



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

RECEIVED

AUG 10 2017

TOWN CLERK

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

August 8, 2017

**Major Site Plan Review and Groundwater Protection District  
Special Permit Decision  
O'Brien & Sons – 17 Trotter Drive  
APPROVED with Waivers and Conditions**

**Decision Date:** August 8, 2017

**Name/Address of Applicant:** Bottle Cap Lot LLC  
93 West Street  
Medfield, MA 02052

**Name/Address of Property Owner:** Anthony and Marguerite Mele  
203 Main Street  
Medway, MA 02053

**Project Location:** 17 Trotter Drive

**Assessors' Reference:** 54-01

**Zoning District:** Industrial III and Groundwater Protection District

**Engineer:** Meridian Associates, Inc.  
69 Milk Street  
Westborough, MA 01581

**Architect:** Gorman Richardson Lewis Architects  
239 South Street  
Hopkinton, MA 01748

**Site Plan:** O'Brien & Sons Corporate Office  
17 Trotter Drive – Medway, MA  
Dated May 23, 2017, last revised July 17, 2017

**I. PROJECT DESCRIPTION** – The proposed project includes construction of a 10,531 sq. ft., one story building for offices, storage space used primarily for product literature, and related office functions for M.E. O'Brien & Sons. Also included are 22 parking spaces, landscaping, lighting, utilities, sewer/water connections, and installation of stormwater management facilities. Vehicular access will be provided from both Trotter Drive and Alder Street.

A portion of the site lies within the 100' buffer zone of wetlands resources and is subject to review by the Medway Conservation Commission. A portion of the property is also located within Medway's Groundwater Protection District and a special permit is required.

**II. VOTE OF THE BOARD** – After reviewing the application and information gathered during the public hearing and review process, the Medway Planning and Economic Development Board, on August 8, 2017, on a motion made by Robert Tucker and seconded by Richard Di Iulio, **voted to approve with CONDITIONS a groundwater protection special permit and to approve with WAIVERS and CONDITIONS** as specified herein, a site plan for the construction of an approximately 10,531 sq. ft. building and site improvements at 17 Trotter Drive as shown on *O'Brien & Sons Corporate Office Site Plan* for 17 Trotter Drive, prepared by Meridian & Associates, Inc. of Westborough, MA and Gorman Richardson Lewis Architects of Hopkinton, MA, dated May 23, 2017, last revised July 17, 2017, to be further revised as specified herein.

The motion was approved by a vote of 5 in favor and 0 opposed.

<b>Planning &amp; Economic Development Board Member</b>	<b>Vote</b>
Richard Di Iulio	Yes
Matthew Hayes	Yes
Thomas A. Gay	Yes
Andy Rodenhiser	Yes
Robert Tucker	Yes

### **III. PROCEDURAL HISTORY**

- A. May 23, 2017 - Site plan application and associated materials filed with the Medway Planning & Economic Development Board and the Medway Town Clerk
- B. May 26, 2017 – Site plan public hearing notice filed with the Town Clerk and posted at the Town of Medway web site.
- C. May 26, 2017 – Site plan public hearing notice mailed to abutters by certified sent mail.
- D. May 26, 2017 – Site plan information distributed to Town boards, committees and departments for review and comment.
- E. May 30 and June 5, 2017 - Site plan public hearing notice advertised in *Milford Daily News*.
- F. June 13, 2017 – Groundwater protection district special permit application filed.
- G. June 19, 2017 - Groundwater protection district special permit public hearing notice filed with the Town Clerk

- H. June 20, 2017 – Groundwater protection district special permit public hearing notice mailed to abutters by certified sent mail.
- I. June 26 and July 3, 2017 – Groundwater protection district special permit public hearing notice advertised in the *Milford Daily News*
- J. June 13, 2017 - Site plan public hearing commenced. The public hearing was continued to July 11, July 25 and August 8, 2017 when the hearing was closed and a decision rendered.
- K. July 11, 2017 – Groundwater protection district special permit public hearing commenced. The public hearing was continued to July 25 and August 8, 2017 when the hearing was closed and a decision rendered.

#### **IV. INDEX OF SITE PLAN DOCUMENTS**

- A. The site plan and special permit applications for the proposed O'Brien & Sons Corporate Office project included the following plans, studies and information that were provided to the Planning and Economic Development Board at the time the applications were filed:
  - 1. Major Site Plan Application dated May 23, 2017 with Project Description, Development Impact report, property owners' authorization, and certified abutters' list.
  - 2. *O'Brien & Sons Corporate Office* site plan dated May 23, 2017, prepared by Meridian Associates of Westborough, MA and Gorman Richardson Lewis Architects of Hopkinton, MA (includes civil and architectural plans)
  - 3. *Stormwater Management Report for O'Brien & Sons Corporate Offices*, dated May 23, 2017 prepared by Meridian Associates of Westborough, MA.
  - 4. *Requests for Waivers from the Medway Site Plan Rules and Regulations*, dated May 23, 2017 prepared by Scott Richardson of Gorman Richardson Lewis Architects of Hopkinton, MA
  - 5. Groundwater Protection District Special Permit Application dated June 12, 2017.
- B. During the course of the review, a variety of other materials were submitted to the Board by the applicant and its representatives:
  - 1. Letter dated June 13, 2017 from Mark Beaudry of Meridian Associates in response to Tetra Tech's June 12, 2017 review letter.
  - 2. Letter dated June 13, 2017 from Mark Beaudry of Meridian Associates in response to PGC's June 6, 2017 review letter.
  - 3. Letter dated July 6, 2017 from Mark Beaudry of Meridian Associates in response to public hearing discussion comments supplemented with revised Plan Sheets C-3 (Grading, Drainage & Utilities) and Sheet C02 (Layout & Materials)
  - 4. *O'Brien & Sons Corporate Office* site plan dated May 23, 2017, revised July 17, 2017 prepared by Meridian Associates of Westborough, MA and Gorman Richardson Lewis Architects of Hopkinton, MA, including an updated listing of requests for waivers.

