

Tuesday, November 26, 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 |

ALSO PRESENT:

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

The Chairman opened the meeting at 7:00 pm.

There were no Citizen Comments.

ANR Plan 79-83 Lovering Street:

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

- Gino Carlucci plan review letter dated 11-7-19
- Email note dated 11-13-19 to applicants Patrick and Michael Larking to confirm continuation and extension of deadline for action
- Revised ANR plan dated 11-22-19

Consultant Carlucci reviewed the submitted ANR plan at the last meeting and determined it was missing a few items. The applicant has provided a revised ANR plan with those items added. The plan is ready for the Board's endorsement.

On a motion made by Bob Tucker, and seconded by Rich Di Iulio, the Board voted unanimously to recommend endorsement of the ANR Plan dated November 22, 2019 for 79-83 Lovering Street.

NOTE – The Board endorsed the plan after the conclusion of the meeting.

PEDB MEETING MINUTES:

November 5 & 12, 2019:

On a motion made by Matt Hayes and seconded Rich Di Iulio, the Board voted unanimously to accept the minutes of November 5 & 12, 2019 PEDB meetings.

PLAN REVIEW FEE ESTIMATES:

The Board is in receipt of the following Plan Review Fee estimates: **(See Attached)**

2 Marc Road Modification:

- Tetra Tech Inc. \$2,537.00

Medway Plaza Site Plan:

- Tetra Tech Inc. \$3,588.00
- PGC Associates \$550.00

Choate Trail Way Subdivision – 42 Highland Street

- Tetra Tech Inc. - \$4,531.00
- PGC Associates - \$1,000.00

On a motion made by Bob Tucker and seconded by Tom Gay, the Board voted unanimously to approve the Plan Review Fee Estimates as presented.

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

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

- 11-23-19 email from Steve Brody requesting a public hearing continuation

On a motion made by Matt Hayes and seconded by Rich Di Iulio, the Board voted unanimously to continue the hearing for 20 Broad Street to December 10, 2019 at 9:00 pm.

PUBLIC HEARING CONTINUATION: NeoOrganics LLC, 4 Marc Road

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

- Public Hearing Continuation
- Assignment of Purchase and Sale Agreement to 4 Marc Road LLC
- Lease Agreement between Neo Organics and 4 Marc Road LLC
- 2 Marc Road recreational marijuana special permit decision dated 2-26-19
- DRAFT special permit and site plan decision dated 11-25-19
- 11-26-19 email from abutter John Lally
- 11-26-19 email from Deputy Fire Chief Mike Fasolino

The Chairman opened the continued hearing for NeoOrganics.

Jaime Lewis was present as the applicant. They are in receipt of the letter dated 11.26.19 from Deputy Fire Chief Mike Fasolino to the Board expressing their concerns about safety access to the building. The applicant is fine with what was noted in the letter. A fire road will be needed and possibly a retaining wall on the west side of the building. The applicant does not know what the ramifications of this might be on site engineering. The applicant needs to meet with her engineering representatives to determine how the fire lane can be incorporated. She asked that this be included as a condition in the decision. However, the site changes needed to address the Fire Department's concerns must be reviewed by the Board's engineer.

The applicant communicated that she wishes this concern was brought up earlier in the process instead of just prior to the closing of the hearing and the drafting of the decision.

A question was asked what the road access and possible retaining wall will do to the drainage design.

Consultant Bouley does not think this will have big impact on the drainage. It may need a swale. It was suggested to use products which are not impervious and to use a green solution (Geo Grid) which can handle the weight of the fire truck. There will need to be maintenance of whatever method is selected for paving.

The draft decision was provided to the Board and referenced within that was the previous marijuana special permit decision for the adjacent 2 Marc Road facility. There is language in the 2 Marc Road decision about monitoring of noise. There will need to be further discussion about the findings.

It was recommended that the applicant come up with a plan revision and then have Tetra Tech Review it. The Board is aware this change may also have to be reviewed by the Conservation Commission.

The Board was informed of an email from Member Gay to Member Rodenhiser and Susy Affleck-Childs about this project which needs to be placed into the record. Susy will include it in the board packet for the next hearing.

Abutter John Lally apologized to the Board for the lateness of his response submittal. He also apologized to the applicant and Board for incorrectly referencing a court decision at the last meeting. Mr. Lally requested a copy of the email from Member Gay as did Jaime Lewis.

The applicant would like to be placed on the December 3, 2019 agenda with the hopes that she can discuss the fire lane and drainage change with her engineer before then.

On a motion made by Rich Di Iulio, seconded by Matt Hayes, the Board voted unanimously to continue the hearing for NEO Organics to December 3, 2019 at 7:30 pm.

MILWAY AUTO PERFORMANCE SECURITY:

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

- Revised Tetra Tech Bond Estimate for \$50,000 dated 11-12-19
- Western Surety Company Bond dated 11-12-19
- Susy Affleck-Childs' email to Phil Anza dated 11-21-19
- Performance Security Agreement for PEDB signature

The Chairman indicted that he visited the site before the meeting. From what he observed, the business is fully operating in the building without an occupancy permit. There were cars inside the building with hoods up and wires were sticking out of the plaster. After a previous visit he had made to the site and observed activity, this was reported to the Building Department. Since then, the windows had been covered with trash bags.

The Board discussed that the performance security was in place to incentivize completion. However, the permittee is not acting in good faith. The Board would like the job completed before an occupancy permit is issued. The Board would like to invite the applicant into the next meeting and get an explanation on the status of the site.

The Board took no action on signing the performance security agreement for Milway Auto.

PUBLIC HEARING - SALMON WILLOWS ARCPUD- SPECIAL PERMIT SITE PLAN MODIFICATION:

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

- Public Hearing Notice
- Application for ARCPUD Plan Modification
- Revised plan modification sheets from Coneco received 11-19-19
- TT review letter dated 9-26-19 on an earlier version of the plan modification
- Coneco response letter dated 10-23-19 to TT's review comments
- TT email dated 11-20-19 regarding further revised plan

The Chairman opened the public hearing for the Salmon Willows ARCPUD Special Permit Site Plan modification.

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

Applicant Jeff Robinson was present along with project engineer Jon Novak of Coneco. Mr. Novak explained that they propose to modify the stormwater drainage facilities around the main campus building. These changes are needed to accommodate the structural fill that was brought in to provide necessary support for the building construction and placed below the stormwater drainage infiltration facilities. The proposed modification would consist of rerouting roof runoff from the main building to alternative drainage facilities, resizing three infiltration trenches, removing two infiltration tranches, and creating a hydraulic connection within these drainage facilities to ensure stormwater runoff will recharge. This change has also triggered an amendment to the applicant's Order of Conditions with the Conservation Commission. The Commission did meet and approved the most recent version of the revised drainage plan with several conditions. Consultant Bouley provided comments and suggestions to both the Planning and Economic Development Board and Conservation Commission. There will be the inclusion of additional inspections and reports to make sure the system is functioning properly. The analysis was done, and it meets the design standards.

Abutter Tim Choate, 7 Iroquois Street wanted to know if his change will affect any of the abutters.

The applicant responded that there are not any changes which will affect the abutters.

Abutter, Patty Brenneman, 7 Naumkeag wanted to see on the plan where the noted changes are located. Mr. Novak displayed the plan on the big screen in the meeting room and pointed out the locations where the drainage will be modified.

On a motion made by Rich Di Iulio and seconded by Matt Hayes, the Board voted unanimously to continue the hearing for Salmon Willows ARCPUD - Modification of Special Permit Plan to December 3, 2019 at 8:00 pm.

MEDWAY GREEN-EXTENSION COMPLETION DEADLINE:

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

- 11-21-19 email request from developer Mark Heavner

The deadline for completion of the Medway Green multi-family housing development is December 21, 2019 as approved by the Board in February 2018. Developer Mark Heavner has informed the PEDB office that the parking lot fixtures have not been shipped. He does not think he will be able to complete by the deadline, thus seeking an extension to March 30, 2019. The email dated November 21, 2019 is noted.

On a motion made by Matt Hayes, and seconded by Bob Tucker, the Board voted unanimously to extend the completion deadline for Medway Green to March 30, 2019.

CTS 9 TROTTER DR. – CERTIFICATE OF SITE PLAN COMPLETION:

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

- Draft Certificate of Site Plan Completion dated 10-22-19
- As-Built Plan dated 9-27-19
- As-Built Plan sign-off from Tetra Tech dated 9-30-19
- Project Completion certification from project engineer
- SAC Memo dated 10-2-19 to Jack Mee
- Project Completion sign off from Tetra Tech dated 10-10-19
- Certification on paid taxes from Treasurer's Office dated 10-7-19
- Email from Peter Bemis re: project status dated 11-15-19
- 11-26-19 email from Steve Fiske with photo

Chairman Rodenhiser reported that he had visited the site and all the underground electrical work has been completed.

Consultant Steve Bouley also visited the site and confirmed the work is done.

On a motion made by Rich Di Iulio and seconded by Matt Hayes, the Board voted unanimously to issue the Certificate of Site Completion for CTS 9 Trotter Drive.

LOT RELEASE – 36 Broad Acres Farm Road:

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

- Excerpt from Definitive Subdivision Plan from 1999.
- ANR Plan from 2009.
- Country View Estates Covenant from 1999

The Board was made aware that the attorney for the owners (sellers) of 36 Broad Acres Farm Road had contacted the office to ask if there was a lot release for this property. There is nothing on record at the Registry of Deeds. Susy Affleck-Childs provided some notes with background on this property. 36 Broad Acres Farm Road was shown on the original Country View Estates Subdivision Plan as Lot 31A. On that plan, Lot 31A was specifically noted as "Not A Buildable Lot" as it had only 39,465 sq. ft. in area, less than Medway's required 44,000 sq. ft. for the AR-I zoning district. Accordingly, the PEDB would not have signed a lot release for this property. On December 15, 2009, the Board endorsed an ANR plan showing the separation of a 4,626 sq. ft.

portion of the adjacent Lot 31B (in Holliston) and its attachment to Lot 31A in Medway to make a buildable lot of 44,091. sq. ft. In 2012, a house was constructed on the property and the property was conveyed to the current owners, Sean & Julie Smith. Apparently, that conveyance occurred without the benefit of a lot release. The Smiths are selling their home and the Buyer's attorney wants a lot release.

On a motion made by Matt Hayes and seconded by Rich Di Iulio, the Board voted unanimously to sign and issue the lot release for 36 Broad Acres Farm Road.

OTHER BUSINESS:

- There is a full agenda for December 10, 2019
- There is a Special Meeting for the PEDB on December 3, 2019
- Susy participated in a Living Little meeting with MAPC. This is a second phase to investigate cottage communities as a smaller house typology. MAPC will be assisting in the development of a bylaw for cottage communities, small single family homes. This could be similar to the concept of cottage community included in the Oak Grove zoning. Further discussion will be needed. It would be helpful if Gino Carlucci could identify possible sites in Medway where this might be suitable.
- Member Di Iulio communicated that the EDC at their last meeting discussed coming up with a list of vacant commercial spaces throughout town. They are also in the process of updating a new guide to doing business in the Town of Medway. This was last done in 2008. It will be published soon.
- Susy indicated that she will follow-up with the Building Department regarding Barry's Greenhouse on Summer Street.

FUTURE MEETING:

- Tuesday, December 3, 2019.

ADJOURN:

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

The meeting was adjourned at 9:37 pm.

Prepared by,



Amy Sutherland
Recording Secretary

Reviewed and edited by,



Susan E. Affleck-Childs
Planning and Economic Development Coordinator



November 26, 2019
Medway Planning & Economic Development Board
Meeting

REVISED ANR Plan for
79 – 83 Lovering Street

You discussed this briefly at the last PEDB meeting on November 12th. Gino Carlucci had reviewed the submitted ANR plan and determined it was missing a few items. The applicant and you decided to hold this over to the November 26th meeting with the expectation that the revised plan was forthcoming. The revised ANR plan was submitted today, November 25th.

- Gino Carlucci's review letter dated 11-7-19
- Email note dated 11-13-19 to confirm continuation and extension
- Revised ANR plan dated 11-22-19

PGC ASSOCIATES, LLC.

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

MEMO TO: Medway Planning and Economic Development Board

FROM: Gino D. Carlucci, Jr.

DATE: November 7, 2019

RE: 81 Lovering Street ANR

I have reviewed the ANR plan submitted for endorsement by Medway Meadows LLC. The plan was prepared by Colonial Engineering, Inc. of Medway, and is dated October 2, 2019. This plan is a second revision of a plan that was endorsed at the June 11 meeting and the first revision was endorsed at the August 13 meeting. This plan in effect transfers the change in the previous plan that added area to Lot 3A (now 3B) to Lot 4 (now 4A). Lot 3B now has an area of 22,503 and Lot 4A has an area of 30,007 square feet Lot 2 (now 2B) increased slightly from 2.783 to 2,786 acres.

I have comments as follows:

1. Lot 1 may still be owned by the same owner, and is not part of this plan, but the owner should be shown as an abutter.
2. Similarly, the map and parcel numbers of Lot 1 is not shown.

I recommend that the abutter and map and parcel numbers be added to Lot 1. With the minor change(s), I recommend the plan be endorsed by the Board.

Susan Affleck-Childs

From: Susan Affleck-Childs
Sent: Wednesday, November 13, 2019 10:02 AM
To: Michael Larkin
Subject: ANR for 79 - 83 Lovering Street

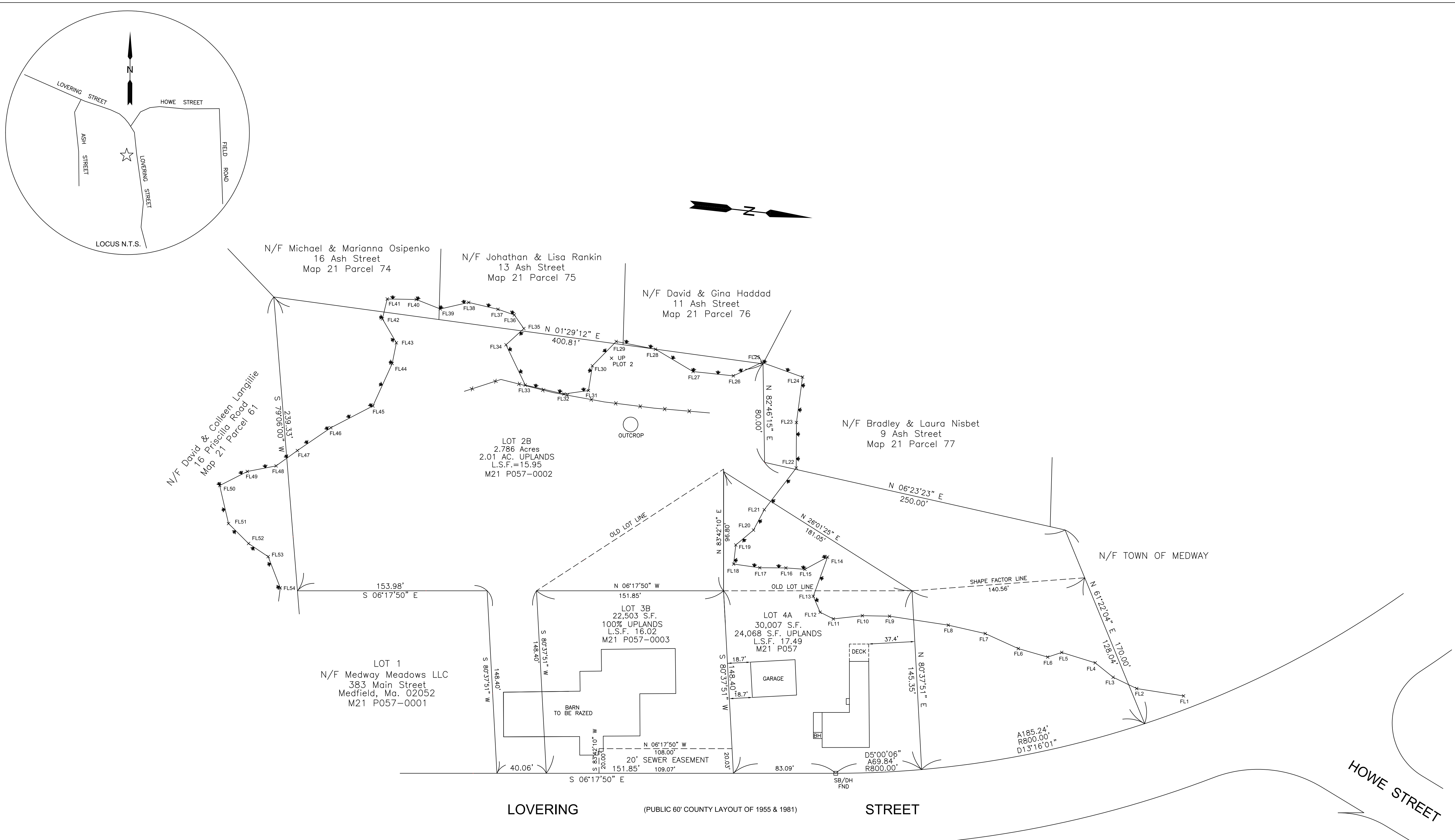
Good morning,

This email is to confirm your authorization granted at the 11-12-19 Planning and Economic Development Board meeting to extend the deadline for the Board to act on the submitted ANR plan for 79 – 83 Lovering Street to November 30th. The Board agreed to place this matter on the agenda for the 11-26-19 meeting.

The reason for the extension is that the revised ANR plan was not available for the Board to review and endorse at the 11-12-19 meeting. We understand it is forthcoming from Colonial Engineering.

Thank you.

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



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: NOVEMBER 22, 2019

APPROVAL UNDER SUBDIVISION CONTROL LAW NOT REQUIRED.
DATE ENDORSED:

TOWN OF MEDWAY PLANNING BOARD

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

NOTE: SUBJECT PROPERTY IS NOT CLASSIFIED AS CHAPTER 61A OR 61B.

ZONE AR II
AREA 22,500 S.F.
FRONTAGE 150.00
SETBACK 35'
SIDEYARD 15'
REARYARD 15'
BUILDING LOT COVERAGE 30%
IMPERVIOUS LOT COVERAGE 40%
NOT WITHIN THE G.P.D.

BEING A SUBDIVISION OF LOTS 2A, 3A ON PLAN BY COLONIAL ENGINEERING INC. DATED JULY 27, 2019 AND RECORDED IN NORFOLK DEEDS PLAN BOOK 684 PAGE 91. AND

BEING A SUBDIVISION OF LOT 4 ON PLAN BY COLONIAL ENGINEERING INC. DATED MAY 24, 2019 AND RECORDED IN NORFOLK DEEDS PLAN BOOK 683 PAGE 23.

PLAN OF LAND
IN
MEDWAY, MA.

SCALE:1"=40' OCTOBER 2, 2019
REVISED NOVEMBER 22, 2019

OWNER: Medway Meadows LLC
383 Main Street
Medfield, MA. 02052

COLONIAL ENGINEERING INC.
11 AWL STREET MEDWAY, MA.
508-533-1644





November 26, 2019
Medway Planning & Economic Development Board
Meeting

Plan Review Fee Estimates

- 2 Marc Road Modification
 - Tetra Tech Inc. - \$2,537.00

- Medway Plaza Site Plan
 - Tetra Tech Inc. - \$3,588.00
 - PGC Associates - \$550.00

- Choate Trail Way Subdivision – 42 Highland Street
 - Tetra Tech Inc. - \$4,531.00
 - PGC Associates - \$1,000.00



November 15, 2019

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

**Re: Medway Plaza Drainage Improvements
Site Plan Review
Medway, Massachusetts**

Dear Ms. Affleck-Childs:

We are pleased to submit this Proposal to the Town of Medway Planning and Economic Development Board (PEDB) (the Client) for professional engineering services associated with the 2 Marc Road Site Plan Modification Site Plan Review in Medway, Massachusetts (the Project). The objective of our services is to review the site plan package and provide comments as they relate to latest Town of Medway Rules and Regulations Chapter 200 – Submission and Review of Site Plans (Site Plan Regulations) and sound engineering practice. We have excluded from our scope, the review of the application package as it relates to the Town of Medway Zoning By-Laws which will be conducted by a separate consultant.

Scope of Services

The following specifically describes the Scope of Services to be completed:

Task 1 Design Review

- A. Review the permit Application, and supporting documentation, and incorporate comments into review letter in Item 2.C below.
 - Budget Assumption: $0.5 \text{ hour @ } \$143/\text{hr} = \72
 $1 \text{ hour @ } \$97/\text{hr} = \97
Total = \$169
- B. Review the proposed Plans against the regulations mentioned above and incorporate comments into review letter in Item 2.C below.
 - Budget Assumption: $2 \text{ hours @ } \$143/\text{hr} = \286
 $4 \text{ hours @ } \$97/\text{hr} = \388
Total = \$674
- C. Prepare a letter summarizing findings for presentation to the Town of Medway PEDB.
 - Budget Assumption: $4 \text{ hours @ } \$143/\text{hr} = \572
Total = \$572
- D. Coordinate with applicant to address items in initial review letter and issue one (1) revised letter upon receipt of modifications. This task is limited to minor changes in the site plans which directly address comments from our initial review letter. Major changes to the Plans will require additional funds.
 - Budget Assumption: $4 \text{ hours @ } \$143/\text{hr} = \572
Total = \$572

Task 2 Meetings

- A. Participate in one (1) hearings/meetings with the Town of Medway PEDB.
- Budget Assumption: 1 meeting @ 3 hours per meeting = 3 Hours
3 hours @ \$143/hr = \$429
Total = \$429

Budget

Our cost for the above Scope of Services will be on a time and expenses basis in accordance with Tetra Tech's and existing Town of Medway contract rates. Direct expenses will be billed at a fixed fee of five (5) percent of labor costs. We suggest that you establish a budget identified below for these services, which will not be exceeded without your approval. Please be advised that this estimate is based on our current understanding of the Project needs and is for budget purposes only. The total cost of our services will depend greatly on the completeness and adequacy of the information provided.

The breakdown of this fee by task is as follows:

| Task | Task Description | Fee |
|--------|-----------------------|----------------|
| Task 1 | Design Review | \$1,987 |
| Task 2 | Meetings | \$429 |
| | Labor Subtotal | \$2,416 |
| | Expenses (5%) | \$121 |
| | Total | \$2,537 |

Schedule and Conditions

We recognize that timely performance of these services is an important element of this proposal and will put forth our best effort, consistent with accepted professional practices to complete the work described within the Client's schedule. We are not responsible for delays in performance caused by circumstances beyond our control or that could not have been anticipated or prevented.

To signify your acceptance of this Agreement, please sign and return one copy and the retainer to us along with the attachments. When signed by representatives of both parties, this Proposal will become an agreement between Tetra Tech, Inc. (ENGINEER) and Town of Medway Planning and Economic Development Board (CLIENT). The Agreement is subject to the attached Engineering, Environmental, and Transportation Statement of Terms and Conditions. The price is valid for 60 days from the date of this letter.

We appreciate the opportunity to provide these services, and we look forward to working with you. Please contact us if you have any questions or require additional information.

Very truly yours,



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



Sean P. Reardon, P.E.
Vice President

Date Approved by Medway PEDB _____

Certified by:

Susan E. Affleck-Childs
Medway PEDB Coordinator

Date



November 11, 2019

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

**Re: Medway Plaza Drainage Improvements
Site Plan Review
Medway, Massachusetts**

Dear Ms. Affleck-Childs:

We are pleased to submit this Proposal to the Town of Medway Planning and Economic Development Board (PEDB) (the Client) for professional engineering services associated with the Medway Plaza Site Plan Review in Medway, Massachusetts (the Project). The objective of our services is to review the site plan package and provide comments as they relate to latest Town of Medway Rules and Regulations Chapter 200 – Submission and Review of Site Plans (Site Plan Regulations), Town of Medway Article 26 – Stormwater Management and Land Disturbance Bylaw (Stormwater Bylaw) and sound engineering practice. We have excluded from our scope, the review of the application package as it relates to the Town of Medway Zoning By-Laws which will be conducted by a separate consultant.

Scope of Services

The following specifically describes the Scope of Services to be completed:

Task 1 Site Visit

- A. Perform one (1) site visit to review the site and its surroundings.
 - Budget Assumption: 1 Visit
2 hours @ \$143/hr = \$286
Total = \$286

Task 2 Design Review

- A. Review the permit Application, and supporting documentation, and incorporate comments into review letter in Item 2.C below.
 - Budget Assumption: 0.5 hour @ \$143/hr = \$72
1 hour @ \$97/hr = \$97
Total = \$169
- B. Review the proposed Plans and Stormwater Report against the regulations mentioned above and incorporate comments into review letter in Item 2.C below.
 - Budget Assumption: 4 hours @ \$143/hr = \$572
4 hours @ \$97/hr = \$388
Total = \$960

- C. Prepare a letter summarizing findings for presentation to the Town of Medway PEDB.
- Budget Assumption: 4 hours @ \$143/hr = \$572
Total = \$572
- D. Coordinate with applicant to address items in initial review letter and issue one (1) revised letter upon receipt of modifications. This task is limited to minor changes in the site plans which directly address comments from our initial review letter. Major changes to the Plans and/or Stormwater Report will require additional funds.
- Budget Assumption: 4 hours @ \$143/hr = \$572
Total = \$572

Task 3 Meetings

- A. Participate in two (2) hearings/meetings with the Town of Medway PEDB.
- Budget Assumption: 2 Meetings @ 3 hours per meeting = 6 Hours
6 hours @ \$143/hr = \$858
Total = \$858

Budget

Our cost for the above Scope of Services will be on a time and expenses basis in accordance with Tetra Tech's and existing Town of Medway contract rates. Direct expenses will be billed at a fixed fee of five (5) percent of labor costs. We suggest that you establish a budget identified below for these services, which will not be exceeded without your approval. Please be advised that this estimate is based on our current understanding of the Project needs and is for budget purposes only. The total cost of our services will depend greatly on the completeness and adequacy of the information provided.

The breakdown of this fee by task is as follows:

| Task | Task Description | Fee |
|--------|-----------------------|----------------|
| Task 1 | Site Visit | \$286 |
| Task 2 | Design Review | \$2,273 |
| Task 3 | Meetings | \$858 |
| | Labor Subtotal | \$3,417 |
| | Expenses (5%) | \$171 |
| | Total | \$3,588 |

Schedule and Conditions

We recognize that timely performance of these services is an important element of this proposal and will put forth our best effort, consistent with accepted professional practices to complete the work described within the Client's schedule. We are not responsible for delays in performance caused by circumstances beyond our control or that could not have been anticipated or prevented.

To signify your acceptance of this Agreement, please sign and return one copy and the retainer to us along with the attachments. When signed by representatives of both parties, this Proposal will become an agreement between Tetra Tech, Inc. (ENGINEER) and Town of Medway Planning and Economic Development Board (CLIENT). The Agreement is subject to the attached Engineering, Environmental, and Transportation Statement of Terms and Conditions. The price is valid for 60 days from the date of this letter.

We appreciate the opportunity to provide these services, and we look forward to working with you. Please contact us if you have any questions or require additional information.

Very truly yours,



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



Sean P. Reardon, P.E.
Vice President

Date Approved by Medway PEDB _____

Certified by:

Susan E. Affleck-Childs
Medway PEDB Coordinator

Date

M:\SITE\BOULEY\MEDWAY_PEDB_MEDWAY PLAZA REVIEW_2019-11-11.DOCX

PGC ASSOCIATES, LLC

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

November 19, 2019

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

RE: MEDWAY SHOPPING PLAZA SITE PLAN REVIEW

Dear Mr. Rodenhiser:

PGC Associates is pleased to present the following cost estimate to review and comment on the proposed major site plan review for parking lot alterations at Medway Shopping Plaza. The owner/applicant is Medway Realty, LLC of Boston.

