

**Board Members**

Matthew J. Hayes, P.E., Chair  
Robert Tucker, Vice Chair  
Richard Di Iulio, Clerk  
Jessica Chabot, Member  
Sarah Raposa, A.I.C.P., Member  
Thomas A. Gay, Associate  
Member



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

***Minor Site Plan and Land Disturbance Permit Decision  
Town of Medway Cassidy Field  
APPROVED with Waivers and Conditions***

**Decision Date:** May 24, 2022

**Name/Address of Applicant:** Medway Department of Public Works  
45 Holliston Street  
Medway, MA 02053

**Name/Address of Property Owner:** Town of Medway  
155 Village Street  
Medway, MA 02053

**Project Location:** 11R Winthrop Street  
**Assessors' Reference:** 39-74 and 39-78  
**Zoning District:** Agricultural Residential I

**Engineer:** Tetra Tech  
100 Nickerson Road  
Marlborough, MA 01752

**Site Plan:** *Cassidy Field Parking Improvements*  
Dated March 25, 2022

**I. PROJECT DESCRIPTION** – The proposed work consists of the demolition and redevelopment of the existing degraded asphalt and gravel parking area located on the north side of the site adjacent to the baseball fields. A total of 93 paved parking spaces are planned of which 5 will be accessible. Parking spaces will be clearly delineated to increase capacity and improve circulation efficiency. Infrastructure will be installed to accommodate 12 future parking spaces to charge electric vehicles; such charging stations will be installed as funding becomes available. No additional lighting is proposed. Paved walkways will be provided to improve access from the parking lot to the existing snack shack (concession stand). Stormwater runoff from the fields and parking area will be collected, treated and infiltrated using dump-sump catch basins and 2 subsurface infiltration chamber systems in accordance with MA Department of Environmental Protection Stormwater Management Standards. Landscaping improvements are also planned; an area containing existing mature trees will remain. Of the 14.4-acre site, the project area comprises approximately one acre.

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**II. VOTE OF THE BOARD** – After reviewing the application and information gathered during the public review process, the Medway Planning and Economic Development Board, at its May 24, 2022 meeting, on a motion made by Sarah Raposa and seconded by Jess Chabot, voted by roll call to APPROVE with WAIVERS and CONDITIONS as specified herein, a site plan for the construction of the above described parking lot and stormwater improvements at 11R Winthrop Street as shown on *Cassidy Field Parking Improvements* dated March 25, 2022, prepared by Tetra Tech, to be further revised as specified herein.

The motion was Approved by a roll call vote of 4 in favor and none opposed.

<b>Planning &amp; Economic Development Board Member</b>	<b>Vote</b>
Jessica Chabot	AYE
Richard Di Iulio	AYE
Sarah Raposa	AYE
Robert Tucker	AYE

### **III. PROCEDURAL HISTORY**

- A. April 7, 2022 - Site plan and land disturbance applications and associated materials were filed with the Medway Planning & Economic Development Board. Documents were provided to the Medway Town Clerk on April 20, 2022
- B. April 22, 2022 - Site plan public briefing notice was filed with the Town Clerk and posted at the Town of Medway web site.
- C. April 22, 2022 – Site plan public review notice was mailed to abutters by first class mail.
- D. April 25, 2022 – Site plan information distributed to Town boards, committees and departments for review and comment.
- E. May 10, 2022 – Board commenced the site plan public briefing. The briefing was continued to May 24, 2022 when the Board’s review of the project concluded and a decision was rendered.

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

- A. The site plan application package for the proposed Cassidy Field improvements project included the following documents that were provided to the Board at the time the application was filed:
  - 1. Applications for minor site plan approval and a land disturbance permit, dated April 7, 2022, with Project Narrative prepared by Tetra Tech
  - 2. Certified abutters’ list prepared by Medway Assessor’s office.
  - 3. Submittal letter dated April 7, 2022 from project engineer Steven Bouley, P.E. of Tetra Tech as the applicant’s designated representative.
  - 4. Site plan titled *Cassidy Field Parking Improvements*, dated March 25, 2022, prepared by Tetra Tech.

5. *Stormwater Management Report Cassidy Field Improvements*, dated April 7, 2022, prepared by Tetra Tech.
  6. *Long-Term Pollution Prevention and Stormwater Operation and Maintenance Plan for Cassidy Field*, dated April 7, 2022 prepared by Tetra Tech
  7. Deed documenting ownership of the subject property.
  8. Requests for waivers of *Site Plan Rules and Regulations* dated April 7, 2022 January 21, 2021
- B. During the course of the review, the following other materials were submitted to the Board:
1. Review notes dated May 5, 2022 by Susan Affleck-Childs, Planning and Economic Development Coordinator.
  2. Email dated May 17, 2022 from Medway Deputy Fire Chief Mike Fasolino
  3. Letter dated May 19, 2022 from Sergeant Jeff Watson, Medway Police Department
- C. All documents and exhibits received during the public review process are contained in the Planning and Economic Development Board’s project file.
- V. **TESTIMONY** - In addition to the site plan application materials as submitted and provided during the course of the Board’s review, the Board also received verbal and/or written testimony or comments from:
- Steve Bouley, P.E. of Tetra Tech, Inc.,
  - Peter Pelletier, Director of the Medway Department of Public Works
  - Barry Smith, Water/Superintendent, Medway Department of Public Works
- VI. **FINDINGS** – In making its findings and reaching the decision described herein, the Board was guided by the *Site Plan Rules and Regulations* and the *Medway Zoning Bylaw*. The Board also considered evidence and testimony presented at the public briefings and comments submitted by Town departments, boards and committees as well as the Board’s peer review consultant and residents placed in the public record during the course of the review.

The Planning and Economic Development Board, at its meeting on May 24, 2022, on a motion made by Sarah Raposa and seconded by Jess Chabot, voted by roll call to approve the following **FINDINGS** regarding the site plan and land disturbance applications for the Medway Department of Public Works for proposed site improvements at Cassidy Field at 11R Winthrop Street.

The motion was Approved by a roll call vote of 4 in favor and none opposed.

<b>Planning &amp; Economic Development Board Member</b>	<b>Vote</b>
Jessica Chabot	AYE
Richard Di Iulio	AYE
Sarah Raposa	AYE
Robert Tucker	AYE

A. **Site Plan Rules and Regulations Findings** – The Planning and Economic Development Board shall consider the following criteria as set forth in the *Site Plan Rules and Regulations*, Section 204-8, F, unless specifically waived.

- 1) The proposed buildings, uses and site improvement are appropriately located on the development site in relation to the terrain and the location and scale of buildings and site features on abutting sites.

*The improvement of the Cassidy Field parking area and installation of stormwater management facilities will not depart from the character, materials and scale of the existing site, building and site features that currently exist throughout the Cassidy Field complex. The design of planned stormwater management facilities was developed to make use of the site's existing topography.*

- 2) The construction and/or renovation of buildings and site improvements and amenities are designed to reflect or be compatible with the *Medway Design Review Guidelines*.

*No new buildings are proposed as part of this project. The proposed site improvements including landscaping and site amenities are compatible with the Medway Design Review Guidelines.*

- 3) Building and site designs reflect the character, materials and scale of existing buildings in the vicinity as well as Master Plan goals for the area.

*The proposed parking and site improvements are compatible with the character, materials and scale of the site's existing uses, features and building. Consistent with the Medway Master Plan, the Cassidy Field parking improvement project will support the provision and maintenance of a diversity of recreation land uses by expanding the supply of parking and ensuring that stormwater is suitably managed in accordance with state and local requirements.*

- 4) Reasonable use is made of building location, grading and landscaping and other site features to reduce the visible intrusion of structures, parking areas, and outside facilities for the storage, handling and disposal of sewage, refuse and other solid wastes resulting from the normal operation of the establishment(s) from public views or from adjacent residential properties.

*The location of the proposed parking and drainage improvements will be set back from Winthrop Street and will not be any more visible to abutting residential properties than the present configuration of the site's features. The existing tree lines adjacent to abutting properties from 5 to 19 Winthrop Street will be retained.*

- 5) Private drives are properly designed and constructed to serve the intended use and provide an adequate level of service in relation to the traffic to be generated by the development.

*No new driveways are proposed.*

- 6) Internal circulation, queuing and egress promote traffic safety, access via minor streets servicing residential areas is minimized, and traffic backing up into the public way is avoided.

*The Cassidy Field site is accessed directly from Winthrop Street. The property has been used for many years as playing fields for local sports teams and organizations. No expansion of the playing fields is proposed and therefore there will be no supplemental impacts on minor residential streets. No new driveways or curb cuts are proposed, and the existing driveway will continue to allow for safe and efficient vehicular traffic flow to and from the property. The proposed project provides for expanded and better organized parking. The Medway Police Department has not requested any changes to the internal circulation, queuing and egress patterns.*

- 7) Convenient and adequate access for fire-fighting and emergency vehicles is provided to each structure and throughout the site.

*The Medway Fire Department reviewed the site plan and application and responded that it did not have any review comments or recommendations to offer. Accordingly, it is not expected that the proposed work will impact the existing convenient and adequate access for the Town's fire-fighting and emergency vehicles.*

- 8) Design and construction minimize, to the extent reasonably practical, 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 impacts on waterways and environmental resource areas;
  - f) soil erosion and pollution; and
  - g) noise.

*The project will not entail either removal or import of earth material. No trees will need to be removed to undertake the proposed work. There are no existing stone walls to be impacted. Appropriate site and erosion and sedimentation controls will be implemented and maintained during excavation and grading work and the site will be stabilized thereafter.*

- 9) Pedestrian ways, access driveways, loading areas and vehicular and bicycle parking facilities are properly designed for public convenience,

accessibility, and safety of customers, employees and the general public.

*Bike racks will be included as part of the project to provide bicycle parking availability. No changes are planned to the existing access driveway. The parking area has been designed and will be improved with a paved surface which will better serve the general public.*

- 10) Design and construction, to the maximum extent feasible, preserve and incorporate the visual prominence of the site's natural and historic features (i.e., hills, water bodies, wetlands, trees, tree groves, wooded areas, rock outcrops, native plants, stone walls, wildlife habitats, and other areas of aesthetic or ecological interest).

*The location of the parking area has been selected so to not impact wetland resources. No trees will be removed as part of the construction. The property is not within an historic district and is not listed on any State or National registers for historic or cultural resources.*

- 11) Lighting on the site complies with Section 7.1.2 of the *Zoning Bylaw*.

*No additional lighting is planned as part of this project.*

- 12) The proposed limit of work area is reasonable and protects sensitive environmental and/or cultural resources on the site and on adjacent parcels. The project as designed will 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 proposed limit of work area is small, and the scope of work is comprised primarily of improvements to already disturbed land. The proposed scope of work was reviewed by the Conservation Agent who determined that the project was not under the Conservation Commission's jurisdiction.*

- 13) The project's impact on abutting residential neighborhoods has been adequately mitigated. Adjacent and neighboring properties are protected from nuisance and harmful effects caused by noise, traffic, noxious or harmful fumes, and the glare of headlights and other light sources generated by uses on the development site.

*Cassidy Field, after the site improvement project is completed, will have no more impact on the abutting residential neighborhood than its present operation. No changes to site lighting are planned.*

- 14) The project is compatible with the existing and potential future development of the surrounding area and with the character of adjacent residential neighborhoods.

*The proposed scope of work is relatively minor in nature within the context of the long-standing recreational use of the property.*

- 15) Off-street loading facilities and methods for unloading vehicles, goods, products, materials and equipment incidental to the normal operation of the establishment(s) to be located on the site are conveniently and safely provided while the visual intrusion thereof is appropriately screened from public view.

*The proposed project does not involve any changes that would impact the site's off-street loading facilities and methods associated with the normal operation of an outdoor recreational field complex.*

- 16) The project complies with the requirements of Section 26.8 of Medway General Bylaws, ARTICLE XXVI, Stormwater Management and Land Disturbance; the Massachusetts DEP Stormwater Management Standards, and EPA's National Pollution Discharge Elimination System (NPDES) requirements.

*The applicant has provided a stormwater management report that fully describes the existing and proposed stormwater drainage system. The Medway Department of Public Works will file for a NPDES permit with the U.S. EPA.*

- 17) The effects and the impacts of the proposed use of land or structures on vehicular and pedestrian traffic, municipal services and utilities, roadways, parking, drainage, environmental quality, water resources, and the community's character, amenities and appearance have been identified and evaluated and reasonable conditions, limits, safeguards and mitigation measures are established pursuant to s. 204-8 G of these Rules and Regulations.

*As a result of the public review process of the proposed project, and the applicant's forthcoming submittal of a revised site plan to address the Board's comments from the May 10 and 24<sup>th</sup> briefings, and with the decision conditions included herein, this criterion has been fulfilled.*

- B. **Land Disturbance Permit Findings** - *The Board finds that the work proposed for construction of parking and site improvements as presented at the public briefing where the Applicant has presented evidence sufficient to demonstrate that the proposed activity meets the requirements of Medway General Bylaw Article XXVI Stormwater Management and Land Disturbance.*

**VII. WAIVERS FROM SITE PLAN RULES AND REGULATIONS** – At its May 24, 2022 meeting, the Planning and Economic Development Board, on a motion made by Sarah Raposa and seconded by Jess Chabot, voted by roll call to approve waiver requests from the following provisions of the *Rules and Regulations for the Submission and Approval of Site Plans, as amended October 8, 2019*. The Planning and Economic Development Board's action and reasons for acting on 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 roll call vote of 4 in favor and none opposed.

<b>Planning &amp; Economic Development Board Member</b>	<b>Vote</b>
Jessica Chabot	AYE
Richard Di Iulio	AYE
Sarah Raposa	AYE
Robert Tucker	AYE

**A. Section 207-12 Parking H. 1. The perimeter of the parking area shall be bounded with vertical granite curb, bituminous concrete curb, or cement concrete curb to delineate the parking lot and collect and direct stormwater runoff.**

The Applicant has requested a waiver from this regulation to install curb around the entire perimeter of the parking area. Instead, the applicant proposes to install bituminous concrete berm only at downgradient locations to channelize and direct stormwater runoff to the planned drainage structures and NOT at upgradient portions of the property in order to maintain existing flow patterns from the upgradient playing fields. This approach uses a limited amount of new curbing and the existing drainage patterns to accomplish the needed stormwater management measures while also reducing costs associated with unnecessary excavation and curbing materials.

*The Board approves this waiver request 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.*

**B. Section 207-19 Landscaping. C. Parking Areas 1) Internal landscape planted divisions (islands and peninsulas) shall be constructed within all parking areas containing ten or more parking spaces to provide visual relief from expanses of pavement and vehicles and provide shade. c) Where the length of parking aisles exceeds twenty-five spaces, intermediary landscaped islands shall be installed at regular intervals, not to be more than every thirteen spaces.**

The Applicant has requested a waiver from this regulation to install intermediary landscaped islands within the proposed parking lot. Instead, the landscaping plan includes the addition of shade trees and landscaping around the perimeter of the parking area. The Applicant wishes to maximize the project's parking capacity. Relief from this regulation will also reduce the cost of additional excavation and curbing installation to delineate intermediary landscaped islands.

*The Board approves this waiver request 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 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 review process have been carefully considered

The Planning and Economic Development Board, at its meeting on May 24, 2022, on a motion made by Sarah Raposa and seconded by Jess Chabot, voted by roll call to approve the following **CONDITIONS** regarding the site plan application for the Medway Department of Public Works for proposed site improvements at Cassidy Field at 11R Winthrop Street.

The motion was Approved by a roll call vote of 4 in favor and none opposed.

<b>Planning &amp; Economic Development Board Member</b>	<b>Vote</b>
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Richard Di Iulio	AYE
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Robert Tucker	AYE

### **SPECIFIC CONDITIONS OF APPROVAL**

- A. **Plan Endorsement** - Within sixty (60) days after the Board has filed its *Decision* with the Town Clerk, the Cassidy Field site plan entitled *Cassidy Field Parking Improvements*, dated March 25, 2022 shall be further revised to reflect all Conditions and required plan revisions, including those specified 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 Permittee shall provide a 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. **Plan Revisions** – Prior to plan endorsement, the following plan revisions shall be made to the March 25, 2022 plan set.
1. The cover sheet shall be revised to add a list of the Approved Waivers from the *Site Plan Rules and Regulations*.
  2. The signature area on all plan sheets shall be revised to include Decision Date: May 24, 2022 and Plan Endorsement Date: \_\_\_\_\_.
  3. Add “no parking” signs along the main driveway.
  4. Move ADA parking signs to the head of the stalls rather than behind the sidewalk.
  5. “No Parking” to be painted in the hatched areas in the parking areas adjacent to the proposed walkway to the snack shack and at the gravel driveway to the rear fields.
  6. Relocate the picnic tables that were proposed on the east side of the site and place them on the southern side of the site adjacent to the southern field.
  7. Relocate some of the proposed trees to the southern side of the lot.
  8. Add bike racks – Locate on the plan and add a detail
  9. Revise dumpster fencing enclosure detail to be fabricated with a non-glossy, natural wood appearance and to be tall enough to completely block the view of the dumpster equipment.