5. Letter dated July 18, 2017 from Mark Beaudry of Meridian Associates in response to Tetra Tech's July 6, 2017 review letter.
6. Supplemental Stormwater Calculations to *Stormwater Management Report* prepared by Meridian Associates dated July 17, 2017 and July 24, 2017.
7. O'Brien & Sons Corporate Office, 17 Trotter Drive, *Stormwater Operations and Maintenance Plan* updated August 2, 2017
8. Photometric Plan dated July 19, 2017 prepared by Omni-Lite, Inc. of Burlington, MA.
9. Sheet C-5, Soil Erosion and Sedimentation Control Plan and Details, Meridian Associates, dated May 23, 2017, revised August 2, 2017

C. All documents and exhibits received during the public hearing are contained in the Planning and Economic Development Board's project file.

V. **TESTIMONY** - In addition to the site plan and special permit application materials as submitted and provided during the course of the Board's review, the Board also received verbal or written testimony from:

- Sean Reardon, P.E. and Steve Bouley, P.E. of Tetra Tech, Inc., the Town's Consulting Engineer – Site plan review letters dated June 12, July 7 and July 21, 2017 and commentary throughout the public hearing process.
- Gino Carlucci, PGC Associates, the Town's Consulting Planner – Site plan review letter dated June 6, 2017 and commentary throughout the public hearing process.
- Scott Richardson of Gorman Richardson Lewis, project architect
- Mark Beaudry of Meridian & Associates, engineering consultant for the applicant
- Review letters from the Medway Design Review Committee dated June 13, 2017 and August 2, 2017.
- Email communication from Medway DPS Director David D'Amico dated July 11, 2017.
- Resident Roger Bennett, 17 Alder Street, Medway, MA
- Erin O'Brien, O'Brien & Sons, Medfield, MA

VI. **FINDINGS** – In making its findings and reaching the decision described herein, the Board is guided by Board's *Site Plan Rules and Regulations*, and the *Medway Zoning Bylaw*. The Board also considered evidence and testimony presented at the public hearings and comments submitted by Town departments, boards and committees as well as the Board's peer review consultants and residents placed in the public record during the course of the hearings.

The Planning and Economic Development Board, at its meeting on August 8, 2017, on a motion made by Robert Tucker and seconded by Matthew Hayes voted to approve the following **FINDINGS** regarding the site plan and special permit applications for the O'Brien and Sons Corporate office at 17 Trotter Drive. The motion was approved by a vote of 5 in favor and 0 opposed.

**A. 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 *Site Plan 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?

*Primary ingress and egress is off Trotter Drive, an industrial roadway designed to handle this type of facility. It has a long driveway which will eliminate any queuing and backing into a public way. Loading is off Alder Street just before it transitions to residential development. Truck maneuvering to back into the loading area will take place on Alder Street but will not infringe on the residential portion. Access via the residential portion of Alder Street is minimized through signage and instructions to employees and delivery personnel. (See Condition G herein.)*

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

*The proposed building and site are in an industrial style and scale with materials similar to other buildings within the industrial park. A retaining wall behind the building and facing the residential abutter is being terraced and landscaped to reduce the impact on the neighborhood. The design has been positively reviewed by the Design Review Committee and is acceptable for its location.*

- (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 residually used and zoned.

*The building location has been moved southerly on the site from the initial proposal to improve parking, sidewalks, landscaping and loading area. A proposed dumpster is appropriately screened. A retaining wall behind the building and facing the residential abutter is being terraced and landscaped to reduce the impact on the neighborhood.*

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

*The building is accessible from three sides. The site plan was provided to the Fire Chief and no negative comments have been received.*

- (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.

*The volume of cut and fill is the minimum necessary to construct the building and associated facilities. Large trees on site have been identified but most of the site needs to be cleared in order to accommodate the building, parking and drainage system. The tree line to the rear of the site along the residentially zoned property owned by National Grid will remain on a small portion of the site. The drainage system has been reviewed by the Town's Consulting Engineer and has been determined to be adequate to protect waterways and environmental resources. Since the site is located within a Groundwater Protection District, this approval also includes a special permit that ensures the project will not adversely affect groundwater. Appropriate soil pollution and erosion controls have been incorporated into the plan. No extraordinary noise will be generated by the operation of the business which is primarily offices and operates only during regular daytime business hours.*

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

*The entrance and egress to the site and its parking and loading facilities have been designed for safe operation and to minimize conflict. Walkways are provided from the parking lot to building entrances. The turning movements for the loading area have been identified and reviewed by the Town's Consulting Engineer and found to be acceptable.*