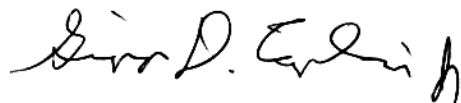
The proposal is to restripe and install drainage improvements within the existing parking lot. The number of spaces is essentially unchanged except 8 motorcycle spaces will be added. Some landscaping is also proposed. The plan was prepared by Grady Consulting LLC of Kingston, and is dated September 7, 2019.

The property is located at 98, 108 and 114 Main Street in the CB district.

| <u>Task</u> | <u>Hours</u> |
|---|---------------------|
| Technical review and comment on initial submittal in relation to zoning and regulations pertaining to site plans. | 2.0 |
| Attendance at Planning Board meetings/hearings | 2.0 |
| Review and comment on draft decision | 1.5 |
| Total | 5.5 |
| TOTAL ESTIMATE (@\$100) | \$550.00 |

If there are any questions about this estimate, please call me.

Sincerely,



Gino D. Carlucci, Jr.



November 20, 2019

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

**Re: 42 Highland Street (Private Way)
Definitive Subdivision Review
Medway, Massachusetts**

Dear Ms. Affleck-Childs:

We are pleased to submit this Proposal to the Town of Medway Planning and Economic Development Board (PEDB) (the Client) for professional engineering services associated with the 42 Highland Street Definitive Subdivision Review in Medway, Massachusetts (the Project). The objective of our services is to review the plan package and provide comments as they relate to latest Town of Medway Rules and Regulations Chapter 100 – Rules and Regulations for the Review and Approval of Land Subdivisions (Subdivision Regulations) and sound engineering practice. We have excluded from our scope review of the proposed stormwater system, compliance with the Town of Medway Article 26 – Stormwater Management and Land Disturbance Bylaw and compliance with the Town of Medway Zoning By-Laws which will be conducted by a separate permitting authority/consultant.

Scope of Services

The following specifically describes the Scope of Services to be completed:

Task 1 Site Visit

- A. Perform one (1) site visits to review the site and its surroundings.
 - Budget Assumption: 1 Visit
2 hours @ \$143/hr = \$286
Total = \$286

Task 2 Design Review

- A. Review the permit Application, and supporting documentation, and incorporate comments into review letter in Item 2.C below.
 - Budget Assumption: 1 hour @ \$143/hr = \$143
1 hour @ \$97/hr = \$97
Total = \$240
- B. Review the proposed Plans against the Town of Medway PEDB Subdivision Regulations and incorporate comments into review letter in Item 2.C below.
 - Budget Assumption: 2 hours @ \$143/hr = \$286
6 hours @ \$97/hr = \$582
Total = \$868

- C. Prepare a letter summarizing findings for presentation to the Town of Medway PEDB.
- Budget Assumption: 2 hours @ \$143/hr = \$286
4 hours @ \$97/hr = \$388
Total = \$674
- D. Coordinate with applicant to address items in initial review letter and issue one (1) revised letter upon receipt of modifications. This task is limited to minor changes in the site plans which directly address comments from our initial review letter. Major changes to the Plans and/or Stormwater Report will require additional funds.
- Budget Assumption: 4 hours @ \$143/hr = \$572
4 hours @ \$97/hr = \$388
Total = \$960

Task 3 Meetings

- A. Participate in three (3) hearings/meetings with the Town of Medway PEDB.
- Budget Assumption: 3 Meetings @ 3 hours per meeting = 9 Hours
9 hours @ \$143/hr = \$1,287
Total = \$1,287

Budget

Our cost for the above Scope of Services will be on a time and expenses basis in accordance with Tetra Tech's and existing Town of Medway contract rates. Direct expenses will be billed at a fixed fee of five (5) percent of labor costs. We suggest that you establish a budget identified below for these services, which will not be exceeded without your approval. Please be advised that this estimate is based on our current understanding of the Project needs and is for budget purposes only. The total cost of our services will depend greatly on the completeness and adequacy of the information provided.

The breakdown of this fee by task is as follows:

| Task | Task Description | Fee |
|--------|-----------------------|----------------|
| Task 1 | Site Visit | \$286 |
| Task 2 | Design Review | \$2,742 |
| Task 3 | Meetings | \$1,287 |
| | Labor Subtotal | \$4,315 |
| | Expenses (5%) | \$216 |
| | Total | \$4,531 |

Schedule and Conditions

We recognize that timely performance of these services is an important element of this proposal and will put forth our best effort, consistent with accepted professional practices to complete the work described within the Client's schedule. We are not responsible for delays in performance caused by circumstances beyond our control or that could not have been anticipated or prevented.

To signify your acceptance of this Agreement, please sign and return one copy and the retainer to us along with the attachments. When signed by representatives of both parties, this Proposal will become an agreement between Tetra Tech, Inc. (ENGINEER) and Town of Medway Planning and Economic Development Board (CLIENT). The Agreement is subject to the attached Engineering, Environmental, and Transportation Statement of Terms and Conditions. The price is valid for 60 days from the date of this letter.

We appreciate the opportunity to provide these services, and we look forward to working with you. Please contact us if you have any questions or require additional information.

Very truly yours,



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



Sean P. Reardon, P.E.
Vice President

Date Approved by Medway PEDB _____

Certified by:

Susan E. Affleck-Childs
Medway PEDB Coordinator

Date

M:\SITE\BOULEY\MEDWAY_PEDB_42 HIGHLAND STREET_2019-11-20.DOCX

PGC ASSOCIATES, LLC

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

November 21, 2019

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

Re: The Residences at Choate Trail Definitive Subdivision Plan

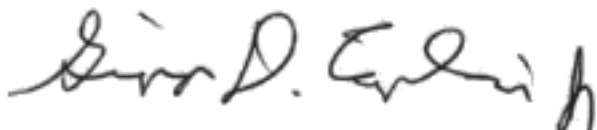
Dear Mr. Rodenhiser:

PGC Associates is pleased to present the following cost estimate to review and comment on the definitive subdivision plan called "The Residences at Choate Trail" submitted by owner/applicant The Residences at Choate Trail LLC of Nashua, NH. The plan was prepared by Connorstone Engineering Inc. of Northborough, and is dated November 8, 2019. The site is within the AR-I district.

| <u>Task</u> | <u>Hours</u> |
|--|---------------------|
| Technical review and comment regarding conformance with Zoning, subdivision regulations and general planning issues. | 3.5 |
| Planning Board meetings | 3.0 |
| Review of any plan revisions | 1.5 |
| Review of/input into Certificate of Action | 2.0 |
| Total | 10.0 |
| Cost Estimate (@\$100) | \$1000.00 |

If there are any questions about this estimate, please call me.

Sincerely,



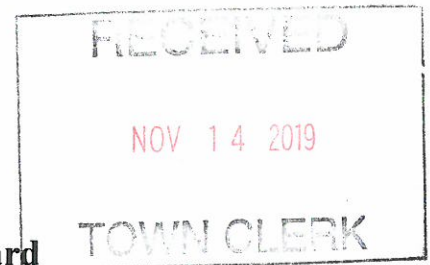
Gino D. Carlucci, Jr.



November 26, 2019
Medway Planning & Economic Development Board
Meeting

NeoOrganics – 4 Marc Road
Site Plan and Recreational Marijuana
Special Permit Public Hearing
Continuation
UPDATED

- Public Hearing Continuation Notice
- Assignment of Purchase and Sale agreement for 4 Marc Road from Pangea LLC to 4 Marc Road LLC
- Lease agreement between Neo Organics and 4 Marc Road LLC
- 2 Marc Road recreational marijuana special permit decision
- DRAFT decision dated 11-25-19. NOTE – This draft has been provided to the applicant.




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

November 14, 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: Neo Organics, LLC - 4 Marc Road**
CONTINUATION DATE: Tuesday, November 26, 2019 at 7:10 a.m.
LOCATION: Medway Town Hall – Sanford Hall, 155 Village Street

At its meeting on November 12, 2019, the Planning and Economic Development Board (PEDB) voted to continue the public hearing on the applications of Neo Organics LLC of Sudbury, MA for approval of a special use permit to operate an adult recreational marijuana cultivation and processing establishment at 4 Marc Road, a groundwater protection district special permit, and the associated minor site plan to Tuesday, November 26, 2019 at 7:10 p.m. The hearing will take place during the PEDB's regular meeting in Sanford Hall at Medway Town Hall, 155 Village Street.

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

The 6.68 acre property, currently owned by NEK, LLC of Camas, WA, is located on the north side of the Marc Road cul-de-sac in the East Industrial zoning district. The subject property is west and north of property owned by Ellen Realty Trust and south and east of property owned by John and Anne Lally. The property is located within the Town's Groundwater Protection District. The site includes wetland resources in its northeast corner which are under the jurisdiction of the Medway Conservation Commission with which the applicant has filed a Notice of Intent. 24.4% of the site will be impervious surface, thus necessitating a Groundwater Protection District special permit.

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

The permit applications, site plan, noise and odor mitigation plans, and other associated documents are on file with the Medway Town Clerk and at the office of the Planning and Economic Development Board at Medway Town Hall, 155 Village Street and may be reviewed during regular business hours. The materials have also been posted to the Planning and Economic Development Board's web page at:

<https://www.townofmedway.org/planning-economic-development-board/pages/neo-organics-4-marc-road-marijuana-special-permit>

If Town staff, boards and committees wish to provide comments on the proposed use and site plan, please do so by November 19, 2019 so that I can share them with the applicant, PEDB members, and enter them into the record during the hearing. The Board will be reviewing a draft decision at the November 19th hearing so we need any input from you regarding recommended conditions.

Please contact me if you have any questions. Thanks.

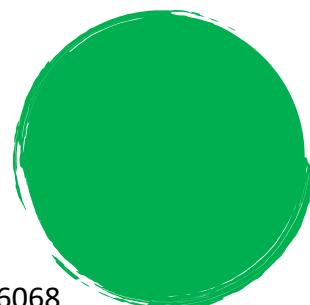


March 1, 2019

Per the provisions outlined in purchase and sale agreement between NEK, LLC and Pangea Realty, LLC executed on February 8, 2019, Pangea Realty, LLC designates 4 Marc Road, LLC to take over the rights and obligations outlined in the agreement. All rights and obligations will be assigned to 4 Marc Road LL, as of the date of this agreement.

A handwritten signature in purple ink, appearing to read "Chad Blair", is written over a horizontal line.

Chad Blair
Manager
Pangea Realty



STANDARD FORM COMMERCIAL LEASE

1. PARTIES **4 Marc Road, LLC, Adam S. Patti – Manager, 365 Boston Post Road #184, Sudbury MA 01776**, hereinafter referred to as “LESSOR”, which expression shall include its heirs, successors, and assigns where the context so admits, does hereby lease to **NEO Organics MA, LLC, now of 365 Boston Post Road #184, Sudbury, MA 01776** LESSEE, hereinafter referred to as “LESSEE”, which expression shall include its heirs, successors, and assigns where the context so admits, and the LESSEE hereby leases the following described premises:
2. PREMISES **28,591 +/- square feet at 4 Marc Road, Medway, MA 02053**, together with the right to use in common, with others entitled thereto, the hallways, stairways, and elevators (is any), necessary for access to said leased premises, and lavatories nearest thereto.
3. TERM The term of this lease shall be for a Six (6) year base term with two (2) one (1) year options to extend. Lessee may exercise its option to extend the Term for a Renewal Term by providing written notice to LESSOR nine (9) months prior to the expiration of the then current Term.
4. RENT Rent will commence on the commencement date in the lease agreement. A lease rate of \$26,208.40 per month will be due on the first of each month in advance. The lease term shall commence on the date that 4 Marc Road LLC receives title of the 4 Marc Road, Medway building but not later than January 8, 2020.

Upon execution of this lease the first month’s rent of \$26,208.40 shall be due.
5. SECURITY DEPOSIT In addition to the first month’s rent as specified above, upon the execution of this lease, the LESSEE shall pay to the LESSOR the amount of \$26,208.40, which shall be held as security for the LESSEE’S performance as herein provided and refunded to the LESSEE at the end of this lease subject to the LESSEE’S satisfactory compliance with the conditions hereof.
6. RENT ADJUSTMENT Base rent shall be increased 2% (two percent) annually. Rent is due and payable on the first of each month. Rent for the options to extend after year 6 will be determined at fair market value at that time but in no case less than the rent at year six (6) plus incremental increases in accordance with the agreement but not less than those stated for the first six-year period.
- A. TAX ESCALATION Intentionally omitted.
- B. OPERATING COST ESCALATION Intentionally omitted

| | |
|------------------------------|--|
| C. CONSUMER PRICE ESCALATION | Intentionally omitted |
| 7. UTILITIES | The LESSEE shall pay, as they become due, all bills for electricity and other utilities (whether they are used for furnishing heat or other purposes) that are furnished to the leased premises and presently separately metered, and all bills for fuel furnished to a separate tank servicing the leased premises exclusively. Lease will be NNN and Lessee will be responsible for all CAM, Insurance & Taxes. Electricity will be purchased from Lessor at 95% of the per Kw/h cost including delivery and distribution costs. |
| 8. USE OF LEASED PREMISES | The LESSEE shall use the leased premises only for the purpose of obtaining, manufacturing, processing and packaging cannabis or marijuana products and to transfer these products to other Marijuana Establishments and to cultivate, process and package marijuana, and to transfer marijuana to other Marijuana Establishments. |
| 9. COMPLIANCE WITH LAWS | The LESSEE acknowledges that no trade or occupation shall be conducted in the leased premises or use made thereof which will be unlawful, improper, noisy or offensive, or contrary to any law or any municipal by-law or ordinance in force in the city or town in which the premises are situated. |
| 10. FIRE INSURANCE | The LESSEE shall not permit any use of the leased premises which will make void any insurance on the property of which the leased premises are a part, or on the contents of said property or which shall be contrary to any law or regulation from time to time established by the New England Fire Insurance Rating Association, or any similar body succeeding to its powers. The LESSEE shall on demand reimburse the LESSOR, and all other tenants, all extra insurance premiums caused by the LESSEE'S use of the premises but not if being used for its intended purpose as stated above. |
| 11. MAINTENANCE | |
| A. LESSEE'S OBLIGATIONS | The LESSEE agrees to maintain the non-structured interior portion of leased premises in good condition, damage by fire and other casualty only excepted, and whenever necessary, to replace plate glass and other glass therein, acknowledging that the leased premises are now in good order and the glass whole. The LESSEE shall not permit the leased premises to be over-loaded, damaged, stripped, or defaced, nor suffer any waste. LESSEE shall obtain written consent of LESSOR before erecting any sign on the premises. |
| B. LESSOR'S OBLIGATIONS | The LESSOR agrees to maintain the structure of the building or which the leased premises are a part in the same condition as it is at the commencement of the term or as it may be put in during the term of this lease, reasonable wear and tear, damage by fire and other casualty only excepted, unless such maintenance is required because of the intentional acts of LESSEE that the LESSOR has not approved. |
| 12. ALTERATIONS-ADDITIONS | The LESSEE shall not make structural alterations or additions to the leased premises, but may make non-structural alterations provided the LESSOR consents thereto in writing, which consent shall not be unreasonably withheld or delayed. All such allowed alterations shall be at LESSEE'S expense and shall be in qualifying at least equal to the present construction. LESSEE shall not permit any mechanics' liens, or similar liens, to remain upon the leased premises for labor and material furnished to LESSEE or claimed to have been furnished to LESSEE in connection with work of any character performed or claimed to have been performed at the direction of LESSEE and shall |

cause any such lien to be released of record forthwith without cost to LESSOR. Any alterations or improvements made by the LESSEE shall become the property of the LESSOR at the termination of occupancy as provided herein. **See also Par 23B herein.**

13. ASSIGNMENT-
SUBLEASING

The LESSEE shall not assign or sublet the whole or any part of the leased premises without LESSOR'S prior written consent, **not to be unreasonably withheld or delayed.** Notwithstanding such consent, LESSEE shall remain liable to LESSOR for the payment of all rent and for the full performance of the covenants and conditions of this lease.

14.
SUBORDINATION

This lease shall be subject and subordinate to any and all mortgages, deeds of trust and other instruments in the nature of a mortgage, now or at any time hereafter, a lien or liens on the property of which the leased premises are a part and the LESSEE shall, when requested, promptly execute and deliver such written instruments as shall be necessary to show the subordination of this lease to said mortgages, deeds of trust or other such instruments in the nature of a mortgage.

15. LESSOR'S
ACCESS

The LESSOR or agents of the LESSOR may, at reasonable times, enter to view the leased premises and may remove placards and signs not approved and affixed as herein provided, and make repairs and alterations as LESSOR should elect to do and may show the leased premises to others, and at any time within three (3) months before the expiration of the term, may affix to any suitable part of the leased premises a notice for letting or selling the leased premises or property of which the leased premises are a part and keep the same so affixed without hindrance or molestation. **Any such notice for letting or selling shall not unreasonably block any view from or access to the Premises.**

16. INDEMNIFI-
CATION AND
LIABILITY
(fill in)

The LESSEE shall hold the LESSOR harmless from all loss and damage occasioned by the use or escape of water or by the bursting of pipes, as well as from any claim or damage resulting from neglect in not removing snow and ice from the roof of the building or from the sidewalks bordering upon the premises so leased, or by any nuisance made or suffered on the leased premises, unless such loss is caused by the neglect of the LESSOR. The removal of snow and ice from the sidewalks bordering upon the leased premises shall be LESSORS responsibility.

17. LESSEE'S
LIABILITY
INSURANCE

The LESSEE shall maintain with respect to the leased premises and the property of which the leased premises are a part comprehensive public liability insurance in the amount of **\$1,000,000** with property damage insurance in limits of **100% replacement cost** in responsible companies qualified to do business in Massachusetts and in good standing therein insuring the LESSOR as well as LESSEE against injury to persons or damage to property as provided. The LESSEE shall deposit with the LESSOR certificates for such insurance at or prior to the commencement of the term, and thereafter within thirty (30) days prior to the expiration of any such policies. All such insurance certificates shall provide that such policies shall not be canceled without at least ten (10) days prior written notice to each assured named therein. **See also 23F herein.**

18. FIRE
CASUALTY-
EMINENT
DOMAIN

Should a substantial portion of the leased premises, or of the property of which they are a part, be substantially damaged by fire or other casualty, or be taken by eminent domain, the LESSOR may elect to terminate this lease. When such fire, casualty, or taking renders the leased premises substantially unsuitable for their intended use, a just and proportionate abatement of rent shall be made, and the LESSEE may elect to terminate this lease if:

- (a) The LESSOR fails to give written notice within thirty (30) days of intention to restore leased premises, or
- (b) The LESSOR fails to restore the leased premises to a condition

substantially suitable for their intended use within ninety (90) days of said fire, casualty or taking.

The LESSOR reserves, and the LESSEE grants to the LESSOR, all rights which the LESSEE may have for damages or injury to the leased premises for any taking by eminent domain, except for damage to the LESSEE'S fixtures, property, or equipment.

In the event that:

19. DEFAULT
AND
BANKRUPTCY
(fill in)

- (a) The LESSEE shall default in the payment of rent or other sum herein specified and such default shall continue for ten (10) days after written notice thereof; or
- (b) The LESSEE shall default in the observance or performance of any other of the LESSEE'S covenants, agreements or obligations hereunder and such default shall not be corrected within thirty (30) days after written notice thereof; or
- (c) The LESSEE shall be declared bankruptcy or insolvent according to law, or, if any assignment shall be made of LESSEE'S property for the benefit of creditors,

then the LESSOR shall have the right thereafter, while such default continues, to re-enter and take complete possession of the leased premises, to declare the term of this lease ended, and remove the LESSEE'S effects, without prejudice to any remedies which might be otherwise used for arrears of rent or other default. The LESSEE shall indemnify the LESSOR against all loss of rent and other payments which the LESSOR may incur by reason of such termination during the residue of the term. If the LESSEE shall default, after reasonable notice thereof, in the observance or performance of any conditions or covenants on LESSEE'S part to be observed or performed under or by virtue of any of the provisions in any article of this lease, the LESSOR, without being under any obligation to do so and without thereby waiving such default, may remedy such default for the account and at the expense of the LESSEE. If the LESSOR makes any expenditures or incurs any obligations for the payment of money in connection therewith, including but not limited, reasonable attorney's fees in instituting, prosecuting or defending any action or proceeding, such sums paid or obligations insured, with interest at the rate of 18 per cent per annum and costs, shall be paid to the LESSOR by the LESSEE as additional rent.

20. NOTICE

Any notice from the LESSOR to the LESSEE relating to the leased premises or to the occupancy thereof, shall be deemed duly served, if left at the leased premises addressed to the LESSEE, or if mailed to the leased premises, registered or certified mail, return receipt requested, postage prepaid, addressed to the LESSEE. Any notice from the LESSEE to the LESSOR relating to the leased premises or to the occupancy thereof, shall be deemed duly serviced, if mailed to the LESSOR by registered or certified mail, return receipt requested, postage prepaid, addressed to the LESSOR at such address as the LESSOR may from time to time advise in writing. All rent notices shall be paid and sent to the LESSOR at this address: **4 Marc Road LLC – Chad Blair -Manager, 365 Boston Post Road #184, Sudbury, MA 01776.**

21. SURRENDER

The LESSEE shall at the expiration or other termination of this lease remove all LESSEE'S goods and effects from the leased premises (including, without hereby limiting the generality of the foregoing, all signs and lettering affixed or painted by the LESSEE, either inside or outside the leased premises). LESSEE shall deliver to the LESSOR the leased premises and all keys, locks thereto, and other fixtures connected therewith and all alterations and additions made to or upon the leased premises, in good

condition, damage by fire or other casualty only excepted. In the event of the LESSEE'S failure to remove any of LESSEE'S property from the premises, LESSOR is hereby authorized, without liability to LESSEE for loss or damage thereto, and at the sole risk of LESSEE, to remove and store any of the property at LESSEE'S expense, or to retain same under LESSOR'S control or to sell at public or private sale, without notice any or all of the property not so removed and to apply the net proceeds of such sale to the payment of any sum due hereunder, or to destroy such property.

22. BROKERAGE

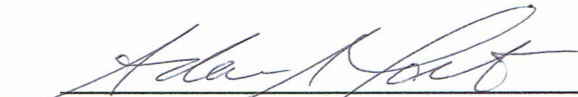
The Broker named herein: None:

23. OTHER
PROVISIONS

It is also understood and agreed:


- A. LESSEE will accept premises, as they become available, in "as-is" condition. LESSEE will install such mechanical systems as needed including but not limited to industrial strength carbon filters in order to reduce the odor of cannabis.
- B. LESSEE to fully construct, furnish, fixture and operate the Permitted Use defined herein per plans prepared by LESSEE and approved by Landlord. LESSEE shall obtain all required permits and approvals required for use and construction of its Premises and shall perform construction at LESSEE's sole cost and expense. LESSOR to contribute \$180,000 in leasehold improvement contribution. The \$180,000 credit will be allocated by way of rent reduction over a 36-month period.
- C. Design and signage locations to be reviewed and approved by Landlord, which will not be unreasonably withheld, subject to zoning approval.
- D. In the event of any criminal activity or law enforcement action by any city, state or federal entity, the Landlord has the right for early termination of the lease for any action that would endanger its real property.
- E. LESSEE agrees to obtain and maintain any security procedures necessary to maintain the safety and well-being of any employees, customers, abutting units and Landlord's property that might be compromised directly or indirectly from this business.
- F. Pursuant to 935 CMR LESSEE will maintain general liability insurance for no less than \$1,000,000.00 per occurrence and \$2,000,000.00 in aggregate, annually and product liability insurance coverage for no less than \$1,000,000.00 per occurrence and \$2,000,000.00 in aggregate, annually. Landlord requires that his current insurance company or other acceptable insurance carrier remain in force and effect with full disclosure as to type of business in the property. Upon execution of the Lease, LESSEE shall give a copy of the insurance policy to the Landlord before any work is commenced.
- G. LESSEE will have right of first refusal to purchase the building with a 10 day option to buy matching any qualified offer.
- H. No smoking is allowed in or around the building.

IN WITNESS WHEREOF, the said parties hereunto set their hands and seals this 3 day of May, 2019.



LESSEE
ADAM PATTI

LESSEE – print name:



LESSOR
Chad Blair

LESSOR - print name



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

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

February 26, 2019

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

Decision Date: February 26, 2019

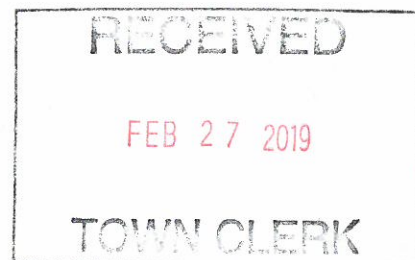
Name/Address of Applicant: Ellen Realty Trust
730 Main Street, Suite 2A
Millis, MA 02054

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

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

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

Zoning District: East Industrial



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*) (collectively “2 Marc Road”) on the north side of Marc Road in the East Industrial zoning district for the cultivation, processing and manufacturing of marijuana for adult recreational use by CommCan, Inc. The property is already subject to a medical marijuana special permit issued June 28, 2016 by the Planning and Economic Development Board (“the Board”) and an approved site plan endorsed on July 26, 2016 (the “2016 Approval”). This proposal pertains to the fit-out of the second floor of the building to allow for the expanded operation to produce marijuana for adult recreational use. The current special permit application does not include the retail sales of medical or adult recreational marijuana.

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

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

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

III. PROCEDURAL HISTORY

- A. October 9, 2018 – Special permit application filed with the Board; filed with the Town Clerk on October 11, 2018.
- B. October 11, 2018 – Public hearing notice filed with the Town Clerk and posted at the Town of Medway web site.
- C. October 15, 2018 - Public hearing notice mailed to abutters by certified sent mail.
- D. October 29 and November 6, 2018 - Public hearing notice advertised in *Milford Daily News*.
- E. November 13, 2018 - Public hearing commenced. The public hearing was continued to November 27 and December 11, 2018 and to January 8, 22, 29 and February 12 and 26, 2019 when the hearing was closed and a decision rendered.

IV. INDEX OF DOCUMENTS

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

1. 2 Marc Road Site Plan of Land in Medway, MA, dated January 26, 2016, last revised July 18, 2016, prepared by Merrikin Engineering of Millis, MA – ENDORSED July 26, 2016.
 2. Sworn statement of ownership of CommCan, Inc. dated October 8, 2018.
 3. Special permit application submittal letter from Daniel J. Merrikin, P.E. dated October 9, 2018 as official representative of the Applicant.
 4. Policy and Procedures document titled *Transportation of Marijuana for CommCan*, received October 9, 2018.
 5. Floor plan of the CommCan facility, dated May 2, 2016 by Keenan & Kenney Architects, Ltd.
- B. During the course of the review, a variety of other materials were submitted to the Board by the Applicant, its representatives, Town staff, and the Town's consultants:
1. Results of Noise Study by Acentech, Inc. provided November 13, 2018.
 2. Noise Survey by Noise Control Engineering, LLC dated November 27, 2018.
 3. Host Community Agreement between CommCan and the Town of Medway dated May 16, 2016 and the associated amendment dated April 17, 2018.
 4. Email communications dated October 23, 2018 from the MA Cannabis Control Commission acknowledging receipt of CommCan's applications for recreational marijuana cultivation and product manufacturing licenses.
 5. Medical marijuana special permit decision dated June 28, 2016 for 2 Marc Road and final site plan endorsed by the Board on July 26, 2016.
 6. Gino Carlucci, PGC Associates, the Town's Consulting Planner – Special permit review letter dated November 7, 2018 and commentary throughout the public hearing process.
 7. Email dated January 16, 2019 from Ron Dempsey of Noise Control Engineering, the Town's noise consultant, converting the existing and long-standing noise measurement standards from the *Zoning Bylaw* to the current, modern noise measurement standards.
 8. Marijuana Odor Control Plan Template for Denver, Colorado.
 9. *Cannabis-Related Odor Mitigation @1073 Main Street*, Millis, MA by GroThink, Oasis Spring, LLC, and Lynch Associates for the Millis Planning Board.
 10. Exelon expansion project site plan decision dated July 26, 2016.
 11. Letter dated February 12, 2019 from Michael Lannan, of TechEnvironmental, Inc., the Board's odor consultant and email communications dated February 20, 2019 between Planning and Economic Development Coordinator Susan Affleck-Childs and Michael Lannan of TechEnvironmental.
 12. Uvonair_CD_Brochure 2017 (existing air filtration system at 2 Marc Road)
- C. Other Documentation
1. Mullins Rule Certification dated November 27, 2018 for Board member Andy Rodenhiser for the November 13, 2018 hearing.
 2. Mullins Rule Certification dated December 5, 2018 for Board member Robert Tucker for the November 27, 2018 hearing.
 3. Mullins Rule Certification dated December 5, 2018 for Board member Thomas Gay for the November 27, 2018 hearing.

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

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

VI. FINDINGS

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

FINDINGS from PUBLIC HEARING TESTIMONY

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

(2) NOISE ISSUES

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

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

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

- Daytime operation only: +5
- Noise source operated at less than 20% of any 1-hour period: +5”

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

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

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

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

- D. Both professional sound consultants have agreed that the frequency band range form of noise measurement specified in the *Zoning Bylaw* is outdated. The consultants concur that noise measurements in accordance with the *Zoning Bylaw's* standards are neither ideal nor typical today. The Board acknowledges that frequency band ranges presently included in the *Zoning Bylaw* do not accurately reflect contemporary sound measurement standards and provide challenges to interpretation and enforcement of the applicable provisions of the *Zoning Bylaw*. The Board is willing to allow a conversion to more modern standards, but only as long as the conversion is more, not less restrictive.
- E. Although the DEP Noise Policy is often used as a maximum noise standard and the Applicant must comply with that Policy, the Board must look to the frequency band range noise standards included in the Section 7.3.C.2 of the *Zoning Bylaw* as it considers this application.

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

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

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

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

- F. The Board is in receipt of written and verbal testimony of abutters and nearby residents in the vicinity of 2 Marc Road expressing serious concerns and objections to excessively loud and irritating noise emanating from the existing facility's operation as a medical marijuana cultivation and processing establishment. The Board, therefore, addressed this issue with the Applicant in conjunction with its request for a special permit expanded marijuana cultivation.
- G. As specified in the conditions of approval and as stated during the public hearing, the Applicant has agreed to install additional noise mitigation systems within the facility to address the above referenced noise concerns. The Applicant stated that the existing chiller equipment on the roof of the 2 Marc Road facility will be removed and relocated to the ground on the premises within a structure.

(3) ODOR ISSUES

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

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

- B. The Board is in receipt of written and verbal testimony of abutters and nearby residents in the vicinity of 2 Marc Road expressing serious concerns and objections to offensive odors emanating from the existing facility’s operation as a medical marijuana cultivation and processing establishment. The Board, therefore, addressed this issue with the Applicant in conjunction with its request for a special permit expanded marijuana cultivation. The Board sought and received advice from TechEnvironmental, Inc. in a letter dated February 12, 2019.
- C. As specified in the conditions of approval and as stated during the public hearing, the Applicant has agreed to install additional odor mitigation systems within the facility to address the above referenced odor concerns.
- (4) Hours of operation – As a marijuana growing facility, the establishment operates 24 hours a day/7 days a week. Occupancy of the facility by employees is generally limited to the hours of 7 am to 8 pm, Sunday – Saturday.

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

- (1) The recreational marijuana establishment will operate inside the existing medical marijuana cultivation and processing facility at 2 Marc Road, a permanent, standalone building with no doctor’s offices or other uses. The site includes driveways, parking areas, utility systems, and stormwater management facilities.
- (2) None of the uses listed in Section 8.10 E. 4. of the *Zoning Bylaw* are located within 500 feet of the site of the proposed facility.
- (3) Smoking, burning and consumption of marijuana products on the premises is not allowed.
- (4) No drive-through service is proposed. It is not needed as a retail operation is not planned for the site nor does the *Zoning Bylaw* allow for a drive-through facility.
- (5) The proposed signage is in compliance with Section 8.10 E. of the *Zoning Bylaw*
- (6) The Applicant has previously provided the contact information for management staff and key holders of the facility.
- (7) As conditioned herein, the Board finds that the recreational marijuana establishment will not create a nuisance to abutters or to the surrounding area or create any hazard. Both the Applicant and the Town have contracted with noise consultants to monitor noise from the facility and both found the operation to be within DEP noise regulations. The Board is requiring the Applicant to prepare and implement a noise mitigation plan. Further, the Board is also requiring the Applicant to prepare and implement an odor control plan. The Building Commissioner, in consultation with the Health Agent, and the Town’s consultant(s), will confirm compliance with the noise and odor requirements of

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

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

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

- (19) As conditioned herein, the Applicant has satisfied the conditions and requirements of this Section 8.10 and Section 3.4 of the *Zoning Bylaw*.
- (20) The Town of Medway and CommCan, Inc. entered into a Host Community Agreement in May 2016 for the medical marijuana operation. The HCA was amended in April 2018 in anticipation of this application for a recreational marijuana establishment.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SPECIFIC CONDITIONS OF APPROVAL

- A. All standard requirements included in Section 8.10 Recreational Marijuana of the *Zoning Bylaw* apply to this special permit. These include but are not limited to:
1. Upon approval and prior to commencing operations on the property to cultivate and process marijuana for adult recreational use, the Applicant shall provide the Building Commissioner, Health Agent, Fire Chief, Police Chief, and the Board with a copy of the applicable state adult recreational marijuana establishment licenses, permits, and approvals from the Massachusetts Cannabis Control Commission.

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

B. Noise Management

1. The Applicant shall install and maintain at all times effective noise reduction equipment. The Applicant will complete this through industry best practices and suitable noise abatement measures. The Applicant shall ensure proper maintenance of all noise abatement equipment to ensure maximum efficiency and effectiveness.
2. As indicated by the Applicant during the hearing, buildout of the second floor is expected to commence in the near future. As part of that effort, the Applicant has indicated that the existing rooftop chiller may be modified, replaced, retrofitted, or repositioned in some manner to address the noise concerns expressed by residents of property in proximity to the subject facility. The Applicant is in the process of investigating and evaluating these issues in order to develop a noise abatement and management plan to remedy the existing noise issues as part of that buildout. Within four months of the filing of this special permit decision with the Town Clerk, the applicant shall provide the Building Commissioner, the Board of Health agent, and the Planning Board with a plan to mitigate any existing noise issues associated with the existing facility. That plan shall identify the specific mechanical systems that will be implemented to mitigate noise violations.
3. Any new or altered mechanical equipment installed on the property shall be designed to comply with applicable regulations, including the provisions of Section 7.3 of the *Zoning Bylaw*.
4. Prior to the issuance of an occupancy permit for the second floor, the Applicant shall provide the Building Commissioner, Health Agent, and Board a noise study measuring ambient sound levels without the external mechanical equipment in operation and the sound at each of the property boundaries during full operating conditions. All sound measurements shall be conducted by a qualified acoustical consultant (INCE board certification or equivalent experience) in accordance with industry best practices confirming that external mechanical noises have been addressed to comply with the applicable provisions of the *Zoning Bylaw*.

The sound measurements will consist of:

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

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

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

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

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

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

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

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

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

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

C. *Odor Management*

1. The Applicant is required to comply with the provisions of Section 7.3.D of the *Zoning Bylaw*.
2. The Applicant shall install and maintain at all times effective odor control technology to remove odors from the facility's exhaust system. The Applicant will complete this through industry best practices and suitable building filtration systems including a secondary safeguard system as required by the *Zoning Bylaw*. The Applicant shall ensure proper maintenance of all odor migration equipment to ensure maximum efficiency and effectiveness.
3. Within four months of the filing of this special permit decision with the Town Clerk, the applicant shall provide the Building Commissioner, the Board of Health agent, and the Board with a plan to enhance the odor control systems for the existing facility. That plan shall identify the specific mechanical systems that will be implemented to enhance the odor control systems in the facility. The applicant shall also provide an odor control plan which shall describe the proposed mechanical improvements along with associated operational and maintenance programs that will be implemented.
4. Prior to the issuance of an occupancy permit for the second floor, the Applicant shall review the updated odor control system as installed with the Building Commissioner and demonstrate that the measures specified in the odor control, abatement and mitigation plan including the secondary safeguard system have been implemented. The Applicant shall provide a certification made by a licensed engineer that the odor mitigation measures included in the plan have been installed. Additional odor mitigation measures may be required if determined to be required by the Building Commissioner.

5. For each of the two successive years following occupancy of the second floor, the Applicant shall annually submit a certification by a registered professional engineer that there have been no changes in the mechanical equipment that has been installed to reduce the odor emanating from the facility. Such certification shall be provided to the Building Commissioner, Health Agent and the Board.
 6. The Building Commissioner, in enforcing the conditions herein, may require additional odor investigations and/or odor mitigation measures should legitimate concerns and complaints develop in the future about odor generation from the facility. The Applicant may further be required to address such issues with the Board to its satisfaction.
- D. The permit holder shall notify the Building Commissioner, Health Agent, Fire Chief, Police Chief, and the Board in writing within forty-eight hours of the cessation of operation of the marijuana business or the expiration or termination of the license holder's certificates or registration with the Massachusetts Cannabis Control Commission.
- E. There shall be a valid Host Community Agreement in effect at all times during the operation of the marijuana establishment.
- F. Limitations - This special permit is limited to the operation of a recreational marijuana cultivation and processing facility at 2 Marc Road. This permit does not authorize operation of a retail outlet for the sale of adult recreational marijuana products or the operation of a testing facility on the premises.
- G. All applicable conditions of the previous site plan approval for the site and the 2016 Approval shall also apply to this special permit.

GENERAL CONDITIONS OF APPROVAL

- A. **Fees** - Prior to filing the special permit decision with the Town Clerk, the Applicant shall pay:
1. the balance of any outstanding project review fees owed to the Town for review of the application by the Town's engineering, planning, noise, odor or other consultants;
 2. an advance on fees for continued outside noise and odor consultants as approved by the Planning and Economic Development Board;
 3. any other outstanding expenses or obligations due the Town of Medway pertaining to this property, including real estate and personal property taxes and business licenses.
- B. **Other Permits** – This special permit does not relieve the Applicant from its responsibility to apply for, obtain, pay for, and comply with all other required federal, state and Town permits, licenses and approvals. The Applicant or agent shall apply for, obtain, pay for, and comply with all other required Town permits.

- C. **Recording** - Within thirty days of recording the Decision, the Applicant shall provide the Board and the Building Commissioner with a receipt from the Norfolk County Registry of Deeds indicating that the Decision has been duly recorded, or supply another alternative verification that such recording has occurred.
- D. **Conflicts** –If there is a conflict between this Decision and the *Zoning Bylaw*, the *Bylaw* shall apply.

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

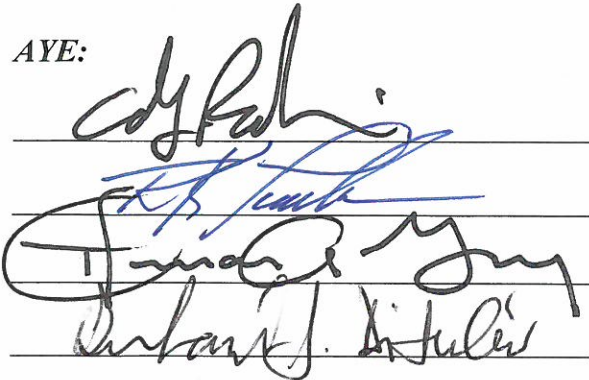
After the appeal period has expired and before this special permit takes effect, the Applicant must obtain a certified notice from the Town Clerk that no appeals have been made and provide such certification to the Board before the decision and certificate are recorded. Proof of recording the certificate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

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

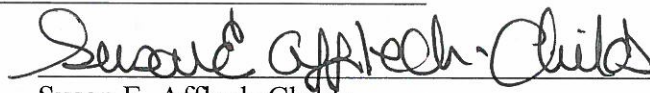
Approved by the Medway Planning & Economic Development Board: February 26, 2019

AYE:



NAY:

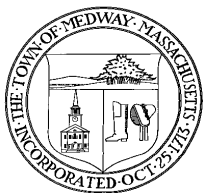
ATTEST:



Susan E. Affleck-Childs
Planning & Economic Development Coordinator

February 26, 2019
Date

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



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*

November 25, 2019

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

Decision Date: November 26, 2019

Name/Address of Applicants: Neo Organics LLC
365 Boston Post Road, # 184
Sudbury, MA 01776

NEK, LLC
20533 SE Evergreen Highway
Camas, WA 98607

Name/Address of Property Owner: NEK, LLC
20533 SE Evergreen Highway
Camas, WA 98607

Location: 4 Marc Road

Assessors' Reference: 32 – 026

Zoning District: East Industrial

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

Telephone: 508-533-3291

Fax: 508-321-4987

planningboard@townofmedway.org

I. PROJECT DESCRIPTION

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

II. VOTE OF THE BOARD – After reviewing the application and information gathered during the public hearing and review process, including statements of the Applicant and its representatives, comments offered by the public, and comments provided by the Board's consultants and Town staff, the Medway Planning and Economic Development Board, on _____, on a motion made by _____ and seconded by _____, voted to _____ with CONDITIONS and WAIVERS as specified herein a recreational marijuana establishment special permit, a groundwater protection special permit, and a site plan for 4 Marc Road in Medway, MA.

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

Planning & Economic Development Board Member

Vote

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

III. PROCEDURAL HISTORY

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

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

IV. INDEX OF DOCUMENTS

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

Site Plan Application

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

Marijuana Special Permit Application

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

Groundwater Protection Special Permit

- Groundwater Protection Special Permit Application dated August 8, 2019 with Project Description

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

- Response letter from DGT Engineering Associates dated October 23, 2019 to Tetra Tech comments dated September 27, 2019
 - Revised floor plans from Anderson Porter Design dated September 9, 2019
 - Photometric plan by Illuminate dated September 23, 2019
 - NeoOrganics security plan, unattributed, received September 19, 2019
 - Assignment of interest in the purchase and sale agreement from Pangea, LLC to 4 Marc Road LLC dated March 1, 2019
 - Lease dated May 3, 2019 between Neo Organics, LLC and 4 Marc Road LLC for 4 Marc Road.
 - Additional request for a waiver from *Site Plan Rules and Regulations*, dated September 10, 2019.
 - Proposed sound wall information received November 8, 2019
- C. During the course of the review, a variety of other materials were submitted to the Board by the Board’s consultants and Town staff:
- Plan review letters and emails from Gino Carlucci, PGC Associates, dated August 20, 2019, October 3, 2019 and October 31, 2019
 - Plan review letters from Tetra Tech dated August 22, 2019, September 27, 2019 and October 28, 2019
 - Review letters from Ron Dempsey, Noise Control Engineering, dated August 21, 2019, October 3, 2019 and October 23, 2019
 - Odor mitigation plan review letters from Bruce Straughan, Straughan Forensic dated August 21, 2019 and October 2, 2019.
 - Host Community Agreement dated March 4, 2019 between Neo Cultivation NA LLC and Neo Manufacturing MA LLC and the Town of Medway.
 - Letter dated August 16, 2019 from Building Commissioner Jack Mee
 - Review letter dated October 7, 2019 from Police Chief Allen Tingley
 - Email memo dated August 12, 2019 from Treasurer/Collector Joanne Russo
 - 2 Marc Road CommCan recreational marijuana special permit decision dated February 26, 2019
- D. Abutter Comments
- Email communication dated October 8, 2019 (with attachments) from abutter John Lally, 35 Coffee Street
 - Email communication dated November 12, 2019 (with attachments) from abutter John Lally, 35 Coffee Street
- E. Other Documentation
1. Mullins Rule Certification dated September 10, 2019 for Board member Matthew Hayes pertaining to the August 27, 2019 hearing.
 2. Mullins Rule Certification dated October 22, 2019 for Board member Robert Tucker pertaining to the October 8, 2019 hearing.
 3. Mullins Rule Certification dated October 17, 2019 for Board member Thomas Bay pertaining to the October 8, 2019 hearing.
- V. **TESTIMONY** – During the course of the public hearing, the Board heard and received verbal testimony from:

- Gino Carlucci, PGC Associates, the Town’s Consulting Planner – Commentary throughout the public hearing process.
- Steve Bouley, P.E, Tetra Tech – Commentary throughout the public hearing process
- Ron Dempsey, Noise Control Engineering LLC, acoustic sound consultant for the Town.
- Jaime Lewis, Neo Organics
- Andy Carballeria, Acentech Inc., acoustic sound consultant for the Applicant.
- Bert Corey and Joe Losanno, DGT Associates, engineering consultant for the Applicant.
- Resident and abutter John Lally, 35 Coffee Street
- Resident and neighbor Edward Burns, 43 Coffee Street

VI. FINDINGS

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

GENERAL FINDINGS from PUBLIC HEARING TESTIMONY

(1) NOISE ISSUES

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

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

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

- Daytime operation only: +5
- Noise source operated at less than 20% of any 1-hour period: +5”

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

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

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

- C. The Applicant’s preliminary noise mitigation plan was submitted to the Board August 6, 2019 with the special permit application. The Board retained Noise Control Engineering (NCE) of Billerica, MA to review that preliminary noise mitigation plan. NCE provided an email communication dated August 21, 2019 with comments and recommendations of additional information needed.
- D. The Applicant prepared an updated noise mitigation plan which was submitted to the Board on September 27, 2019. The Applicant also retained sound consultant Acentech, Inc. of Cambridge, MA to evaluate the anticipated levels of noise producing equipment to be installed at the 4 Marc Road facility and provide recommendations for suitable noise control measures. Acentech developed a computer model of the facility’s sound using CadnaA, an acoustic modeling software. The noise producing equipment includes a 300 kw

generator, transformer, air handling units, a variety of condensing units, and rooftop exhaust fans. Acentech determined that the proposed noise generating equipment, absent any noise mitigation measures, will not comply with the noise regulations included in Section 7.3.C.2. of the *Zoning Bylaw* at all property lines of 4 Marc Road. To mitigate the excessive noise from certain of the noise producing sources, Acentech recommended placing sound barriers around the condensing and air handling units and to select a generator and enclosure that would meet the Bylaw's sound requirements.

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

- E. On September 27, 2019, the Applicant provided an updated Noise Mitigation Plan. At the Board's request, Noise Control Engineering, LLC (NCE) to evaluated the Applicant's proposed noise mitigation plan for the 4 Marc Road property and provided an email communication dated October 3, 2019 and further testimony provided during the November 12, 2019 hearing.
- F. The Board is in receipt of written and verbal testimony of abutters and nearby residents in the vicinity of 4 Marc Road expressing serious concerns and objections to the excessive noise emanating from the existing marijuana facility operating at 2 Marc Road. Concern was expressed that similar issues would occur with the 4 Marc Road facility.

(2) ODOR ISSUES

- A. Pursuant to Section 7.3.D. of the *Zoning Bylaw*, "In all districts, no emissions of odorous gases or odoriferous matter in such quantities as to be discernible outside the property line shall be permitted. Any industrial process which may involve the creation and/or emission of any odors shall be provided with a secondary safeguard system. No objectionable odor greater than that caused by 0.001201 oz. per thousand cubic feet of hydrogen sulfide or any odor threshold as defined in Table III in Chapter 5 of Air Pollution Abatement Manual (copyright 1951 by manufacturing Chemists Assoc., Inc., Washington, DC) shall be permitted."
- B. The Applicant's preliminary odor mitigation plan was submitted to the Board August 6, 2019 with the special permit application. The Board retained Straughan Forensic, LLC of Arvada, CO, to review that preliminary odor mitigation plan. Straughan Forensic provided a review letter dated August 21, 2019 with comments and recommendations of additional information needed.
- C. The Applicant retained Impact Engineering Inc. of Castle Rock, CO to prepare an updated odor mitigation plan which was submitted to the Board on September 19, 2019. At the Board's request, Straughan Forensic, LLC

evaluated the Applicant's updated odor mitigation plan for the 4 Marc Road property and provided a review letter dated October 2, 2019.

- (3) HOURS OF OPERATION – As a marijuana growing facility, the establishment will operate 24 hours a day/7 days a week. The Applicant anticipates that the facility will be occupied by a maximum of twenty-five employees. Occupancy will be generally limited to the hours of 7 am to 7 pm, Sunday – Saturday.

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

- (1) The recreational marijuana cultivation and processing establishment will operate inside the existing building at 4 Marc Road, a permanent, stand-alone building which does not include residential units or doctors' offices. The site includes driveways, parking areas, utility systems, and stormwater management facilities.
- (2) None of the uses listed in Section 8.10 E. 4. of the *Zoning Bylaw* (public or private school serving students in grades K-12) are located within 500 feet of the site of the proposed facility.
- (3) As conditioned herein and as required by the Zoning bylaw, smoking, burning and consumption of marijuana or marijuana-infused products on the premises is not allowed.
- (4) No drive-through service is proposed. It is not needed as a retail operation is not planned for the site nor does the *Zoning Bylaw* allow for a drive-through facility.
- (5) As conditioned herein, any signage for the facility shall comply with Section 8.10.F and Section 7.2 of the *Zoning Bylaw*.
- (6) As conditioned herein, the Applicant shall provide the contact information for management staff and key holders of the facility.
- (7) As conditioned herein, the Board finds that the recreational marijuana establishment will not create a nuisance to abutters or to the surrounding area or create any hazard. Both the Applicant and the Town have contracted with noise consultants to monitor noise from the facility and both found the operation to be within DEP noise regulations. The Board is requiring the Applicant to prepare a noise mitigation plan for the Board's approval after consultation with its noise consultant and to implement suitable noise mitigation measures. Further, the Board is also requiring the Applicant to prepare an odor control plan for the Board's approval after consultation with its odor consultant and to implement suitable odor mitigation measures. The Building Commissioner, in consultation with the Health Agent, and the Town's consultant(s), will confirm compliance with the noise and odor requirements of the *Zoning Bylaw* after the required noise and odor mitigation measures are installed.
- (8) The existing building meets the requirements for "openness of premises" since no activities within the building or displays of products are visible from the exterior of the building and the front of the building, which includes the primary entrance

to the facility, is fully visible from the site's frontage. All operations are within the restricted building and there is no direct consumer access as no retail sales are allowed pursuant to the *Zoning Bylaw*.

- (9) The special permit authorizes only the following adult recreational marijuana establishment activities: cultivation, manufacturing, processing and packaging of marijuana and marijuana products, and the transport and delivery of such to other recreational marijuana establishments. Retail sales and marijuana social establishments are not allowed pursuant to the *Zoning Bylaw*.
- (10) As conditioned herein, copies of required licenses and permits issued by the Commonwealth will be provided upon approval by the Massachusetts Cannabis Control Commission. The recreational marijuana operation will be operated in strict compliance with Massachusetts Cannabis Control Commission regulations.
- (11) Applicant, NEK, LLC is the record owner of the property as shown on the Medway Assessor's records and the seller on a purchase and sale agreement with Pangea Realty LLC dated February 8, 2019. On March 1, 2019, Pangea Realty LLC assigned its interest in the purchase and sales agreement to 4 Marc Road, LLC which will own the 4 Marc Road property.

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

- (12) As conditioned herein sworn statement disclosing the owner's or other similarly situated individuals' interest in the registered marijuana establishment has been provided. REQUESTED 11-25-19.
- (13) A certified list of all abutter and parties of interest was provided. The Planning and Economic Development office coordinated the production and mailing of the required public hearing notice for the Special Permit and Site Plan applications to the required parties.
- (14) A site plan was submitted and has been revised pursuant to comments from the Board's consultants and the Conservation Commission. A detailed floor plan of the premises showing the functional areas of the facility has also been provided. The facility's security plan including lighting, fencing, gates and alarms was submitted and provided to the Police Chief during the permitting process.
- (15) A copy of the policies and procedures for the transfer, acquisition, or sale of adult recreational marijuana between approved marijuana establishments was provided as part of the special permit application.
- (16) A comprehensive noise mitigation plan prepared by the applicant's noise consultant, Acentech, Inc. was submitted and reviewed by Noise Control Engineering, the Board's noise consultant. The plan was revised, re-submitted, and re-reviewed. The planned noise mitigation measures are expected to enable the facility to meet the Town's noise standards as included in Section 7.3 of the

Zoning Bylaw. As conditioned herein, any non-compliance will be addressed through zoning enforcement.

- (17) A comprehensive odor mitigation plan prepared by the applicant's odor consultant, Impact Engineering, Inc., was submitted and reviewed by Straughan Forensic, LLC, the Board's odor consultant. The odor mitigation plan was revised, re-submitted and re-reviewed. As conditioned herein, any non-compliance will be addressed through zoning enforcement.
- (18) The required public hearing and review process for this special permit application has been followed.
- (19) The adult recreational marijuana establishment, as conditioned herein, has been designed to minimize adverse visual or economic impacts on abutters and other parties in interest. No changes in the existing building or site are proposed other than the described site improvements and possible additional measures to address potential noise and odor impacts if such occur in the future.
- (20) As conditioned herein, the proposed facility will meet all the permitting requirements of all applicable agencies within the Commonwealth of Massachusetts and will be in compliance with all applicable state laws and regulations.
- (21) As conditioned herein, the Applicant has satisfied the conditions and requirements of this Section 8.10 and Section 3.4 of the *Zoning Bylaw*.

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

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

The site is within an industrial park which is accessed directly from Route 109 so there is no access through minor streets serving residential areas. There is no backing up onto a public way.

- (2) Does the site plan show designs that minimize any departure from the character, materials, and scale of buildings in the vicinity as viewed from public ways and places?

The existing building and site are of an industrial style, with the scale and materials similar to other buildings within the industrial park. No exterior building façade renovations are planned.

- (3) Is reasonable use made of building location, grading and vegetation to reduce the visible intrusion of structures, parking areas, outside storage or other outdoor

service areas (e.g. waste removal) from public views or from (nearby) premises residentially used and zoned.

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

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

SAC contacted MFD on 11-25 and requested a review letter.

- (5) Will the design and construction minimize, to the extent reasonably possible, the following environmental impacts?
- a) the volume of cut and fill;
 - b) the number of trees to be removed with particular care taken with mature trees and root systems;
 - c) the visual prominence of man-made elements not necessary for safety;
 - d) the removal of existing stone walls;
 - e) the visibility of building sites from existing streets;
 - f) the impacts on waterways and environmental resource areas;
 - g) soil pollution and erosion;
 - h) noise.

TEXT NEEDED HERE . . .

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

There is no significant pedestrian use anticipated since no public access to the building is allowed. Pedestrian safety within the parking lot is standard and is adequate due to minimal vehicular traffic. Sidewalk improvements are planned to modify the existing concrete walkway to provide for handicap accessibility. The existing sight lines at the driveway for exiting traffic will be increased through the clearing of some trees (9" diameter and less) to the east of the driveway and some regarding.

- (7) Does the design and will the construction incorporate, to the maximum extent possible, the visual prominence of natural and historic features of the site?

There are no historic features on site.

- (8) Does the lighting of structures and parking area avoid glare on adjoining properties and minimize light pollution within the town?

A photometric plan has been submitted that demonstrates that there is no light trespass or glare off site.

