

**MINUTES of
Tuesday June 23, 2020
Medway Planning and Economic Development Board
REMOTE MEETING**

Members	Andy Rodenhiser	Bob Tucker	Tom Gay	Matt Hayes	Rich Di Iulio	Jessica Chabot
Attendance	X	X	Absent with Notice	X	X	X

Pursuant to Governor Baker’s March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, and the Governor’s March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, no in-person attendance of members of the public will be permitted at this meeting. Members of the public who wish to watch the meeting may do so, on Medway Cable Access: channel 11 on Comcast Cable, or channel 35 on Verizon Cable; or on Medway Cable’s Facebook page @medwaycable.

ALSO PRESENT IN ZOOM MEETING:

- Susy Affleck-Childs, Planning and Economic Development Coordinator
- Amy Sutherland, Recording Secretary

The Chairman opened the meeting at 7:03 pm.

There were no Citizen Comments.

SALMON SENIOR LIVING COMMUNITY

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

- Collection of emails among Salmon project manager Rachel Whitemore, Susy Affleck-Childs, and Steve Bouley regarding possible changes to landscaping along the eastern property boundary.

The Board was made aware that there were a series of emails regarding changes to the landscaping along the eastern property boundary by installing rip rap with arborvitae. Salmon has since withdrawn their request for these changes.

Consultant Bouley indicated that the approved plan shows a slope of 2:1 in this area. The untouched buffer area will increase that slope beyond 2:1 where it would be difficult to grow grass or properly maintain vegetation. Slopes which are steeper than the 2:1 are prone to erosion. The issue is also that the neighbors will be looking at a wall of rip rap until the arborvitae grows in. If the plan is to now go back to the original plan, this slope area will be susceptible to erosion.

Abutter Tim Choate was part of the ZOOM meeting and he referenced the ARCPUD decision's requirement for a permanent privacy fence. It was supposed to be installed in 2019 prior to the building permit being issued. Mr. Choate reported that Salmon principal Jeff Robinson had informed him that there will be another 8 weeks before that fence is installed. Mr. Choate reported that Mr. Robinson had agreed to install about 400 ft. of temporary fence to screen the adjacent neighborhood during construction of Waterside Run. The natural buffer will remain, and the 2019 plan modification will be in effect for the landscaping requirements. Susy sent that document to Mr. Choate during the meeting. He also informed the Board that the contractor is on site prior to the work hours in the decision. There has been a significant issue with dust. It was recommended that Mr. Choate inform the Building Inspector. Mr. Choate responded that Building Inspector Jack Mee was on site after his telephone call to look at the dust control measures.

Consultant Bouley indicted that there is a water truck on the property throughout the entire day.

The Board would like Susy to follow-up with Jack Mee with any of the items with specific date requirements in the decision. The applicant should provide an update on these items.

CONSTRUCTION REPORTS: (See Attached)

- 6-15-20 email from Pastor Carl Schultz re: Medway Community Church
- Field Report - 50 Alder Street – Report No. 7 (2020-06-03)
- Field Report - 50 Alder Street – Report No. 8 (2020-06-06)
- Field Report - 50 Alder Street – Report No. 9 (2020-06-08)
- Field Report - Salmon Health – Report No. 38 (2020-06-15)
- Field Report - Salmon Health – Report No. 39 (2020-06-16)

Medway Community Church:

The Board was made aware that the following items have been completed. The rock wall sections were rebuilt to close off the driveways that were discontinued. There has also been installation of signs and bollards. There has also been hydroseeding of the island and surrounding areas bordering the parking lot. There has not been a request for a final inspection punch list.

Salmon:

There was installation of infiltration trench #23 located on the northern side of the main campus building. The gas line has been installed. The binder will be down within the next few weeks. Tetra Tech will be present during the paving.

50 Adler Street:

There was the installation of the top course paving and driveway apron installation and sidewalk. There has been no request for the final punch list.

Medway Greens:

The final inspection for Medway Green was completed. There are only a few benches which need to be installed.

Millstone Village:

There was a drive through of the site. Landscaping has been completed. There will need to be inspection of the final punch list items but to date this has not been requested. GLM Engineer, Rob Truax called and informed Steve Bouley that there was a catch basin installed and it was not shown on the plan, Steve will follow-up and review the as built. There has been a delay on the planting of the grasses and plantings. This is projected to be a 2-month delay.

NOTE - Resident Kathy Hooper joined the Zoom meeting to express her concerns with the Salmon development about construction work starting on site prior to 6:30 am. Ms. Hooper is a resident on Naumkeag adjacent to the Salmon development.

ELECTION OF OFFICERS:

The Board would like to hold the election of officers at the July 14, 2020 when the full board is present.

COMMITTEE APPOINTMENTS:

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

- SAC Memo to PEDB dated 6-16-20 re: appointment of Keith Peden to the Economic Development Committee for another 2-year term.

On a motion made by Bob Tucker, seconded by Rich Di Iulio, the Board voted unanimously to appoint Keith Peden to the Economic Development Committee through June 30, 2022.

Roll Call Vote:

Bob Tucker	aye
Rich Di Iulio	aye
Andy Rodenhiser	aye
Matt Hayes	aye

SELECTION OF PEDB MEMBERS TO SERVE ON VARIOUS COMMITTEES & COMMITTEE LIASONS

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

- SAC memo to PEDB dated 6-16-20 re: the various boards and committees on which the PEDB has a representative and the boards and committees with which the PEDB liaison

Since there is not a full Board present, the liaison committee appointments will be determined at the July 14, 2020 meeting.

The Chairman asked Associate Member Jessica Chabot if she would consider the list and look at what would interest her. Member Chabot will look at the list and will communicate back to Susy.

MEDWAY MILLS SITE PLAN PUBLIC HEARING:

- Due to the State of Emergency the Chairman declared that this hearing will be continued until July 14, 2020. (See Attached)

PLAN REVIEW FEE ESTIMATE - HARMONY ESTATES 218 MAIN STREET:

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

- PGC estimate dated June 16, 2020
- Tetra Tech estimate dated June 17, 2020

On a motion made by Bob Tucker and seconded by Rich Di Iulio, the Board voted by Roll Call to approve the plan review fee estimates for the proposed Harmony Estates Multi-Family development at 218 Main Street in the amount of \$7,598.00 for Tetra Tech and \$900 for PGC Associates.

Roll Call Vote:

Bob Tucker	aye
Rich Di Iulio	aye
Andy Rodenhiser	aye
Matt Hayes	aye

PEDB MEETING MINUTES:

June 9, 2020:

On a motion made by Bob Tucker and seconded by Matt Hayes, the Board voted by Roll Call to approve the minutes of the June 9, 2020 PEDB meeting as presented.

Roll Call Vote:

Bob Tucker	aye
Rich Di Iulio	aye
Andy Rodenhiser	aye
Matt Hayes	aye

RED GATE SUBDIVISION:

Susy informed the Board that the Board has been carrying Redgate Subdivision on the unaccepted street list for many years. In the late 1980's the Town and developer were sued by an abutter. This went to court and lingered, and former town counsel advised not accepting the street until the lawsuit was resolved. The court dismissed the lawsuit this past fall. The Board has since been contacted by the developer and asked for the street to be accepted and the bond funds returned (approximately \$13,000.00). They have indicated that the as-built plan was previously provided. Susy has asked them to resupply but they have not been able to do such. Susy will work with Barbara on a response. Member Tucker would like a copy of this response.

ADAPTIVE USE OVERLAY DISTRICT RULES AND REGULATIONS:

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

- Draft amendments to the AUOD Rules and Regulations

The Board is looking to update the Adaptive Use Overlay District Rules and Regulations at the encouragement of Community and Economic Development Director Barbara Saint Andre. They

were first adopted in 2005 and have not been changed since then. The amendments are about the process on how the Board reviews an application. They are more editing than content driven. The document contains the red line edits which were done by Susy, Barbara and Stefany. Many of the edits were clean up items and clarity on language. Redundant text was taken out. The numbering within the document will be corrected with the recommended edits to correspond to the Zoning Bylaw. There was a question about the section with the requirements for As-Built plans and the allowance for the electronic file with a wet stamp. Member Hayes referenced page 11 and noted the original change was correct not the red line version. There is a recommendation to not have to hold a public hearing to make these types of changes to the rules and regulations but instead to make these changes during a PEDB regular meeting. The Board would like to retain the public hearing requirement and appreciates receiving comments from the public and wishes for its work to remain transparent. The Chairman explained that since the Board has held these public hearings in the past, he felt that it is important to continue to do so for transparency. Susy will check what is in the bylaw to see if a public hearing is required. The Board would like Susy to check the requirements for an electronic wet stamping as related to filing of As-Built plans. The Board would like to hold a public hearing on this during the July 14, 2020 meeting.

CENTRAL BUSINESS DISTRICT ZONING:

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

- SAC Memo to PEDB dated 6-17-20 re: next steps

The Board discussed that at the May town meeting, the Town allocated \$15,000.00 for the PEDB to develop new zoning regulations for a Central Business District. This money will be available on July 1, 2020. It is recommended to set up a task force with representatives from the Planning and Economic Development Board, Design Review Committee, Economic Development Committee, Medway Business Council, and a member of the Board of Selectmen. If the Board wants to move forward with this an RFP will need to be drafted. There will also need to be scope of work. The Board did mention that Ted Browvitz was good to work with on the Oak Grove plan. The Board would like to move forward with this task. Susy will put together some recommendations and will present to Board the scope of the task force which will be created. The timeframe to accomplish this would be a 6 to 8-month period. It was suggested to keep the committee to 5 or 6 and structure in some group meetings with various committees or departments and those ideas would be brought back to the main task force. The first meeting of the task force would be the time to establish the vision. The Consultant should be part of the vision as part of a brainstorming session and be included in the RFP scope. Susy will begin working on the RFP.

A question was asked about drive-thru services which had been eliminated as an allowed use. Is this too restrictive now with COVID? The Committee would need to think about this and with COVID and the latest pandemic issues. Maybe allow for outdoor dining and dedicated parking for curbside delivery.

OTHER BUSINESS:

- The Board was made aware that the final revisions to the Open Space and Recreation Plan have been updated. This has been sent to the Division of Conservation Services for final approval.

MEDWAY PLACE SHOPPING PLAZA SITE PLAN CONTINUATION

PUBLIC HEARING:

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

- Public Hearing continuation hearing
- Minutes of the last public hearing held on February 11, 2020
- Confidential Memorandum dated March 2, 2020 from Town Counsel Amy Kwessel, KP Law
- Confidential Memorandum, dated May 4, 2020 from Town Counsel Amy Kwessel, KP Law
- Collections of photos of site conditions at the plaza taken by Andy Rodenhiser on or around March 5, 2020.

The Board was informed that 5 representatives of Medway Place had been asked to attend the meeting to update the Board on their stormwater planning work with the Medway Department of Public Works. They did not do so.

On a motion made by Matt Hayes and seconded by Bob Tucker, the Board voted by Roll Call to continue the public hearing for Medway Place Shopping Plaza to July 14, 2020 at 8:15 pm.

Roll Call Vote:

Bob Tucker	aye
Rich Di Iulio	aye
Andy Rodenhiser	aye
Matt Hayes	aye

FUTURE MEETING:

- Tuesday, July 14, 2020

ADJOURN:

On a motion made by Rich Di Iulio and seconded by Matt Hayes, the Board voted by Roll Call vote to adjourn the meeting.

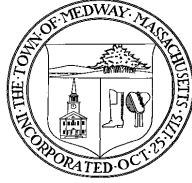
Roll Call Vote:

Bob Tucker	aye
Andy Rodenhiser	aye
Matt Hayes	aye
Rich Di Iulio	aye

The meeting was adjourned at 8:36 pm.

Prepared by,
Amy Sutherland
Recording Secretary

Reviewed and edited by,
Susan E. Affleck-Childs
Planning and Economic Development Coordinator



June 23, 2020
Medway Planning & Economic Development Board
Meeting

Salmon Senior Living

- Collection of emails among Salmon project manager Rachel Whitermore, Susy Affleck-Childs and Steve Bouley regarding possible changes to landscaping along the eastern property boundary

NOTE – Rachel Whitermore will ZOOM in for the meeting to explain what they want to do and why.

The Board will need to decide whether this work constitutes a “field change” or a “plan modification”.

Susan Affleck-Childs

From: Bouley, Steven <Steven.Bouley@tetrattech.com>
Sent: Wednesday, June 10, 2020 5:11 PM
To: Susan Affleck-Childs
Cc: Andy Rodenhiser ; Barbara Saint Andre
Subject: RE: Willows - Waterside Run - Landscaping

Hi Susy,

The approved plan shows a slope of 2:1, the extended untouched buffer area will increase that slope beyond 2:1 where it will be difficult to grow grass or properly maintain vegetation. Any slopes steeper than 2:1 are prone to erosion as well.

I agree with the proposal if the PEDB wants to maintain the untouched buffer as the proposed rip-rap will prevent erosion of that slope. However, the neighbors will be looking at a wall of rip-rap for a few years until the arborvitae begin to grow, the buffer will do little to screen the stone since it is mostly mature deciduous with 30'+ high canopies. Additionally, the arborvitae they are proposing at the toe of slope cannot be installed in the proposed swale that also occupies that real estate.

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



Steve

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

While we are operating remotely in response to COVID-19, Tetra Tech teams remain fully connected and hard at work servicing our clients and ongoing projects. We would also like to wish health and wellness to you and your family.