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

*There are no visually prominent natural or historic features on site.*

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

*Site lighting as conditioned (See Condition L herein) does not produce glare to adjoining properties and minimizes light pollution by using cut off lenses.*

- (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 for the proposed facility. There are no sensitive environmental or cultural resources on or abutting the site, other than the Groundwater Protection District. Measures to protect that District are discussed below.*

#### **B. Groundwater Protection District Special Permit Findings**

- (10) *New construction is a permitted use, subject to certain restrictions, within the Groundwater Protection District. As conditioned, and as noted below, the project will comply with those restrictions.*

- (11) *Storage of hazardous materials is prohibited unless in a free-standing container within a building. Storage of hazardous materials is not anticipated. In any case, as a precautionary measure, any hazardous materials that will be used at the facility will be identified and a list provided to the Board (See Condition F herein). All storage and use of hazardous materials will be contained within the building. Any accidental spillage will also be contained within the building and any that enters the sewer system will be treated prior to being discharged to the municipal sewer system.*
- (12) *Fertilizers may be used on landscape material but will be the minimum necessary (See Condition F herein). All storage will be contained within the building.*
- (13) *Any use of hazardous materials will occur within the building.*
- (14) *There will be no earth removal within six feet of the historical high groundwater level except for construction of the open stormwater basin that is receiving required pre-treatment as reviewed by the Town's Consulting Engineer.*
- (15) *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.*
- (16) *The Town's Consulting Engineer has reviewed the planned stormwater management facilities to ensure that groundwater recharge does not degrade groundwater quality.*
- (17) *As required by Section 5.6.F. of the Zoning Bylaw, the plans were distributed to the Board of Health, Conservation Commission, Water and Sewer Commission, and Department of Public Services for review and comment to ensure that no adverse impacts on the quality or quantity of water available within the Groundwater Protection District, and that disturbance of the soils, topography, drainage, vegetation and other characteristics is minimized. Due to the planned stormwater management facilities, the proposed facility will reduce impacts on the quality of water available within the Groundwater Protection District.*

**C. General Special Permit Findings** - Unless otherwise specified herein, special permits shall be granted by the special permit granting authority only upon its written determination that the adverse effects of the proposed use will not outweigh its beneficial impacts to the town or the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site. In making its determination, the special permit granting authority, in addition to any specific factors that may be set forth in other sections of the Zoning Bylaw, shall make findings on all of the applicable criteria specified below:

- (18) The proposed site is an appropriate location for the proposed use.  
*The site is an appropriate location for the proposed use since it is within the Industrial III zoning district that specifically allows such industrial uses.*
- (19) Adequate and appropriate facilities will be provided for the operation of the proposed use.

*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. Its internal roadway and parking system and stormwater management system have been reviewed by Town Public Safety and Public Services staff and the Board's Consulting Engineer and found to be adequate. The building will be connected to municipal water and sewer and waste disposal is provided with a screened dumpster.*

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

*As conditioned, the proposed facility will not create a hazard to abutters. The industrial park road system is adequate to handle the minimal increase in traffic. While pedestrian access is expected to be minimal, a sufficiently wide sidewalk will be provided between the parking lot and the entrances. Primary vehicular access is from Route 109 via Trotter Drive and Condition G herein requires the business owners to take steps to discourage use of Alder Street by its employees, suppliers and customers.*

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

*The industrial park roadway system is adequate to handle the small increase in traffic resulting from this new facility.*

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

*The Board considered the comments of abutters in the adjoining residential neighborhood and has ensured that there will be no light trespass, and that some existing vegetation to the rear of the site will remain to reduce visual impacts. A retaining wall is being built as a terrace and with landscaping to minimize the impact on abutters. A dumpster is provided for refuse and it is adequately screened. No extraordinary noise, vibration, dust or other operational attributes are expected from the proposed use.*

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

*As conditioned, the proposed use on the site will not adversely affect the surrounding neighborhood or change the character of the zoning district. The use is allowed by right in the district, and the building is in character with other industrial buildings in the area. Adequate measures have been taken to reduce the impacts on the residential neighbors*

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

*The proposed use is allowed by right in the Industrial III district and therefore is in harmony with the Zoning Bylaw.*



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

*The proposed facility is in compliance with Goals 1 and 6 of the Economic Development Goals and Objectives as follows: Goal 1: Maximize the area's economic resources and Goal 6: Attract new (and retain existing) businesses and increase the industrial/manufacturing base.*

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

*The proposed use helps achieve the goals the Medway Master Plan by providing an expanded tax base and preserving and increasing jobs while incorporating measures to protect the environment and neighboring residences so it is not detrimental to the public good.*

**VII. WAIVERS** – At its August 8, 2017 meeting, the Planning and Economic Development Board, on a motion made by Robert Tucker and seconded by Richard Di Iulio 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 Planning and Economic Development 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 approved by a vote of 5 in favor and 0 opposed.

1. **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 the full extent of this requirement and instead has provided an inventory of trees with a diameter of 18" or greater. An extensive landscaping plan has been provided which will greatly enhance this site and in particular, the corner of Alder ST and Trotter DR. Therefore, the Board APPROVES this waiver request.*

2. **Section 205-6 G. 3. a)** - Car parking spaces/stalls shall be ten (10) feet by twenty (20) feet, except that handicap stalls shall be in accordance with the current ADA; standards. Each handicapped space/stall must be identified on the ground surface and by a sign.

*The applicant has requested waiver from this regulation and has proposed parking space stalls at a size of 9' by 18' (except for one 8' by 18' accessible space). This is the allowed standard parking space size per Section 7.1.1. E. 3. a. of the Medway Zoning Bylaw. A large majority of the parking is intended to accommodate employees and so a low turnover of spaces is anticipated. Further, smaller parking spaces reduces the amount of impervious coverage which is appropriate in a Groundwater Protection District. Therefore, the Board APPROVES this request.*

3. **Section 205-6 G. 3. b) – Parking Spaces and Stalls** - Wheel stops are required at the head of each car stall where a space/stall abuts a walkway, pedestrian way, or special site feature such as an abrupt change in grade. Acceptable materials include pre-cast concrete, granite, or like materials. All wheel stops shall be properly anchored into the ground and located approximately twenty-four (24) inches from the head of a car space/stall.

*The applicant has requested a waiver from this requirement as there will be either a sidewalk or grassy area adjacent to all parking spaces. During the course of reviewing the plan, the sidewalk adjacent to the building has been expanded from 5' to 7' to accommodate the overhang of vehicles and provide sufficient space for pedestrians. Curbing in this area is to be concrete and bollards are proposed along the sidewalk area to protect the building. Therefore, the Board APPROVES this waiver.*

4. **Section 205-6 G. 4. a) Parking Spaces and Stalls** - Parking spaces/stalls shall not be located in the following areas: building entrances, building exits, loading dock areas, pedestrian ways and fire lanes.

*The applicant has asked for relief from this requirement. The two proposed parking spaces at the building's main entrance/exit on the north side of the structure are offset by a 7' wide sidewalk. Further, they are handicapped spaces with the standard 8' wide open area in between which will provide for ready pedestrian access to and from the building. At the rear/southern end of the building, there are 3 parking spaces proposed adjacent to the loading area. This loading dock will only be used 6 times a year for truck deliveries of product catalogues. Due to the infrequent use of the loading dock area, these 3 parking spaces can function safely. Also, the Town's consulting engineer is comfortable with this waiver. Therefore, the Board APPROVES this waiver.*

5. **Section 205-6 G. 4. b) - Stalls** shall not be located within 15' of the front, side or rear property lines.

*The applicant has requested a waiver from the full extent of this requirement for the parking stall located closest to the Alder Street right of way. The applicant has proposed a 7.1' setback from the existing right of way line instead of the required 15' setback. The applicant is proposing to remove unused portions of pavement within the Alder Street right of way cul de sac to increase landscape buffer areas and will be seeking a transfer of a portion of the Alder Street right of way that is within proximity of the parking stall. These proposals are supported by the Director of the Department of Public Services. Also, the Town's consulting engineer is comfortable with this waiver. Therefore, the Board APPROVES this waiver.*

6. **Section 205-6 G. 4. d)** After the last parking stall in any dead end row not adjacent to a travel lane parallel to the car stall, there shall be a twelve (12) foot long and twenty (20) foot wide turning area beyond the travel lane to allow proper maneuvering.

*The applicant has requested a waiver from this requirement to allow for a different turning area of 6' x 24'. Due to the low turn-over nature of this employee-only parking area, the turning area as proposed has been determined to be sufficient for the intended use. Also, the Town's consulting engineer is comfortable with this waiver. Therefore, the Board APPROVES this waiver.*

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

*The applicant has requested a waiver to allow for the use of precast concrete curbing internal to the site to delineate the parking lot. The Town's consulting engineer has no objection to authorizing the use of precast concrete curbing. Therefore, the Board APPROVES this waiver.*

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

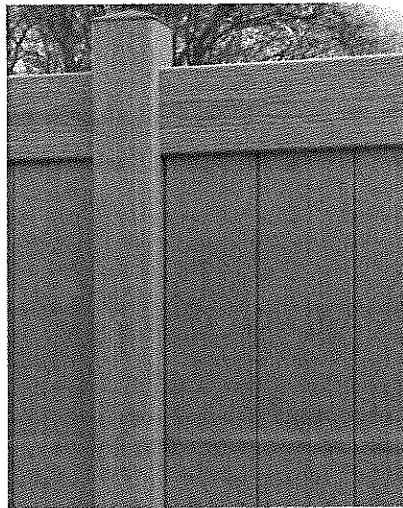
#### **SPECIFIC CONDITIONS OF APPROVAL**

- A. **Plan Endorsement** - Within sixty (60) days after the Board has filed its *Decision* with the Town Clerk, the site plan for the O'Brien & Sons Corporate Office project at 17 Trotter Drive dated May 23, 2017 last revised July 17, 2017 prepared by Meridian & Associates of Westborough, MA and Gorman Richardson Lewis Architects of Hopkinton, MA shall be further revised to reflect all Conditions and required revisions, including those as follows, and submitted to the Planning and Economic Development Board to review for compliance with the Board's *Decision*. (*Said plan is hereinafter referred to as the Plan*). The Applicant shall provide a Mylar set of the revised Plan in its final form to the Board for its signature/endorsement. All plan sheets shall be bound together in a complete set.
- B. **Cover Sheet Revisions** – Prior to plan endorsement, the cover sheet of the July 17, 2017 site plan set shall be revised to:
1. List the approved waivers from the Site Plan Rules and Regulations as specified herein.
  2. Reference the architectural plans produced by Gorman Richardson Lewis Architects, at least sheets A1.0 and A3.1
  3. Reference the photometric plan by Omni-Lite, Inc. to be updated as specified in Condition L herein.
- C. **Other Plan Revisions** – Prior to plan endorsement, the following plan revisions shall be made to the July 17, 2017 Site Plan set.
1. Per the Design Review Committee's review letter dated August 2, 2017, the site plan shall be revised as follows:

- a. Show the use of flat style fieldstone for the tiered retaining walls along the eastern boundary of the property. See image below.



- b. Revise the detail for the vinyl privacy fence/dumpster enclosure on Sheet C-8 to specify that the dumpster enclosure material have a natural wood appearance and color. See image below. The detail should also specify that the fence height shall fully screen the height of the dumpster equipment located inside.



2. In accordance with Section 7.1.2 E.1. of the *Zoning Bylaw*, the site lighting arrangement as depicted in the photometric plan by Omni-Lite, Inc. dated July 9, 2017 shall be revised and included in the plan set. The revised photometric plan shall show that there is no light trespass onto any street or abutting lot.
3. The plan shall be revised to include a detail for a bicycle rack to comply with the bicycle parking requires as specified in Section 7.1.1. I. 1. Bicycle Parking of the *Zoning Bylaw*.
4. Per Tetra Tech's review letter dated July 21, 2017, the plan shall be revised as follows:
  - a. Show sewer inverts for the proposed connectivity into the existing sewer system in Trotter Drive (drop or standard connection).

- b. Connect the 256 contour line in the main parking area to the proposed curb line.
  - c. Specify suitable vertical clearances between the stormwater subsurface storage/recharge system and the proposed sewer service and the rails for the timber guardrail in the parking area.
- D. ***Wetlands Protection*** – Prior to plan endorsement, the Applicant is required to provide the Planning and Economic Development Board with a copy of the *Order of Conditions* from the Medway Conservation Commission.
- E. ***Use Limitations*** – Parking or use of the parking area at 17 Trotter Drive shall be limited only to vehicles for O'Brien & Sons employees, deliveries and customers. The parking area may not be leased or made available to any other business for any purpose.
- F. ***Conditions Pertaining to Groundwater Protection District Special Permit***
  - 1. Storage of hazardous materials is prohibited unless in a free-standing container within a building. Any hazardous materials that will be used at the facility shall be identified and a list provided to the Board. All use of hazardous materials shall be contained within the building. Any accidental spillage shall also be contained within the building and any that enters the sewer system shall be treated prior to being discharged to the municipal sewer system.
  - 2. Any fertilizers used on landscape material anywhere on the site shall be the slow-release organic granular type, and only the absolute minimum necessary. All storage of fertilizers shall be contained within the building.
  - 3. Outdoor storage anywhere on the site shall consist only of non-hazardous materials. Metal materials stored outside shall be under cover of a building or structure to prevent leaching of the metal into the groundwater.
  - 4. There shall be no use of pesticides, herbicides, fungicides or insecticides anywhere on the site.
  - 5. Deicing materials shall be limited to calcium chloride or other deicer material approved by the Medway Department of Public Services.
  - 6. Plowed snow for the site shall be stored only in the designated areas shown on the plan or taken off site in times of substantial storms. No snow shall be disposed of in the stormwater detention basin or rain garden.
  - 7. The rain garden shall be maintained in accordance with the stormwater operations and maintenance plan.
  - 8. All vehicles shall be parked/stored on the paved surface to ensure treatment of any leaks of fluids from the vehicles. There shall be no outdoor maintenance or cleaning of vehicles.
  - 9. The Town reserves the right to periodically inspect the site to ensure compliance with these conditions.

10. The planned roofing material for the project is proposed as either EPDM or TPO membrane roofing. Any future changes to roofing materials shall be reviewed by the Board and may necessitate an amendment to the Groundwater Protection District Special Permit to ensure that roofing materials do not result in negative impacts to the groundwater supply.
- G. **Site Access** – Access to the site is provided from Alder Street and Trotter Drive. The applicant shall instruct its employees, delivery companies and customers to use only Trotter Drive and not Alder Street to access the property. Any printed or electronic marketing materials that provide directions to the O'Brien site shall indicate the Trotter Drive access. O'Brien & Sons shall take all reasonable measures to ensure that trucks backing into its site from Alder Street shall not be positioned east of the site's eastern property line for the back-up maneuvering. Deliveries shall occur only between 7 am and 6 pm.
- H. **Easement/conveyance of Alder Street cul-de-sac** – The applicant shall provide information and assistance to the Medway Department of Public Services and the Planning and Economic Development office to accomplish the conveyance by the Town of Medway to Bottle Cap Lot LLC or its assignee of a deed or easement over the approximately 2,211 sq. ft. land area within the Alder Street cul-de-sac right of way located along the southern frontage of the subject property as shown on the site plan. This may include the payment of appraisal and other costs incurred by the Town.
- I. **Trash Removal** – Trash removal shall be scheduled to occur only between 7 am and 6 pm.
- J. **Stormwater Management Operations and Maintenance Plan**
  1. The applicant has ongoing responsibility and obligation to carry out the Stormwater Operations and Maintenance Plan, updated August 2, 2017, prepared by Meridian Associates.
  2. During construction, the applicant's engineering consultant shall observe a test pit in the location of the subsurface chamber system mid-way between the proposed driveway and the open stormwater basin to verify that soil types and estimated high groundwater are consistent with the previous test pits and design parameters. The results of this test shall be provided to the Board and its engineering consultant.
- K. **Signage** - A rendering of a proposed monument sign has been shared with the Design Review Committee and its planned position on the site is shown on the plan. A façade sign is also contemplated. The applicant shall secure sign permits from the Medway Building Department which includes prior review by the Design Review Committee as specified in Section 7.2.6.3 Sign Regulation of the Zoning Bylaw.
- L. **Lighting**
  1. Lighting shall not result in any light spillage off the property. This may be accomplished through the addition of light shields, the lowering and/or relocating of light fixtures, and other suitable measures.

2. LED lights shall be of a lower color temperature [2700-3000K] to provide a more natural appearance.

## **GENERAL CONDITIONS OF APPROVAL**

- A. **Fees** - Prior to site plan endorsement by the Planning and Economic Development Board, the Applicant shall pay:
1. the balance of any outstanding plan review fees owed to the Town for review of the site plan by the Town's engineering, planning or other consultants; and
  2. any construction inspection fee that may be required by the Planning and Economic Development Board; and
  3. any other outstanding expenses or obligations due the Town of Medway pertaining to this property, including real estate and personal property taxes and business licenses.

The Applicant's failure to pay these fees in their entirety shall be reason for the Planning and Economic Development Board to withhold plan endorsement.

- B. **Other Permits** – This permit does not relieve the applicant from its responsibility to obtain, pay and comply with all other required federal, state and Town permits. The contractor for the applicant or assigns shall obtain, pay and comply with all other required Town permits.
- C. **Document/Plan Recording** - Within thirty (30) days of recording the Decision and the associated Plan, the Applicant or his assign shall provide the Board with a receipt from the Norfolk County Registry of Deeds indicating that all documents have been duly recorded, or supply another alternative verification that such recording has occurred.
- D. **Restrictions on Construction Activities** – During construction, all local, state and federal laws shall be followed regarding noise, vibration, dust and blocking of town roads. The applicant and its contractors shall at all times use all reasonable means to minimize inconvenience to abutters and residents in the general area. The following specific restrictions on construction activity shall apply.
1. **Construction Time** - Construction work at the site and in the building and the operation of construction equipment including truck/vehicular and machine start-up and movement shall commence no earlier than 7 a.m. and shall cease no later than 6 p.m. Monday – Saturday. No construction shall take place on Sundays or legal holidays without the advance approval of the Inspector of Buildings.
  2. **Neighborhood Relations** – The applicant shall notify neighbors in the general area around the site when site work and construction are scheduled to begin and provide a phone number for them to use for questions and concerns that arise during construction.
  3. The applicant shall take all measures necessary to ensure that no excessive dust leaves the premises during construction including use of water spray to wet down dusty surfaces.

4. There shall be no tracking of construction materials onto any public way. Daily sweeping of roadways adjacent to the site shall be done to ensure that any loose gravel/dirt is removed from the roadways and does not create hazardous or deleterious conditions for vehicles, pedestrians or abutting residents. In the event construction debris is carried onto a public way, the Applicant shall be responsible for all clean-up of the roadway which shall occur as soon as possible and in any event within twelve (12) hours of its occurrence.
5. The Applicant is responsible for having the contractor clean-up the construction site and the adjacent properties onto which construction debris may fall on a daily basis.
6. All erosion and siltation control measures shall be installed by the Applicant prior to the start of construction and observed by the Planning and Economic Development Board's consulting engineer and maintained in good repair throughout the construction period.
7. *Construction Traffic/Parking* – During construction, adequate provisions shall be made on-site for the parking, storing, and stacking of construction materials and vehicles. All parking for construction vehicles and construction related traffic shall be maintained on site. No parking of construction and construction related vehicles shall take place on adjacent public or private ways or interfere with the safe movement of persons and vehicles on adjacent properties or roadways.
8. *Noise* - Construction noise shall not exceed the noise standards as specified in the *Zoning Bylaw*, Section 7.3.C.2. Environmental Standards.

E. ***Landscape Maintenance***

1. The site's landscaping shall be maintained in good condition throughout the life of the facility and to the same extent as shown on the endorsed Plan. Any shrubs, trees, bushes or other landscaping features shown on the Plan that die shall be replaced by the following spring.
2. Within 60 days after two years after the occupancy permit is issued, the Town's Consulting Engineer or the Inspector of Buildings shall conduct an initial inspection of the landscaping to determine whether and which landscape items need replacement or removal and provide a report to the Board. At any time subsequent to this initial inspection, the Town's Consulting Engineer or the Inspector of Buildings may conduct further inspections of the landscaping to determine whether and which landscaping items need replacement or removal and provide a report to the Board. The Board may seek enforcement remedies with the Inspector of Buildings/Zoning Enforcement Officer to ensure that the comprehensive landscaping plan is maintained.

F. ***Snow Storage and Removal***

1. On-site snow storage shall not encroach upon nor prohibit the use of any parking spaces required by the *Zoning Bylaw*.



2. The applicant shall make the fullest possible effort to remove accumulated snow which exceeds the capacity of the designated on-site snow storage areas from the premises within 48 hours after the conclusion of a storm event.

G. **Construction Oversight**

1. Construction Account

- a) Inspection of infrastructure and utility construction, installation of site amenities including landscaping, and the review of legal documents by Town Counsel is required. Prior to plan endorsement, the applicant shall establish a construction account with the Planning and Economic Development Board. The funds may be used at the Board's discretion to retain professional outside consultants to perform the items listed above as well as the following other tasks - inspect the site during construction/installation, identify what site plan work remains to be completed, prepare a bond estimate, conduct other reasonable inspections until the site work is completed and determined to be satisfactory, review as-built plans, and advise the Board as it prepares to issue a *Certificate of Site Plan Completion*).
  - b) Prior to plan endorsement, the Applicant shall pay an advance toward the cost of these services to the Town of Medway. The advance amount shall be determined by the Planning and Economic Development Board based on an estimate provided by the Town's Consulting Engineer.
  - c) Depending on the scope of professional outside consultant assistance that the Board may need, the Applicant shall provide supplemental payments to the project's construction inspection account, upon invoice from the Board.
  - d) Any funds remaining in the applicant's construction inspection account after the *Certificate of Site Plan Completion* is issued shall be returned to the applicant.
2. Pre-Construction Meeting - Prior to the commencement of any work on the Property, the Applicant and the site general contractor shall attend a preconstruction conference with Planning and Economic Development Coordinator, the Building Commissioner, Department of Public Services Director, the Conservation Agent, the Town's Consulting Engineer and other Town staff or Applicant's representatives as may be determined. The general contractor shall request such conference at least one week prior to commencing any work on the property by contacting the Planning and Economic Development office.
  3. Planning and Economic Development Board members, its staff, consultants or other designated Town agents and staff shall have the right to inspect the site at any time, for compliance with the endorsed site plan and the provisions of this Decision.

4. The Department of Public Services will conduct inspections for any construction work occurring in the Town's right-of way in conjunction with the Town of Medway Street Opening/Roadway Access Permit.
5. The applicant shall have a professional engineer licensed in the Commonwealth of Massachusetts conduct progress inspections of the construction of the approved site improvements. Inspections shall occur at least on a monthly basis. The engineer shall prepare a written report of each inspection and provide a copy to the Planning and Economic Development Board within 5 days of inspection.

**H. *Modification of Plan and/or Decision***

1. This site plan and special permit approval is subject to all subsequent conditions that may be imposed by other Town departments, boards, agencies or commissions. Any changes to the site plan that may be required by the decisions of other Town boards, agencies or commissions shall be submitted to the Planning and Economic Development Board for review as site plan modifications.
2. Any work that deviates from the approved site plan or this Decision shall be a violation of the *Medway Zoning Bylaw*, unless the Applicant requests approval of a plan modification pursuant to Section 3.5.2.A.3.c. and such approval is provided in writing by the Planning and Economic Development Board.
3. Whenever additional reviews by the Planning and Economic Development Board, its staff or consultants are necessary due to proposed site plan modifications, the Applicant shall be billed and be responsible for all supplemental costs including filing fees, plan review fees and all costs associated with another public hearing including legal notice and abutter notification. If the proposed revisions affect only specific limited aspects of the site, the Planning and Economic Development Board may reduce the scope of the required review and waive part of the filing and review fees.

**I. *Compliance with Plan and Decision***

1. The Applicant shall construct all improvements in compliance with the approved and endorsed site plan and this Decision any modifications thereto.
2. The Planning and Economic Development Board or its agent(s) shall use all legal options available to it, including referring any violation to the Building Commissioner/Zoning Enforcement Officer for appropriate enforcement action, to ensure compliance with the foregoing Conditions of Approval.
3. The Conditions of Approval are enforceable under Section 3.1. F. of the *Medway Zoning Bylaw* (non-criminal disposition) and violations or non-compliance are subject to the appropriate fine.

**J. *Performance Security***

1. No occupancy permit for the building shall be granted until the Planning and Economic Development Board has provided a written communication to the

Inspector of Buildings/Zoning Enforcement Officer that the project, as constructed, conforms completely and fully to the approved site plan and that any conditions including construction of any required on and off-site improvements, have been satisfactorily completed OR that suitable security/performance guarantee has been provided to the Town of Medway, to the Planning and Economic Development Board's satisfaction, to cover the cost of all remaining work.

2. If performance security is needed, the applicant shall propose a form of performance security which shall be of a source and in a form acceptable to the Planning and Economic Development Board, the Treasurer/Collector and Town Counsel. The Board requires that the performance guarantee be accompanied by an agreement which shall define the obligations of the developer and the performance guarantee company including:
  - a) the date by which the developer shall complete construction
  - b) a statement that the agreement does not expire until released in full by the Planning and Economic Development Board
  - c) procedures for collection upon default.
3. The amount of the performance guarantee shall be equal to 100% of the amount that would be required for the Town of Medway to complete construction of the site infrastructure including installation of stormwater management facilities, utilities, services, parking, pedestrian facilities and all site amenities as specified in the Site Plan that remain unfinished at the time the performance guarantee estimate is prepared if the developer failed to do so.
4. The security amount shall be approved by the Planning and Economic Development Board based on an estimate provided by the Town's Consulting Engineer based on the latest weighted average bid prices issued by the Mass Highway Department. The estimate shall reflect the cost for the Town to complete the work as a public works project which may necessitate additional engineering, inspection, legal and administrative services, staff time and public bidding procedures. The estimate shall also include the cost to maintain the infrastructure in the event the developer fails to adequately perform such and the cost for the development of as-built plans. In determining the amount, the Board shall be guided by the following formula in setting the sum: estimate of the Town's Consulting Engineer of the cost to complete the work plus a twenty-five percent (25%) contingency.
5. Final release of performance security is contingent on project completion.

**K. Project Completion**

1. Site plan and special permit approval shall lapse after one (1) year of the grant thereof if substantial use has not commenced except for good cause. Approved site plans shall be completed by the applicant or its assignees within two (2) years of the date of plan endorsement. Upon receipt of a written request by the applicant filed at least thirty (30) days prior to the date of expiration, the Planning and Economic Development Board may grant an extension for good

cause. The request shall state the reasons for the extension and also the length of time requested. If no request for extension is filed and approved, the site plan approval shall lapse and may be reestablished only after a new filing, hearing and decision.

2. Prior to issuance of a final occupancy permit, the Applicant shall secure a ***Certificate of Site Plan Completion*** from the Planning and Economic Development Board and provide the ***Certificate*** to the Inspector of Buildings. The ***Certificate*** serves as the Planning and Economic Development Board's confirmation that the completed work conforms to the approved site plan and any conditions and modifications thereto, including the construction of any required on and off-site improvements. The ***Certificate*** also serves to release any security/performance guarantee that has been provided to the Town of Medway. To secure a ***Certificate of Site Plan Completion***, the applicant shall:

- a) provide the Planning and Economic Development Board with written certification from a Professional Engineer registered in the Commonwealth of Massachusetts that all building and site work has been completed in strict compliance with the approved and endorsed site plan, and any modifications thereto; and
- b) submit an electronic version of an As-Built Plan, prepared by a registered Professional Land Surveyor or Engineer registered in the Commonwealth of Massachusetts, to the Planning and Economic Development Board for its review and approval. The As-Built Plan shall show actual as-built locations and conditions of all buildings and site work shown on the original site plan and any modifications thereto. The final As-Built Plan shall also be provided to the Town in CAD/GIS file format per MASS GIS specifications.

L. ***Construction Standards*** - All construction shall be completed in full compliance with all applicable local, state and federal laws, including but not limited to the Americans with Disabilities Act and the regulations of the Massachusetts Architectural Access Board for handicap accessibility.

M. ***Conflicts*** - If there is a conflict between the site plan and the Decision's Conditions of Approval, the Decision shall rule. If there is a conflict between this Decision and/or site plan and the Medway Zoning Bylaw, the Bylaw shall apply.

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

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

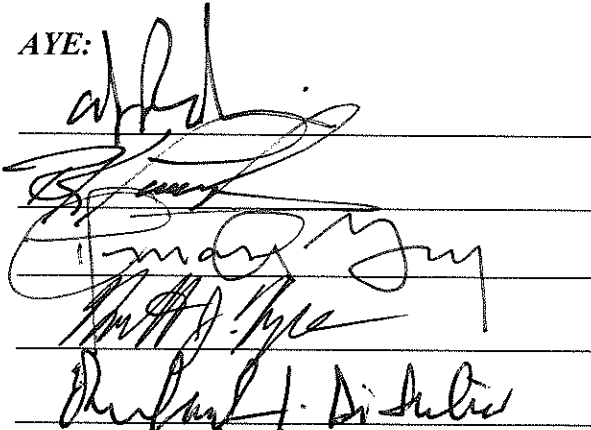
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**Medway Planning and Economic Development Board  
SITE PLAN and SPECIAL PERMIT DECISION  
O'Brien & Sons, 17 Trotter Drive**

*APPROVED with Waivers and Conditions: August 8, 2017*

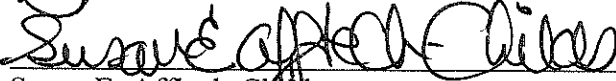
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**ATTEST:**

  
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Susan E. Affleck-Chen  
Planning & Economic Development Coordinator

8-8-2017  
Date

**COPIES TO:** Michael Boynton, Town Administrator  
David D'Amico, DPS Director  
Bridget Graziano, Conservation Agent  
Donna Greenwood, Assessor  
Beth Hallal, Health Agent  
Jeff Lynch, Fire Chief  
Jack Mee, Inspector of Buildings and Zoning Enforcement Officer  
Stephanie Mercandetti, Director of Community and Economic Development  
Joanne Russo, Treasurer/Collector  
Jeff Watson, Police Department Safety Officer  
Erin O'Brien, O'Brien & Sons  
Mark Beaudry, Meridian Associates  
Scott Richardson, Gorman Lewis Richardson Architects  
Steven Bouley, Tetra Tech  
Gino Carlucci, PGC Associates