrower <jeffk@noise-control.com></jeffk@noise-control.com>
Sent:	Monday, January 13, 2020 3:20 PM
То:	Susan Affleck-Childs
Subject:	Marijuana Facility - 4 Marc Road
Importance:	High

Hi Susan,

I have finished my review of all relevant documents including all correspondence, Acentech's report and noise control plan and all applicable ordinances as well as the draft decision regarding the special permit for NeoOrganics LLC at 4 Marc Road. Here are my comments:

- 1) After reviewing the noise control plan from Acentech and Ron Dempsey's email of 23-October 2019 where he responded to John Lally's comments, I noticed that in Ron's response to John's point #4, he pointed out that it seemed a noise barrier was missing around the AHU unit in the NW corner of the building. I contacted Acentech to close the loop on this and as it turns out, the complete AHU unit and barrier were accidently left out of the model. Acentech modified their model to include this unit and barrier and sent me their results. I have suggested that yhey also send these results to their client. Also in this latest iteration of the model, they made slight adjustments to the barrier heights. The barrier around all the GRTU units are now recommended to be 3.5 meters (up from 3 meters) and the barriers around the AHU units have increased to 5 meters from 4.5 meters. With these modifications and the addition of the AHU in the model, the predictions still show all octave band noise levels meet the Medway maximum permissible sound pressure levels both at the property line locations (at 5 ft height) and the projected residence locations (at 17 ft height).
- 2) I looked at the potential effect on noise levels of adding the 17' wide driveway around the concrete pad on which the chillers are to be installed. It is not anticipated that this driveway will have any effect on the noise levels. With properly designed barriers, the sound propagating to the far field from the path over the barrier will be significantly higher than any energy propagating through the barrier. Thus, due to the proximity of the driveway to the barrier, any potential added reflection due to increased hardness of the driveway surface as compared to the ground parameter used in the model, will be negligible.
- 3) On page 18, paragraph 2, it mentions measuring ambient sound levels and then goes on to state in the last sentence that the "purpose is to determine if the facility complies with Section 7.3 of the <u>Zoning Bylaw</u>." This is not technically correct. The Medway bylaw Section 7.3 makes no mention of background levels. The Board needs to make a decision as to which ordinance (or both) that it will be requiring Neo Organics to adhere. MADEP noise policy requires the establishment of background level then specifies that noise levels cannot exceed these background levels by more than 10 dB. The Medway noise requirement, on the other hand, specifies an absolute dB level and does not require the establishment of background noise levels. It is not unreasonable to require adherence to both ordinances.
- 4) If the town makes the decision to require adherence to the MADEP requirements, expect a discussion as to how to establish background levels. 2 Medway is already in operation and is most likely adding some background noise to the area. Even if they are in compliance, the background levels established with this facility in operation will be higher than before they were operating. The discussion, if brought up, will be centered around the background levels being established at levels before this facility was operating, or the current levels, which will be higher.
- 5) Taking measurements at the property line at the height of second story windows is reasonable this could also be done at the residence, however, the more *stringent* requirement would for it to meet the levels at the property line. Noise at the residences, which would be further from the source, will almost always be lower.

The rest of the verbiage looks fine. Let me know if you have any questions. Thanks!

Best regards,

Jeff

Jeffrey M. Komrower Senior Engineer jeffk@noise-control.com

Noise Control Engineering, LLC 85 Rangeway Road

Building 2, 2nd Floor Billerica, MA 01862 978-584-3026 (direct line) 978-670-5339 (main number) 410-960-9243 (mobile) www.noise-control.com



January 14, 2020 Medway Planning & Economic Development Board Meeting

Medway Place Shopping Plaza Site Plan Public Hearing Continuation

Attorney Gareth Orsmond has requested a continuation of the hearing. Their stormwater engineer (Grady Consulting) has not yet connected with Tetra Tech to discuss stormwater.

 Request dated 1-14-20 for a continuation of the hearing to the February 11th meeting.

I also discussed an extension of the deadline for the PEDB to act on the site plan application. The current deadline is January 26th.

• Letter dated 1-14-20 to authorize an extension of the deadline for the PEDB to act on the site plan application.



Gareth I. Orsmond

100 Summer Street, 22nd Floor Boston, MA 02110

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

Admitted in: MA, NH

January 13, 2020

By Electronic Mail

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

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

Dear Chairman Rodenhiser and Board Members:

As I discussed with Ms. Affleck Childs on January 9th, Medway Realty LLC would like to continue the hearing on this matter to February 11th so that our engineers have more time to consider and respond to the comments of the peer review consultants and the board members.

Accordingly, I respectfully request this continuance.

Thank you in advance for your courtesy and consideration.

Very truly yours,

Sareth Orsmand

Gareth I. Orsmond

GIO/smg



Gareth I. Orsmond

100 Summer Street, 22nd Floor Boston, MA 02110

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

Admitted in: MA, NH

January 13, 2020

By Electronic Mail

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

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

Dear Chairman Rodenhiser and Board Members:

Medway Realty LLC hereby grants the Planning and Economic Development Board an extension of the 90-day deadline for the Board's action on the above-referenced application for major site plan review. Unless Medway Realty agrees to an additional extension in writing, the extension period shall end at 5:00 p.m. Boston time on February 28, 2020.

Very truly yours,

Hareth Ousmand

Gareth I. Orsmond

GIO/smg



January 14, 2020 Medway Planning & Economic Development Board Meeting

ZBA Petition to modify previous variance and special permit for 14-16R Franklin Street

- ZBA decision dated August 7, 2019 granting a frontage variance and a 2 family special permit for the property at 14-16R Franklin Street. Note, the decision included conditions re: tree preservation in the setback areas.
- PEDB comment letter dated 6-21-19 to the ZBA pertaining to the above noted project.
- Petition dated 12-23-19 from the owner of 14-16R
 Franklin Street to the ZBA to modify the previously issued special permit and variance.

As is its standard practice, the ZBA circulated the recent petition and seeks comments. The ZBA's hearing on this is scheduled for Wednesday, January 15th.

Please discuss, decide if you want to provide comments to the ZBA, and determine what comments you wish to offer.


Town of Medway **ZONING BOARD OF APPEALS** 155 Village Street, Medway, MA 02053

Rori Stumpf, Chair Brian White, Vice Chair Gibb Phenegar, Clerk Christina Oster, Member Carol Gould, Member Tom Emero, Associate Member Brian Cowan. Associate Member

DECISION VARIANCE & SPECIAL PERMIT 14 & 16R FRANKLIN STREET

Date Application Filed: June 7, 2019

Applicant(s):

Lynne Tatevosian (the "Applicant") 11 Franklin Street Medway, MA 02053

Location of Property:

14 and 16R Franklin Street (Assessor Parcel IDs: 57-078 and 57-079).

Approval Requested:

Special Permit under Section 5.4 Table 1.C of the Zoning Bylaw to construct a two-family house that will have the exterior appearance of a single family dwelling, and for a variance from Section 6.1 Table 2 of the Zoning Bylaw to allow for a lot with 89.31 feet of frontage where 150 feet is required.

Members Participating:

Rori Stumpf (Chair), Brian White (Vice Chair), Carol Gould (Clerk), Gibb Phenegar (Member), Tom Emero (Associate Member)

Rori Stumpf (Chair), Brian White (Vice Chair), Gibb Phenegar

(Member), Tom Emero, (Associate Member)

14

Members Voting:

aring Opened: July 3, 2019

Hearing Opened:

Hearing Closed: August 7, 2019

Date of Decision: August 7, 2019

Decision: GRANTED

	RECEIVED
	AUG 9 2019
1	TOWN CLERK
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Town of Medway **ZONING BOARD OF APPEALS** 155 Village Street, Medway, MA 02053 Rori Stumpf, Chair Brian White, Vice Chair Gibb Phenegar, Clerk Christina Oster, Member Carol Gould, Member Tom Emero, Associate Member Brian Cowan, Associate Member

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Members Voting:	Rori Stumpf (Chair), Brian White (Vice Chair), Gibb Phenegar (Member), Tom Emero, (Associate Member)
Hearing Opened:	July 3, 2019
Hearing Closed:	August 7, 2019
Date of Decision:	August 7, 2019
Decision:	GRANTED

I. PROCEDURAL HISTORY

- 1. On June 7, 2019, the Applicant filed an applicant for a Special Permit under Section 5.4 Table 1.C of the Zoning Bylaw to construct a two-family house that will have the exterior appearance of a single family dwelling, and for a variance from Section 6.1 Table 2 of the Zoning Bylaw to allow for a lot with 89.31 feet of frontage where 150 feet is required.
- 2. Notice of the public hearing was published in the Milford Daily News on June 19, 2019 and June 26, 2019, and notice sent by mail to all interested parties and posted in Town Hall as required by G.L. c. 40A §11.
- 3. The public hearing was opened on July 3, 2019, with members Stumpf, White, Gould and Phenegar present. The hearing was continued to August 7, 2019, with members Stumpf, White, Phenegar, and Emero present. Mr. Emero, an associate member, was designated by the Chairman on August 7th to sit on this case due to the unavailability of Ms. Gould. Mr. Emero filed a certificate under the "Mullin Rule", G.L. c. 39, §23D, that he had reviewed the proceedings of the July 3, 2019 public hearing session prior to the Board's meeting on August 7th. The Board closed the public hearing on August 7, 2019.
- 4. The Property is located in the Agricultural Residential II District. The front setback requirement is 35 feet and the side and rear setback requirements are 15 feet. The minimum lot area requirement is 22,500 sq. ft. and the minimum frontage requirement is 150 feet.
- 5. The Board notified Town departments, boards and committees of this application.
- 6. All documents and exhibits received during the public hearing are contained in the Zoning Board of Appeal's files and listed in Section V. of this Decision.

II. TESTIMONY

At public hearing on July 3, 2019 Lynne Tatevosian was present and began by discussing the previous variance that was granted to this property in June 2018. She explained that she bought the property in February 2019 and stated that, based on the needs of her family, she would like to build a two family home on the property.

Mr. Stumpf asked about the plans being proposed for this property. Ms. Tatevosian stated that she has an appointment with an architect scheduled to prepare plans. She discussed the location of the garage of the new construction. The board members questioned the size of the home on the lot. She states she would meet all the required setbacks to build a 3,500 sq. ft. home.

Mr. White stated that the new home would be out of character for the neighborhood and he discussed the scale. Mr. Stumpf stated that his concern is with protecting the abutters and making sure this proposed two-family will fit in with the neighborhood. Mr. Phenegar stated that he is hesitant because there are no plans that are drawn to scale, therefore he cannot vision what it will

actually look like. The Board reiterated that 3,500 sq. ft. of home is very large for that area and the neighborhood. The Board members request the applicant provide architectural plans to give them a better idea of what the proposed home will look like on the property to scale.

Paul Santosusso, 2 Franklin Creek Lane stated that his house abuts the property and is 3,000 square feet and that the house next to him is 3,400 sq. feet which also abuts the property.

There was a discussion among the Board whether to vote on the application or continue the hearing. They decided to continue the hearing to give the applicant a chance to submit plans shown to scale

At the hearing on August 7, 2019, Ms. Tatevosian was present and provided the Board with a plot plan with a proposed foundation as well as a drawing of the proposed front elevation. She explained the plan in more detail as well as provided an overview of what the layout of the home would look like based on the picture of the proposed elevation plan provided. During the discussion the Board asked the Applicant if she had any proposed floor plans, at that time a brief recess was held in order for the Applicant to produce the materials for the Board.

When the hearing reopened the Board discussed the trees and vegetation on the lot, the abutting properties and the square footage of the residences as well as potential conditions if the request is granted. After viewing all provided materials, the members reviewed the criteria for the Special Permit, upon going through the criteria the Board found that the Applicant met all criteria and decided to grant the request. The Board then discussed the variance criteria, based on their discussion they determined that she met all criteria and decided to grant the Board had granted a frontage variance for this lot on May 14, 2018, but that variance had been for only a single-family home.

III. FINDINGS

In making its findings and reaching the decision described herein, the Board is guided by G.L. c. 40A, as amended, and by the Medway Zoning Bylaw. The Board also considered evidence and testimony presented at the public hearing and comments submitted by residents placed in the public record during the course of the hearings.

A. Variance Criteria

1. Circumstances relating to the shape, topography, or soil conditions of the subject property, which do not generally affect other land in the zoning district.

The shape of the lot is unique in that it is shaped like an "L", with the lot narrow along the frontage and widening out at the back. This is a lot shape that is unique to the zoning district and other lots in the district do not share this unique shape.

2. Substantial hardship caused by the circumstances from Criteria A.1 when the Zoning Bylaw is literally enforced.

Without frontage relief the lot would be essentially undevelopable, which causes a substantial hardship resulting from the unique shape of the lot. Any owner of the

lot would incur a financial hardship to pay taxes on an essentially unusable lot if a variance is not granted.

3. Desirable relief may be granted without substantial detriment to the public good.

The grant of relief would not cause substantial detriment to the public good as the property will be used for a two family dwelling, with conditions imposed by the Board to protect the public good. The lot has more than enough area for a two-family dwelling under the Bylaw.

4. Desirable relief may be granted without nullifying or substantially derogating from the intent or purpose of the zoning by-law.

The grant of relief would not nullify or substantially derogate from the intent of the Zoning Bylaw, which allows for two-family dwellings in this area by special permit.

The Board finds that the Applicant has provided documentation in the variance application form submitted with this application, and as explained during the hearing, to meet all of the required variance criteria, with a motion made by Brian White, seconded by Gibb Phenegar passed by a vote of 4-0.

B. Section 3.4 Special Permit Decision Criteria

- 1. The proposed site is an appropriate location for the proposed use.
- 2. Adequate and appropriate facilities will be provided for the operation of the proposed use.
- 3. The proposed use as developed will not create a hazard to abutters, vehicles, pedestrians, or the environment.
- 4. The proposed use will not cause undue traffic congestion or conflicts in the immediate area.
- 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.
- 6. The proposed use as developed will not adversely affect the surrounding neighborhood or significantly alter the character of the zoning district.
- 7. The proposed use is in harmony with the general purpose and intent of the Zoning Bylaw.
- 8. The proposed use is consistent with the goals of the Medway Master Plan.
- 9. The proposed use will not be detrimental to the public good.

The Board finds that the Applicant has demonstrated through testimony and written materials, specifically the Special Permit Form submitted with the application, that the application, with the conditions imposed by the Board, meets all of the required special permit decision criteria, with a motion made by Brian White, seconded by Gibb Phenegar, passed by a vote of 4-0.

IV. CONDITIONS OF APPROVAL

Based upon the findings of the Board and testimony and information received into the record during the public hearing process, the Board *GRANTS* the Applicant, Lynne Tatevosian, a *VARIANCE* from Section 6.1 Table 2 of the Zoning Bylaw to Bylaw to allow for a lot with 89.31 feet of frontage where 150 feet is required, subject to the Plan of Land submitted and subject to the conditions set forth in this Decision.

Based upon the findings of the Board and testimony and information received into the record during the public hearing process, the Board *GRANTS* the Applicant, Lynne Tatevosian, a *SPEICAL PERMIT* under Section 5.4 Table 1.C of the Zoning Bylaw to construct a two-family house that will have the exterior appearance of a single family dwelling, subject to the Plan of Land submitted and subject to the conditions set forth in this Decision.

- 1. This variance and special permit is subject to all subsequent conditions that may be imposed by other Town departments, boards, agencies, or commissions. Any changes to the special permit or variance that may be required by the decisions of other Town boards, agencies or commissions shall be submitted to the Board for review as a new request.
- 2. Any work or use that deviates from this Decision may be a violation of the Medway Zoning Bylaw.
- 3. As provided in Section 3.4.E of the Zoning Bylaw, special permits shall lapse within two years, which shall not include such time required to pursue or await the determination of an appeal under G.L. c. 40A, §17, from the grant thereof, if a substantial use thereof has not sooner commenced except for good cause, or, in the case of a special permit for construction, if construction has not begun by such date, except for good cause. Upon receipt of a written request by the applicant filed at least 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.

Pursuant to G.L. c. 40A, §10: "If the rights authorized by a variance are not exercised within one year of the date of grant of such variance such rights shall lapse; provided, however, that the permit granting authority in its discretion and upon written application by the grantee of such rights may extend the time for exercise of such rights for a period not to exceed six months; and provided, further, that the application for such extension is filed with such permit granting authority prior to the expiration of such one year period. If the permit granting authority does not grant such extension within thirty days of the date of application therefor, and upon the expiration of the original one-year period, such rights may be reestablished only after notice and a new hearing pursuant to the provisions of this section."

4. The building shall meet the Massachusetts State Fire Code regarding Smoke and Carbon Monoxide detectors.

- 5. Driveway runoff should not flow out to Franklin Street, but should be managed on-site through some low-impact stormwater management practices such as swales and/or a rain garden. The Applicant should also be required to install roof drains on the new building to recharge roof stormwater directly into the ground.
- 6. The total amount of living space of the two-family dwelling shall not exceed 3,650 square feet, substantially as shown on the Floor Plan. The exterior measurement of the building shall be substantially in compliance with the Floor Plan, Plan of Land, and Front Elevation drawing. The two-family dwelling shall be located in conformity with the Plan of Land.
- 7. The applicant shall not remove trees of 18" diameter or greater as measured four feet from the ground within the front, side and rear setbacks of the property, and shall maintain as much existing vegetation as practicable around the property.

V. INDEX OF DOCUMENTS

A. The application included the following plans and information that were provided to the Board at the time the application was filed:

- 1. Medway Zoning Board of Appeals Variance Decision for 14 and 16R Franklin Street dated June 21, 2018
- 2. Aerial photo of lot with hand drawn proposed location of the building
- "Plan of Land in Medway, MA" for 14-16R Franklin Street Medway, MA dated July 28, 2019, Owner: Lynne Tatevosian prepared by Colonial Engineering, Inc. 11 Awl Street Medway, MA 02053 (herein the "Plan of Land")
- 4. List of abutters who are in favor of the Variance and Special Permit applications for 14-16R Franklin Street Medway, MA 02053 from Lynne Tatevosian received July 1, 2019
- 5. Mullin Rule form filed by Tom Emero for the July 3, 2019 meeting, stamped in by the Town Clerk on August 6, 2019
- 6. Tatevosian Residence Front Elevation (herein "Front Elevation drawing")
- 7. "Tatevosian Residence" Proposed floor plan submitted August 7, 2019 (2 sheets) (herein "Floor Plan")

B. During the course of the review, the following materials were submitted to the Board by Town Departments/Boards:

1. Email from Chief Lynch, Medway Fire Dept. on June 11, 2019

2. Email from Bridget Graziano, Conservation Agent on June 11, 2019

3. Email from Joanne Russo Medway Treasurer on June 11, 2019

4. Letter from Andy Rodenhiser, Chairman of the Medway Planning and Economic Development Board dated June 21, 2019

[Rest of page intentionally left blank, signature page follows]

VI. VOTE OF THE BOARD

By a vote of 4 to 0, on a motion made by Brian White and seconded by Gibb Phenegar, the Zoning Board of Appeals hereby *GRANTS* the Applicant, Lynne Tatevosian, a *VARIANCE* from Section 6.1 Table 2 of the Zoning Bylaw to Bylaw to allow for a lot with 89.31 feet of frontage where 150 feet is required, subject to the Plan of Land and subject to the conditions set forth in this Decision.

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Member:	Vote:	Signature:	
Rori Stumpf	YES		
Brian White	YES		
Gibb Phenegar	YES		
Tom Emero	YES		

The Board and the Applicant have complied with all statutory requirements for the issuance of this variance and special permit on the terms hereinafter 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 G.L. c. 40A §15.

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

In accordance with MGL c. 40A, Section 11, no variance or 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, in the case of a variance, 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 any duly filed appeal has been dismissed or denied, and in the case of a special permit, that 20 days have elapsed after the decision 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

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paid by the Applicant. A copy of the recorded Decision certified by the Registry, and notification by the Applicant of the recording, shall be furnished to the Board.



TOWN OF MEDWAY Planning & Economic Development Board

155 Village Street Medway, Massachusetts 02053

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

June 21, 2019

Mr. Rori Stumpf Medway Zoning Board of Appeals 155 Village Street Medway, MA 02053

RE: Special Permit Application for 14-16R Franklin Street

Dear Rori and Members of the Zoning Board of Appeals,

At its meeting on June 18, 2019, the Planning and Economic Development Board (PEDB) reviewed and discussed the petition of Lynne Tatevosian of 11 Franklin Street to the ZBA requesting a special permit to allow a two family house/duplex to be constructed at 14-16R Franklin Street and an associated frontage variance. This discussion was in response to the ZBA's June 11, 2019 request for comments from Town boards and staff. We understand the public hearing on this petition is scheduled for July 3, 2019.

The subject property is located on the east side of Franklin ST between Village ST and Franklin Creek Lane, in the AR-II zoning district. The parcel is 46,103 sq. ft. in area (conforming) and has 89.31 feet of frontage on Franklin ST (substantially non-conforming). The standard frontage requirement for the AR-II zoning district is 150'. The site is not developed.

Due to the extent of the property's non-conforming frontage, the PEDB recommends that the ZBA not grant the frontage variance as requested.

Further, the PEDB believes a two family house, as represented by the sample elevations provided with the application, is too big and would be out of scale with the other dwellings along Franklin ST. Accordingly, the Board recommends the ZBA not grant the special permit for the 2-family dwelling as presently proposed.

If the ZBA decides to issue affirmative decisions for the variance and special permit, the ZBA could consider including the following conditions:

- Inform the Applicant that Franklin Street is a Scenic Road and that any development of the property may require a Scenic Road Work permit from the Planning and Economic Development Board. Such is required if any trees or stone walls located within the Town's right of way on Franklin Street are to be damaged, removed or destroyed. This can occur when
- Require the Applicant to manage stormwater runoff on the subject property. Driveway
 runoff should not flow out to Franklin Street, but should be managed on-site through
 some low-impact stormwater management practices such as swales and/or a rain
 garden. The Applicant should also be required to install roof drains on the new building
 to recharge roof stormwater directly into the ground. Construction of a two family
 house on the subject property will probably not trigger the Town's stormwater and land
 disturbance bylaw and regulations and therefore, the property will not be subject to a
 full stormwater review. However, the relatively simple measure of installing a roof drain
 is a modest, but positive action that can be taken to lessen the impact of stormwater runoff onto abutting properties and reduce runoff into the Town's stormwater system.
- Establish some limitations on the construction of the new house in order for the building to be in character with the neighborhood and be of suitable scale in comparison to the bulk and height of buildings on the abutting properties and other nearby residences. The Board has previously offered the following recommendations provided by the Board's Planning Consultant, Gino Carlucci.
 - ✓ The total floor area of the new residential building should be no more than 25% greater than the total floor area of an existing residence on one of the lots abutting or located within 300 feet of the subject property;
 - ✓ The ratio of the total floor area of the new residential building to the total area of the subject lot should be no more than 25% greater than the floor to area ratio of an existing building located on lots abutting or located within 300 feet of the subject property; and
 - ✓ The maximum height of the new residential building should be no more than 10% greater than the height of the tallest building located on lots abutting or located within 300 feet of the subject property and not less than 67% of the height of the lowest building located on lots abutting or located within 300 feet of the subject property.
- Require the applicant to retain, to the maximum extent possible, the existing mature trees on the property (those that are 18" in diameter at chest height), particularly those within the front, side and rear setback areas.

Thank you for considering our comments. We would be pleased to discuss this letter further with the ZBA.

Best regards,

ag Rd

Andy Rodenhiser Chairman



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

December 23, 2019

Zoning Board of Appeals Town Offices 155 Village Street Medway, MA 02053

Ref: 14-16 Franklin Street Modification Request

Dear Members of the Board:

Please find enclosed the following documents relative to the Applicant's request to modify the previous decision of the Board for 14-16 Franklin Street:

- ✓ One original and three copies of the General Application form and the Modification form;
- ✓ One copy of the legal notice billing agreement;
- ✓ One copy of the Treasurer/Collector Certification form, which has been provided to the Treasurer/Collector's office for review and response;
- ✓ A check in the amount of \$100 for the application fee;
- ✓ One copy of the Application Checklist;
- ✓ Four copies of a revised proposed plot plan for the two-family dwelling; and
- ✓ Four copies of revised proposed building plans for the two-family dwelling.

The proposed modifications are summarized as follows:

- The dwelling location has shifted forward by approximately 20 feet to increase the rear yard separation to the abutters to the rear and the driveway was shifted to preserve a stand of nice trees along the street frontage. We believe this to be an improvement by increasing setbacks to neighbors.
- The footprint of the dwelling has changed slightly at the left front corner due to a change in the design of the office and changes to the layout of the second floor in the main house. As a result, there is a 133 s.f. increase in the first floor area and a 304 s.f. increase in the second floor area. Conversely, however, the originally approved deck has been eliminated, resulting in an overall reduction in the footprint of the structure. The originally approved deck was 18'x13' (plus the notch area at the back of the house).
- The Applicant would also like to retain the ability to finish a room in the basement or the storage area over the garage at some future date and requests that any conditions related to size of the structure be modified to allow changes within the footprint of the structure and to

Zoning Board of Appeals December 23, 2019 Page 2 of 2



not limit the dwelling to a specific s.f. of floor area. The enclosed plans are the final construction plans for the house.

In addition, as has been noted by town officials, a few trees larger than 18 inches were removed from the setback areas for a variety of reasons. Based on the information provided to us by the Applicant and by the Town it appears that approximately three such trees were removed. This was done so due to concerns about proximity to abutting structures and the health of trees. The Applicant will provide a discussion of this tree removal at the upcoming hearing. The applicant is willing to plant new trees.

To summarize, the applicant requests the following modifications to the prior approval:

- 1. Allow the revised location of the structure per the new plot plan;
- Allow the revised building plans per the new architectural plans and eliminate the condition pertaining to the amount of floor area of the structure. We request that the Board simply refer to the enclosed architectural plans as the approved plans but allowing for interior modifications at the Applicant's discretion; and
- 3. Allow the aforementioned tree removal within the setback areas.

Also note that we are in the process of designing the stormwater management system referenced in the Board's decision and will provide a copy of that plan as soon as it is ready.

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

Yours Truly,

LEGACY ENGINEERING LLC

Daniel J. Merrikin, P.E. President

cc: File



TOWN OF MEDWAY

ZONING BOARD OF APPEALS

155 Village Street Medway MA 02053 Phone: 508-321-4915 |zoning@townofmedway.org www.townofmedway.org/zoning-board-appeal

NOTE: THE APPLICATION WILL NOT BE CONSIDERED "COMPLETE" UNLESS ALL NECESSARY DOCUMENTS, FEES, & WAIVER REQUESTS ARE SUBMITTED. A GENERAL APPLICATION FORM MUST BE COMPLETED FOR ALL APPLICATIONS.

TO BE COMPLETED BY THE APPLICANT

Applicant/Petitioner(s):	Application Request(s):	
Lynne Tatevosian		
Property Owner(s):	Appeal	
Lynne Tatevosian	Special Permit	
Site Address(es): 14-16 Franklin Street	Variance	
	Determination/Finding	
	Extension	
	Modification	\checkmark
Parcel ID(s): 57-078 & 57-079	Comprehensive Permit	
Zoning District(s): AR-II		
Registry of Deeds Book & Page No. and Date or Land Co	ourt Certificate No. and Date of Current Title:	
Deed Book 36604 Pg. 172, Feb. 11, 2019		

TOWN CLERK STAMF

TO BE COMPLETED BY STAFF:

Check No.: Date of Complete Submittal: Comments:

GENERAL APPLICATION FORM

APPLICANT/PETITIONER INFORMATION

The owner(s) of the land must be included as an applicant, even if not the proponent. Persons or entities other than the owner may also serve as coapplicants in addition to the owner(s), however, in each instance, such person shall provide sufficient written evidence of authority to act on behalf of the owner(s). For legal entities such as corporations, LLCs, etc., list the type and legal status of ownership, the name of the trustees/officer members, their affiliation, and contact information. Please provide attachment for information if necessary.

Applicant/Petitioner(s):	Phone:
Lynne Tatevosian	781-726-1988
	Email: tatevosian@comcast.net
Address:	ð
2 Franklin Creek Lane, Medway, MA 02053	
Attorney/Engineer/Representative(s):	Phone:
Daniel Merrikin	508-868-8353
	Email: dan@legacy-ce.com
Address:	
730 Main Street, Suite 2C, Millis, MA 02054	
Owner(s):	Phone:
Lynne Tatevosian	781-726-1988
	Email: tatevosian@comcast.net
Mailing Address:	
2 Franklin Creek Lane, Medway, MA 02053	

Please list name and address of other parties with financial interest in this property (use attachment if necessary):

None

Please disclose any relationship, past or present, interested parties may have with members of the ZBA: None

I hereby certify that the information on this application and plans submitted herewith are correct, and that the application complies with all applicable provisions of Statutes, Regulations, and Bylaws to the best of my knowledge, and that all testimony to be given by me during the Zoning Board of Appeals public hearing associated with this application are true to the best of my knowledge and belief.

ecember 20 2017 Signature of Applicant/Petitioner or Representative Date

Signature Property Owner (if different than Applicant/Petitioner)

Date

APPLICATION INFORMATION

		YES NO
Applicable Section(s) of the Zoning Bylaw:	Requesting Waivers?	
See Narrative Below	Does the proposed use conform to the current Zoning Bylaw?	
Present Use of Property: Under construction for a two-family dwelling	Has the applicant applied for and/or been refused a building permit?	
	Is the property or are the buildings/ structures pre-existing nonconforming?	
Proposed Use of Property: Two-family dwelling	Is the proposal subject to approval by the BOH or BOS?	
	Is the proposal subject to approval by the Conservation Commission?	
Date Lot was created: January 22, 2019 (merged two lots)	Is the property located in the Floodplain District?	
Date Building was erected: n/a	Is the property located in the Groundwater Protection District?	
Does the property meet the intent of the Design Review Guidelines? n/a	Is the property located in a designated Historic District or is it designated as a Historic Landmark?	

Describe Application Request:

The applicant seeks a modification of the prior decision of the Zoning Board dated August 7, 2019. That decision granted a frontage variance from Section 6.1, Table 2 and a Special Permit under Section 5.4, Table 1.C to allow a two-family house that will have the exterior appearance of a single family dwelling. Applicant seeks to modify the approved plot and building plans and to discuss/modify conditions related to tree removal within the setback areas.

FILL IN THE APPLICABLE DATA BELOW

Required Data	Bylaw Requirement	Existing	Proposed
A. Use		Under Construction	Two-family dwelling
B. Dwelling Units	2	Under Construction	2
C. Lot Size	22,500 s.f.	46,103 s.f.	46,103 s.f.
D. Lot Frontage	150'	89.31'	89.31'
E. Front Setback	35'	161.34' approved	142.83'
F. Side Setback	15'	41.17' approved	29.56'
G. Side Setback	15'	30.18' approved	28.08'
H. Rear Setback	15'	30.31' approved	50.72'
I. Lot Coverage	30% structure	5.91% approved	5.94%
J. Height	35'	~28'	~28'
K. Parking Spaces	Exempt	Exempt	Exempt
L. Other			

FOR TOWN HALL USE ONLY

To be filled out by the Building Commissioner:

Date Reviewed

Medway Building Commissioner

Comments:

After completing this form, please submit an electronic copy to <u>zoning@townofmedway.org</u> and 4 paper copies to the Community & Economic Development Department.

MODIFICATION FORM



TOWN OF MEDWAY

ZONING BOARD OF APPEALS

155 Village Street Medway MA 02053 Phone: 508-321-4915 |zoning@townofmedway.org www.townofmedway.org/zoning-board-appeal



NOTE: THE APPLICATION WILL NOT BE CONSIDERED "COMPLETE" UNLESS ALL NECESSARY DOCUMENTS, FEES, & WAIVER REQUESTS ARE SUBMITTED. A GENERAL APPLICATION FORM MUST BE COMPLETED FOR ALL APPLICATIONS.

TO BE COMPLETED BY THE APPLICANT

Please attach the decision in question. Please provide attachments detailing the Reason(s) for requesting a modification to the existing decision and citation(s) of the portion(s) of the decision to be modified. Please provide any additional waiver requests as needed.

Applicant/Petitioner(s):	Previous Decision was for:	
Lynne Tatevosian	Variance	\checkmark
Property Owner(s):	Special Permit	\checkmark
Lynne Tatevosian	Comprehensive Permit	
Site Address(es): 14-16 Franklin Street	Appeal	
Parcel ID(s): 57-078 & 57-079		
	Date of Previous Decision: 2019-08-07	
Zoning District(s): AR-II		
0 1		

Jecember 20, 20 Date

Date

Signature of Applicant/Petitioner or Representative

Signature Property Owner (if different than Applicant/Petitioner)

Page | 1



Town of Medway **ZONING BOARD OF APPEALS** 155 Village Street, Medway MA 02053 (508) 321-4915

Rori Stumpf, Chair Brian White, Vice Chair Gibb Phenegar, Clerk Christina Oster, Member Tom Emero, Member Carol Gould, Associate Member Brian Cowan, Associate Member

Legal Notice Billing Agreement Form

The Zoning Board of Appeals will prepare and submit a legal notice to be published in the *Milford Daily News*. This legal notice will appear in two consecutive issues of the newspaper, at least 14 days prior to the date of your hearing. The cost varies based upon the applicant request and information required for the notice. The Zoning Board of Appeals will forward the ad proof with the total to be paid by the applicant.

Lynne Tatevosian	14-16 Franklin Street
Applicant Name	Property Address
781-726-1988	57-078 & 57-079
Telephone Number	Parcel ID
tatevosian@comcast.net	ARII
Email Address	Zoning District

I hereby agree to provide a check in the sum of the ad proof total provided by the Zoning Board of Appeals for the required legal notice for a public hearing before the Zoning Board of Appeals.

Applicant Signature

ecember 20 2019 Date

<u>**Please Note</u>**: This form must be returned to the Zoning Board of Appeals when submitting your application.</u>

TREASURER/COLLECTOR CERTIFICATION



TOWN OF MEDWAY ZONING BOARD OF APPEALS

155 Village Street Medway MA 02053 Phone: 508-321-4915 |zoning@townofmedway.org www.townofmedway.org/zoning-board-appeal

TO BE COMPLETED BY THE APPLICANT

Applicant/Petitioner(s):	
Lyr	ne Tatevosian
Property Owner(s):	
Lyn	ne Tatevosian
Site Address(es):	
14-16 Franklin Street	
Parcel ID(s):	
57	7-078 & 57-079
Registry of Deeds Book & Page No. and Date or Lan	d Court Certificate No. and Date of Current Title:
Deed Book No 36604 Pg 172, Feb 11, 2019	
hyme laters-	December 20, 2019
gnature of Applicant/Petitioner or Representative	Date
FOR TOWN HALL USE ONLY	
To be filled out by the Treasurer/Collector:	
Date Reviewed	Medway Treasurer/Collector
Tax Delinquent: Y N Comments:	



TOWN OF MEDWAY ZONING BOARD OF APPEALS 155 Village Street

155 Village Street Medway MA 02053

Application Checklist

It is the responsibility of the applicant to furnish all supporting documentation with the application. Please include this checklist with your application. Failure to provide four paper copies, one electronic copy, and all other required documents and information may be cause to deny an application.



Application Filing Deadlines – Be sure to review prior to beginning to fill out your application. Applications shall be **filed at least 17 business days prior to a regularly scheduled meeting** date. Due to state legal notice requirements, the ZBA cannot "rush" applications if a deadline is missed. Filing Deadlines may be found on the ZBA webpage, attached to the ZBA Rules & Regulations, or in the Community & Economic Development Department.

Providing All Documents – Be to review which documents and forms are needed for your request. Application forms may be found on the ZBA webpage, attached to the ZBA Rules & Regulations, or in the Community & Economic Development Department. You can also review the ZBA Rules & Regulations or call the Community & Economic Development Department if you have any questions.

Certified List of Abutters – Includes two sets of labels. Fill out the *Request for Abutters* form and **submit to Assessor's Office in advance of submitting your application with the ZBA**. The Assessor's Office will provide the list to the Community & Economic Development Department. You are not responsible for abutter mailings. (Note: It may take up to 10 days to receive this list, please request the abutters list as soon as possible)

Treasurer's Certification – Applicants may apply to the Board for Tax Delinquent properties at their own risk. Fill out the *Treasurer's Certification* form and **submit to the Treasurer's Office in advance of submitting you application with the ZBA**. The Treasurer's Office will provide the form to the Community & Economic Development Department and the Applicant will then be made aware of any outstanding taxes.

Filing Fees – All applications shall be accompanied by a filing fee made payable to the Town of Medway in the specified amount outlined in the ZBA fee schedule. Fee schedule may be found on the ZBA webpage, attached to the ZBA Rules & Regulations, or in the Community & Economic Development Department. Applicants are responsible for the Filing Fee, Legal Notice Payment, and Recording Payment for Decisions, along with any necessary Peer Review costs (See Section 2.3.5 – 2.5.8 of ZBA Rules & Regulations for more information.)

Review Application – The Zoning Board suggests discussing your request with Community & Economic Development Staff prior to submitting an application. Staff may be able to assist you or provide guidance as to what information the Board may expect to have prepared for a hearing.

One copy of the following shall be submitted:

Electronic Submission – All applications shall include one electronic copy of all information (except the Certified List of Abutters and fee) in a PDF form. All PDFs and electronic information should be labeled. Submissions may be accepted via email to <u>zoning@townofmedway.org</u>, thumb-drive or on CD.

Four copies of the following shall be submitted:

Application – Every application shall be submitted on an official application form, provided by the Community and Economic Development Office or Town Clerk. Please make sure to fill out the entire application completely.

Plot Plans – Prepared by and under the seal of a registered engineer or registered land surveyor, the plan shall include existing conditions in black and proposed changes in red or royal blue to show clearly the nature of the specific request being made by the applicant. The plan include all information specified in Section 2.3.2 of the ZBA Rules & Regulations and must be drawn to scale. Plans with proposed changes shall be no more than 5 years old. For Variance requests – show topography (and soil condition if pertinent) of the property.

Building Plans - If necessary, include accurate scaled renderings of elevations, showing exterior facades indicating height, materials, architectural features; and floor plans. To the extent that an application request involves extension, alteration, modification, or any other applicable changes to the **exterior** of an existing building or structure, or the construction of a new building or structure, each application shall be accompanied by existing and proposed elevations/architectural plans.

Floor Plans - If necessary, include accurate scaled renderings of interior floor plans, showing room locations, egress, etc...To the extent that an application request involves extension, alteration, modification, or any other applicable changes to the **interior** of an existing building or structure, or the construction of a new building or structure, each application shall be accompanied by existing and proposed floor plans. (*Please note: if adequate plans are not provided this could result in continued meetings or a denied decision*.)

- □ **Other Supplemental Material** that will give the Board the necessary information about the project. Such items may include:
 - Existing conditions photos: Aerial Imagery/Orthoimagery/Satellite Imagery, Street-View Imagery (google maps), On-Site Photos, Locus Maps, Photos of Similar Uses
 - Existing and/or Proposed Lot Frontage, Shape/Size, Topography, Wetlands/Soil Conditions
 - Current Conditions of Surrounding District/Area
 - Approvals and/or Permits from other Town Boards/Departments
 - Sound Study
 - Environmental Impact Assessment
 - Traffic Impact Assessment/Trip Generation Estimates
 - Water and Sewer Consumption Estimates
 - Executive Summary
 - Management Plan
 - Existing and Proposed Area of Land to be Altered

- Existing and Proposed Building Coverage
- Existing and Proposed Impervious Surface
- Height, Bulk, and/or Area of Proposed Use
- Hours of Operation
- Grading/Drainage Plan
- Parking/Circulation Plan
- Landscaping Plan
- Lighting Plan
- Letter of Support from Abutters

The size of any plot plan(s), building plan(s), and floor plan(s) shall be 11" x 17" or such other size as determined to be appropriate by the Board or its Staff. The Board may require additional plans or copies to be submitted if they determine that the provided plans are inadequate. The plans shall include all information pertinent to the petition or application as required by the Zoning Bylaw, other Bylaws or Rules, and the ZBA Rules and Regulations.





