

**Board Members**

Andy Rodenhiser, Chair  
Robert Tucker, Vice Chair  
Jessica Chabot, Member  
Richard Di Iulio, Member  
Matthew Hayes, P.E.,  
Member  
Thomas A. Gay, Associate  
Member



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

June 22, 2021

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**Major Site Plan**  
**Medway Mill – 165 Main Street**  
**Approved with Waivers and Conditions**

**Decision Date:** June 22, 2021

**Name/Address of Applicant:** 165 Main Street Realty Trust  
**And Permittee** 165 Main Street  
Medway, MA 02053

**Name/Address of Property Owner:** 165 Main Street Realty Trust  
165 Main Street  
Medway, MA 02053

**Engineer and Designated Representative** Guerriere & Halnon, Inc.  
55 West Central Street  
Franklin, MA 02038

**Site Plan:** *Site Plan – Medway Mill*  
Dated February 14, 2020, last revised April 21, 2021 to be further revised as specified herein.

**Location:** 165 Main Street

**Assessors' Reference:** 48-92

**Zoning District:** Agricultural-Residential II  
Main Street Adaptive Use Overlay District - Mill Conversion Subdistrict

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**I. PROJECT DESCRIPTION** – The applicant proposes a series of site improvements to the 7.28 acre property. These include constructing a 42-space surface parking area with electrical vehicle charging stations and bike racks; installation of stormwater management facilities for the parking area; landscaping and lighting; and expansion of the bridge across Chicken Brook for approximately 25 linear feet on each side. The proposal requires site plan review and approval subject to Section 3.5 of the Medway *Zoning Bylaw* (the “Bylaw”). As the site includes riverfront areas under the jurisdiction of the Conservation Commission, the project is also subject to its review for an Order of Conditions and a Land Disturbance Permit pursuant to Article XXVI of the Medway General Bylaws.

**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 (the “Board”), on June 22, 2021, on a motion made by Matthew Hayes and seconded by Richard Di Iulio, **voted to** approve **with WAIVERS and CONDITIONS** as specified herein, a site plan for the construction of site improvements at 165 Main Street as shown on *Site Plan – Medway Mill*, dated February 14, 2020, last revised April 21, 2021, to be further revised as specified herein.

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

<b>Planning &amp; Economic Development Board Member</b>	<b>Vote</b>
Richard Di Iulio	AYE
Matthew Hayes	AYE
Andy Rodenhiser	AYE

### **III. PROCEDURAL HISTORY**

- A. February 18, 2020 - Site plan application and associated materials filed with the Board and Town Clerk
- B. March 5, 2020 – Notice for March 24, 2020 public hearing filed with the Town Clerk and posted at the Town of Medway web site’s master meeting calendar.
- C. March 5, 2020 - Site plan information distributed to Town boards, committees and departments for review and comment.
- D. March 6, 2020 – Notice for the March 24, 2020 public hearing was sent to abutters and parties of interest by certified sent mail.
- E. March 10 and 16, 2020 - Public hearing notice advertised in *Milford Daily News*.

### **COVID State of Emergency**

- F. March 24, 2020 – Due to the COVID State of Emergency, the public hearing was continued without presentation or testimony to April 14, 2020, May 12, 2020, May 26, 2020, June 9, 2020, June 23, 2020, July 14, 2020, and July 28, 2020.
- G. July 23, 2020 - Notice for the August 11, 2020 public hearing was filed with the Town Clerk and posted at the Town of Medway web site’s master meeting calendar.
- H. July 23, 2020 - Notice for the August 11, 2020 public hearing was sent to abutters and parties of interest by certified sent mail.
- I. July 24, 2020 – Site plan information distributed to Town boards, committees and departments for review and comment.
- J. July 28 and August 3, 2020 – Public hearing notice advertised in the *Milford Daily News*.
- K. August 11, 2020 - Public hearing commenced. The public hearing was continued to September 22, 2020, October 13, 2020, November 10, 2020, January 12, 2021, February 9, 2021, February 23, 2021, March 23, 2021, April 27, 2021, May 25, 2021, June 8, 2021 and June 22, 2021 when the hearing was closed and the *Decision* rendered.

#### IV. INDEX OF SITE PLAN DOCUMENTS

- A. The site plan application for the proposed Medway Mill site improvement project included the following plans, studies and information that were provided to the Board at the time the application was filed:
1. Site Plan Application dated February 18, 2020, project narrative, certified abutters' list, deed, and requests for waivers from the *Site Plan Rules and Regulations*
  2. *Site Plan – Medway Mill*, dated February 14, 2020, prepared by Guerriere and Halnon, Inc. of Franklin, MA
  3. *Stormwater Report for Medway Mill Parking Expansion*, dated February 14, 2020, prepared by Guerriere & Halnon, Inc. of Franklin, MA
  4. Collection of photos and hand drawn sketches by John Greene to illustrate current conditions and planned improvements.
- B. During the course of the Board's review, a variety of other materials were submitted to the Board by the Applicant and its representatives:
1. Guerriere & Halnon letters:
    - 6-18-20 in response to PGC Associates review letter dated 3-19-20.
    - 12-29-20 in response to PGC Associates review letter dated 3-19-20
    - 4-6-21 in response to PGC Associates review letter dated 1-6-21
  2. Guerriere & Halnon letters:
    - 6-18-20 in response to Tetra Tech review letter dated 3-19-20
    - 12-29-20 in response to Tetra Tech review letter dated 7-9-20
    - 4-6-21 in response to Tetra Tech review letter dated 1-7-21
  3. Guerriere & Halnon letters:
    - 12-30-20 revised plan submittal letter
    - 2-23-21 email status report
    - 5-10-21 revised plan submittal letter
  4. *Site Plan – Medway Mill* by Guerriere and Halnon revisions dated 5-13-2020, 12-24-2020 and 4-21-2021. NOTE – The 4-21-2021 revision set included bridge drawings dated 4-29-2021 by Collins Engineering of Dedham, MA.
  5. *Stormwater Report for Medway Mill Parking Expansion* by Guerriere and Halnon revisions dated June 18, 2020, December 22, 2020, last revised April 21, 2021.
  6. Long Term (Stormwater) Operation and Maintenance Plan for Medway Mill Parking Expansion dated February 14, 2020, last revised April 16, 2021.
  7. Email communication from Amanda Cavaliere dated October 28, 2020 with alternative parking lot layout options.
  8. Letter from attorney Danielle Justo of Rich May Attorneys at Law dated 3-31-2021 with attachments.
  9. Collection of letters and memos from Medway Mill tenants and Town of Medway officials in support of the proposed parking lot expansion project (received 5-10-2021)

10. Letter dated May 3, 2021 from Goddard Consulting re: discussion of River Protection Act (Alternatives Analysis)
11. Color renderings (undated) of proposed parking area by Kuth-Ranieri Architects (received 5-10-2021)
12. Letter from Ed Thornlimb, Dowling Corporation, dated April 12, 2021 regarding rebuilding the existing stone wall along the property line with the abutter at 42 Lincoln Street.
13. Email dated June 15, 2021 from Amanda Cavaliere of Guerriere and Halnon specifying trees to be removed during construction of planned site improvements.

- C. During the course of the Board's review, a variety of other materials were submitted to the Board by its staff, consultants, and other Town Boards and Committees.
- Medway ZBA Special permit decision dated August 2, 1995
  - Memorandum dated August 26, 2020 from Medway Cultural Council chair Jennifer Kendall and Vice-Chair Gail Hachenberg
  - Email communication dated October 20, 2020 from Police Sergeant Jeff Watson
  - Email communication dated March 16, 2021 from Conservation Agent Bridget Graziano of the March 15, 2021 site visit
  - Design Review Committee review memorandum dated May 21, 2021
  - Collection of letters and memos from Medway police and fire officials in support of the proposed parking lot expansion project (received 5-10-2021)

**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 from:

- Steve Bouley, P.E. of Tetra Tech, Inc., the Town's Consulting Engineer – Site plan review letters dated March 19, 2020, July 9, 2020, January 7, 2021 and May 19, 2021 and commentary throughout the public hearing process.
- Gino Carlucci, PGC Associates, the Town's Consulting Planner – Site plan review letters dated March 19, 2020, August 14, 2020, January 5, 2021, and May 20, 2021 and commentary throughout the public hearing process.
- Amanda Cavaliere and Mike Hassett of Guerriere & Halnon, Inc., the Applicant's engineering consultant and designated representative
- Mark Arnold, Goddard Consulting
- Attorney Danielle Justo, Rich May Attorneys-at-Law

**Abutter Testimony**

- Janine Clifford, 42 Lincoln Street - verbal and written communications with attachments (2-14-2020, 5-18-2020, 3-10-2021, 3-29-2021 and 5-25-2021)
- Myrna Flynn, 44 Lincoln Street - verbal and written (2-23-2021)
- John Maloney, 31 Lincoln Street (verbal)
- John Kairit, 167 Main Street (verbal)
- Michael Marraffino, 39 Lincoln Street (verbal)
- Claudette Bannon, 31 Norfolk Avenue - written (4-4-2021)

**Town Staff Testimony**

- Bridget Graziano, Conservation Agent (11-10-2020)

**VI. FINDINGS** – The Board, at its meeting on June 22, 2021, on a motion made by Matthew Hayes and seconded by Richard Di Iulio, voted to approve the following FINDINGS regarding the site plan application for 165 Main Street. The motion was approved by a vote of three in favor and none opposed.