10. Include additional signage and pavement markings to delineate intended traffic circulation pattern and stopping locations to the satisfaction of Safety Officer Sergeant Jeff Watson.

### **GENERAL CONDITIONS OF APPROVAL**

- A. **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.
- B. **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 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 on federal and/or state legal holidays without the advance approval of the Building Commissioner.
  2. 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.
  3. 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 hours of its occurrence.
  4. 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. All waste products, refuse, debris, and construction materials shall be contained and deposited post construction at an appropriate off-site facility.
  5. All erosion and siltation control measures shall be installed by the Applicant prior to the start of construction and shall be maintained in good repair throughout the construction period.
  6. **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.

**C. Stormwater Management and Land Disturbance Conditions – Pre-Construction**

1. All erosion controls and limits of work lines as included in the endorsed plan set shall be installed along the approved and staked lines. Such installation shall occur with the least possible disturbance to vegetation. Erosion controls should be placed around trees, shrubs and other vegetation, on the uphill side. The installed erosion control measures shall be inspected, adjusted if needed, and approved by the project engineer to ensure they have been properly installed.
2. Prior to construction the general contractor shall designate a construction staging area within designed location as depicted on the approved site plan. All construction trailers, portable sanitary facilities, material storage and overnight parking of equipment shall be located in the staging area. The perimeter of the staging area shall be protected as necessary with silt fence and the ground surface shall be protected with washed stone or another suitable non-erosive material.
3. Prior to construction, an area for cleanup and/or maintenance of construction equipment shall be designated. Prior to commencement of work, the Permittee shall designate a location for a concrete washout and other washout areas which shall be surrounded by siltation controls. The locations and form of siltation controls shall be approved by the project engineer.
4. Prior to commencing any work on site, the Permittee shall install a stone construction entrance (tracking pad) not less than 20' wide and not less than 30' in length of a stone size, on the average of 1" to 4".

**D. Stormwater Management and Land Disturbance – During Construction**

1. Construction of this project will disturb greater than one-acre and thus is subject to the United States Environmental Protection Agency (US EPA) National Pollutant Discharge Elimination System (NPDES) General Permit for Discharges from Construction Activities. Construction is subject to a Stormwater Pollution Prevention Plan (SWPPP) to be prepared by the Permittee for submittal to the US EPA and provided to the Board. The SWPPP shall be included in all construction contracts, subcontracts, and specifications dealing with the planned work. The Permittee shall ensure that all contractors, subcontractors and other personnel performing the authorized work are fully aware of the SWPPP and its operation and maintenance plan.
2. Copies of this Decision, the endorsed site plan, the stormwater report including the long-term stormwater operations and maintenance plan, and the SWPPP shall be kept on site at all times while the site is under construction. These documents shall be included in all construction contracts, subcontracts, and specifications dealing with the approved work and shall

- supersede any conflicting contract requirements. The Permittee shall ensure that all contractors, subcontractors and other personnel performing the permitted work are fully aware of this Permit's terms and conditions. Thereafter, the Permittee, the contractors, and subcontractors will be held jointly liable for any violation of this Permit resulting from failure to comply with its conditions.
3. Erosion Control - It is the Permittee's responsibility to conduct monitoring, maintenance, reporting, and repair of erosion control measures, and to take any additional measures necessary to control erosion from the site in accordance with the SWPPP. The Permittee shall designate an Erosion Control Inspector who shall be responsible for these duties. The erosion control measures specified in the endorsed plan shall be considered to be the minimum standard for compliance.
- a) Erosion Control Measures shall be placed to ensure that no sedimentation will reach the Town's right-of-way (Winthrop Street) or abutting properties. Choice of suitable silt fence materials shall be in accordance with the approved plan and details.
  - b) Maintenance of Erosion Control Measures - Appropriate erosion control devices shall be in place prior to the beginning of any phases of construction and shall be maintained during construction. The erosion control specifications provided in the Land Disturbance Application and the erosion control provision in the Permit and approved site plan will be the minimum standards for this project; additional measures may be required by the Board. These will be maintained until the Permittee's Erosion Control Inspector determines that they are no longer needed, at which time they will be removed. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. During construction, the Permittee or its designee shall inspect the erosion controls on a daily basis and shall remove all sediment when accumulated to a depth of two inches or greater. The Permittee shall immediately control all erosion on the site and shall immediately notify the Board of any breaches of the erosion control barriers by sediment or silt-laden water.
  - c) Any runoff resulting from the washing of trucks or construction equipment shall neither be directed to, nor dumped into, any on-site drainage system. Any such washing shall occur only in the designated washout areas. All construction vehicles exiting the property shall be cleaned of soil prior to traveling on public streets within the Town of Medway.
  - d) All construction equipment shall be inspected regularly and properly maintained and precautions shall be taken to prevent any leakage or spilling of oil, gasoline, hydraulic fluid, and other pollutants. Any leakages shall be repaired immediately. Any such leakage or spilling must be cleaned up immediately and disposed of off-site. The project engineer shall be notified immediately in the event of any leakage or spillage.

4. Reporting – The Permittee or its agent shall conduct and document inspections of all erosion control measures no less than bi-weekly during construction and following after any storm event resulting in 0.25 inches of precipitation or more within twenty-four hours. The purpose of such inspections will be to determine the overall effectiveness of the erosion control plan and the need for maintenance or additional control measures.
5. Throughout construction, the Permittee shall be responsible for keeping the constructed stormwater drainage system in a clean and well-functioning condition and shall do nothing which would alter the drainage patterns or characteristics as indicated on the Plan approved herein without the express written approval of a field change by the Board.
6. Throughout construction, the project engineer shall regularly inspect the site to determine if the site is being maintained pursuant to the SWPPP and shall provide corrective guidance to the Permittee for actions needed to address any stormwater management deficiencies. Failure to adequately maintain the site shall be grounds for the Town to withhold building and/or occupancy permits.
7. All waste products, refuse, debris, grubbed stumps, slash, excavate, construction materials, etc. associated with the planned construction shall be contained and ultimately deposited at an appropriate off-site facility and shall not be incorporated in any manner into the project site.
8. All stockpiles shall be positioned within the limit of work area as depicted on the approved plan.
9. Fill – Any fill being brought onto the site from any off-property sources shall be free of trash, invasive species, deleterious material, and chemical contaminants in excess of the Massachusetts Contingency Plan (MCP 310 CMR 40.0000) RCS-1 Reportable Concentrations. Prior to delivering fill to the project site, the soil shall be sampled at its source and a certification provided to the Board and. The certification shall include a letter signed by a Licensed Site Professional (LSP) describing the site history of the originating soil location and certifying sampling collection procedures, quality control, results, compliance with RCS-1 Standards, and compliance with the requirements of this condition. Sampling and classification of soils shall also be consistent with MassDEP Policy # COMM-97-001.

Required soil testing is outlined below:

One soil sample shall be collected from material at each originating location or soil type. One soil sample shall be collected for every 500 cubic yards of soil.

- Volatile Organic Compounds (VOCs) by EPA Method 8260
- SemiVolatile Organic Compounds (SVOCs) by EPA 8270
- Polychlorinated Biphenyls (PCBs) by EPA Method 8082
- Total Petroleum Hydrocarbons (TPH) by EPA Method 8015 or 8100M.

- Substitute MassDEP VPH/EPH) for TPH allowed
- pH
- Priority Pollutant 13 Metals (total) Sb, As, BA, Be, Cd, Cr, Pb, Ni, Se, Ag, Ti, V, Zn.
- Any other analyses determined by the Conservation Commission, MassDEP, or the LSP necessary to properly characterize the soil for relocation.

Washed stone materials are exempt from testing.

The Board may consider alternative sampling plans or soil materials at its discretion. Approval of the Board is required for alternative plans. These may include management of soils consistent with MASSDEP WSC#-13-500, Similar Soils Provision Guidance.

