

**January 9, 2018
Medway Planning and Economic Development Board
155 Village Street
Medway, MA 02053**

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

ALSO PRESENT:

- Susy Affleck-Childs, Planning and Economic Development Coordinator
- Gino Carlucci, PGC Associates

Vice Chairman Tucker opened the meeting.

There were no comments from the public.

Willows ARCPUD:

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

- Letter dated 1-3-18 from Dario DiMare of Dario Designs.

Salmon Health submitted a letter requesting to use Cape Cod type berms in lieu of concrete berms as currently shown on the ARCPUD plan. The granite curb near Village Street will remain as is. Jeff Robinson indicated that with the bituminous concrete sidewalks and bituminous concrete roads the concrete curbs can be hazardous in the shoulder seasons when on and off freezing occurs. The dark coloration of the bituminous concrete can attract the sun and melt ice more quickly than the light colored concrete.

Susy Affleck-Childs reported that Engineering Consultant Bouley has no issue with the change.

**On a motion made by Bob Tucker and seconded by Rich Di Iulio, the Board voted to approve the request to use Cape Cod type berm in lieu of concrete berms.
(Vote passes 3 to 2)**

ANR Application 78 Fisher Street:

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

- ANR Application
- PGC Review letter dated 1-5-18
- ZBA Variance decision dated 10-11-17

The Board was made aware that the PEDB considered a previous ANR application plan in June/July 2017. At that time the applicant withdrew its application and indicated their intention to seek a frontage variance from the Zoning Board of Appeals. The applicant went to the Zoning Board of Appeals and was granted a variance.

Planning Consultant Gino Carlucci has reviewed the plan and recommended that the plan be revised to show Fisher Street as a scenic road.

The applicant's representative, attorney Steven Kenney indicated that this notation has been added to the revised plan.

This was confirmed by Consultant Carlucci.

The applicant indicated that the cleaning of the sewer pipe will be done.

The applicant was informed that they will probably need to go in front of the PEDB for a scenic road work permit.

On a motion made by Matt Hayes and seconded by Tom Gay, the Board voted unanimously to endorse the ANR plan for 78 Fisher Street as presented.

Wingate Farm Subdivision:

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

- Tetra Tech Consulting Services Estimate (12-14-17).

At its December 12, 2017 meeting, the Board determined that they wanted Tetra Tech to undertake a thorough review of how the constructed infrastructure does and does not comply with the modified Wingate Farm subdivision plan from 2005 and the current Subdivision Rules and Regulations. Tetra Tech's price quote is \$1,470.00.

The applicant indicated that financially at this time, they cannot do this amount.

Susy Affleck-Childs reported that there was \$2,191 remaining in the construction account. The Board discussed that those funds could be used.

On a motion made by Bob Tucker and seconded by Rich Di Iulio, the Board voted unanimously to use the existing funds in the Wingate Farm construction account for Tetra Tech to review the project, not to exceed a cost of \$1,470.00.

Recreational Marijuana:

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

- Memo from Assistant Town Administrator about upcoming recreational marijuana ballot question and special town meeting.
- Draft ZBA amendment language and ballot question.

The Board was informed that the timing of this is extremely tight. The Board of Selectmen has scheduled the ballot vote for March 6, 2018. The absentee ballots need to be ready at least 4 weeks before that. The Town Clerk needs the ballot text by January 19, 2017 to allow time to print. The Board of Selectmen would need to approve ballot language at its 1-16-18 meeting.

A special election would have a ballot question relating to the new recreational marijuana law. It was discussed that the Town did not approve the retail sale of marijuana during the statewide vote in the fall of 2016. The current zoning bylaw addresses only medical marijuana.

Town Counsel is advising that something be placed on the books by April 1, 2018. The Board discussed that most members are comfortable with marijuana cultivation, manufacturing, and processing, but do not want retail sales. The only area would be the industrial zones.

There was a question about making sure we follow the Federal statute. The discussion then proceeded into making a decision if the ballot question should be one or separated into two questions; one for control and growing and the other be specific to retail. There is a concern about separating them out and residents not being sure what they are voting on. There would need to be handouts to clearly explain what is being voted on.

All were in agreement that Consultant Carlucci and Susy will continue working on the rules and regulations and criteria for the special permit.

On a motion made by Tom Gay and seconded by Bob Tucker, the Board voted to submit the ballot question to the Board of Selectmen and to include the language on the warrant for the special town meeting and to hold a public hearing on February 13, 2018. (Vote passes 4 to 1).

PEDB Meeting Minutes:

December 12, 2017:

On a motion made by Tom Gay and seconded by Matt Hayes, the Board voted unanimously to accept the minutes from the December 12, 2017 meeting.

Correspondence:

- The Board is in receipt of a letter from Keith Lawrence (**See Attached**) informing them that the current extension for an addition will not be done. He is letting it expire due to the budgetary cost associated with the addition. The applicant indicated in the letter that he may pursue it in the next few years.
- The Cultural Council is seeking input about and ideas or events at their community forum to be held on 1-30-18. The Committee is trying to support more arts and cultural work. They have a grant for \$5,000 which can be used in this area.

Construction Reports:

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

- Tetra Tech Field Report #1 (12-18-17) – O'Brien Site Plan.
- Tetra Tech Field Report #10 (12-19-17) - 143 Village Street
- Project Completion affidavit re: Medway Gardens Site plan (dated 1/21/17)
- Exelon regular monthly report
- Exelon monthly report from Beals and Thomas

Other Business:

- The Board would like Jack Mee to follow-up again with The Maids. The Board of Health should be contacted about concerns of hazardous material on site. The whole site needs a site plan and drainage issues need to be addressed.
- The PEDB has received an application for subdivision approval of Town Line Estate, a 1 lot subdivision at 22 Populatic Street. This will be sent to the consultants for review.

- There will be a SWAP meeting on Friday, February 2, 2018 at the Thayer. This is the annual Legislative Breakfast.
- The Board is in receipt of the draft Site Plan Rules and Regulations to review at a later date.
- CPC had their meeting and is asking if there are any upcoming projects that would be suitable for CPA funding.

Adjourn:

On a motion made by Matt Hayes and seconded by Tom Gay, the Board voted unanimously to adjourn the meeting at 8:50 pm.

Respectfully Submitted,

Amy Sutherland
Recording Secretary

Reviewed and edited by,

Susan E. Affleck-Childs
Planning and Economic Development Coordinator



January 9, 2018
Medway Planning & Economic Development Board
Meeting

Willows ARCPUD

- Letter dated 1-3-2018 from Dario DiMare requesting the Board's authorization to use cape cod berm for curbing material throughout the Willows development in lieu of concrete curbing.



DARIO INC.
DESIGNS

ARCHITECTURE
DESIGN
PLANNING
CONSULTING

January 03, 2018

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

Dear Board Members:

Salmon Health and Retirement is requesting to use Cape Cod type berms in lieu of the concrete berms currently shown on the ARCPUD plans. The granite curbs near Village Street will remain as is.

The two reasons for the requested change are cost (initial and maintenance) and safety. The concrete curbs are more expensive.

With regard to safety; this site will be primarily used by seniors. With bituminous concrete sidewalks and bituminous concrete roads the concrete curbs can be hazardous in the shoulder seasons when on and off freezing occurs. The dark coloration of the bituminous concrete can attract the sun and melt ice quicker than the lighter colored concrete. This is difficult to see, especially for seniors who often have more visual impairments than the younger population. This creates a dangerous situation where ones footing is good until one approaches the curb which can then be covered with ice creating a dangerous situation. If the material is consistent throughout, this differential coefficient of friction is eliminated thereby reducing or eliminating the hazardous condition.

We therefore request the use on the Cape Cod berm in lieu of the concrete berms throughout the project.

Thank you very much for you time and attention.

Sincerely,

Dario D. D. DiMare, AIA LEED AP
President



January 9, 2018
Medway Planning & Economic Development Board
Meeting

ANR – 78 Fisher Street – Fraser

- Updated ANR application
- ANR plan
- PGC Review Letter dated 1-5-18
- ZBA variance decision dated 10-11-17

You will remember that the PEDB considered this ANR plan in June/July 2017. At that time, the applicant withdrew its application and indicated their intention to seek a frontage variance from the ZBA. They have done so and were granted the variance. (October 2017).

LAND SUBDIVISION – FORM A

Application for Endorsement of Plan Believed Not to Require Subdivision Approval (ANR) Planning & Economic Development Board - Town of Medway, MA

INSTRUCTIONS TO APPLICANT/OWNER

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

*Submit two (2) signed originals of this Application, one copy of the ANR Plan, and one Project Explanation
to the Town Clerk who will date stamp both Applications.*

*Provide one original ANR Application date stamped by the Town Clerk, one Project Explanation, eight
copies of the ANR Plan, an electronic version of the ANR plan and the appropriate ANR Filing Fee
to the Medway Planning & Economic Development office.*

*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.*

*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 its review.*

December _____, 2017

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.

ANR PLAN INFORMATION

Plan Title: Plan of Land in Medway, MA, Scale 1"=20', Date: July 26, 2016, Revised February 8, 2017,
Revised March 9, 2017

Prepared by: Paul J. DeSimone, P.L.S., 403 Mahan Circle, Medway, MA

P.E. or P.L.S registration #: 30466 Plan Date: July 26, 2016, Revised Feb. 8, 2017,
Revised March 9, 2017

PROPERTY INFORMATION

ANR Location Address: 78 Fisher Street, Medway, MA 02053

The land shown on the plan is shown on Medway Assessor's Map # 35 Parcel # 37

Total Acreage of Land to be Divided: 71,840 S.F. or 1.63 Acres

Subdivision Name (if applicable): N/A

Medway Zoning District Classification: ARI

Frontage Requirement: 180' Area Requirement: 44,000 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: Fraser Fish Ltd. to Alfred T. Fraser dated April 24, 2003 and recorded in Norfolk County Registry of Deeds, Book _____ Page _____ or Land Court Certificate of Title Number 164686, Land Court Case Number 966705, registered in the Norfolk County Land Registry District Volume _____, Page _____.

APPLICANT INFORMATION

Applicant's Name: Alfred T. Fraser

Applicant's Signature: _____

Address: 78 Fisher Street

Medway, MA 02053

Telephone: (508)533-2914 Email: _____

The Applicant hereby appoints Stephen J. Kenney to act as its Agent/
Official Representative for purposes of submitting this application for endorsement of this ANR
Plan.

PROPERTY OWNER INFORMATION (if different than applicant)

Property Owner Name: Alfred T. Fraser

Owner's Signature: _____

Address: 78 Fisher Street

Medway, MA 02053

Telephone: (508)533-2914 Email:

ENGINEER or SURVEYOR INFORMATION

Name: Paul J. DeSimone

Address: 403 Mahan Circle

Medway, MA 02053

Telephone: (508)533-2914 Email: _____

ATTORNEY INFORMATION

Name: Stephen J. Kenney Kenney & Kenney

Address: 181 Village Street

Medway, MA 02053

Telephone: (508)533-6711 Email: sjk@kenney-law.com

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 _____ (name of way(s), which is:
- ☐ a. A public way. Date of street acceptance: _____
- ☐ 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: The land being divided fronts on a public way, Fisher Street, in the Town of Medway. One of the lots has required frontage and area and the other lot has the benefit of a Variance granted October 11, 2017 recorded November 28, 2017 at Norfolk County Registry of Deeds, Registered Land Section as Document No. 1391170-1. Certificate of Title No. 164686.

ANR PLAN FILING FEE

\$250 plus \$100/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 \$95 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)

_____ 8 prints of ANR plan – 1 for Town Clerk and 7 for Planning

_____ Electronic version of ANR plan for Planning

_____ Project Explanation - 1 for Town Clerk and 1 for Planning

_____ Application/Filing Fee (2 checks)

Date Form A, ANR Plan, and Project Explanation Received by Planning & Economic
Development Board: _____.

ANR Application/Filing Fee Paid: Amount: _____ Check # _____


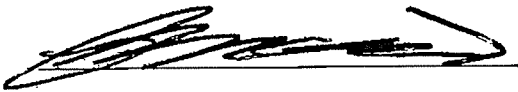

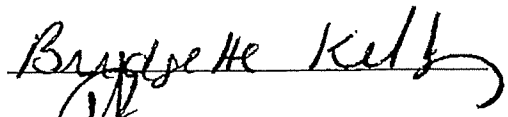
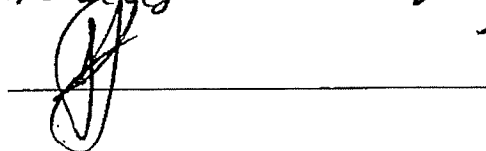
Check # _____

**Project Explanation for ANR Plan Application of Alfred T. Fraser 78
Fisher Street, Medway, MA**

The subject parcel of land which originally contained 71,840 square feet or 1.63 acres is to be divided into two lots, Lot 3 containing 27,839 square feet and frontage of 104.33 feet and having the benefit of a Variance granted October 11, 2017 recorded with Norfolk County Registry of Deeds, Registered Land Section, as Document No. 1391170-1, Certificate of Title No. 164686 and Lot 4 which contains 44,001 square feet and has frontage of 180 feet on Fisher Street. The petitioner's present residence sits upon what will be Lot 4 on the new plan. Lot 4 has 100% uplands and a lot shape factor of 16.51.

VI. VOTE OF THE BOARD

By a vote of 5 to 0, on a motion made by Rori Stumpf and seconded by Brian White, the Zoning Board of Appeals hereby **GRANTS** the Applicant, a **VARIANCE FROM SECTION 6.1** of the Zoning Bylaw to divide the property located at 78 Fisher Street into two lots so as to construct a single family residence on "Lot 3," and maintain "Lot 4" as a conforming lot, as provided on the Plan of Land of Map 35 Parcel 37, dated February 8, 2017 and revised March 9, 2017, prepared by Paul J. DeSimone P.L.S., submitted with the application, and attached hereto, subject to the **CONDITIONS** herein.

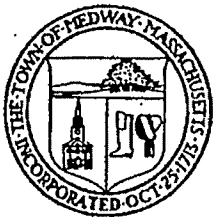
Member:	Vote:	Signature:
Eric Arbeene	Yes	
Brian White	Yes	
Carol Gould	Yes	
Bridgette Kelly	Yes	
Rori Stumpf	Yes	

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

Any person aggrieved by the decision of the Board may appeal to the appropriate court pursuant to Massachusetts General Laws, Chapter 40A, §17, and shall be filed within twenty days (20) after the filing of this notice in the Office of the Medway Town Clerk.

In accordance with MGL c. 40A, Section 11, no variance or special permit shall take effect until a copy of the Decision is recorded in the Norfolk County Registry of Deeds is recorded in the Norfolk County Registry of Deeds, and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title, bearing the certification of the Town Clerk that twenty days have elapsed after the Decision has been filed in the Office of the Town Clerk and no appeal has been filed within said twenty day period or that any duly filed appeal has been dismissed or denied. The fee for recording or registering shall be paid by the Applicant. A copy of the recorded Decision certified by the Registry, and notification by the Applicant of the recording, shall be furnished to the Board.

Vote of the Board
78 Fisher Street



MEDWAY TOWN CLERK

155 VILLAGE STREET
MEDWAY, MASSACHUSETTS 02053
(508) 533-3204 • FAX: (508) 533-3287
mwhite@townofmedway.org

MARYJANE WHITE, CMMC

CERTIFIED MASSACHUSETTS MUNICIPAL CLERK

JUSTICE OF THE PEACE

NOTARY PUBLIC

CERTIFICATE

I, ASST. TOWN CLERK OF THE TOWN OF MEDWAY, HEREBY CERTIFY THAT NOTICE OF THE SPECIAL PERMIT DECISION OF THE MEDWAY ZONING BOARD HAS BEEN

RECEIVED IN THE MATTER

ALFRED T. FRASER
78 FISHER ST.

FILED IN THE TOWN CLERK'S OFFICE ON OCTOBER 19, 2017

AND NO APPEAL WAS RECEIVED DURING THE NEXT TWENTY DAYS AFTER SUCH RECEIPT AND RECORDING OF SAID DECISION.

DATED AT MEDWAY, MA.....NOVEMBER 21, 2017

A TRUE COPY
ATTEST

Susan Affleck-Childs

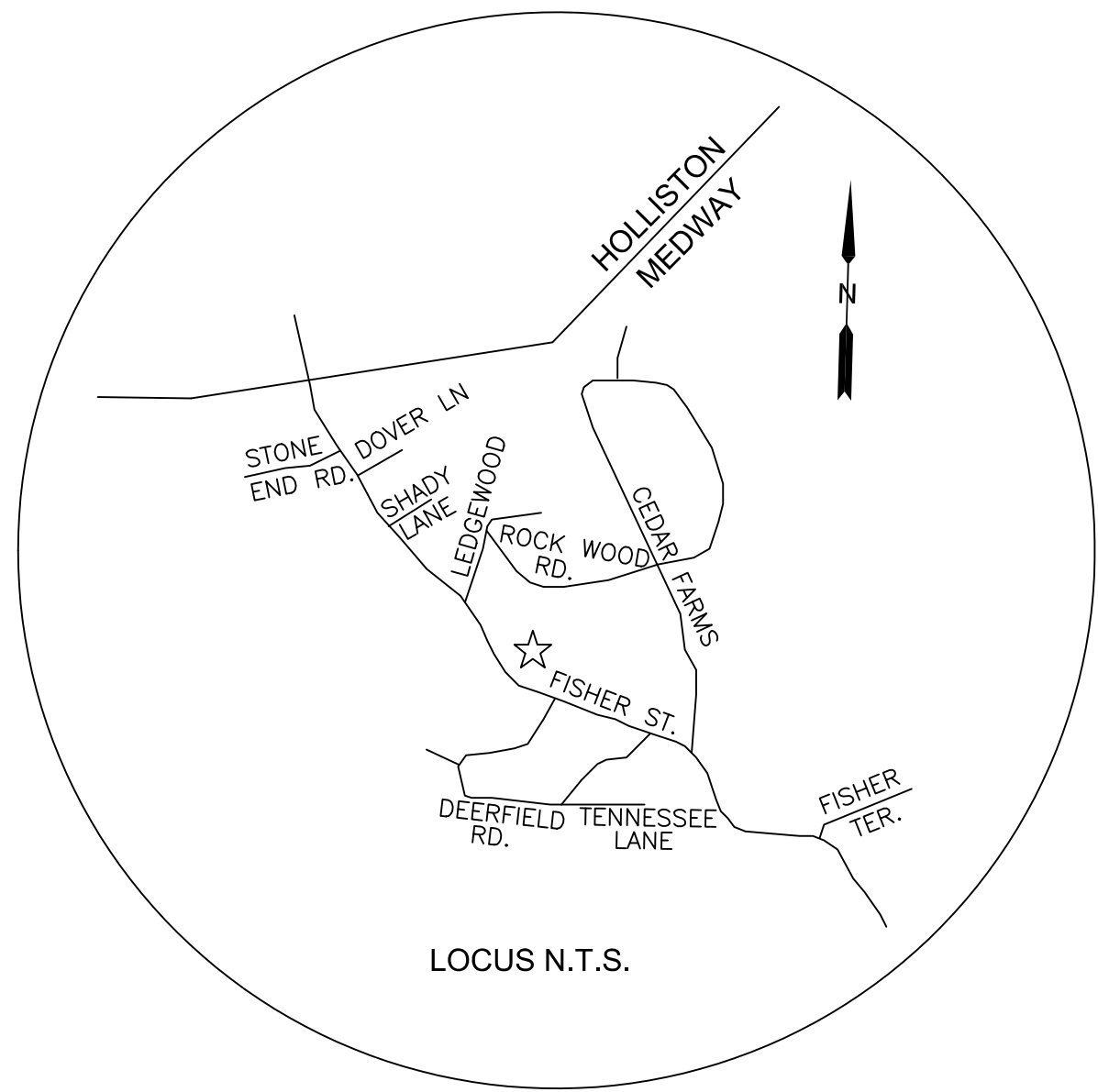
From: bigalatringers@aol.com
Sent: Wednesday, January 03, 2018 3:29 PM
To: Susan Affleck-Childs
Cc: stevekenney@kenney-law.com
Subject: Atty Steve Kenney

Dear Susan Affleck-Childs:

I have given power of attorney to Steven Kenney on my behalf to sign applications and other documents necessary for the Planning Board and other boards representing the Town of Medway, Massachusetts.

Sincerely,

Alfred Fraser



N/F MARK & STACEY COYLE
4 ROCKWOOD ROAD

N/F RANDY SCHEID &
JOAN MCNAMARA SCHEID
6 ROCKWOOD RD

N/F PATRICK & KATHLEEN MCSWEENEY
72-A FISHER STREET

I CERTIFY THAT THIS ACTUAL SURVEY
WAS MADE ON THE GROUND IN ACCORDANCE
WITH THE LAND COURT INSTRUCTIONS OF 2006.
BETWEEN JUNE 20, 2016 & APRIL 1, 2017.

REGISTERED LAND SURVEYOR

DATE: JUNE 21, 2017

PRECISION RATIO= 1' IN 172,012'
UNADJUSTED LINEAR ERROR
OF CLOSURE = 0.0027'
DIRECTIONAL ERROR OF
CLOSURE = S 21°49'42.5" W
EDM TOPCON GTS 225
ACCURACY +/- (5MM + 5PPM)

OFFSETS TO STRUCTURES TAKEN
AT THE CORNERBOARDS.

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.

BEING A SUDIVISION OF LOT 2 SHOWN ON
LAND COURT PLAN 23982A DATED 11/09/1953

SEE VARIANCE GRANTED AND
RECORDED AS DOC. NO. 765870
IN NORFOLK DEEDS LC BOOK 608 PG. 15

MAP 35 PARCEL 37

LC #23982B

PLAN OF LAND

IN

MEDWAY, MA.

SCALE:1"=20' DATE: JULY 26, 2016
REVISED FEBRUARY 8, 2017
REVISED MARCH 9, 2017

OWNER: Alfred T. Fraser
78 Fisher Street
Medway, Ma. 02053

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



ZONE AR I
AREA=44,000 S.F.
FRONTAGE= 180.00'
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.

FISHER (PUBLIC VARIABLE WIDTH) STREET

N/F PAUL A. BROOKS
75 FISHER STREET

N/F PENELOPE SIGL
76 FISHER STREET

WETLANDS
NON JURISDICTIONAL
4,214 S.F.

GARAGE

2ST. W/F
HSE#78

DECK

DECK

LOT 3
27,839 S.F.
100% UPLANDS
18.53 SHAPE FACTOR

LOT 4
44,001 S.F.
100% UPLANDS
16.51 SHAPE FACTOR

WET PLOT

UP PLOT

FL14

FL15

FL1-16

FL2

FL3

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PGC ASSOCIATES, LLC

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 5, 2018

RE: Fraser ANR on Fisher Street

I have reviewed the revised ANR plan submitted for endorsement by Alfred T. Fraser of Medway. The plan proposes to divide a parcel of 71,840 square feet into two lots of 44,001 and 27,839 square feet respectively. The plan was prepared by Paul J. DeSimone of Medway and is dated July 26, 2016 with revision dates of February 8 and March 9, 2017.

I have comments as follows:

1. In my June 29, 2016 memo regarding this application, I noted that a variance granted for this lot division had lapsed and I recommended that either the nonconforming parcel be labeled as "Not a separate building lot" or that a new variance be applied for. A new variance has been granted so the nonconforming lot can be built upon.
2. I also noted that Section 3.2.7 requires that scenic roads be identified. Fisher Street is a scenic road. This has not been added to the plan.

Except for #2 above, the plan meets the technical requirements for ANR endorsement. I recommend approval following addition of a note that Fisher Street is a scenic road.



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

Eric Arbeene, Chair
Brian White, Vice Chair
Carol Gould, Clerk
Bridgette Kelly, Member
Rori Stumpf, Member

**DECISION
VARIANCE
78 FISHER STREET**

Date Application Filed: July 19, 2017

Applicant(s): Alfred T. Fraser (the "Applicant")
78 Fisher Street
Medway, MA 02053

Location of Property: The Project is located on a parcel of land in Medway, 78 Fisher Street (Assessor Parcel No. 35-037).

Approval Requested: Variance from Section 6.1 of the Zoning Bylaw to divide one lot into two lots; one lot shall remain a conforming lot and the second would have 27,389 sq. ft. of area and 104.33 ft. of frontage.

Members Participating: Eric Arbeene (Chair), Brian White (Vice Chair), Carol Gould (Clerk), Bridgette Kelly, and Rori Stumpf

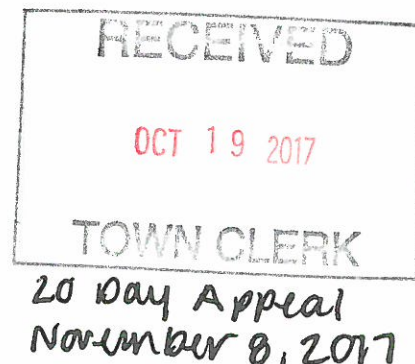
Members Voting: Eric Arbeene (Chair), Brian White (Vice Chair), Carol Gould (Clerk), Bridgette Kelly, and Rori Stumpf

Hearing Opened: August 16, 2017

Hearing Closed: October 11, 2017

Date of Decision: October 11, 2017

Decision: Granted with Conditions



I. PROCEDURAL HISTORY

1. On July 19, 2017, the Applicant filed a Variance Application, pursuant to G.L. c. 40A, as amended, and the Medway Zoning Bylaw, for 78 Fisher Street, Medway, Massachusetts, seeking a Variance from Section 6.1 of the Zoning Bylaw to divide the property located at 78 Fisher Street into two lots so as to construct a single family residence on "Lot 3," in addition to the single family structure currently on "Lot 4," as provided on the Plan of Land submitted with the application. Lot 4 shall remain a conforming lot. The Applicant sought a variance for Lot 3 which would have 27, 389 sq. ft. of area and 104.33 ft. of frontage.
2. Notice of the public hearing was published in the Milford Daily News on August 2, 2017 and August 9, 2017, and notice sent by mail to all interested parties and posted in Town Hall as required by G.L. c. 40A §11.
3. The public hearing was opened on August 16, 2017; the hearing was continued to September 6, 2017, October 4, 2017, which was continued without testimony, and October 11, 2017. The hearing was closed and the Decision was voted on October 11, 2017.
4. The Project is located at 78 Fisher Street, Assessor Parcel ID 35-037.
5. The Property is located in the Agricultural Residential I (AR-I) District.
6. During the public hearing, the Applicants were also represented by their counsel, Steve Kenney of Kenney & Kenney, 181 Village Street, Medway, MA 02053.
7. The Board notified Town departments, boards and committees of this application. The Board received written comments from the Board of Health, Treasurer/Collect, Department of Public Services, Conservation Agent, and Community & Economic Development Department.
8. All documents and exhibits received during the public hearing are contained in the Zoning Board of Appeal's files and listed in Section V. of this Decision.

II. TESTIMONY

At the August 16, 2017 hearing, the Applicant and his representative provided an overview of the requested Variance. There have not been any discussions with an architect or engineer about potential siting or location of a house, however, the Applicant had, at the time of the 1997 request for variance, completed percolation testing and was looking at a pre-fabricated home, but the timing was not right. The surrounding neighborhood was developed in the 1990's or earlier. The Applicant plans to sell the lot as a buildable lot.

Abutters from 80 Fisher Street and 75 Fisher Street spoke in opposition of the requested Variance at the August 16, 2017 hearing. Mr. Gibson of 80 Fisher Street was concerned about the natural vegetation and the slope stabilization that the existing land provided for without an additional house. Mr. Brooks of 75 Fisher Street was concerned about any additional stormwater runoff that an additional house or construction may have to the southern side of Fisher Street and, specifically, his property.

At the September 6, 2017 hearing, the Applicant and his representative addressed the concerns from the previous hearing and the concerns that arose from ZBA staff correspondence to other departments. The Applicant is looking to sell the lot to a builder or to develop the lot along with a builder. The Applicant is willing to address abutter concerns at time of construction. The Applicant and his representative had no issues with many of the requests, comments, or suggestions provided by Town Staff. The Applicant's representative suggested drafting conditions that might exceed conditions in a typical granted variance that would address the concerns of staff and abutters.

The Board was concerned with the potential impacts to the abutters, but were otherwise amenable to granting the variance.

Mr. Brooks of 75 Fisher Street was in attendance and felt that his concerns could be mitigated with the right review, but he wanted to make sure that the mitigation and review would actually occur.

No testimony was given at the hearing on October 11, 2017.

III. FINDINGS

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

A. Variance Criteria

1. *Circumstances relating to the shape, topography, or soil conditions of the subject property, which do not generally affect other land in the zoning district:*
 - a. A substantial number of lots in the surrounding neighborhood in the district are nonconforming to the current Medway Zoning Bylaw. Many lots had been split prior to the area being converted from AR-II Zoning to AR-I Zoning. 78 Fisher Street is one of the few lots that had not been split prior to the change in zoning districts and dimensional requirements.

- b. The shape of the existing parcel is that an additional parcel can be created with adequate frontage and size for a single family home, appropriated scaled to the surrounding neighborhood.
2. *Substantial hardship caused by the circumstances from Criteria A.1 when the Zoning Bylaw is literally enforced:*
3. The Applicant was granted a similar variance in 1997 and the circumstances of hardship still apply. The Applicant and Applicant's Wife require an accessible home. The existing house at 78 Fisher Street is not accessible. The Applicant was previously granted the requested relief, however, due to financial hardship, the Applicant took no action on the variance. In 1997 a variance was requested to build a new accessible house and, now, the variance is requested to sell both properties to afford the cost burden of relocating to an accessible home.
4. *Why/how the grant of relief would not nullify or derogate from the intent of the Zoning Bylaw:*
 - a. The Zoning in the surrounding neighborhood was AR-II until 1978. Many of the existing lots are nonconforming. Due to the larger-than-average size of 78 Fisher Street, the property can be split with one conforming lot (Lot 4) and one lot which still provides similar frontage and area of the surrounding neighborhood (Lot 3).

B. Other Findings

1. The Applicant agreed to provide conditions which would alleviate adverse impacts to the abutting properties of 80 Fisher Street and 75 Fisher Street. These conditions were provided in correspondence from the Applicant's representative. Such conditions appease concerns that the Board heard from abutters. Granting of the requested variance, inclusive of the conditions as provided for by the Applicant's representative, will not be detrimental to the adjoining properties, abutters, or surrounding neighborhood.
2. There are known drainage issues towards the southern side of Fisher Street, as it has no storm drain system. An additional house may result in additional flooding to the southern side of Fisher Street. Providing an engineer review to ensure that the water storage on-site would at a minimum be maintained, and preferably preferred, would alleviate concerns regarding water runoff in granting the requested variance.
3. Wetlands located on the existing parcel for 78 Fisher Street are non-jurisdictional and do not require a permit from the Conservation Commission, however, the wetlands act as natural local recharge areas. Maintaining these wetland areas would reduce potential additional flooding to the South side of Fisher Street and alleviate any impact on the neighborhood with granting of the requested variance.

4. There is a significant slope at adjoining boundary for 78 Fisher Street and 80 Fisher Street. The natural vegetation acts as a slope stabilizer as well a natural buffer for 80 Fisher Street. To the extent feasible that any proposed house on "Lot 3" can be located towards the rear of the property and natural vegetation be maintained, the visual impact to the abutter located at 80 Fisher Street would be reduced.

IV. DECISION

Based upon the findings of the Board and testimony and information received into the record during the public hearing process, the Board grants the Applicant a Variance from Section 6.1 of the Medway Zoning Bylaw to divide the property located at 78 Fisher Street into two lots so as to construct a single family residence on "Lot 3," as provided on the Plan of Land of Map 35 Parcel 37, dated February 8, 2017 and revised March 9, 2017, prepared by Paul J. DeSimone P.L.S., submitted with the application, and attached hereto, subject to the conditions and limitations set forth herein.

1. Lot 4, as provided on the Plan of Land of Map 35 Parcel 37, dated February 8, 2017 and revised March 9, 2017, prepared by Paul J. DeSimone P.L.S., submitted with the application, and attached hereto, shall remain a conforming lot.
2. A Septic Plan for the existing house located on "Lot 4" and any proposed house to be located on "Lot 3" shall be approved by the Board of Health prior to issuance of a building permit. The Septic System for "Lot 3" shall be placed in an area that does not affect wells on other properties.
3. Any new Well(s) on "Lot 3" or "Lot 4" shall be approved by the Board of Health; Well water tests shall be performed and approved by the Board of Health prior to issuance of a building permit.
4. The location of any houses to be built on "Lot 3" shall be placed in a location nearer to the rear of the lot, while still allowing for adequate setbacks in conformance with the Medway Zoning Bylaw, Septic System placement, and Well placement.
5. There shall be no construction or fill of any wetlands on either "Lot 3" or "Lot 4."
6. An engineering review for Stormwater Management shall be performed and submitted to the appropriate Boards and Departments for review and inspection. No further on-site stormwater or groundwater shall be displaced from "Lot 3" or "Lot 4" onto abutters' properties. Re-grading for a new detention, retention, or rain garden area shall be performed as needed as per the findings and conclusion of the engineering review.
7. A Scenic Road Permit and Street Opening Permit shall be required prior to issuance of a building permit.
8. An as-built, prepared by a registered engineer, shall be provided following final inspection by the Building Department.

9. This Variance is subject to all subsequent conditions that may be imposed by other Town departments, boards, agencies, or commissions. Any changes to the Variance that may be required by the decisions of other Town boards, agencies or commissions shall be submitted to the Board for review as a modification.

Any work or use that deviates from the granted Variance or this Decision shall be a violation of the *Medway Zoning Bylaw*.

10. Upon receipt of a written request by the applicant filed at least thirty (30) days prior to the date of expiration, the Board may grant an extension for good cause. The request shall state the reasons for the extension and also the length of time requested, not to exceed 6 months. If no request for extension is filed and approved, the Variance shall lapse one year from the date of Decision, unless exercised or otherwise specified, and may be reestablished only after a new filing, hearing, and decision.

V. INDEX OF DOCUMENTS

- A. This Variance application includes the following plans and information that were provided to the Board at the time the application was filed:

1. Plan of Land of Map 35 Parcel 37, dated February 8, 2017 and revised March 9, 2017, prepared by Paul J. DeSimone P.L.S, 403 Mahan Circle, Medway, MA 02053
2. Addendum provided by Stephen Kenney, regarding the existing use and previous permitting

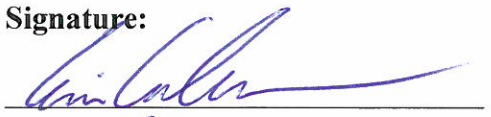
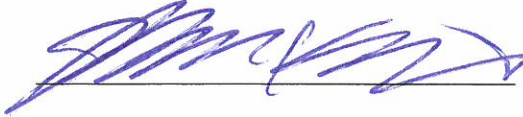

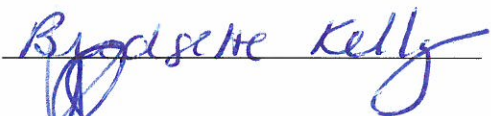
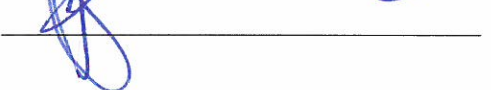
- B. During the course of the review, the following materials were submitted to the Board by Town Departments/Boards and Residents:

1. Treasurer/Collector Comments, provided by Joanne Russo, received August 2, 2017
2. Board of Health Comments, provided by Beth Hallal, received August 2, 2017
3. Department of Public Services Comments, provided by Dave Damico, received August 2, 2017
4. Conservation Agent Comments, provided by Bridget Graziano, received August 2, 2017
5. Abutter Comments, provided by Sean Gibson of 80 Fisher Street, received August 14, 2017

6. Memo RE: ANR (Subdivision Approval Not Required) Plan for 78 Fisher Street, provided by Susy Affleck-Childs, received August 16, 2017
 7. Community & Economic Development Department Comments, provided by Mackenzie Leahy, received August 16, 2017
 8. Board of Health Comments, provided by Beth Hallal, received August 17, 2017
 9. Department of Public Services Comments, provided by Dave Damico, received August 17, 2017
 10. Conservation Agent Comments, provided by Bridget Graziano, received August 17, 2017
 11. Community & Economic Development Department Comments, provided by Mackenzie Leahy, dated August 28, 2017
- C. During the course of the review, the following materials were submitted to the Board by the applicant and their representatives:
1. Correspondence from Stephen Kenney outlining suggested conditions for a grant of Variance with conditions, received September 26, 2017

VI. VOTE OF THE BOARD

By a vote of 5 to 0, on a motion made by Rori Stumpf and seconded by Brian White, the Zoning Board of Appeals hereby **GRANTS** the Applicant, a **VARIANCE FROM SECTION 6.1** of the Zoning Bylaw to divide the property located at 78 Fisher Street into two lots so as to construct a single family residence on "Lot 3," and maintain "Lot 4" as a conforming lot, as provided on the Plan of Land of Map 35 Parcel 37, dated February 8, 2017 and revised March 9, 2017, prepared by Paul J. DeSimone P.L.S., submitted with the application, and attached hereto, subject to the **CONDITIONS** herein.

Member:	Vote:	Signature:
Eric Arbeene	Yes	
Brian White	Yes	
Carol Gould	Yes	
Bridgette Kelly	Yes	
Rori Stumpf	Yes	

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

Any person aggrieved by the decision of the Board may appeal to the appropriate court pursuant to Massachusetts General Laws, Chapter 40A, §17, and shall be filed within twenty days (20) after the filing of this notice in the Office of the Medway Town Clerk.

In accordance with MGL c. 40A, Section 11, no variance or special permit shall take effect until a copy of the Decision is recorded in the Norfolk County Registry of Deeds is recorded in the Norfolk County Registry of Deeds, and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title, bearing the certification of the Town Clerk that twenty days have elapsed after the Decision has been filed in the Office of the Town Clerk and no appeal has been filed within said twenty day period or that any duly filed appeal has been dismissed or denied. The fee for recording or registering shall be paid by the Applicant. A copy of the recorded Decision certified by the Registry, and notification by the Applicant of the recording, shall be furnished to the Board.



January 9, 2018
Medway Planning & Economic Development Board
Meeting

Wingate Farm

- Tetra Tech Consulting Services Estimate (12-14-17)

At the December 12th meeting, you discussed Wingate Farm. You determined that you wanted Tetra Tech to undertake a thorough review of how the constructed infrastructure does and does not comply with the modified Wingate Farm subdivision plan from 2005 and the current Subdivision Rules and Regulations. Tetra Tech's price quote is attached. The estimate for additional services (change order) is attached. \$1,470. The info was emailed to Karyl Spiller-Walsh on 1-5-18.