- (9) Is the proposed limit of work area reasonable and does it protect sensitive environmental and/or cultural resources? The site plan as designed should not cause substantial or irrevocable damage to the environment, which damage could be avoided or ameliorated through an alternative development plan or mitigation measures.

The limit of work is reasonable. It makes use of an already developed site and provides a comprehensive stormwater management system to address the existing facility and proposed site improvements.

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

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

Section 8.10 of the *Zoning Bylaw (Recreational Marijuana)* and Table 1 – Schedule of Uses specifies that non-retail recreational marijuana establishments are allowed by special permit in the East and West Industrial zoning districts. The subject site at 4 Marc Road is located within the East Industrial zoning district and is therefore an eligible location for the proposed use. Further, the site is not located within 500 feet of any of the uses from which marijuana establishments are prohibited (existing public or private school serving students in grades K-12). The site includes an existing industrial building constructed in 1984; the property has been used for industrial purposes for 35 years.

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

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

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

The existing site contains suitable driveways, parking areas and stormwater management systems. Pedestrians are not expected to access the site as no retail marijuana operation is permitted. As conditioned herein, the Applicant is required to meet the Town's noise and odor standards as specified in Section 7.3 of the *Zoning Bylaw* and provide additional noise and odor mitigation measures if needed in the future.

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

The proposed facility is expected to have 25 employees. The available on-site parking exceeds the number of parking spaces required. As the facility will not

have a retail operation, non-employee traffic to the site will be minimal. The Industrial Park Road system is adequate to handle the routine employee traffic. Marc Road was recently reconstructed as part of the approval of an adjacent business facility at 2 Marc Road, so the adjacent roadway quality leading to the property is excellent. Furthermore, the site's access is via Marc Road from Industrial Park Road from Main Street/Route 109, a major east-west arterial roadway, so there is no traffic impact on local residential roadways.

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

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

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

The Board heard testimony from residential abutters and neighbors about their concerns regarding adverse noise and odor conditions which may emanate from the proposed facility. These concerns result from their experience of noise and odor issues related to the existing marijuana cultivation and manufacturing operation at the adjacent 2 Marc Road marijuana facility. The Applicant made repeated verbal commitments during the public hearing that they will address neighbor concerns through reasonable noise and odor mitigation measures. The Applicant will be held to the environmental standards included in Section 7.3 of the *Zoning Bylaw*. As conditioned herein, the Board finds that reasonable measures will be taken such that this particular industrial use will not adversely affect the surrounding neighborhood.

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

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

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

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

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

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

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

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

- (1) Maintenance, repair and enlargement of any existing structure and new construction are permitted uses, subject to certain restrictions, within the Groundwater Protection District. As conditioned, and as noted below, the project will comply with those restrictions.
- (2) As conditioned herein, storage of hazardous materials, as defined in Massachusetts General Laws, c. 21E, is prohibited unless enclosed in a free standing container within a building. Any accidental spillage will also be contained within the building and any that may enter the municipal sewer system will be treated prior to being discharged to the municipal sewer system.
- (3) As conditioned herein, any commercial fertilizers, as defined in Massachusetts General Law, c. 128, §64, used for the growing of marijuana plants will be stored within containers and kept inside the 4 Marc Road building.
- (4) The facility will handle toxic and hazardous materials. All use of hazardous materials will be contained within the building and as the risk of spillage during deliveries is low, the facility qualifies for a special permit. Operation and maintenance procedures are in place to prevent any accidental outdoor spillage from reaching groundwater.

- (5) Water control devices are prohibited unless they can be shown to prevent adverse impacts on groundwater. The stormwater management plans have been reviewed by the Town's Consulting Engineer to ensure that no adverse impacts will result.
- (6) The facility and associated site improvements will render more than 71,000 square feet of the site impervious. The Town's Consulting Engineer has reviewed the stormwater management plan to ensure that groundwater recharge does not degrade groundwater quality.
- (7) As required by Section 5.6.F. 1. of the *Zoning Bylaw*, the plans have been provided to the Board of Health, Conservation Commission, Water and Sewer Commission, and Department of Public Services for review and consultation to evaluate whether the proposed project will adversely impact the quality or quantity of water available within the Groundwater Protection District, and to determine that disturbance of the soils, topography, drainage, vegetation and other characteristics is minimized.

VII. WAIVERS – At its _____ 2019 meeting, the Board, on a motion made by _____ and seconded by _____, voted to grant waivers from the following provisions of the *Rules and Regulations for the Submission and Approval of Site Plans, as amended December 3, 2002*. The Board's action and reasons for granting each waiver request are listed below. All waivers are subject to the *Special and General Conditions of Approval*, which follow this section. The motion was _____ by a vote of ____ in favor and ____ opposed.

SITE PLAN SUBMITTAL REQUIREMENTS/PLAN CONTENTS

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

The Applicant has requested a waiver from this requirement. The site is already developed and has been used for industrial purposes since 1984. The proposed site improvement work is minimal. Traffic is not expected to increase beyond previous occupants. The preparation of traffic, environmental, community and parking impact assessments is not expected to reveal any useful information related to the site or the project's impacts. The recreational marijuana facility use is highly regulated by the Massachusetts Cannabis Control Commission and is subject to a special use zoning permit from the Board. For the foregoing reasons, the Board APPROVES this waiver as being consistent with the purpose and intent of the Site Plan Rules and Regulations which will have no significant detriment to the achievement of any of the purposes of Site Plan Review and Approval.

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

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

The Applicant has requested a waiver from this requirement. A separate Site Context Sheet has not been provided as part of the plan set. However, the information specified to be included on a Site Context Sheet is included on other sheets included in the plan set. For the foregoing reason, the Board APPROVES this waiver as being consistent with the purpose and intent of the Site Plan Rules and Regulations which will have no significant detriment to the achievement of any of the purposes of Site Plan Review and Approval.

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

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

Section 204-5 D. 7. Proposed Landscape Design – A *Landscape Architectural Plan* shall be prepared by a Landscape Architect licensed in the Commonwealth of Massachusetts. This *Plan* shall be prepared as an overlay of the existing conditions sheets and shall incorporate, whenever possible, the significant features of the existing site and topography, particularly existing trees with a diameter of one (1) foot or greater at four (4) feet above grade. The *Landscape Architectural Plan* shall indicate the areas slated for excavation; any woodlands, trees or other existing features or structures to be retained; all new plantings by common and Latin name including their proposed locations and sizes at the time of installation. Plan graphics for tree canopies shall reflect, as closely as possible, the actual canopy dimension of proposed tree plantings at the time of installation with a “lesser” intensity graphic used to represent potential canopy at maturity.

The applicant has requested a waiver from this requirement as no new landscaping is proposed for this already developed site. Any marijuana facility is subject to a permit from the Massachusetts Cannabis Control Commission which has strict requirements that prohibit shrubs and trees from being planted in proximity to marijuana establishments in order to promote safety in and around the facility. For the foregoing reasons, the Board APPROVES this waiver as being consistent with the purpose and intent of the Site Plan Rules and Regulations which will have no significant detriment to the achievement of any of the purposes of Site Plan Review and Approval.

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

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

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

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

SPECIFIC CONDITIONS OF APPROVAL

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

3. This special permit is not transferrable to another party. It shall remain exclusively with the Applicant, Neo Organics, LLC as the operator of an adult recreational marijuana establishment on the premises.
4. Smoking, burning and consumption of marijuana or marijuana infused products on the premises is prohibited.

B. Noise Management

1. The Applicant shall install and maintain at all times effective noise reduction equipment to comply with Section 7.3 of the *Zoning Bylaw*. 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. MUCH MORE NEEDED HERE

C. Odor Management

1. The Applicant shall install and maintain at all times effective odor control technology to remove odors from the facility's exhaust system to comply with Section 7.3 of the *Zoning Bylaw*. The Applicant will complete this through industry best practices and suitable building filtration systems including a secondary safeguard system as required by the *Zoning Bylaw*. The Applicant shall ensure proper maintenance of all odor migration equipment to ensure maximum efficiency and effectiveness.
2. MUCH MORE NEEDED HERE

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

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

- F. Limitations - This special permit is limited to the operation of a recreational marijuana cultivation and processing facility at 4 Marc Road. This permit does not authorize operation of a retail outlet for the sale of adult recreational marijuana products, or the operation of a marijuana social establishment, or the operation of a marijuana testing facility on the premises.

GENERAL CONDITIONS OF APPROVAL

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

1. the balance of any outstanding project review fees owed to the Town for review of the application by the Town’s engineering, planning, noise, odor or other consultants;
 2. an advance on fees for the continued review services to be provided by outside noise and odor consultants as approved by the Planning and Economic Development Board;
 3. any other outstanding expenses or obligations due the Town of Medway pertaining to this property, including real estate and personal property taxes and business licenses.
- B. **Other Permits** – This special permit does not relieve the Applicant from its responsibility to apply for, obtain, pay for, and comply with all other required federal, state and Town permits, licenses and approvals. The Applicant or agent shall apply for, obtain, pay for, and comply with all other required Town permits.
- C. **Recording** - Within thirty days of recording the Decision, the Applicant shall provide the Board and the Building Commissioner with a receipt from the Norfolk County Registry of Deeds indicating that the Decision has been duly recorded, or supply another alternative verification that such recording has occurred.
- D. **Conflicts** –If there is a conflict between this Decision and the *Zoning Bylaw*, the *Bylaw* shall apply.

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

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

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

###

DRAFT

**Medway Planning and Economic Development Board
Adult Recreational Marijuana Establishment Decision – 4 Marc Road**

APPROVED 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, DPW Director
Bridget Graziano, Conservation Agent
Donna Greenwood, Assessor
Beth Hallal, Health Agent
Jeff Lynch, Fire Chief
Jack Mee, Building Commissioner and Zoning Enforcement Officer
Joanne Russo, Treasurer/Collector
Barbara Saint Andre, Director of Community and Economic Development
Alan Tingley, Police Chief
Jeff Watson, Police Department
Chad Blair, Neo Organics and 4 Marc Road Realty, LLC
Jaime Lewis, Neo Organics
_____, NEK, LLC
Bert Corey, DGT Associates
Steven Bouley, Tetra Tech
Gino Carlucci, PGC Associates



November 26, 2019
Medway Planning & Economic Development Board
Meeting

Milway Auto Performance Security

- Revised Tetra Tech Bond Estimate for \$50,000 dated 11-12-19
- Western Surety Company Bond dated 11-12-19
- SAC email to Phil Anza 11-21-19
- Performance Security Agreement for PEDB signature

**TETRA TECH**

Bond Estimate
50 Alder Street
Medway, Massachusetts
November 12, 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 | \$1,500.00 | \$1,500 |
| Granite Curb Returns (sidewalk) | 2 | EA | \$475.00 | \$950 |
| Gravel Borrow (sidewalk) | 5 | CY | \$45.00 | \$225 |
| Fine Grading (Sidewalk) | 15 | SY | \$5.00 | \$75 |
| Concrete (sidewalk) | 15 | SY | \$55.00 | \$825 |
| Fine Grading (parking) | 0 | SY | \$5.00 | \$0 |
| HMA Binder Course | 0 | TON | \$135.00 | \$0 |
| Inspection Port Castings | 0 | EA | \$450.00 | \$0 |
| Cape Cod Berm | 275 | LF | \$10.00 | \$2,750 |
| HMA Top Course | 97 | TON | \$120.00 | \$11,640 |
| Striping | 1 | LS | \$800.00 | \$800 |
| Erosion Control Pad (drainage) | 0 | SY | \$60.00 | \$0 |
| Roof Leader Overflow Device | 2 | EA | \$200.00 | \$400 |
| Cap Retaining Wall | 0 | LS | \$1,000.00 | \$0 |
| Light Fixtures | 1 | EA | \$500.00 | \$500 |
| Landscaping | 1 | LS | \$5,000.00 | \$5,000 |
| Remove Erosion Controls | 1 | LS | \$500.00 | \$500 |
| As-Built Plans | 1 | LS | \$5,000.00 | \$5,000 |
| Legal Services | 1 | LS | \$9,835.00 | \$9,835 |
| Subtotal | | | | \$40,000 |
| 25% Contingency | | | | \$10,000 |
| Total | | | | \$50,000 |

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 10/2018 - 10/2019. Quantities which are too small for accurate representation using the weighted bid pricing were estimated based on industry construction experience.

²Items shown in gray have changed since our previous estimate.

Effective Date: November 12, 2019



Western Surety Company

LICENSE AND PERMIT BOND

KNOW ALL PERSONS BY THESE PRESENTS:

Bond No. 72214038

That we, Alder Street Realty, LLC

of Medway, State of Massachusetts, as Principal,
and WESTERN SURETY COMPANY, a corporation duly licensed to do surety business in the State

Massachusetts, as Surety, are held and firmly bound unto the

Town of Medway, State of Massachusetts, as Obligee, in the penal

sum of Fifty Thousand and 00/100 DOLLARS (\$50,000.00),
lawful money of the United States, to be paid to the Obligee, for which payment well and truly to be made,
we bind ourselves and our legal representatives, firmly by these presents.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That whereas, the Principal has been
licensed Concrete/Sidewalk Contractor

by the Obligee.

NOW THEREFORE, if the Principal shall faithfully perform the duties and in all things comply
with the laws and ordinances, including all amendments thereto, pertaining to the license or permit
applied for, then this obligation to be void, otherwise to remain in full force and effect
November 12th, 2020, unless renewed by Continuation Certificate.

This bond may be terminated at any time by the Surety upon sending notice in writing, by First Class
U.S. Mail, to the Obligee and to the Principal at the address last known to the Surety, and at the
expiration of thirty-five (35) days from the mailing of said notice, this bond shall ipso facto terminate and
the Surety shall thereupon be relieved from any liability for any acts or omissions of the Principal
subsequent to said date. Regardless of the number of years this bond shall continue in force, the number of
claims made against this bond, and the number of premiums which shall be payable or paid, the Surety's
total limit of liability shall not be cumulative from year to year or period to period, and in no event shall
the Surety's total liability for all claims exceed the amount set forth above. Any revision of the bond
amount shall not be cumulative.

Dated this 12th day of November, 2019.

ALDER STREET REALTY, LLC

Principal

Principal

WESTERN SURETY COMPANY

By

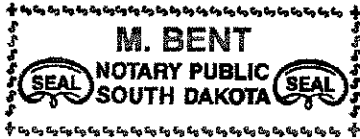
Paul T. Bruffat, Vice President

STATE OF SOUTH DAKOTA }
COUNTY OF MINNEHAHA } ss

ACKNOWLEDGMENT OF SURETY
(Corporate Officer)

On this 12th day of November, 2019, before me, the undersigned officer, personally appeared Paul T. Bruflat, who acknowledged himself to be the aforesaid officer of WESTERN SURETY COMPANY, a corporation, and that he as such officer, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by himself as such officer.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.



M. Bent

Notary Public — South Dakota

My Commission Expires March 2, 2020

ACKNOWLEDGMENT OF PRINCIPAL
(Individual or Partners)

STATE OF _____ }
COUNTY OF _____ } ss

On this _____ day of _____, _____, before me personally appeared

known to me to be the individual _____ described in and who executed the foregoing instrument and acknowledged to me that _____ he _____ executed the same.

My commission expires _____

Notary Public

ACKNOWLEDGMENT OF PRINCIPAL
(Corporate Officer)

STATE OF _____ }
COUNTY OF _____ } ss

On this _____ day of _____, _____, before me personally appeared

who acknowledged himself/herself to be the _____ of _____, a corporation, and that he/she as such officer being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing the name of the corporation by himself/herself as such officer.

My commission expires _____

Notary Public

 Western Surety Company

License or Permit No. _____

LICENSE AND PERMIT
BOND
As

of _____

State of _____

Name of Applicant _____

Address _____

Filed _____

Approved this _____

day of _____

Western Surety Company

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS:

That WESTERN SURETY COMPANY, a corporation organized and existing under the laws of the State of South Dakota, and authorized and licensed to do business in the States of Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming, and the United States of America, does hereby make, constitute and appoint

Paul T. Bruflat of Sioux Falls,
State of South Dakota, its regularly elected Vice President,
as Attorney-in-Fact, with full power and authority hereby conferred upon him to sign, execute, acknowledge and deliver for and on its behalf as Surety and as its act and deed, the following bond:

One Concrete/Sidewalk Contractor Town of Medway

bond with bond number 72214038

for Alder Street Realty, LLC

as Principal in the penalty amount not to exceed: \$50,000.00

Western Surety Company further certifies that the following is a true and exact copy of Section 7 of the by-laws of Western Surety Company duly adopted and now in force, to-wit:

Section 7. All bonds, policies, undertakings, Powers of Attorney, or other obligations of the corporation shall be executed in the corporate name of the Company by the President, Secretary, any Assistant Secretary, Treasurer, or any Vice President; or by such other officers as the Board of Directors may authorize. The President, any Vice President, Secretary, any Assistant Secretary, or the Treasurer may appoint Attorneys-in-Fact or agents who shall have authority to issue bonds, policies, or undertakings in the name of the Company. The corporate seal is not necessary for the validity of any bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation. The signature of any such officer and the corporate seal may be printed by facsimile.

In Witness Whereof, the said WESTERN SURETY COMPANY has caused these presents to be executed by
Vice President with the corporate seal affixed this 12th day of November,
2019.

ATTEST

L. Nelson

L. Nelson, Assistant Secretary

WESTERN SURETY COMPANY

By

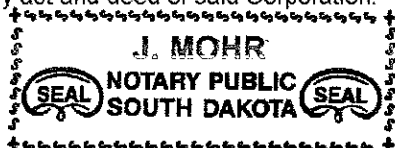
Paul T. Bruflat

Paul T. Bruflat, Vice President

STATE OF SOUTH DAKOTA }
COUNTY OF MINNEHAHA } ss

On this 12th day of November, 2019, before me, a Notary Public, personally appeared
Paul T. Bruflat and L. Nelson

who, being by me duly sworn, acknowledged that they signed the above Power of Attorney as Vice President
and Assistant Secretary, respectively, of the said WESTERN SURETY COMPANY, and acknowledged said instrument to be the
voluntary act and deed of said Corporation.



My Commission Expires June 23, 2021

J Mohr

Notary Public



Susan Affleck-Childs

From: Susan Affleck-Childs
Sent: Thursday, November 21, 2019 1:58 PM
To: 'Phil Anza'
Subject: surety for 50 Alder Street
Attachments: Site Plan Performance Security Agreement for SURETY BOND (11-21-19).pdf; Surety Agreement - SURETY signature page.docx; TT Bond Estimate_03_Milway_2019-11-12.pdf; Milway Auto Site Plan Decision - FINAL 5-8-18.pdf

Importance: High

Hi,

Thanks for dropping off the insurance bond document.

Attached is the performance security agreement to be signed by you and notarized and signed by the representative of Western Surety and notarized. I also attached a WORD version of the SURETY signature page of the agreement which can be modified in case they need to adjust it a bit to fit standard formatting for South Dakota. I have also attached the two attachments that are referenced in the agreement.

Please sign the document and have your signature notarized and get that original to me.

Please forward this to your insurance agent or whomever can arrange for Western Surety to sign. Please have them scan and send me a copy, followed by the original via regular mail. Hopefully, you can get this all back to me by next Tuesday so I can have the Board approve.

Let me know if you have any questions. This is in your court now!

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

Performance Secured by Surety Agreement
Planning & Economic Development Board – Town of Medway, MA

Bond No. 72214038

This Surety Agreement is entered into this ____ day of _____, 2019, among the Town of Medway, 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 Alder Street Realty, LLC of Medway, MA with an address of 50 Alder Street, Medway, MA 02053, (“Owner”), and Western Surety Company, a corporation duly organized and existing under the laws of the state of South Dakota, licensed and registered to do business in the Commonwealth of Massachusetts, and with a usual place of business and address of 101 South Reid Street, Sioux Falls, SD 57013, (“Surety”), to secure completion of the installation of required site improvements and landscaping and other associated items as shown on the approved site plan described below.

WHEREAS, on May 8, 2018, after a duly noticed public hearing, the Board issued a major site plan approval decision (attached) and subsequently endorsed a major site plan, which is entitled *Proposed 3,250 S.F. Commercial Building Site Plan, 50 Alder Street, Medway, MA*, dated March 30, 2016, last revised June 4, 2018, prepared by Grady Consulting, LLC of Kingston, MA, endorsed by the Board on June 12, 2018, hereinafter referred to as “the Site Plan”); and

WHEREAS, the Owner has requested the issuance of an occupancy permit from the Town of Medway for the building on the premises; and

WHEREAS, the Board is required by the site plan approval decision to secure completion of the required site improvements and landscaping and other associated items before an occupancy permit is issued; and

WHEREAS, the value of the remaining required site improvements, landscaping and other associated items is \$50,000 as specified in the bond estimate dated November 12, 2019 prepared by the Town’s engineering consultant, Tetra Tech (attached); and

WHEREAS, the Owner has decided to secure the installation of the required site improvements and landscaping and other associated items by means of a SURETY BOND in the penal sum of fifty thousand dollars (\$50, 00.00).

NOW, THEREFORE, the parties agree as follows:

1. The Owner and Surety hereby bind and obligate themselves and their successors and assigns to the Town of Medway in the sum of \$50,000 and have secured this obligation by means of a SURETY BOND to be used to secure the performance by the Owner of required site improvements and landscaping and other associated items contained in the site plan decision and the endorsed site plan and the bond estimate dated November 12, 2019 prepared by the Town’s engineering consultant, Tetra Tech.

2. The Surety shall deliver a surety bond in a form acceptable to the Board to the Treasurer of the Town of Medway, at the time of the execution of this agreement, in the amount of \$50,000 or purpose of securing completion of the required site improvements and landscaping.
3. The Owner shall complete the installation of the required site improvements and landscaping by November 12, 2020.
4. Upon completion of all obligations as specified herein 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 Owner, the Board shall release the Owner and Surety from this surety agreement.
5. In the event the Owner should fail to complete the installation of the required site improvements and landscaping as specified in the approved Site Plan and Decision and within the time herein specified, the Board may apply the bond 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 required site improvements and landscaping as provided in this agreement. Any portion of the bond that is not applied as set forth above, shall be returned to the Surety upon completion of the required site improvements and landscaping by the Town of Medway
6. The Board, at its discretion, may grant an extension of time and/or reduce the penal amount of the bond and notify the Owner, the Surety and the Treasurer of the Town of Medway of any authorized adjustment.
7. The Owner and Surety agree and understand that the Board will not release this surety bond in full until the required site improvements and landscaping have been deemed by the Board to be constructed and installed in accordance with this agreement. This agreement does not expire until the Board releases the surety bond in full.
8. Failure to complete the required site improvements and landscaping may result in the Board's rescission of approval of the Site Plan.
9. 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 _____, 2019.

**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 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 it was signed
voluntarily for its stated purpose as members of the Medway Planning and
Economic Development Board.

Notary Public
My commission expires: _____

OWNER

By: _____
Phil Anza

Title/Position: Manager
Organization: Alder Street Realty, LLC

COMMONWEALTH OF MASSACHUSETTS

_____, SS

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

Notary Public
My commission expires: _____

SURETY COMPANY

By: _____
Paul T. Bruflat

Title/Position: Vice President

Organization: Western Surety Company

STATE OF SOUTH DAKOTA
COUNTY OF MENNEHAHA

On this ____ day of _____, 2019, before me, the undersigned notary public, personally appeared the above-named _____, proved to me through satisfactory evidence of identification, which was (personal knowledge) (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 as _____ of _____.

Notary Public
My commission expires: _____

APPENDICES

- ***Site Plan Decision dated May 8, 2018***
- ***Tetra Tech Bond Estimate dated November 12, 2019***



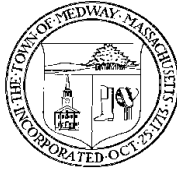
November 26, 2019

**Medway Planning & Economic Development Board
Meeting**

**Salmon Willows ARCPUD – Modification
of Special Permit Plan**

- Public Hearing Notice
- Application for ARCPUD Plan Modification
- Revised plan modification sheets from Coneco received 11-19-19
- TT review letter dated 9-26-19 on an earlier version of the plan modification
- Coneco response letter dated 10-23-19 to TT's review comments
- TT email dated 11-20-19 regarding further revised plan

You will recollect that this needed change in drainage design triggered an amendment to the applicant's Order of Conditions with the Conservation Commission. Accordingly, that triggers the need for a formal plan modification with the PEDB (instead of a field change). ConCom met last night and approved the most recent version with several conditions that track Steve Bouley's comments/recommendations in his 11-20 email. We will have that Order of Conditions on Monday.



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

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

November 12, 2019

MEDWAY PLANNING & ECONOMIC DEVELOPMENT BOARD
NOTICE OF PUBLIC HEARING

**Modification of Salmon Health and Retirement Community
Adult Retirement Community Special Permit Site Plan
259, 261, 261R and 263 Village Street**

In accordance with the Medway Zoning Bylaw, Section 8.5 Adult Retirement Community Planned Unit Development and the provisions of Chapter 40A, Massachusetts General Laws, notice is given that ***the Medway Planning and Economic Development Board will conduct a Public Hearing on Tuesday, November 26, 2019 at 8 pm at Medway Town Hall, 155 Village Street to consider the application of Continuing Care Management, LLC of Westborough, MA for approval of a modification to the previously approved Salmon Health and Retirement Site Plan dated June 18, 2018.. The meeting room is accessible via elevator for individuals with physical disabilities.***

The application, site plan modification, and supporting drainage documentation were filed with the Town on October 31, 2019. The plan revisions are shown on the Salmon Health and Retirement Site Plan, Sheet 1 Campus Drainage dated 10-22-19 and revised Sheets C24, C25, C26, C27 and C58 by Coneco Engineers and Scientists of Bridgewater, MA.

The applicant proposes to modify the stormwater drainage facilities around the main campus building. These changes are needed to accommodate the structural fill that was brought in to provide necessary support for the building construction and placed below the stormwater drainage infiltration facilities. The proposed modification would consist of rerouting roof runoff from the main building to alternative drainage facilities, resizing three infiltration trenches, removing two infiltration trenches, and creating a hydraulic connection within these drainage facilities to ensure stormwater runoff will ultimately recharge to the underlying soils.

This modification pertains to the Salmon Health and Retirement Community complex that is presently under construction off the south side of Village Street and is comprised of 58 acres at 259, 261, 261R and 263 Village Street. That development was authorized by special permit issued by the Planning and Economic Development Board on March 24, 2016.

The application, proposed plan modification, and associated materials are on file with the Medway Town Clerk and the Planning and Economic Development office at Medway Town Hall, 155 Village Street, Medway, MA and may be inspected during regular Town Hall office hours. The information is posted at the Planning and Economic Development web page at: <https://www.townofmedway.org/planning-economic-development-board/pages/current-applications-pedb-0> Interested persons or parties are invited to review the plan modification, attend the public hearing, and express their views at the designated time and place. Written comments are encouraged and may be forwarded to planningboard@townofmedway.org. Questions should be directed to 508-533-3291.

Andy Rodenhiser, Chairman

To be published in the *Milford Daily News*: Tuesday, November 12, 2019 and Monday, November 18, 2019

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

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

RECEIVED

NOV - 5 2019

**APPLICATION TO MODIFY an
Adult Retirement Community Planned Unit Development
(ARCPUD) Special Permit and/or Plan**

OCT 31 2019

Medway Planning & Economic Development Board
155 Village Street, Medway, MA 02053
508-533-3291

This application to amend an approved ARCPUD Special Permit and/or Plan is made pursuant to the Medway Zoning Bylaw, Section 8.5 Adult Retirement Community Planned Unit Development (ARCPUD) and Massachusetts General Laws, Chapter 40A, Section 9 - Special Permits

Date: October 31, 2019

The undersigned, being the applicant and the owner of all land included within the site of the previously approved ARCPUD Special Permit and Plan entitled Salmon Health and Retirement Community ARCPUD Special Permit Site Plans as last revised dated 2/18/2016, and prepared by Varies (see plan set) of Coneco Engineers & Scientists, submits this application to modify the previously approved ARCPUD Special Permit and/or Plan.

PROPERTY INFORMATION

1. Property Location Address 259, 261, 261R & 263 Village Street
2. Assessor's Map and Parcel Information: Map 69 Parcels 13-1, 14, 15-1, & 21
3. Development Name: Salmon Health & Retirement Community

APPLICANT/CONTACT INFORMATION

- 4a) **Applicant (if other than property owner)** _____
Address: _____

Primary Contact: _____
Telephone: _____ Fax: _____
Email address: _____

- 4b) **Property Owner:** Continuing Care Management, LLC
Address: 1 Lyman Street
Westborough, MA 01581

Primary Contact: Jeffrey S. Robinson, Managing Partner
Telephone: 508-254-2754 Fax: 508-366-1930

- 4c) **Official Representative:** *NOTE - If someone other than the property owner or*

the equitable owner is the Applicant or will be representing the Applicant, then the property owner or equitable owner must designate an Official Representative.

Official Representative: Jonathan Novak

Address: 4 First Street
Bridgewater, MA 02324

Telephone: 508-697-3191 ext.145 Fax: 508-697-5996

Email: jnovak@coneco.com

5. **Engineer:** Coneco Engineers & Scientists

Address: 4 First Street
Bridgewater, MA 02324

Primary Contact: Jonathan Novak

Telephone: 508-697-3191 ext.145 Fax: 508-697-5996

6. **Surveyor:** Coneco Engineers & Scientists

Address: 4 First Street,
Bridgewater, MA 02324

Primary Contact: Timothy Bodah

Telephone: 508-697-3191 ext.120 Fax: 508-697-5996

7. **Landscape Architect:** CHA Companies

Address: 11 King Court
Keene, New Hampshire 03431

Primary Contact: David M. Thompson, JR, RLA

Telephone: 603-357-2445 Fax: _____

PROJECT INFORMATION

8. **Total size/area of ARCPUD Project Parcel(s):** 56.9 acres

9. **# of Approved Dwelling Units:** 225

a. Single family detached houses Number of structures: 4
b. Two-family structures: Number of structures: 25 # of units: 50
c. Multi-family residential structures: Number of structures: 1 # of units: 171

10. **Open Space Description:** The open space consists of 1,630,889 s.f. (66% of the site) of wetland, streams, forest, and walking paths. The open space consists of two contiguous areas bisected by a portion of the development.

11. **Date of Board Approval of ARCPUD Special Permit:** March 24, 2016

12. **Date of Board Endorsement of ARCPUD Plan:** _____

13. **Date and Information re: Recording of ARCPUD Special Permit and Plan at Norfolk County Registry of Deeds:** _____

Book 35686 Page 76

Recorded on December 20, 2017

14. **Modification Description Narrative** - Attach a separate document. Provide a detailed description of your proposal to modify the ARCPUD Special Permit

and/or Plan. Be very specific and reference page and conditions of the Decision and/or Plan. Explain why these changes needed. Also, please specify the waivers from the *Subdivision Rules and Regulations* you are requesting and provide a Form Q Waiver Request for each waiver you seek.

SIGNATURES

I hereby certify, under the pains and penalties of perjury, that the information contained in this application is true and complete to the best of my knowledge and belief. *[If applicable, I hereby authorize Jonathan Novak to serve as my Official Representative to represent my interests before the Medway Planning and Economic Development Board with respect to this application to modify an ARCPUD Special Permit and/or Plan.]* I understand I will be responsible for the expense of newspaper advertising and abutter notification of the required public hearing. In submitting this application, I also authorize the Planning and Economic Development Board, its agents, and other Town Officials to access and visit the site during the review process.

Signature of Applicant (if other than Property Owner)

Date

Signature of Property Owner

Date

If applicable, Signature of Official Representative

Date

SUBMITTAL CHECKLIST

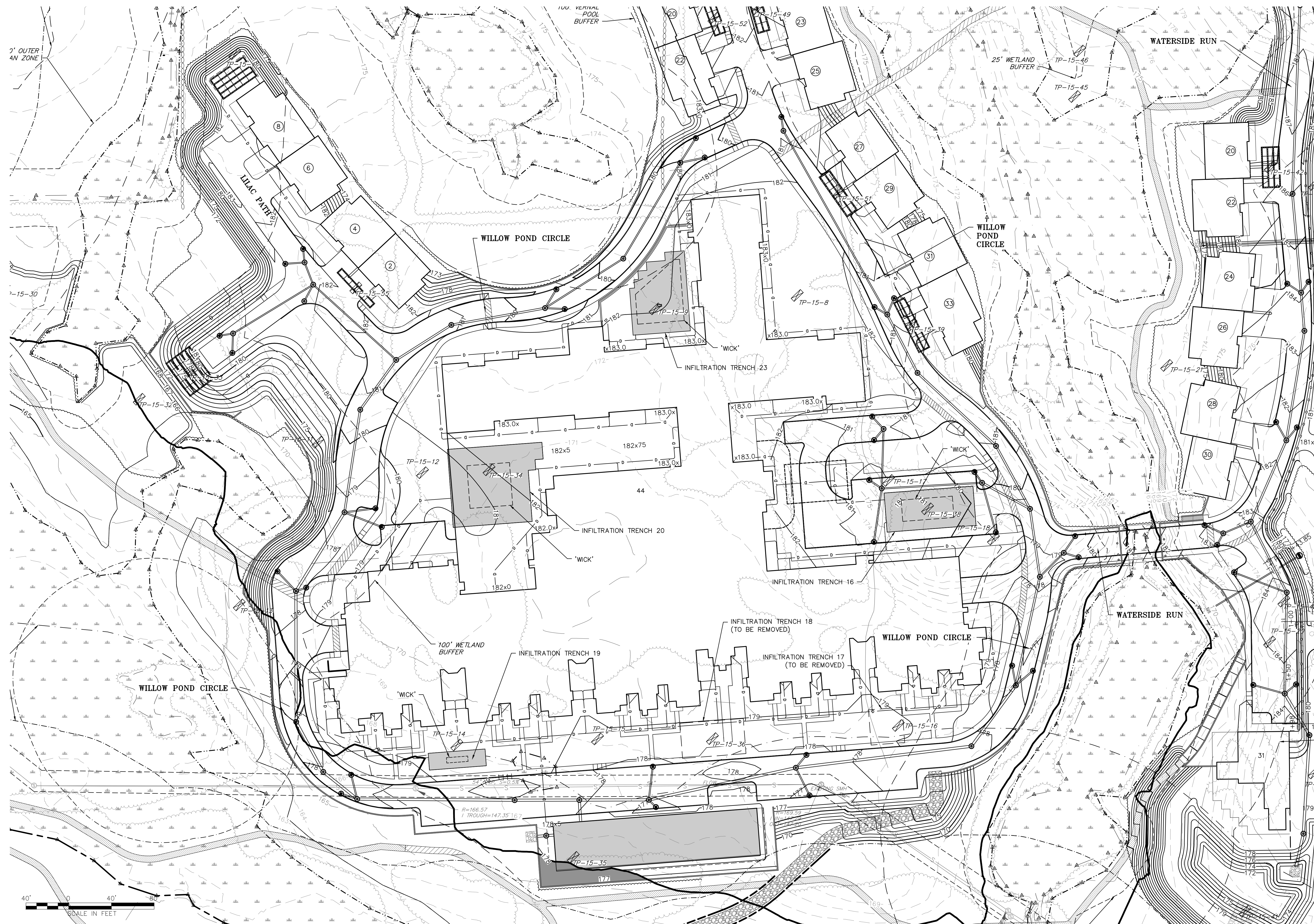
Town Clerk – One copy of each of the following:

- ☒ Original signed Application to Modify an ARCPUD Special Permit and/or Plan.
- ☒ If applicable, one (1) set of the proposed revised ARCPUD Plan
- ☒ Modification Description Narrative

Planning and Economic Development Board

- ☒ Original signed Application to Modify an ARCPUD Special Permit and/or Plan, date stamped by Town Clerk.
- ☒ If applicable, three (3) sets of the proposed revised ARCPUD Plan plus electronic version
- ☒ Modification Description Narrative
- ☒ Form Q - Requested waivers from *Subdivision Rules and Regulations*. One form for each waiver request.
- ☒ A certified list of abutters within 300 feet of the site's property lines
- ☒ ARCPUD Special Permit/Plan Modification Filing Fee - ~~\$500~~ **\$750** payable to the Town of Medway
- ☒ If applicable, advance on ARCPUD Plan Modification Review Fee - ~~\$500~~ **\$1,000** payable to Town of Medway

October 7, 2015

[illegible]

| | |
|-----------|---|
| PROJECT: | SALMON HEALTH AND RETIREMENT COMMUNITY 261, 261R AND 263 VILLAGE STREET MEDWAY, MASSACUSETTS 02053 |
| PLAN SET: | CONSTRUCTION DOCUMENTS |

| | | | |
|---------------|--|----------------|--|
| DATE | | 10/22/2019 | |
| DESIGNED: JEN | | CHECKED: JEN | |
| DRAFTED: DJD | | IN CHARGE: JEN | |
| SCALE: | | 1" = 40' | |
| PROJECT NO. | | 8548.0 | |
| SHEET NO. | | | |

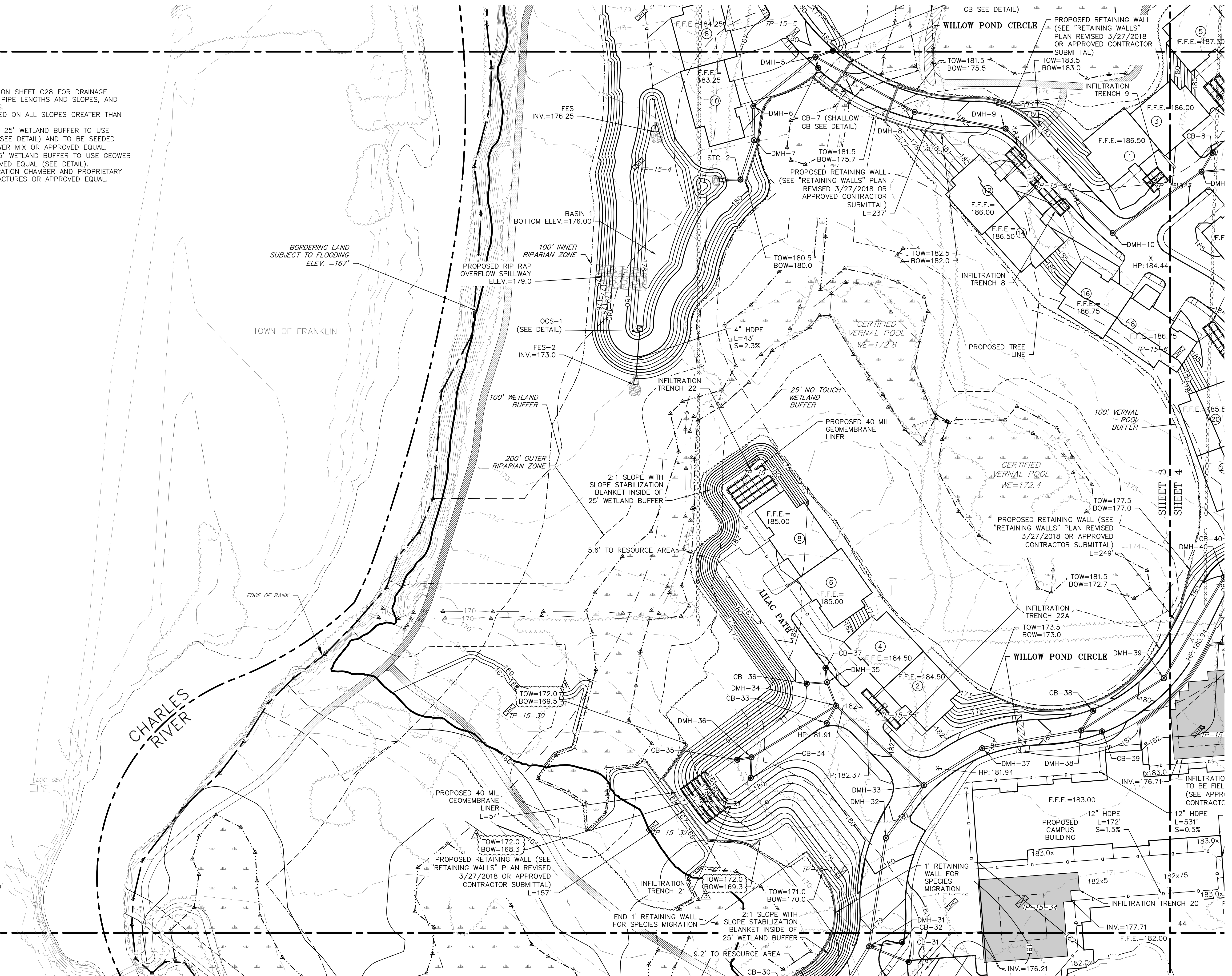
SHEET 1
SHEET 3

NOTES:

1. REFER TO DRAINAGE SCHEDULE ON SHEET C28 FOR DRAINAGE STRUCTURE RIMS AND INVERTS, PIPE LENGTHS AND SLOPES, AND INFILTRATION SYSTEM ELEVATIONS.
2. SLOPE STABILIZATION TO BE USED ON ALL SLOPES GREATER THAN 3:1.
3. ALL 2:1 SLOPES INSIDE OF THE 25' WETLAND BUFFER TO USE SLOPE STABILIZATION BLANKET (SEE DETAIL) AND TO BE SEEDED WITH A CONSERVATION/WILDFLOWER MIX OR APPROVED EQUAL.
4. ALL 2:1 SLOPES OUTSIDE OF 25' WETLAND BUFFER TO USE GEOWEB SLOPE STABILIZATION OR APPROVED EQUAL (SEE DETAIL).
5. CONTRACTOR TO INSTALL INFILTRATION CHAMBER AND PROPRIETARY SEPARATOR PER SHOWN MANUFACTURES OR APPROVED EQUAL.



SHEET 3
SHEET 5



| NO. | DATE | DESCRIPTION | DR/CK | MSD/EN | MSD/EN | JEN/EN |
|-----|----------|------------------------------------|-------|--------|--------|--------|
| | | | | | | |
| 1 | 04/29/19 | CONSTRUCTION MODIFICATIONS | | | | |
| 2 | 06/09/19 | CONSTRUCTION MODIFICATIONS | | | | |
| 3 | 08/21/19 | RETAINING WALL HEIGHT MODIFICATION | | | | |

PREPARED FOR:
CONTINUING CARE MANAGEMENT, LLC
1 LYMAN STREET
WESTBOROUGH, MASSACHUSETTS 01581

DRAWING:
GRADING & DRAINAGE
SHEET 3 OF 6

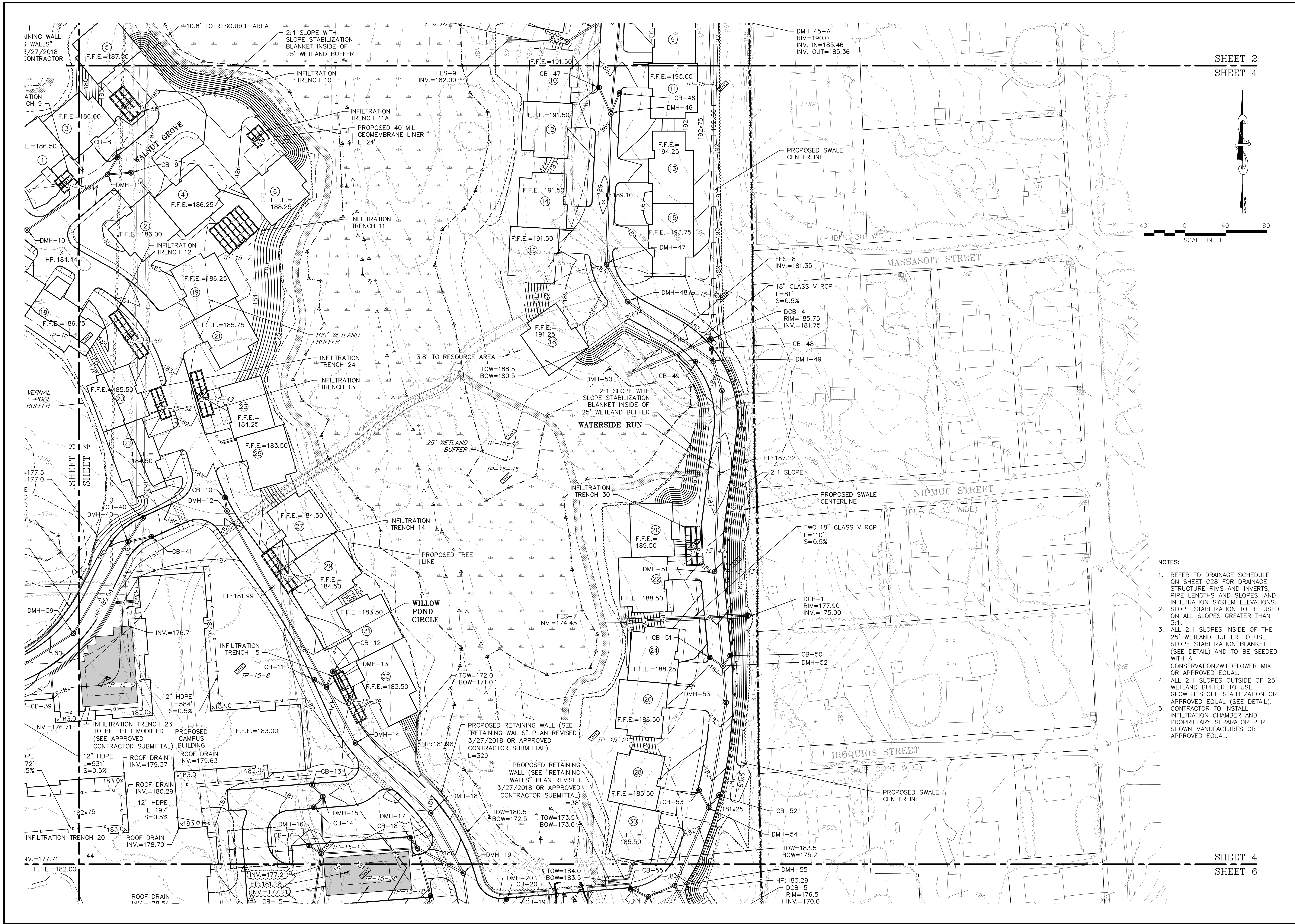
PROJECT:
SALMON HEALTH AND RETIREMENT
COMMUNITY
259, 261, 261R AND 263 VILLAGE STREET
MEDWAY, MASSACHUSETTS 02053

CONSTRUCTION
DOCUMENTS


CONECO
Engineers & Scientists
4 FIRST STREET, BRIDGEWATER, MASSACHUSETTS 02324
PHONE: 508-697-3191 OR 800-548-3355 FAX: 508-697-5996
WEBSITE: www.coneco.com

DATE: 6/18/2018
DESIGNED: JEN CHECKED: TLD
DRAFTED: DJD IN CHARGE: SMO
SCALE: 1"=40'
PROJECT NO. 8548.0
SHEET NO.

C24



- NOTES:
1. REFER TO DRAINAGE SCHEDULE ON SHEET C28 FOR DRAINAGE STRUCTURE RIMS AND INVERTS, PIPE LENGTHS AND SLOPES, AND INFILTRATION SYSTEM ELEVATIONS.
 2. SLOPE STABILIZATION TO BE USED ON ALL SLOPES GREATER THAN 3:1.
 3. ALL 2:1 SLOPES INSIDE OF THE 25' WETLAND BUFFER TO USE SLOPE STABILIZATION BLANKET (SEE DETAIL) AND TO BE SEEDED WITH A CONSERVATION/WILDFLOWER MIX OR APPROVED EQUAL.
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 5. CONTRACTOR TO INSTALL INFILTRATION CHAMBER AND PROPRIETARY SEPARATOR PER SHOWN MANUFACTURES OR APPROVED EQUAL.



| REVISIONS | |
|-----------|-------------|
| NO. | DESCRIPTION |
| 1 | 04/29/19 |
| 2 | 06/09/19 |

PROJECT: SALMON HEALTH AND RETIREMENT COMMUNITY
259, 261, 261R AND 263 VILLAGE STREET
MEDWAY, MASSACHUSETTS 02053

PREPARED FOR: CONTINUING CARE MANAGEMENT, LLC
1 LYMAN STREET
WESTBOROUGH, MASSACHUSETTS 01581

DATE: 6/18/2018

DESIGNED: JEN
DRAFTED: DJD
SCALE: 1"=40'

PROJECT NO. 8548.0

SHEET NO. C25

CONSTRUCTION DOCUMENTS

GRADING & DRAINAGE
SHEET 4 OF 6

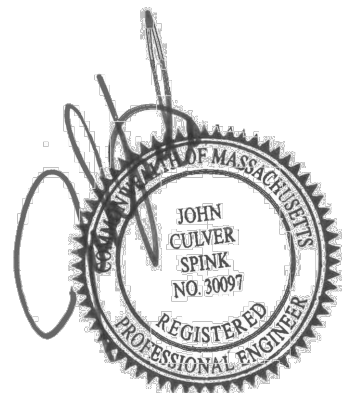
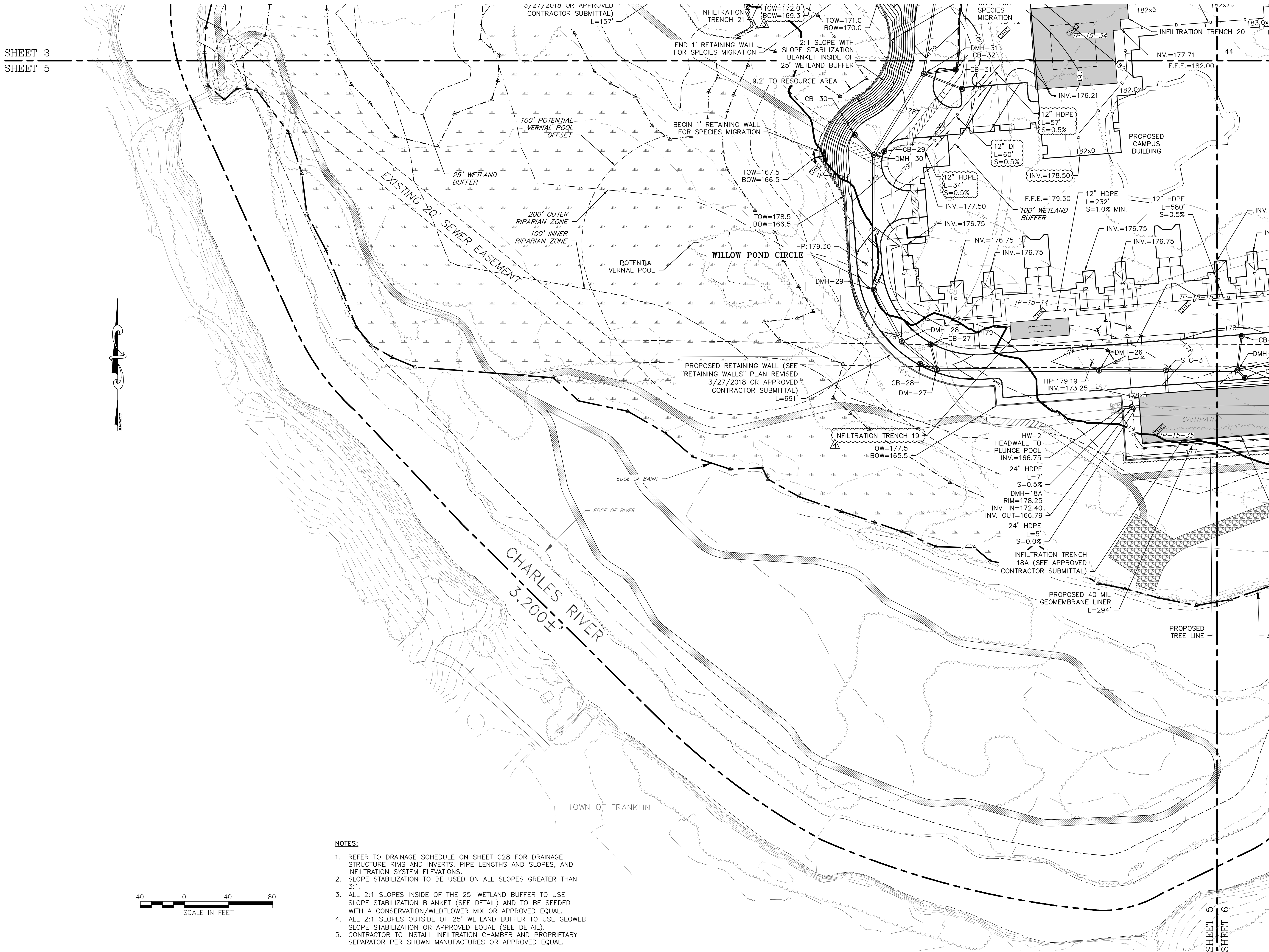
Engineers & Scientists
4 FIRST STREET, BRIDGEWATER, MASSACHUSETTS 02324
PHONE 508-697-3191 OR 800-548-3355 FAX 508-697-5996
WEBSITE: www.coneco.com

SHEET 3
SHEET 5



NOTES:

1. REFER TO DRAINAGE SCHEDULE ON SHEET C28 FOR DRAINAGE STRUCTURE RIMS AND INVERTS, PIPE LENGTHS AND SLOPES, AND INFILTRATION SYSTEM ELEVATIONS.
2. SLOPE STABILIZATION TO BE USED ON ALL SLOPES GREATER THAN 3:1.
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4. ALL 2:1 SLOPES OUTSIDE OF 25' WETLAND BUFFER TO USE GEOWEB SLOPE STABILIZATION OR APPROVED EQUAL (SEE DETAIL).
5. CONTRACTOR TO INSTALL INFILTRATION CHAMBER AND PROPRIETARY SEPARATOR PER SHOWN MANUFACTURES OR APPROVED EQUAL.



| REVISIONS | | DR/CK | DESCRIPTION | MSD/JEN | MSD/JEN | JEN/JEN |
|-----------|----------|-------|----------------------------|---------|---------|---------|
| NO. | DATE | | | | | |
| 1 | 04/29/19 | | CONSTRUCTION MODIFICATIONS | | | |
| 2 | 06/09/19 | | CONSTRUCTION MODIFICATIONS | | | |
| 4 | 09/06/19 | | BULLETIN 4 | | | |

PREPARED FOR:
CONTINUING CARE MANAGEMENT, LLC
1 LYMAN STREET
WESTBOROUGH, MASSACHUSETTS 01581

DRAWING:
GRADING & DRAINAGE
SHEET 5 OF 6

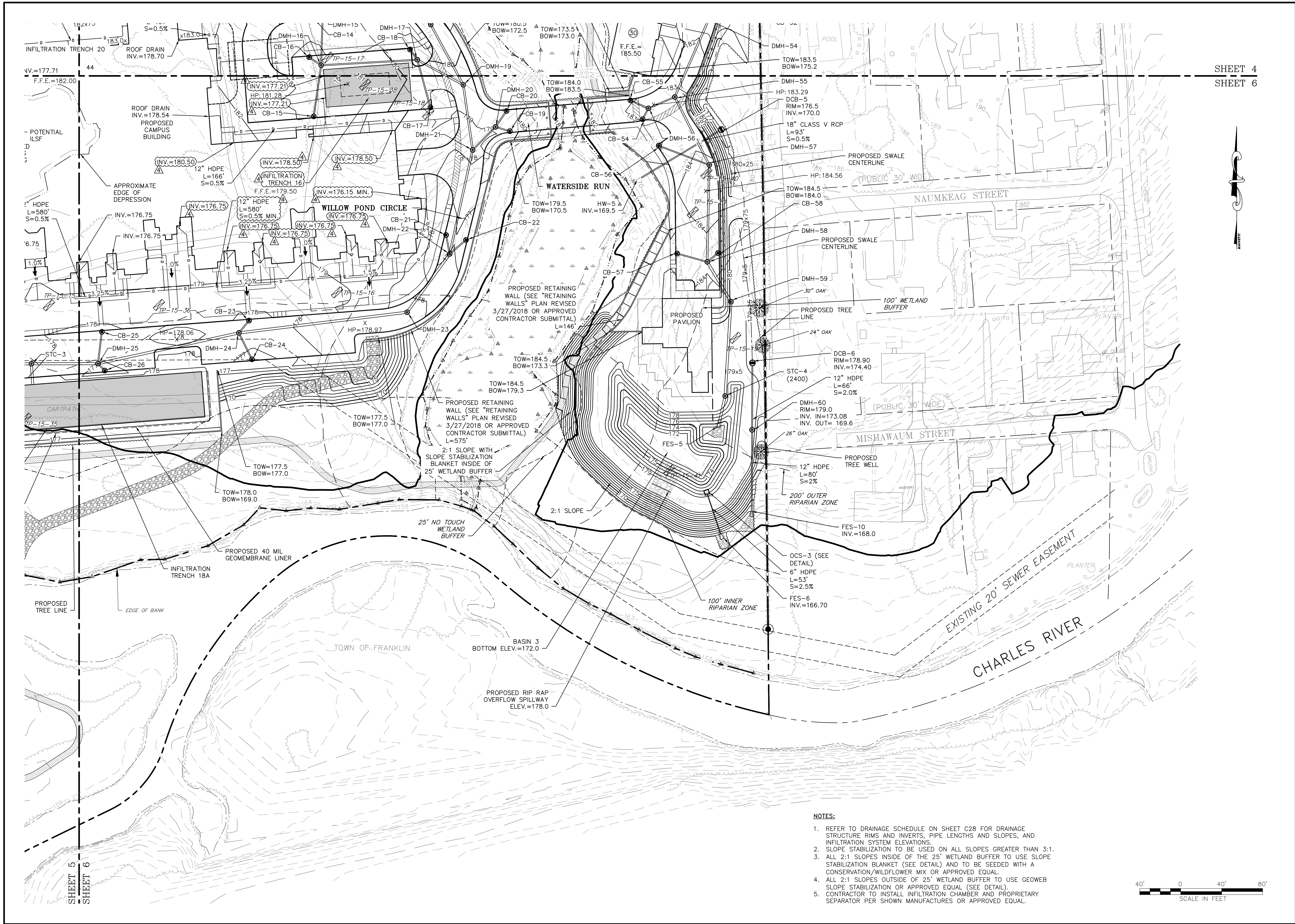
PROJECT:
SALMON HEALTH AND RETIREMENT
COMMUNITY
259, 261, 261R AND 263 VILLAGE STREET
MEDWAY, MASSACHUSETTS 02053

PLAN SET:
CONSTRUCTION
DOCUMENTS

CONECO
Engineers & Scientists
4 FIRST STREET, BRIDGEWATER, MASSACHUSETTS 02324
PHONE 508-697-3191 OR 800-548-3355 FAX 508-697-5996
WEBSITE: www.coneco.com

| | |
|---------------|----------------|
| DATE | 6/18/2018 |
| DESIGNED: JEN | CHECKED: TLD |
| DRAFTED: DJD | IN CHARGE: SMO |
| SCALE: | 1"=40' |
| PROJECT NO. | 8548.0 |
| SHEET NO. | |

C26



- NOTES:
1. REFER TO DRAINAGE SCHEDULE ON SHEET C28 FOR DRAINAGE STRUCTURE RIMS AND INVERTS, PIPE LENGTHS AND SLOPES, AND INFILTRATION SYSTEM ELEVATIONS.
 2. SLOPE STABILIZATION TO BE USED ON ALL SLOPES GREATER THAN 3:1.
 3. ALL 2:1 SLOPES INSIDE OF THE 25' WETLAND BUFFER TO USE SLOPE STABILIZATION BLANKET (SEE DETAIL) AND TO BE SEEDDED WITH A CONSERVATION/WILDFLOWER MIX OR APPROVED EQUAL.
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 5. CONTRACTOR TO INSTALL INFILTRATION CHAMBER AND PROPRIETARY SEPARATOR PER SHOWN MANUFACTURES OR APPROVED EQUAL.



SHEET 4
SHEET 6

PROJECT: SALMON HEALTH AND RETIREMENT COMMUNITY
259, 261, 261R AND 263 VILLAGE STREET
MEDWAY, MASSACHUSETTS 02053

PREPARED FOR: CONTINUING CARE MANAGEMENT, LLC
1 LYMAN STREET
WESTBOROUGH, MASSACHUSETTS 01581

DATE: 6/18/2018

DESIGNED: JEN
CHECKED: TLD
DRAFTED: DJD
IN CHARGE: SMO

SCALE: 1"=40'

PROJECT NO. 8548.0

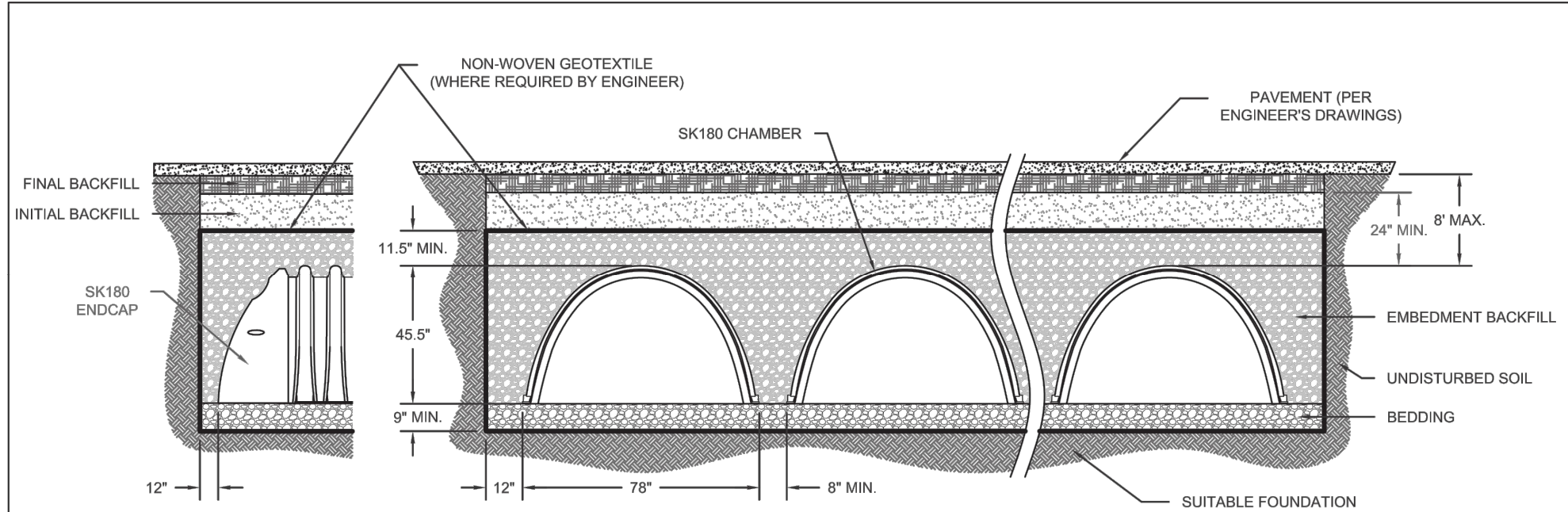
SHEET NO. C27

CONNECO Engineers & Scientists
4 FIRST STREET, BRIDGEWATER, MASSACHUSETTS 02324
PHONE 508-697-3191 OR 800-548-3355 FAX 508-697-5996
WEBSITE: www.conneco.com

GRADING & DRAINAGE
SHEET 6 OF 6

CONSTRUCTION DOCUMENTS

| NO. | DATE | DESCRIPTION | DR/CK |
|-----|----------|----------------------------|---------|
| 1 | 04/29/19 | CONSTRUCTION MODIFICATIONS | MSD/JEN |
| 2 | 06/09/19 | CONSTRUCTION MODIFICATIONS | MSD/JEN |
| 4 | 09/06/19 | BULLETIN 4 | JEN/JEN |



- NOTES:
- CHAMBER SYSTEMS SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S LATEST INSTALLATION GUIDELINES.
 - FOUNDATION: TRENCH BOTTOMS WITH UNSTABLE OR UNYIELDING MATERIAL SHALL BE EXCAVATED TO A DEPTH DIRECTED BY THE ENGINEER AND REPLACED WITH SUITABLE MATERIAL. FOR UNSTABLE MATERIALS, GEOTEXTILE MAY BE USED TO STABILIZE THE TRENCH BOTTOM. IF DIRECTED BY THE ENGINEER, THE DESIGN ENGINEER IS RESPONSIBLE FOR VERIFYING FOUNDATION SUITABILITY.
 - GEOTEXTILE: A 6oz NON-WOVEN GEOTEXTILE FILTER FABRIC SHOULD BE USED TO PREVENT NATIVE SOIL FROM MIGRATING INTO THE INITIAL BACKFILL MATERIAL.
 - BEDDING: SUITABLE MATERIAL SHALL BE A 3/4" - 2" INCH, CLEAN, CRUSHED ANGULAR STONE, OR AASHTO M43 SIZES (3, 357, 4, 467, 5, 56, 57) WITH CLEAN, CRUSHED, ANGULAR STONE ADDED TO THE GRADATION, e.g., CLEAN, CRUSHED, ANGULAR #3 (AASHTO M43) STONE. MINIMUM BEDDING THICKNESS SHALL BE 9 INCHES. COMPACTION SHOULD BE DONE IN LIFTS OF NO MORE THAN 9 INCHES TO A DENSITY OF 95% STANDARD PROCTOR DENSITY.
 - EMBEDMENT BACKFILL: SUITABLE MATERIAL SHALL BE A 3/4" - 2" INCH, CLEAN, CRUSHED ANGULAR STONE, OR AASHTO M43 SIZES (3, 357, 4, 467, 5, 56, 57) WITH CLEAN, CRUSHED, ANGULAR STONE ADDED TO THE GRADATION, e.g., CLEAN, CRUSHED, ANGULAR #3 (AASHTO M43) STONE. MINIMUM BEDDING THICKNESS SHALL BE 9 INCHES. EMBEDMENT BACKFILL SHALL EXTEND FROM TOP OF BEDDING TO NOT LESS THAN 12" INCHES ABOVE THE TOP OF THE CHAMBER. NO COMPACTION IS REQUIRED BUT AN EFFORT SHOULD BE MADE TO HAND KNIFE STONE INTO ALL CORRUGATIONS.
 - INITIAL BACKFILL: SUITABLE MATERIAL SHALL BE A GRANULAR, WELL GRADED SOIL WITH LESS THAN 35% FINES OR AASHTO M43 SIZES (3, 357, 4, 467, 5, 56, 57, 6, 67, 68, 7, 78, 8, 89, 9, 10) WITH CLEAN, CRUSHED, ANGULAR STONE ADDED TO THE GRADATION. INITIAL BACKFILL SHALL EXTEND FROM TOP OF EMBEDMENT BACKFILL TO NOT LESS THAN 24 INCHES ABOVE THE TOP OF THE CHAMBER. COMPACTION SHOULD BE BROUGHT TO A MINIMUM OF 95% STANDARD PROCTOR DENSITY.
 - FINAL BACKFILL: SUITABLE MATERIALS SHALL BE ANY SOIL DIRECTED BY THE ENGINEER. FINAL BACKFILL SHALL EXTEND FROM TOP OF INITIAL BACKFILL TO NO MORE THAN 8 FEET ABOVE THE TOP OF THE CHAMBER. COMPACTION LEVELS SHOULD FOLLOW ENGINEERS RECOMMENDATIONS.
 - MINIMUM COVER: FOR UP TO H-25 TRAFFIC APPLICATIONS A MINIMUM COVER OF 24 INCHES IS REQUIRED, MEASURED FROM THE TOP OF THE CHAMBER TO THE BOTTOM OF THE FLEXIBLE PAVEMENT. ADDITIONAL COVER MAY BE REQUIRED FOR CONSTRUCTION LOADS OR WHERE RUTTING MAY TAKE PLACE.
 - MAXIMUM COVER: A COVER HEIGHT OF OVER 8 FEET IS NOT RECOMMENDED. COVER HEIGHT IS MEASURED FROM THE TOP OF THE CHAMBER TO THE TOP OF THE PAVEMENT.

THIS DETAIL DEPICTS RECOMMENDED INSTALLATION PRACTICES AND IS NOT INTENDED TO SUPERSEDE ANY NATIONAL, STATE OR LOCAL SPECIFICATIONS. LANE ENTERPRISES, INC. BEARS NO RESPONSIBILITY FOR ANY ALTERATIONS, REVISION AND/OR DEVIATION FROM THIS STANDARD DETAIL. LANE ENTERPRISES, INC. HAS NOT PERFORMED ANY ENGINEERING OR DESIGN SERVICE FOR THIS PROJECT. THE DESIGN ENGINEER SHALL REVIEW THESE DETAILS PRIOR TO CONSTRUCTION TO VERIFY SUITABILITY.



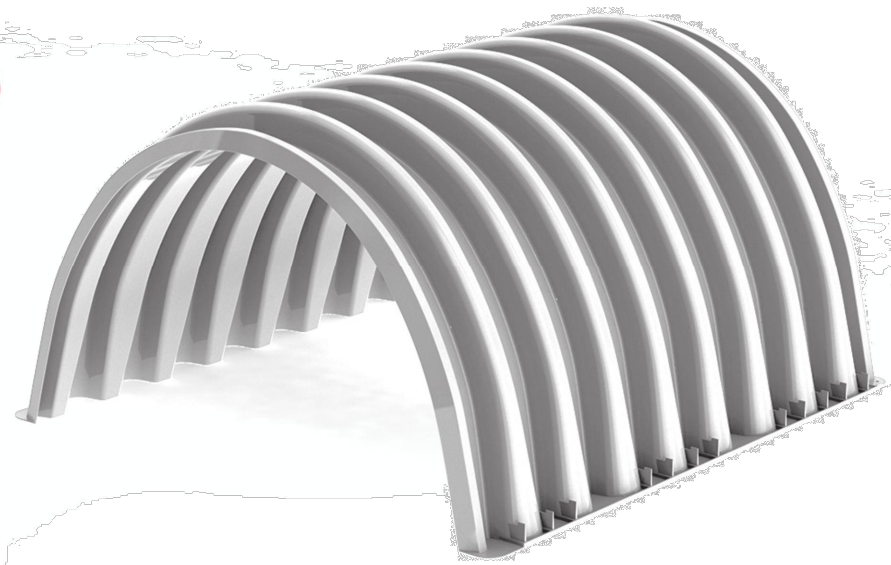
TYPICAL CROSS SECTION
SK180 CHAMBER

| | |
|----------|------------|
| DRAWN BY | JAL |
| DATE | 12/17/2014 |
| SCALE | NTS |
| SHEET | 1 of 1 |



StormKeeper SK180

The StormKeeper SK180 is the highest quality and structurally sound stormwater chamber available on the market. The StormKeeper family of chambers are designed utilizing the most sophisticated and comprehensive techniques to meet the stringent AASHTO LRFD and ASTM requirements. Intended for use under traffic and nontraffic areas, StormKeeper provides a truly cost-effective and structurally superior system to provide underground stormwater storage, saving valuable land and protecting the environment.



StormKeeper SK180

Nominal Dimensions

| | |
|------------------------|-----------------------|
| Size (L x W x H) | 88.7" x 77.8" x 45.5" |
| Chamber Storage | 113.6 cf |
| Min. Installed Storage | 180.0 cf |
| Weight | 127 lbs |

StormKeeper SK180 End Caps

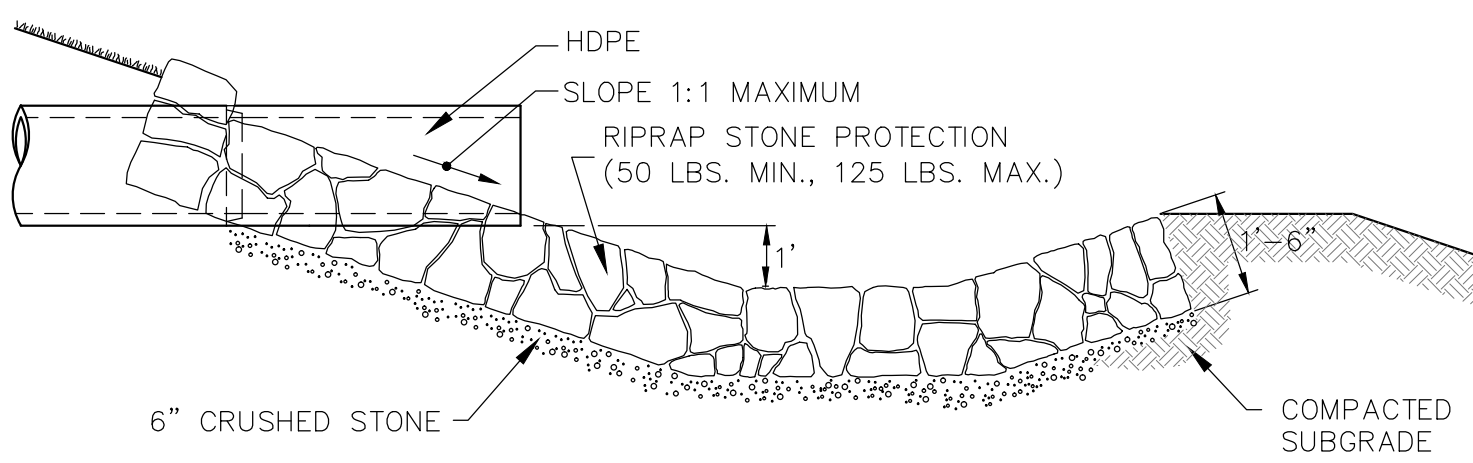
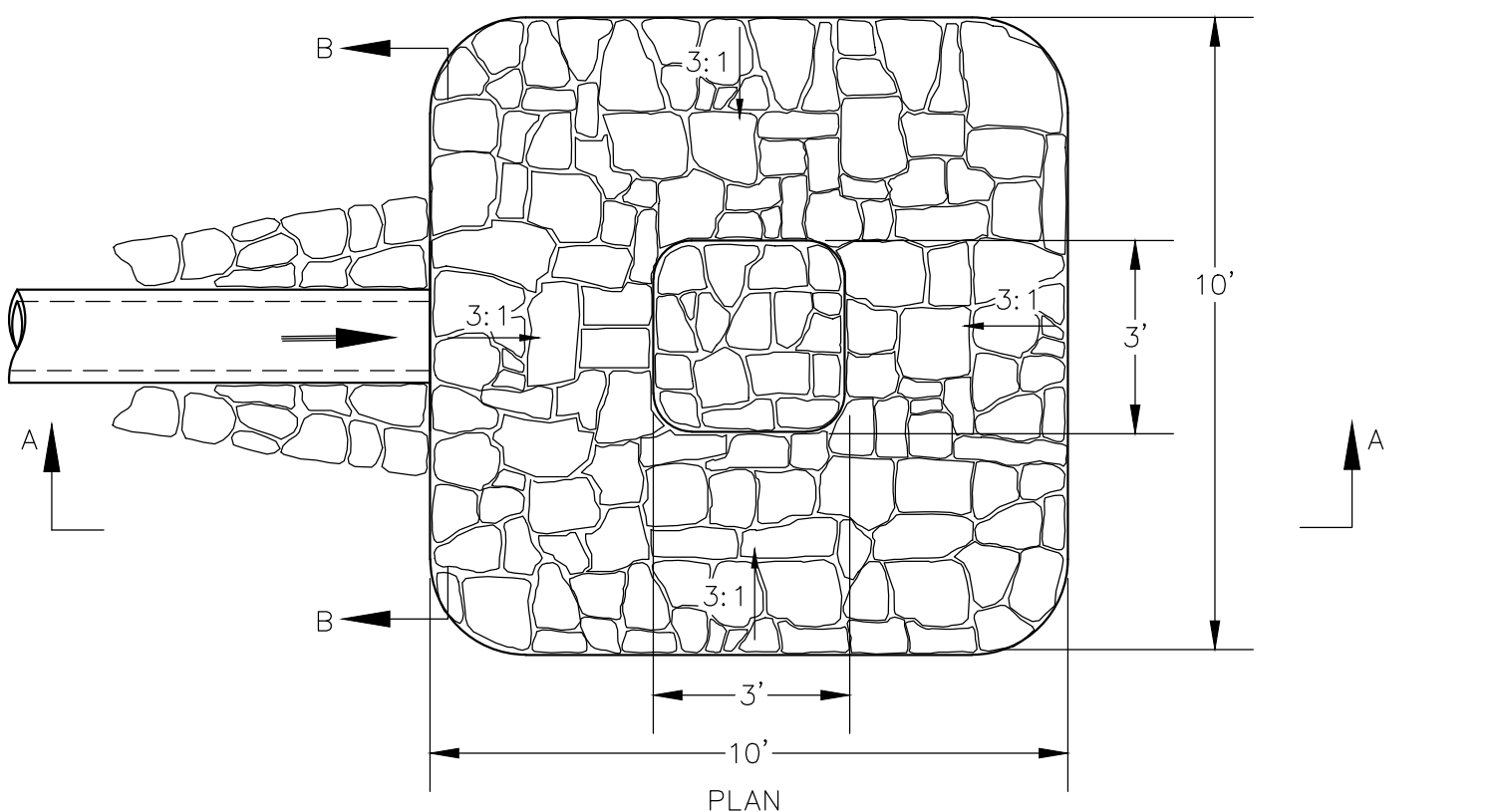
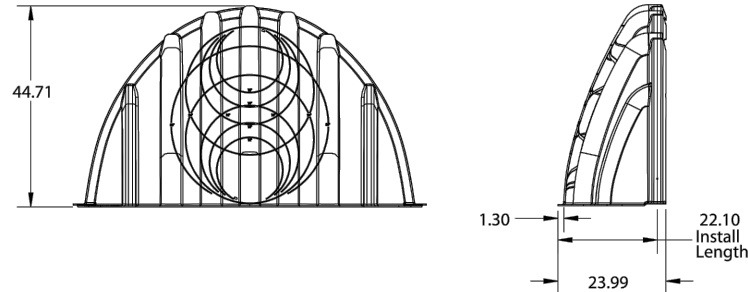
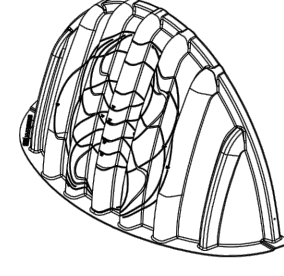
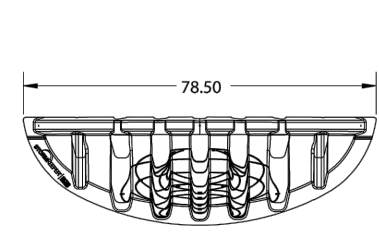
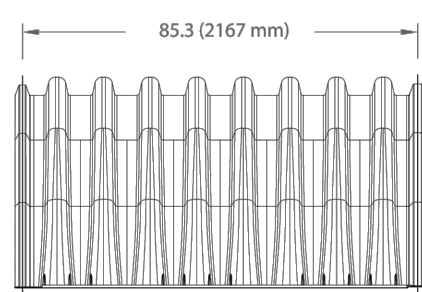
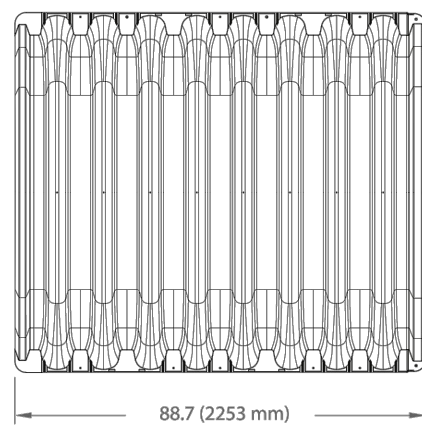
Nominal Dimensions

| | |
|------------------------|-------------------------|
| Size (L x W x H) | 23.99" x 78.5" x 44.71" |
| End Cap Storage | 15.3 cf |
| Min. Installed Storage | 41.8 cf |
| Weight | 52 lbs |

Shipping

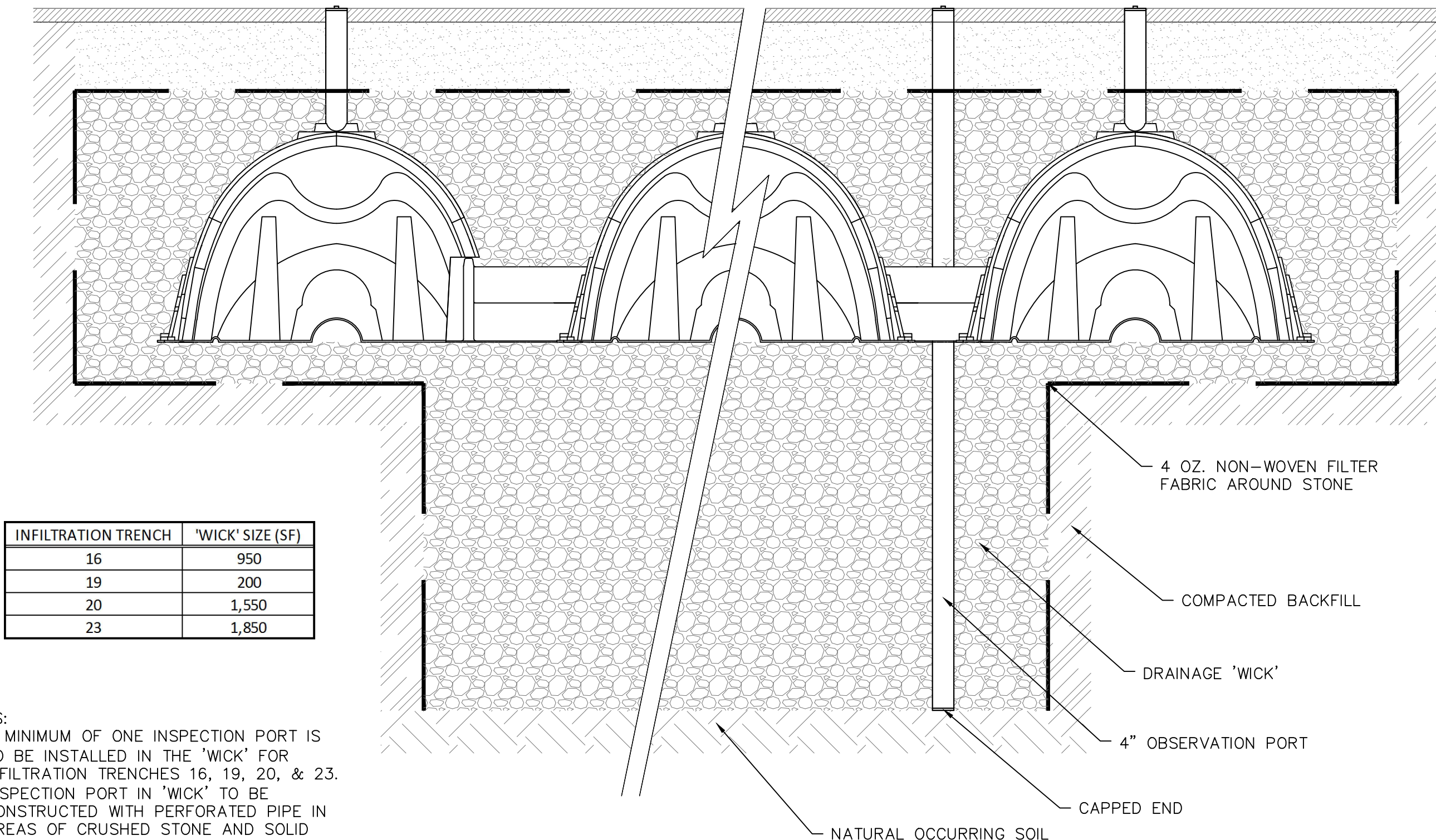
Nominal Dimensions

- 17 chambers per pallet
- 12 end caps per pallet
- 8 pallets per truck



NOTE: ACTUAL CONFIGURATION MAY VARY - SEE PLAN VIEW

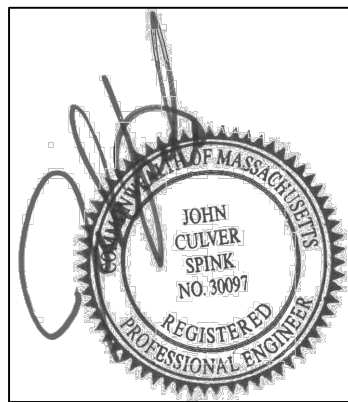
PLUNGE POOL DETAIL
N.T.S.



| INFILTRATION TRENCH | 'WICK' SIZE (SF) |
|---------------------|------------------|
| 16 | 950 |
| 19 | 200 |
| 20 | 1,550 |
| 23 | 1,850 |

- NOTES:
- A MINIMUM OF ONE INSPECTION PORT IS TO BE INSTALLED IN THE 'WICK' FOR INFILTRATION TRENCHES 16, 19, 20, & 23.
 - INSPECTION PORT IN 'WICK' TO BE CONSTRUCTED WITH PERFORATED PIPE IN AREAS OF CRUSHED STONE AND SOLID PIPE IN ALL OTHER AREAS.

INFILTRATION TRENCH 'WICK'
N.T.S.



| NO. | DATE | REVISIONS | | | |
|-----|----------|----------------------------|-------|---------|---------|
| | | DESCRIPTION | DR/CK | MSD/JEN | MSD/JEN |
| 1 | 04/28/19 | CONSTRUCTION MODIFICATIONS | | | |
| 2 | 08/09/19 | CONSTRUCTION MODIFICATIONS | | | |
| 4 | 09/05/19 | BULLETIN 4 | | | |
| 5 | 11/18/19 | MODIFIED DETAILS | | | |

PREPARED FOR:
CONTINUING CARE MANAGEMENT, LLC
1 LYMAN STREET
WESTBOROUGH, MASSACHUSETTS 01581

PROJECT:
SALMON HEALTH AND RETIREMENT
COMMUNITY
259, 261, 261R AND 263 VILLAGE STREET
MEDWAY, MASSACHUSETTS 02053

CONECO
Engineers & Scientists
4 FIRST STREET, BRIDGEWATER, MASSACHUSETTS 03324
PHONE 508-697-1911 OR 800-548-3155 FAX 508-697-5996
WEBSITE: www.coneco.com

DATE: 6/11/2018
DESIGNED: JEN CHECKED: TLD
DRAFTED: DJD IN CHARGE: SMO
SCALE: N.T.S.
PROJECT NO. 8548.0
SHEET NO.

C58

Susan Affleck-Childs

From: Bouley, Steven <Steven.Bouley@tetrattech.com>
Sent: Thursday, September 26, 2019 4:05 PM
To: Susan Affleck-Childs; Bridget Graziano
Cc: Jeff Robinson; Jonathan E. Novak; Picard, Brad; Barbara Saint Andre
Subject: The Willows Drainage Modification Review
Attachments: SalmonDrain-PEDBRev(2019-09-26).pdf

Hi Susy/Bridget, please see attached review of the proposed changes to the drain infrastructure at the site.

Jon, in doing the more detailed review of the proposed changes today, the wicks for several of these basins (19, 20 and 23) and the bottom of Basin 18A are all located within 2 feet of the ESHGW based on the elevations provided in the plans and HydroCAD. The wicks are now part of the basins and must be treated as the bottom of the basin and cannot be within that 2 foot separation. Mounding analyses and drawdown calculations should also be provided.

Also, for the Salmon Team, Brad visited the site today and said that the wicks are already installed, this change still has not gone through town review and you are currently working at risk. I can't speak for the town but I may suggest you stop work on these changes until everything is sorted out with the town.

Please let me know if you have any questions, thanks.

Steve

Steven M. Bouley, P.E. | Senior Project Engineer
Direct +1 (508) 786-2382 | Business +1 (508) 786-2200 | Fax +1 (508) 786-2201 | steven.bouley@tetrattech.com

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100 Nickerson Road, Suite 200 | Marlborough, MA 01752 | tetrattech.com

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September 26, 2019

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

**Re: Salmon Health and Retirement Community
Field Modification of Drainage Facilities
259, 261, 261R and 263 Village Street
Medway, Massachusetts**

Dear Ms. Affleck-Childs:

Tetra Tech (TT) has performed a review of modifications to proposed stormwater infrastructure for the above-mentioned Project at the request of the Town of Medway Planning and Economic Development Board (PEDB). The Plans and accompanying materials were reviewed for conformance with the Massachusetts Department of Environmental Protection's (MA DEP) Stormwater Standards (Standards) and appurtenant Stormwater Handbook (Handbook), applicable Town Stormwater Regulations (Regulations) and good engineering practice. Review of the project for wetland related issues was not completed as these reviews are conducted by separate consultants/town agencies and are not expected as part of the proposed modification.

TT is in receipt of the following materials:

- A plan (Plans) set titled "Salmon Health and Retirement Community, Construction Documents", dated June 18, 2018, revised September 5, 2019, prepared by Coneco Engineers & Scientists (CES).
- A Cover Letter with narrative dated September 18, 2019, prepared by CES.
- A stormwater HydroCAD analysis for Infiltration Trenches 16, 19, 20 and 23 dated September 6, 2019, prepared by CES.
- A stormwater HydroCAD analysis for Infiltration Trench 18A dated September 16, 2019, prepared by CES.

The modifications are proposed to mitigate impacts related to placement of structural fill throughout the area proposed for Infiltration Best Management Practices adjacent to the Main Campus Building. The structural fill placed has a lower hydraulic conductivity (exfiltration rate) than what was considered in the original design and thus the design must be modified to ensure the site remains in compliance with applicable standards.

The Applicant has opted to modify the design to maintain the approved exfiltration rates by use of "wick" drains which extend from the bottom of the proposed Infiltration Trenches and extend through the structural fill to the native soils below. As a result of this design change, the Applicant can only count the area of the wick drain as their area of exfiltration in the HydroCAD model of the Infiltration Trenches. Additionally, exfiltration is excluded from other areas throughout the trench and the wick drains become part of the proposed Infiltration Trench.

STORMWATER REVIEW

MA DEP Stormwater Standards

1. The Applicant should provide comparison table of rates of runoff for all required storms (2-, 10- and 100-year storms) for the modification compared to the approved plan for the record. (Standard 2)

2. The Applicant should provide comparison table of recharge values for the modification compared to the approved plan for the record. (Standard 3)
3. The bottom of Infiltration Trench 18A and the bottom of the wick drains from Infiltration Trench 19, 20 and 23 are within two-feet of Estimated Seasonal High Groundwater (ESHGW) elevations provided in the "Infiltration Trench Summary Table" on Sheet C28. A minimum two-feet of separation from ESHGW is required from any portion of an infiltration facility. Groundwater Mounding analyses and drawdown calculations are also required. (Standard 3)

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

4. Provide pipe capacity sizing tables for the proposed connections of roof drains to the modified infiltration trenches. Pipes and manifolds shall be properly sized to convey the expected roof runoff. (Ch. 200 §205-4.E.1)

GENERAL STORMWATER COMMENTS

5. We recommend the applicant propose that the contractor over excavate the bottom of the wick into the native soil a minimum of one-foot or as directed by the engineer of record. We expect heavy equipment trips prior to fill and the filling process itself with compaction may have potentially reduced the hydraulic conductivity of the native soils.

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

Very truly yours,



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

P:\21583\143-21583-15011 (WILLOWS ARCPUD REVIEW)\DOCS\SALMONDRAIN-PEDBREV(2019-09-26).DOCX



ENVIRONMENTAL
ECOLOGICAL
ENERGY
SURVEY
CIVIL

October 23, 2019

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

RE: The Willows
Drainage modification
Village Street, Medway, Ma. 02053

Dear Ms. Affleck-Childs:

On behalf of our clients, Salmon Health and Retirement, Coneco Engineers & Scientists, Inc. (Coneco) is pleased to submit revised Drainage Plans and supporting documentation for the proposed drainage modification. These documents address the comments contained within the peer review letter from Tetra Tech, on behalf of the Planning and Economic Development Board, Town of Medway, dated September 26, 2019.

The following section contains our responses to the comments contained in the aforementioned August 5, 2015 letter. As an aid to the reader the comments are included in *italicized* text followed by Coneco responses in plain text.

Stormwater Review:

- 1) *The Applicant should provide comparison table of rates of runoff for all required storms (2-, 10- and 100-year storms) for the modification compared to the approved plan for the record. (Standard 2).*

The rates and volumes of the drainage modification do not exceed the predevelopment condition of the site. A comparison of the approved design and the proposed modification is attached.

- 2) *The Applicant should provide comparison table of recharge values for the modification compared to the approved plan for the record. (Standard 3)*

The required recharge volume of the proposed development does not change with this modification and the provided volume exceeds the required recharge volume. A comparison of the approved design and the proposed modification is attached.

- 3) *The bottom of Infiltration Trench 18A and the bottom of the wick drains from Infiltration Trench 19, 20 and 23 are within two-feet of Estimated Seasonal High Groundwater (ESHW) elevations provided in the "Infiltration Trench Summary*

Table" on Sheet C28. A minimum two-feet of separation from ESHGW is required from any portion of an infiltration facility. Groundwater Mounding analyses and drawdown calculations are also required. (Standard 3)

The bottom elevation of the recharge facility has not been modified from the previous design. All proposed facilities are outside of the two-foot separation requirement. Updated drawdown calculations have been provided for any facility requiring a wick has been provided.

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

- 4) *Provide pipe capacity sizing tables for the proposed connections of roof drains to the modified infiltration trenches. Pipes and manifolds shall be properly sized to convey the expected roof runoff. (Ch. 200 §205-4.E.1)*

Pipe capacity for the modified systems have been provided.

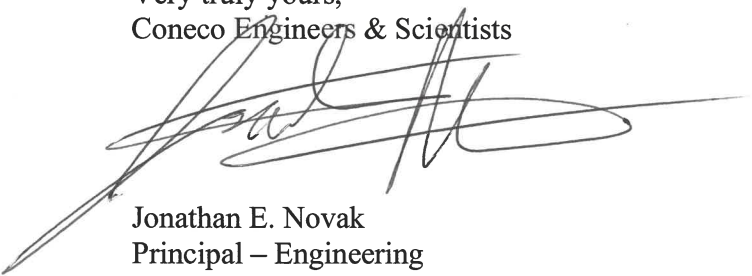
General Stormwater Comments:

- 5) *We recommend the applicant propose that the contractor over excavate the bottom of the wick into the native soil a minimum of one-foot or as directed by the engineer of record. We expect heavy equipment trips prior to fill and the filling process itself with compaction may have potentially reduced the hydraulic conductivity of the native soils).*

We have no issue with this requirement.

If there are any additional questions or comments or should the Planning and Economic Development Board require any additional information please do not hesitate to contact me at 508-697-3191 extension 145 or at jnovak@coneco.com.

Very truly yours,
Coneco Engineers & Scientists



Jonathan E. Novak
Principal – Engineering

Susan Affleck-Childs

From: Bouley, Steven <Steven.Bouley@tetrattech.com>
Sent: Wednesday, November 20, 2019 1:01 PM
To: Susan Affleck-Childs
Cc: Bridget Graziano
Subject: RE: 8548.0 - The Willows - Drainage Plans

Hi Susy,

Yes, the only addition to the plans was the inspection ports within the limit of the wicks as Jon described. We also recommended they provide additional inspectional requirements in the O&M. I suggested to Bridget that they inspect after every ½" storm for a year after the system is fully operational to determine if the basins are drawing down effectively, she is still coming up with that language to amend the order, I imagine that would be shared with you at some point.

Steve

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

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From: Susan Affleck-Childs <sachilds@townofmedway.org>
Sent: Tuesday, November 19, 2019 4:50 PM
To: Bouley, Steven <Steven.Bouley@tetrattech.com>
Subject: FW: 8548.0 - The Willows - Drainage Plans

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

HI,

See note below from Jon at Coneco and the attached revised plans for the Salmon drainage change.

Does this fit with what was discussed at last week's ConCom mtg? Please give me a review memo about this to provide to the PEDB for next week's hearing on this.

Thanks.

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

From: Jonathan E. Novak [<mailto:JNovak@coneco.com>]
Sent: Tuesday, November 19, 2019 4:47 PM
To: Susan Affleck-Childs
Subject: 8548.0 - The Willows - Drainage Plans

Good Afternoon Susy

I've attached a set of plans that includes the requested modification from the Conservation Commission. Please let me know if you need hard copies.

Best Regards
Jon

Jonathan E. Novak
Project Manager



4 First Street • Bridgewater, MA 02324
Office: 508-697-3191 Ext. 145
Mobile: 508-562-2570
jnovak@coneco.com
www.Coneco.com

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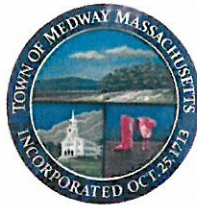
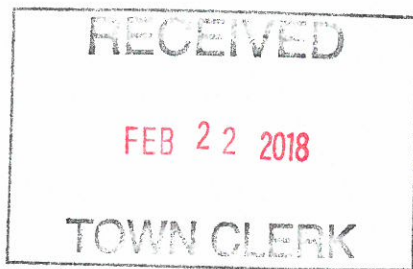


November 26, 2019
Medway Planning & Economic Development Board
Meeting

Medway Green – Extension of
Completion Deadline

The current deadline for completion of the Medway Green multi-family housing development is December 21th. You approved that deadline in February 2018; see attached completion deadline memo.

Developer/builder Mark Heavner contacted the PED office to report that the parking lot lighting fixtures have not been shipped. He is concerned that he will not be able to complete everything by December 21st. He has requested an extension to March 30, 2019; his email request is attached.



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

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

February 20, 2018

MODIFICATION TO DECISION
Multifamily Housing Special Permit & Site Plan
176-178 Main Street
APPROVED – February 13, 2018

Name/Address of Owner/Applicant: 176 Main Street Realty Trust
57 Draper Road
Dover, MA 02030

Project Location: 176-178 Main Street
Assessor's Reference: 47-34 and 47-36
Zoning District: Village Residential and Multifamily Overlay District

Purpose: Amend the previously approved multifamily housing special permit/site plan decision for the Medway Green development to extend the deadline for project initiation from March 21, 2018 to September 21, 2018 and for project completion from March 21, 2019 to December 21, 2019.

Special Permit/Site Plan Decision Date: March 21, 2017

This is a decision of the Medway Planning and Economic Development Board (hereinafter "Board") to modify the previously approved multifamily housing special permit/site plan decision dated March 21, 2017 regarding the Medway Green development for property located at 176-178 Main Street in Medway, MA.

BACKGROUND – The decision approved by the Board on March 21, 2017 authorized the construction of an 8 unit, townhouse condominium development at 176-178 Main Street at the northeast corner of Main and Mechanic Streets. The .66 acre site consists of one vacant parcel (178 Main Street) and a second parcel (176 Main Street) which has been used primarily for commercial purposes and which presently includes an unoccupied, 2,076 sq. ft. building.

The approved condominium development will include two, 4-unit, 2½ story townhouse buildings, each with a 2,880 sq. ft. footprint. Each townhouse dwelling unit will have three bedrooms. One affordable dwelling unit will be provided. One building with four townhouses

will front onto Main Street; the other building with four townhouses will front onto Mechanic Street. Primary access/egress to and from the site will be provided from Main Street with a secondary access from Mechanic Street. A total of 16 off-street parking spaces will be provided. The existing structure at 176 Main Street will be demolished. Stormwater management facilities will be installed on site as will landscaping, an open space area, and sidewalks along the Mechanic Street frontage.

DESCRIPTION OF PROPOSED MODIFICATION – The owner now seeks to modify the previously approved permit/decision by amending Condition L. Project Completion which pertains to the time schedule for project initiation and completion. The applicant has requested that the Board extend the deadline for project initiation to September 21, 2018 and for completion to December 21, 2019. The applicant has not been able to initiate construction according to the original schedule due to delays in obtaining construction financing. No changes to the plan are proposed.

DECISION OF THE BOARD – The Medway Planning and Economic Development Board, at a duly posted meeting held on February 13, 2018, on a motion made by Matthew Hayes and seconded by Tom Gay, voted four in favor and one opposed to extend the initiation and completion deadlines to September 21, 2018 and December 21, 2019 respectively.

Planning and Economic Development Board Member

VOTE

Andy Rodenhiser

No

Richard Di Iulio

Yes

Thomas Gay

Yes

Matthew Hayes

Yes

Robert Tucker

Yes

Attest:



Susan E. Affleck-Childs

Planning and Economic Development Coordinator

2-20-2018

Date

cc: John Kelly, 176 Main Street Realty Trust
Jack Mee, Building Commissioner

Susan Affleck-Childs

From: MARK HEAVNER <mark.heavner@mac.com>
Sent: Thursday, November 21, 2019 5:29 PM
To: Susan Affleck-Childs
Subject: Re: 176 Main St completion date

Hi Susan

Can we extend to the end of March 2020? I am hopeful that these lights will show up any day but my experience with this project has taught me to plan for the worst! See you on the 26th. Thanks

Mark Heavner

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

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

On Nov 21, 2019, at 7:46 AM, Susan Affleck-Childs <sachilds@townofmedway.org> wrote:

Hi Mark,

Thanks. I do not recollect seeing this email before.

What is a reasonable new deadline for completion for you?

I can add this to the agenda for next Tuesday's meeting (11-26). Stay tuned for specifics on time.

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

From: MARK HEAVNER [<mailto:mark.heavner@mac.com>]
Sent: Wednesday, November 20, 2019 2:02 PM
To: Susan Affleck-Childs
Subject: 176 Main St completion date

I thought I sent a similar email a few days ago but can't find it. I apologize if this is a duplicate request.

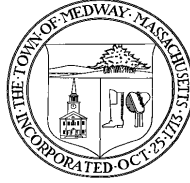
Hi Susan

Its looking more and more likely that I will not be completed by the December 19th deadline. I have been waiting for parking lot lights for months already and at this point they still have not shipped. Once they arrive the installation would be pretty quick but I can't be assured that I will get them any time soon. I think I will need an extension to the time for performance. Please let me know when I should come before the board. Thanks

Mark Heavner

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

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



November 26, 2019
Medway Planning & Economic Development Board
Meeting

CTS 9 Trotter Drive – Certificate of Site
Plan Completion

- **DRAFT Certificate of Site Plan Completion dated 10-22-19**
- **As-built plan dated 9-27-19**
- **As-built plan sign-off from Tetra Tech dated 9-30-19**
- **Project completion certification from project engineer Walter Lewinski, PE, Engineering Design Consultants**
- **SAC memo dated 10-2-19 to Jack Mee re: occupancy permit**
- **Project completion sign off from Tetra Tech dated 10-10-19**
- **Certification on paid taxes from Treasurer's office dated 10-7-19**
- **Email from Peter Bemis re: project status dated 11-15-19 with photo showing electrical service.**



TOWN OF MEDWAY
Planning and Economic Development Board

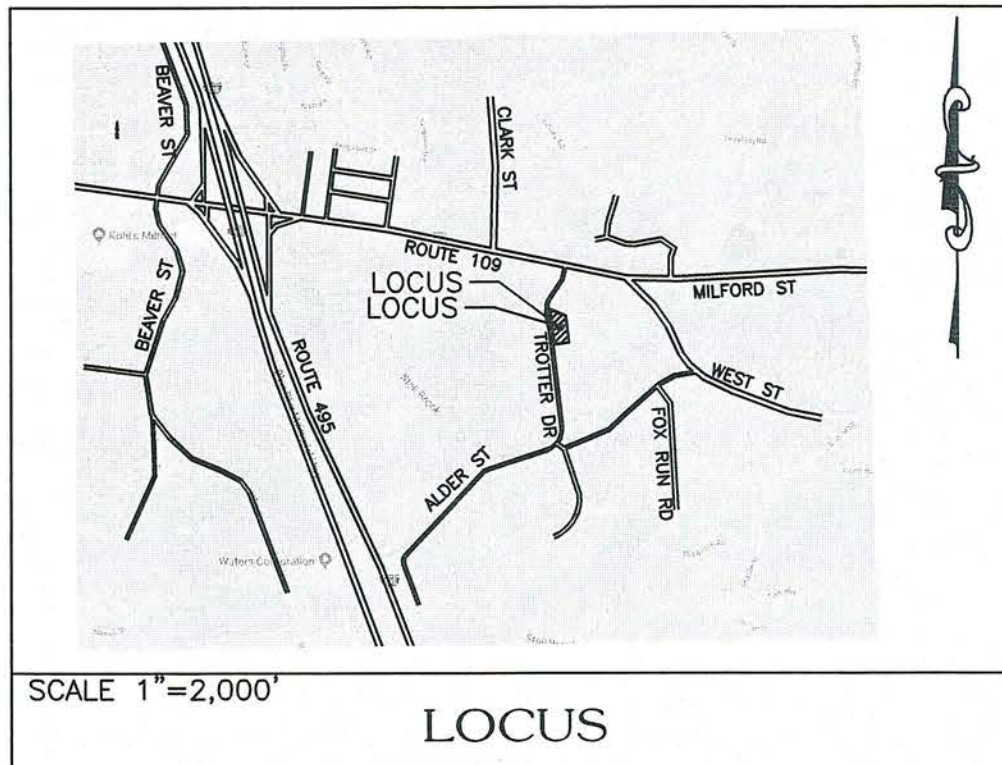
Certificate of SITE PLAN Completion

Title of Plan: 9 Trotter Drive Site Plan in Medway, MA
Project Location: 9 Trotter Drive
Assessor's Map/Parcel Numbers: 54-044
Drawn by: Walter Lewinsky, P.E., Engineering Design Consultants, Southborough, MA
Date of Plan: March 26, 2018, last revised August 9, 2018
Date of Site Plan Decision: July 10, 2018
Date of Site Plan Endorsement: August 4, 2018
Permittee's Name CTS Property Management
Applicant's Address: 9 Trotter Drive, Medway, MA 02053
Date of As-Built Plan: July 11, 2019, last revised September 27, 2019

Project Status

☒ Occupancy permit issued by Building Department: October 17, 2019
☒ Applicant's Project Engineer's Certification of Completion & Compliance for site plan work and/or stormwater management facilities – 10/2/19 by Walter Lewinski, P.E. Engineering Design Consultants
☒ Town Consulting Engineer's Project Completion Sign-off: October 10, 2019
☐ Acceptance of required public off-site improvements by BOS and/or DPW – NA
☐ Acceptance of required private off-site improvements by PEDB – NA
☐ CONCOM Certificate of Compliance, if applicable – NA
☒ As-Built Plan submitted – July 24, 2019
☒ As-Built Plan reviewed and accepted by Town's Consulting Engineer: 9/30/19
☒ Treasurer's Certification of Taxes Paid: 10/7/19
☐ PEDB vote of project completion: _____

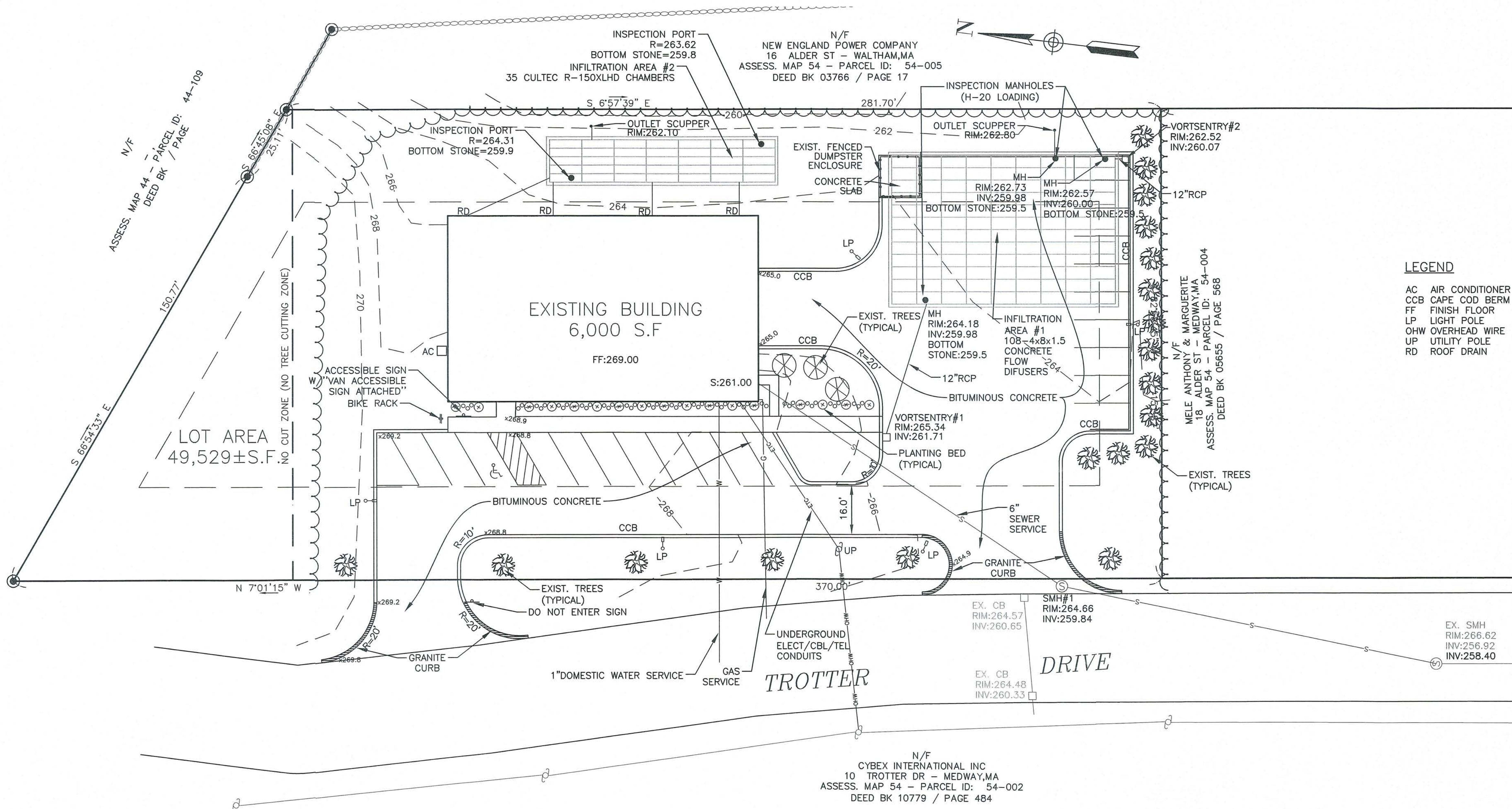
2. MEDWAY TROTTER DRIVE, 3583 -- 9 TROTTER DRIVE, 3583 AS-BUILT (1)



NOTE:
UNDERGROUND UTILITY LOCATIONS ARE
NOT GUARANTEED.

IT SHALL BE THE RESPONSIBILITY OF THE
CONTRACTOR TO VERIFY LOCATIONS AND
ELEVATIONS OF EXISTING UTILITIES PRIOR
TO COMMENCEMENT OF ANY CONSTRUCTION

DIGSAFE IS TO BE NOTIFIED 72 BUSINESS
HOURS IN ADVANCE OF CONSTRUCTION.
CALL DIGSAFE AT 811



LEGEND

AC AIR CONDITIONER
CCB CAPE COD BERM
FF FINISH FLOOR
LP LIGHT POLE
OHW OVERHEAD WIRE
UP UTILITY POLE
RD ROOF DRAIN

PROJECT INFORMATION:

CURRENT OWNER: CTS PROPERTY MANAGEMENT, LLC
430 FRANKLIN VILLAGE DRIVE
SUITE 177
FRANKLIN, MA 02038

MEDWAY ASSESSORS ID: 54-004
DEED REFERENCE: BOOK 36152 PAGE 559

PROPERTY LINES AND EASEMENTS ARE BASED ON THOSE RECORDED IN THE MASSACHUSETTS REGISTRY
OF DEEDS IN A 2018 PLAN TITLED "PLAN OF LAND IN MEDWAY, MASS." BY COLONIAL ENGINEERING INC.,
11 AUL STREET, MEDWAY, MA, PLAN BOOK 667, PLAN 44.

PROJECT DATUM REFERS TO NAVD 88.

0 20 40 80
SCALE: 1" = 20'

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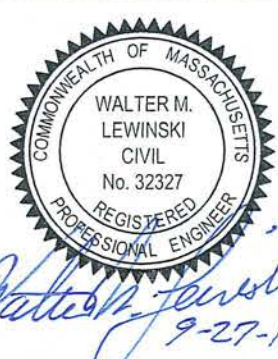
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WITH THE CONTRACT DOCUMENTS.

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THIRD PARTY COSTS.

DRAWN BY: ZRB
CHECKED BY: PSB
APPROVED BY: WML

| REV | DATE | DESCRIPTION |
|-----|---------|--|
| 1 | 9/27/19 | UPDATE AS-BUILT PLAN W/ INFILTRATOR DATA |
| 2 | 9/23/19 | UPDATE AS-BUILT PLAN W/ E/T/C CONDUITS |
| 0 | 7/11/19 | AS-BUILT PLAN |



PREPARED BY:



Engineering Design Consultants, Inc.
32 Turnpike Road
Southborough, Massachusetts
ph:(508) 480-0225 fax:(800)832-5781

PROJECT:

SITE PLAN
9 TROTTER DRIVE
MEDWAY, MASSACHUSETTS 02053

TITLE:

AS-BUILT PLAN

OWNER/APPLICANT:

CTS PROPERTY MANAGEMENT
430 FRANKLIN VILLAGE DRIVE - SUITE 177
FRANKLIN, MASSACHUSETTS 02038

| |
|---------------------|
| FILE NO: 3583 |
| ASBUILT |
| DATE: JULY 11, 2019 |
| PLAN NUMBER: |
| 1 of 1 |
| 1 |

Susan Affleck-Childs

From: Bouley, Steven <Steven.Bouley@tetrattech.com>
Sent: Thursday, October 10, 2019 1:02 PM
To: Susan Affleck-Childs
Subject: CTS (9 Trotter Drive) Project Completion

Hi Susy,

As part of final approval we write you to confirm that the CTS Project located at 9 Trotter Drive has been constructed per the Approved Plans dated March 26, 2018, revised August 9, 2018. Please let me know if you need anything else, thanks.

Steve

Steven M. Bouley, P.E. | Senior Project Engineer
Direct +1 (508) 786-2382 | Business +1 (508) 786-2200 | Fax +1 (508) 786-2201 | steven.bouley@tetrattech.com

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100 Nickerson Road, Suite 200 | Marlborough, MA 01752 | tetrattech.com

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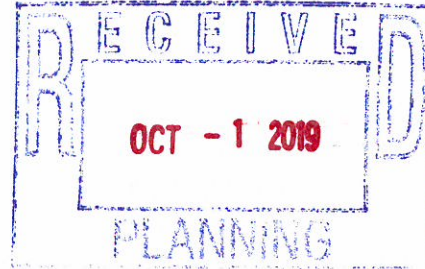
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October 1, 2019

Planning Board
Town Hall
155 Village Street
Medway MA 02053

Reference: Site Plan As-built
9 Trotter Drive
Medway, Massachusetts
EDC Job No.: 3583



Dear Board Members:

On behalf of CTS Property Management, owner and applicant of the above referenced project, we are writing to inform the Board that the site work at 9 Trotter Drive has been constructed in substantial conformance with the approved site plans and site improvements are illustrated on the attached As-built Site Plan. Please issue allow the Medway Building Department to issue the Certificate of Occupancy. Thank you for your consideration and assistance with this project.

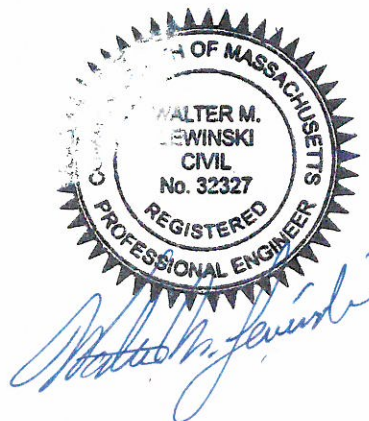
Very truly yours,

ENGINEERING DESIGN CONSULTANTS, INC.

Walter M. Lewinski

Peter Bemis

cc. CTS Property Management



Susan Affleck-Childs

From: Susan Affleck-Childs
Sent: Wednesday, October 02, 2019 1:17 PM
To: Jack Mee
Cc: 'Steve Fisk'; 'Peter Bemis'
Subject: CTS, 9 Trotter Drive

Hi Jack,

At its October 1, 2019 meeting, the Planning and Economic Development Board discussed project completion for the CTS site at 9 Trotter Drive. The Board voted to authorize the Building Department to issue a full occupancy permit for the building at 9 Trotter Drive.

I expect the Board will sign a Certificate of Site Plan Completion at its next meeting on October 8th.

Please let me know if you have any questions.

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

Susan Affleck-Childs

From: Bouley, Steven <Steven.Bouley@tetrattech.com>
Sent: Thursday, October 10, 2019 1:02 PM
To: Susan Affleck-Childs
Subject: CTS (9 Trotter Drive) Project Completion

Hi Susy,

As part of final approval we write you to confirm that the CTS Project located at 9 Trotter Drive has been constructed per the Approved Plans dated March 26, 2018, revised August 9, 2018. Please let me know if you need anything else, thanks.

Steve

Steven M. Bouley, P.E. | Senior Project Engineer
Direct +1 (508) 786-2382 | Business +1 (508) 786-2200 | Fax +1 (508) 786-2201 | steven.bouley@tetrattech.com

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

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

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

Date: October 4, 2019

Applicant's Name: CTS Property Management, LLV

Property Owner's Name: CTS Property Management

Subject Property Address: 9 Trotter Drive

Map/Parcel Number(s): 54-004-0004

Project Name: Converting Technical Services Site Plan

Type of Permit: Major Site Plan – Project Completion & Occupancy Permit

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



By checking this box and with my signature below, I verify that all taxes owed the Town of Medway for the subject property(s) noted above are **paid in full** as of this date.



By checking this box and with my signature below, I verify that the **Town is owed taxes** for the subject property(s) noted above. Briefly explain on the lines below. Please attach a report that indicates what taxes are owed and the respective amounts.

John D. [Signature]
Signature

10/7/19
Date

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

Susan Affleck-Childs

From: Peter Bemis <pbemis@edcma.com>
Sent: Friday, November 15, 2019 4:29 PM
To: Susan Affleck-Childs
Subject: FW: 9 trotter electric service
Attachments: IMG_4618.jpg

Getting closer - only Comcast left!

-----Original Message-----

From: Steve Fisk <sfisk@convertingtechservices.com>
Sent: Friday, November 15, 2019 3:44 PM
To: Peter Bemis <pbemis@edcma.com>
Subject: 9 trotter electric service

Peter,

Still need to call Comcast to move their line but Eversource finally came today to move the wires.

Steve





November 26, 2019
Medway Planning & Economic Development Board
Meeting

Lot Release – 36 Broad Acres Farm Road

Todd Sullivan, attorney for the owners (sellers) of 36 Broad Acres Farm Road, recently contacted the PEDB office asking whether a lot release had ever been issued for the property. He indicated that a lot release has been requested by the buyers' attorney before the closing; there is nothing on record at the Registry of Deeds.

BACKGROUND

1. 36 Broad Acres Farm Road was shown on the original Country View Estates Subdivision Plan as Lot 31A. On that plan, it was specifically noted as "Not A Buildable Lot" as it had only 39,465 sq. ft. in area, less than Medway's required 44,000 sq. ft. for the AR-I zoning district. Accordingly, the PEDB would not have signed a lot release for this property.
2. On December 15, 2009, the Board endorsed an ANR plan showing the separation of a 4,626 sq. ft. portion of the adjacent Lot 31B (in Holliston) and its attachment to Lot 31A in Medway to make a buildable lot of 44,091. sq. ft.

3. In 2012, a house was constructed on the property and the property was conveyed to the current owners, Sean & Julie Smith. Apparently, that conveyance occurred without the benefit of a lot release. So, they are now playing catch up.

Provided Documents:

1. Excerpt from Definitive Subdivision Plan from 1999. Lot 31A, highlighted in yellow.
2. ANR plan from 2009 showing the enlargement of Lot 31A, highlighted in pink.
3. Country View Estates Covenant from 1999
4. Lot release document for your signature

Please review and be prepared to sign this lot release.

OFFICIAL OF NAONT



Norfolk Registry of Deeds
Dorham, Mass.
Received Dec 8 19 97
Writ Cont
W. George Allen Jr. & B. J.
Line of Highway
Filed as No. 829-77 19 97
PL BK 42
Attest W. J. H. Registrar



I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMITY WITH THE RULES AND REGULATIONS OF THE REGISTRY OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.
George T. Robinson
REGISTERED LAND SURVEYOR

APPROVED 11/18/97 SUBJECT TO COVENANT CONDITIONS SET FORTH IN A COVENANT EXECUTED BY
W. George Allen Jr.
DATED 11/18/97 AND TO BE RECORDED HEREWITH.

I CERTIFY THAT 20 DAYS HAVE ELAPSED SINCE PLANNING BOARD APPROVAL, AND NO APPEAL HAS BEEN FILED IN THIS OFFICE.
DATE Dec 2, 1997
William J. Hild
TOWN CLERK

APPROVAL UNDER SUBDIVISION CONTROL
LAW IS REQUIRED
DATE APPROVED 10-13-97
W. J. H.
James J. Hild

TOWN OF MEDWAY PLANNING BOARD
DATE ENDORSED: 11-30-97

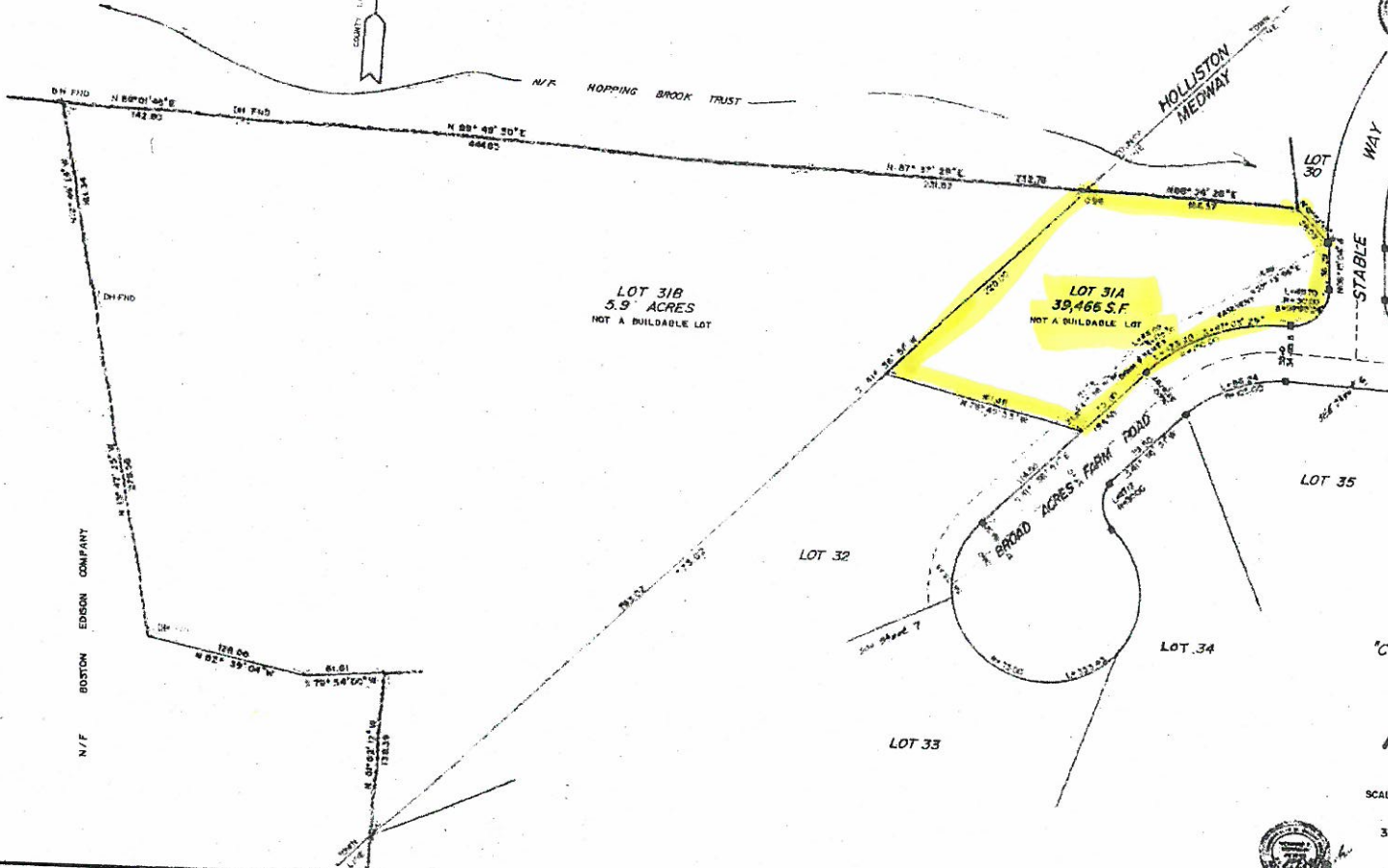
"COUNTRY VIEW ESTATES"
(DEFINITIVE SUBDIVISION)
PLAN OF LAND
IN
MEDWAY, MA.

OWNER: GEORGE WHELAN
APPLICANT: 64 VILLAGE ST
MEDLEY, MA 02054
SCALE: 1" = 40'
DATE: OCTOBER 1, 1998
DESIMONE & ASSOCIATES
33 COTTAGE STREET MEDWAY, MA.
029-7688



SHEET 6 OF 25

829-77



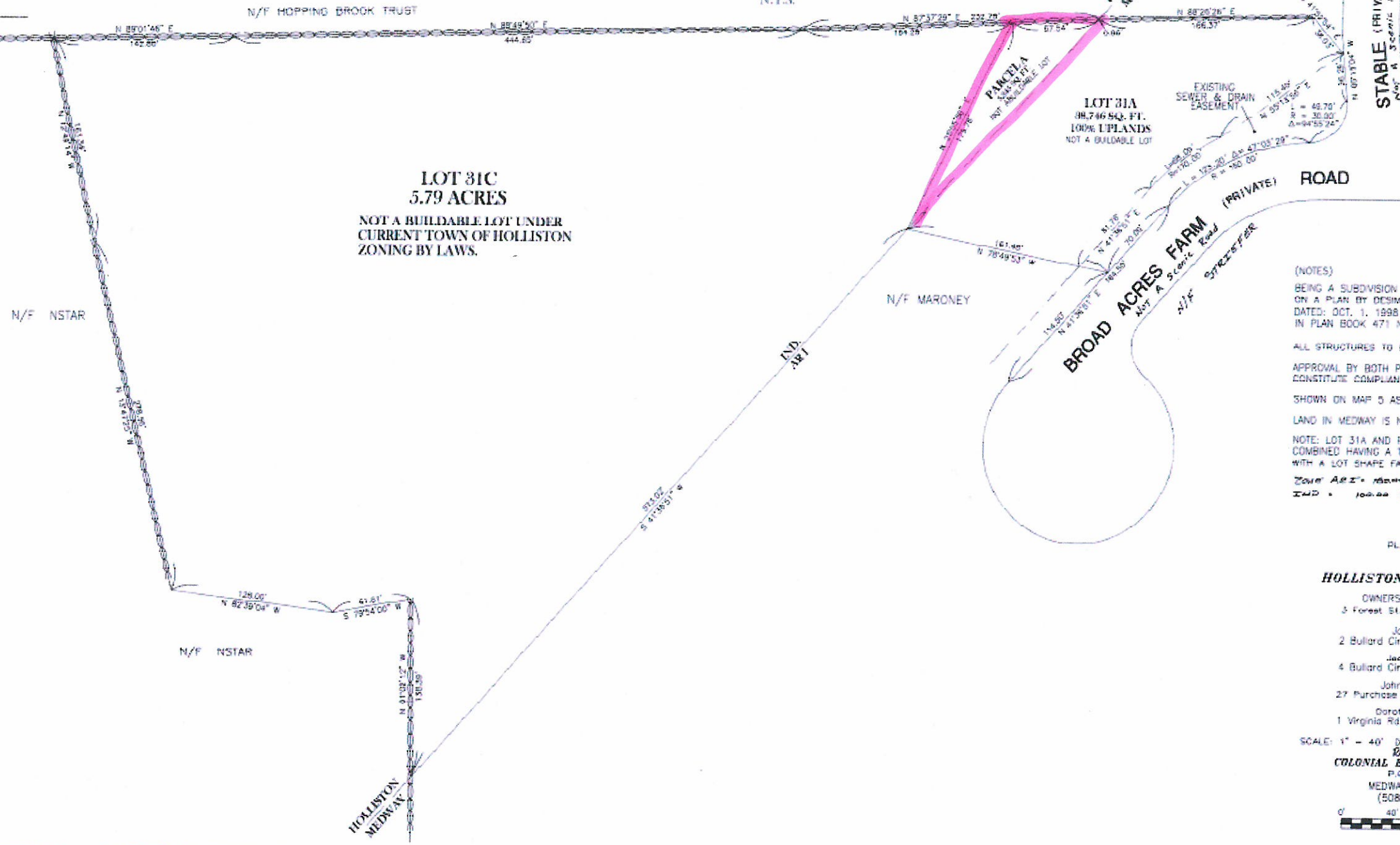
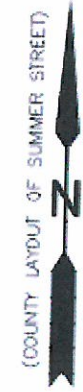
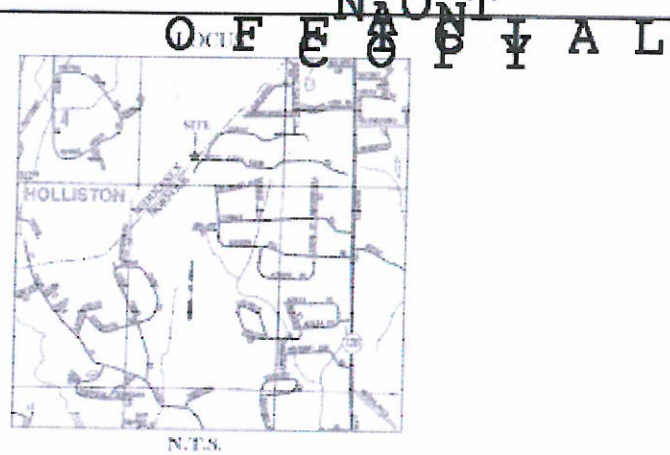
Martha Registry of Deeds
 Dedham, Mass.
 Received 11/16/10 2010
 With _____
 Filed as Page 78 of 2010
 PL No. 578
 Attest: *Ann Polonara*
 Register

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.
Francis J. Delmonico

DATE: Oct 15, 2009



OFFICIAL
 APPROVAL UNDER SUBDIVISION CONTROL
 LAW NOT REQUIRED.
 DATE: 10/15/09
My. K.
 TOWN OF MEDWAY PLANNING BOARD
 DATE: 1/17/10
Wm. Chaffin
Jack D. Moore
B. B. O.
 TOWN OF HOLLISTON PLANNING BOARD



(NOTES)
 BEING A SUBDIVISION OF LOTS 31B SHOWN
 ON A PLAN BY DESIMONE & ASSOCIATES
 DATED: OCT. 1, 1998. RECORDED: DEC. 8, 1998
 IN PLAN BOOK 471 NO. 829 OF 1998.
 ALL STRUCTURES TO BE BUILT IN MEDWAY ONLY.
 APPROVAL BY BOTH PLANNING BOARDS DOES NOT
 CONSTITUTE COMPLIANCE OF ZONING.
 SHOWN ON MAP 5 AS PARCEL 22-31
 LAND IN MEDWAY IS NOT UNDER 61A.
 NOTE: LOT 31A AND PARCEL A ARE TO BE
 COMBINED HAVING A TOTAL AREA OF 44,091 S.F.
 WITH A LOT SHAPE FACTOR OF 18.10
 Total Acreage: 5.79 Acres, 44,091 S.F.
 Total Parcel A: 100% Uplands, 39,746 S.F.

PLAN OF LAND
 IN
HOLLISTON & MEDWAY, MA
 OWNERS: Richard Bullard
 3 Forest St. Franklin, Ma. 02038
 John Daveno
 2 Bullard Cir. Medway, Ma. 02053
 Jeanne Bullard
 4 Bullard Cir. Medway, Ma. 02053
 John Mastroianni
 27 Purchase St. Milford, Ma. 01757
 Garo A. Bullard
 1 Virginia Rd. Medway, Ma. 02053
 SCALE: 1" = 40' DATE: SEPTEMBER 10, 2009
 Revised Dec. 11, 2009
COLONIAL ENGINEERING INC.
 P.O. BOX 65
 MEDWAY, MA. 02053
 (508) 533-1544

598-78-2010

TOWN OF MEDWAY, MASSACHUSETTS
AN
OFFICIAL COVENANT OFFICIAL
COPY COPY

The undersigned, W. Gregory Whelan of Millis, Massachusetts, and Greg Whelan, Trustee of Broad Acres Management Trust u/d/t dated December 10, 1996 and recorded in the Norfolk County Registry of Deeds in Book 12925, Page 468 of Millis, Massachusetts, hereinafter called "Covenantor", having submitted to the Medway Planning Board application for approval of a Definitive Plan of a subdivision entitled "Country View Estates", dated August 7, 1999, and prepared by DeSimone & Associates does hereby covenant and agree with said Planning Board and the successors in office of said Board, pursuant to Sec. 81-U, Chapter 41, G.L. (Ter. Ed.) as amended that:

1. Except as otherwise expressly provided in Sec. 81-U of Ch. 41, G.L., no lot included on such plan shall be built upon or conveyed until the work on the ground for construction of the way and for municipal services necessary to serve such lot has been completed in the manner specified by the Subdivision Regulations of the Town of Medway or a performance bond or other security in lieu of completion has been accepted by the Planning Board and in accordance with the covenants, conditions, agreements, terms and provisions contained in the following:
 - a) Application for Approval of Definitive Plan dated December 4, 1998.
 - b) The Definitive Plan as defined by the above Rules and Regulations and as qualified by the Certificate of Approval of a Definitive Plan with Waivers issued by the Planning Board and dated November 12, 1999.
2. It is the intention of the covenantor and it is hereby understood and agreed that this contract shall constitute a covenant running with the land included in the aforesaid Subdivision and shall operate as restrictions upon said land, and shall be binding upon the executors, administrators, devisees, heirs, assigns, and successors in title to the premises.
3. The Covenantor is the owner of record of the premises shown on said plan and states that there is no outstanding mortgage on the premises.
4. Nothing herein shall be deemed to prohibit a conveyance subject to this covenant by a single deed of the entire parcel of land shown on the subdivision plan or all lots not previously released by the Planning Board without first providing such ways and services.
5. This covenant shall take effect upon approval of said plan.
6. Reference to this covenant shall be entered upon said plan and this covenant shall be recorded when said plan is recorded.

RECEIVED AND RECORDED
NORFOLK COUNTY
REGISTRY OF DEEDS
DEDHAM, MA
CERTIFY
Barry T. Hannon
BARRY T. HANNON, REGISTER

171464

99 DEC - 8 PM 2:27

REFER TO PLAN NO. 829 OF 1999
PLAN BOOK NO. 471 8 SHEETS

NOT

A N

30th In witness whereof, the undersigned covenants do hereunto set their hands and seals this
day of November, 1999

C O P Y

NOT

A N

C O P Y

W. Gregory Whelan
W. Gregory Whelan, Applicant

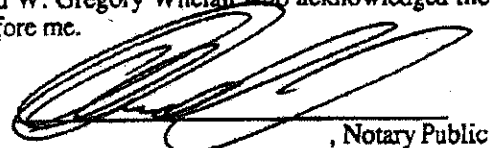
Greg Whelan, Trustee
Greg Whelan, Trustee as aforesaid, Owner

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss.

November 30, 1999

Then personally appeared the above-named W. Gregory Whelan who acknowledged the foregoing instrument to be his free act and deed, before me.

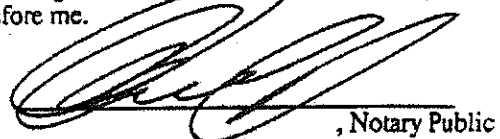

, Notary Public
My Comm. Exp.: 3-31-06
Edward V. Cannon, Jr.

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss.

November 30, 1999

Then personally appeared the above-named Greg Whelan, Trustee who acknowledged the foregoing instrument to be his free act and deed, before me.


, Notary Public
My Comm. Exp.: 3-31-06
Edward V. Cannon, Jr.

LAND SUBDIVISION

Release of Subdivision Covenant

Planning & Economic Development Board – Town of Medway, MA

We, the undersigned members, being a majority of the Planning & Economic Development Board of the Town of Medway, Norfolk County, Massachusetts, hereby certify on this date that Lot 31A (now known as 36 Broad Acres Farm Road) on a definitive subdivision plan entitled "Country View Estates", dated August 7, 1999, prepared by DeSimone & Associates of Medway, MA which is recorded with the Norfolk County Registry of Deeds in Plan Book 471, Page 829 (December 8, 1999) to which reference may be had for a more particular description, is hereby released from the terms, provisions and conditions as to sale and building thereon as set forth in a Covenant pursuant to Sec. 81-U, Chapter 41, G.L. between W. Gregory Whelan of Millis, MA, Greg Whelan, Trustee of the Broad Acres Management Trust u/d/t dated December 10, 1996 and recorded with the Norfolk County Registry of Deeds in Book 12925, Page 468, of Millis, MA, and the Planning Board of the Town of Medway dated November 30, 1999 and recorded at the Norfolk County Registry of Deeds on December 8, 1999 in Book 3897, Pages 303-304.

Executed under seal this _____ day of _____, 2019.

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

COMMONWEALTH OF MASSACHUSETTS

Norfolk County, SS. _____

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

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

Notary Public
My commission expires: