

**Tuesday January 29, 2019
Medway Planning and Economic Development Board
155 Village Street
Medway, MA 02053**

Members	Andy Rodenhiser	Bob Tucker	Tom Gay	Matt Hayes	Rich Di Iulio
Attendance	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
Planning Consultant Gino Carlucci, PGC Associates
Amy Sutherland, Recording Secretary

The Chairman opened the meeting at 7:00 pm

There were no Citizen Comments.

DPS Building Site Plan – Public Hearing Continuation

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

- Request dated January 23, 2019 from Town Administrator Michael Boynton to continue the public hearing to February 5, 2019.
- Updated permitting schedule for DPS building site plan.

On a motion made by Bob Tucker and seconded by Rich Di Iulio, the Board voted unanimously to continue the DPS Building Site Plan public hearing to February 5, 2019 at 7:00 pm.

ANR Plan – 2 West Street:

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

- ANR application from Jon and Lauren Hollingsworth for property line adjustment at 2 West Street.
- Plan of Land in Medway, MA dated January 8, 2019 by Paul DeSimone, PLS.
- LC (Land Court) #12725E Plan of Land in Medway, MA, dated November 8, 2018 by Paul J. DeSimone, PLS.
- ANR plan review letter dated January 29, 2019 from Consultant Carlucci.

The ANR Plan was submitted by Jon and Loreen Hollingsworth of Wellesley, MA. The plan was prepared by Colonial Engineering and the plan is dated January 8, 2019. The previous endorsed ANR Plan in April 2016 divided the property into 2 lots. This ANR plans show an adjustment of the lot line between two lots. With this proposed change, one lot (4 West Street)

would be reduced in size from 48,171 sq. ft. to 30,622 square feet. The other lot (2 West Street) which contains the existing house would be increased in size from 55,049 sq. ft. to 72,600 sq. ft. There are no changes in frontage. There is also a corresponding Land Court plan as a portion of the site is registered land under Land Court jurisdiction.

On a motion made by Bob Tucker and seconded by Matt Hayes, the Board voted unanimously to endorse the plan for 2 West Street as presented.

Applegate Subdivision:

The Chairman excused himself from the table at 7:08 p.m.

Vice Chairman Tucker took over running the meeting.

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

- Final Amendment to the Tri-Partite Performance Security Agreement signed by developer Ralph Costello and lender, Needham Bank.
- Scope of Work/PEDB priorities with cost estimates.

Susy Affleck-Childs explained that this is the final version of the amendment to the Tri-Partite Performance Security Agreement. There was a pre-construction meeting on January 24, 2019. The bank's contractor will complete as much of the scope of work as possible up the funding available - \$290,969. The Board may need to refine and revise its priorities within the scope of work. Ralph Costello still owns the street, but the bank has authority to expend the funds.

On a motion made by Tom Gay and seconded by Rich Di Iulio, the Board voted unanimously to sign the final version of the Tri-Partite Agreement.

COUNTRY COTTAGE SITE PLAN AGREEMENT FOR DEPOSIT OF FUNDS.

The Board is in receipt of the following:

- Tetra Tech Inspection report and punch list dated 1-21-19 based on 1-18-19 site visit.
- Revised Tetra Tech bond estimate dated 1-28-19 for \$19,125.00
- Revised Draft Agreement for deposit of funds dated 1-28-19.

Country Cottage owner, Robin Beaudreau is seeking an occupancy permit for the new building at 37 Summer Street. Tetra Tech has conducted an inspection and prepared a punch list and corresponding bond estimate. Since the bond estimate was first prepared, additional fencing has been installed. Consultant Bouley visited the site and a revised bond estimate was provided reducing the recommended bond amount from \$29,875 to \$19,125. The Agreement for Deposit of Funds has also been modified accordingly.

On a motion made by Bob Tucker and seconded by Tom Gay, the Board voted unanimously to set the bond amount at \$19,125.00 for County Cottage.

On a motion made by Rich Di Iulio, and seconded by Tom Gay, the Board voted unanimously to sign the Agreement for Deposit of Funds for Country Cottage.

PEDB MEETING MINUTES:

January 15, 2019:

On a motion made by Rich Di Iulio and seconded by Matt Hayes, the Board voted unanimously to accept the minutes from January 15, 2019 as amended.

January 22, 2019:

On a motion made by Rich Di Iulio and seconded by Matt Hayes, the Board voted unanimously to accept the minutes from January 22, 2019 as amended.

Salmon Senior Health Care:

The Board was informed that the Salmon Senior Health project is getting under way with site work. The applicant sent letters to the neighbors. There will be information on the PEDB web site about the project.

2 MARC ROAD – ADULT RECREATIONAL MARIJUANA SPECIAL PERMIT- Public Hearing Continuation

The Chairman opened the continued public hearing.

Applicant Ellen Rosenfeld and project engineer Dan Merrikin were present.

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

- Public hearing continuation notice dated 1-23-19.
- Email dated 1-22-2019 from resident Heidi Sia, 18 Main Street
- Email dated 1-23-19 from neighbor Leigh Knowlton, Green Valley Road
- Revised draft special permit decision dated 1/28/19
- 1/29/19 email from Ron Dempsey in response to 1/23/19 email from Leigh Knowlton.
- 1/29/19 email from attorney Susan Murphy.
- 1/29/19 email from resident John Lally, Coffee Street

The Chairman explained that further information was provided to the Board this afternoon. It was forwarded to the applicant and consultant and has also been forwarded to the Town's noise consultant.

It was explained to the Applicant that they will need to place money into the plan review fund to cover the costs of reviews by outside consultants... The noise consultant's hourly rate is \$175. Susy Affleck-Childs suggested securing funds from the Applicant to cover 15 hours of work. The estimated cost would be \$2,625.00

On a motion made by Bob Tucker and seconded by Rich Di Iulio, the Board voted unanimously to approve the estimate of \$2,625.00 for the noise specialist.

On a motion made by Matt Hayes and seconded by Tom Gay, the Board voted unanimously to approve the estimate of \$2,625.00 for the odor specialist.

Dan Merrikin explained to the Board that they are willing to mitigate the issue but do not want to be held to a different standard. The bylaw is written and can be interpreted regarding the measuring of the noise and odor. When you use your grill outside, this is a violation of the odor bylaw. The bylaw and its interpretation need to be reasonable. Mr. Merrikin further explained that no one complies with the bylaw literally. The building inspector decides what is reasonable in his subjective interpretation of the bylaw. The Chairman agreed that it is the job of the Board to come up with reasonable conditions. The Board and Applicant were both provided with updated draft decision. Town Counsel has also been provided with the draft decision. Susy Affleck-Childs will investigate finding an odor consultant to assist the Board.

The Board began the review of the draft document.

The following comment and recommendations were made:

- Page 4 Findings (#2) - The reports from the Applicant will be submitted in this section.
- Page 5 Findings (#5) - It is recommended to reword this indicating that both consultants noted that the measurement is no longer commonly used since technology has changed.
- Page 5 Findings (#6) - Include a #6 with the conversions.
- Dan Merrikin noted that there is ambiguity with the formula.
- Page 8 (#5) – It was suggested to include language that the peer review is forthcoming with a plan. There can also be something added about engaging consultants to review later if things change.
- Page 8 (#6) – Mr. Merrikin noted that he will comply with the bylaw and the proposed use will not significantly alter the character of the zoning district.
- Page 9 B. Noise Management (#2) – Include in the blank section information referencing the noise consultant. The Town has the right to impose stricter conditions or can deny the permit all together but it is appealable, so the goal is to write the decision with strong conditions.
- The Board would like the noise consultants to get together to determine the area where mitigation is needed.
- Mr. Lally would like the following included: neighbors are impacted by noise and odor, value of property is going down, and a note that the Board is constrained by the existing Bylaw.
- Dan Merrikin expressed that it is impossible to have no noise from site. This is an industrial area.
- Consultant Carlucci responded that the Board cannot include a condition in the decision that is not achievable.
- Page 11 (#5) - Include the study information at different times of the year.
- Page 11 (#6) - It was recommended to remove the last sentence regarding the mechanical equipment.
- D. Odor Management. The way it is written, no one is able to comply since it references “no emissions.....” Dan Merrikin noted that this is not achievable since many things cause odor and noise such as grills, lawn mower, etc.
- Page 13. The hours are Sunday through Saturday. The employees are generally there from 7 am to 8 pm Monday – Friday.

- Page 13. Under General Conditions of Approval – Add a #3 which would include language about additional fees for noise and odor consultants with the cost paid for by the applicant.

The decision will be revised to include the noted recommendations.

On a motion made by Rich Di Iulio, and seconded by Matt Hayes, the Board voted unanimously to continue the hearing for 2 Marc Road to February 12, 2019 at 7:15 pm.

CORRESPONDENCE:

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

- Collection of emails among Mark Heavner (Medway Green), Dave D’Amico, and Town Administrator Michael Boynton regarding the removal of two public parking spaces in front of 176-178 Main Street.

CONSTRUCTION REPORTS:

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

- January 18, 2019 Exelon Construction Report.

FUTURE MEETING:

- Tuesday, February 5, 12, & 26, 2019

ADJOURN:

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

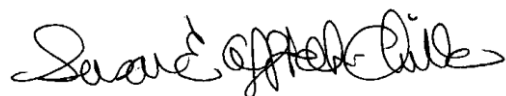
The meeting was adjourned at 8:47 pm.

Prepared by,

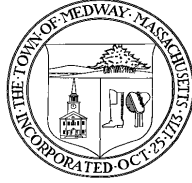


Amy Sutherland
Recording Secretary

Reviewed and edited by,



Susan E. Affleck-Childs
Planning and Economic Development Coordinator



January 29, 2019

**Medway Planning & Economic Development Board
Meeting**

DPS Building Site Plan
Public Hearing Continuation

- Request dated January 23, 2019 from Town Administrator Michael Boynton to continue the public hearing to February 5, 2019.
- Updated permitting schedule for DPS building site plan

Request for Continuation of a Public Hearing before the Medway Planning and Economic Development Board

January 23, 2019
Date

The undersigned applicant requests that the Medway Planning and Economic Development Board continue the public hearing on the application for approval of:

- ☐ a Definitive Subdivision Plan
- ☒ a Site Plan
- ☐ an Adult Retirement Community Planned Unit Development (ARCPUD) Special Permit
- ☐ an Adaptive Use Overlay District (AUOD) Special Permit
- ☐ an Open Space Residential Development (OSRD) Special Permit
- ☐ a Multifamily Housing Special Permit
- ☐ a Scenic Road Work Permit
- ☐ Other (specify) _____

for the project entitled Medway DPW Site Plan
located at 46 Broad Street
to February 5, 2019

Respectfully submitted,

Name of applicant: Michael Boynton Town Administrator

Signature of applicant or representative: [Signature]

Date approved by Planning and Economic Development Board: _____

Date of continued public hearing: _____

ATTEST: _____

Susan E. Affleck-Childs, Planning & Economic Development Coordinator

January 23, 2019

Susan Affleck-Childs

From: Bryan Jarvis <bjarvis@compasspminc.com>
Sent: Thursday, January 24, 2019 8:48 AM
To: Michael Boynton; Glick, Peter; Project, Mail
Cc: HELENE KARL Architects, Inc.; Laureen Westman; Project, Mail; David Damico; Peter Pelletier; Susan Affleck-Childs; Bridget Graziano; Barbara Saint Andre; Allison Potter; Bryan Jarvis
Subject: RE: DPS Facility Site Visit (pnum:18043)

Hi all,

Just to recap our meeting yesterday and the proposed revised timeline for permitting on the DPW project.

1/29/19 - Planning Board Hearing. Town to submit request for continuance to the 2/5/19 meeting.

2/1/19 – HKA/SMMA to make re-submission to ConsComm/Planning board inclusive of new salt shed/materials storage building layout. Submission to include updated civil drawings; stormwater calcs; and responses to prior review comments, etc. Additional waiver requests are also expected as part of the responses to prior review comments.

2/5/19 – Planning Board Hearing: Update on new site layout; responses to prior comments; review of all waiver requests for the project.

2/12/19 – Planning Board Hearing: project follow-up as needed.

2/14/19 – Conservation Commission Hearing

2/20/19 – Bid docs released.

Thanks,

Bryan Jarvis
Sr. Project Manager



One Edgewater Drive, Suite 204
Norwood, MA 02062
E: bjarvis@compasspminc.com
D: 617.869.7670

From: Bryan Jarvis
Sent: Wednesday, January 23, 2019 10:22 AM
To: Michael Boynton <mboynton@townofmedway.org>; Glick, Peter <pglick@smma.com>; Project, Mail

<pmail@smma.com>

Cc: HELENE KARL Architects, Inc. <hka2@npv.com>; Laureen Westman <lwestman@compasspminc.com>; Project, Mail <pmail@smma.com>; David Damico <ddamico@townofmedway.org>; Peter Pelletier <ppelletier@townofmedway.org>; Susan Affleck-Childs <sachilds@townofmedway.org>; Bridget Graziano <bgraziano@townofmedway.org>; Barbara Saint Andre <bsaintandre@townofmedway.org>; Allison Potter <apotter@townofmedway.org>; Bryan Jarvis <bjarvis@compasspminc.com>

Subject: RE: DPS Facility Site Visit (pnum:18043)

Michael,

To follow up on our conversation, I did speak specifically about this with Gregg this morning.

Peter has been working on the changes for both the Planning and ConsComm amended filings per the PBC's decision last Thursday night to relocate Salt and Materials storage to the existing side of the site.

However, per Planning's timeline, these updates would have been due yesterday (given the holiday) which was not enough time to get all of the modifications done.

This timeline, and the need to adjust it based upon the changes, is on the agenda for today's 2PM Working Group meeting.

Per our discussion, I am confident, that with a few adjustments to our timeline, we will still get back in front of Planning prior to bid docs being released. If I'm not mistaken, Planning can't close until after ConsCom which is currently scheduled for 2/14.

As discussed, we can always insert a draft Site Plan Decision into the specs as an addendum if needed.

I think we are still on track big picture, but we can discuss in more detail this afternoon.

Call me with any questions. See you at 2.

Thanks,

Bryan Jarvis
Sr. Project Manager



One Edgewater Drive, Suite 204
Norwood, MA 02062
E: bjarvis@compasspminc.com
D: 617.869.7670

From: Michael Boynton [<mailto:mboynton@townofmedway.org>]

Sent: Wednesday, January 23, 2019 9:07 AM

To: Bryan Jarvis <bjarvis@compasspminc.com>; Glick, Peter <pglick@smma.com>; Project, Mail <pmail@smma.com>

Cc: HELENE KARL Architects, Inc. <hka2@npv.com>; Laureen Westman <lwestman@compasspminc.com>; Project, Mail

<pmail@smma.com>; David Damico <ddamico@townofmedway.org>; Peter Pelletier <ppelletier@townofmedway.org>; Susan Affleck-Childs <sachilds@townofmedway.org>; Bridget Graziano <bgraziano@townofmedway.org>; Barbara Saint Andre <bsaintandre@townofmedway.org>; Allison Potter <apotter@townofmedway.org>
Subject: RE: DPS Facility Site Visit (pnum:18043)

Peter & Greg,

Imagine my surprise this morning when I heard that the revised plans have yet to be submitted to the Planning Board, and I'm assuming now, the Conservation Commission as well. The comment apparently made at the Planning Board meeting last night stated that the plans were not received, and the PB will not be able to meet to review them. Given the timing press on this, and the repeated pushing from yours truly to meet our deadlines, I am not at all happy. I would like an immediate update as to the status of the plan submissions, and an assurance that if they have not yet been submitted, they will be submitted by the close of business today. My team is ready to expedite the reviews.

Please advise asap.

Michael

From: Bryan Jarvis [<mailto:bjarvis@compasspminc.com>]
Sent: Thursday, January 17, 2019 8:34 AM
To: Glick, Peter; Michael Boynton; Project, Mail
Cc: HELENE KARL Architects, Inc.; Laureen Westman; Project, Mail; Bryan Jarvis
Subject: RE: DPS Facility Site Visit (pnum:18043)
Importance: High

Peter,

PBC approved relocation of Salt and Materials Storage buildings last night...full steam ahead!

Mike – as discussed, please coordinate another Stormwater review (for updated calcs based upon revised site layout) with Bridget and Tetra-tech...

Assuming updated plans/calcs completed by 1/25if we could TT's review by 2/1....then we could address ahead of 2/14 hearing.

Thanks,
Bryan

From: Glick, Peter [<mailto:pglick@smma.com>]
Sent: Wednesday, January 16, 2019 3:20 PM
To: Michael Boynton <mboynton@townofmedway.org>; Project, Mail <pmail@smma.com>
Cc: HELENE KARL Architects, Inc. <hka2@npv.com>; Bryan Jarvis <bjarvis@compasspminc.com>; Laureen Westman <lwestman@compasspminc.com>; Project, Mail <pmail@smma.com>
Subject: RE: DPS Facility Site Visit (pnum:18043)

Hi Michael,

I plan on addressing the comments ASAP, however responses are contingent upon the salt storage relocation, or not.

Regards,
Peter

Peter S. Glick, PE
Senior Associate | Civil Engineer

SMMA
t: 401.519.0669 | m: 617.233.6227
www.smma.com

From: Michael Boynton <mboynton@townofmedway.org>
Sent: Wednesday, January 16, 2019 3:05 PM
To: Glick, Peter <pglick@smma.com>; Project, Mail <pmail@smma.com>
Cc: HELENE KARL Architects, Inc. <hka2@npv.com>; Bryan Jarvis <bjarvis@compasspmc.com>; Laureen Westman <lwestman@compasspmc.com>
Subject: RE: DPS Facility Site Visit (pnum:18043)

Peter,

Even sooner than that!

MB

From: Glick, Peter [<mailto:pglick@smma.com>]
Sent: Wednesday, January 16, 2019 2:45 PM
To: Bridget Graziano; Michael Boynton; Allison Potter; David Damico; Peter Pelletier
Cc: HELENE KARL Architects, Inc.; Bryan Jarvis; Laureen Westman; Project, Mail
Subject: RE: DPS Facility Site Visit (pnum:18043)

Thank you Bridget. We will address your comments/ideas below as soon as we can.

Regards,
Peter

Peter S. Glick, PE
Senior Associate | Civil Engineer

SMMA
t: 401.519.0669 | m: 617.233.6227
www.smma.com

From: Bridget Graziano <bgraziano@townofmedway.org>
Sent: Wednesday, January 16, 2019 2:37 PM

To: Glick, Peter <pglick@smma.com>; Michael Boynton <mboynton@townofmedway.org>; Allison Potter <apotter@townofmedway.org>; David Damico <ddamico@townofmedway.org>; Peter Pelletier <ppelletier@townofmedway.org>

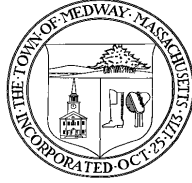
Subject: DPS Facility Site Visit

Peter,

Thanks for meeting with us today! Based on the site visit today here are some of the ideas and take away from the site visit.

1. Add isolation valve at the end of the stormceptor (water quality unit) so any fuel, oils, or other hazardous material spill can be contained from entering into any components of the stormwater system but isolating the spill within the stormceptor, which then can be skimmed or pumped out. Protection of zone II and other wetland resources. Dave and yourself were going to discuss fueling pad and location. This should be added to the plan.
2. Review the width of the proposed road to avoid the wetland alteration all together. This will be referenced not only by myself but in Tetra Techs letter to the town under the review. Then #3 would not be required.
3. Keep replication area as proposed, and discuss alternative locations with the Commission at the 2/14/19 meeting. If this area is keep and the storage buildings are moved, then the area behind the existing buildings should be protected through restoration(as already shown on the plan) and lawn, so there is no run-off into the new replication area or impact to this new area through driving, snow, salt, etc.
4. Wetlands Replication – looks like the wetlands replication proposal will require soils amendments not translocation, since the soils are questionable at the replication proposed and that materials removed for road likely cannot be used for replication. This should be referenced within the wetlands replication proposal report.
5. Remove all small material piles from buffer zone locations, old culvert pips, ¾" rock, old concrete, asphalt, etc. Materials should be contained within the new proposed storage areas/buildings. This is basically proposed on the plan but I know all the piles were discussed. IF pile areas are needed these should be designated on the plan and kept in the outer buffer zone or outside the buffer zone.

Bridget R. Graziano
Conservation Agent
Town of Medway
155 Village Street
Medway, MA 02053
(508)-533-3292



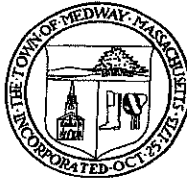
January 29, 2019
Medway Planning & Economic Development Board
Meeting

ANR – 2 West Street

UPDATED INFORMATION

- ANR application from Jon and Laureen Hollingsworth for a property line adjustment at 2 West Street
- Plan of Land in Medway, MA, dated January 8, 2019 by Paul J. DeSimone, PLS
- LC (Land Court) #12725E Plan of Land in Medway, MA, dated November 8, 2018 by Paul J. DeSimone, PLS.
- **ANR plan review letter dated January 29, 2019 from Gino Carlucci**

Gino Carlucci has reviewed the plans and finds that all is in order. He recommends the Board endorse the plans as presented.



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

**Application for Endorsement of Plan
Believed Not to Require Subdivision Approval (ANR)**

INSTRUCTIONS TO APPLICANT/OWNER

This Application is made pursuant to the Medway Subdivision Rules and Regulations.
Please complete this entire Application.

Submit two (2) signed originals of this ANR Application, two copies of the ANR Plan, an electronic version (PDF) of the ANR plan, two Project Explanations, and the appropriate ANR application/filing fee checks to the Medway Planning and Economic Development office, 155 Village ST, Medway, MA 02053.

The Applicant certifies that the Information Included in this Application is a true, complete and accurate representation of the facts regarding the property under consideration.

In submitting this application, the Applicant and Property Owner authorize the Planning & Economic Development Board and its agents to access the site during the plan review process.

The Town's Planning Consultant will review the Application, Project Explanation and ANR plan and provide a recommendation to the Planning & Economic Development Board.
A copy of that letter will be provided to you. Revisions to the plan may be needed.

**You or your duly authorized agent is expected to attend the Board meeting
when the ANR Plan will be considered to answer any questions and/or submit such
additional information as the Board may request.**

Your absence may result in a delay in the Board's review and decision.

_____, 20__

TO: The Planning & Economic Development Board of the Town of Medway, MA

The undersigned, wishing to record the accompanying plan of property in the Town of Medway and believing that the plan does not constitute a subdivision within the meaning of the Subdivision Control Law, herewith submits this Application and ANR Plan to the Medway Planning and Economic Development Board and requests its determination and endorsement that the Board's approval under the Subdivision Control Law is not required.

PROPERTY INFORMATION

ANR Location Address(es): 2 WEST ST.

The land shown on the plan is shown on Medway Assessor's Map # 66 Parcel(s) # 017 & 017-1

Total Acreage of Land to be Divided: 113,222 S.F.

Subdivision Name (if applicable): N/A

Medway Zoning District Classification: AR-II

Frontage Requirement: 150.00' Area Requirement: 22,500 S.F.

Is the road on which this property has its frontage a designated **Medway Scenic Road**? NO

The owner's title to the land that is the subject matter of this application is derived under deed from: THERESA GROLEAU to JON HOLLINGSWORTH dated APRIL 6, 2001 and recorded in Norfolk County Registry of Deeds, Book _____ Page _____ or Land Court Certificate of Title Number 192116, Land Court Case Number 12715, registered in the Norfolk County Land Registry District Volume 1348, Page 301.

ANR PLAN INFORMATION

Plan Title: PLAN OF LAND IN MEDWAY, MA.

Prepared by: PAUL J. DeSIMONE

P.E. or P.L.S registration #: _____ Plan Date: JANUARY 8, 2019

APPLICANT INFORMATION

Applicant's Name: JON & LOREEN HOLLINGSWORTH

Address: 59 STANDISH RD.
WELLESLEY, MA. 02481

Telephone: 781-290-8431 Email: JBHollingsworth@comcast.net

PROPERTY OWNER INFORMATION

(If different than the applicant or if the plan shows a land swap between two adjacent properties)

Property Owner's Name: _____

Address: _____

Telephone: _____ Email: _____

ENGINEER or SURVEYOR INFORMATION

Name: PAUL J. DeSIMONE

Address: 403 MAHAN CIRCLE
MEDWAY, MA. 02053

Telephone: 508-533-8277 Email: _____

ATTORNEY INFORMATION

Name: _____

Address: _____

Telephone: _____ Email: _____

OFFICIAL REPRESENTATIVE INFORMATION

Name: _____
Address: _____
Telephone: _____ Email: _____

PROJECT EXPLANATION

Provide a cover letter with a detailed explanation of how you propose to divide the land, what land transaction will occur, and what land reconfiguration will result from the endorsement and recording of this ANR Plan.

APPROVAL NOT REQUIRED JUSTIFICATION

The Applicant believes that the Board's approval under the Subdivision Control Law is not required for the following reasons: *(Check all that apply.)*

- ☐ 1. The accompanying plan does not show a division of land.
- ☒ 2. Every lot shown on the plan has frontage as required by the Medway Zoning Bylaw. The frontage required by the Zoning Bylaw is located on WEST ST. (name of way(s), which is:
- ☒ a. A public way. Date of street acceptance: TAKING (1937)
- ☐ b. A way certified by the Town Clerk as being maintained and used as a public way. *(Attach Town Clerk's certification)*
- ☐ c. A way shown on a definitive subdivision plan entitled _____
that was previously endorsed by the Planning and Economic Development Board on _____ and recorded at the Norfolk County Registry of Deeds on _____
Provide detailed recording information: _____
- ☐ d. A private way in existence on the ground before 1952 when the Subdivision Control Law was adopted in the Town of Medway, which has, in the opinion of the Planning & Economic Development Board, adequate width, suitable grades, and adequate construction to provide vehicular access to the lot(s) for their intended purpose of _____ and to permit the installation of municipal services to serve the lot(s) and any buildings thereon.
- ☒ 3. The division of land shown on the accompanying plan is not a "subdivision" for the following reasons: NO NEW WAYS OR STREETS

SIGNATURES

The undersigned, being the Applicant as defined under Chapter 41, Section 81P for endorsement of an Approval Not Required Plan, herewith submits this application and Approval Not Required Plan to the Medway Planning and Economic Development Board for review and endorsement.

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

(If applicable, I hereby authorize _____ to serve as my Agent/Official Representative to represent my interests before the Medway Planning & Economic Development Board with respect to this Approval Not Required Application.)

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

Signature of Property Owner

1/18/14

Date

Signature of Applicant (if other than Property Owner)

Date

Signature of Agent/Official Representative

Date

ANR PLAN FILING FEE

\$250 plus \$100 per lot or parcel for a plan involving three (3) or more lots/parcels, not to exceed a maximum of \$750.

Please prepare two checks: one for \$100 and one for the balance.
Each check should be made payable to: Town of Medway

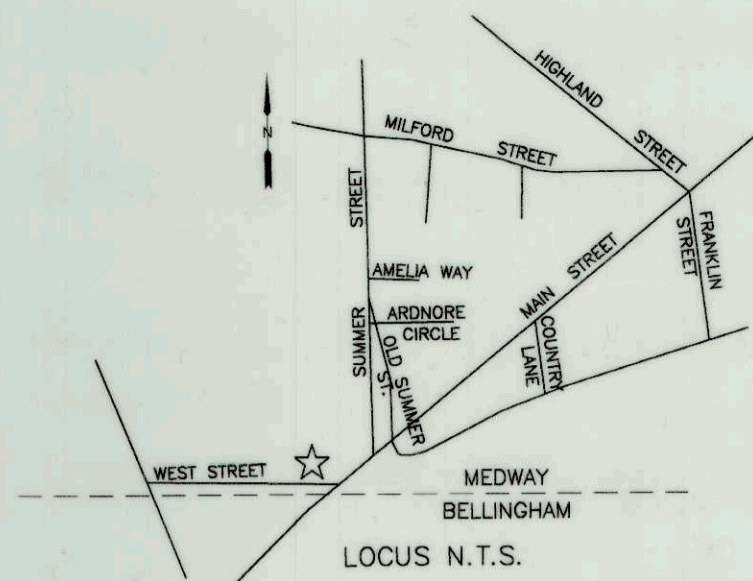
Fee approved 11-2-06

APPLICATION CHECKLIST – All items must be submitted

- _____ 2 signed original ANR applications (FORM A)
- _____ 2 full size prints of ANR plan
- _____ Electronic version of ANR plan – A flash drive may be provided or a PDF of the plan may be emailed to: planningboard@townofmedway.org.
- _____ 2 copies of the Project Explanation
- _____ Application/Filing Fee (2 checks) – Check with PEDB office for amounts.

ANR Application/Filing Fee Paid:

Amount: \$250 Check # 162
Amount: _____ Check # _____



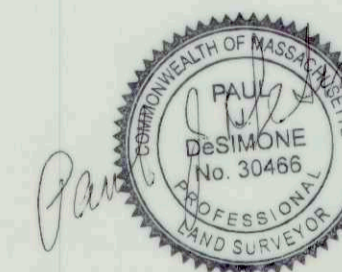
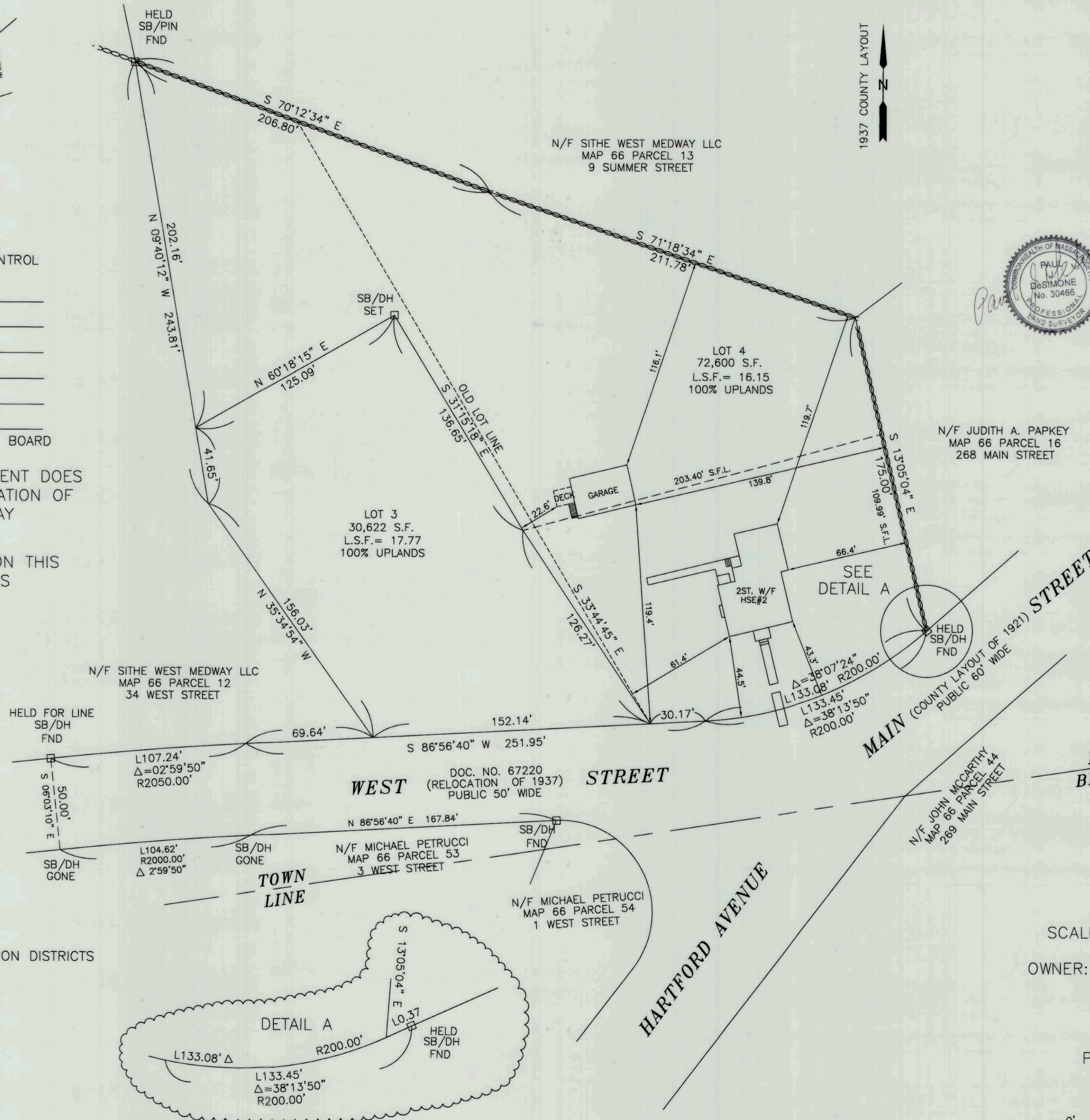
APPROVAL UNDER SUBDIVISION CONTROL
LAW IS NOT REQUIRED.
DATE APPROVED: _____

TOWN OF MEDWAY PLANNING BOARD

"PLANNING BOARD ENDORSEMENT DOES
NOT CONSTITUTE A DETERMINATION OF
COMPLIANCE WITH THE MEDWAY
ZONING BY-LAWS."

NOTE: PROPERTY SHOWN ON THIS
PLAN IS NOT CLASSIFIED AS
CHAPTER 61A OR 61B.

ZONE AR II
AREA=22,500 S.F.
FRONTAGE= 150.00'
FRONT SETBACK= 35.00'
SIDE SETBACK= 15.00'
REAR SETBACK= 15.00'
SHAPE FACTOR= 22.00
NOT IN GROUNDWATER PROTECTION DISTRICTS
NOT WITHIN THE FLOOD PLAIN.



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: JAN. 8, 2019

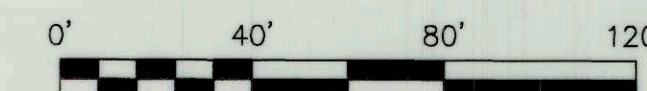
Paul J. DeSimone
PAUL J. DESIMONE P.L.S.

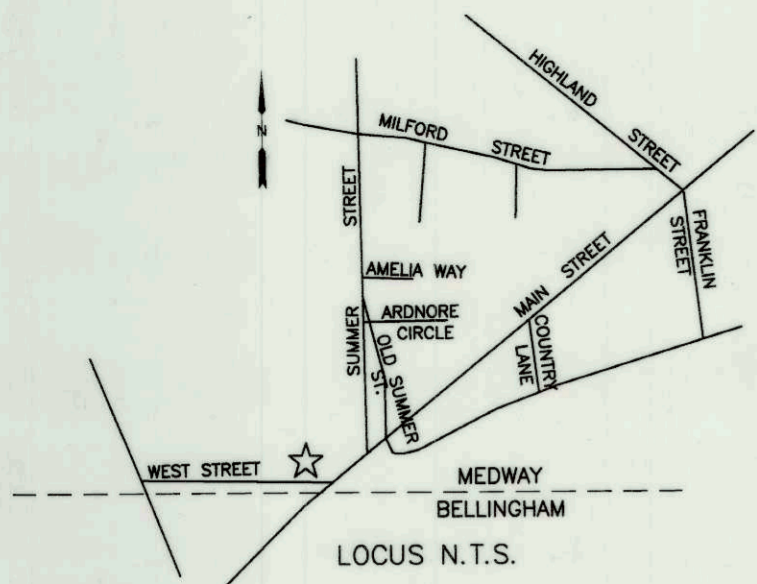
PLAN OF LAND
IN
MEDWAY, MA.

SCALE: 1"=40' JANUARY 8, 2019

OWNER: Jon & Lorreen Hollingsworth
59 Standish Road
Wellesley, Ma. 02481
MAP 66 PARCEL 17

Paul J. DeSimone P.L.S.
403 Mahan Circle
Medway, Ma. 02053





APPROVAL UNDER SUBDIVISION CONTROL
LAW IS NOT REQUIRED.
DATE APPROVED: _____

TOWN OF MEDWAY PLANNING BOARD

"PLANNING BOARD ENDORSEMENT DOES
NOT CONSTITUTE A DETERMINATION OF
COMPLIANCE WITH THE MEDWAY
ZONING BY-LAWS."

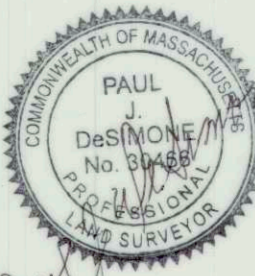
NOTE: PROPERTY SHOWN ON THIS
PLAN IS NOT CLASSIFIED AS
CHAPTER 61A OR 61B.

N/F SITHE WEST MEDWAY LLC
MAP 66 PARCEL 12
34 WEST STREET

N/F SITHE WEST MEDWAY LLC
MAP 66 PARCEL 13
9 SUMMER STREET

LC LOT 7
72,079 S.F.
PARCEL D
521 S.F.
TOTAL AREA
72,600 SQ. FT.
L.S.F.= 16.15
100% UPLANDS

LC LOT 6
30,441 S.F.
PARCEL C
181 S.F.
TOTAL AREA
30,622 SQ. FT.
L.S.F.= 17.77
100% UPLANDS



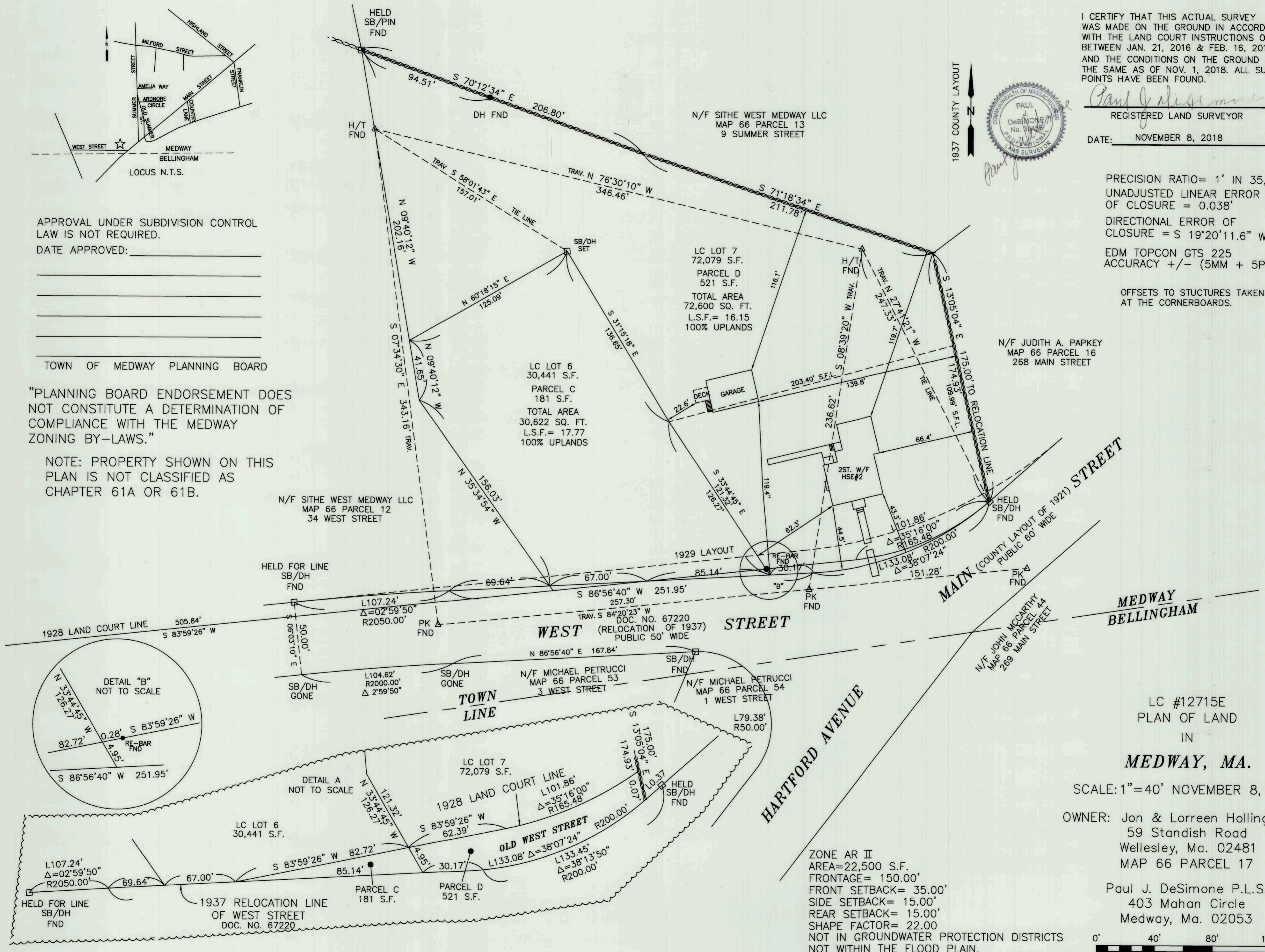
I CERTIFY THAT THIS ACTUAL SURVEY
WAS MADE ON THE GROUND IN ACCORDANCE
WITH THE LAND COURT INSTRUCTIONS OF 2006.
BETWEEN JAN. 21, 2016 & FEB. 16, 2016.
AND THE CONDITIONS ON THE GROUND ARE
THE SAME AS OF NOV. 1, 2018. ALL SURVEY
POINTS HAVE BEEN FOUND.

Paul J. DeSimone
REGISTERED LAND SURVEYOR
DATE: NOVEMBER 8, 2018

PRECISION RATIO= 1' IN 35,408'
UNADJUSTED LINEAR ERROR
OF CLOSURE = 0.038'
DIRECTIONAL ERROR OF
CLOSURE = S 19°20'11.6" W
EDM TOPCON GTS 225
ACCURACY +/- (5MM + 5PPM)

OFFSETS TO STRUCTURES TAKEN
AT THE CORNERBOARDS.

N/F JUDITH A. PAPKEY
MAP 66 PARCEL 16
268 MAIN STREET



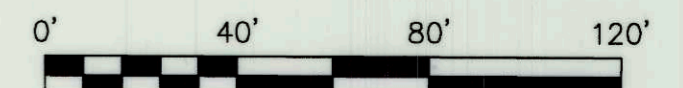
LC #12715E
PLAN OF LAND
IN
MEDWAY, MA.

SCALE: 1"=40' NOVEMBER 8, 2018

OWNER: Jon & Lorreen Hollingsworth
59 Standish Road
Wellesley, Ma. 02481
MAP 66 PARCEL 17

Paul J. DeSimone P.L.S.
403 Mahan Circle
Medway, Ma. 02053

ZONE AR II
AREA=22,500 S.F.
FRONTAGE= 150.00'
FRONT SETBACK= 35.00'
SIDE SETBACK= 15.00'
REAR SETBACK= 15.00'
SHAPE FACTOR= 22.00
NOT IN GROUNDWATER PROTECTION DISTRICTS
NOT WITHIN THE FLOOD PLAIN.



PGC ASSOCIATES, INC.

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

MEMO TO: Medway Planning Board

FROM: Gino D. Carlucci, Jr.

DATE: January 29, 2019

RE: Hollingsworth ANR on West Street

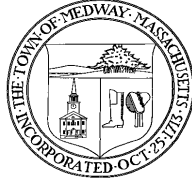
I have reviewed the ANR plan submitted for endorsement by Jon and Lorreen Hollingsworth of Wellesley. The plan was prepared by Colonial Engineering Engineering, Inc. of Medway, and is dated January 8, 2019. A previously-endorsed ANR plan in 2016 divided the property into 2 lots. An existing house would remain on a conforming lot of 55,049 square feet (2 West Street) and a new lot was created with 48,171 square feet.

Two plans have been submitted. The land is registered at the Land Court. One plan is a conventional plan suitable for recording at the Registry of Deeds. The other (dated November 8, 2018) complies with the requirements of Land Court with additional information for dimensional closure and parcels as they are on record at the Land Court.

The new plan adjusts the lot line between the two lots to reduce the “new” lot to 30,622 square feet. The lot with the existing house increases to 72,600 square feet.

The plan meets the technical requirements of the Rules and Regulations.

I recommend that the plan be endorsed by the Board.



January 29, 2019
Medway Planning & Economic Development Board
Meeting

Applegate Subdivision - Amendment to
Tri-Partite Agreement

- Final Amendment, signed by developer Ralph Costello and lender, Needham Bank
- Scope of work/PEDB priorities with cost estimates

This is the final version of the amendment to the Tri-Partite Performance Security Agreement. It now needs your signature.

We had a pre-construction meeting on 1-24-19 with Steve Bouley, Jack Mee, Bridget Graziano, John Shea of Needham Bank, and Bill Rodenhiser, who will serve as the Bank's contractor to complete as much of the scope of work as possible (\$290,969). The Board may need to refine/revise its priorities. We may also need to make use of the Street Acceptance special account for some engineering evaluation of the Applegate stormwater system.

**FIRST AMENDMENT TO TRI-PARTITE AGREEMENT TO SECURE
CONSTRUCTION OF WAYS AND INSTALLATION OF MUNICIPAL SERVICES FOR
APPELEGATE FARM SUBDIVISION**

THIS FIRST AMENDMENT TO TRI-PARTITE AGREEMENT ("First Amendment") is entered into as of December ~~14~~^{14th} 2018, by and between the Town of Medway, acting through its Planning & Economic Development Board, with an address of 155 Village Street, Medway, Massachusetts 02053 (hereinafter referred to as the "Board"), Ralph M. Costello, Trustee of Cedar Trail Trust u/d/t October 15, 1992, and recorded with the Norfolk Registry of Deeds in Book 9591, Page 536 ("Developer") and Needham Bank, with an address of 1063 Great Plain Avenue, Needham, Massachusetts 02492 (the "Bank"), collectively referred to as the "Parties."

WHEREAS, the Parties entered into a tri-partite agreement entitled "Land Subdivision – Form O, Performance Secured by Lender's Agreement" on February 10, 2016 (the "Tri-Partite Agreement") to secure the construction of ways and installation of municipal services in accordance with G.L. c. 41, §81U, and all other applicable rules and regulations, in the Applegate Subdivision shown on a subdivision plan entitled "Amended Definitive Subdivision 'Applegate Farm' Medway, Massachusetts" prepared by GLM Engineering Consultants, Inc., dated February 20, 2013 and recorded with the Norfolk County Registry of Deeds in Plan Book 635 Page 26 (the "Subdivision"), whereby Developer and Bank bound and obligated themselves, jointly and severally, to the Town in the amount of Two Hundred Ninety Thousand Nine Hundred Sixty-Nine Dollars (\$290,969.00) ("Available Funds") to insure the completion by the Developer of the construction of ways and installation of municipal services;

WHEREAS, pursuant to Section 2 of the Tri-Partite Agreement the Developer was required to complete the construction of ways and the installation of municipal services in the Subdivision by October 22, 2017;

WHEREAS, the construction of ways and the installation of municipal services in the Subdivision was not completed by October 22, 2017;

WHEREAS, the Bank has agreed to arrange for and fund the completion of the required construction of ways and the installation of municipal services in the Subdivision by a third party general contractor selected by the Bank (the "Contractor") provided that such funding shall be limited to the extent of the Available Funds;

WHEREAS, the Developer agrees to allow the Bank to arrange for the completion of the required construction of ways and the installation of municipal services in the Subdivision by a third party and to take any action necessary to cooperate with the Bank to facilitate such undertaking;

NOW THEREFORE, for good and valuable consideration, the adequacy and receipt of which are hereby acknowledged, the Parties hereby agree to amend the 2016 Tri-Partite Agreement as follows:

1. The scope of work to complete the construction of ways and installation of municipal services in the Subdivision as prioritized by the Board is attached hereto as Exhibit A ("Scope of Work"). The Bank shall retain the Contractor to perform the Scope of Work provided that the payments by the Bank to the Contractor for the Scope of Work shall be limited to the extent of the Available Funds. The Bank shall ensure that the work listed in the Scope of Work shall be completed in the order of priority and shall not be modified, unless the Parties agree to such modification in writing.

2. The Bank shall use reasonable efforts to complete as much of the Scope of Work as possible to the extent of the Available Funds and to avoid waste of the Available Funds. The Bank shall direct its selected Contractor(s) to perform the work items listed on the Scope of Work in the order of priority as established by the Board in Exhibit A. Prior to the commencement of work, the Bank shall submit to the Board a copy of the cost estimate(s) for the Scope of Work (or items within the Scope of Work) from the Contractor(s) to whom the Bank intends to select to perform the work. Thereafter, the Bank shall submit on a monthly basis copies of all invoices with an itemization of the work performed pursuant to said invoices.

3. The work undertaken by the Contractor shall be inspected by the Board's engineering consultant, Tetra Tech. The Bank shall fund the services of Tetra Tech in the amount of \$10,194.00 (the "Tetra Tech Costs") pursuant to G.L c. 44, §53G, and such funds shall be received by the Board no later than two weeks after the commencement of work by the Bank's selected Contractor(s). The Tetra Tech Costs, once paid for by the Bank, shall reduce the amount of Available Funds.

4. A consulting engineer, registered in the Commonwealth of Massachusetts (the "Consulting Engineer"), shall be retained and paid for by the Bank (the "Consulting Engineer's Costs") to certify as to the completion of the Scope of Work which shall be subject to approval by the Board in consultation with Tetra Tech. Any payment by the Bank of the Consulting Engineer's Costs shall reduce the amount of Available Funds.

5. The Bank shall receive a "credit" which reduces its obligations under the Tri-Partite Agreement for every dollar that it applies from the Available Funds to the Scope of Work, the Tetra Tech Payment, the Consulting Engineer's Costs or any other costs which may arise in connection with the Scope of Work (provided that such costs have been approved by the Board in writing which writing may be in email format from an authorized member of the Board). The Bank shall provide copies of paid invoices to the Board on at least a monthly basis.

6. The Bank shall assume responsibility for the on-going maintenance and upkeep of the Subdivision's roadway and infrastructure, including the stormwater management facilities, in accordance with the Subdivision's Operation and Maintenance Plan until such time as the roads are accepted as Town ways by Town Meeting provided that at no time shall Bank's responsibility for such maintenance and upkeep and expenditure of funds exceed the Available Funds.

7. The Bank shall provide the Town with street acceptance plans in accordance with the Medway Subdivision Rules and Regulations.

8. Upon substantial completion of the Scope of Work as certified by the Consulting Engineer and upon confirmation by Tetra Tech, the Board and the Bank may agree that any remaining Available Funds may be advanced to the Town in lieu of completion of additional work that may be required for the construction of ways and the installation of municipal services in the Subdivision beyond the Scope of Work.

9. Upon the execution of this First Amendment, Developer will provide the necessary Quitclaim Deed to convey the street and drainage parcel, known as Parcel A as shown on the Subdivision Plan, also identified as Assessors Map 32, Parcel 016 and known as 0 Applegate Road to the Town of Medway, in the form attached hereto as Exhibit B. Developer also shall deposit an amount of \$1,000.00 with the Board's legal counsel to be held in escrow for payment of currently owed and anticipated property taxes relative to the drainage parcel and the recording fee to record said Quitclaim Deed with the Norfolk Registry of Deeds and following acceptance of said parcels by Town Meeting, the Town shall record said Quitclaim Deed with said Registry and return to the Bank any of said escrow amount in excess of the amount required to pay said taxes and recording fee which would otherwise be due to the Developer.

10. Upon the earlier of the acceptance of the road by Town Meeting or the advance of all remaining Available Funds by the Bank to the Town and receipt of which shall be acknowledged by the Town, the Bank and the Developer shall be deemed relieved and released from any further obligations under the Tripartite Agreement as amended, subject only to their respective compliance with paragraphs 7 and 9 herein.

11. The time for the completion of the construction of ways and installation of municipal services under the Tri-Partite Agreement shall be extended to one year from the date of this Agreement.

12. Ralph M. Costello, Trustee of the Cedar Trail Trust u/d/t October 15, 1992, and recorded with the Norfolk Registry of Deeds in Book 9591, Page 536 (the "Trust") hereby certifies as follows: (a) that he is the sole Trustee of the Trust; (b) that the Trust is in full force and effect as of the date hereof and has not been altered, amended, revoked or terminated except as appears of record; (c) the Trustee of the Trust has the authority to act and have full and absolute power under said Trust to convey any interest in real estate and improvements thereon held in said Trust, and to subject the Trust property to the covenants set forth herein, and no purchaser or third party shall be bound to inquire whether the Trustee has said power or is properly exercising said power or to see to the application of any trust asset paid to the Trustee for a conveyance thereof; (d) that the Trustee has been duly authorized and directed by all beneficiaries of the Trust to make and convey the above described covenants to the Town of Medway and to take any action, execute and deliver any instrument, certificate of other documents, necessary to consummate the foregoing on behalf of the Trust; (e) that there are no facts which constitute conditions precedent to acts by the Trustee or which are in any other manner germane to the affairs of the Trust; and (f) that no beneficiary is a corporation selling all or substantially all of its Massachusetts assets, or

personal representative of an estate subject to estate tax liens, or is now deceased, and all the beneficiaries of said Trust who are natural persons, if any, are of full age.

13. In all other respects, the Tri-Partite Agreement remains in full force and effect.

[Signature Pages Follow]

IN WITNESS WHEREOF we have hereunto set our hands and seals as of the date first written above.

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

COMMONWEALTH OF MASSACHUSETTS

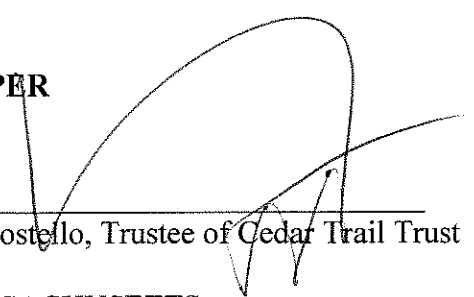
NORFOLK, SS

On this _____ day of _____, 2019, before me, the undersigned notary public, personally appeared the following Members of the Town of Medway Planning & 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 preceding document, and acknowledged to me that it was signed voluntarily for its stated purpose.

Notary Public
My Commission expires:

DEVELOPER

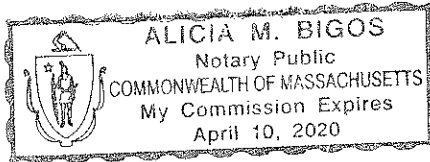


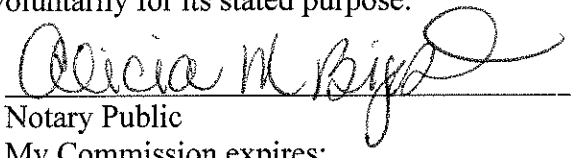
Ralph M. Costello, Trustee of Cedar Trail Trust

COMMONWEALTH OF MASSACHUSETTS

Scofield
NORFOLK, SS

On this 14 day of December, 2018, before me, the undersigned notary public, personally appeared Ralph M. Costello, in his capacity as Trustee of Cedar Trail Trust proved to me through satisfactory evidence of identification which was (personal knowledge) (Massachusetts' driver's license) to be the person whose name is signed on the preceding document, and acknowledged to me that he signed voluntarily for its stated purpose.





Notary Public
My Commission expires:

NEEDHAM BANK

By: _____
Stephanie Maiona
Its: Executive Vice President

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS

On this _____ day of December, 2018, before me, the undersigned notary public, personally appeared Stephanie Maiona, Executive Vice President of Needham Bank, proved to me through satisfactory evidence of identification which was (personal knowledge) (Massachusetts' driver's license) to be the person whose name is signed on the preceding document, and acknowledged to me that he signed voluntarily for its stated purpose.

Notary Public
My Commission expires:

DEVELOPER

Ralph M. Costello, Trustee of Cedar Trail Trust

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS

On this _____ day of December, 2018, before me, the undersigned notary public, personally appeared Ralph M. Costello, in his capacity as Trustee of Cedar Trail Trust proved to me through satisfactory evidence of identification which was (personal knowledge) (Massachusetts' driver's license) to be the person whose name is signed on the preceding document, and acknowledged to me that he signed voluntarily for its stated purpose.

Notary Public
My Commission expires:

NEEDHAM BANK

By: Stephanie Maiona
Stephanie Maiona
Its: Executive Vice President

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS

On this 13th day of December, 2018, before me, the undersigned notary public, personally appeared Stephanie Maiona, Executive Vice President of Needham Bank, proved to me through satisfactory evidence of identification which was (personal knowledge) (Massachusetts' driver's license) to be the person whose name is signed on the preceding document, and acknowledged to me that he signed voluntarily for its stated purpose.

Norma Jean Ellis
Notary Public Norma Jean Ellis
My Commission expires: 8/8/2025

EXHIBIT A – SCOPE OF WORK

Medway Planning and Economic Development Priorities for Completion of Applegate Subdivision Work

TOP PRIORITY - Subdivision Infrastructure Work

Engineering - Tetra Tech Inspection Services
Crack Filling (1500 linear feet)
HMA Top Course - Roadway (442 tons)
HMA Top Course - Sidewalk (72 tons)
Repair Damaged Sidewalk Binder
Vertical Granite Curbing (275 feet)
Cape Cod Berm (500 feet)
Adjust 32 Castings
Catch Basin Hoods (12)
Rehandled Topsoil (683 cubic yards)
Seed (2050 square yards)
Street Trees (84)
Drainage Basin Landscaping (36 shrubs)
Extend Stone Walls per Scenic Road Work Permit (152 linear feet)
Line Striping
Repair Electrical Box
Ongoing Maintenance of Drainage System (1747 linear feet)
Snowplowing (1747 linear feet)
Clean drainage system one final time before street acceptance
Install bounds (34)
Prepare as-built and street acceptance plans

NEXT PRIORITY - Off-Site Mitigation - Coffee Street Sidewalk (from Ellis to Holliston)

Erosion Controls
Sawcutting (900 ft.)
Tree Removal (2)
Excavation (180 cubic yards)
Gravel Borrow (140 cubic yards)
HC Ramp
Drainage
HMA Binder Course (68 tons)
Type 3 Bituminous Curb (575 feet)
HMA Top Course (45 tons)
Sign/Mailbox Relocation
Rehandled Topsoil (20 cubic yards)
Seed (70 square yards)

EXHIBIT A – SCOPE OF WORK

LOWEST PRIORITY - Other Work

Removal of Erosion Controls (subdivision and sidewalk)
Legal Services for subdivision and Coffee Street sidewalk
Roadway Maintenance (1747 linear feet)
Sidewalk As-Built Plan
Tree pruning per Scenic Road Work Permit

NOTES

Recent Tetra Tech inspection services estimate is \$5,194 higher than the bond estimate amount
Does not include the 25% contingency

Approved 9-11-18

EXHIBIT B – QUITCLAIM DEED

QUITCLAIM DEED

RALPH M. COSTELLO, AS TRUSTEE OF CEDAR TRAIL TRUST, established under Declaration of Trust dated October 15, 1992, and recorded with the Norfolk County Registry of Deed (the "Registry") in Book 9591, Page 536 ("Grantor") for consideration paid and in full consideration of One Dollar (\$1.00), hereby grants with quitclaim covenants, to the **TOWN OF MEDWAY**, by and through its Board of Selectmen, a Massachusetts municipal corporation, with a mailing address at Town Hall, 155 Village Street, Medway, Massachusetts 02053 ("Grantee"), the following parcels of land in Medway, Massachusetts shown and described as follows:

The fee in that parcel of land off Ellis Street and Coffee Street, shown as "Applegate Road" and "Applegate Rd.", containing 1.99 acres, more or less, on a plan entitled "Amended Definitive Subdivision 'Applegate Farm' Medway, Massachusetts", dated February 20, 2013, prepared by GLM Engineering Consultants, Inc., recorded in Plan Book 635, Page 26 (the "Plan").

The fee in a parcel of land off of Applegate Road, shown as "Parcel A", containing 1.11 acres, more or less, on said Plan.

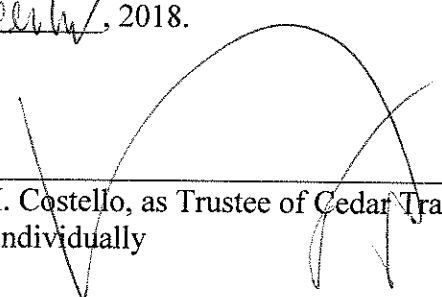
Said premises are further conveyed subject to, and with the benefit of, as the case may be, any and all matters of record title.

For Grantor's title, see deed of Edward Fontanella dated September 14, 2005 and recorded with the Registry in Book 22893, Page 600.

Ralph M. Costello, as Trustee of Cedar Trail Trust, established under Declaration of Trust dated October 15, 1992 and recorded with the Norfolk County Registry of Deeds in Book 9591, Page 536 (the "Trust"), certifies that (i) Ralph M. Costello is the sole trustee of the Trust, (ii) the Trust is in full force and effect and has not been amended or modified, except as provided above, and has not been revoked and remains in full force and effect as of the date hereof, and (iii) Ralph M. Costello has the full power and authority and has been directed by all of the beneficiaries of the Trust to grant the foregoing parcel of land to Grantee on the terms set forth herein, and in connection therewith to execute and deliver on behalf of the Trust, any and all documents with respect to said Quitclaim Deed.

[signature page follows]

Executed under seal this 14 day of December, 2018.

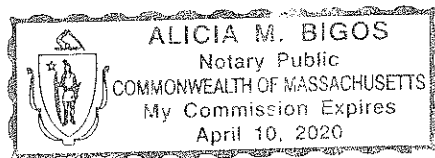


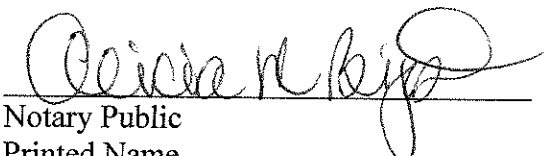
Ralph M. Costello, as Trustee of Cedar Trail Trust
and not individually

COMMONWEALTH OF MASSACHUSETTS

County of Suffolk

On this 14 day of December, 2018, before me, the undersigned notary public personally appeared Ralph Costello, proved to me through satisfactory evidence of identification, which was a Massachusetts driver's license, to be the person whose name is signed on the preceding document and acknowledged to me that he signed it voluntarily for its stated purpose as Trustee of Cedar Trail Trust.





Notary Public
Printed Name _____
My commission expires: _____
Official Seal

ACCEPTANCE OF DEED

Acceptance of the foregoing deed by the Town of Medway Board of Selectmen is acknowledged as of this _____ day of _____, pursuant to authority granted by vote under _____ of the _____.

In witness wherefore, we, the duly elected and qualified Selectmen of the Town of Medway have hereunto set our hands this _____ day of _____, ____.

COMMONWEALTH OF MASSACHUSETTS

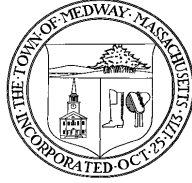
Norfolk, ss.

On this _____ day of _____, _____, before me, the undersigned notary public, personally appeared _____ the members of the Board of Selectmen for the Town of Medway proved to me through satisfactory evidence of identification, which was personal knowledge, to be the persons whose names are signed on the preceding document, and acknowledged to me that it was signed voluntarily as members of the Town of Medway Board of Selectmen for its stated purpose.

Notary Public
My commission expires _____

PEDB PRIORITIES for Applegate Work	Tetra Tech Estimate of Town's Cost (3/7/2018)	NOTES
TOP PRIORITY - Subdivision Work		
Engineering - Tetra Tech Inspection Services	\$ 10,194.00	
Crack Filling (1500 linear feet)	\$ 795.00	
HMA Top Course - Roadway (442 tons)	\$ 44,200.00	
HMA Top Course - Sidewalk (72 tons)	\$ 7,200.00	
Repair Damaged Sidewalk Binder	\$ 3,000.00	
Vertical Granite Curbing (275 feet)	\$ 13,750.00	
Cape Cod Berm (500 feet)	\$ 6,000.00	
Adjust 32 Castings	\$ 12,160.00	
Catch Basin Hoods (12)	\$ 4,320.00	
Rehandled Topsoil (683 cubic yards)	\$ 18,441.00	
Seed (2050 square yards)	\$ 4,100.00	
84 Street Trees	\$ 54,600.00	
Drainage Basin Landscaping (36 shrubs)	\$ 10,400.00	
Extend Stone Walls per Scenic Road Work Permit (152 linear feet)	\$ 15,200.00	
Line Striping	\$ 500.00	
Repair Electrical Box	\$ 1,500.00	
Ongoing maintenance of drainage system (1747 linear feet)	\$ 6,988.00	
Snowplowing (1747 linear feet)	\$ 8,735.00	
Clean Drainage System one final time before street acceptance	\$ 6,000.00	
Install 34 bounds	\$ 15,300.00	
Prepare as-built plan	\$ 8,735.00	
	\$ 252,118.00	
NEXT PRIORITY - Off-Site Mitigation - Coffee Street Sidewalk (from Ellis to Holliston)		
Erosion Controls	\$ 1,500.00	
Sawcutting	\$ 2,700.00	
Tree Removal	\$ 3,600.00	
Excavation	\$ 5,400.00	
Gravel Borrow	\$ 4,900.00	
HC Ramp	\$ 1,980.00	
Drainage	\$ 4,000.00	
HMA Binder Course	\$ 7,820.00	
Type 3 Bituminous Curb	\$ 6,325.00	
HMA Top Course	\$ 4,500.00	
Sign/Mailbox Relocation	\$ 1,000.00	
Rehandled Topsoil	\$ 540.00	
Seed	\$ 140.00	

	\$ 44,405.00	
LOWEST PRIORITY - Other Work		
Removal of Erosion Controls (subivision and sidewalk	\$ 4,000.00	
Legal Services for subdivision and sidewalk	\$ 4,500.00	
Roadway Maintenance (1747 linear feet)	\$ 6,988.00	
Sidewalk As-Built Plan	\$ 3,500.00	
Tree pruning per Scenic Road Work Permit	\$ 12,300.00	
	\$ 31,288.00	
Total	\$ 327,811.00	
Does not include cost for mobilization \$12,000		
Engineering services are \$5,194 higher than the TT bond estimate amount		
Does not incude the 25% contingency		



January 29, 2019

**Medway Planning & Economic Development Board
Meeting**

**Country Cottage Site Plan
35 & 37 Summer Street
Bond Estimate & Performance
Security**

UPDATED INFORMATION

- Tetra Tech inspection report and punch list dated 1-2-19 based on 1-18-19 site visit
- **REVISED** Tetra Tech bond estimate dated **1-28-19** for \$19,125.
- **REVISED** Draft Agreement for Deposit of Funds dated **1-28-19**

Owner Robin Beaudreau is seeking an occupancy permit. Tetra Tech has conducted an inspection and prepared a punch list and corresponding bond estimate which have been provided to Ms. Beaudreau. She wishes to post a cash bond. However, since the bond estimate was first prepared, additional fencing has been installed. On Thursday, she requested an additional site visit and inspection and revision/reduction in the bond estimate.

Steve Bouley visited the site Monday morning has provided a revised bond estimate reducing the amount from \$29,875 to \$ 19,125. The Agreement for Deposit of Funds has also been modified accordingly.

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

Cc:

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



Date: January 21, 2019

Subject: Country Cottage Children's Center Punch List

On January 18, 2019 at the request of the Medway Planning and Economic Development Board (PEDB), Tetra Tech (TT) conducted a punch list inspection of the Country Cottage Children's Center site plan project in Medway, MA. The site was inspected, and a punch list and bond estimate generated of outstanding items which have not yet been completed or are deficient in quality.

The inspection was conducted using the following documents:

- A plan (Plans) set titled "Country Cottage Children's Center", dated August 24, 2017, revised October 10, 2017, prepared by Engineering Design Consultants, Inc. (EDC)
- A Minor Site Plan Decision titled "Country Cottage Children's Center – 35 & 37 Summer Street, Approved with Waivers and Conditions" dated October 24, 2017.

Missing Items

1. Raise Cultec system inspection ports to grade.
2. Install all proposed signage. (Photo #1 - #2)
3. Reseed site in spring as necessary to ensure lawn areas are established. (Photo #3 - #4)
4. Complete installation of proposed fence. (Photo #5 - #6)
5. Complete installation of landscaping including Green Giant Arborvitae and south of site egress to Summer Street. (Photo #7 - #8)
6. Remove erosion controls once site is stabilized. (Photo #9)

Deficient Items

7. A portion of top course is unraveling west of the Summer Street frontage parking at the site egress to Summer Street. This does not affect site accessibility and use of the driveway but will require repair to ensure further damage does not occur. (Photo #10)
8. Remove asphalt debris from rain garden. (Photo #11)
9. Confirm if hydrant is installed per fire department recommendation, hydrant is turned 90° to Rustic Road. (Photo #12)

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

P:\21583\143-21583-17012 (COUNTRY COTTAGE CHILDRENS CTR)\CONSTRUCTION\PUNCH LIST\MEMO_COUNTRY COTTAGE PUNCH LIST_2019-01-21.DOC

Photo 1

Install proposed signage



Photo 2

Install proposed signage



Photo 3

Reseed in spring



Photo 4

Reseed in spring



Photo 5

Complete installation of
fence



Photo 6

Complete installation of
fence



Photo 7

Complete installation of landscaping



Photo 8

Complete installation of Green Giant Arborvitae



Photo 9

Remove erosion controls



Photo 10

Repair unraveling asphalt



Photo 11

Remove debris from rain garden



Photo 12

Confirm orientation of hydrant



**TETRA TECH**

Bond Estimate
Country Cottage Children's Center
Medway, Massachusetts
 January 28, 2019

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

DESCRIPTION	QUANTITY	UNIT	UNIT COST ¹	ENGINEERS ESTIMATE
Mobilization	1	LS	\$2,000.00	\$2,000
Raise Inspection Ports	1	LS	\$500.00	\$500
Remove Debris (Raingarden)	1	LS	\$250.00	\$250
Repair Asphalt	1	LS	\$500.00	\$500
Signage	7	EA	\$200.00	\$1,400
Fence	0	FT	\$50.00	\$0
Re-Orient Hydrant	1	LS	\$1,000.00	\$1,000
Landscaping	1	LS	\$600.00	\$600
Reseed	1,400	SY	\$2.00	\$2,800
Remove Erosion Controls	1	LS	\$250.00	\$250
As-Built Plans	1	LS	\$3,000.00	\$3,000
Legal Services	1	LS	\$3,000.00	\$3,000
Subtotal				\$15,300
25% Contingency				\$3,825
Total				\$19,125

Notes:

¹Unit prices are taken from the latest information provided on the MassDOT website. They utilize the MassDOT weighted bid prices (Combined - All Districts) for the time period 1/2018 - 1/2019. Quantities which are too small for accurate representation using the weighted bid pricing were estimated based on industry construction experience.

²Items highlighted in gray have changed since our previous inspection. The entirety of the proposed fence has been installed and the landscaping item was reduced since applicant and homeowner (33 Summer Street) agreed to install fence in lieu of the six (6) arborvitae.

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

Agreement for Deposit of Money to Secure Performance

This performance Agreement is entered into this ____ day of January, 2019, between the Town of Medway, (hereinafter referred to as the "Town") acting through its Planning and Economic Development Board, with an address of 155 Village Street, Medway, MA 02053 (hereinafter referred to as "the Board"), and Robin and David Beaudreau with an address of 575 East Hartford Avenue, Uxbridge, MA 01569 (hereinafter referred to as "the Permittee") to secure the completion of site improvements at 35-37 Summer Street in Medway, MA as shown on an approved site plan described below.

WHEREAS, on October 24, 2017, after a duly noticed public hearing, the Board issued a Site Plan Decision, attached hereto as Exhibit A, to Robin and David Beaudreau for a site plan entitled *Country Cottage Day Care* for the property located at 35 and 37 Summer Street in Medway, MA, prepared by Engineering Design Consultants, Inc. of Southborough, MA and Cubic Architects of Plymouth, MA, dated August 24, 2017, last revised October 10, 2017 (hereinafter referred to as "the Site Plan") and endorsed its approval on said site plan on November 14 2017; and

WHEREAS, the Permittee has requested the issuance of an occupancy permit for the child care facility constructed on the premises; and

WHEREAS, the Board's Site Plan Decision requires the Board to secure completion of the required site plan improvements before an occupancy permit is issued and requires the Permittee to post a performance guarantee if an occupancy permit is sought before all approved site improvements are completed; and

WHEREAS, Tetra Tech, Town's Consulting Engineer, has conducted site visits and prepared a bond estimate dated January 28, 2019 in the amount of nineteen thousand, one hundred and twenty-five dollars (\$19,125.00) for the remaining site work, attached hereto as Exhibit B. Said estimate was approved by the Board on January 29, 2019.

WHEREAS, the Permittee has decided to secure the completion of site improvements by means of providing a sum of money in the said amount.

NOW, THEREFORE, the parties agree as follows:

1. The Permittee hereby binds and obligates itself, its executors, administrators, devisees, heirs, successors and assigns to the Board in the sum of \$19,215.00, and has secured this obligation by depositing a sum of money with the Town of Medway Treasurer in the above amount to be deposited in an escrow account to be established for this project at a local financial institution in the name of the Town of Medway. The deposit of money is to be used to secure the

performance by the Permittee of all conditions, agreements, terms and provisions contained in the Board's Site Plan Decision dated October 24, 2017; all conditions subsequent to approval of the Site Plan due to an amendment, modification or revision to the Site Plan; all of the provisions set forth in this Agreement and any amendments thereto; and the following additional documents:

(hereinafter the "Approval Documents").

2. The Permittee shall complete the construction and installation of the remaining site improvements no later than two years from the date of endorsement of the Site Plan. The Site Plan was endorsed on November 14, 2017. Therefore, the required completion date is November 14, 2019.

3. Upon completion of all obligations as specified herein and as may be included in the Site Plan Decision, on or before the required completion date, or such later date as may be specified by vote of the Board with the concurrence of the Permittee, the Board shall release the Permittee from this Agreement. The money including all interest accrued thereon shall be returned to the Permittee by the Town.

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

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

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

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

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

IN WITNESS WHEREOF we have hereunto set our hands and seals this _____ day of January, 2019.

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

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS

On this _____ day of January, 2019, before me, the undersigned notary public, personally appeared the following members of the Medway Planning and Economic Development Board, _____

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

Notary Public
My commission expires: _____

PERMITTEE/OWNER

By: _____

Title/Position: _____

Organization: _____

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS

On this ____ day of _____, 2019, before me, the undersigned
notary public, personally appeared the above-named _____

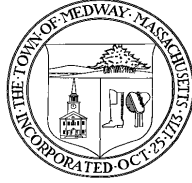
Permittee or person duly authorized to execute this Agreement on behalf of the
Permittee, proved to me through satisfactory evidence of identification, which was
(personal knowledge) (Massachusetts driver's license), to be the person whose
name is signed on the preceding document, and acknowledged to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

Notary Public
My commission expires: _____

.....

EXHIBITS

- A. SITE PLAN DECISION
- B. SITE IMPROVEMENTS BOND ESTIMATE



January 29, 2019

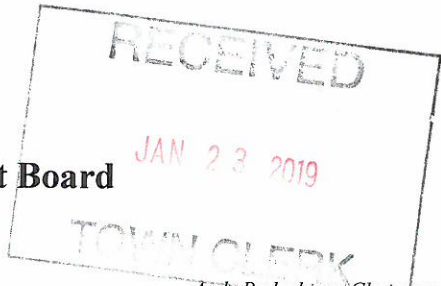
**Medway Planning & Economic Development Board
Meeting**

**2 Marc Road/CommCan – Special
Permit Public Hearing**

- Public Hearing Continuation Notice filed with the Town Clerk on 1/23/19
- Email dated 1/22/19 from abutter Heidi Sia
- Email dated 1/23/19 from neighbor Leigh Knowlton with octave conversion attachment
- Revised draft special permit decision dated 1/28/19



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

January 23, 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: 2 Marc Road – Adult Recreational Marijuana Special Permit**
CONTINUATION DATE: Tuesday, January 29, 2019 at 7:15 p.m.
LOCATION: Medway Town Hall – Sanford Hall, 155 Village Street

At its meeting on January 22, 2019, the Planning and Economic Development Board voted to continue the public hearing on the application of Ellen Realty Trust of Millis, MA for a special permit to operate an adult recreational marijuana cultivation and processing facility at 2 Marc Road to Tuesday, January 29, 2019 at 7:15 p.m. in Sanford Hall at Medway Town Hall, 155 Village Street.

The applicant proposes to use the existing two story, 60,000 sq. ft. industrial building at 2 Marc Road (Parcel 33-001) located on the north side of Marc Road in the East Industrial zoning district. The 6.93 acre property is owned by Ellen Realty Trust of Millis, MA. NOTE - A medical marijuana special permit, site plan, and groundwater protection special permit were previously approved for this property on June 28, 2016. The proposed use pertains to adding 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 recreational marijuana retail facility is not proposed at this location.

The application and 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 materials are also posted at the Planning and Economic Development Board's web page at: <https://www.townofmedway.org/planning-economic-development-board/pages/current-development-applications>

If Town staff, boards and committees wish to provide comments on this proposal, please do so by January 24th so that I can share your comments with the Board and the applicant and enter them into the public record during the hearing. The Board will continue its deliberations and review a revised draft decision at the January 29th meeting.

Please contact me if you have any questions. Thanks.

Susan Affleck-Childs

From: Heidi Sia <hjsia@yahoo.com>
Sent: Tuesday, January 22, 2019 6:11 PM
To: Susan Affleck-Childs
Subject: Re: CommCan

Hello Susan - I had full intention of attending the Planning Board hearing regarding CommCan this evening, but find myself stuck at work until 8:15 pm or so. My only additional input is that I continue to experience times when the smell of marijuana is very strong. I have witnessed this in the early evening when I get home from work. If it was warmer weather, I would be outdoors in my yard, and it would really be a nuisance. Also, I am a landlord with a tenant on my property and this continuous odor could affect my ability to lease the property. I am asking that CommCan rectify this problem.

Thank you,

Heidi Sia, 18 Main St., Medway

From: Susan Affleck-Childs <sachilds@townofmedway.org>
To: Heidi Sia <hjsia@yahoo.com>
Sent: Thursday, January 10, 2019 2:15 PM
Subject: RE: CommCan

Heidi,

Thanks for your note. I have forwarded it to members of the Planning and Economic Development Board and will include it in the official board packet for the next hearing during the January 22 meeting. I also forwarded it to Ellen Rosenfeld and her engineer Dan Merrikin, and to various Town officials and staff.

I would encourage you to attend the January 22 hearing (7:15 p.m.) and participate in the discussion.

Best regards,

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

From: Heidi Sia [mailto:hjsia@yahoo.com]
Sent: Thursday, January 10, 2019 1:18 PM
To: Susan Affleck-Childs
Subject: CommCan

Dear Town of Medway Planning Board members,

Although I was unable to attend your board meeting on Jan 8th, I was able to view it on Medway cable access. I am a resident at 18 Main St, living here for the past 12 years and prior to that I lived at 25 Main St for 22 years. I would like to add a little bit of information to the conversation regarding CommCan. Since the Spring of 2018, I have experienced the

odor of marijuana in my yard, as well as when walking up Coffee St. I am away at work during the day, so most of my observations are in the evening and at night. However, I have also experienced it during the day on the weekends.

Here are my observations:

- the odor varies by concentration, Sometimes it is very pungent and other times less so. There were times at night over the summer when I was unable to open the windows of my house as my house would then smell badly. When it is strong, it smells like a dead skunk is right outside my window. The strong smell also affected my desire to spend any time in my yard. One time this fall, it was so strong that I could smell it as I was turning onto Coffee St, and my car windows were closed. A few of the times that it was strong, I drove into the parking lot of CommCan and noticed that the smell was not as strong there as it was in my yard.
- I have not noticed it everyday, but it is frequent. Some weeks, it is present every day that week.

In July 2018, I contacted Medway town administrator Michael Boynton, who had me also speak with representatives from the Board of Health and the Conservation Commission. They gave me Ms. Rosenfeld's phone number so I called her to see if there was any possibility of mitigating the odor issue. At that time Ms Rosenfeld stated that she was surprised I could smell anything, and when I inquired about additional filtration, she said, "it is what it is".

I also contacted the Massachusetts Cannabis Control Commission and was informed that the Mass Dept of Public Health oversaw CommCan as it is a medical marijuana growing facility. I contacted DPH compliance office, but had no response.

I am thankful to one of my neighbors who alerted me to the recent board meeting. I am not opposed to this business being located in close proximity to my home, and I am well accustomed to residing alongside the industrial park. It is my hope that the owners of this business will make every attempt possible to be a responsible and considerate community member and neighbor to all those who have businesses in the industrial park, as well as those of us who live in the vicinity.

While this may be a new concern for the Town of Medway, there are many other communities in other states that have faced similar problems and have made attempts to mitigate them. I thank you for the time and effort you have and will put into working this through.

Heidi Sia
18 Main St
Medway

Susan Affleck-Childs

From: LAKnowlton <knowlton@gmail.com>
Sent: Wednesday, January 23, 2019 12:03 AM
To: Susan Affleck-Childs
Cc: John Lally; Ron Dempsey
Subject: Re: 2 Marc Road
Attachments: Octave_Band_Conversion_Comparison.xlsx

Susy,

I would like to ask Ron for clarification on the methodology he used to convert the octave bands.

When I use the methodology specified in ANSI/ASA S1.11-1966 Appendix A to convert the Bylaw limits from the old bands to the preferred bands, the results nicely fit the same curve. Furthermore, my results correlate very closely with the conversion performed by Acentech.

However, the conversion performed by NCE does not agree with my methodology or that of Acentech. Intuitively, it appears to be wrong, and I suspect there may be a math error in the conversion.

In fact, if I use the ANSI/ASA approach (i.e., $LN = LO + 0.237*(LOH - LO)$), but deliberately reverse the sign (i.e., $LN = LO - 0.237*(LOH - LO)$), I get almost exactly the same results as the NCE conversion. I get similar results if I apply the wrong formula for the reverse interpolation (i.e., $LO = LN - 0.237*(LN - LNL)$). These observations strengthen my doubts.

I am attaching a spreadsheet that shows my work, and includes a plot of the different conversion results.

Thanks,
Leigh

On Tue, Jan 22, 2019 at 9:23 PM Susan Affleck-Childs <sachilds@townofmedway.org> wrote:

Hi,

See attached email note from NCE consultant Ron Dempsey that was referenced tonight.

Best regards,

Susan E. Affleck-Childs

Planning and Economic Development Coordinator

Town of Medway

155 Village Street

Medway, MA 02053

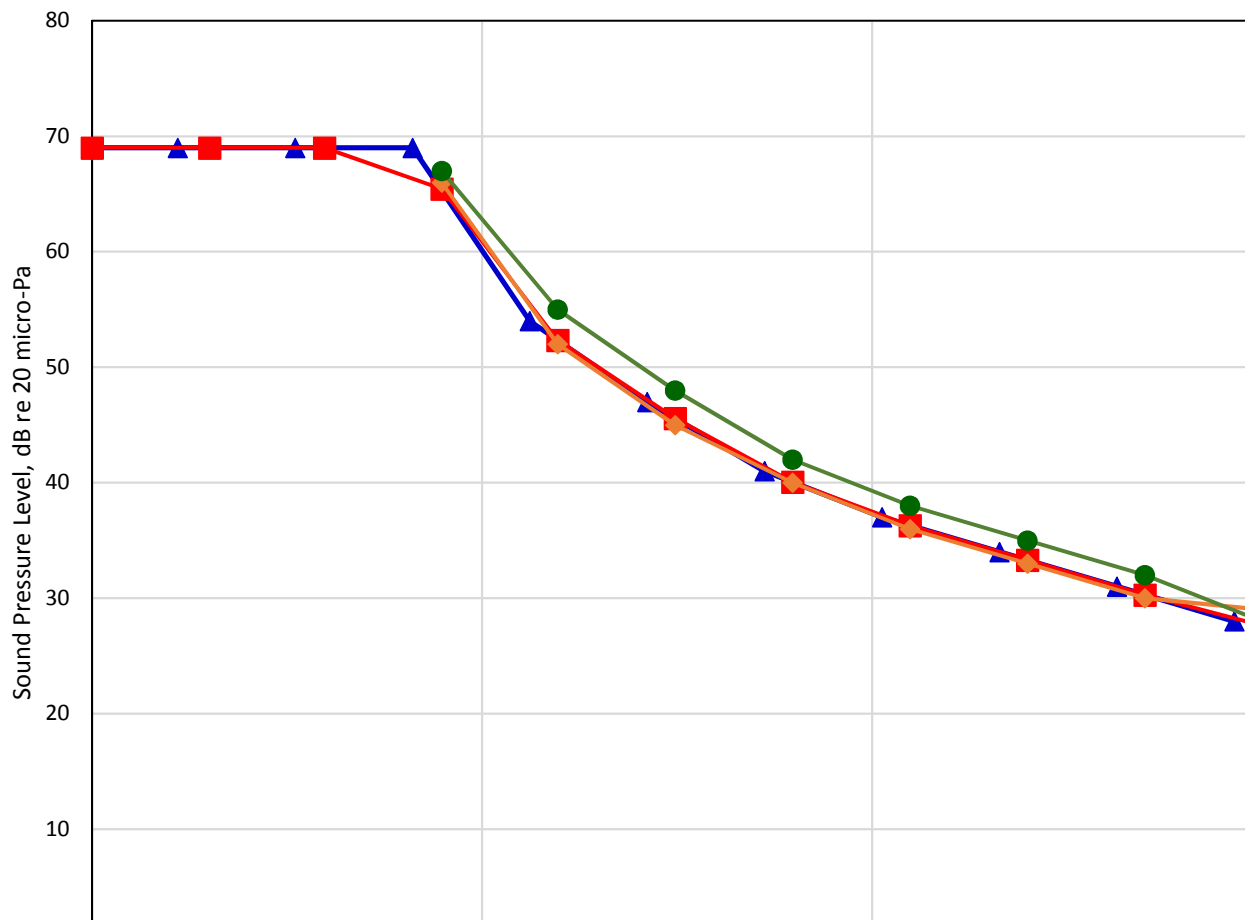
508-533-3291

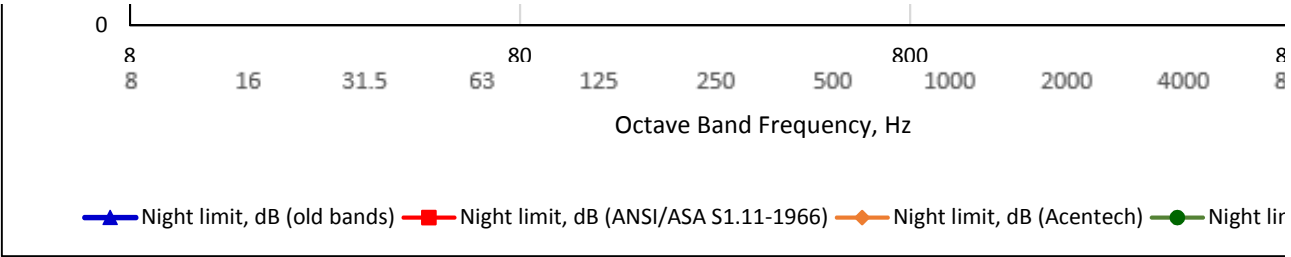
Medway Bylaws

(preferred bands)

Lower Band Edge (Hz)	Upper Band Edge (Hz)	Old Band Center Frequency (Hz)	Night limit, dB (old bands)	Preferred Band Center Frequency (Hz)	Night limit, dB (ANSI/ASA S1.11-1966)	Night limit, dB (Acentech)	Night limit, dB (NCE)
2	72	7	69	8	69.0		
2	72	13	69	16	69.0		
2	72	27	69	31.5	69.0		
2	72	53	69	63	65.4	66	67
75	150	106	54	125	52.3	52	55
150	300	212	47	250	45.6	45	48
300	600	424	41	500	40.1	40	42
600	1200	849	37	1000	36.3	36	38
1200	2400	1697	34	2000	33.3	33	35
2400	4800	3394	31	4000	30.3	30	32
4800	10000	6788	28	8000	27.6	29	28
		13576	26.5	16000			

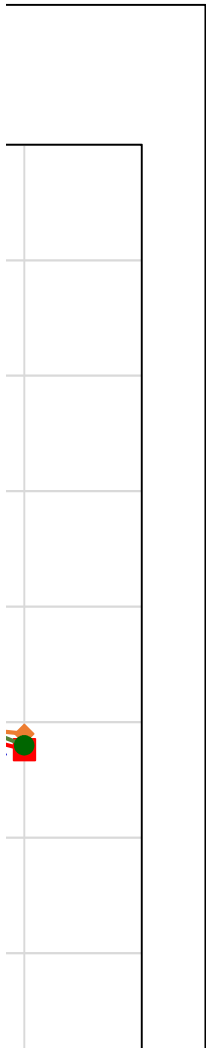
Medway Bylaws Sound Pressure Levels
Covered to Preferred Bands

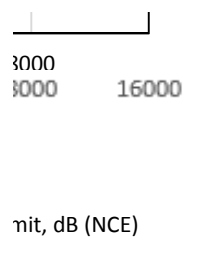




NCE delta	NCE wrong sign?	NCE wrong formula?
-----------	--------------------	-----------------------

1.6	72.6	69.0
2.7	55.7	57.6
2.4	48.4	48.7
1.9	41.9	42.4
1.7	37.7	37.9
1.7	34.7	34.7
1.7	31.7	31.7
0.4	28.4	28.7





My values converted in accordance with ANSI/ASA S1.11-1966,
Appendix A, except for 8000 Hz band, which would require
extrapolation of the subsequent old band limit
(a value was chosen for reasonable curve fit;
see red text).

$$L_N = L_O + 0.237 (L_{OH} - L_O)$$



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 28, 2019

SPECIAL PERMIT
Adult Recreational Marijuana Establishment
Ellen Realty Trust/CommCan, Inc. – 2 Marc Road
with Conditions

Decision Date: _____

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

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

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

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

Zoning District: East Industrial

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

II. VOTE OF THE BOARD – After reviewing the application and information gathered during the public hearing and review process, the Medway Planning and Economic Development Board, on _____, 2019, on a motion made by _____ and seconded by _____, **voted to _____ with CONDITIONS an adult recreational marijuana establishment special permit.**

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. October 9, 2018 – Special permit filed with the Medway Planning & Economic Development Board; filed with the Town Clerk on October 11, 2018.
- B. October 11, 2018 – Public hearing notice filed with the Town Clerk and posted at the Town of Medway web site.
- C. October 15, 2018 - Public hearing notice mailed to abutters by certified sent mail
- D. October 29 and November 6, 2018 - Public hearing notice advertised in *Milford Daily News*.
- E. November 13, 2018 - Public hearing commenced. The public hearing was continued to November 27 and December 11, 2018 and to January 8, 22, 29 and _____ when the hearing was closed and a decision rendered.

IV. INDEX OF DOCUMENTS

- A. The special permit application for the proposed use of the building at 2 Marc Road for an adult recreational marijuana establishment included the following information that was provided to the Planning and Economic Development Board at the time the application was filed:
 - 1. *2 Marc Road Site Plan of Land in Medway, MA*, dated January 26, 2016, last revised July 18, 2016, prepared by Merrikin Engineering of Millis, MA – ENDORSED July 26, 2016.

2. Sworn statement of ownership of CommCan, Inc. dated October 8, 2018
3. Special permit application submittal letter from Daniel J. Merrikin, P.E. dated October 9, 2018 as official representative of the Applicant.
4. Policy and Procedures document titled *Transportation of Marijuana for CommCan*, received October 9, 2018
5. Floor plan of the CommCan facility, dated May 2, 2016 by Keenan & Kenney Architects, Ltd.

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

1. Results of Noise Study by Acentech, Inc. provided November 13, 2018
2. Noise Survey by Noise Control Engineering, LLC dated November 27, 2018
3. Host Community Agreement between CommCan and the Town of Medway dated May 16, 2016 and the associated amendment dated April 17, 2018.
4. Email communications dated October 23, 2018 from the MA Cannabis Control Commission acknowledging receipt of CommCan's applications for recreational marijuana cultivation and product manufacturing licenses
5. Medical marijuana special permit decision dated June 28, 2016 and final CommCan site plan endorsed July 26, 2016
6. Marijuana Odor Control Plan Template for Denver, Colorado
7. Email dated January 16, 2019 from Ron Dempsey of Noise Control Engineering converting the existing and long-standing noise measurement standards from the *Zoning Bylaw* to the current, modern noise measurement standards.
8. *Cannabis-Related Odor Mitigation @1073 Main Street*, Millis, MA by GroThink, Oasis Spring, LLC, and Lynch Associates for the Millis Planning Board.
9. Exelon expansion project site plan decision dated July 26, 2016.

C. Other Documentation

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

V. **TESTIMONY** - In addition to the site plan application materials as submitted and provided during the course of our review, the Planning and Economic Development Board heard and received verbal or written testimony from:

- Gino Carlucci, PGC Associates, the Town's Consulting Planner – Special Permit review letter dated November 7, 2018 and commentary throughout the public hearing process.
- Ellen Rosenfeld, Applicant
- Dan Merrikin, Legacy Engineering, project engineer for the Applicant
- Andy Carballeria, Acentech Inc., acoustic sound consultant for the Applicant

- Ron Dempsey, Noise Control Engineering, acoustic sound consultant for the Town
- Resident and abutter John Lally, 35 Coffee Street - Emails dated November 5, November 16, November 26, December 10, 2018 and January 22, 2019 about noise; Emails dated December 16 and 21, 2018 and January 22, 2019 about odor; and commentary throughout the public hearing process.
- Email communications dated December 10, 2018 between Planning and Economic Development Coordinator Susan Affleck-Childs and Ron Dempsey of Noise Control Engineering, LLC, the Town's noise engineering consultant.
- Email communication with attachments dated January 3, 2019 between Ron Dempsey of Noise Control Engineering and Andy Carballeira of Acentech
- Emails dated December 17 and 27, 2018 between Susan Affleck-Childs and Ellen Rosenfeld about odor.
- Resident, Leany Oliveria, 402 Village Street
- Resident Jane Studennie, address unknown
- Resident Heidi Sia, 8 Main Street, emails dated January 10 and 22, 2019
- Resident Phil Giangarra, 24 Green Valley Road
- Resident Leigh Knowlton, 11 Green Valley Road, email dated January 22, 2019 with attachments and January 23, 2019 with attachment
- Resident Jeanette Gibson, 45 Coffee Street
- Selectman Dennis Crowley
- Town Administrator Michael Boynton

VI. FINDINGS

The Planning and Economic Development Board, at its meeting on _____ 2019, on a motion made by _____ and seconded by _____, voted to approve the following **FINDINGS** regarding the special permit application for adult recreational marijuana establishment for 2 Marc Road. The motion was approved by a vote of _____ in favor and _____ opposed.

FINDINGS from PUBLIC HEARING TESTIMONY

- (1) The Applicant currently operates a medical marijuana cultivation facility at 2 Marc Road as authorized by a special permit issued by the Board on June 28, 2016 and will continue to operate that use at this location. The Applicant now seeks to secure a special permit pursuant to section 8.10 of the Medway *Zoning Bylaw* to also use the facility to grow and process marijuana for adult recreational use.
- (2) In response to abutter complaints to the Applicant, Acentech was retained to evaluate the noise levels at the 2 Marc Road facility and recommend noise mitigation measures to address the offending noise produced by a large air-cooled chiller installed on the building's roof which runs 24-7. Acentech conducted sound measurements at five locations on May 15, 2018 during the period of 12:00 am thru 2:00 am. What were those findings and what measures were recommended? We do not have that actual report, only a collection of charts presented by Acentech at the first public hearing. When were the mitigation

measures (blankets) installed? Has Acentech evaluated noise since that installation?

- (3) Noise Control Engineering LLC (NCE) was retained by the Town of Medway to evaluate the noise levels at the 2 Marc Road facility with respect to Massachusetts Department of Environmental Protection (MassDEP) 2018 noise regulations. NCE conducted attended noise measurements on the night of October 31, 2018 at several locations approximating the property lines of 2 Marc Road and at two nearby residences. The measured noise levels were within allowable levels per MassDEP, but when converted to the standard specified in the *Medway Zoning Bylaw*, the measured noise levels were in excess of the Town's criteria. NCE's report and measurements were reviewed by Acentech, sound consultant for the Applicant. Acentech provided an alternative conversion of the measurements and criteria which results in lower noise levels and partial compliance with the *Zoning Bylaw*. However, these lower noise levels still exceed the *Zoning Bylaw* limits in the format in which they are specified.
- (4) The Board is in receipt of written and verbal testimony of abutters and neighbors in the vicinity of 2 Marc Road expressing serious concerns and objections to the noise and odor emanating from the existing facility currently operating as a medical marijuana cultivation and processing establishment.
- (5) The Board acknowledges the outdated nature of the sound pressure level standards (octave bands) that are included in the *Zoning Bylaw*.

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

- (1) The recreational marijuana establishment will operate inside the existing medical marijuana cultivation and processing facility at 2 Marc Road, a permanent, standalone building with no doctor's offices or other uses. The site includes driveways, parking areas, utility systems, and stormwater management facilities.
- (2) None of the uses listed in Section 8.10 E. 4. of the *Zoning Bylaw* are located within 500 feet of the site of the proposed facility.
- (3) Smoking, burning and consumption of marijuana products on the premises is not allowed.
- (4) No drive-through service is proposed. It is not needed as a retail operation is not planned for the site nor does the *Zoning Bylaw* allow for a drive-through facility.
- (5) The proposed signage is in compliance with Section 8.10 E. of the *Zoning Bylaw*.
- (6) The Applicant has previously provided the contact information for management staff and key holders of the facility.
- (7) As conditioned herein, the recreational marijuana establishment does 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 the sound from the facility and both found the operation to be within DEP noise regulations.

- (8) The existing building meets the requirements for “openness of premises” since no activities within the building or displays of products are visible from the exterior of the building and the front of the building, which includes the primary entrance to the facility, is fully visible from the street. All operations are within the restricted building and there is no direct consumer access as no retail sales are allowed.
- (9) The requested special permit would authorize 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. The Applicant does not seek a special permit for retail sales or testing.
- (10) As conditioned herein, copies of required licenses and permits issued by the Commonwealth will be provided upon approval by the Massachusetts Cannabis Control Commission. The recreational marijuana operation will be operated in strict compliance with Massachusetts Cannabis Control Commission regulations.
- (11) The Applicant, Ellen Realty Trust, is the owner of record of the subject property and building as shown on the Medway Assessor’s records. Accordingly, the Applicant has the right to use the site for a registered marijuana establishment.
- (12) A sworn statement disclosing the owner’s or other similarly situated individuals’ interest in the registered marijuana establishment has been provided.
- (13) A certified list of all abutter and parties of interest was provided. The Planning and Economic Development office coordinated the production and mailing of the required public hearing notice for the special permit application.
- (14) The Applicant secured previous site plan approval for the manufacturing establishment on this site in June 2016. No changes are needed or proposed to that site plan. A detailed floor plan of the premises showing the functional areas of the facility has been provided. Security measures including lighting, fencing, gates and alarms were previously reviewed and approved by the Police Chief during the site plan and special permit process in 2016.
- (15) A copy of the policies/procedures for the transfer, acquisition, or sale of adult recreational marijuana between approved marijuana establishments has been provided.
- (16) The required public hearing and review process for this special permit application has been followed.
- (17) The adult recreational marijuana establishment, as conditioned herein, has been designed to minimize any adverse visual or economic impacts on abutters and other parties in interest. No changes in the existing building or site are proposed other than additional measures to further mitigate noise impacts of the existing HVAC system and further measures to reduce offensive odors generated by marijuana cultivation.

- (18) As conditioned herein, the proposed facility will meet all the permitting requirements of all applicable agencies within the Commonwealth of Massachusetts and will be in compliance with all applicable state laws and regulations.
- (19) As conditioned herein, the Applicant has satisfied the conditions and requirements of this sub-section 8.10 and sub-section 3.4 of the *Zoning Bylaw*.
- (20) The Town of Medway and CommCan, Inc. entered into a Host Community Agreement in May 2016 for the medical marijuana operation. The HCA was amended in April 2018 in anticipation of this application for an adult recreational marijuana establishment.

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

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

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

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

The adult recreational marijuana cultivation and manufacturing uses are being added to the previously approved use of the facility for medical marijuana cultivation and manufacturing which was also subject to the Town's site plan review and approval process. The current activities in the building will essentially remain unchanged; the only difference is that more product will be produced and processed for adult recreational purposes. No changes are proposed to the previously approved site plan. Due to that prior special permit and associated site plan review process, adequate and appropriate facilities have been provided for the operation of the facility.

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

The existing site, which has site plan approval dating to June 2016 contains suitable driveways, parking areas and stormwater management systems. Reasonable noise and odor mitigation measures are included as Conditions herein.

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

Vehicular activity at the site is minimal; the proposed facility is expected to have 30 employees. The retail sale of marijuana products to the public is not permitted so public access to the site will be minimal and the Industrial Park Road system is adequate to handle it. The Applicant previously reconstructed Marc Road as part

of the approval of the medical marijuana special permit so the roadway quality is excellent. Furthermore, the site has easy access from Main Street/ Route 109, a major east-west arterial roadway, so there is no traffic impact on local residential roadways.

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

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

Testimony was also provided from abutters about offensive odors emanating from the subject facility. The Board has discussed the need for the Applicant to institute more aggressive odor control measures. The Applicant intends to supplement existing odor mitigation systems as part of the build-out of the second floor after the preparation of an odor mitigation plan. As conditioned herein (Condition #), the Board finds that suitable mitigation measures will be taken to address odors emanating from the facility beyond the property lines.

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

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

The proposed use is manufacturing and is therefore consistent with the character of the East Industrial zoning district in which the subject property is located. This application pertains to a proposal to produce marijuana for adult recreational use within the existing marijuana cultivation building which is currently limited to the production and processing of medical marijuana. This expansion of use was expected at the time the original site plan and special permit for medical marijuana use was authorized in 2016. The Board finds that the proposed expanded use will not significantly alter the character of the West Industrial zoning district.

The Board has heard testimony from residential abutters and neighbors about adverse noise and odor conditions emanating from the 2 Marc Road facility which are negatively impacting the enjoyment of their property and quality of life. The Applicant made repeated verbal commitments during the public hearing that she is committed to addressing their concerns through reasonable mitigation measures. The Applicant will undertake the build-out of the second floor in the near future and will supplement the existing noise and odor mitigation systems as part of that renovation. As a matter of course, the Applicant will be held to the environmental standards included in Section 7.3 of the *Zoning Bylaw*. With the requirements included in Conditions #___ and ___, the Board finds that reasonable measures will be taken such that this particular industrial use will not adversely affect the surrounding neighborhood.

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

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

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

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

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

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

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

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

SPECIFIC CONDITIONS OF APPROVAL

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

1. The Applicant shall provide an annual report of CommCan's operations to the Board and other Town officials no later than January 31st of each year, including a copy of all current state licenses and demonstrating continued compliance with the conditions of this special permit. Any change in ownership of CommCan, Inc. or change in management staff and key holders shall also be reported.
2. This special permit is not transferrable to another party. It shall remain exclusively with the Applicant, Ellen Realty Trust, as the owner of the premises.
3. Smoking, burning and consumption of marijuana or marijuana infused products on the premises is not allowed.

B. Noise Management

1. The Applicant shall install and maintain at all times effective noise reduction equipment. The Applicant will complete this through industry best practices and suitable noise abatement measures. The Applicant shall ensure proper maintenance of all noise abatement equipment to ensure maximum efficiency and effectiveness.
2. As indicated by the Applicant during the hearing, buildout of the second floor is expected to commence in the near future. As part of that effort, the Applicant has indicated that the existing rooftop chiller may be modified, replaced, retrofitted, or repositioned in some manner to address the noise concerns expressed by residents of property in proximity to the subject facility. The Applicant is in the process of investigating and evaluating these issues in order to develop a noise abatement/management plan to remedy the noise issues as part of the building out of the second floor of the existing facility. Within four months of the filing of this special permit decision with the Town Clerk, and prior to the issuance of a building permit for the second floor, the Applicant shall provide a noise abatement/ management plan prepared by a [REDACTED] (PE, noise consultant??) addressing the various mechanical equipment that may cause violation of the applicable provisions of Section 7.3 of the Bylaw to the residential properties near the facility. Said plan shall be provided to the Planning and Economic Development Board, Building Inspector, and Health Agent for review and comment. The Town shall forward the plan to its noise consultant for review and comment, at the Applicant's expense. The Applicant shall appear before the Board at a regularly scheduled Board meeting to review and discuss the proposed improvements. The plan may be modified based on the recommendations of the Town's noise consultant.
3. Any new or altered mechanical equipment installed on the property shall be designed to comply with applicable regulations, including the provisions of Section 7.3 of the *Zoning Bylaw*.
4. Prior to the issuance of an occupancy permit for the second floor, the Applicant shall provide a noise study by a qualified noise consultant to the

Commented [SA1]: Who should prepare this noise mitigation plan?

Commented [SA2]: Do you want to include a specific definition of "near"?

Commented [SA3]: Do you want to include a requirement that the Board has to approve the noise abatement/management plan?

Commented [SA4]: What should be included in such a noise study? What and how many locations? From where should the noise measurements be taken? Duration? One date and time frame or a series of measurements on multiples dates and at varying times of day and at varying levels of equipment functioning? Have the measurements take place during the worst case scenarios/operating conditions. Does the Board want to review this study?

Building Inspector and Health Agent confirming compliance with the applicable regulations and confirming that the chiller noise has been addressed to the satisfaction of the Building Inspector.

5. After occupancy, the Applicant shall provide a supplemental noise study by a qualified noise consultant in the middle of the next summer or winter season (the opposite of when the first study was performed) to document noise conditions and submit such report to the Building Inspector and Health Agent.
6. For each of the following two years after occupancy of the second floor, the Applicant shall annually submit a certification by a registered professional mechanical engineer that there are no changes in the installed mechanical equipment which may impact the noise emanating from the facility. Such certification shall be provided to the Building Inspector.
7. The Building Inspector 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 Planning and Economic Development Board to its satisfaction.

Commented [SA5]: Same question – What should be included in such a noise study?

Commented [SA6]: What if additional mitigation measures are needed?

Commented [SA7]: Does the Board want to review the supplemental noise study?

Commented [SA8]: Does the Board want to review the follow-up certifications?

C. **Odor Management**

1. No emission of odorous gases or odoriferous matter in such quantities to be discernable outside the property line shall be permitted. This establishment shall be ventilated in such a manner that:
 - a. no pesticides, insecticides, or other chemicals or products used in the cultivation or processing of marijuana are dispersed into the outside atmosphere; and
 - b. no odor from marijuana can be detected by a person with a normal sense of smell at any adjoining use or property.
2. The Applicant shall install and maintain at all times effective odor control technology to remove odors from the facility's exhaust system. The Applicant will complete this through industry best practices and suitable building filtration systems. The Applicant shall ensure proper maintenance of all odor migration equipment to ensure maximum efficiency and effectiveness.
3. Nearby residents have reported intermittent and varying odor impacts from the current operation of the facility. As part of the buildout of the second floor, the Applicant will supplement and/or modify the facility's existing odor control systems to address these conditions. Within four months of the filing of this special permit with the Town Clerk, and prior to the issuance of a building permit for the second floor, the Applicant shall provide an odor abatement/management plan addressing improvement to the facility's odor control systems. Said plan shall be

Commented [SA9]:
Specify the credentials of the individual preparing the odor abatement/management plan?

provided to the Building Inspector, Board of Health Agent and Planning and Economic Development Board for review and comment. The Town shall forward the plan to its odor control consultant for review and comment, at the Applicant's expense. The Applicant shall appear before the Planning and Economic Development Board at a regularly scheduled Board meeting to review and discuss the proposed improvements. The plan may be modified based on the recommendations of the Town's odor consultant.

4. Prior to the issuance of an occupancy permit for the second floor, the Applicant shall review the updated odor control system with the Building Inspector and demonstrate the efficacy of said systems as specified in the odor control plan and as installed. Additional odor mitigation measures may be required as determined by the Building Inspector and/or Health Agent.
 5. Due to unknown circumstances and potentially unforeseen odorous impacts, in order to ensure that odorous emissions shall not be in such quantities that are offensive off-site, the Applicant shall provide the Planning and Economic Development Board, Building Inspector and Health Agent with an independent odor assessment six months after beginning the expanded use of the facility to cultivate and process marijuana for adult recreational use. The assessment shall include an independent air quality report identifying the type and location of odorous emissions discharged from the facility to the ambient air. Odor measurements shall be taken at times when the odor generating activity is occurring at regular operating capacity. The report shall include an action plan with recommendations to remediate odorous emissions which may be noticeable beyond the property line of the subject premises.
 6. For each of the following two years after occupancy of the second floor, the Applicant shall annually submit a certification by a registered professional engineer that there have been no changes in the mechanical equipment that has been installed to reduce the odor emanating from the facility. Such certification shall be provided to the Building Inspector and Health Agent.
 7. The Building Inspector 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 Planning and Economic Development Board to its satisfaction.
- D. Upon receipt, the Applicant shall provide the Town with the approvals of the recreational marijuana establishment licenses from the MA Cannabis Control Commission.
- E. There shall be a valid Host Community Agreement in effect at all times during the operation of the marijuana establishment.

Commented [SA10]:
Credentials of individual providing the odor assessment??

- F. Hours of operation – As a marijuana growing facility, it will operate 24 hours a day/ 7 days a week. Occupancy of the facility by employees is generally limited to the hours of 7 am to 8 pm, Monday – Friday.
- G. Limitations - This special permit is limited to the operation of an adult recreational marijuana cultivation and processing facility. This permit does not authorize operation of a retail outlet for the sale of adult recreational marijuana products nor does this permit authorize the operation of a testing facility.

GENERAL CONDITIONS OF APPROVAL

- A. **Fees** - Prior to filing the special permit decision with the Town Clerk, the Planning and Economic Development Board, the Applicant shall pay:
 - 1. the balance of any outstanding project review fees owed to the Town for review of the application by the Town's engineering, planning or other consultants; and
 - 2. any other outstanding expenses or obligations due the Town of Medway pertaining to this property, including real estate and personal property taxes and business licenses.
- B. **Other Permits** – This permit does not relieve the Applicant from its responsibility to obtain, pay and comply with all other required federal, state and Town permits. The contractor for the Applicant or assigns shall obtain, pay and comply with all other required Town permits.
- C. **Recording** - Within thirty (30) days of recording the Decision, the Applicant or his assign shall provide the Board with a receipt from the Norfolk County Registry of Deeds indicating that the Decision has been duly recorded, or supply another alternative verification that such recording has occurred.
- D. All applicable conditions of the previous site plan approval/special permit for the premises shall also apply to this special permit.
- E. **Conflicts** –If there is a conflict between this Decision and the *Zoning Bylaw*, the *Bylaw* shall apply.

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

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

###

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

_____ by the Medway Planning & Economic Development Board: _____

AYE:

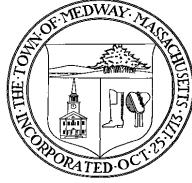
NAY:

ATTEST:

Susan E. Affleck-Childs
Planning & Economic Development Coordinator

Date

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



January 29, 2019
Medway Planning & Economic Development Board
Meeting

Correspondence

- Collection of emails among Mark Heavner (Medway Green), Dave D'Amico and Town Administrator Michael Boynton regarding the removal of two public parking spaces in front of 176-178 Main Street.

Susan Affleck-Childs

From: Michael Boynton
Sent: Wednesday, January 23, 2019 1:44 PM
To: MARK HEAVNER; Susan Affleck-Childs
Subject: RE: Main at Mechanic Street Parking

Mark,

The decision was not made in a vacuum. It came from two citizen complaints, and was investigated by the Chief of Police and Police Lieutenant Kingsbury, both of whom concluded that the presence of cars in that location represented an immediate danger. In fact, a Police Detail Officer was struck at that corner in November. This parking configuration is indeed new and is quite different than the prior set-up. As a result of the safety review by our appropriate officials, the decision was made to take action to make immediate safety improvements. I'm quite certain that none of us want to see an accident result at that location.

Michael

From: MARK HEAVNER [mailto:mark.heavner@mac.com]
Sent: Wednesday, January 23, 2019 1:34 PM
To: Susan Affleck-Childs; Michael Boynton
Subject: Re: Main at Mechanic Street Parking

Susan and Michael

Please see the email chain below between myself and David Damica regarding the parking spaces in front of my project at 176 Main St. I am hopeful that this decision by the Director of DPS is not the final say on this matter. It seems kind of sudden to be declaring those spaces a danger and just deleting them as if there were never there! Any comments or help with this would be greatly appreciated.
Thanks

Mark Heavner

Courtland Pines, LLC.
838 Washington St
Holliston, MA 01746
www.heavnerconstruction.com

508-561-6091
mark.heavner@mac.com

On Jan 11, 2019, at 10:26 AM, MARK HEAVNER <mark.heavner@mac.com> wrote:

Dave

I did see those parking spaces as quite useful for the future residents at 176 Main St. There is no provision for visitor parking on the approved site plan and the new sidewalk on Mechanic st makes it even harder to park there. I assume that those spaces were approved as part of the 109

improvements and now they are being removed without any input from those affected. As a developer, a public hearing is required before I can sneeze! I appreciate the heads up but I must admit that I feel like I am losing a useful amenity for my property without any public discourse!

Mark Heavner

Courtland Pines, LLC.
838 Washington St
Holliston, MA 01746
www.heavnerconstruction.com

508-561-6091
mark.heavner@mac.com

On Jan 10, 2019, at 4:03 PM, David Damico <ddamico@townofmedway.org> wrote:

Jack,

Apparently, there have been a couple of near misses at the two on-street parking spaces Amorello installed just east of Mechanic Street. They want it removed. We should block those off tomorrow and add a sign to the barrel or barrier that says no parking. It will stay that way until the spring when Amorello returns. At that time, I'll have the curbing reset along the gutter, do something with the CB, and plant grass in the void between the sidewalk and newly set curb.

Mark,

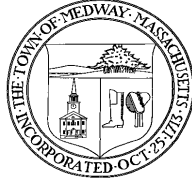
I'm cc'ing you here in case those parking spaces were seen as some kind of perk for the new residents. They were purpose installed for the old holistic health business, now long gone. Since they are a danger, I'm guessing no one will mind removing them.

Thanks,

Dave
DPS Director
508-533-3275
Check us out on-line at www.townofmedway.org

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

The information in this e-mail, including attachments, may contain privileged and confidential information intended only for the person(s) identified above. If you are not the intended recipient, you are hereby notified that any dissemination, copying or disclosure of this communication is strictly prohibited. Please discard this e-mail and any attachments and notify the sender immediately.



January 29, 2019
Medway Planning & Economic Development Board
Meeting

Construction Reports

- January 18, 2019 report from Beals and Thomas on Exelon expansion project



BEALS + THOMAS

BEALS AND THOMAS, INC.
Reservoir Corporate Center
144 Turnpike Road
Southborough, MA 01772-210



ExelonGeneration®

PROGRESS INSPECTION REPORT

Inspection Date: 1/18/2019

Inspector: Eric J. Las, PE, LEED AP, Beals and Thomas, Inc.

Inspection Report Number: 17

PERMIT COMPLIANCE

Proceeding per approved site plan?

YES ☒ NO ☐ If not, note area and explain:

This report has been prepared in compliance with Specific Condition IX.M.4 of the Site Plan Decision, dated July 26, 2016

Project Name:

West Medway II

Location: Medway, MA

B+T Job#: 1422.10

Local Approvals: Order of Conditions DEP File No. 216-0879, Site Plan Decision, Host Community Agreement

Introduction:

Exelon West Medway II LLC respectfully submits this construction progress inspection report for the West Medway II project. The purpose of this report is to document the in-progress work with respect to the approved site plans and associated conditions for the Planning and Economic Development Board. This report summarizes noteworthy activities conducted on site from December 18, 2018 to January 18, 2019. Please also refer to the enclosed Photo Log.

For limited areas of the site not observed by Beals and Thomas, items denoted herein with an () are based on Exelon's Erosion Control Inspection Reports.

Current Work Activities, Comments, and Observations:

- Grading and hydroseeding of Infiltration Basin-02 in the southern central portion of the site is complete.
- Oil deliveries for initial filling of the fuel oil tank have ceased.
- Installation of final perimeter security fencing and gates is nearing completion.
- Installation of the ammonia tank enclosure is nearing completion.
- Finish grading and loaming of the central portion of the site is completed for accessible areas; final grading and loaming will be completed following removal of construction office trailers.
- On-site soil stockpiles are greatly reduced in volume and are actively stabilized via tarps and seeding where necessary.
- Concrete pours continue to diminish with only a few small miscellaneous pours remaining.
- Unit 1 power generating system and support systems are being commissioned (logic testing, dry runs, etc.). Various components of the Unit 2 power generating system are in the final phases of construction (plumbing, wiring, testing, etc.) as well as being commissioned.
- *Silt fences, straw bales, and straw wattles are being routinely monitored and maintained as needed.
- *Silt sacks in the catch basins in Summer Street are being routinely monitored and maintained as needed.
- *24/7 security details remain in place at site entrance.

Authorized Signature

1/18/19

Date

PROPERTY OWNER:

Exelon West Medway II, LLC

Attn: Todd Cutler, Esq.

Associate General Counsel

Phone: 610-765-5602

Email: todd.cutler@exeloncorp.com

Attn: Pete Callahan,

Project Director

Phone: 617-381-2332

Email: Pete.Callahan@constellation.com

Attn: Doug Blakeley,

Environmental Monitor

Phone: 518-265-7354

Email: doug.blakeley@aptim.com

TOWN OF MEDWAY

Attn: Michael E. Boynton,

Town Administrator

Phone: 508-533-3264

Email: mboynton@townofmedway.org

Attn: Bridget Graziano,

Conservation Agent

Phone: 508-533-3292

Email: bgraziano@townofmedway.org

Attn: Susan Affleck-Childs, Planning &

Economic Development Coordinator

Phone: 508-533-3291

Email: sachilds@townofmedway.org

ENVIRONMENTAL CONSULTANTS

Beals and Thomas, Inc.

Attn: Eric J. Las, PE, LEED AP

Principal

Phone: 508-366-0560

Email: elas@bealsandthomas.com

Epsilon Associates, Inc.

Attn: Michael Howard

Principal & Manager

Phone: 978-461-6247

Email: mhoward@epsilonassociates.com

**BEALS + THOMAS****Exelon Generation**

PHOTOGRAPHIC LOG

Client Name:Exelon West
Medway II**Photo:** West Medway II**Location:** Medway, MA**Project No:**

1422.10

**Photo
No: 1****Date:**
1/18/19**Description:**Aerial view facing
northeast.

Grading and
hydroseeding of
Infiltration Basin-02
is complete.
Installation of the
ammonia tank
enclosure is nearing
completion.



**Client Name:**Exelon West
Medway II**Photo:** West Medway II**Location:** Medway, MA**Project No:**



1422.10

**Photo
No: 2****Date:**
1/18/19**Description:**Aerial view facing
northwest.

Unit 1 power
generating system
and support
systems are being
commissioned.
Various
components of the
Unit 2 power
generating system
are in the final
phases of
construction as well
as being
commissioned.



Client Name: Exelon West Medway II		Photo: West Medway II Location: Medway, MA	Project No: 1422.10
Photo No: 3	Date: 1/18/19		
Description: View facing west. Grading and hydroseeding of Infiltration Basin-02 in the southern central portion of the site is complete.			
Client Name: Exelon West Medway II		Photo: West Medway II Location: Medway, MA	Project No: 1422.10
Photo No: 4	Date: 1/18/19		
Description: View facing north. Oil deliveries for initial filling of the fuel oil tank have ceased. Work is progressing on the fuel forwarding system.			

Client Name: Exelon West Medway II		Photo: West Medway II Location: Medway, MA	Project No: 1422.10
Photo No: 5	Date: 1/18/19		
Description: View facing south. Installation of final perimeter security fencing and gates is nearing completion. Gate shown is for the rear alternate/emergency entrance to the facility off West Street (contractor parking still in place).			
Client Name: Exelon West Medway II		Photo: West Medway II Location: Medway, MA	Project No: 1422.10
Photo No: 6	Date: 1/18/19		
Description: View facing southeast. Installation of final perimeter security fencing and gates is nearing completion. Gate shown is for the main entrance to the facility off of Summer Street.			