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From: Susan Affleck-Childs <sachilds@townofmedway.org>
Sent: Wednesday, June 10, 2020 4:00 PM
To: Rachel Whitermore <rwhitermore@willowsatmedway.com>
Cc: Christian Polymeros <cpolymeros@willowsatmedway.com>; Andy Rodenhiser <andy@rodenhiser.com>; Bouley, Steven <Steven.Bouley@tetrattech.com>; Barbara Saint Andre <bsaintandre@townofmedway.org>
Subject: RE: Willows - Waterside Run - Landscaping

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

Thank you. Oh my.

Susy

From: Rachel Whitermore <rwhitermore@willowsatmedway.com>
Sent: Wednesday, June 10, 2020 3:58 PM
To: Susan Affleck-Childs <sachilds@townofmedway.org>
Cc: Christian Polymeros <cpolymeros@willowsatmedway.com>; Andy Rodenhiser <andy@rodenhiser.com>; Steve

Bouley <steven.bouley@tetrattech.com>; Barbara Saint Andre <bsaintandre@townofmedway.org>

Subject: RE: Willows - Waterside Run - Landscaping

Good Afternoon Susy,

The rip/rap and arborvitae would be in place of what the plan shows. The 2:1 slope cannot be achieved without touching the buffer zone that was agreed to be left in place back in August. Length of area is approximately 400 feet. We will wait to execute pending your feedback.

Thanks,
Rachel

**The WILLOWS
& WHITNEY PLACE**
INDEPENDENT & ASSISTED LIVING

Rachel Whitermore
Project Manager
800 South Main Street
Mansfield, MA 02048
c. 774.217.3242

From: Susan Affleck-Childs <sachilds@townofmedway.org>

Sent: Wednesday, June 10, 2020 3:44 PM

To: Rachel Whitermore <rwhitermore@willowsatmedway.com>

Cc: Christian Polymeros <cpolymeros@willowsatmedway.com>; Andy Rodenhiser <andy@rodenhiser.com>; Steve Bouley <steven.bouley@tetrattech.com>; Barbara Saint Andre <bsaintandre@townofmedway.org>

Subject: RE: Willows - Waterside Run - Landscaping

Hi Rachel,

Thank you for your note.

Is what you propose in addition to or instead of what the plan presently shows for that area? What is the length of the area where you propose to install the rip rap and arborvitae?

I will discuss this with Town staff, PEDB Chairman Andy Rodenhiser, and Tetra Tech engineer Steve Bouley and be back in touch with you as to next steps. At a minimum, this will need to be handled as a field change and will require review and approval by the Board. Please do not carry out the installation of this proposal until such time as it is authorized.

Best regards,

Susy

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

From: Rachel Whitermore <rwhitermore@willowsatmedway.com>

Sent: Wednesday, June 10, 2020 3:34 PM

To: Susan Affleck-Childs <sachilds@townofmedway.org>

Cc: Christian Polymeros <cpolymeros@willowsatmedway.com>

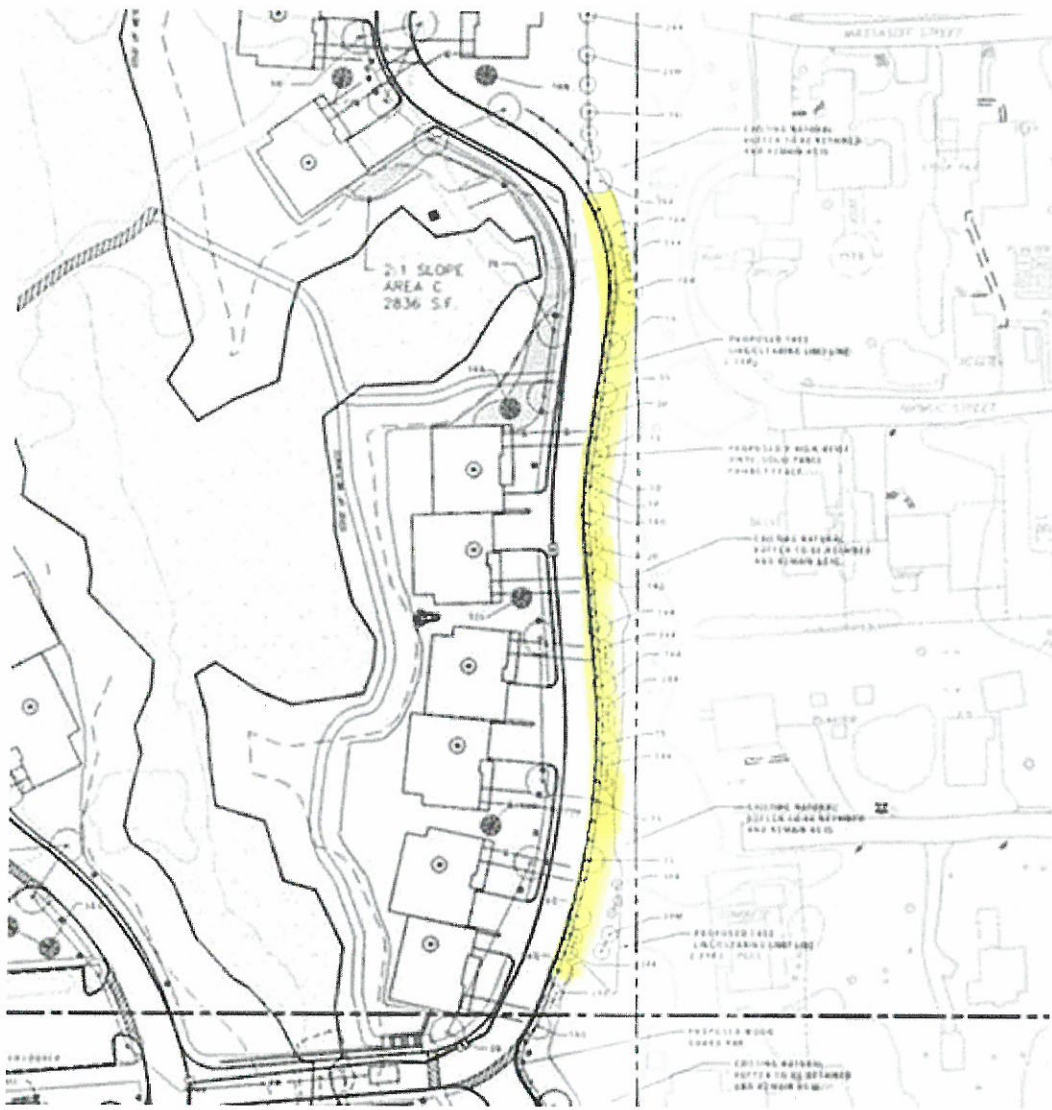
Subject: Willows - Waterside Run - Landscaping

Good Afternoon Susy,

Couple items:

1. We have started work over on Waterside Run (next to Charles River Road neighborhood). There will be construction activity on this side till Fall/Winter 2020. Also, the second bridge is going into construction in July 2020 and will last about 3 months. During this time, all traffic, deliveries, access will be Waterside Run. This was permitted in the order of conditions but wanted to give you a heads up as the complaints will start flooding in soon.
2. Last August, we had the planning board on site to review the natural buffer at the property line along Waterside Run. It was determined that leaving this natural buffer would minimize construction impacts and improve relations with the neighbors. As mentioned above, we are starting to construct this side of the property and the grades are very steep along this edge; highlighted plan below. In order to improve the view on the neighbors side of the permanent fence, we would propose installing rip rap on the slope with arborvitae at the tow of the slope to further create a screen from the close neighbors and the Salmon property. Let me know if this is something you think we can pursue as a project improvement vs. formal approval.

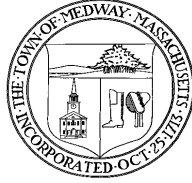
Thanks,
Rachel



The WILLOCKS & WHITNEY PLACE

INDEPENDENT & ASSISTED LIVING

Rachel Whitemore
Project Manager
800 South Main Street
Mansfield, MA 02048
c. 774.217.3242



June 23, 2020
Medway Planning & Economic Development Board
Meeting

Construction Reports

- 6-15-20 email from Pastor Carl Schultz re Medway Community Church
- Field Report-50 Alder Street-Report No. 7_2020-06-03
- Field Report-50 Alder Street-Report No. 8_2020-06-06
- Field Report-50 Alder Street-Report No. 9_2020-06-08
- Field Report-Salmon Health -Report No. 38_2020-06-15
- Field Report-Salmon Health -Report No. 39_2020-06-16
- Field Report-Salmon Health -Report No. 40_2020-06-17

Susan Affleck-Childs

From: Carl Schultz <pastor.carl@medwaycc.org>
Sent: Monday, June 15, 2020 7:58 PM
To: Susan Affleck-Childs
Subject: Re: MCC project completion

Hi Susy,

Just to give you an update, in addition to the Clover repairs that Tetrattech was onsite for, the following items have been completed:

Rock wall sections were rebuilt to close up the two driveways that we discontinued the use of.

A total of seven bollards that were specified in the plan have been put in place.

Required signage - (Stop Sign and No left turn) has been installed.

We have hydroseeded/mulched the islands and surrounding areas bordering the parking lot.

Added to our landscaping contract monthly sweeping of the parking lot.

Best Regards,

Carl

On Jun 15, 2020, at 4:31 PM, Susan Affleck-Childs <sachilds@townofmedway.org> wrote:

Hi Carl,

Check received. Thanks very much.

Take care,

Susy

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

From: Carl Schultz <pastor.carl@medwaycc.org>
Sent: Thursday, June 04, 2020 1:04 PM
To: Susan Affleck-Childs <sachilds@townofmedway.org>
Subject: Re: MCC project completion

Hi Susy,

I submitted a check request and it should be processed by our bank tomorrow. Depending on the US mail, it should arrive early next week.

Thank You,

Carl

From: Susan Affleck-Childs <sachilds@townofmedway.org>
Subject: RE: MCC project completion
Date: June 3, 2020 at 1:23:25 PM EDT
To: Carl Schultz <pastor.carl@medwaycc.org>
Cc: "Steve Bouley " <steven.bouley@tetrattech.com>

Hi Carl,

Hope you and yours and MCC are doing well. Challenging but interesting times we are in. Doing church in new ways must be fascinating!

Attached is an updated project accounting sheet which reflects the partial payment you provided in March and the invoice we received from Tetra Tech for its recent inspection. The account now has a balance of -\$910.98.

Please forward a check for \$910.98 made payable to the Town of Medway to us. Please let me know when you believe it will arrive and I will alert the Treasurer's office to expect it and direct it to me upon receipt. If you need an invoice, please advise.

Thanks. Take care.

Best regards,

Susy

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

From: Susan Affleck-Childs
Sent: Monday, February 10, 2020 1:05 PM
To: Carl Schultz <pastor.carl@medwaycc.org>
Subject: RE: MCC project completion

Hi Carl,

The letter and invoice I sent you reflected Tetra Tech's services provided through the end of November, 2019. They have not provided any services since then. So the invoice is primarily to cover their last bill for \$679 and to be ahead of the game come the spring when work will resume.

All communication to applicants regarding invoices, etc. comes from this office. The timing of invoices rests with me and fitting that work in among my other duties.

Would you like to see the Tetra Tech invoices? I can certainly scan them and email to you.

Best regards,

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

From: Carl Schultz [<mailto:pastor.carl@medwaycc.org>]
Sent: Monday, February 10, 2020 11:28 AM
To: Susan Affleck-Childs
Subject: [BULK] Re: MCC project completion
Importance: Low

Hi Susy,

I'm a bit puzzled and disappointed at the timing of this invoice. The last communication we had with Tetrattech was on Nov. 14, when we told Steve that the remaining punch list items would need to wait until spring, to which he agreed to. I would think it would be appropriate for the project owner to receive ongoing updates & notifications of billable hours by

Tetrattech, instead of receiving an invoice a couple of months after work had stopped until spring.

Regards,

Carl Schultz

From: Susan Affleck-Childs <sachilds@townofmedway.org>

Date: Tuesday, February 4, 2020 at 8:49 AM

To: Carl Schultz <pastor.carl@medwaycc.org>

Subject: FW: MCC project completion

Good morning,

Just wanted to follow-up on this. Please let me know when you are processing this for payment and I will alert the Medway Treasurer/Collector's office to be on the lookout. I want to make sure it gets deposited correctly this time around.

Thanks.

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

From: Susan Affleck-Childs

Sent: Tuesday, January 28, 2020 8:34 AM

To: 'Carl Schultz'

Subject: RE: MCC project completion

Good morning,

Hope the winter season is going well for everyone at MCC!

See attached letter and yes, another construction services invoice.

Let me know if you have any questions.

Best regards

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

From: Carl Schultz [<mailto:pastor.carl@medwaycc.org>]
Sent: Friday, January 03, 2020 8:41 AM
To: Susan Affleck-Childs; Matthew Barry (mbarry@tataandhoward.com)
Subject: [BULK] Re: MCC project completion
Importance: Low

Happy New Year. We have an open "punch list" with Rodenhiser. We were not able to complete the project before the colder weather arrived and the remaining items will need to wait for spring. The stone walls are included in the list.

From: Susan Affleck-Childs <sachilds@townofmedway.org>
Date: Thursday, January 2, 2020 at 11:49 AM
To: Carl Schultz <pastor.carl@medwaycc.org>, "Matthew Barry (mbarry@tataandhoward.com)" <mbarry@tataandhoward.com>
Subject: FW: MCC project completion

Hi there.

Happy New Year!

See attached photos of the stone rubble along Slocumb Place. Clearly the stone wall infill has not been completed. Hopefully, this can be attended to in the near future.

Thanks.

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

From: tag70c3@verizon.net [<mailto:tag70c3@verizon.net>]
Sent: Thursday, January 02, 2020 11:29 AM
To: Susan Affleck-Childs
Subject: MCC project completion

As discussed, I don't know that the stone piles in old curb cuts comply with the definition of or requirement to "fill" the openings....

TAG

Tetra Tech
100 Nickerson Road, Suite 200
Marlborough, MA 01752

FIELD REPORT

Project 50 Alder Street	Date 06/03/2020	Report No. 7
Location 50 Alder Street, Medway, MA	Project No. 143-21583-18005	Sheet 1 of 2
Contractor Phil Anza (Applicant)	Weather A.M. SUNNY P.M.	Temperature A.M. 65°F P.M.

FIELD OBSERVATIONS

On Wednesday, June 3, 2020, Bradley M. Picard, EIT from Tetra Tech (TT) visited the project location to inspect the current condition of the site and monitor construction progress. The following report outlines observations made during the site visit.

1. Observations

- A. Upon arrival, Asphalt Engineering on-site sawcutting and removing temporary driveway apron on the east side of the parking lot. Contractor using mini excavator to remove asphalt and excavate locations where proposed curbing is to be set. Contractor to install vertical granite curb with a 6-inch reveal. TT will return to site next week (6/8 and 6/9) to oversee top course paving and concrete driveway apron installation.

CONTRACTOR'S FORCE AND EQUIPMENT					WORK DONE BY OTHERS	
Sup't					Dept. or Company	Description of Work
Foreman	1	Bulldozer		Asphalt Paver		
		Backhoe		Asphalt Reclaimer		
Laborers	2	Loader		Vib. Roller		
Drivers		Rubber Tire Backhoe/Loader		Static Roller		
Oper. Engr.	1	Skid Steer		Vib. Walk Comp.		
Carpenters		Hoeram		Compressor		
Masons		Excavator	1	Jack Hammer		
Iron Workers		Grader		Power Saw	1	
Electricians		Crane		Conc. Vib.		
Flagpersons		Scraper		Tack Truck		
Surveyors		Conc. Mixer		Man Lift		
Roofers		Conc. Truck		Skidder		
Mechanical/HVAC		Conc. Pump Truck				
		Pickup Truck				
		Tri-Axle Dump Truck				
		Trailer Dump Truck				
Police Details: N/A					OFFICIAL VISITORS TO JOB	
Contractor's Hours of Work: 7:00 A.M. to 6:00 P.M.					RESIDENT REPRESENTATIVE FORCE	
					Name	Time on-site
					Bradley M. Picard, E.I.T.	8:30 A.M. – 9:30 A.M.

NOTE: Please use reverse side for remarks and sketches

Project 50 Alder Street	Date 06/03/2020	Report No. 7
Location 50 Alder Street, Medway, MA	Project No. 143-21583-18005	Sheet 2 of 2

FIELD OBSERVATIONS CONTINUED

2. Schedule

- A. Top course paving to take place Monday (6/8), followed by installation of concrete driveway apron on Tuesday (6/9). TT will be notified of pending site work and will inspect as necessary throughout the construction process.

3. New Action Items

- A. N/A

4. Previous Open Action Items

- A. Driveway apron and sidewalk at east entrance to be installed per the approved Plans. **TT Update:**
Contractor currently in the process of installing driveway apron and sidewalk per the approved Plans. This item has been addressed.

5. Materials Delivered to Site Since Last Inspection

- A. Granite curb

Tetra Tech
100 Nickerson Road, Suite 200
Marlborough, MA 01752

FIELD REPORT

Project 50 Alder Street	Date 06/06/2020	Report No. 8
Location 50 Alder Street, Medway, MA	Project No. 143-21583-18005	Sheet 1 of 2
Contractor Phil Anza (Applicant)	Weather A.M. SUNNY P.M.	Temperature A.M. 65°F P.M.

FIELD OBSERVATIONS

On Saturday, June 6, 2020, Bradley M. Picard, EIT from Tetra Tech (TT) visited the project location to inspect the current condition of the site and monitor construction progress. The following report outlines observations made during the site visit.

1. Observations

- A. Upon arrival, Asphalt Engineering and SLC Construction on-site installing forms at the east side driveway apron. Contractor placed processed gravel as needed within apron limits to ensure base is level prior to placing concrete. Contractor measured out proposed path of travel to ensure cross slope (measured with smart level) meets plan requirements. Expansion joints and 4" x 4" wire mesh placed within excavation prior to concrete pour. Concrete truck arrived at approximately 9:15 A.M., 4,000 psi concrete completed at approximately 10:15 A.M, apron depth 6 inches. TT departs site at 10:30 A.M., Contractor to begin broom finish, tooled edge, and control joints at 5' on center.

CONTRACTOR'S FORCE AND EQUIPMENT					WORK DONE BY OTHERS	
Sup't		Bulldozer		Asphalt Paver	Dept. or Company	Description of Work
Foreman	1	Backhoe		Asphalt Reclaimer	SLC Construction	Concrete Apron Construction
Laborers	3	Loader		Vib. Roller		
Drivers		Rubber Tire Backhoe/Loader		Static Roller		
Oper. Engr.		Skid Steer		Vib. Walk Comp.		
Carpenters		Hoeram		Compressor		
Masons		Excavator		Jack Hammer		
Iron Workers		Grader		Power Saw		
Electricians		Crane		Conc. Vib.		
Flagpersons		Scraper		Tack Truck		
Surveyors		Conc. Mixer		Man Lift		
Roofers		Conc. Truck	1	Skidder	OFFICIAL VISITORS TO JOB	
Mechanical/HVAC		Conc. Pump Truck				
		Pickup Truck	1			
		Tri-Axle Dump Truck				
		Trailer Dump Truck				
Police Details: N/A					RESIDENT REPRESENTATIVE FORCE	
Contractor's Hours of Work: 7:00 A.M. to 6:00 P.M.					Name	Time on-site
					Bradley M. Picard, E.I.T.	7:30 A.M. – 10:30 A.M.

NOTE: Please use reverse side for remarks and sketches

Project 50 Alder Street	Date 06/06/2020	Report No. 8
Location 50 Alder Street, Medway, MA	Project No. 143-21583-18005	Sheet 2 of 2

FIELD OBSERVATIONS CONTINUED

2. Schedule

- A. Top course paving to take place Monday (6/8). TT will be notified of pending site work and will inspect as necessary throughout the construction process.

3. New Action Items

- A. N/A

4. Previous Open Action Items

- A. N/A

5. Materials Delivered to Site Since Last Inspection

- A. Concrete

Tetra Tech
100 Nickerson Road, Suite 200
Marlborough, MA 01752

FIELD REPORT

Project 50 Alder Street	Date 06/08/2020	Report No. 9
Location 50 Alder Street, Medway, MA	Project No. 143-21583-18005	Sheet 1 of 2
Contractor Phil Anza (Applicant)	Weather A.M. SUNNY P.M. SUNNY	Temperature A.M. 75°F P.M. 80°F

FIELD OBSERVATIONS

On Monday, June 8, 2020, Bradley M. Picard, EIT from Tetra Tech (TT) visited the project location to inspect the current condition of the site and monitor construction progress. The following report outlines observations made during the site visit.

1. Observations

- A. Upon arrival, Asphalt Engineering on-site mobilizing equipment and blowing accumulated sediment and debris off the binder course. Tack placed around drainage manhole covers and catch basin grate only, Contractor and Applicant decided to not apply tack throughout entire parking lot. TT recommended to Contractor that tack should be applied throughout the parking lot limit, particularly since binder course has been exposed to inclement weather and moderate levels of traffic for several months. Prior to paving, Contractor raised inspection ports, curb stop, and sewer clean out to match top course elevation. Contractor began paving operations by installing cape cod berms throughout the parking lot per the approved Plan using 3/8" top course hot mix asphalt (HMA) and a berm machine. Contractor then paved the parking lot with top course HMA, placing mix at 2" (loose) depth to obtain a 1.5" depth after compaction and a total pavement depth of 3.5". Temperature of HMA out of the screed ranged from 260°F to 310°F. Upon departure, Contractor has paved over half of the parking area, moving in an east-to-west direction.
- B. Concrete driveway apron completed and coned off to prevent vehicles driving over. Control joints have been placed at 5-foot intervals, tooled edge and brush finish has been completed.

CONTRACTOR'S FORCE AND EQUIPMENT						WORK DONE BY OTHERS	
Sup't		Bulldozer		Asphalt Paver	1	Dept. or Company	Description of Work
Foreman	1	Backhoe		Asphalt Reclaimer		SLC Construction	Concrete Apron Construction
Laborers	4	Loader		Vib. Roller	2		
Drivers	4	Rubber Tire Backhoe/Loader		Static Roller			
Oper. Engr.	1	Skid Steer		Vib. Walk Comp.	1		
Carpenters		Hoeram		Compressor			
Masons		Excavator		Jack Hammer			
Iron Workers		Grader		Power Saw	1		
Electricians		Crane		Conc. Vib.			
Flagpersons		Scraper		Tack Truck			
Surveyors		Conc. Mixer		Man Lift			
Roofers		Conc. Truck		Skidder		OFFICIAL VISITORS TO JOB	
Mechanical/HVAC		Conc. Pump Truck		Curb Machine	1		
		Pickup Truck	1				
		Tri-Axle Dump Truck	4				
		Trailer Dump Truck					
Police Details: N/A						RESIDENT REPRESENTATIVE FORCE	
Contractor's Hours of Work: 7:00 A.M. to 6:00 P.M.						Name	Time on-site
						Bradley M. Picard, E.I.T.	11:45 A.M. – 3:00 P.M.

NOTE: Please use reverse side for remarks and sketches

Project 50 Alder Street	Date 06/08/2020	Report No. 9
Location 50 Alder Street, Medway, MA	Project No. 143-21583-18005	Sheet 2 of 2

FIELD OBSERVATIONS CONTINUED

2. Schedule

A. TT will be notified of pending site work and will inspect as necessary throughout the construction process.

3. New Action Items

A. N/A

4. Previous Open Action Items

A. N/A

5. Materials Delivered to Site Since Last Inspection

A. 3/8" Top Course Asphalt

Tetra Tech
100 Nickerson Road, Suite 200
Marlborough, MA 01752

FIELD REPORT

Project Salmon Health and Retirement Community (The Willows)	Date 6/15/2020	Report No. 38
Location Village Street, Medway, MA	Project No. 143-21583-15011	Sheet 1 of 2
Contractor Rubicon Builders (General Contractor) Marois Brothers, Inc. (Site Contractor)	Weather A.M. SUNNY P.M.	Temperature A.M. 65°F P.M.

FIELD OBSERVATIONS

On Monday, June 15, 2020, Steven M. Bouley, PE from Tetra Tech (TT) visited the project location to inspect the current condition of the site and observe construction progress. The report outlines observations made during the site visit.

1. Observations

- A. General site conditions/Erosion Controls: The western portion of the site along Willow Pond Circle is generally dry but no dust observed, contractor has water truck continually spraying the heavily travelled routes throughout the site. Silt fence barrier (SFB) and filter socks appear to be in good condition. Stockpiled construction materials, crushed stone, and soil are present throughout the main open portion of the site but appear to be properly protected from erosion.
- B. TT on site to inspect the installation of Infiltration Trench 23 (IT 23) located on the northern side of the main campus building. Contractor excavated existing material to the extents of proposed IT 23 to uncover the wick area, which was installed Fall 2019. Extents of system differ from what is shown on the plan due to previous utilities that had been installed which would have been impacted by the proposed layout. However, the bottom area of the system is the same in order to ensure the proposed number of chambers are installed. The system is laid-out in an "L" shape to conform to the shape of the building at this location. TT stated to the contractor that the new shape should show up on the contractor's as-built of the installation. Existing fill material was well compacted, and material did not slough at all when excavated. Existing wick appeared to be in good condition with no soil material observed in the stone as it had been wrapped with filter fabric prior to backfill in Fall 2019. The system excavation was wrapped with non-woven filter fabric and the contractor began to install bottom stone prior to ending the day.

CONTRACTOR'S FORCE AND EQUIPMENT					WORK DONE BY OTHERS	
Sup't	1	Bulldozer		Asphalt Paver	Dept. or Company	Description of Work
Foreman	1	Backhoe		Asphalt Reclaimer		
Laborers	2	Loader	1	Vib. Roller		
Drivers	1	Rubber Tire Backhoe/Loader		Static Roller		
Oper. Engr.	2	Skid Steer		Vib. Walk Comp.		
Carpenters		Hoeram		Compressor		
Masons		Excavator	1	Jack Hammer		
Iron Workers		Grader		Power Saw		
Electricians		Crane		Conc. Vib.		
Flagpersons		Scraper		Tack Truck		
Surveyors		Conc. Mixer		Man Lift		
		Conc. Truck		Skidder	OFFICIAL VISITORS TO JOB	
		Conc. Pump Truck		Compact Track Loader		
		Pickup Truck	5+	Water Truck		
		Tri-Axle Dump Truck		Crane Truck		
		Trailer Dump Truck		Lull		
		Art. Dump Truck	1	BOMAG Remote Comp.		
Police Details: N/A					RESIDENT REPRESENTATIVE FORCE	
Contractor's Hours of Work: 7:00 A.M. to 3:30 P.M.					Name	Time on-site
					Steven M. Bouley, PE	8:30 A.M. – 12:00 P.M.

NOTE: Please use reverse side for remarks and sketches

Project Salmon Health and Retirement Community	Date 6/15/2020	Report No. 38
Location Village Street, Medway, MA	Project No. 143-21583-15011	Sheet 2 of 2

FIELD OBSERVATIONS CONTINUED

2. Schedule

- A. Contractor will continue installation of IT 23 this week.
- B. TT will maintain communication with contractor and will inspect the site as construction progresses.

3. New Action Items

- A. N/A

4. Previous Open Action Items

- A. N/A

5. Materials Delivered to Site Since Last Inspection

- A. N/A

Tetra Tech
100 Nickerson Road, Suite 200
Marlborough, MA 01752

FIELD REPORT

Project Salmon Health and Retirement Community (The Willows)	Date 6/16/2020	Report No. 39
Location Village Street, Medway, MA	Project No. 143-21583-15011	Sheet 1 of 2
Contractor Rubicon Builders (General Contractor) Marois Brothers, Inc. (Site Contractor)	Weather A.M. SUNNY P.M.	Temperature A.M. 70°F P.M.

FIELD OBSERVATIONS

On Tuesday, June 16, 2020, Steven M. Bouley, PE from Tetra Tech (TT) visited the project location to inspect the current condition of the site and observe construction progress. The report outlines observations made during the site visit.

1. Observations

- A. General site conditions/Erosion Controls: The western portion of the site along Willow Pond Circle is generally dry but no dust observed, contractor has water truck continually spraying the heavily travelled routes throughout the site. Silt fence barrier (SFB) and filter socks appear to be in good condition. Stockpiled construction materials, crushed stone, and soil are present throughout the main open portion of the site but appear to be properly protected from erosion.
- B. TT on site to continue inspection of the installation of Infiltration Trench 23 (IT 23) located on the northern side of the main campus building. Contractor continuing excavation to the adjusted limits of the system. Existing stone was excavated from the wick and the 4-inch, capped, perforated, inspection port was placed at the bottom of the wick drain along the eastern portion of the system. The system excavation was wrapped with non-woven filter fabric and the contractor continued installation of approximately one-foot of washed crushed stone throughout the excavated portion of the system bottom. The contractor began installing Storm Keeper SK-75 chambers on the stone bed throughout the longer portion of the "L". Two 12" HDPE roof drain connections made at southwest corner of the longer portion of the "L". Inspection ports were installed at the end of each row of chambers, system backfilled with washed crushed stone to approximately six inches above chambers, compacted and system wrapped with non-woven filter fabric.

CONTRACTOR'S FORCE AND EQUIPMENT						WORK DONE BY OTHERS	
Sup't	1	Bulldozer		Asphalt Paver		Dept. or Company	Description of Work
Foreman	1	Backhoe		Asphalt Reclaimer			
Laborers	2	Loader	1	Vib. Roller			
Drivers	1	Rubber Tire Backhoe/Loader		Static Roller			
Oper. Engr.	2	Skid Steer		Vib. Walk Comp.			
Carpenters		Hoeram		Compressor			
Masons		Excavator	1	Jack Hammer			
Iron Workers		Grader		Power Saw			
Electricians		Crane		Conc. Vib.			
Flagpersons		Scraper		Tack Truck			
Surveyors		Conc. Mixer		Man Lift			
		Conc. Truck		Skidder		OFFICIAL VISITORS TO JOB	
		Conc. Pump Truck		Compact Track Loader			
		Pickup Truck	5+	Water Truck			
		Tri-Axle Dump Truck		Crane Truck			
		Trailer Dump Truck		Lull			
		Art. Dump Truck	1	BOMAG Remote Comp.			
Police Details: N/A						RESIDENT REPRESENTATIVE FORCE	
Contractor's Hours of Work: 7:00 A.M. to 3:30 P.M.						Name	Time on-site
						Steven M. Bouley, PE	10:30 A.M. – 12:30 P.M.

NOTE: Please use reverse side for remarks and sketches

Project Salmon Health and Retirement Community	Date 6/16/2020	Report No. 39
Location Village Street, Medway, MA	Project No. 143-21583-15011	Sheet 2 of 2

FIELD OBSERVATIONS CONTINUED

2. Schedule

- A. Contractor will continue installation of IT 23 this week.
- B. TT will maintain communication with contractor and will inspect the site as construction progresses.

3. New Action Items

- A. N/A

4. Previous Open Action Items

- A. N/A

5. Materials Delivered to Site Since Last Inspection

- A. N/A

Tetra Tech
100 Nickerson Road, Suite 200
Marlborough, MA 01752

FIELD REPORT

Project Salmon Health and Retirement Community (The Willows)	Date 6/17/2020	Report No. 40
Location Village Street, Medway, MA	Project No. 143-21583-15011	Sheet 1 of 2
Contractor Rubicon Builders (General Contractor) Marois Brothers, Inc. (Site Contractor)	Weather A.M. SUNNY P.M.	Temperature A.M. 75°F P.M.

FIELD OBSERVATIONS

On Wednesday, June 17, 2020, Steven M. Bouley, PE from Tetra Tech (TT) visited the project location to inspect the current condition of the site and observe construction progress. The report outlines observations made during the site visit.

1. Observations

- A. General site conditions/Erosion Controls: The western portion of the site along Willow Pond Circle is generally dry but no dust observed, contractor has water truck continually spraying the heavily travelled routes throughout the site. Silt fence barrier (SFB) and filter socks appear to be in good condition. Stockpiled construction materials, crushed stone, and soil are present throughout the main open portion of the site but appear to be properly protected from erosion.
- B. TT on site to continue inspection of the installation of Infiltration Trench 23 (IT 23) located on the northern side of the main campus building. Contractor completing placement of SK-75 chambers throughout the short portion of the "L" shape of the system for a total of 80 chambers. One 12" HDPE roof drain connections made at the northeastern side of the shorter portion of the "L". Inspection ports were installed at the end of each row of chambers, system backfilled with washed crushed stone to approximately six inches above chambers, compacted and system wrapped with non-woven filter fabric. Additionally, the contractor placed another six inches of washed crushed stone and woven filter fabric to provide stability above the system for heavy machinery traffic prior to final grading operations.
- C. Medway Conservation Agent and Chair on-site to inspect erosion controls.

CONTRACTOR'S FORCE AND EQUIPMENT						WORK DONE BY OTHERS	
Sup't	1	Bulldozer		Asphalt Paver		Dept. or Company	Description of Work
Foreman	1	Backhoe		Asphalt Reclaimer			
Laborers	2	Loader	1	Vib. Roller			
Drivers	1	Rubber Tire Backhoe/Loader		Static Roller			
Oper. Engr.	2	Skid Steer		Vib. Walk Comp.	1		
Carpenters		Hoeram		Compressor			
Masons		Excavator	1	Jack Hammer			
Iron Workers		Grader		Power Saw			
Electricians		Crane		Conc. Vib.			
Flagpersons		Scraper		Tack Truck			
Surveyors		Conc. Mixer		Man Lift			
		Conc. Truck		Skidder		OFFICIAL VISITORS TO JOB	
		Conc. Pump Truck		Compact Track Loader		Bridget Graziano	Conservation Agent
		Pickup Truck	5+	Water Truck		David Travalini	Conservation Chair
		Tri-Axle Dump Truck		Crane Truck			
		Trailer Dump Truck		Lull			
		Art. Dump Truck	1	BOMAG Remote Comp.			
Police Details: N/A						RESIDENT REPRESENTATIVE FORCE	
Contractor's Hours of Work: 7:00 A.M. to 3:30 P.M.						Name	Time on-site
						Steven M. Bouley, PE	18:30 A.M. – 11:30 A.M.

NOTE: Please use reverse side for remarks and sketches

Project Salmon Health and Retirement Community	Date 6/17/2020	Report No. 40
Location Village Street, Medway, MA	Project No. 143-21583-15011	Sheet 2 of 2

FIELD OBSERVATIONS CONTINUED

2. Schedule

- A. Contractor to begin rough grading Waterside Run later this week in preparation for binder paving the first week of July along that roadway. Once paving is complete on that side of the project, the contractor will begin installing the bridge at the Willow Pond Circle wetland crossing.
- B. TT will maintain communication with contractor and will inspect the site as construction progresses.

3. New Action Items

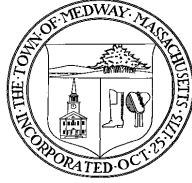
- A. N/A

4. Previous Open Action Items

- A. N/A

5. Materials Delivered to Site Since Last Inspection

- A. N/A



June 23, 2020
Medway Planning & Economic Development Board
Meeting

Committee Appointments

- SAC memo to PEDB dated 6-16-20 re: re-appointment of Keith Peden to the Economic Development Committee

Susan E. Affleck-Childs

Planning and Economic
Development Coordinator



Medway Town Hall
155 Village Street
Medway, MA 02053
Phone (508) 533-3291
Fax (508) 321-4987
Email: sachilds@
townofmedway.org
www.townofmedway.org

TOWN OF MEDWAY
COMMONWEALTH OF MASSACHUSETTS
PLANNING AND ECONOMIC
DEVELOPMENT OFFICE

June 16, 2020

TO: Planning and Economic Development Board
FROM: Susy Affleck-Childs, Planning and Economic Development Coordinator
RE: Appointment to Medway Economic Development Committee (EDC)

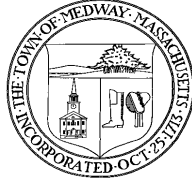
The term of office for Economic Development Committee member Keith Peden expires on June 30, 2020. Keith wishes to continue serving on the EDC.

I recommend the PEDB re-appoint Keith Peden for another two-year term on the EDC through June 30, 2022.

The continuing members of the EDC are Zach Knowlton, Mark Schultz, Cassandra McKenzie, and Khalid Abdi. Their terms conclude on June 30, 2021.

Rich Di Iulio has served as the PEDB's representative on the EDC this past year. That appointment is made on a yearly basis.

Please note that the Medway General Bylaw, which established the EDC, provides for up to 11 members. With the 6 current members, there can be up to 5 additional members. NOTE - EDC members have to reside OR work in Medway.



June 23, 2020
Medway Planning & Economic Development Board
Meeting

Medway Mill Site Plan Public Hearing

- 6-17-20 Andy Rodenhiser declaration to continue the hearing to July 14, 2020

Susan Affleck-Childs

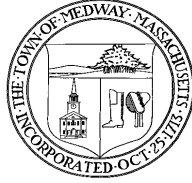
From: Andy Rodenhiser <Andy@rodenhiser.com>
Sent: Wednesday, June 17, 2020 9:07 AM
To: Susan Affleck-Childs
Subject: Medway Mill Site Plan

Dear Susy,

In my role as Chairman of the Medway Planning and Economic Development Board, I declare that the public hearing for the Medway Mill Site Plan scheduled for Tuesday, June 23, 2020 has been continued to Tuesday, July 14, 2020 at 7:15 PM due to the COVID-19 pandemic and the Commonwealth's associated limitations on public meetings.

Thank you.

Andy S. Rodenhiser
President
Rodenhiser Home Services Inc.



June 23, 2020

**Medway Planning & Economic Development Board
Meeting**

**Harmony Estates Multi-Family
Development
Plan Review Fee Estimates**

- PGC estimate dated June 16, 2020
- Tetra Tech estimate dated June 17, 2020

PGC ASSOCIATES, LLC

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

June 17, 2020

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

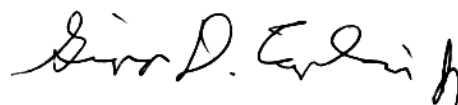
Dear Mr. Rodenhiser:

PGC Associates is pleased to present the following cost estimate to review and comment on the proposed multifamily special permit plan submitted by Harmony Estates LLC of Milford. The owners are Eliot Edwards and Linda Resner of Medway. The proposal is to renovate 2 existing houses on the site and to construct a triplex and duplex (for a total of 7 units) on 1.22 acres including associated parking, drainage, landscaping, etc. The plan was prepared by Meridian Associates, Inc. of Westborough. The plan is dated June 9, 2020.

<u>Task</u>	<u>Hours</u>
Technical review and comment on initial submittal for compliance with zoning, site plan regulations, multifamily zoning and affordable housing requirements	4.0
Attendance at Planning Board meetings/hearings	2.0
Review and comment on revised plans	1.0
Review and comment on draft Certificate of Action	2.0
Total	9.0
Cost Estimate (@100)	\$900.00

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

Sincerely,



Gino D. Carlucci, Jr.



June 17, 2020

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

**Re: Harmony Estates
Site Plan and Multifamily Housing Special Permit Review
Medway, Massachusetts**

Dear Ms. Affleck-Childs:

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

Scope of Services

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

Task 1 Site Visit

- A. Perform one (1) site visit to review the site and its surroundings.
- Budget Assumption: $3 \text{ hours @ } \$148/\text{hr} = \444
Total = \$444

Task 2 Design Review

- A. Review the permit Application, and supporting documentation, and incorporate comments into review letter in Item 2.D below.
- Budget Assumption: $1 \text{ hour @ } \$148/\text{hr} = \148
 $1 \text{ hour @ } \$116/\text{hr} = \116
Total = \$264
- B. Review the proposed Plans against the regulations mentioned above and incorporate comments into review letter in Item 2.D below.
- Budget Assumption: $4 \text{ hours @ } \$148/\text{hr} = \592
 $6 \text{ hours @ } \$116/\text{hr} = \696
Total = \$1,288

- C. Review the Site Plans and Stormwater Report for compliance with the Stormwater Standards and associated Handbook and Town of Medway Stormwater Bylaw and incorporate comments into review letter in item 2.D below.
- Budget Assumption: 8 hours @ \$148/hr = \$1,184
4 hours @ \$116/hr = \$464
Total = \$1,648
- D. Prepare a letter summarizing findings for presentation to the Town of Medway PEDB.
- Budget Assumption: 4 hours @ \$148/hr = \$592
4 hours @ \$116/hr = \$464
Total = \$1,056
- E. Coordinate with applicant to address items in initial review letter and issue one (1) revised letter upon receipt of modifications. This task is limited to minor changes in the site plans which directly address comments from our initial review letter. Major changes to the Plans and/or Stormwater Report will require additional funds.
- Budget Assumption: 4 hours @ \$148/hr = \$592
4 hours @ \$116/hr = \$464
Total = \$1,056

Task 3 Meetings

- A. Participate in five (5) hearings/meetings with the Town of Medway PEDB. This task assumes meetings are held by video tele-conference; in-person meetings will require additional budget.
- Budget Assumption: 5 Meetings @ 2 hours per meeting = 10 Hours
10 hours @ \$148/hr = \$1,480
Total = \$1,480

Budget

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

The breakdown of this fee by task is as follows:

Task	Task Description	Fee
Task 1	Site Visit	\$444
Task 2	Design Review	\$5,312
Task 3	Meetings	\$1,480
	Labor Subtotal	\$7,236
	Expenses (5%)	\$362
	Total	\$7,598

Schedule and Conditions

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

To signify your acceptance of this Agreement, please sign and return one copy and the retainer to us along with the attachments. When signed by representatives of both parties, this Proposal will become an agreement between Tetra

Tech, Inc. (ENGINEER) and Town of Medway Planning and Economic Development Board (CLIENT). The Agreement is subject to the attached Engineering, Environmental, and Transportation Statement of Terms and Conditions. The price is valid for 60 days from the date of this letter.

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

Very truly yours,



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



Sean P. Reardon, P.E.
Vice President

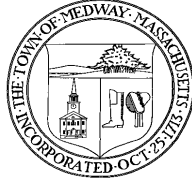
Date Approved by Medway PEDB _____

Certified by:

Susan E Affleck-Childs
Medway PEDB Coordinator

Date

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June 23, 2020
Medway Planning & Economic Development Board
Meeting

PEDB Meeting Minutes

- Draft minutes of the June 9, 2020 PEDB meeting

Tuesday June 9, 2020
Medway Planning and Economic Development Board
155 Village Street
Medway, MA 02053

Members	Andy Rodenhiser	Bob Tucker	Tom Gay	Matt Hayes	Rich Di Iulio	Jessica Chabot
Attendance	X	X	X	X	Absent with Notice	X

Pursuant to Governor Baker’s March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, and the Governor’s March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, no in-person attendance of members of the public will be permitted at this meeting. Members of the public who wish to watch the meeting may do so, on Medway Cable Access: channel 11 on Comcast Cable, or channel 35 on Verizon Cable; or on Medway Cable’s Facebook page @medwaycable.

ALSO PRESENT IN ZOOM MEETING:

- Susy Affleck-Childs, Planning and Economic Development Coordinator
- Amy Sutherland, Recording Secretary
- Steve Carew, Tree Warden
- Barbara Saint Andre, Director of Community and Economic Development

The Chairman opened the meeting at 7:03 pm.

There were no Citizen Comments.

MEDWAY MILLS SITE PLAN PUBLIC HEARING

- Due to the State of Emergency the Chairman declared that this hearing will be continued until June 23, 2020. (See Attached)

SCENIC ROAD WORK PERMIT – CHOATE TRAIL SUBDIVISION 42 HIGHLAND STREET:

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

- Revised draft Scenic Road Work Permit dated 6-3-20
- 3-9-20 letter from Vito Colonna, Connorstone Engineering

Applicants Robert Pace and Matt Silverstein and project engineer Vito Colonna were present at the meeting. Also, Tree Warden Steve Carew was present for the discussion.

The Board is in receipt of the revised draft of the Scenic Road Work Permit for the Choate Trail Subdivision for 42 Highland Street. It was explained that the revised scenic road work permit incorporated much of the applicant’s proposed tree replacement plan. The 4 maple trees in the right of way will be moved to another location. There was a condition added to require a payment in lieu of tree planting for the two trees that are to be retained and the four trees that are

to be replanted if they are damaged during the construction process. The Tree Warden is comfortable with what is being proposed. There was a suggestion to require the applicant to install some shrubbery along the southern boundary of Lot #4 between the trail and the abutter at 40 Highland Street to provide comparable screening being provided to the abutter at 38 Highland Street.

Matt Silverstein communicated that he has been working with the abutters. He voiced his concern that the installation of more shrubs seems to be expanding after each meeting he attends with now having to address shrubbery on the third property which increases the number of plantings.

There is language for a payment to the tree fund at \$355.00 per replacement tree (equal to 7 caliper inches). The Tree Warden would inspect the trees, and this could be incorporated into the performance security. The planting would be such that they are 5 ft. apart with 3-gallon plants for the length of the property line along Lot #4 with 38 and 40 Highland Street.

It was suggested that there be language to put shrubbery on the property line and not on the easement side on the entire length from 38 Highland to 40 Highland with no limit to just rhododendrons but a mixture of evergreen plant types.

On a motion made by Matt Hayes and seconded by Tom Gay, the Board voted by Roll Call to approve the Scenic Road Work Permit for Choate Trail Subdivision at 42 Highland Street with revisions as discussed.

Roll Call Vote:

Bob Tucker	aye
Tom Gay	aye
Andy Rodenhiser	aye
Matt Hayes	aye
Steve Carew	aye

PEDB MEETING MINUTES:

May 26, 2020:

On a motion made by Bob Tucker and seconded by Matt Hayes, the Board voted by Roll Call to approve the minutes from the May 26, 2020 meeting.

Roll Call Vote:

Bob Tucker	aye
Tom Gay	aye
Andy Rodenhiser	aye
Matt Hayes	aye

DISCUSSION OF FUTURE MEETING FORMATS:

The Board discussed future meeting formats regarding social distancing and requirements from the State. The current COVID-19 state of emergency requirements is that no more than 10 people can gather in a room and if they meet it needs to be with social distancing. With all

the Planning Board members and consultants present the number would reach 9. This number does not include the applicant, engineer or abutters who may have an interest in attending. There was a suggestion to hold the meetings to a big meeting room at the middle school. This space would provide suitable space for social distancing. There was also a suggestion if the relocation to another space is not possible then maybe a Zoom webinar option could work instead of a Zoom meeting. The Zoom webinar is ideal for large audiences that are open to the public but typically do not allow attendees to interact with one another. The webinar also only has the attendees join in listening only mode. In the Zoom meeting, all participants can mute/unmute their own audio. The host can also set all participants to mute upon entry. There was an explanation of the hand function within Zoom. There was a recommendation to have instructions to read prior to a public hearing with Zoom. The current Zoom service the town is using does not include Zoom webinar. This would need to be researched along with the cost for membership. The Board would like to continue as is but if there is an opportunity to be in person then this would be the preferred means of meeting.

REPORTS:

- There was a partial application received for the proposed 218 Main Street multi-family development. A plan review estimate will be provided once the submittal is complete.
- The Town Hall staff is taking part in the Citizen Serve Online permitting system. There is a lot to this process. Dialogue is happening about what forms and information will be loading into this program. This will be further discussed about how to make sure all the information is retained in a format which works for all.

ENVIRONMENTAL STANDARDS:

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

- Email John Lally dated June 8, 2020.

NOTE – Community and Economic Development Director Barbara Saint Andre joined the meeting.

The Board was made aware that Susy spoke with member Gay about the Environmental Standards. Member Gay began the discussion by explaining that he has concerns that the scope of what has been prepared is too narrow and there are holes within the document which have been overlooked. It was suggested that a more sensorial approach be used. Member Gay does not recommend using the dilution threshold as the only measurement method. The alternative would include recording complaints within a certain block area of a site. A standard could be written that there would be non-compliance if five or more complaints are received in this area. The five complaints would trigger a field inspection by the zoning code enforcement officer. This approach could be tracked on a GIS system within the town. It could also indicate multiple locations throughout town and create a history of what was non-compliant within a block system of recording. All this language would need to be defined regarding the length of time an event occurs. There was a question if this system could track wind direction when the complaint is lodged for an odor complaint. The system would not be this sophisticated.

Mr. Lally was present during the discussion and thanked member Gay for his explanation and appreciates what he explained. The recording of complaints within a GIS system would assist in creating a bylaw to have enforcement if needed. He would be in support of this approach.

There was a question if this should be governed by a Special Permit or through a modification of the site plan. The approach would be like what was done with 2 Marc Road. When there is an issue, then a mitigation plan would need to be put in place. There is a mechanism for enforcement if there are situations which need to be addressed for those situations which do not comply. This is done through ticketing with non-criminal disposition. The plan for mitigation could be reviewed by the building code enforcement officer to make sure it complies and the cost to review is on the violator.

The Board would like member Gay to continue working this concept of a sensorial approach for dealing with the environmental standards. The goal is to have this ready for the Fall Town Meeting.

OTHER BUSINESS

REVISED RULES AND REGULATIONS FOR ADAPTIVE USE OVERLAY DISTRICT:

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

- Adaptive Use Overlay District Rules and Regs with edits dated June 9, 2020.

The Board is in receipt of the Adaptive Use Overlay District section of the Zoning Bylaw along with the proposed revisions to the AUOD Rules and Regulation section. The draft contains mark ups with comments from Barbara, Stefany and Susy. There were not many substantive changes but mostly just clean -up to make the regs consistent with the bylaw language. The existing Rules and Regulations require that the Board hold a public hearing to make these changes. The Board was asked if the June 23, 2020 meeting is a possible date to hold this public hearing. The Board is hesitant to bring this to a public hearing without any prior board discussion. The Board will discuss this at the June 23rd meeting and then select a date for a public hearing.

MEDWAY PLACE SHOPPING PLAZA SITE PLAN PUBLIC HEARING

- Due to the State of Emergency the Chairman declared that this hearing will be continued until June 23, 2020 at 8:15 pm. **(See Attached)**

The discussion during the continued hearing will focus on stormwater. Tetra Tech is involved with the review of this site along with the DPW as the applicant also needs a MS4 permit. The Board would like to have the applicant appear and update the Board on progress.

FUTURE PEDB MEETING:

- Tuesday, June 23, 2020

ADJOURN:

On a motion made by Tom Gay and seconded by Matt Hayes, the Board voted by Roll Call vote to adjourn the meeting.

Roll Call Vote:

Bob Tucker	aye
Tom Gay	aye
Andy Rodenhiser	aye

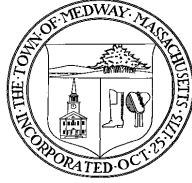
Matt Hayes aye

The meeting was adjourned at 9:05 pm.

Prepared by,
Amy Sutherland
Recording Secretary

Reviewed and edited by,
Susan E. Affleck-Childs
Planning and Economic Development Coordinator

DRAFT



June 23, 2020

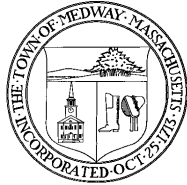
**Medway Planning & Economic Development Board
Meeting**

**Adaptive Use Overlay District (AUOD)
Rules and Regulations**

- Draft amendments to the AUOD Rules and Regulations

Tasks

1. Review and discuss proposed amendments
2. Set date for a public hearing. July 14th?



TOWN OF MEDWAY

Planning and Economic Development Board Rules & Regulations

Chapter 500

**ADAPTIVE USE OVERLAY DISTRICT
(AUOD)**

Rules & Regulations for the Review and Approval of
Adaptive Use Overlay District (AUOD) Plans
and Issuance of Adaptive Use Special Permits

Adopted: ~~July 26, 2005~~ July 26, 2005

Amended:

Medway Planning and Economic Development Board

~~Matthew J. Hayes~~ Andy Rodenhiser, Chairman

~~Robert K. Tucker~~ Andy Rodenhiser, Vice-Chairman

~~Alan DeToma~~ Tom Gay, Clerk

~~Karyl Spiller Walsh~~ Matthew J. Hayes, P.E.

~~Cranston (Chan) Rogers~~ Richard Di Iulio

Jessica Chabot, Associate Member

TOWN OF MEDWAY
Planning and Economic Development Board Rules & Regulations

Chapter 500
**ADAPTIVE USE OVERLAY DISTRICT
(AUOD)**

Rules & Regulations for the Review and Approval of Adaptive Use Overlay District (AUOD)
Plans and Issuance of Adaptive Use Special Permits

TABLE OF CONTENTS

ARTICLE I AUTHORITY

<i>s. 501-1</i>	<i>Adoption</i>	<i>1</i>
<i>s. 501-2</i>	<i>Purpose</i>	<i>1</i>

ARTICLE II DEFINITIONS

<i>s. 502-1</i>	<i>Applicability</i>	<i>1</i>
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ARTICLE III ADAPTIVE USE SPECIAL PERMIT APPLICATION

<i>s. 503-1</i>	<i>General Information</i>	<i>1 - 2</i>
<i>s. 503-2</i>	<i>Standards for AUOD Plan Preparation</i>	<i>2 - 3</i>
<i>s. 503-3</i>	<i>Submittal Requirements – Town Clerk</i>	<i>3</i>
<i>s. 503-4</i>	<i>Submittal Requirements – PEDB</i>	<i>4- 6</i>
<i>s. 503-5</i>	<i>Use of Outside Consultants</i>	<i>6 - 7</i>
<i>s. 503-6</i>	<i>Review by Town Officials</i>	<i>7</i>
<i>s. 503-7</i>	<i>Public Hearing</i>	<i>7 - 8</i>

ARTICLE IV ADAPTIVE USE SPECIAL PERMIT DECISION

<i>s. 504-1</i>	<i>Timing</i>	<i>8</i>
<i>s. 504-2</i>	<i>General Requirements</i>	<i>8</i>
<i>s. 504-3</i>	<i>Allowable Uses</i>	<i>8 - 9</i>
<i>s. 504-4</i>	<i>Site Development Standards</i>	<i>9 - 10</i>
<i>s. 504-5</i>	<i>Special Permit Standards and Criteria</i>	<i>10</i>

ARTICLE V ADMINISTRATION

<i>s. 505-1</i>	<i>Variation</i>	<i>11</i>
<i>s. 505-2</i>	<i>Construction Observation</i>	<i>11</i>
<i>s. 505-3</i>	<i>AUOD Fees</i>	<i>11 - 13</i>
<i>s. 505-4</i>	<i>Appeal</i>	<i>13</i>
<i>s. 505-5</i>	<i>Performance Guarantee</i>	<i>13</i>
<i>s. 505-6</i>	<i>Project Completion</i>	<i>14 - 15</i>
<i>s. 505-7</i>	<i>Revisions to Approved Adaptive Use Special Permit & AUOD Plan</i>	<i>15 - 16</i>
<i>s. 505-8</i>	<i>Penalties</i>	<i>16</i>
<i>s. 505-9</i>	<i>Amendments</i>	<i>16</i>
<i>s. 505-10</i>	<i>Validity</i>	<i>16</i>

Chapter 500

ADAPTIVE USE OVERLAY DISTRICT (AUOD)

Rules and Regulations for Review and Approval of AUOD Plans and Issuance of Adaptive Use Special Permits

Adopted by the Medway Planning and Economic Development Board, ~~July 26, 2005~~

ARTICLE I AUTHORITY

s. **501-1 ADOPTION** – The Planning and Economic Development Board (hereinafter referred to as the “Board”), hereby adopts these *Rules and Regulations* governing the review and approval of AUOD plans and the issuance of Adaptive Use Special Permits for AUOD developments pursuant to ~~SECTION 5V, SECTION USE REGULATIONS, 5.6.2, Sub-Section W,~~ of the Medway Zoning Bylaw, ~~approved as Article 19 at the June 28, 2004 Special Town Meeting and as further revised as Articles 43 and 44 at the June 6, 2005 Annual Town Meeting.~~

s. **501-2 PURPOSE** – These *Rules and Regulations* provide for the procedural and substantive requirements of ~~SECTION 5V, 5.6.2~~ Sub-Section W, of the ~~Medway~~ Zoning Bylaw including the process for submission, review and processing of AUOD plans, issuance of Adaptive Use Special Permits, applicable site, open space, design and construction standards, and the corresponding fees. The purpose of these *Rules and Regulations* is to guide the applicant and their consultants, Town officials and Boards, and others involved in the preparation, processing and review of AUOD plans and issuance of Adaptive Use Special Permits.

ARTICLE II DEFINITIONS

s. **502-1 APPLICABILITY** – The terms used in these *Rules and Regulations* shall have the meaning as specified in the ~~Medway~~ Zoning Bylaw, Section ~~2H~~. DEFINITIONS in effect at the time the AUOD application is submitted, unless a contrary meaning is required by the context or is specifically prescribed.

ARTICLE III ADAPTIVE USE SPECIAL PERMIT APPLICATION

s. **503-1 GENERAL INFORMATION**

A. **General** – An AUOD development shall be permitted only upon the granting of an Adaptive Use Special Permit by the Board. An applicant shall apply for an Adaptive Use Special Permit by submitting an AUOD Plan and all other required information in accordance with the requirements set forth in these *Rules and Regulations*. The ~~Planning~~ Board shall review an Adaptive Use Special Permit Application pursuant to the submission and procedural requirements set forth in these *Rules and Regulations*, and shall review the AUOD Plan for conformance with all standards of ~~SECTION 5V, 5.6.2, Sub-Section W~~ of the ~~Medway~~ Zoning Bylaw. The application, submission, and procedural review process for an Adaptive Use Special Permit shall adhere to all

minimum requirements specified herein. The exact content of an Adaptive Use Special Permit Application beyond the minimum requirements may vary depending on the exact use(s) and structure(s) proposed by the applicant.

- B. Coordination with Site Plan Approval** – As specified in SECTION ~~V. 5.6.2.H. Sub-Section W~~, of the ~~Medway~~ Zoning Bylaw, the uses and improvements that are the subject of an Approved Adaptive Use Special Permit shall be exempt from the Site Plan Approval requirements of SECTION ~~III. 3.5.5V. Sub-Section C~~. Site Plan Approval of the ~~Medway~~ Zoning Bylaw. However, in reviewing Adaptive Use Special Permit applications, the ~~Planning~~ Board will consider the impacts of features that are normally the subject of Site Plan Approval including but not limited to drainage, parking, lighting and landscaping. The Development Standards included in the *Site Plan Rules and Regulations* shall be adhered to to the extent feasible in light of the AUOD purposes of preserving the architectural integrity of the existing buildings and maintaining community character.
- C. Pre-Application Meeting** – A Pre-Application Meeting with the ~~Planning~~ Board prior to submission of an Adaptive Use Special Permit Application is highly recommended. A Pre-Application Meeting will provide the applicant with the opportunity to present preliminary concepts for its AUOD project and gain informal feedback and input from the ~~Planning~~ Board, other Town officials and interested citizens at an early stage of project planning. This meeting will also allow the ~~Planning~~ Board and other involved officials to provide guidance to the applicant regarding the proposed project as well as the Adaptive Use Special Permit application and review process.
- D. Application Form** – The ~~Planning~~ Board has prepared an application form for the Adaptive Use Special Permit that may be obtained from the ~~Planning~~ **Board-Planning and Economic Development** office or the Town's web site at townofmedway.org. The form requests general information about the applicant and its agents, the location, size and nature of the proposed AUOD development site and a general description of the proposed AUOD development project.

s. **503-2 STANDARDS FOR AUOD PLAN PREPARATION**

- A.** The AUOD Plan shall be prepared by a Professional Engineer (PE) ~~and or~~ a Registered Land Surveyor (RLS) licensed to perform work in ~~Massachusetts, and Massachusetts~~ and certified by same with their seal stamp and signature. At the discretion of the ~~Planning~~ Board, this requirement may be waived for projects whose impact on the site and abutting properties is minimal, in the ~~Planning~~ Board's opinion. Conversely, additional professionals, such as an architect and/or landscape architect, may be required in cases where the ~~Planning~~ Board determines that the impact on the site and/or abutting properties is significant.
- B.** In cases where site changes are minimal, the ~~Planning~~ Board may consider waiving the requirement for an AUOD plan of proposed improvements to be prepared by a Professional Engineer. ~~Examples of minimal changes include proposals in which the architectural features of the existing building(s) are not altered, and site work is limited to repairs such as painting; replacement of siding, windows or roof; adding fencing or landscaping; increasing impervious surface by no more than one thousand (1,000) square-~~ feet. At a minimum, however, an AUOD application shall include a plan, prepared by an RLS, of all existing conditions, including bearings and distances of lot lines, building

locations, driveways and parking spaces, utilities, fences and walls, any other impervious surfaces, and significant landscape features.

- C. The ~~Planning~~ Board may also require that plans prepared by a Registered Architect, licensed to perform work in Massachusetts, be submitted in cases where the existing building(s) is being altered by increasing the footprint; relocating or adding windows or doors; adding or removing porches, dormers or other architectural features; changing the roof style, etc. The Board, at its discretion, may also require that a plan, prepared by a professional landscape designer or Registered Landscape Architect, be submitted in cases where landscaping comprises a significant component of the character of the site or neighborhood or where significant buffers for abutting properties are required by the Board.
- D. All plans submitted in support of the AUOD Application shall be clearly and legibly presented in black or blue ink. The plan illustrating site improvements shall be prepared in accordance with Rules and Regulations of the Registry of Deeds, Chapter 36, Section 13A, as amended, pertaining to plan size, materials, ink, lettering height, and related requirements.
- E. The AUOD plan shall be at a scale of ~~one inch one (inch (1"))~~ equals forty feet (40'), or such other scale as the ~~Planning~~ Board may have accepted in advance to show details clearly and adequately.
- F. All existing and proposed elevations shall refer to the North American Vertical Datum of 1988 (NAVD88).
- G. Sheet sizes shall be ~~twenty-four~~ twenty-four by ~~thirty-six~~ thirty-six inches (~~24" X 36"~~), including a three quarter inch (~~3/4"~~) border on the top, bottom and right sides and a one and one-half inch (~~1 1/2"~~) border on the left side.

s. **503-3 TOWN CLERK SUBMITTAL REQUIREMENTS – TOWN CLERK**

- A. The applicant shall file by delivery in hand, or registered or certified mail, the following:
 - (1) A copy of the Adaptive Use Special Permit Application filed on a form supplied by the ~~Planning~~ Board.
 - (2) One set of the AUOD Plans in conformance with these *Rules and Regulations* and the requirements of the ~~Medway~~ Zoning Bylaw, SECTION ~~5. V. Sub-Section~~ W5.6.2. Adaptive Use Overlay District.
 - (3) Project Narrative as described in s. 503-4, B. 12 of these *Rules and Regulations*.
- B. The applicant shall secure a receipt from the Town Clerk and provide a copy of such to the ~~Planning~~ Board. Said receipt shall include the date and time the application was filed with the Town Clerk.

s. **503-4 BOARD SUBMITTAL REQUIREMENTS**

- A. **Basic Information** – Any person or entity that submits an application and plan for an Adaptive Use Special Permit shall file with the ~~Planning~~ Board all items required herein

for the application to be “*duly submitted*” in accordance with these *Rules and Regulations*. Such submissions shall be made directly to the ~~Planning~~ Board.

B. Submittals - The applicant shall file by delivery in hand, or registered or certified mail, the following items to constitute a complete Adaptive Use Special Permit Application:

- (1) The original Adaptive Use Special Permit Application Form, properly executed, filed on a form supplied by the ~~Planning~~ Board including the names, addresses, ~~email~~ and telephone numbers of the applicant, land owner if other than the applicant, and all agents such as architect, engineer and attorney;
- (2) ~~Eighteen (18) Three~~ copies of the AUOD Plan in conformance with these *Rules and Regulations* and the requirements of the ~~Medway~~-Zoning Bylaw, SECTION ~~5.V. Use Regulations, 5.6.2 Sub-Section W~~ - Adaptive Use Overlay District.
- (3) An AUOD Plan Filing Fee as established in s. 505-2 of these *Rules and Regulations* and an advance of the Plan Review Fee, both of which are specified in the ~~Planning~~ Board’s Fee and Bond Schedule.
- (4) A list of all abutters within three hundred ~~(300)~~ feet of the site’s property lines as appearing on the most recent tax list as certified by the Board of Assessors.
- (5) Three ~~(3)~~ copies of a storm drainage report. At a minimum, this report must consist of a letter signed and stamped by a Professional Engineer discussing the existing drainage on the site and how the proposed drainage design will address the proposed site changes. The ~~Planning~~ Board reserves the right to require higher levels of drainage information (*up to and including complete drainage system design and calculations*) depending on the extent of changes proposed and the sensitivity of the site and its abutting properties.
- (6) Copies of all relevant approvals received to date by the applicant from other Boards or commissions (*i.e. Determination of Applicability or Order of Conditions from the Conservation Commission; zoning variance from the Zoning Board of Appeals, etc.*)
- (7) Three ~~(3)~~ sets of Layout/Floor plans with the uses of areas labeled and three ~~(3)~~ sets of Elevation Drawings of the building(s) facades from all four directions. If no major changes are planned to the buildings, photographs may be substituted for elevation drawings.
- (8) Locus Map – A locus map of the project area showing the street configuration, major land uses, major natural features and zoning district boundaries within two thousand ~~(2,000)~~ feet of the perimeter boundaries of the site, at a minimum scale of one ~~(+)~~ inch equals eight hundred ~~(800)~~ feet.
- (9) Context Plan – A plan showing all property lines and buildings, as shown on the current Assessor’s Maps, structures, freestanding signs, driveways and walkways on abutting properties at a minimum scale of one ~~(+)~~ inch equals one hundred ~~(100)~~ feet.
- (10) Plot Plan, certified by a Registered Land Surveyor, indicating total land area boundaries, angles, and dimensions of the site and a north arrow.

- (11) AUOD Plan(s) or plan sets, at a minimum scale of one ~~(1)~~-inch equals forty ~~(40)~~ feet, showing the following on-site conditions:
- (a) Existing use(s) of land and existing buildings, if any;
 - (b) Proposed use(s) of land and proposed buildings;
 - (c) Dimensions of existing and proposed building(s) or other structures including height, setbacks from property line and total square footage of building area;
 - (d) Design features of the buildings(s) and structures, including, as appropriate, elevations, materials, colors, etc.
 - (e) For non-residential buildings and for non-residential uses in any building, the total square footage of building area on each floor or the total square footage occupied on a given floor by non-residential uses;
 - (e) Locations and dimensions of any easements, public or private rights-of-way, or other burdens (existing or proposed);
 - (g) All parking and loading areas, including surface (at-grade) parking lots and parking structures, showing the number, location and dimension of parking and loading spaces, driveways, other access ways, sidewalks and the like;
 - (h) Other existing and proposed site features including, but not limited to, topography, walls, fences, signs, utilities, trash disposal facilities, landscaping, impervious surface and drainage facilities, and natural features (including wetlands).
- (12) Project Narrative – A written narrative describing the proposed AUOD development including the following information:
- (a) The architectural features of the existing building(s) on site, as well as any historic character of the site;
 - (b) The current and proposed uses of the site;
 - (c) The impacts of the proposed uses on the architectural and historic features of the building and site, with particular emphasis on how such features will be preserved and/or enhanced;
 - (d) Existing and proposed means of access and egress, including how pedestrian access will be accommodated and encouraged;
 - (e) Impacts of the proposed site changes and uses on abutting properties and the neighborhood in general in terms of landscaping, lighting, parking and drainage;
 - (f) A statement describing how the proposed project complies with the purposes and requirements of ~~SECTION 5.6.2 Sub Section W.~~ Adaptive Use Overlay District of the ~~Medway~~ Zoning Bylaw and the ~~Decision Special Permit Standards and Criteria specified in paragraph 7 thereof.~~

~~(13) Receipt from the Town Clerk acknowledging the date and time of the filing of the Adaptive Use Special Permit Application with the AUOD Plan.~~

C. Completeness Review

- (1) To ensure the Adaptive Use Special Permit Application contains all required information and to avoid the possibility of denial due to an incomplete application, the applicant is encouraged to review the application and plan documents with the ~~Planning~~ Board or its designee prior to filing the application with the Town Clerk to determine if it meets all submission requirements. Once this completeness review is completed, the applicant may officially file the Adaptive Use Special Permit Application with the Town Clerk and the ~~Planning~~ Board to commence the formal review process.
- (2) The ~~Planning~~ Board may, within fourteen ~~(14)~~ days of the date of receipt of an Adaptive Use Special Permit application, reject the application upon a determination that it does not satisfy the information/submission requirements of these *Rules and Regulations*. The ~~Planning~~ Board shall provide the applicant with a written explanation as to the specific reason(s) for the determination of incompleteness with a citation of the specific provisions of these *Rules and Regulations* regarding the missing or incomplete information and the remedies required to make the application complete. The ~~Planning~~ Board shall send a notice of its determination to the Town Clerk. The Adaptive Use Special Permit Filing Fee shall be retained by the ~~Planning~~ Board and be applied to any future resubmission of the application. When brought into conformity with the content requirements of these *Rules and Regulations*, an Adaptive Use Special Permit application may be resubmitted for consideration by the ~~Planning~~ Board without prejudice.

- s. **503 - 5 USE OF OUTSIDE CONSULTANTS** - Upon receipt of an Adaptive Use Special Permit application, the ~~Planning and Economic Development~~ Board may determine that the assistance of outside consultants is warranted due to the size, scale, or complexity of the proposed project or its potential impact on the Town and community. In hiring outside consultants, the ~~Planning~~ Board may engage the services of engineers, planners, traffic consultants, lawyers, urban designers or other appropriate professionals who can assist the ~~Planning~~ Board in analyzing the application and project to ensure compliance with all relevant laws, Bylaws and regulations. If the ~~Planning~~ Board determines that such services are required, the applicant shall pay an *AUOD Plan Review Fee* as specified in s. 505 – 3 of these *Rules and Regulations*.

s. **503 – 6 REVIEW BY TOWN OFFICIALS**

- A. Within ten ~~(10)~~ business days of receipt of an Adaptive Use Special Permit application, the ~~Planning~~ Board shall circulate ~~one (1) copy~~ of the AUOD Plan, Application and Narrative to the following boards, commissions, and departments, inform them of the public hearing schedule and request their review and preparation of an advisory report to assist the ~~Planning~~ Board in evaluating the project.
- (1) ~~Building Commissioner~~ Zoning Enforcement Officer
 - (2) Conservation Commission
 - (3) Fire Department

- (4) Police Department
- ~~(5) Water/Sewer Department~~
- (6) Assessor's Office
- (7) Board of Health
- (8) Department of Public ~~Works~~Services
- (9) Design Review Committee
- (10) Historical Commission
- ~~(11) Disability Commission~~
- (12) Others as determined to be appropriate depending on the nature of the project.

- B. Said boards, commissions, and departments may submit an advisory report or recommendation to the ~~Planning Board~~ at their discretion. If no report is submitted to the ~~Planning Board~~ within ~~twenty-one (21)~~ thirty-five days of distribution, this shall be deemed lack of opposition thereto.
- C. The advisory report may include an assessment of the project's impact on the community, the status of any meetings or actions the respective board or department has taken or is taking regarding the project and any recommended conditions or remedial measures to avoid, accommodate or mitigate the expected impacts of the proposed development. All reports shall be entered into the public record during the public hearing.
- D. The ~~Zoning Enforcement Officer~~Building Commissioner is requested to review the Adaptive Use Special Permit application and all associated submittals for compliance with the ~~Medway~~-Zoning Bylaw and provide written communication to the ~~Planning Board~~, prior to the first public hearing date. Said communication may include, but not be limited to, the ~~Zoning Enforcement Officer's~~Building Commissioner's findings and any questions or concerns that could be clarified during the Adaptive Use Special Permit review process so as to avoid the need for subsequent modifications after special permit approval and plan endorsement.

s. **503 – 7 PUBLIC HEARING — The Board shall conduct a public hearing in accordance with G.L. c. 40A**

- A. ~~General — The Planning Board shall hold a public hearing at which the applicant shall present their proposed AUOD plan and the public shall have an opportunity to be heard, in person, or by agent or attorney, or in writing.~~
- B. ~~Timing — The public hearing shall commence within sixty-five (65) days after the Adaptive Use Special Permit Application is duly filed with the Town Clerk. The Planning Board may continue the public hearing as needed.~~
- C. ~~Abutter Notice — The Planning Board shall prepare the public hearing notice and provide it to the applicant who shall notify all abutters and parties of interest of the time, date and location of the public hearing. The notice shall include a brief description of the site plan project. Said notification shall be sent by certified mail, return receipt requested, at least fourteen (14) days prior to the date of the public hearing. The cost of certified mailing shall be borne by the applicant. The applicant shall submit the signed certified mail cards and receipts from all parties of interest to the Planning Board shall provide notice in accordance with G.L. Chapter 40A prior to the public hearing.~~

~~**D. — Legal Notice** The Planning Board shall provide notice of the public hearing by advertisement in a newspaper of general circulation in the community fourteen (14) days prior to the public hearing and again eight (8) days prior to the public hearing. The cost of the advertisement shall be borne by the applicant. The Planning Board shall also file the public hearing notice with the Town Clerk for posting in a conspicuous place in Town Hall for a period of not less than fourteen (14) days before the day of the hearing.~~

~~**E. — Closing the Public Hearing** Before making its Special Permit Decision, the Planning Board shall close the public hearing.~~

ARTICLE IV ADAPTIVE USE SPECIAL PERMIT DECISION

s. **504-1 TIMING** - The Planning Board shall file a copy of its decision with the Town Clerk along with a detailed record of its decision within ninety ~~(90)~~ days of the close of the public hearing and within fourteen ~~(14)~~ days of its vote. A minimum of four ~~(4)~~ affirmative votes is necessary to grant the special permit. A certified copy of the decision shall be provided to the applicant. The Planning Board shall send a notice of the decision to all parties in interest.

s. **504-2 GENERAL REQUIREMENTS** - In making its decision, the Planning Board must find that the parcel proposed for the Adaptive Use Special Permit has a minimum of fifty ~~(50)~~ feet of frontage on Main Street within the boundaries of the Adaptive Use Overlay District, as illustrated in the Adaptive Use Overlay District map, attached to these *Rules and Regulations*.

s. **504-3. ALLOWABLE USES—USES** - In approving an Adaptive Use Special Permit, the Planning Board may provide for the following uses or combination of uses and no others as set forth in Section 5.6.2. of the Zoning Bylaw:

- ~~**A.** — Offices for business or professional uses, including, but not limited to accountants, architects, attorneys, counselors, engineers, insurance agents, medical practitioners, planners, real estate sales, and similar uses;~~
- ~~**B.** — Studios for artists, photographers, interior decorators, and similar design related uses;~~
- ~~**C.** — Retail sales for handcrafted merchandise, original arts and crafts or copies thereof, antiques, and second hand goods;~~
- ~~**D.** — Food services, including but not limited to, bakeries, cafes, coffee shops, delicatessens, frozen dessert shops, pastry shops, or sandwich shops;~~
- ~~**E.** — Repair shops for small electronic equipment, appliances or tools;~~
- ~~**F.** — Personal care services such as barber shops, beauty parlors, and nail salons;~~
- ~~**G.** — Florists;~~
- ~~**H.** — The alteration of, addition to, and/or conversion of an existing building to one or two residential dwelling units and one or more business uses listed in items A-G above, provided that the exterior appearance of the building is characteristic of a single family dwelling~~

An Adaptive Use Special Permit shall indicate which of the above allowed uses is specifically permitted and may impose conditions, safeguards and limitations on the permitted use(s).

s. **504-4 SITE DEVELOPMENT STANDARDS** - The following site development standards shall apply to any Adaptive Use Special Permit development.

- A. Each lot subject to an Adaptive Use Special Permit shall have a building or buildings located on it that was constructed prior to June 28, 2004.
- B. Each Adaptive Use project shall include restoration, renovation or improvement of the primary existing building(s) to maintain, restore or enhance its original architectural integrity. Construction of an addition to an existing building or construction of a new building on the premises may be permitted provided that it is designed to be compatible with other building(s) on the lot and maintain the overall residential character of the Adaptive Use Overlay District.
- C. Unless determined by the ~~Planning~~ Board to be not feasible, all parking shall be to the rear and side of the building and not in the front yard. Parking areas shall be screened from the public way and abutting properties by structures and/or landscaping. Adequate provisions for on-site retention and treatment of stormwater shall be included. Parking areas shall include provisions for current or future shared and/or linked parking with adjacent properties when such linking can be accomplished without significant degradation of the character of the neighborhood.
- D. Lighting shall be ~~of residential scale~~, architecturally compatible with the building and character of the neighborhood and shall be designed to ensure that no glare is produced on abutting properties or the public way.
- E. No new curb cuts shall be added, and no existing curb cut shall be expanded, unless the ~~Planning~~ Board finds that such changes are necessary to ensure safe access to the property.
- F. Significant pedestrian and bicycle access (including bicycle parking) shall be provided.
- G. All developments shall include a landscape plan that maintains or enhances the residential character of the property. The landscape plan shall also provide, in the opinion of the ~~Planning~~ Board, a buffer zone (including one or more of shrubs, trees, grass and fencing) appropriate for the proposed use along any property boundaries with an adjacent residential use, as well as screening for parking, loading and refuse storage facilities.
- H. For every 300 square feet of gross floor space, at least one ~~(+)~~ off-street parking space shall be provided, unless the ~~Planning~~ Board finds that a lesser number is adequate based ~~on site~~on-site characteristics and the proposed use (s).
- I. For every residential unit in a building with one ~~(+)~~ or more residences or mixed commercial and residential uses, at least two ~~(+)~~ off-street parking spaces shall be provided, unless the ~~Planning~~ Board finds that a lesser number is adequate based on site characteristics and the proposed use(s).

The ~~Planning~~ Board may also consider the Development Standards of the *Site Plan Rules and Regulations* for matters not specifically covered by these Adaptive Use Site Development

Standards. Design and construction details not covered by either these *Rules and Regulations* or the *Site Plan Rules and Regulations* shall follow accepted engineering, construction and landscape architectural practice.

s. **504-5 SPECIAL PERMIT STANDARDS AND CRITERIA** - To approve an Adaptive Use Special Permit, the ~~Planning Board~~ must make ~~the following~~ findings pursuant to SECTION ~~5V. USE REGULATIONS, 5.6.2. Sub-Section W.6.2., I, Decision Criteria, paragraph 7 of the Zoning Bylaw,~~ as follows:

~~A. The proposed use(s) is allowed under the provisions of paragraph 3. b) of SECTION 5.V. USE REGULATIONS, 5.6.2. Sub-Section W. Adaptive Use Overlay District of the Zoning Bylaw.~~

~~B. The site is adequate for the proposed use in terms of size, configuration and uses of abutting properties;~~

~~C. Provisions for traffic and parking are adequate for the proposed use(s);~~

~~D. Provisions for pedestrian and bicycle access are adequate, based on site characteristics and the proposed use(s);~~

~~E. The proposal restores or enhances the aesthetic appeal of the primary building and its site;~~

~~F. The impact on the neighborhood's visual character, including views and vistas, is positive;~~

~~G. The provision for utilities, including sewage disposal, water supply and stormwater management are adequate;~~

~~H. The proposed project complies with the goals of the Master Plan and the purposes of SECTION 5V., 5.6.2. Sub-Section W.6.2. of the Zoning Bylaw.~~

ARTICLE V. ADMINISTRATION

s. **505-1 VARIATION** - Strict compliance with the requirements of these *Rules and Regulations* may be waived when, in the judgment of the ~~Planning Board~~, such action is in the public interest and is not inconsistent with SECTION ~~5.V. USE REGULATIONS, 5.6.2 Sub-Section W. of the Medway~~ Zoning Bylaw.

s. **502 -2 CONSTRUCTION OBSERVATION** - When an Adaptive Use Special Permit and AUOD Plan are approved by the ~~Planning Board~~, the Board may determine that the assistance of outside consultants is warranted to observe and inspect the construction due to the size, scale or complexity of the approved plan with any terms or conditions or because of its impact on the Town and the community. In hiring outside consultants, the ~~Planning Board~~ may engage the services of engineers or other appropriate professionals who can assist the ~~Planning Board~~ in the inspection of the Adaptive Use project. The assistance of these consultants may include but not be limited to pre-construction meetings, monitoring or inspecting a project during construction or implementation, preparation of bond estimates and reductions, review of as-built plans and other related professional services. The cost for such services shall be borne by the applicant.

s. **502 - 3 AUOD FEES** – The ~~Planning~~ Board shall adopt a Fee and ~~Bond~~ Surety Schedule, which shall specify the amount of the filing, plan review, construction observation, other applicable fees, and minimum ~~bonds~~ surety amounts for ~~all~~ AUOD projects.

~~A. **Pre Application Meeting Fee** – A non-refundable Pre Application Meeting Fee shall be remitted to the Planning Board at such time as a Pre Application Meeting with the Planning Board is requested.~~

~~B. **Adaptive Use Special Permit Filing Fee** – A non-refundable Adaptive Use Special Permit Filing Fee shall be remitted to the Planning Board at the time the Adaptive Use Special Permit application and AUOD Plan are submitted to the Planning Board.~~

~~C. **AUOD Plan Review Fee**~~

- (1) Pursuant to MGL Chapter ~~40, 22F 44, section 53G, as adopted by the Medway Town Meeting on October 16, 2000,~~ an AUOD Plan Review Fee shall be established by the ~~Planning~~ Board for review of the AUOD Plan based on an itemized budget estimate prepared by an outside consultant(s). This fee shall be the reasonable costs to be incurred by the ~~Planning~~ Board to assist in the review of the proposed project. The AUOD Plan Review Fee shall not be a fixed amount but will vary with the costs incurred by the Board.
- (2) The applicant shall remit the AUOD Plan Review Fee to the ~~Planning~~ Board upon receipt of notice and invoice of the estimated AUOD Plan Review Fee and prior to the public hearing. Failure of the applicant to pay the AUOD Plan Review Fee shall be grounds for the ~~Planning~~ Board to reject the plan, withhold plan approval and endorsement, and deny the AUOD Special Permit.
- (3) Should the services of outside consultants be required after the initial AUOD Plan Review Fee has been expended, the applicant shall be required to pay additional fees for the subsequent review of resubmitted and/or revised documents. A new estimate for additional review services shall be remitted to the applicant. Failure of the applicant to pay the necessary additional AUOD Plan Review Fee shall be grounds for the ~~Planning~~ Board to reject the plan, withhold plan approval and endorsement, and deny the AUOD Special Permit.

~~D. **C. AUOD Construction Observation/Inspection Fee**~~

- (1) If the ~~Planning~~ Board determines that construction observation services are required, the applicant shall pay an AUOD Construction Observation Fee to the Town ~~of Medway~~ as a condition of AUOD plan endorsement.
- (2) This fee shall be the reasonable costs to be incurred by the ~~Planning~~ Board to observe and inspect the construction of the proposed project and shall be based on an estimate provided by an outside consultant. The AUOD Construction Observation Fee shall not be a fixed amount but will vary with the costs incurred by the ~~Planning~~ Board.
- (3) Should the services of outside consultants be required after the initial AUOD Construction Observation Fee has been expended, the applicant shall be required

to pay an additional fee for the subsequent observation of construction. The ~~Planning~~ Board will keep the developer apprized of the status of the account and invoice as needed. Failure of the applicant to pay necessary additional AUOD Construction Observation Fees shall be grounds for the ~~Planning~~ Board to direct its outside consultant to halt all construction observation services. This may constitute a zoning violation subject to enforcement by the ~~Zoning Enforcement Officer~~ Building Commissioner.

~~E.D~~ **Other Costs and Expenses** – All expenses for advertising, publication of notices, postage and mailings, recording and filing of documents and all other expenses in connection with an AUOD project including without limitation sampling and/or testing required by the Board or its agents shall be borne solely by the applicant.

~~F.E~~ **Payment of Fees**

- (1) Fees paid by the applicant shall be by ~~certified~~ check made payable to the Town of Medway and submitted to the ~~Planning~~ Board. When the AUOD Plan Review Fee and the Construction Observation/Inspection Fee are received by the ~~Planning~~ Board pursuant to this section, they shall be deposited with the Town Treasurer who shall establish a special account for this purpose. Expenditures from this special account may be made at the direction of the ~~Planning~~ Board, by majority vote, without further appropriation. Expenditures from the special account shall be made only for services rendered in connection with a specific AUOD project or projects for which a fee has been or will be collected from the applicant. Accrued interest may also be spent for this purpose.
- (2) At the completion of the project, any excess amount in the account, including interest, attributable to a specific project shall be repaid to the applicant or the applicant's successor in interest. A final report of said account shall be made available to the applicant or the applicant's successor in interest. For the purpose of this regulation, any person or entity claiming to be an applicant's successor in interest shall provide the Board with documentation establishing such succession in interest.

s. **505 –4** **APPEAL**

A. Selection of Outside Consultant – Any applicant may make an administrative appeal of the ~~Planning~~ Board's selection of the outside consultant (*for plan review or construction observation services*) to the Medway Board of Selectmen. Such appeal must be made in writing and may be taken only within twenty ~~(20)~~ days after the ~~Planning~~ Board has mailed or hand-delivered notice to the applicant of the consultant's selection. The grounds for such an appeal shall be limited to claims that the consultant selected has a conflict of interest or does not possess the minimum, required qualifications. The minimum qualifications shall either consist of an educational degree in, or related to, the field at issue or three or more years of practice in the field at issue or a related field. The required time limit for the ~~Planning~~ Board's action upon an application shall be extended by the duration of the administrative appeal. In the event that the Board of Selectmen makes no decision within one ~~(1)~~ month following the filing of the appeal, the consultant selection made by the ~~Planning~~ Board shall stand.

B. Appeal of Special Permit Decision - Any person aggrieved by an Adaptive Use Special Permit decision of the ~~Planning~~ Board may file an appeal to the Court of the

Commonwealth by bringing an action within twenty ~~(20)~~ days of the date the ~~Planning~~ Board filed its decision with the Town Clerk.

s. **505 – 5 PERFORMANCE GUARANTEE**

- A. **General Information** – In situations it deems appropriate, the ~~Planning~~ Board may require that a performance guarantee be posted with the Town of Medway to secure faithful and satisfactory construction of the proposed improvements.
- B. **Cash ~~Bond Surety~~**– If the Adaptive Use Special Permit includes a requirement for a performance guarantee, a deposit of funds shall be made ~~in a joint passbook account~~ with the Town of Medway. Prior to ~~Planning~~ Board’s endorsement of the AUOD Plan, the account shall be ~~established~~~~established and a signed withdrawal slip provided to the Treasurer for this account.~~
- C. **Amount** - The ~~Planning~~ Board shall set the amount of the guarantee, which shall be in the form of a cash ~~bond, surety~~. The amount shall reflect the estimated cost to the Town of Medway to complete the work or remediate environmental concerns caused by construction activities should the applicant fail to do so.
- D. **~~Bond Surety~~ Release** – Upon submission of the as-built plan (*s. 505-6 C*) and execution of the Certificate of Completion (*s. 505-6 D*), the ~~Planning~~ Board shall vote to release the applicant from the performance obligation.

s. **505 –6 PROJECT COMPLETION**

- A. ~~AUOD special permits are subject to the lapse provisions of Section 3.4.E of the Zoning Bylaw. Construction on an approved AUOD Plan must commence within one (1) year of the issuance of an Adaptive Use Special Permit and must be completed within two (2) years, unless otherwise specified by the Planning Board in the Adaptive Use Special Permit.~~
- B. The applicant shall construct the improvements in compliance with the Adaptive Use Special Permit and approved AUOD Plan. An applicant may make limited on-site changes based on unforeseen conditions, situations or emergencies. Prior to undertaking any on-site alteration, the applicant shall submit a letter to the ~~Planning~~ Board detailing the proposed changes and the reasons therefore. The ~~Planning~~ Board shall make a determination of minor or major revision pursuant to *s. 505-7* of these *Rules and Regulations*.
- C. **As-Built Plans**
 - (1) The applicant shall file with the ~~Planning~~ Board ~~an original and six (6) copies of the “as-built” plan of the completed site work. Additionally,~~ an electronic file ~~may be required by the Planning Board~~ in a format to be specified by the Town of Medway. The “as-built” plans shall show all improvements on the site, including driveways and parking areas, walkways, utilities, drainage facilities, landscaping, fencing and lighting as constructed on the site.
 - (2) The “as-built” plans shall be drawn with a minimum lettering height of 1/8 inch (Registry of Deeds standards) and to a 1” = 40’ scale or other approved scale.

- (3) The “as-built” plans will contain the following:
- (a) graphical scale;
 - (b) property lines and all easements;
 - (c) reference to the approved Adaptive Use Special Permit and AUOD Plan including all plan recording data;
 - (d) locus map;
 - (e) curb type/limits, sidewalks, pedestrian ramps and driveways;
 - (f) all monumentation, including vertical benchmarks;
 - (g) all utilities (water, water services and valves, sanitary sewers, storm drains, manholes, catch basins, electric/telephone/cable TV, gas and fire alarm system) in plan view. A Symbol Key shall be provided along with appropriate labels.
 - (h) water, sanitary sewer and drainage shown on the profile, noting inverts, rims, pipe type and sizes; and
 - (i) centerline stationing with the starting and ending of the layout clearly noted.

D. Certificate of Completion – Upon completion of all required improvements as specified in the Adaptive Use Special Permit and AUOD Plan, the applicant’s registered Professional Engineer shall submit a Certificate of Completion to the ~~Planning~~ Board verifying that the improvements were constructed in accordance with the AUOD Plan. The ~~Planning~~ Board, or its agent, shall conduct a final inspection of the site within twenty-one ~~(21)~~ days of receipt of the Certificate of Completion. If all work has been completed to the ~~Planning~~ Board’s satisfaction, the Board shall sign the Certificate of Completion at the next regularly scheduled ~~Planning~~ Board meeting and file such Certificate with the Town Clerk and the Inspector of Buildings. If the ~~Planning~~ Board does not sign a Certificate of Completion, a complete list of work yet to be completed on or off-site in compliance with the Adaptive Use Special Permit and AUOD Plan shall be provided to the applicant.

~~**E. Occupancy Permit** – The Inspector of Buildings shall not issue an Occupancy Permit for an Adaptive Use Project without a Certificate of Completion signed by the Planning Board or a notification from the Planning Board that adequate security has been provided in an amount determined by the Planning Board to be sufficient to cover the cost of the remaining work.~~

s. 505 – 7 REVISIONS TO APPROVED ADAPTIVE USE SPECIAL PERMIT AND AUOD PLAN

A. Minor Revisions - Subsequent to an Adaptive Use Special Permit granted by the ~~Planning~~ Board, minor revisions in the AUOD Plan and/or Permit may be made from time to time in accordance with applicable law, ordinances, and regulations but the use(s) or development approved under the Adaptive Use Special Permit shall otherwise be in accordance with the plan referred to, and such conditions as may be included, in the decision of the ~~Planning~~ Board.

- (1) If revisions to an approved AUOD Plan and/or Permit are requested by the applicant, the applicant shall provide written notification to the ~~Planning~~ Board in advance of such revision including an explanation as to the need for the change. Proposed revisions, which in the opinion of the ~~Planning~~ Board are minor in nature, must be reviewed and may be approved by a majority of the ~~Planning~~

Board without a public hearing. Such revisions shall not be effective until approved by vote of the ~~Planning~~ Board.

- (2) The ~~Planning~~ Board will notify the Town Clerk of any approved minor revisions to an approved AUOD Plan and/or Permit.

B. Major Revisions - Subsequent to an Adaptive Use Special Permit granted by the ~~Planning~~ Board, major revisions in the AUOD Plan and/or Permit may be made from time to time in accordance with applicable law, ordinances, and regulations but the use(s) or development approved under the Adaptive Use Special Permit shall otherwise be in accordance with the plan referred to, and such conditions as may be included, in the decision of the ~~Planning~~ Board.

- (1) If revisions to an approved AUOD Plan and/or Permit are requested by the applicant, the applicant shall provide written notification to the ~~Planning~~ Board in advance of such revision including an explanation as to the need for the change. Proposed revisions, which in the opinion of the ~~Planning~~ Board, are major in nature, must be reviewed and may be approved by a majority of the ~~Planning~~ Board with a public hearing. Such revisions shall not be effective until approved by vote of the ~~Planning~~ Board.
- (2) The ~~Planning~~ Board shall determine whether the proposed revisions are major. Major revisions may include but are not limited to any significant change in the size, type, or location of buildings, access and exit curb cuts, overall parking layout, buffer strips or screening, overall appearance of the building, including building material or fenestration, or the type or intensity of use, or in the conditions specifically addressed in the decision of the ~~Planning~~ Board.
- (3) The ~~Planning~~ Board shall order that an application for a Revised Adaptive Use Special Permit and AUOD Plan be filed and that additional plan reviews and a new public hearing will be held in the same manner as set forth herein.
- (4) The ~~Planning~~ Board will notify the Town Clerk of any proposed major revisions to an approved AUOD Plan.

C. Revision Fees

- (1) