

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

January 14, 2020

MODIFICATION
2 Marc Road Marijuana Facility Special Permit Site Plan

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

Project Location: 2 Marc Road

Assessor's Reference: Map 33, Parcel #001

Zoning District: East Industrial and Groundwater Protection District

Purpose: Amend the previously approved 2 Marc Road site plan

This is a decision of the Medway Planning and Economic Development Board (hereinafter "Board") to modify the previously approved and endorsed 2 Marc Road site plan dated March 30, 2016, last revised July 18, 2016, for the CommCan marijuana cultivation and processing facility.

NOTE – The previously approved site plan for 2 Marc Road was endorsed by the Board on July 26, 2016 and recorded at the Norfolk County Registry of Deeds on August 2, 2016, in Plan Book 650, Pages 91 – 105. The associated medical marijuana special permit and site plan decision was approved June 28, 2016 and recorded at the Norfolk County Registry of Deeds, also on August 2, 2016, in Book 34328, Pages 450 – 470.

BACKGROUND - Noise generated by the rooftop chiller equipment installed on the 2 Marc Road CommCan building constructed in 2017 for the cultivation and processing of medical marijuana was raised as an important issue by abutters to the subject property during the 2019 special permit process to authorize the additional use of the 2 Marc Road facility to cultivate and process marijuana for adult recreational use. Accordingly, the 2019 recreational marijuana special permit decision included a requirement for the applicant to undertake a noise study and to develop a proposal to address the noise issues. That noise study was completed in July 2019 and a noise mitigation plan was developed to address the noise issues. The proposed modification reflects the needed noise mitigation measures.

DESCRIPTION OF PROPOSED MODIFICATION - The proposed site plan modification reflects the custom design of at-grade enclosures around chiller equipment with silencers around the side and top of the enclosures to allow air to flow to the ground located chiller units while attenuating noise generation to the thresholds specified in the *Medway Zoning Bylaw*. A 25.7' by 75.4' concrete slab pad is proposed to be installed along the westerly side of a portion of the existing CommCan building to house the existing and new chiller equipment. Both the existing chiller and a new chiller for the second floor operation will be housed inside an approximately 11' tall enclosure to be installed around the equipment. The new pad will extend into the existing 20' wide bituminous driveway. Pursuant to guidance from the Medway Fire Department, the existing driveway must be shifted around the new pad and enclosure to ensure suitable emergency access around the western side of the building. The Fire Department is amenable to a 15' wide fire lane. This necessitates rerouting a portion of the existing retaining wall and guard rail, filling in a small portion of the existing stormwater swale along the western side of the driveway, and replacing it with two 12" drainage pipes. This new chiller pad and driveway relocation increases the impervious coverage by 1,550. s.f. The existing stormwater infiltration basin has ample capacity to accommodate the increase in stormwater runoff to be generated by the increase in impervious coverage.

The proposed plan modification as described herein is represented on the single plan sheet titled *2 Marc Road Site Plan Modification Plan of Land in Medway, MA*, dated November 6, 2019, prepared by Legacy Engineering of Millis, MA. The following additional documents were provided for the Board's review:

- Revised *2 Marc Road Site Plan Modification Plan of Land in Medway, MA*, dated December 12, 2019.
- Request for a waiver from Section 207-11 A. 13 of the *Site Plan Rules and Regulations* to allow the planned driveway relocation to be within 7 feet of the side property line with 4 Marc Road.
- *Noise Modeling Analysis* dated 6-26-19 prepared by Acentech, the applicant's noise consultant, which provided the basis for the design of the noise mitigation measures. That analyses was reviewed by Noise Control Engineering, the Board's noise consultant, 7/7/19 and found to be satisfactory.
- BRD drawing of noise attenuation enclosure around HVAC equipment dated 10/28/19
- Medway Conservation Commission Determination of Applicability for the proposed work, dated 12/18/19.

The proposed site plan modification was reviewed by Tetra Tech, the Town's Consulting Engineer; a review letter was issued December 10, 2019 with several recommended conditions. Comments were provided by Chief Jeff Lynch and Deputy Chief Mike Fasolino of the Medway Fire Department approving the revised layout of the fire lane/driveway on the west side of the building. The Medway Conservation Commission, at its December 18, 2019 meeting, issued a Determination of Applicability for the proposed work.

PEDB REVIEW PROCESS

Application Received:	November 7, 2019
Public Hearing Notice Posted with Town Clerk:	November 18, 2019
Abutters Notified via Certified Sent Mail:	November 18, 2019
Town Staff Notified and Comments Requested:	November 18, 2019
Legal Ad Published in the <i>Milford Daily News</i> :	November 26 and December 2, 2019
Public Hearing:	December 10, 2019 and January 14, 2020

DECISION OF THE BOARD – The Medway Planning and Economic Development Board, at a duly posted meeting held on January 14, 2020, on a motion made by Richard Di Iulio and seconded by Robert Tucker, voted five in favor and none opposed to approve the site plan modification for 2 Marc Road as described and conditioned herein.

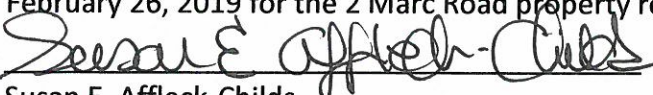
The Board determined that the requested waiver from the *Site Plan Rules and Regulations* was not needed as the requirement for a driveway to be at least 15' away from the side property line pertains only when the abutting property is residential. In this instance, the abutting property in question at 4 Marc Road is both industrial in use and is zoned East Industrial, so the regulation does not apply.

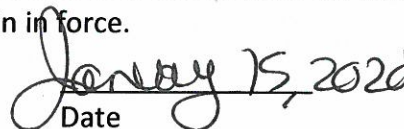
All documents associated with the Board's previous special permit decisions for 2 Marc Road are hereby acknowledged and made a part of the record for this modification.

CONDITIONS

1. The *2 Marc Road Site Plan Modification Plan of Land* dated December 12, 2019 shall be revised as follows:
 - Include a signature block for the Board's endorsement after this decision's 20 day appeal period has concluded
 - Include a block to indicate the Town Clerk's Certification of No Appeal after the decision's 20 day appeal period has concluded
 - Include the proposed bollards. The driveway width should be measures from the outside edge of the bollards, not the edge of the slab and that width should be so indicated.
 - Depict all improvements in greyscale as color plans are not acceptable for recording.
2. This decision with the noted plan sheet as endorsed shall be recorded at the Norfolk County Registry of Deeds and proof of such recording shall be provided to the Board.
3. The provisions of the Conservation Commission's Determination of Applicability dated December 18, 2019 shall also apply to this site plan modification.
4. The Applicant expects to enlarge the 2 Marc Road building at some future date. At such time as the Applicant decides to undertake such an expansion, the Applicant is required to re-evaluate the overall stormwater design for the property to ensure that the amount of impervious coverage can be properly mitigated in accordance with state and local stormwater management requirements.
5. The site work shown on *2 Marc Road Site Plan Modification Plan of Land* dated December 12, 2019, to be further revised as conditioned herein before plan endorsement, including the installation of the chiller equipment and sound mitigation enclosure shall be completed by August 30, 2020.
6. All conditions of approval of the previous special permit decisions dated June 28, 2016 and February 26, 2019 for the 2 Marc Road property remain in force.

Attest:


Susan E. Affleck-Childs
Planning and Economic Development Coordinator


Date

cc: Jack Mee, Building Commissioner
Erika Robertson, Code Compliance Officer
Ellen Rosenfeld, Ellen Realty Trust
Dan Merrikin, Legacy Engineering
Steve Bouley, Tetra Tech
Bridget Graziano, Conservation Agent