10. If unforeseen problems occur during construction which may affect abutting properties, Town roadways and/or the Town's stormwater infrastructure, upon discovery by either the Board, the project engineer, or the Permittee, the Permittee shall correct the problems in accordance with General Condition G. On-Site Field Changes, if necessary. Subsequent to resolution, the activity and resulting actions shall be documented in writing.

**E. Stormwater Management and Land Disturbance – Post Construction**

1. The Permittee, its successors and assigns, shall maintain the stormwater management system in accordance with *Long-Term Pollution Prevention and Stormwater Management Operations and Maintenance Plan for Cassidy Field, dated April 7, 2022*, prepared by Tetra Tech, as may be further revised prior to plan endorsement and after project completion.
2. The Permittee and its successors shall prepare an annual report of inspections of all stormwater management structures as prescribed in *Stormwater Management Operations and Maintenance Plan* to the Board, Conservation Commission, and the DPW. The inspections shall be conducted in accordance with the approved *Stormwater Management Operations and Maintenance Plan*.

**F. Construction Oversight**

1. 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.

2. The Permittee shall retain its own professional engineer licensed in the Commonwealth of Massachusetts to conduct progress inspections of the construction of the approved site plan 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 five days of inspection.

**G. On-Site Field Changes**

1. During construction, the Permittee may be authorized to make limited, minor, on-site field changes to the approved plan based on unforeseen site or job conditions, situations, or emergencies necessitated by field conditions or due to practical considerations. These field changes shall not alter items which may affect the site's compliance with this decision and the *Bylaw* nor conflict with a specific condition of the decision. Field changes shall not substantially alter the intent, layout and/or design of the endorsed site plan.
2. Prior to undertaking such field changes, the Permittee, its agent, and/or contractor shall discuss the possible field changes with the Planning and Economic Development Coordinator and submit a letter and drawings to the Planning and Economic Development Coordinator and the Building Commissioner describing the proposed changes and what conditions, situations, or emergencies necessitate such changes. In accordance with Section 3.5.2.C of the *Bylaw*, the Building Commissioner may determine that the field change is insubstantial, authorize the change, and so notify the Board. Otherwise, the Board shall review the proposed field change at a public meeting and determine whether the proposed field change is reasonable and acceptable based on the unforeseen conditions, situations, or emergencies and whether other options are feasible or more suitable. The Board will provide a written authorization of field change. Any approved field change shall be reflected in the as-built plan to be provided at project completion.

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

1. This site plan 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.

**G. 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.

#### H. **Project Completion**

1. Site plan approval shall lapse after two years 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 three years of the date of plan endorsement. Upon receipt of a written request by the applicant filed at least thirty 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, public review process and decision.
  2. In conjunction with project completion, the Applicant shall secure a **Certificate of Site Plan Completion** from the Planning and Economic Development Board. The **Certificate** serves as the 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. 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 substantial 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.
- I. **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.

- J. **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**

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 Permittee, and notice will be mailed to all parties in interest as provided in G.L. c. 40A §15.

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

**Approved with Waivers and Conditions by the Medway Planning & Economic Development Board: May 24, 2022**

**AYE:**

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**ATTEST:**

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Susan E. Affleck-Childs  
Planning & Economic Development Coordinator

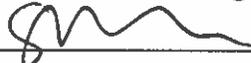
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Date

**COPIES TO:** Michael Boynton, Town Administrator  
Michael Fasolino, Deputy Fire Chief  
Bridget Graziano, Conservation Agent  
Donna Greenwood, Assessor  
Beth Hallal, Health Agent  
Jeff Lynch, Fire Chief  
Jack Mee, Building Commissioner  
Pete Pelletier, Director Medway DPW  
Joanne Russo, Treasurer/Collector  
Barbara Saint Andre, Director of Community and Economic Development  
Jeff Watson, Police Department Safety Officer  
Steven Bouley, Tetra Tech

**Medway Planning and Economic Development Board  
SITE PLAN and LAND DISTURBANCE PERMIT DECISION  
Cassidy Field – 11R Winthrop Street**

*Approved with Waivers and Conditions by the Medway Planning & Economic Development Board: May 24, 2022*

**AYE:**

  
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**ATTEST:**

  
\_\_\_\_\_  
Susan E. Affleck-Childs  
Planning & Economic Development Coordinator

May 24 2022  
Date

**COPIES TO:** Michael Boynton, Town Administrator  
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