Date:	December 14, 2017	Amendment No.:	001
Project:	Wingate Farm	Project No.:	143-21583-17009
To:	Ms. Susan Affleck-Childs	Amendment 001 Cost Estimate	
Co./Dept.:	Medway PEDB	Fee:	\$ 1,400.00
Address:	155 Village Street Medway, MA 02053	Expenses:	\$ 70.00
		Total:	\$ 1,470.00
		Revised Total Project Cost Estimate	
		Fee:	\$ 4,340.00
		Expenses:	\$ 744.00
		Total:	\$ 5,084.00
			Estimated Date of Completion 2018


SCOPE OF SERVICES

Scope Change Descriptions

Task 5: TT will review the previously approved plans against current PEDB Rules and Regulations (Chapter 100), review stormwater against current MA DEP Stormwater Management Standards, Town Stormwater Bylaw and good engineering practice and provide a comment letter to the PEDB. TT will also attend one (1) public hearing for presentation of the review letter to the Medway PEDB. The table below reflects expected costs and changes to our original contract for this project. (additional 10 hours at \$140/hr)

Task	Task Description	Initial Contract	Revision 1	Project Total
1	Documentation Reivew	\$140.00	-	\$140.00
2	Punch List/Bond Estimate	\$2,800.00	-	\$2,800.00
3	As-Built Review	\$1,260.00	-	\$1,260.00
4	Meeting Attendance	\$560.00	\$420.00	\$980.00
5	Design Review	-	\$980.00	\$980.00
	<i>Sub-Total</i>	\$2,940.00	\$1,400.00	\$4,340.00
	<i>Expenses</i>	\$674.00	\$70	\$744.00
	Total Fee	\$3,614.00	\$1,470.00	\$5,084.00

Please execute this change order to our existing Contract Agreement authorizing us to proceed with the above scope of service at the stated estimated cost. No work will be performed under this change order until it is signed and returned to Tetra Tech. Upon execution by both parties, this change order becomes part of our original Contract Agreement dated July 7, 2017.

Tetra Tech Authorization		Client Authorization (please sign and return)	
By:	Sean P. Reardon, P.E. 	By:	
Title:	Vice President	Title:	
Date:	December 14, 2017	Date:	

P:\21583\143-21583-17009 (WINGATE FARMS REVIEW)\PROJMGMT\CONTRACTS\ICOS\ICO 001_MEDWAY_WINGATE FARM_2017-12-14.DOCX



January 9, 2018

**Medway Planning & Economic Development Board
Meeting**

Recreational Marijuana

- Memo from Assistant Town Administrator Allison Potter re: upcoming recreational marijuana ballot question and special town meeting.
- Draft ZBL amendment language and ballot question. Developed with guidance from Town Counsel Barbara Saint Andre.

NOTE – Scheduling on this is very tight. The BOS has scheduled the ballot vote for March 6th. Absentee ballots need to be ready at least 4 weeks before that. Town Clerk needs ballot text by January 19 to allow time to print. BOS has to approve the ballot language at its 1-16-18 meeting.

Susan Affleck-Childs

From: Allison Potter
Sent: Wednesday, January 03, 2018 12:59 PM
To: Department Managers; Alison Slack; Amy Sutherland (jdsals@msn.com); Andy Rodenhiser; Ann Sherry; Bob Ferrari; Carey Bergeron; Carla Cataldo; Carol Gould; David Travalini (datravalini@gmail.com); Diane Borgatti; Frank Rossi; Frank Rossi (frank.v.rossi@gmail.com); Helen Luccio; Jeanne Johnson; JGalli2006@aol.com; Kelly O'Rourke; Linda Reynolds (linda.reynolds@pobox.com); Mark CereI (mcerel@franklinma.gov); Mary Jane White; Mary Lou Staples; Matt Buckley; Michael Heavey; Paul Atwood; Paul Mahoney; Paul Yorkis ; Richard Parrella; Sarah Stone; Shirley Bliss (shirley.bliss@verizon.net); Tina Wright
Subject: March Election & Special Town Meeting; Annual Town Meeting

Good afternoon,

The purpose of this email is to provide you with information about the upcoming March special election and Town Meeting, as well as the Special and Annual Town Meetings in May.

Special Town Election and Meeting in March

A special election will be held on March 6 that will have a ballot question relating to the new recreational marijuana law. A Special Town Meeting has been set for March 19 directly relating to the ballot question, which will regulate recreational marijuana in Medway. The Board of Selectmen has expressed an interest in potentially addressing other matters at this Special Town Meeting. If you have a recommendation for an article, please let me know.

Special and Annual Town Meeting in May

Due to the timing of the annual election, the Special and Annual Town Meeting date has been changed to the third Monday in May, as opposed to the second. These Town Meetings will be held on May 21, 2018. The Selectmen have voted to open the warrants for these meetings.

If you have any questions or concerns, please feel free to email me or call our office.

Thank you,

Allison

Allison Potter
Assistant Town Administrator
Town of Medway
508.533.3264 (p)
508.321.4988 (f)

TOWN MEETING ARTICLE

To see if the Town will vote to amend its Zoning Bylaw as follows:

Amend Section 2, Definitions, by adding the following definitions:

Marijuana Retailer: An entity licensed to purchase and deliver marijuana and marijuana products from marijuana establishments and to deliver, sell or otherwise transfer marijuana and marijuana products to marijuana establishments and to consumers.

Marijuana Establishments: A marijuana independent testing laboratory, marijuana product manufacturer, or marijuana cultivator, all as defined in General Laws chapter 94G, §1, but not including Marijuana Retailers.

Amend Section 5.4, Schedule of Uses, by adding the following to Table 1 – Schedule of Uses

	Zoning District									
	ARI	ARII	VR	CB	VC	NC	BI	EI	ER	WI
BUSINESS USES										
Marijuana Retailer	N	N	N	N	N	N	N	N	N	N
Marijuana Establishment	N	N	N	N	N	N	SP	SP	SP	SP

BALLOT QUESTION

Shall this Town adopt the following bylaw?

Summary

General Laws chapter 94G, section 3, allows the Town to approve zoning bylaws prohibiting certain marijuana establishments to operate in the Town. The above question, if voted in the affirmative, would authorize Town Meeting to adopt the zoning bylaw set forth below, which would prohibit marijuana retailers as defined in General Laws chapter 94G, §1 from locating in the community. The bylaw would allow marijuana cultivators, marijuana independent testing laboratories, and marijuana product manufacturers by special permit in the _____ zones.

Text of Bylaw:

Amend Section 2, Definitions, by adding the following definitions:

Marijuana Retailer: An entity licensed to purchase and deliver marijuana and marijuana products from marijuana establishments and to deliver, sell or otherwise transfer marijuana and marijuana products to marijuana establishments and to consumers.

Marijuana Establishment: A marijuana independent testing laboratory, marijuana product manufacturer, or marijuana cultivator, all as defined in General Laws chapter 94G, §1, but not including Marijuana Retailer.

Amend Section 5.4, Schedule of Uses, by adding the following to Table 1 – Schedule of Uses.

	Zoning District									
	ARI	ARII	VR	CB	VC	NC	BI	EI	ER	WI
BUSINESS USES										
Marijuana Retailer	N	N	N	N	N	N	N	N	N	N
Marijuana Establishment	N	N	N	N	N	N	SP	SP	SP	SP

Text from Statute (GL 94G)

(i) "Marijuana cultivator", an entity licensed to cultivate, process and package marijuana, to deliver marijuana to marijuana establishments and to transfer marijuana to other marijuana establishments, but not to consumers.

(j) "Marijuana establishment", a marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business.

(k) "Marijuana product manufacturer", an entity licensed to obtain, manufacture, process and package marijuana and marijuana products, to deliver marijuana and marijuana products to marijuana establishments and to transfer marijuana and marijuana products to other marijuana establishments, but not to consumers.

(l) "Marijuana products", products that have been manufactured and contain marijuana or an extract from marijuana, including concentrated forms of marijuana and products composed of marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils and tinctures.

(m) "Marijuana testing facility", an entity licensed to test marijuana and marijuana products, including certification for potency and the presence of contaminants.

(n) "Marijuana retailer", an entity licensed to purchase and deliver marijuana and marijuana products from marijuana establishments and to deliver, sell or otherwise transfer marijuana and marijuana products to marijuana establishments and to consumers.

NOTE – Neither of the above addresses possible changes to the existing medical marijuana section of the ZBL (Section 8.9)

Questions:

1. Do you want to completely prohibit retail operations of medical marijuana?
2. Do you want to remove the Central Business district as a location for a medical marijuana facility?
3. Do you want to adjust Section 8.9. E. 5. i. which specifies that no medical marijuana facility can be located within 500 feet of another medical marijuana facility?



January 9, 2018
Medway Planning & Economic Development Board
Meeting

Correspondence

- Memo from Carla Cataldo, chair of the Medway Cultural Council, re: their upcoming Community Input session on January 30, 2018.

MEDWAY CULTURAL COUNCIL

Memo

To: All Boards/Committees
From: Carla C. Cataldo, Chairwoman, Medway Cultural Council
Date: 1/3/18
RE: Community Input Hearing

The Medway Cultural Council needs your help! We need people who live and work here to help advise us about how best to allocate public dollars for programs and activities in the arts, humanities and interpretive sciences.

As you may know, our municipally-appointed council receives an annual allocation of approximately \$5,000 to fund projects by individuals, organizations and schools that serve a broad range of interests and needs. Every year, we receive more proposals than we are able to fund. This past fall, for example, we received **\$6,523 worth of requests** but could afford to support eleven requests totaling **\$4,962**, by reducing requested amounts. These cutbacks will reduce the amount of people able to participate.

Because we distribute public dollars, it is essential that we gather local public opinion and learn more about what is happening in our community and what the community needs. This will help us update our criteria and funding priorities to guide our grantmaking decisions.

We invite you to participate in a one-hour discussion on **Tuesday, January 30, 2018 at the Thayer House**. We seek feedback about:

- What current programs and activities - in the arts, humanities and interpretive sciences - are important to support or maintain?
- What cultural activities might be missing from our community?
- What community issues might be helped by arts and cultural programming?
- How have you, your organization, your children and/or the community been affected by council grants?

We'd be grateful for your help and hope that someone from your board or committee can join us. Thank you!

pc: Medway Business Council, Medway Lions, Celebrate Medway Committee



January 9, 2018
Medway Planning & Economic Development Board
Meeting

Construction Reports

- Tetra Tech Field Report #1 (12-18-17) – O'Brien Site Plan
- Tetra Tech Field Report #10 (12-19-17) – 143 Village Street
- Project Completion affidavit re: Medway Gardens site plan – Phil Henry, Civil Design Group (1-21-17)
- Exelon regular monthly report
- Exelon monthly report from Beals and Thomas

Tetra Tech
100 Nickerson Road, Suite 200
Marlborough, MA 01752

FIELD REPORT

Project O'Brien & Sons Corporate Office	Date 12/18/2017	Report No. 1
Location 17 Trotter Drive, Medway, MA	Project No. 143-21583-17006	Sheet 1 of 2
Contractor Rubicon Builders (General Contractor) WW Contracting Corporation (Site Contractor)	Weather A.M. CLOUDY P.M.	Temperature A.M. 30° P.M.

FIELD OBSERVATIONS

On Monday, December 18, 2017, Steven M. Bouley, P.E. from Tetra Tech (TT) visited the project site to inspect the current condition of the site and check on construction progress. The following report outlines observations made during the site visit.

1. Observations

- A. Contractor has cleared and grubbed the site and installed erosion controls. Construction entrance appears to be 1" crushed stone, minimal tracking of sediment observed on Trotter Drive (See Photo 1). Silt sacks placed in nearby catch basins on Trotter Drive (See Photo 2). Silt fence and compost filter sock installed per the plan and also inspected and approved by Medway Conservation Agent per contractor statement (See Photo 3).
- B. Contractor in process of stripping topsoil layers and trucking off-site due to constraints on space at the site (See Photo 4). Screened loam will be imported once required. Contractor encountering large boulders throughout the excavation for the proposed building slab. Boulders will be stockpiled and trucked off-site if not needed for landscaping.

CONTRACTOR'S FORCE AND EQUIPMENT						WORK DONE BY OTHERS	
Sup't	1	Bulldozer	2	Asphalt Paver		Dept. or Company	Description of Work
Foreman		Backhoe		Asphalt Reclaimer			
Laborers		Loader	1	Vib. Roller	1		
Drivers	1	Rubber Tire Backhoe/Loader		Static Roller			
Oper. Engr.	3	Skid Steer		Vib. Walk Comp.			
Carpenters		Hoeram		Compressor			
Masons		Excavator	1	Jack Hammer			
Iron Workers		Grader		Power Saw			
Electricians		Crane		Conc. Vib.			
Flagpersons		Scraper		Tack Truck			
Surveyors		Conc. Mixer					
		Conc. Truck				OFFICIAL VISITORS TO JOB	
		Pickup Truck	3+				
		Tri-Axle Dump Truck					
		Trailer Dump Truck	1				
Police Details: N/A						RESIDENT REPRESENTATIVE FORCE	
Contractor's Hours of Work: 7:00 A.M. to 6:00 P.M.						Name	Time on-site
						Steven M. Bouley, P.E.	10:30 A.M. - 11:30 A.M.

NOTE: Please use reverse side for remarks and sketches

Project O'Brien & Sons Corporate Office	Date 12/18/2017	Report No. 1
Location 17 Trotter Drive, Medway, MA	Project No. 143-21583-17006	Sheet 2 of 2

FIELD OBSERVATIONS CONTINUED

2. Schedule
 - A. The contractor plans to begin construction of the building in next few weeks. Site work is set to commence about mid-January.
3. New Action Items
 - A. N/A
4. Previous Open Action Items
 - A. N/A
5. Materials Delivered to Site Since Last Inspection:
 - A. Erosion Controls
 - B. 1" Crushed Stone
 - C. Heavy Machinery

Photos

Photo 1



Photo 2



Photo 3



Photo 4



Tetra Tech
100 Nickerson Road, Suite 200
Marlborough, MA 01752

FIELD REPORT

Project 143 Village Street	Date 12/19/2017	Report No. 10
Location 143 Village Street, Medway, MA	Project No. 143-21583-17013	Sheet 1 of 2
Contractor LDS Design, Inc.	Weather A.M. CLOUDY P.M.	Temperature A.M. 45° P.M.

FIELD OBSERVATIONS

On Tuesday, December 19, 2017, Steven M. Bouley, P.E. from Tetra Tech (TT) visited the project site to inspect the current condition of the site and construction progress. The following report outlines observations made during the site visit.

1. Observations

- A. Site work not being completed at time of visit. Site contractor installed proposed Vort Sentry unit yesterday. Contractor contacted TT during installation process but TT unable to visit site during installation due to inadequate notice, however, contractor sent photos of the installation. Based on photos it appears the structure was installed per the approved plans. Contractor cut binder course approximate 10' x 10' square around proposed location in order to install the structure. Frame and grate for the structure brought to binder grade and area around structure backfilled with ¾" crushed stone. Binder will be patched in spring during final paving at the site. (See Photo 1-2)
- B. We recommend contractor sweep the driveway and remove piles of gravel to prevent sediment washing into the newly installed Vort Sentry structure or onto the public right-of-way. (See Photo 3)
- C. Town has not completed sidewalk installation south of the project driveway. (See Photo 4)

CONTRACTOR'S FORCE AND EQUIPMENT					WORK DONE BY OTHERS	
Sup't		Bulldozer		Asphalt Paver	Dept. or Company	Description of Work
Foreman		Backhoe		Asphalt Reclaimer		
Laborers		Loader		Vib. Roller		
Drivers		Rubber Tire Backhoe/Loader		Static Roller		
Oper. Engr.		Skid Steer		Vib. Walk Comp.		
Carpenters		Hoeram		Compressor		
Masons		Excavator		Jack Hammer		
Iron Workers		Grader		Power Saw		
Electricians		Crane		Conc. Vib.		
Flagpersons		Scraper		Tack Truck		
Surveyors		Conc. Mixer				
		Conc. Truck			OFFICIAL VISITORS TO JOB	
		Pickup Truck				
		Tri-Axle Dump Truck				
		Trailer Dump Truck				
		Mini Excavator				
Police Details: N/A					RESIDENT REPRESENTATIVE FORCE	
Contractor's Hours of Work: 7:00 A.M. to 6:00 P.M.					Name	Time on-site
					Steven M. Bouley, P.E.	9:00 A.M. – 9:30 A.M.

NOTE: Please use reverse side for remarks and sketches

Project 143 Village Street	Date 12/19/2017	Report No. 10
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FIELD OBSERVATIONS CONTINUED

2. Schedule
 - A. TT will continue to inspect on as needed basis as work progresses at the site.
3. New Action Items
 - A. Contractor should remove piles of gravel to prevent sediment washing into the Vort Sentry unit or public right-of-way.
4. Previous Open Action Items
 - A. Contractor to raise inspection ports and roof leader connections to grade.
 - B. Project team to determine if proposed bituminous berm is required after town completed sidewalk south of the proposed project driveway.
5. Materials Delivered to Site Since Last Inspection:
 - A. Vort Sentry unit
 - B. Dumpster
 - C. Porta-john

Photos

Photo 1



Photo 2



Photo 3



Photo 4



CIVIL DESIGN GROUP, LLC

ENGINEERING. LAND USE. PLANNING. PERMITTING.

21 High Street, Suite 207
North Andover, MA 01845
Tel 978.794.5400
www.cdengineering.com

December 21, 2017

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

Re: Medway Gardens
38 Summer Street (Route-26)
Medway, MA 02053

Dear Ms. Affleck-Childs:

On December 21, 2017, our office conducted a site visit for the purposes of completing a final site inspection to confirm actual field conditions as compared to the approved plans, last revised 11/30/16. I hereby certify that to the best of my knowledge, the site improvements were installed in strict compliance with the approved plans, including the parking space striping, driveways, fencing, signage and landscaping.

Thank you and please feel free to contact me with any questions. I can be reached by phone at 978-794-5400 or via email at phil.henry@cdengineering.com.

Sincerely,

CIVIL DESIGN GROUP, LLC



Philip R. Henry, P.E.
Principal

cc: Mr. Joe Avellino, Owner

Susan Affleck-Childs

From: Rodgers, Mark J:(GenCo) <Mark.Rodgers@exeloncorp.com>
Sent: Tuesday, December 19, 2017 11:51 AM
To: Rodgers, Mark J:(GenCo)
Subject: Monthly Construction Update; Exelon Generation Medway Peaker Project

Exelon Generation Medway Peaker Project: Monthly Construction Update, 12/18/17

Recent construction and site activities have included:

- Foundation framing and pouring for turbine, acoustic walls, and caissons, are in progress in the central portion of the site.
- Excavation and installation for the water and sewer connections from West Street are now complete through the construction parking area.
- Both turbine unit bases are on site and staged adjacent to the construction parking area.
- Temporary power to the power block in the central portion of the site is connected to the power lines off Summer Street.
- Installation of utility poles as well as excavation and installation for copper grounding wire is in progress throughout the switch yard.
- Installation of the fire line through the central portion of the site is in progress.
- Prefabricated Metering and Regulating Station is installed. Work continues to connect utilities from Milford Street.
- The section of the natural gas service lateral pipe between the Metering and Regulating station and the site has been backfilled.
- Various soil stockpiles are actively stabilized via tarps and seeding where necessary.
- Silt fences and straw bales 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.



Concrete pours continue in the central portion of the site for footings, foundations, and caissons. Picture viewed to the south.

Construction updates are also posted to our project website: www.medwayenergy.com.

Please note, you are receiving this because you signed up to receive our monthly construction updates. If you wish to no longer receive these emails, please reply and write Unsubscribe in the subject line.

Thank you for your interest in our project. If you ever have any questions, concerns, or complaints, we have a 24x7 hotline you can call: 508-321-7311. We respond to all calls within 24 hours. Alternatively, you can use our online contact form, we also respond to those inquiries within 24 hours, that link is:
<http://www.medwayenergy.com/submit-project-construction-message/>

You can also feel free to reach out directly to me at the contact information below.

Thank you.

Best,

Mark

Mark Rodgers



Manager, Generation Communications – NE Region

617-699-6327

mark.rodgers@exeloncorp.com

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BEALS + THOMAS

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



PROGRESS INSPECTION REPORT

Inspection Date: 12/11/2017

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

Inspection Report Number: 4

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 November 18, 2017 to December 11, 2017. 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:

- Foundation framing and pouring for turbine, acoustic walls, and caissons, are in progress in the central portion of the site.
- Excavation and installation for the water and sewer connections from West Street are now complete through the construction parking area.
- Both turbine unit bases are on site and staged adjacent to the construction parking area.
- Temporary power to the power block in the central portion of the site is connected to the power lines off Summer Street.
- Installation of utility poles as well as excavation and installation for copper grounding wire is in progress throughout the switch yard.
- Installation of the fire line through the central portion of the site is in progress.
- Prefabricated Metering and Regulating Station is installed. Work continues to connect utilities from Milford Street.
- The section of the natural gas service lateral pipe between the Metering and Regulating station and the site has been backfilled.
- Various soil stockpiles are actively stabilized via tarps and seeding where necessary.
- Silt fences and straw bales 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

12/11/17

Date

PROPERTY OWNER:

Exelon West Medway II, LLC

Attn: Todd Cutler, Esq.

Associate General Counsel

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Attn: Pete Callahan,

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Environmental Monitor

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TOWN OF MEDWAY

Attn: Michael E. Boynton,

Town Administrator

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Attn: Bridget Graziano,

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Attn: Susan Affleck-Childs, Planning &

Economic Development Coordinator

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ENVIRONMENTAL CONSULTANTS

Beals and Thomas, Inc.

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Principal

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Epsilon Associates, Inc.

Attn: Jeremy Fennell, PWS, CWS, CESSWI

Senior Scientist

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**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:**
12/4/17**Description:**

Aerial view of site looking north. Various concrete pours for foundations are in progress.



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



1422.10



**Photo
No: 2****Date:**
12/4/17**Description:**

Aerial view of site looking west. Phase II construction continues in the central portion of the site. Proposed additional laydown area remains undisturbed to date.



Client Name: Exelon West Medway II		Photo: West Medway II Location: Medway, MA	Project No: 1422.10
Photo No: 3	Date: 12/11/17		
Description: Concrete pours continue in the central portion of the site for footings, foundations, and caissons. Picture viewed to the south.			
Client Name: Exelon West Medway II		Photo: West Medway II Location: Medway, MA	Project No: 1422.10
Photo No: 4	Date: 12/11/17		
Description: Utility poles have been installed in the proposed 115kv switchyard adjacent to Eversource's substation. Excavation and installation of copper grounding wire is in progress throughout this portion of the site.			

Client Name: Exelon West Medway II		Photo: West Medway II Location: Medway, MA	Project No: 1422.10
Photo No: 5	Date: 12/11/17		
Description: Excavation and installation of fire line around the perimeter of the central portion of the site is in progress. Picture viewed to the north.			
Client Name: Exelon West Medway II		Photo: West Medway II Location: Medway, MA	Project No: 1422.10
Photo No: 6	Date: 12/11/17		
Description: Both turbine unit bases are now on site and staged adjacent to the construction parking lot.			

Client Name: Exelon West Medway II		Photo: West Medway II Location: Medway, MA	Project No: 1422.10
Photo No: 7	Date: 12/11/17		
Description: The new gas service lateral has been installed and backfilled between the Metering and Regulating Station and the existing site. Soils have been stabilized and mulched. Picture viewed to the north.			
Client Name: Exelon West Medway II		Photo: West Medway II Location: Medway, MA	Project No: 1422.10
Photo No: 8	Date: 12/11/17		
Description: Prefabricated buildings for the Metering and Regulating Station to the north of the site are installed.			