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P.O.Box 81 · Hopkinton, MA.01748 · Phone/Fax: 888-522-7129 TATEVOGIAN RESIDENCE 2088 14 1-0 FIRGT FLOOR PLAN BY: SLOT POLEPS DATE: 001,2019

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P.O.Box 81 · Hopkinton, MA.01	1748 · Phone/Fax: 888·522·7129
TATEVOGIAN	RESIDENCE 40F8
FOUNDATION FLAH	
DATE: 007, 2019	BY: SLOT POEEPS



January 14, 2020 Medway Planning & Economic Development Board Meeting

2 Marc Road Site Plan Modification

- Public Hearing Continuation Notice dated 12-16-19 to continue the hearing to 1-14-2020.
- Mullins Rule Certification for Andy Rodenhiser's absence from the 12-10-19 hearing.
- Email memo from Fire Chief Jeff Lynch dated 12-12-19
- Revised 2 Marc Road Site Plan dated 12-12-19 by Legacy Engineering.
- ConCom's Determination of Applicability dated 12-18-19
- Draft decision dated 1-14-20



TOWN OF MEDWAY

155 Village Street Medway, Massachusetts 02053

in the state **Planning & Economic Development Board** Andv Rodenhiser. Chairman

Robert K. Tucker, Vice-Chairman Thomas A. Gay, Clerk Matthew Haves, P.E. Richard Di Iulio

MEMORANDUM

December 16, 2019

TO:	Maryjane White, Town Clerk Town of Medway Departments,	, Boards and Committees
FROM:	Susy Affleck-Childs, Planning &	Economic Development Coordinato
RE:	Public Hearing Continuation: CONTINUATION DATE: LOCATION:	2 Marc Road Site Plan Modification Tuesday, January 14, 2020 at 9:15 p.m. Medway Town Hall – Sanford Hall, 155 Village Street

At its meeting on December 10, 2019, the Planning and Economic Development Board (PEDB) voted to continue the public hearing on the application of Ellen Realty Trust of Millis, MA for approval of a proposed modification to the 2 Marc Road site plan to Tuesday, January 14, 2020 at 9:15 p.m. The hearing will take place during the regular PEDB meeting to be held in Sanford Hall at Town Hall, 155 Village Street. The proposed modification pertains to the previously approved site plan for the CommCan marijuana cultivation and processing facility located at 2 Marc Road. That development was authorized by a site plan and special permit approved by the Planning and Economic Development Board on June 28, 2016 (for medical use) and by a separate special permit issued on February 26, 2019 (adult recreational use).

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

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

Please contact me if you have any questions. Thanks.

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

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Town of Medway, Massachusetts	un arrow
CERTIFICATION PURSUANT TO G.L. c. 39, Section 23	D TOMM'S COLORINAL
OF PARTICIAPTION IN A SESSION OF ADJUDICATORY HEARING	FAN
WHERE THE UNDERSIGNED MEMBER N A SINGLE HEARING SESSION	MISSED
Note: This form can only be used for missing a single public he This cannot be used for missing more than one hearing se	aring session. ession.
I, <u>Andy Rodenh'ser</u> (name), hereby certi penalties of perjury as follows:	fy under the pains and
1. I am a member of Medway Planning \$ Elow	nomic development
2. I missed a public hearing session on the matter(s) of: <u>See</u>	Ayenda
which was held on 12/10/19	
3. I have reviewed all the evidence introduced at the hearing session t which included a review of <i>(initial which one(s) is/are applicable)</i> :	hat I have missed
a audio recording of the missed hearing session	ı; or
b. video recording of the missed hearing session	i: or
c a written transcript of the missed hearing sess	sion.
This certification shall become part of the record of the proceedings in the	above matter.
Signed under the pains and penalties of perjury this $\underline{6}$ day of $\underline{3}$ day of \underline{3} day of 3	<u>114</u> ,20 <u>20</u> .
(Signature of/Board Member)	
Received as part of the record of the above matter:	
Date: January 1 2020	
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TOWN OF MEDWAY Planning and Economic Development Board 155 Village Street Medway, Massachusetts 02053

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

REGULAR MEETING NOTICE Tuesday, December 10, 2019 @ 7 p.m.

Medway Town Hall – 155 Village Street

This meeting will be broadcast live and recorded by Medway Cable Access. The meeting may also be viewed online at: <u>https://livestream.com/MedwayCableAccess/events/7583840</u>

AGENDA

CALL TO ORDER

CITIZEN COMMENTS

APPOINTMENTS – None

PUBLIC HEARINGS

- 7:00 p.m. Medway Place Shopping Plaza site plan (98, 108 and 114 Main Street)
- 7:30 p.m. 2 Marc Road Site Plan Modification
- 8:00 p.m. Choate Trail Way Definitive Subdivision Plan (42 and 42R Highland Street)
- 8:30 p.m. Continuation Evergreen Village Multi-Family Housing Development Special Permit, Site Plan and Scenic Road Work Permit (22 Evergreen Street)
- 9:00 p.m. Continuation 20 Broad Street Multi-Family Housing Development Special Permit and Site Plan

OTHER BUSINESS

- 1. Consider planning consultant services proposal from PGC Associates
- 2. Applegate Subdivision Authorization of Contractor Invoices
- 3. Consider minutes of the November 26, 2019 PEDB meeting
- 4. Reports Staff, Consultants and Committee Liaisons
- 5. PEDB Members' Comments and Concerns
- 6. Review Correspondence/Communications
- 7. Other Business as May Properly Come Before the Board

ADJOURN

The listed agenda items are those reasonably anticipated by the Chair to be discussed at the meeting. Public hearings cannot commence before the specified time. Appointment times are approximate and may be adjusted.

Not all of the listed items may in fact be discussed.

The Board may address and consider other matters not specified to the extent permitted by law.

UPCOMING REGULAR PEDB MEETINGS

Tuesday evenings

January 14 & 28, February 11 & 25, March 10 & 24, April 14 & 28, May 12 & 26, 2020 @ 7 pm

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

Susan Affleck-Childs

From:	Jeff Lynch
Sent:	Thursday, December 12, 2019 11:18 AM
То:	Susan Affleck-Childs; Mike Fasolino
Cc:	Daniel Merrikin
Subject:	RE: Site Plan Modification for 2 Marc Road (CommCan)

Susy, The FD is good with the 2 Marc Road plan. The proposed reduction is only in the area of the AC units so it should not impede our operations. Thanks. Chief Lynch

From: Susan Affleck-Childs
Sent: Thursday, December 05, 2019 1:32 PM
To: Jeff Lynch <ChiefLynch@townofmedway.org>; Mike Fasolino <mfasolino@townofmedway.org>
Cc: Daniel Merrikin <dan@legacy-ce.com>
Subject: FW: Site Plan Modification for 2 Marc Road (CommCan)
Importance: High

Hi there,

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

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

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

Thanks for your help.

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

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

Hi,

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

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

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

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

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

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

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

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

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




TOWN OF MEDWAY Conservation Commission 155 Village Street Medway, Massachusetts 02053

David Travalini, Chair Ken McKay Brian Snow David Blackwell Keith Downing Dayna Gill Scott Salvucci Bridget Graziano, Agent

MEDWAY CONSERVATION COMMISSION FINDINGS AND CONDITIONS UNDER THE MEDWAY GENERAL WETLANDS PROTECTION BYLAW (ARTICLE XXI) PROJECT SITE: 2 Marc Road, Map 33 Lot 001

December 18, 2019

Ellen Realty Trust 730 Main Street, Suite 2A Millis, MA 02054

Dear Ms. Rosenfeld,

On December 12, 2019 public meeting, Conservation Commission approved and signed, a Positive 5 and Negative 3 Determination, for the work proposed in your Request for Determination, filed with the Commission on November 27, 2019. The proposed work will take place within approximately 50' - 100' of a Bordering Vegetative Wetland. The proposed work, which includes the construction of a single family dwelling, may be carried out in observance of the following conditions:

- Before the project commences, a limit of work barrier will be established using compost (filter) mitt (straw wattles are NOT PERMITTED) to be staked in the field with approval from the Agent prior to installation. The existing grass swale shall be protected from sediment which would otherwise be a vector to sediment reaching the wetland resource. <u>The Conservation Agent shall be notified when this barrier is in place, prior to the</u> <u>commencement of any work, so that she may make an inspection</u>. The Conservation Commission reserves the right to require additional erosion and/or damage prevention controls it may deem necessary.
- 2. There shall be no refueling of equipment within the 100' buffer zone before, during, or after construction. Equipment may be kept on site within the limit of work line only (or limit of work). Stockpiles shall be surrounded by erosion controls in order to protect the soils from eroding into the street and the associated street catch basins.
- 3. All disturbed areas within the 100' buffer zone shall be seeded post-construction. All seeded area must be established and stable prior to the removal of the erosion control line. The applicant must contact the Conservation Agent for approval to remove the erosion control line and review seeded areas for establishment of vegetation.

We thank you for the opportunity to review this work and trusts that it will be carried out in such a way that protects our wetland resources.

Sincerely, mda TEAZianD Bridget R. Graziano, Conservation Agent

Medway Conservation Commission



WPA Form 2 – Determination of Applicability

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

A. General Information

Important: When filling out	Fr	om:					
forms on the		Medway					
only the tab		Conservation Commission		•			
key to move your cursor -	То	o: Applicant		Property Owner (if different from applicant):			
do not use the		Ellen Realty Trust		<i>e</i> ,			
return key.		Name			Name		
		730 Main Street Suite 2A			2		
		Mailing Address			Mailing Address		
		Millis	MA	02054			×
		City/Town	State	Zip Code	City/Town	State	Zip Code
	1.	Title and Date (or Revised Date if applicable) of Final Plans and Other Documents:					
		2 Marc Road Site Plan Modi	fication Pla	an of Land in	Medway, MA	11-6-19	rev 12-12-
		Title				19	
			0.01				
		Title				Date	
		Title				Date	
	2.	Date Request Filed:					
		November 1, 2019					
						12	

B. Determination

Pursuant to the authority of M.G.L. c. 131, § 40, the Conservation Commission considered your Request for Determination of Applicability, with its supporting documentation, and made the following Determination.

Project Description (if applicable):

Proposal to install a new equipment pad which will require a new roadway to access the perimeter of the building and redesign of the existing stormwater system.

Project Location:

2 Marc Road Street Address 33 Assessors Map/Plat Number Medway City/Town 001 Parcel/Lot Number



WPA Form 2 – Determination of Applicability

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

B. Determination (cont.)

The following Determination(s) is/are applicable to the proposed site and/or project relative to the Wetlands Protection Act and regulations:

Positive Determination

Note: No work within the jurisdiction of the Wetlands Protection Act may proceed until a final Order of Conditions (issued following submittal of a Notice of Intent or Abbreviated Notice of Intent) or Order of Resource Area Delineation (issued following submittal of Simplified Review ANRAD) has been received from the issuing authority (i.e., Conservation Commission or the Department of Environmental Protection).

1. The area described on the referenced plan(s) is an area subject to protection under the Act. Removing, filling, dredging, or altering of the area requires the filing of a Notice of Intent.

□ 2a. The boundary delineations of the following resource areas described on the referenced plan(s) are confirmed as accurate. Therefore, the resource area boundaries confirmed in this Determination are binding as to all decisions rendered pursuant to the Wetlands Protection Act and its regulations regarding such boundaries for as long as this Determination is valid.

2b. The boundaries of resource areas listed below are <u>not</u> confirmed by this Determination, regardless of whether such boundaries are contained on the plans attached to this Determination or to the Request for Determination.

3. The work described on referenced plan(s) and document(s) is within an area subject to protection under the Act and will remove, fill, dredge, or alter that area. Therefore, said work requires the filing of a Notice of Intent.

4. The work described on referenced plan(s) and document(s) is within the Buffer Zone and will alter an Area subject to protection under the Act. Therefore, said work requires the filing of a Notice of Intent or ANRAD Simplified Review (if work is limited to the Buffer Zone).

5. The area and/or work described on referenced plan(s) and document(s) is subject to review and approval by:

Medway
Name of Municipality

Pursuant to the following municipal wetland ordinance or bylaw:

Medway General Bylaw Name Article XXI Ordinance or Bylaw Citation



WPA Form 2 – Determination of Applicability

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

B. Determination (cont.)

- 6. The following area and/or work, if any, is subject to a municipal ordinance or bylaw but <u>not</u> subject to the Massachusetts Wetlands Protection Act:
- 7. If a Notice of Intent is filed for the work in the Riverfront Area described on referenced plan(s) and document(s), which includes all or part of the work described in the Request, the applicant must consider the following alternatives. (Refer to the wetland regulations at 10.58(4)c. for more information about the scope of alternatives requirements):
 - Alternatives limited to the lot on which the project is located.
 - Alternatives limited to the lot on which the project is located, the subdivided lots, and any adjacent lots formerly or presently owned by the same owner.
 - Alternatives limited to the original parcel on which the project is located, the subdivided parcels, any adjacent parcels, and any other land which can reasonably be obtained within the municipality.
 - Alternatives extend to any sites which can reasonably be obtained within the appropriate region of the state.

Negative Determination

Note: No further action under the Wetlands Protection Act is required by the applicant. However, if the Department is requested to issue a Superseding Determination of Applicability, work may not proceed on this project unless the Department fails to act on such request within 35 days of the date the request is post-marked for certified mail or hand delivered to the Department. Work may then proceed at the owner's risk only upon notice to the Department and to the Conservation Commission. Requirements for requests for Superseding Determinations are listed at the end of this document.

- 1. The area described in the Request is not an area subject to protection under the Act or the Buffer Zone.
- 2. The work described in the Request is within an area subject to protection under the Act, but will not remove, fill, dredge, or alter that area. Therefore, said work does not require the filing of a Notice of Intent.
- 3. The work described in the Request is within the Buffer Zone, as defined in the regulations, but will not alter an Area subject to protection under the Act. Therefore, said work does not require the filing of a Notice of Intent, subject to the following conditions (if any).

See special conditions voted under the MA Wetlands Protection Act and its Regulations and the Medway General Bylaw Article XXI and its Regulations.

4. The work described in the Request is not within an Area subject to protection under the Act (including the Buffer Zone). Therefore, said work does not require the filing of a Notice of Intent, unless and until said work alters an Area subject to protection under the Act.



WPA Form 2 – Determination of Applicability

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

B. Determination (cont.)

5. The area described in the Request is subject to protection under the Act. Since the work described therein meets the requirements for the following exemption, as specified in the Act and the regulations, no Notice of Intent is required:

Exempt Activity (site applicable statuatory/regulatory provisions)

6. The area and/or work described in the Request is not subject to review and approval by:

Name of Municipality

Pursuant to a municipal wetlands ordinance or bylaw.

Name

Ordinance or Bylaw Citation

C. Authorization

This Determination is issued to the applicant and delivered as follows:

by hand delivery on

by certified mail, return receipt requested on

Date

This Determination is valid for **three years** from the date of issuance (except Determinations for Vegetation Management Plans which are valid for the duration of the Plan). This Determination does not relieve the applicant from complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.

Date

This Determination must be signed by a majority of the Conservation Commission. A copy must be sent to the appropriate DEP Regional Office (see <u>http://www.mass.gov/eea/agencies/massdep/about/contacts/</u>) and the property owner (if different from the applicant).

Signatures: Low MCICAY Janing Keith Downing David A Travaline at a Smarth

December 12, 2019 Date



Massachusetts Department of Environmental Protection Bureau of Resource Protection - Wetlands WPA Form 2 – Determination of Applicability

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

D. Appeals

The applicant, owner, any person aggrieved by this Determination, any owner of land abutting the land upon which the proposed work is to be done, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate Department of Environmental Protection Regional Office (see http://www.mass.gov/eea/agencies/massdep/about/contacts/) to issue a Superseding Determination of Applicability. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and Fee Transmittal Form (see Request for Departmental Action Fee Transmittal Form) as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Determination. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant if he/she is not the appellant. The request shall state clearly and concisely the objections to the Determination which is being appealed. To the extent that the Determination is based on a municipal ordinance or bylaw and not on the Massachusetts Wetlands Protection Act or regulations, the Department of Environmental Protection has no appellate jurisdiction.

X		lassachusetts Department of Environmen ureau of Resource Protection - Wetlands Request for Departmental Actio	ntal Protection	DEP File Number:
		ransmittal Form assachusetts Wetlands Protection Act M.G.	Provided by DEP	
	A	. Request Information		
	1.	Location of Project		
		a. Street Address	b. City/Town, Zip	
		c. Check number	d. Fee amount	
ortant: en filling forms on	2.	Person or party making request (if appropriate, nam	ne the citizen group's repr	resentative):
computer,		Name		
conly the key to		Mailing Address		
or - do use the		City/Town	State	Zip Code
n key.		Phone Number	Fax Number (i	f applicable)
		(Form 4B), Order of Conditions (Form 5), Restoration Non-Significance (Form 6)):	on Order of Conditions (Fo	orm 5A), or Notice of
		Name		
		Mailing Address	стания и с	
		City/Town	State	Zip Code
		City/Town Phone Number	State Fax Number (if	Zip Code
	4.	City/Town Phone Number DEP File Number:	State Fax Number (if	Zip Code applicable)
	4.	City/Town Phone Number DEP File Number:	State Fax Number (if	Zip Code applicable)
	4. B.	City/Town Phone Number DEP File Number: Instructions	State Fax Number (if	Zip Code applicable)
	4. B. 1.	City/Town Phone Number DEP File Number: Instructions When the Departmental action request is for (check of the second sec	Fax Number (if	Zip Code applicable)
	4. B. 1.	City/Town Phone Number DEP File Number: Instructions When the Departmental action request is for (check of Superseding Order of Conditions – Fee: \$120.00 projects)	Tax Number (if Fax Number (if one):	Zip Code applicable) cts) or \$245 (all other
	4. B. 1.	City/Town Phone Number DEP File Number: Instructions When the Departmental action request is for (check of Superseding Order of Conditions – Fee: \$120.00 projects) Superseding Determination of Applicability – Fee	Tate Fax Number (if one): (single family house proje : \$120	Zip Code applicable) cts) or \$245 (all other
	4. B. 1.	City/Town Phone Number DEP File Number: Instructions When the Departmental action request is for (check Superseding Order of Conditions – Fee: \$120.00 projects) Superseding Determination of Applicability – Fee Superseding Order of Resource Area Delineation	one): (single family house proje (\$120 n – Fee: \$120	Zip Code applicable) cts) or \$245 (all other
5	4. B. 1.	City/Town Phone Number DEP File Number: Instructions When the Departmental action request is for (check Superseding Order of Conditions – Fee: \$120.00 projects) Superseding Determination of Applicability – Fee Superseding Order of Resource Area Delineation d this form and check or money order, payable to the C	State Fax Number (if Fax Number (if (single family house proje (single family house proje 1 (Single family house proje 2 (Single family house proje 2 (Single family house proje 3 (Single family house proje 2 (Single family house proje 3 (Single family house 3 (Sin	Zip Code applicable) cts) or \$245 (all other usetts, to:



Massachusetts Department of Environmental Protection Bureau of Resource Protection - Wetlands Request for Departmental Action Fee Transmittal Form

DEP File Number:

Provided by DEP

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

B. Instructions (cont.)

- 2. On a separate sheet attached to this form, state clearly and concisely the objections to the Determination or Order which is being appealed. To the extent that the Determination or Order is based on a municipal bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.
- 3. Send a **copy** of this form and a **copy** of the check or money order with the Request for a Superseding Determination or Order by certified mail or hand delivery to the appropriate DEP Regional Office (see <u>http://www.mass.gov/eea/agencies/massdep/about/contacts/</u>).
- 4. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.



TOWN OF MEDWAY **Planning & Economic Development Board** 155 Village Street

Medway, Massachusetts 02053

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

DRAFT - January 14, 2020

MODIFICATION 2 Marc Road Marijuana Facility Special Permit Site Plan

Name/Address/Applicant:

Zoning District:

Purpose:

730 Main Street, Suite 2A Millis, MA 02054 **Project Location:** 2 Marc Road Assessor's Reference: Map 33, Parcel #001 East Industrial and Groundwater Protection District Amend the previously approved 2 Marc Road site plan

Ellen Realty Trust

This is a decision of the Medway Planning and Economic Development Board (hereinafter "Board") to modify the previously approved and endorsed 2 Marc Road site plan dated March 30, 2016, last revised July 18, 2016, for the CommCan marijuana cultivation and processing facility.

NOTE - The plan was endorsed by the Board on July 26, 2016 and recorded at the Norfolk County Registry of Deeds on August 2, 2016, in Plan Book 650, Pages 91 – 105. The associated special permit decision was approved June 28, 2016 and recorded at the Norfolk County Registry of Deeds, also on August 2, 2016 in Book 34328, Pages 450 - 470.

BACKGROUND - Noise generated by the rooftop chiller equipment installed on the 2 Marc Road CommCan building constructed in 2017 for the cultivation and processing of medical marijuana was raised as an important issue by abutters to the subject property during the 2019 special permit process to authorize the additional use of the facility to cultivate and process marijuana for adult recreational use. Accordingly, the 2019 recreational marijuana special permit decision included a requirement for the applicant to undertake a noise study and to develop a proposal to address the noise issues. That noise study was completed in July 2019.

DESCRIPTION OF PROPOSED MODIFICATION - The proposed site plan modification reflects the custom design of at-grade enclosures with silencers around the side and top to allow air to flow to the ground located chiller units while attenuating noise generation to the thresholds specified in the

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

> > 1 | Page

Medway *Zoning Bylaw.* A 25.7' by 75.4' concrete slab pad is proposed to be installed along the westerly side of a portion of the existing CommCan building to house the existing and new chiller equipment. Both the existing chiller and a new chiller for the second floor operation will be housed inside an approximately 11' tall enclosure to be installed around the equipment. The new pad will extend into the existing 20' wide bituminous driveway. Pursuant to guidance from the Medway Fire Department, the existing driveway must be shifted around the new pad and enclosure to ensure suitable emergency access around the western side of the building. The Fire Department is amenable to a 15' wide fire lane. This necessitates rerouting a portion of the existing retaining wall and guard rail, filling in a small portion of the existing stormwater swale along the western side of the driveway, and replacing it with two 12" drainage pipes. This new chiller pad and driveway relocation increases the impervious coverage by 1,550. s.f. The existing stormwater infiltration basin has ample capacity to accommodate the increase in stormwater runoff to be generated by the increase in impervious coverage.

The proposed plan modification as described herein is represented on the single plan sheet titled 2 *Marc Road Site Plan Modification Plan of Land in Medway, MA*, dated November 6, 2019, prepared by Legacy Engineering of Millis, MA. The following additional documents were provided for the Board's review:

- Revised 2 Marc Road Site Plan Modification Plan of Land in Medway, MA, dated December 12, 2019.
- Request for a waiver from Section 207-11 A. 13 of the *Site Plan Rules and Regulations* to allow the planned driveway relocation to be within 7 feet of the side property line with 4 Marc Road.
- Noise Modeling Analysis dated 6-26-19 prepared by Acentech, the applicant's noise consultant, which provided the basis for the design of the noise mitigation measures. That analyses was reviewed by Noise Control Engineering, the Board's noise consultant, 7/7/19 and found to be satisfactory.
- BRD drawing of noise attenuation enclosure around HVAC equipment dated 10/28/19
- Medway Conservation Commission Determination of Applicability for the proposed work, dated 12/18/19.

The proposed site plan modification was reviewed by Tetra Tech, the Town's Consulting Engineer; a review letter was issued December 10, 2019 with several recommended conditions. Comments were provided by Chief Jeff Lynch and Deputy Chief Mike Fasolino of the Medway Fire Department approving the revised layout of the fire lane/driveway on the west side of the building. The Medway Conservation Commission, at its December 18, 2019 meeting, issued a Determination of Applicability for the proposed work.

PEDB REVIEW PROCESS

Application Received:IPublic Hearing Notice Posted with Town Clerk:IAbutters Notified via Certified Sent Mail:ITown Staff Notified and Comments Requested:ILegal Ad Published in the Milford Daily News:IPublic Hearing:I

November 7, 2019 November 18, 2019 November 18, 2019 November 18, 2019 November 26 and December 2, 2019 December 10, 2019 and January 14, 2020 **DECISION OF THE BOARD** – The Medway Planning and Economic Development Board, at a duly posted meeting held on January 14, 2020, on a motion made by ______ and seconded by ______ , voted _____ in favor and ______ opposed to approve the site plan modification for 2 Marc Road as described and conditioned herein.

The Board determined that the requested waiver from the *Site Plan Rules and Regulations* was not needed as the requirement for a driveway to be at least 15' away from the side property line pertains only when the abutting property is residential. In this instance, the abutting property in question at 4 Marc Road is both industrial in use and is zoned East Industrial, so it does not apply to this property.

All documents associated with the Board's previous special permit decisions for 2 Marc Road are hereby acknowledged and made a part of the record for this modification.

CONDITIONS

- 1. The 2 Marc Road Site Plan Modification Plan of Land dated December 12, 2019 shall be revised as follows:
 - Include a signature block for the Board's endorsement after this decision's 20 day appeal period has concluded
 - Include a block to indicate the Town Clerk's Certification of No Appeal after the decision's 20 day appeal period has concluded
 - Include the proposed bollards. The driveway width should be measures from the outside edge of the bollards, not the edge of the slab and that width should be so indicated.
 - Depict all improvements in greyscale as color plans are not acceptable for recording.
- This decision with the noted plan sheet as endorsed shall be recorded at the Norfolk County Registry of Deeds and proof of such recording shall be provided to the Board.
- 3. The provisions of the Conservation Commission's Determination of Applicability dated December 18, 2019 shall also apply to this site plan modification.
- 4. The Applicant expects to enlarge the 2 Marc Road building at some future date. At such time as the Applicant decides to undertake such an expansion, the Applicant is required to reevaluate the overall stormwater design for the property to ensure that the amount of impervious coverage can be properly mitigated in accordance with state and local stormwater management requirements.
- 5. The site work shown on 2 Marc Road Site Plan Modification Plan of Land dated December 12, 2019, to be further revised as conditioned herein, including the installation of the chiller equipment and sound mitigation enclosure shall be completed by August 30, 2020.
- 6. All conditions of approval of the previous special permit decisions dated June 28, 2016 and February 26, 2019 remain in force.

Attest:

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

cc: Jack Mee, Building Commissioner Erika Robertson, Code Compliance Officer Ellen Rosenfeld, Ellen Realty Trust Dan Merrikin, Legacy Engineering Steve Bouley, Tetra Tech Bridget Graziano, Conservation Agent **Commented [SA1]:** Do you want to require that this work be completed in full before a Certificate of Occupancy is issued for the second floor fit out?

3 | P a g e



January 14, 2020 Medway Planning & Economic Development Board Meeting

Correspondence/Information

- MS4 (stormwater) informational materials distributed at the SWAP December meeting
- Living Little Phase 2 Cottage Cluster Zoning Best Practices report dated December 19, 2019 from MAPC



Commonwealth of Massachusetts Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

One Winter Street Boston, MA 02108 • 617-292-5500

Charles D. Baker Governor

Kathleen A. Theoharides Secretary

Karyn E. Polito Lieutenant Governor

.

Martin Suuberg Commissioner

MS4 Permit: Summary of Major Requirements

Updated September 2018

July 1, 2018 – Effective Date of the MS4 permit

October 1, 2018 - 90 days after effective date

- Notice of Intent (NOI) is due
- Public review of the NOIs (at least 30 days)
- Then EPA sends authorization letter, extends public review period or denies authorization

June 30, 2019 - One Year after effective date

- Submit written Stormwater Management Program (SWMP)
 - Describes how permittee will meet requirements of the permit
 - Includes names of persons responsible for every action required for the 6 minimum control measures¹
- Sanitary Sewer Overflow inventory and report
- Written Illicit Discharge Detection and Elimination (IDDE) program description and procedures
 - Written procedures for construction project sediment and erosion control actions
 - This may include changing local bylaws to enact this requirement

June 30, 2020 - Two Years after effective date

- Report on receiving waters, including impairments, pollutants of concern, TMDL status and number of outfalls that discharge to each waterbody
- Written procedures for as-built drawings and long-term O&M for developments and redevelopments
- Local ordinance or equivalent to enact new stormwater retention requirements for developments and redevelopments
 - This will include changing local bylaws

- 1- Public Education and Outreach
- 2- Public Involvement and Participation
- 3- Illicit Discharge Detection and Elimination (IDDE)
- 4- Construction Site Stormwater Runoff Control
- 5- Stormwater Management for New Developments and Redevelopments (Post Construction Stormwater Management)
- 6- Good Housekeeping and Pollution Prevention for Permittee Owned Operations

This information is available in alternate format. Contact Michelle Waters-Ekanem, Director of Diversity/Civil Rights at 617-292-5751.

TTY# MassRelay Service 1-800-439-2370

MassDEP Website: www.mass.gov/dep

Printed on Recycled Paper

¹ The Six Minimum Control Measures are:

- Written O&M procedures for municipal properties and activities
 - o Includes parks and open spaces; police, fire, school and other municipal buildings
 - Vehicle and equipment operations
- Written procedures for maintaining the Town storm drain infrastructure
 - o Street sweeping, catch basin inspection and cleaning
 - Winter road salt storage and use
 - o O&M of all stormwater BMPs (e.g., detention basins; water quality swales, and the like)
- Develop and implement a Stormwater Pollution Prevention Plan for waste-handling facilities
- Complete initial map of the stormwater system
- Towns must start IDDE work on the highest priority catchments ("Problem Outfalls")

June 30, 2021 - Three Years after effective date

Towns must have completed all dry weather field sampling at all outfalls

June 30, 2022 – Four Years after effective date

- Report assessing current street design and parking lot guidelines that affect the creation of impervious cover
- Report assessing local regulations to allow green roofs, green infrastructure and stormwater harvesting
- Identify a minimum of 5 Town-owned sites suitable for retrofitting with stormwater BMPs

June 30, 2023 - Five Years after effective Date

- All requirements of the Six Minimum Control Measures to be completed
- MS4 Towns subject to the Charles River Watershed Phosphorus TMDL complete Phase I of their Phosphorus Control Plan
 - o Includes plan for achieving reductions, analysis of how to fund it and implementation schedule
- MS4 Towns subject to the Lake and Pond Phosphorus TMDL complete their Lake and Pond Control Plan
 - o Includes plan for achieving reductions, analysis of how to fund it and implementation schedule
- MS4 Towns subject to the Bacteria and Pathogen TMDL complete their Enhanced BMPS
 - Includes additional Public Education requirements
- MS4 Towns subject to the Cape Cod Nitrogen TMDL complete their Enhanced BMPs
 - o Includes enhanced Public Education, Post-Construction and Good Housekeeping requirements
 - MS4 Towns subject to the Assabet River Phosphorus TMDL complete their Enhanced BMPs
 - o Includes enhanced Public Education, Post-Construction and Good Housekeeping
- MS4 Towns subject to Out-of-State TMDLs includes Long Island Sound for Nitrogen and Rhode Island for Phosphorus complete their Enhanced BMPs, Source Identification and Structural BMP requirements
 - Includes enhanced Public Education, Post-Construction, Good Housekeeping, Source Report and potential structural BMPs
- MS4 Towns subject to impaired waters requirements for Nitrogen or Phosphorus
 - Includes enhanced Public Education, Post-Construction, Good Housekeeping, Nitrogen and/or Phosphorus Source Report and potential structural BMPs
 - Towns must complete all highest priority IDDE field investigations (for "Problem Outfalls")
- Public Outreach Program must already have been be completed
 - 2 messages to each of four audiences (Residents; Business/Commercial/Institutional; Developers and Construction; Industrial)
 - o Effectiveness of messages evaluated and modified

Detailed Information about the 2016 MS4 permit:

- Final Permit Documents: <u>https://www3.epa.gov/region1/npdes/stormwater/MS4_MA.html</u>
- Maps of Urbanized Area for each MA town: <u>https://www3.epa.gov/region1/npdes/stormwater/ma.html</u>
- MassDEP's MS4 Public Education Documents: <u>https://goo.gl/XwdcVF</u>

For additional information contact MassDEP's Stormwater Coordinator 617-556-1157 <u>Laura.Schifman@mass.gov</u>

MS4 Year 2 Requirements From the MS4 Annual Report

MS4 Requirements Due by the End of Year 2 (June 30, 2020)

- Complete system mapping Phase I
- Begin investigations of catchments associated with Problem Outfalls
- Develop or modify an ordinance or other regulatory mechanism for postconstruction stormwater from new development and redevelopment
- Establish and implement written procedures to require the submission of as-built drawings no later two years after the completion of construction projects
- Develop, if not already developed, written operations and maintenance procedures
- Develop an inventory of all permittee owned facilities in the categories of parks and open space, buildings and facilities, and vehicles and equipment; review annually and update as necessary
- Establish a written program detailing the activities and procedures the permittee will implement so the MS4 infrastructure is maintained in a timely manner
- Develop and implement a written SWPPP for maintenance garages, public works yards, transfer stations, and other waste handling facilities where pollutants are exposed to stormwater
- Enclose or cover storage piles of salt or piles containing salt used for deicing or other purposes
- Develop, if not already developed, written procedures for sweeping streets and municipal-owned lots
- Develop, if not already developed, written procedures for winter road maintenance including storage salt and sand
- Develop, if not already developed, a schedule for catch basin cleaning
- Develop, if not already developed, a written procedure for stormwater treatment structure maintenance
- Develop a written catchment investigation procedure (due at 18 months)

Annual MS4 Requirements that must be reported at the end of Year 2

- Annual report submitted and available to the public
- Annual opportunity for public participation in review and implementation of SWMP
- Keep records relating to the permit available for 5 years and make available to the public
- Properly store and dispose of catch basin cleanings and street sweepings so they do not discharge receiving waters
- Annual training to employees involved in IDDE program
- Update inventory of all known locations where SSOs have discharged to the MS4 in the last 5 years
- Continue public education and outreach program
- Update outfall and interconnection inventory and priority ranking and include data collected in
- connection with the dry weather screening and other relevant inspections conducted
- Implement IDDE program
- Review site plans of construction sites as part of the construction stormwater runoff control · Conduct site inspection of construction sites as necessary
- Inspect and maintain stormwater treatment structures
- Log catch basins cleaned or inspected
- Sweep all uncurbed streets at least annually

Year 1 Requirements not yet met

Varies Town-by-Town; see your Town's 2019 MS4 Annual Report

Impaired Waters and TMDL Requirements - See Appendices H and F

- https://www3.epa.gov/region1/npdes/stormwater/ma/2014AppendixH.pdf
- https://www3.epa.gov/region1/npdes/stormwater/ma/2014AppendixF.pdf

Laura.Schifman@mass.gov

Municipality	Established Enterprise Account	Established Fee	SF Residential quarterly fee	Other Residential quarterly fee	Commercial/ Industrial quarterly fee	Tax Exempt quarterly fee	e Notes
Ashland	2019	2019	\$8.75	\$0.80/100 sqft ISA or \$20 per quarter minimum	\$0.80/100 sqft ISA or \$20 per quarter minimum	\$0.80/100 sqft ISA or \$20 per quarter minimum	Redidential flat fee; Commercial/Exempt Undeveloped land \$20/quarter
Ayer	2011	TBA					
Bellingham	tba	tba					
Braintree	2018	2018	\$6.25	MF (1-3) - \$25; MF (4+) ~\$0.23/100 sqft ISA	~\$0.23/100 sqft ISA	~\$0.23/100 sqft ISA	SF flat fee, MF (4+), commercial, industrial, tax exempt based on ERU
Chelmsford	2017	2019	\$10.00	\$10 - \$2000	\$62.50 - \$2.000	\$62.50 - \$2.000	tiered based on ISA
Chicopee	1998	1998	\$25.00	\$0.45 / 1000 sqft property	\$0.45 / 1000 sqft property	\$0.45 / 1000 sqft property	measured by property area, not ISA
Dracut	2019	tba					
East Longmeadow	2018	2019	\$6.25	\$6.25 - \$125	\$50 - \$125	\$6.25 - \$125	flat rate based on land use code
Fall River	2008	2008	\$44.00	\$44.00	\$44.00 per ERU	\$44.00 per ERU	fee based on land use coed (1ERU= Equivlant Residentual Unit= 2800 sqft of impervious surface
Gloucester	2009	tba		-			1
Longmeadow	2017	2017	\$10.17 (\$3.39 per month)	\$10.17 (\$3.39 per month)	varies, see Longmeadow tab for details	varies, see Longmeadow tab for details	tiered, based on ERU
Millis	2018	2018	\$0 - \$99+	\$0 - \$99+	\$0 - \$99+	\$0 - \$99+	tiered based on ISA
Milton	2016	2016	\$8 - \$117	\$1.88/100 sqft ISA	\$1.88/100 sqft ISA	\$1.88/100 sqft ISA	SF residential on 4-tiered
Newton	2006	2006	\$25.00	\$0.047 / sqft ISA	\$0.047 / sqft ISA	\$0.047 / sqft ISA	Minimum commercial/industrial fee is \$150
Northampton	2014	2014	\$16.55 - \$67.04	varies, see Northampton tab for details	varies, see Northampton tab for details	varies, see Northampton tab for details	see Ordinance in ecode for details
Pepperell	2019	2019	\$15.00	\$15.00	\$15.00	\$15.00	flat fee
Reading	2006	2006	\$15.00	\$1.87 / 100 sqft ISA	\$1.87 / 100 saft ISA	\$1.87 / 100 saft ISA	varies by ISA
Shrewsbury	2019	2019	\$ 11.25 - \$81.25	\$11.25 - \$1875.00	\$11.25 - \$1875.00	\$11.25 - \$1875.00	tiered based on ISA
Tewksbury	2019	tba				, , , , , , , , , , , , , , , , , , , ,	
Westfield	2010	2020	\$7.50	\$7.50	\$0.020 / sqft property	\$0.020 / sqft property	\$0.020 / saft property
Westford	2019	2019; 2020 start	\$9.37 - \$37.50	\$75 per ERU	\$75 per ERU	\$75 per ERU (except Year 1)	tiered based on ISA; 1 ERU >2,900 to <=4,100



Memorandum

To: Towns of Foxborough, Medfield, Medway, Sherborn, and Stoughton

From: Ella Wise, Senior Regional Land Use Planner

On: December 19, 2019

Re: Cottage Cluster Zoning Best Practices

The following memo identifies cottage cluster zoning best practices to inform the development of a cottage cluster zoning bylaw for the Town of Medway and other municipalities in the SWAP/TRIC subregion. If adopted, the Medway bylaw would be one of the first of its kind in the region. The Town of Hanover is considering a zoning bylaw that integrates some aspects of cottage cluster housing, but there are no known examples of cottage cluster zoning regulations that have been adopted in Massachusetts. This memo identifies best practices based on cottage clusters that have been built, as well as the key standards of national model cottage cluster zoning bylaws and bylaws adopted in other states.

The memo is organized into the following sections:

- 1) What defines cottage cluster housing?
- 2) What are the dimensions and standards of cottage cluster housing projects that have been built in New England?
- 3) What are the dimensions and standards of exemplary cottage cluster zoning?

1) What defines cottage cluster housing?

A cottage cluster, also known as a pocket neighborhood, is generally defined as "a grouping of small, single family dwelling units clustered around a common area and developed with a coherent plan for the entire site."1

Cottage clusters provide an alternative to the development patterns that have become typical across the country in recent decades: single-family homes greater than 2,000 to 4,000 square feet built on 1- to 2acre lots with 2-car garages fronting an auto-oriented road.

In comparison, cottage cluster homes are carefully designed to be smaller in size to promote greater affordability and easier maintenance, and the homes are configured to encourage neighborly interaction, pedestrian accessibility, and a strong sense of community while ensuring personal privacy. Cottage clusters help fill important gaps in the housing market—for example, they can serve as "starter homes" for young adults; as an attractive option for older residents looking to downsize; and a right-sized home for single adults who need less space than large families. The architecture can be any style and can include detached single-family homes, attached townhomes, and multi-family units. They can also include individual fee-simple lots or multiple homes on a single lot with the common spaces maintained according to homeowners' or condominium association agreements.

The main features of a cottage cluster compared to a typical single-family residential district are summarized in the table below.

-	<u> </u>	
Attribute	Typical Single-Family District	Cottage Cluster
Density	1 – 4 dwelling units per acre	5 – 18 dwelling units per acre
Home size	Median size of new U.S. home in	800 – 1,200 square feet
	2018 was 2,435 square feet	
Height	1-3 stories	1-1.5 stories
Number of	Varies	4-12 homes per cluster, larger communities
units		can have more than one cluster
Orientation	Facing a public street or road	Facing a common green, courtyard, or other
		active space
Common	Rare	Often include common covered outdoor
building		dining area or toolshed

Comparison of Cottage Clusters and Typical Single-Family Residential Development

Street-facing garage with 1-2 bays | Parking is located in rear of dwellings Parking Source: State of Oregon Department of Environmental Quality. "Character-Compatible, Space-Efficient Housing Options for Single-Dwelling Neighborhoods." May 2016. <

https://www.oregon.gov/lcd/Publications/SpaceEfficientHousingReport 2016.pdf>

In addition, cottage clusters are also distinct from open space and residential design (OSRD) zoning. The primary purpose of open space and residential design zoning is to conserve natural resources and open space during the subdivision process. Under OSRD, lots are smaller and clustered so that a large portion of the tract can be permanently conserved as open space. Although there are many possible permutations of OSRD, homes are usually of a similar size to those built in the underlying zoning district and often front an auto-oriented road. That said, there is potential to combine OSRD and cottage cluster zoning strategies to encourage development that protects open space, increases housing diversity, and provides a community-oriented design.

¹ Municipal Research and Services Center. http://mrsc.org/Home/Explore-Topics/Planning/Specific- Planning-Subjects-Plan-Elements/Cottage-Housing.aspx>

Although there are common themes to cottage cluster housing, there are some different potential approaches that Medway will have to consider. One of the most important questions is how to make cottage cluster housing attractive to developers. This can be achieved through an efficient permitting process, greater density allowances, and other strategies. Different potential approaches for Medway to consider are outlined below.

- Location: Cottage cluster housing can be located in a variety of sites, including in infill locations within walkable neighborhoods of single-family and/or multi-family housing (i.e. Cottages on Green in East Greenwich and Heritage Sands in Dennis), within master-planned communities (i.e. Cottages at Hollybrook in South Weymouth and Walking Stick Cottages in Plymouth), and on larger tracts in lower-density areas (i.e. Concord Riverwalk in Concord and Boyde's Crossing in Norfolk). In the SWAP/TRIC sub-region, they are generally appropriate wherever single-family housing and/or multifamily housing is permitted. However, we recommend focusing new housing near town centers and existing residential or commercial development to conserve open space, replicate the traditional town development pattern, and encourage walkability and decreased dependence on automobiles. Another consideration regarding location is utilities. As the lots in cottage housing are too small for individual sewage systems, developments can use shared leach fields or other waste management strategies. However, a municipality could also choose to restrict cottage housing to locations served by public sewer.
- Permit Process: One way to ensure cottage cluster housing is an attractive option for developers is to minimize uncertainty in the development process by adopting appropriately rigorous regulations and allowing for cottage cluster projects by right. However, cottage cluster housing is new to Medway, and decisionmakers might want to require a special permit in order to retain authority to exercise discretionary review.
- Density: Another way to promote cottage cluster housing is to allow for greater density. This can be achieved by setting a higher maximum density or by not setting a maximum density at all, and instead using dimensional standards to ensure consistency with the surrounding community and a limited impact on the local environment. It can also be achieved by increasing the density of the underlying zoning. , For example, adopted bylaws in Washington and Oregon commonly allow 2 units for every 1 single family home allowed by the underlying zoning.² In addition, cottage cluster zoning can allow for density bonuses, conditioned on several possible factors including smaller unit size or inclusion of deed-restricted affordable housing.³
- Design standards: One of the main distinctions from typical subdivisions or single-family housing development is the focus of cottage cluster housing on community- and pedestrian-oriented design. With this as a focus, the zoning could potentially include standards for the design of front porches, requirements for common buildings and amenities, and rigorous parking design guidelines. In addition, some cottage clusters are strictly limited to 4 to 16 units per cluster, while others such as Boyde's Crossing in Norfolk, Massachusetts (profiled below) include 30 units around one common green space and 12 units adjacent to a different common green space. Some design standards may be critical to the success of the housing development, while others may be onerous and better left to the discretion of the developer.

² The Housing Partnership. "Cottage Housing in Your Community: A guide to drafting a cottage housing ordinance." June 2001. <<u>http://mrsc.org/getmedia/d33307b0-2510-4130-a1ac-aa85c70ea78b/chord.pdf.aspx</u>>

³ State of Oregon Department of Environmental Quality. "Character-Compatible, Space-Efficient Housing Options for Single-Dwelling Neighborhoods." May 2016.

<https://www.oregon.gov/lcd/Publications/SpaceEfficientHousingReport_2016.pdf>

- Housing typology: The purpose of cottage cluster housing zoning in Medway is to diversify the housing stock. One approach to cottage cluster housing is to only allow detached single-family units; however, Fieldstone Way in Wellesley, Massachusetts (profiled below) includes smaller carriage houses and 2-unit homes. Carriage houses are a type of accessory dwelling unit located above detached garages. Two- or 3-unit buildings provide further variety and visual interest to a development and can be designed to appear like a single-family home. Allowing for a greater range of housing types can help make cottage housing financially attractive to developers, as well as further diversify the housing stock.
- Open space: A common feature of all cottage cluster housing is a common open space or courtyard for the residents to share. In addition, many cottage clusters also include some amount of private open space for each unit (also known as exclusive use area). In addition, some examples include publicly accessible, protected open space. For example, 50% of the Riverwalk tract in Concord is conserved, public open space, and the draft bylaw for the Town of Hanover requires 50% conserved open space. Medway already has an Open Space and Residential Design bylaw but may consider requiring or encouraging open space or natural resource protection in the cottage cluster housing bylaw, depending on the site characteristics. For example, the bylaw could incentivize open space conservation when there is potential to link existing trails or open space.

2) What are the dimensions and standards of cottage cluster housing projects that have been built?

There are many examples of cottage cluster housing developments across the country with a high concentration in the northwest. The first contemporary cottage cluster or pocket neighborhood, Third Street Cottages, was in Langley, Washington. It was built under the City's "Cottage Housing Development" zoning, which allows double the density of the underlying zoning provided that the units' ground floor area is less than 700 square feet and total area including the second floor is less than 975 square feet. The cottages also must be oriented towards a usable and landscaped commons and have parking screened from the street.⁴ In addition, Danielson Grove in Kirkland, Washington is profiled below. Danielson Grove was built under the City's "Innovative Housing Demonstration Project Ordinance," and it was so well-received that the City drafted a zoning ordinance based on the successful design of Danielson Grove. The City's "Cottage, Carriage, and Two/Three-Unit Homes" zoning is summarized in the third section of this memo.

There have also been cottage cluster housing developed in New England. including: Riverwalk in Concord, MA; Cottages at Hollybrook in South Weymouth, MA; Heritage Sands in Dennis, MA; Boyde's Crossing in Norfolk, MA; Walking Stick Cottage Homes in Plymouth, MA; Cottages on Greene in East Greenwich, RI; and permitted but yet to be developed Fieldstone Way in Wellesley, MA. None of these projects were built in cottage cluster zoning districts; instead, they were built in spite of the underlying zoning. Analysis of the dimensions and features of these developments can inform Medway's potential zoning bylaw—if these are desirable projects, then the zoning should allow for and encourage projects with similar dimensions and features.

Finally, we have included three different site plans from Ross Chapin, the architect credited with developing the concept of a pocket neighborhood, to show potential development configurations.

⁴ Ross Chapin <<u>https://rosschapin.com/projects/pocket-neighborhoods/third-street-cottages/</u>>

Third Street Cottages, Langley, Washington

Site Design					
Tract size	31,000 square feet or approximately 3/4 acres				
Units	8				
Affordable units	none				
Density	11.3 units per acre				
Parking	Clustered surface parking in rear				
Design/Common	Units oriented around common garden, as well as a common building and				
Space/Private Space	toolshed				
Ownership/Management	Condominium				
Building Design	Building Design				
Housing type	Single-family detached				
Bedroom mix	1 bedroom and a loft				
Unit size	850 square feet				
Process					
Development team	Ross Chapin Architects, Cottage Company				
Approval date	Mid 1990's				



Figure 1 Third Street Cottages site plan

Source: Ross Chapin < https://rosschapin.com/projects/pocket-neighborhoods/third-street-cottages/>



Figure 2 Third Street Cottages view

Source: Ross Chapin < https://rosschapin.com/projects/pocket-neighborhoods/third-street-cottages/>

Conover Commons Cottages, Kirkland, Washington

Site Design		
Tract size	1.6 acres	
Units	12	
Affordable units	none	
Density	8 dwelling units per acre	
Parking	Clustered surface parking in rear	
Design/Common	Units oriented around common green	
Space/Private Space		
Ownership/Management	Condominium	
Building Design		
Housing type	Single-family detached	
Bedroom mix	2- bedroom	
Unit size	1,000 square feet	



Figure 3 Conover Commons Cottages site plan

Source: The Cottage Company



Figure 4 Conover Commons Cottages view

Source: Ross Chapin < https://rosschapin.com/projects/pocket-neighborhoods/third-street-cottages/

Concord Riverwalk, Concord, MA

Site Design	
Tract size	3.9 acres, about 2 acres buildable
Units	13
Affordable units	1 deed-restricted unit at 120% AMI
Density	6.5 ¹ units per acre
Parking	28 spaces; approximately 2 spaces per unit; approximately 50% covered and 50% surface
Design/Green Space	Arranged around common green and small community garden with almost 2 acres of publicly-accessible open space connected to riverfront trail system
Ownership/Management	Condominium
Building Design	
Housing type	single-family
Bedroom mix	2- and 3-bedrooms
Unit size	1,200 – 1,800 sq ft
Sales price	\$600,000 - \$800,000 per unit in 2016
Process	
Development approval	Planned Unit Development
Note:	
1. Exact lot boundary and	buildable area is unknown, therefore density may vary.



Figure 5 Riverwalk site plan Source: Union Studio Architecture and Community Design



Figure 6 Riverwalk view Source: Union Studio Architecture and Community Design

Cottages at Hollybrook, South Weymouth, MA

Site Design				
Units	31			
Density	12.8 ¹ units per acre			
Design/Green Space	Arranged around common green			
Ownership/Management	Individual lots with a Homeowners Association			
Building Design				
Housing type	single-family detached and duplex			
Bedroom mix	2-bedroom			
Unit size	1,400 sq ft			
Sales price	\$370,000 per unit in 2014; one unit is currently listed for \$485,000			
Note:				
1. Exact lot boundary and buildable area is unknown, therefore density may vary.				



Figure 7 Cottages at Hollybrook site plan

Source: Union Studio Architecture and Community Design



Figure 8 Cottages at Hollybrook view Source: Union Studio Architecture and Community Design

Heritage Sands, Dennis, MA¹

Site Design				
Tract size	7.9 acres			
Units	63			
Affordable units	None			
Density	8 ² units per acre			
Design/Green Space	Walking paths, community parks, and club house			
Ownership/Management	Condominium			
Building Design				
Housing type	single-family detached			
Bedroom mix	1-, 2-, and 3-bedrooms			
Unit size	900 – 1,350 sq ft, max ground floor area of 900 sq ft			
Sales price	1 unit currently listed for \$775,000 and another listed for \$695,000			
Note:				

1. This site was previously a mobile home park, so the local residents were accustomed to smaller units at higher density on the site.

2. Exact lot boundary and buildable area is unknown, therefore density may vary.





Figure 10 Heritage Sands view Source: Union Studio Architecture and Community Design

Figure 9 Heritage Sands site plan Source: Union Studio Architecture and Community Design

Boyde's Crossing, Norfolk, MA

Site Design				
Tract size	9 acres			
Units	40			
Affordable units	10 units affordable at 80% area median income			
Density	4.4 ¹ units per acre			
Parking	103 spaces with 40 garage spaces and 63 surface			
Ownership/Management	Condominium			
Building Design				
Housing type	Detached and attached townhomes			
Bedroom mix	2- and 3-bedroom			
Unit size	2,028-2,336			
Sales price	Units currently listed for \$599,000 - \$669,000			
Process				
Development approval	Chapter 40B			
Note:				
 Exact lot boundary and buildable area is unknown, therefore density may vary. 				



Figure 11 Boyde's Crossing site plan

Source: Stonebridge Homes, Inc.



Figure 12 Boyde's Crossing view Source: J Barrett & Co. Realty

Walking Stick Cottages, Plymouth, MA

Site Design				
Tract size	1.7 acres			
Units	9			
Affordable units	None			
Density	5.3 ¹ units per acre			
Parking	36; approximately 4 spaces per unit, 2 covered and 2 uncovered			
Design/Green Space	Open space in rear of homes			
Ownership/Management	Individual lots with Homeowners Association			
Building Design				
Housing type	single-family detached			
Bedroom mix	3 bedroom			
Unit size	1,900 – 2,000 square feet			
Sales price	\$575,000 - \$625,000			
Note:				
 Exact lot boundary and buildable area is unknown, therefore density may vary. 				





Figure 14 Walking Stick view

Figure 13 Walking Stick site plan

Cottages on Green, East Greenwich, RI

Site Design			
Tract size	0.9 acres		
Units	15		
Affordable units	5 deed-restricted units		
Density	17 ¹ units per acre		
Parking	22 spaces; approximately 1.5 spaces per unit		
Design/Green Space	Arranged around common green and small community garden		
Ownership/Management	Condominium		
Building Design			
Housing type	single-family detached, duplex, and triplex		
Bedroom mix	2-bedrooms		
Unit size	900 sq ft		
Sales price	\$245,000 per unit in 2017; unit currently listed for \$276,000		
Note:			

1. Exact lot boundary and buildable area is unknown, therefore density may vary.



Figure 16 Cottages on Green view

Figure 15 Cottages on Green site plan Source: Union Studio Architecture and Community Design

Fieldstone Way, Wellesley, MA¹

Site Design	
Tract size	12.1 acres
Units	44
Affordable units	11
Density	4.6 ¹ units per acre
Design/Green Space	Arranged around a common green; includes a shared road (i.e. "woonerf"
	and 4.8 acres of natural open space; parking in rear of homes
Ownership/Management	Individual lots
Building Design	
Housing type	Duplex and 1-bedroom carriage houses
Bedroom mix	1-, 2-, and 3-bedrooms
Unit size	900 – 2,700 sq ft
Notes:	

1. Not yet built

2. Exact lot boundary and buildable area is unknown, therefore density may vary.



Figure 17 Fieldstone Way site plan

Source: Union Studio Architecture and Community Design



Figure 18 Fieldstone Way view

Source: Union Studio Architecture and Community Design

Model site plans from Ross Chapin



Figure 195 Single cluster site plan

Source: Ross Chapin <<u>http://pocket-neighborhoods.net/examples.html</u>>



Figure 20 Hybrid site plan

Source: Ross Chapin <<u>http://pocket-neighborhoods.net/examples.html</u>>



Figure 21 Small neighborhood site plan

Source: Ross Chapin <<u>http://pocket-neighborhoods.net/examples.html</u>>

3) What are the dimensions and standards of cottage cluster zoning examples?

Although there are no known cottage cluster zoning bylaws adopted in Massachusetts, there are zoning bylaws that can serve as examples to Medway, including a national model bylaw. In addition, many municipalities have adopted cottage cluster zoning in other states including Washington and Oregon. Below are summaries of a model bylaw, an adopted bylaw from Washington, and a draft bylaw with aspects of cottage cluster zoning.

a) Ross Chapin provides a model zoning ordinance, summarized below.

Process	•, •, •		
Permit	By right		
Site Design			
Tract size	>1 acre		
Affordable units	None specified		
Lot size	None specified		
Density	7 – 12 du/ac of 4-12 units per pocket neighborhood cluster, unlimited number of pocket neighborhood clusters		
Parking	Units < 900 square feet: 1 space per unit Units 900-1,500 square feet: 1.5 spaces per unit Units >1,500 square feet: 2 spaces per unit Parking should be considered in context of entire development, rather than on lot-by-lot basis. Spaces can be located on residential lots, access alleyways, and streets within 150 feet of unit entryway 1 space designated per unit, and the additional parking should be shared Driveways off of streets are discouraged. Where necessary, must be set back from front façade of dwelling by >1 foot and only 1 car bay. Detached garages serving multiple dwellings must be located off an access alleyway and limited to 5 single-car bays Locate parking so residents walk through common green space rather than through an attached garage to enter house. Surface parking is prohibited in front yard setback area, and must be screened from public streets and adjacent residential uses by landscaping or architectural screening.		
Setbacks	10 feet from adjacent buildings, except can be 5 feet from garages if fire code allows Front: 5 feet to porches, 5 feet to buildings of maximum of 18 feet in width, 10 feet to portions of buildings wider than 18 feet Side: 5 feet except setbacks for attached dwellings may be 0 if fire code allows Rear: 10 feet or 5 feet provided that privacy between dwellings is maintained Access alleyway: 3 feet provided that adequate turning radius into garages can be demonstrated		
Frontage	None specified		
Buffer from adjacent	10 feet		
property			
Wastewater	None specified		
Conserved open space	None specified		

Summary	of "Pocket	Neighborhood	Community	Develop	pment Zoning	g Ordinance"
---------	------------	--------------	-----------	---------	--------------	--------------

Common green space	At least 400 square feet per unit of common open space required in each
	pocket neighborhood cluster, parking and setbacks do not qualify as open
	space
	At least 75% of units must abut common open space and all units must be
	within 60 feet walking distance to common open space
	Common open space must have units abutting at least 2 sides
Private open space	At least 200 square feet located in front, side, or rear with no dimensions
	<10 feet. Carriage and live/work units exempted from this requirement.
Design/Configuration	Every pocket neighborhood cluster must include at least 2 of the following
	common buildings/elements: pizza oven/barbecue/campfire, picnic shelter,
	tool shed, heated common building, garden
	Pocket Neighborhood Community Developments must provide a network of
	pedestrian pathways with sidewalks, mid-block walkways, etc.
Ownership/Management	Applicant must prove to municipality a suitable legally-binding system, such
	as homeowner association agreement, to ensure proper maintenance
Other	Each unit must have at least 40 square feet of covered storage space
	outside of heated dwelling unit. May be located in garage if doesn't
	preclude vehicle parking.
	Refuse and recycling containers must be screened from view and not
	located in the front setback area.
	Maximum fence height: 36 inches in front yard, 36 inches in side yard, 72
	inches in rear yard
Building Design	
Housing type	Single-family detached, duplex, rowhouses, carriage houses (maximum850
	square feet above a garage), live/work units (maximum 1,200 square feet)
Bedroom mix	Max of 3 bedrooms
Height	25 feet to eave, 30 to average roof height
Unit size	Maximum 2,000 square feet
Materials	None specified
Design	At least 70 square foot covered entry porch toward the common open
	space or street (or off of access alley lane for live/work units).
	The common open space, streets, and access alley lanes must have at least
	1 residential unit window (to provide "eyes" on the public space)
	Street-facing facades must include at least 1 of the following: porch,
	window, dormer, building modulation, change in material
	No windows should peer into the living space of adjacent dwelling units
	closer than 30 feet apart
Source: Ross Chapin, "Pocket Ne	eighborhood Community Development Zoning Ordinance," < <u>https://rosschapin.com/wp/wp-</u>
content/uploads/2017/10/PN	<u>-zoning-υraπ-1/11.pdt</u> >
1	

 b) Several municipalities in the northwest have adopted cottage cluster zoning. The following is a summary of the Cottage, Carriage, and Two/Three-Unit Homes zoning in Kirkland, Washington. The U.S. Department of Housing and Urban Development has identified the Kirkland ordinance as a case study of zoning for affordable housing.

Process				
Permit	By right; Special Permit if development contains >20% 2-unit or 3-unit homes			
Applicability	Allowed in single-family residential zones			
Site Design				
Tract size	None specified			
Affordable units	Projects with 10-20 units must include 1 affordable unit from 80-100% area median income. Projects with 20-24 units must include 2 affordable units from 90-100% area median income			
Lot size	None			
Density	2 times the underlying zone. 4-12 units per cluster, maximum of 2 clusters. One 2-unit or 3-unit homes must not exceed 20% of total units			
FAR	<0.35			
Parking	Units <700 square feet: 1 space per unit Units 700 – 1,000 square feet: 1.5 spaces per unit Units >1,000 square feet: 2 space per unit <4 garage doors and <1,200 square feet per shared detached garage Garages must be used for parking, storage is prohibited <4 spaces per cluster of surface parking. Clusters must be separated by >20 feet			
Setbacks	Front: 20 feet Other: 10 feet			
Lot coverage	50%, including all impervious surfaces			
Frontage	None specified			
Buffer from adjacent property	If 1-9 units: 500 feet If 10-19 units: 1,000 feet If 20-24 units: 1,500 feet			
Conserved open space	Existing mature trees should be retained			
Common green space	400 square feet per unit One or two contiguous, central spaces with >20 feet dimensions on all sides. Fences are prohibited within common open space. Unless shape or topography does not allow, >50% of units must abut common open space. Open space must be surrounded by homes on >2 sides			
Private open space	Encouraged to contribute to visual appearance of development			
Design/Configuration	Each unit that abuts a common open space must have a primary entry or covered porch oriented to common space, where feasible Each unit abutting a public ROW (not including alleys) must have an inviting façade oriented to ROW Pedestrian connections required between each building and public ROW, common open space, and parking			
Ownership/Management	Subdivision, condominium, rental, or ownership			
Other	Community buildings incidental in size and use to dwellings are encouraged. Must be commonly owned by residents.			

Summary of Cottage, Carriage, and Two/Three-Unit Homes zoning in Kirkland, Washington
	ADUs are not permitted
Building Design	
Housing type	Single-family, carriage, 2-unit or 3-unit designed to appear as single
	family
Bedroom mix	None specified
Height	18-27 feet depending on zone
Unit size	Cottage (detached single-family): <1,500 square feet
	Carriage Unit (single-family located above a garage): <800 square feet
	Two/Three-Unit Home (Structure containing 2 or 3 dwelling units designed
	to look like a detached single-family home): 1,000 square feet average
	unit size
Materials	None specified
Design	Each unit must have a > 64 square feet covered porch with >7 feet
	dimensions on all sides
	Developments should include a mix of unit sizes
	2-unit and 3-unit homes must be design to appear as a single-family unit
Source: Ross Chapin, "Pocket Neighborhood Community Development Zoning Ordinance," < <u>https://rosschapin.com/wp/wp-</u>	
<pre>content/uploads/2017/10/PNCD-Zoning-Draft-1711.pdf</pre>	

c) The Metropolitan Area Planning Council (MAPC) has drafted a bylaw for the Town of Hanover that includes aspects of cottage cluster zoning, as well as Open Space and Residential Design zoning. The purpose of the bylaw is to both preserve open space and encourage the construction of modestly-sized market-rate and deed-restricted affordable homes. The bylaw will be proposed at the spring 2020 Town Meeting. The bylaw is summarized below with diagrams illustrating the potential development under the proposed bylaw.

Process	
Permit	By right
Applicability	All residential zoning districts
Site Design	
Tract size	>120,000 square feet and >200,000 if using special permit for density bonus
Affordable units	See Density below
	>10.000 square feet
Density	Base density is same as underlying zoning district. Two density bonuses are available based on inclusion of deed-restricted housing. One density bonus is up to 50% increase and the other is up to 30% increase; they can be used in tandem for a potential cumulative increase of 80%. (See diagrams below)
Parking	Same ratio as underlying zoning. Clustered parking and shared driveway allowed with special permit.
Setbacks	Front: 25 ft Rear: 20 ft Side: 10 ft
Frontage	None
Buffer from adjacent	None, except if using special permit for density bonus: >40 feet and
property	landscaped
Wastewater	Planning Board can approve underground common or individual septic systems in open space. All systems must be approved by the Board of Health.
Conserved open space	>50% of tract permanently conserved open space
Common green space	None specified
Private open space	None specified
Design/Configuration	None specified beyond setbacks and conserved open space
Ownership/Management	Either subdivision or condominium
Building Design	
Housing type	Single-family detached, except if using special permit for density bonus can include duplex
Bedroom mix	None, except if using special permit for density bonus: $>1/3$ 1-bedroom, $>1/3$ 2-bedroom, $<1/3$ 3-bedroom
Height	35 feet, 3 stories
Unit size	None, except if using special permit for density bonus: max is 1,500 square feet and average max is 1,200 square feet
Materials	Pre-fabricated homes allowed through special permit; mobile homes are prohibited
Design	None specified

The proposed Hanover Open Space Residential Cluster Design bylaw was applied to a hypothetical site to demonstrate potential development. Figure 13 illustrates the potential development of a conventional subdivision on a 15 acre lot. The development results in 10 lots and no open space, except for any potential wetlands and wetland buffers.



Figure 22 Conventional subdivision

Under the Open Space Residential Cluster Design bylaw, the same site could be divided into 11 lots, while protecting 50% of the site as open space.



Figure 23 Open Space Residential Cluster

If the developer chooses to pursue a density bonus, they could build 16 units including 2 deed-restricted affordable homes and protect 87% of the site as open space, as shown in Figure 15.



Figure 24 Open Space Residential Cluster with bonus

Finally, if the developer chooses to pursue an additional density bonus, they could build 20 units on 16 lots including 4 deed-restricted affordable homes and protect 87% of the site as open space, as shown in Figure 16. Thus, the Open Space Residential Cluster bylaw provides a financially attractive option to developers, while also protecting open space and providing deed-restricted affordable housing to the public.



Figure 25 Conventional subdivision