<b>Planning &amp; Economic Development Board Member</b>	<b>Vote</b>
Richard Di Iulio	AYE
Matthew Hayes	AYE
Andy Rodenhiser	AYE

**Site Plan Rules and Regulations Findings** – The Board shall determine whether the proposed development is in conformance with the standards and criteria set forth in the *Site Plan Rules and Regulations, as amended October 8, 2019*, unless specifically waived.

In making its *Decision*, the Board shall determine the following:

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

*The proposed parking expansion project improves accessibility to the site by providing additional customer and employee parking which will, in turn, reduce the need for parking along the access driveway from Lincoln Street. There will be no backing out onto a public way. Internal site circulation is improved with better organized parking for customers and employees and the expanded bridge over Chicken Brook. The site plan has been carefully evaluated for truck maneuverability and has been found to be satisfactory.*

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 site plan for the proposed parking area has been reviewed by the Town's consulting engineer, planner and the Medway Design Review Committee. The new parking area will not be visible from Main Street nor Lincoln Street. There are no changes to the existing buildings.*

3. Is reasonable use made of building location, grading and vegetation to reduce the visible intrusion of structures, parking areas, outside storage or other outdoor service areas (e.g. waste removal) from public views or from (nearby) premises residentially used and zoned.

*The proposed parking area expansion will not be visible from Main Street nor Lincoln Street. As conditioned herein, the applicant shall install fencing and landscape buffering to mitigate the visual impact of the parking area on the adjacent Lincoln Street residential properties.*

4. Is adequate access to each structure for fire and service equipment provided?

*Access for fire and service equipment is provided. The new parking area will relieve the current unauthorized overflow customer parking on the Lincoln Street access driveway which has resulted in restricted emergency vehicle access to the site. Additional Police Department testimony was provided that the site's limited parking has resulted in tenant customer frustrations and disputes. Additional Fire Department testimony supports the expanded parking area as it would improve safety along the Lincoln Street access driveway.*

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 proposed stormwater drainage system has been reviewed by the Town's Consulting Engineer and the Conservation Commission although an Order of Conditions has not yet been issued. Appropriate soil pollution and erosion controls have been incorporated into the plan. No increase in noise will be generated by the operation of the facility. The new parking area is not visible from Main Street and Lincoln Street. The immediate abutters on Lincoln Street will have views to the parking area, but the applicant will provide fencing and landscaping. As conditioned herein, the site plan will include an 8' high fence and 10' tall Green Giant arborvitaes to provide screening. The applicant has also worked with the Conservation Commission on a robust landscape plan which is also reflected in the site plan.*

6. Is pedestrian and vehicular safety, both on the site and egressing from it, maximized?

*The entrance and egress to the site remains unchanged. The primary vehicular access to the new parking area will be from the site driveway off of Lincoln Street. A sidewalk is provided from the new parking area to the Mill buildings. The site plan includes the installation of one bicycle rack (4 bikes) to accommodate employees at the Mill and cycling customers. The Police Department's Safety Officer has provided written testimony that the proposed parking expansion will make the area safer for all who use the complex by reducing customer parking along the access driveway from Lincoln Street.*

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?

*The visual prominence of the historic Medway Mill building and Chicken Brook are retained.*

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

*The lighting plan was reviewed by the Board's consulting planner and engineer. The planned site lighting minimizes light pollution by using shields on the light fixtures and there is no light spillage off site.*

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

*The limit of work is reasonable and it protects sensitive environmental resources. The installation of a stormwater management system reduces the current impacts of presently untreated stormwater discharge to sensitive environmental resources located on the*

*property. The project is under review by the Conservation Commission for an Order of Conditions and a Land Disturbance Permit. As conditioned herein, any changes to the site plan that are needed as a result of the forthcoming Order of Conditions and Land Disturbance will necessitate a modification to the site plan.*

### **Miscellaneous Findings**

1. The Zoning Board of Appeals, on August 2, 1995, issued a special permit for the subject property to allow the owner to rent space to tenants for a mixed-use type of operation including office, retail (limited to 30% of the leased area), banking, restaurant, showroom facilities, light manufacturing, assembly and storage. Sales and storage of building materials are allowed for indoor use; no outside storage was authorized. Uses allowed in the Industrial IV district were allowed.

**VII. WAIVERS** – At its June 22, 2021 meeting, the Board, on a motion made by Matthew Hayes, and seconded by Richard Di Iulio, voted to approve waivers from the following provisions of the Rules and Regulations for the Submission and Approval of Site Plans, as amended October 8, 2019. The Board’s action and reasons for approving 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 three in favor and none opposed.

<b>Planning &amp; Economic Development Board Member</b>	<b>Vote</b>
Richard Di Iulio	AYE
Matthew Hayes	AYE
Andy Rodenhiser	AYE

### **Site Plan Submittal Requirements/Plan Contents**

1. **Section 204-5 B. Site Context Sheet is required as part of the plan set.** *The Site Context Sheet shall include the following information:*
  - *A locus plan showing the site and its boundaries in relation to all surrounding streets within two thousand (2,000) feet of the perimeter of the site. The plan shall be at a maximum scale of one (1) inch equals one thousand (1,000) feet. Scenic roads shall be noted.*
  - *Abutters' names and addresses with assessor's reference.*
  - *Lot lines with dimensions and easement areas.*
  - *Existing topography at two (2) foot intervals from USGS survey maps or actual land survey.*
  - *All easements (utility, conservation and other) and rights-of-way.*
  - *Zoning district boundaries including groundwater protection district, wetlands, and flood plain zones.*

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

2. **Section 204-3 F. Written Development Impact Statement** which shall describe the potential and anticipated impacts of the proposed development, identify all positive and adverse impacts, and propose an acceptable program to prevent, reduce or mitigate adverse impacts. The Development Impact Statement shall consist of the following four elements: traffic impact assessment, environmental impact assessment, neighborhood impact assessment, and a parking impact assessment

*The Applicant has requested a waiver from the requirement of providing traffic and environmental impact assessments as a majority of the site is already developed and the planned parking expansion is proposed to address existing parking limitations. No additional leasable space is proposed in conjunction with these site improvements. Environmental impacts are being considered by the Conservation Commission. The Board has spent considerable time during the public hearing addressing abutter concerns. For the foregoing reasons, 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.*

3. **Section 204-5 D. 7. Utilities Plan** – All proposed utilities, mechanisms, materials and layouts for refuse and trash disposal enclosures and systems, water, electricity, gas, cable, fire hydrants, and telephone service, sewage disposal, and methods of solid waste storage and disposal (shall be shown on the plan).

*The site plan does not show the electrical lines and locations. The utility company generally will not provide such details until after a site plan is approved. This decision includes a condition, as recommended by the Board's consulting engineer, that the Applicant provide the proposed electrical layout at the project's pre-construction meeting. For the foregoing reasons, the Board APPROVES this waiver as being consistent with the purpose and intent of the Site Plan Rules and Regulations which will have no significant detriment to the achievement of any of the purposes of Site Plan Review and Approval.*

4. **Section 204-5 D. 8) Landscape Plan**

- a) A Landscape Plan shall be prepared by a Registered Professional Landscape Architect licensed to practice in the Commonwealth of Massachusetts or a Massachusetts Certified Landscape Professional.

*The Applicant has requested a waiver from the requirement for the landscape plan to be prepared by a Registered Professional Landscape Architect. The landscaping needs of the proposed site improvements are relatively minimal, and the Applicant's engineering firm has considerable experience in preparing landscape plans. For the foregoing reasons, 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.*

### **Site Plan Development Standards**

5. **Section 207-9 A.7) Pedestrian and Bicycle Access and Sidewalks** – Sidewalks and pedestrian ways and connections shall comply with the requirements of the Americans with Disabilities Act (ADA).

*The grade of the planned sidewalk to connect the proposed parking area to the Mill buildings does not appear to meet ADA requirements. However, the subject parking area does not include handicapped spaces and the parking area is some distance away from the Mill buildings. The required number of handicapped parking spaces for the site are more suitably located elsewhere on the premises, closer to the buildings, as shown on the site plan. For the foregoing reasons, the Board APPROVES this waiver as being consistent with the purpose and intent of the Site Plan Rules and Regulations which will have no significant detriment to the achievement of any of the purposes of Site Plan Review and Approval.*

6. **Section 207 – 17 Solid Waste Removal D. Multi-tenant developments shall incorporate the use of shared trash compactors**

*The existing arrangement of multiple trash receptacles located around the site is working effectively and there is no additional space being added for business uses. Accordingly, Board APPROVES this waiver as being consistent with the purpose and intent of the Site Plan Rules and Regulations which will have no significant detriment to the achievement of any of the purposes of Site Plan Review and Approval.*

7. **Section 207 – 19 Landscaping. B. Landscape Buffers 2)** Perimeter landscaping shall be provided around the entire site. Four season evergreen landscape buffers between the site and adjoining properties are required, particularly to protect adjacent residential uses to the greatest extent possible. Landscaped buffer areas shall be a minimum of fifteen feet in depth and may be comprised of existing woodlands and native vegetation supplemented by new landscape plantings. Vegetation in buffer areas may also be augmented with earth berms of a reasonable height and high quality and durable fencing using materials approximating wood.

*Perimeter landscaping will be provided around the proposed new parking area which is the major component of the site improvement. This decision is conditioned on the provision of an 8' tall fence and a run of twenty 10' tall Green Giant arborvitae along the western border of the parking area. Landscaping is also planned on the north side of parking area. For the foregoing reasons, the Board APPROVES this waiver as being consistent with the purpose and intent of the Site Plan Rules and Regulations which will have no significant detriment to the achievement of any of the purposes of Site Plan Review and Approval.*

8. **Section 207 – 19 Landscaping. C. Parking Areas 1) a.** A minimum of ten percent of the total internal parking area shall be provided as landscaped island areas, exclusive of perimeter landscaping.

*The proposed 13,500 sq. ft. parking area for 42 vehicles does not include any internal landscaped islands. The applicant seeks to maximize the number of parking spaces in order to meet the Zoning Bylaw's parking standards for the property's commercial space. The site is challenging due to the required riverfront buffer zone from Chicken Brook which significantly limits where the needed parking can be located on the property. A variety of parking area layout options were designed by the applicant's project engineer and reviewed by the Board and the final resulting layout as shown on the site plan achieves the best combination of quantity of parking, distance from abutters, and distance from Chicken Brook. For the foregoing reasons, the Board APPROVES this waiver as being consistent with the purpose and intent of the Site Plan Rules and Regulations which will have no significant detriment to the achievement of any of the purposes of Site Plan Review and Approval.*

9. **Section 207 – 19 Landscaping. H.** – All hardwood trees twenty-four inches or more in diameter as measured four feet above finish grade that are to be removed from the site shall be replaced with new trees on the site.

**Analysis** – A tree inventory was performed by the Guerriere and Halnon, the applicant’s engineer and is shown on the Medway Mill Site Plan dated April 21, 2021 - Existing Conditions Sheet # 3 of 13. Guerriere and Halnon has indicated that there are 2 trees larger than 24” in diameter that will be removed as part of the project. They have also indicated there is one 36” diameter tree that will be retained as part of the project.

Tree Type & Size	Quantity	Amount of Trees to be Removed (1/2 diameter <sup>2</sup> x 3.14)
30 inch oak	1	15 x 15 x 3.14 = 706 sq. inches
34 inch oak	1	17 x 17 x 3.14 = 907 sq. inches
		Total = 1,613 sq. inches

**Tree Replacement Formula**

The standard tree replacement formula used by the Board is one square inch of replacement tree per two square inches of trees removed.

$$[1/2 \text{ diameter}^2 \times 3.14] \div 2 = \text{Number of square inches of replacement trees}$$

Based on the above formula, the amount of tree replacement = 807 sq. inches

**NOTES**

- A 3” caliper tree equals seven sq. inches
- Two shrubs = one tree (per the Tree Warden)

**Applicant’s Proposed Tree Replacement Plan** (Medway Mill Site Plan dated April 21, 2021 – Landscape Plan, Sheet #9 of 13)

**Parking Area**

- Twenty 2.5” caliper Green Giant Arborvitae = 98.2 sq. inches
- Eight 2.5” caliper Red Maples = 39.3 sq. inches
- Eleven 2.5” caliper Red Oaks = 54.0 sq. inches
- Seven 2.5” caliper Balsam Fir = 34.4 sq. inches
- Total = 226 sq. inches**

**Remediation Area**

- Seven 2.5” caliper River Birches = 34.4 sq. inches
- Seven 2.5” caliper Red Maples = 34.4 sq. inches
- Forty-three 3-gallon Mountain Pepperbush shrubs =  $(43 \times 7) \div 2 = 151$  sq. inches
- Sixteen 5-gallon Witch Hazel shrubs =  $(16 \times 7) \div 2 = 56$  sq. inches
- Twenty-three 3-gallon Winterberry shrubs =  $(23 \times 7) \div 2 = 81$  sq. inches
- Sixteen 3-gallon Juniper shrubs =  $(16 \times 7) \div 2 = 56$  sq. inches
- One hundred thirteen 2-gallon cinnamon ferns = 0 sq. inches
- Total = 412 sq. inches**

**Total Proposed Landscaping (parking and remediation areas) = 638 sq. inches**

With the proposed tree replacement plan (638 sq. inches), there is a shortfall of 169 sq. inches of tree replacement per the above noted formula. At 7 sq. inches per 3" caliper tree, this equates to 24 additional 3" caliper trees (or 48 shrubs). The applicant can propose additional tree and/or shrub planting or make a contribution to the Town's Tree Fund to be used for tree planting in the community. Tree Warden Steve Carew has advised that the Town's cost for a 2½" – 3" caliper tree is \$200 not including the installation cost. If no additional tree planting can be incorporated into the site plan, the amount to be contributed Tree Fund would be  $24 \times \$200 = \$4,800.00$ .

*Although the tree replacement plan does not fully meet the noted tree replacement formula, the Applicant has provided a robust tree planting plan for the site that is already highly developed with little available room for additional landscape installation. The presence of Chicken Brook on the site and the required no touch 200' buffer area adjacent to on both sides further constrains the space available for further landscaping. For the foregoing reasons, the Board APPROVES this waiver as being consistent with the purpose and intent of the Site Plan Rules and Regulations which will have no significant detriment to the achievement of any of the purposes of Site Plan Review and Approval.*

**VIII. CONDITIONS** - The *Special and General Conditions* included in this *Decision* shall assure that the Board's approval of this 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. The Board's approval of the site plan is subject to the following conditions.

### **SPECIFIC CONDITIONS OF APPROVAL**

- A. **Plan Endorsement** - Within sixty days after the Board has filed the *Decision* with the Town Clerk, the site plan for Medway Mill parking expansion dated February 14, 2020, last revised April 21, 2021 prepared by Guerriere & Halnon, Inc. of Franklin, MA shall be further revised to reflect all Conditions and required revisions and additions, including those as follows, and shall be submitted to the Board to review for compliance with the Board's *Decision*. (*Said plan is hereinafter referred to as the Plan*). The Applicant 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. **Cover Sheet Revisions** – Prior to plan endorsement, the cover sheet of the April 21, 2021 site plan shall be revised as follows:
  - 1. Revise the list of approved waivers from the *Site Plan Rules and Regulations*.
  - 2. If needed, revise the Index of plan sheets.
  - 3. Revise the plan date.
- C. **Other Plan Revisions** – Prior to plan endorsement, the following plan revisions shall be made to April 21, 2021 site plan set and approved by the Board. Revisions can be made to the drawings or details and/or include revised notes. Additional details or drawings may also be added to the plan set.
  - 1. The eastern island at the parking lot entrance contains a protruding curb edge which may puncture tires of vehicles parking in the first space. The detail shall be revised to provide for a curved curb edge.

2. The provided bridge drawings dated 4-29-2021 by Collins Engineering of Dedham, MA shall be stamped by a professional engineer registered in the Commonwealth of Massachusetts. Additional bridge elevations showing the design and appearance of the bridge work and railings shall be included. Such elevations shall be reviewed by the Design Review Committee and comments provided to the Board before approval.
3. The fence along the parking lot shall be 8' in height, fabricated from a non-glossy material; the material shall resemble wood and be of a natural wood color.
4. Except for the fence around the stormwater basin, the proposed new fencing to be constructed elsewhere on the property shall be fabricated from non-glossy material; the material shall resemble wood and be of a natural wood color.
5. Adjust the photometric plan to indicate that the parking area lights will be turned off from 10:00 pm to 7:00 a.m.
6. Adjust the height of parking lot light poles from 20' to 12' and revise the photometric plan to reflect the adjusted height. If needed, another 12' pole or poles may be added.
7. Adjust fencing around the stormwater basin to 4' height, black vinyl coated chain link fence.
8. A detail shall be added to the Landscaping Plan to depict landscaping of the area on the subject property at the corner of the Lincoln Street access driveway and the southwest corner of 42 Lincoln Street. Such landscaping shall provide a four season landscape buffer not including arborvitae species, shall be of suitable height so as to not block sight views for vehicles departing the premises, and may include removal of existing plant materials. A detail of the stone wall reconstruction shall also be included.
9. The drawing for dumpster enclosures shall be revised such that the dumpster enclosure is fabricated with non-glossy material; the material shall resemble wood and be of a natural wood color, and be of a height to fully shield the view of the enclosed dumpsters and recycling containers. Chain link fencing with plastic slats is prohibited.
10. Sheet #5 Site Layout shall be revised to indicate the location of the 36" diameter maple tree and notes shall be added to the plan to specify the tree protection measures to be incorporated.

**D. Use Limitations**

1. The parking area shall not be leased or made available to any non-resident business for any purposes.
2. Outdoor Storage – Consistent with the Zoning Board of Appeals special permit for the property issued on August 2, 1995 and pursuant to Table 1: Schedule of Uses of the Zoning Bylaw, no outside storage of materials associated with a business operating in a building on the premises is allowed.

**E. Tree Preservation** – The applicant has committed to retaining a 36" diameter maple tree as shown on the Existing Conditions Sheet #3 of the site plan dated April 21, 2021.

1. The Applicant and its contractors shall not remove the above noted tree during site preparation and construction.

2. This tree shall be clearly identified in the field for non-removal and protection and verified by the Town's consulting engineer before site preparation and construction commences.
3. The Applicant and its contractors shall take rigorous and best-practices measures to protect the tree from damage.
4. If the 36" maple tree is removed or damaged during construction, the applicant shall be responsible for making a contribution to the Medway Tree Fund. A 36" diameter tree = 1,017 square inches. Based on the tree replacement formula noted in Waiver #9, the applicant would be responsible for providing 508 square inches of tree replacement to offset the loss of the 36" maple. At 7 square inches per 3" caliper replacement tree, loss of the noted tree would need to be offset by the planting of seventy-three 3" caliper trees. The applicant and Board concur that further tree planting on the site is not feasible. A contribution to the Medway Tree Fund is a suitable alternative. The Medway Tree Warden has previously advised that the Town's wholesale cost for a 2½" - 3" caliper tree is \$200 not including the installation cost. The amount to be contributed to the Medway Tree Fund would be \$14,600 (73 trees x \$200).

**F. Stone Walls**

1. The applicant shall reuse rocks from stone walls that are displaced due to construction elsewhere on the site for other walls and walkways as shown on the site plan.
2. The applicant plans to rebuild the long established stone retaining wall along the northern edge of the access driveway from Lincoln Street at the corner with 42 Lincoln Street. Prior to the start of any such work, the applicant shall review the planned work with the Building Department to determine if any structural engineering drawings are required so as to ensure the continued viability of the stone wall to support the existing and long established driveway at 42 Lincoln Street.

**GENERAL CONDITIONS OF APPROVAL**

- A. **Fees** - Prior to site plan endorsement by the Board, the Permittee 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 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 business licenses, water/sewer bills, etc.

The Permittee's failure to pay these fees in their entirety shall be reason for the Board to withhold plan endorsement.

- B. **Other Permits** – This decision does not relieve the Permittee from its responsibility to obtain, pay and comply with all other required federal, state and Town permits. The contractor for the Permittee or assigns shall obtain, pay and comply with all other required Town permits.
- C. **Document/Plan Recording** – The Permittee shall file this decision and endorsed plan with the Norfolk County Registry of Deeds. Within thirty days of recording, the Permittee or assign shall provide the Board and the Building Commissioner with evidence of such recording.

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 Permittee 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 legal holidays without the advance approval of the Building Commissioner.
2. *Neighborhood Relations* – The Permittee 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 Permittee 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 Permittee 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.
5. The Permittee 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 Permittee prior to the start of construction and observed by the 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 *Bylaw*, SECTION V. USE REGULATIONS, Sub-Section B. Area Standards, Paragraph 2. b).

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 Board certifies project completion, the Town’s Consulting Engineer or the Building Commissioner may inspect 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 Building Commissioner 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 Building Commissioner/Zoning Enforcement Officer to ensure that the comprehensive landscaping plan is maintained.

- F. **Snow Storage and Removal** - Locations for on-site snow storage are shown on the plan. Accumulated snow which exceeds the capacity of the designated on-site snow storage areas shall not be placed to encroach upon, nor prohibit the use of, any parking spaces or drive aisles. Any such snow that cannot be accommodated on site in the designated snow storage areas shall be removed from the premises within 24 hours after the conclusion of the 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 Permittee shall establish a construction account with the 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 Permittee shall pay an advance toward the cost of these services to the Town of Medway. The advance amount shall be determined by the 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 Permittee shall provide supplemental payments to the project's construction inspection account, upon invoice from the Board.
  - d) Any funds remaining in the Permittee's construction inspection account after the *Certificate of Site Plan Completion* is issued shall be returned to the Permittee.
2. Board members, its staff, consultants or other designated Town agents and staff shall have the right to inspect the site at any time during construction, for compliance with the endorsed site plan and the provisions of this *Decision*.
  3. If applicable, the Department of Public Works may conduct inspections for any construction work occurring in the Town's right-of way in conjunction with a Town of Medway Street Opening/Roadway Access Permit.
  4. The Permittee 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 Board within 5 days of inspection.

#### H. **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 or design of the endorsed site plan.
2. Prior to undertaking such field changes, the Permittee and/or contractor shall discuss the possible field changes with the Town's Consulting Engineer 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 changes at a public meeting and determine whether the proposed field changes are reasonable and acceptable based on the unforeseen conditions, situations, or emergencies and whether other options are feasible or more suitable. A written authorization of field change will be provided. Any approved field change shall be reflected in the as-built plan to be provided at project completion.

#### I. **Modification of Plan and/or Decision**

1. Proposed modifications, not including on-site field changes, to the *Decision* or endorsed plan shall be subject to review by the Board.
2. 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 Board for review as site plan modifications.
3. Any work that deviates from the approved site plan or this *Decision* shall be a violation of the *Bylaw*, unless the Permittee requests approval of a plan modification pursuant to Section 3.5.2.A.3.c. and such approval is provided in writing by the Board.
4. The request for a modification to a previously approved site plan shall be subject to the same application and review process including a public hearing. Whenever additional reviews by the Board, its staff or consultants are necessary due to proposed site plan modifications, the Permittee 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 Board may reduce the scope of the required review and waive part of the filing and review fees.
5. The Board shall issue a modification decision, file such with the Town Clerk, and provide copies to the Building Commissioner and other Town officials and the Permittee. Any modification approved by the Board shall be made a permanent part of the approved site plan project documents and shall be shown on the final as-built plan.

J. **Compliance with Plan and Decision**

1. The Permittee shall construct all improvements in compliance with the approved and endorsed site plan and this *Decision* and any modifications thereto.
2. The Board or its agent(s) may 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 Bylaw (non-criminal disposition) and violations or non-compliance are subject to the appropriate fine.

K. **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. The work shown on the approved site plan shall be completed by the Permittee or its assignees within two years of the date of plan endorsement. Upon receipt of a written request from the Permittee filed at least thirty days prior to the date of expiration, the Board may grant an extension for good cause. The request shall state the reasons for the extension and also the length of time requested. 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 project completion, the Permittee shall request a ***Certificate of Site Plan Completion*** from the 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. 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 Permittee shall:
  - a) provide the 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 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 As-Built Plan shall also show all utilities found during the construction process. 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 Bylaw, the Bylaw shall apply.

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

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

###

Decision Date: \_\_\_\_\_

**AYE:**

**NAY:**

\_\_\_\_\_  
*Signature* *Printed Name*

**ATTEST:**

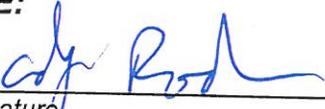
\_\_\_\_\_  
Susan E. Affleck-Childs  
*Planning & Economic Development Coordinator*

\_\_\_\_\_  
Date

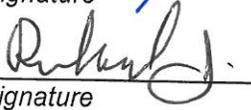
- COPIES TO:** Michael Boynton, Town Administrator  
 David D’Amico, DPW Director  
 Bridget Graziano, Conservation Agent  
 Donna Greenwood, Assessor  
 Beth Hallal, Health Agent  
 Jeff Lynch, Fire Chief  
 Jack Mee, Building Commissioner and Zoning Enforcement Officer  
 Pete Pelletier, DPW Deputy Director  
 Joanne Russo, Treasurer/Collector  
 Barbara Saint Andre, Director of Community and Economic Development  
 Jeff Watson, Police Department Safety Officer  
 John Green, 165 Main Street Realty Trust  
 Amanda Cavaliere, Guerriere & Halnon  
 Steven Bouley, Tetra Tech  
 Gino Carlucci, PGC Associates

Decision Date: June 22, 2021

**AYE:**

 Andy Roden  
Signature Printed Name

 Matthew Hayes  
Signature Printed Name

 Richard DiJulio  
Signature Printed Name

\_\_\_\_\_  
Signature Printed Name

**NAY:**

\_\_\_\_\_  
Signature Printed Name

**ATTEST:**

  
Susan E. Affleck-Childs  
Planning & Economic Development Coordinator

June 22, 2021  
Date

- COPIES TO:** Michael Boynton, Town Administrator  
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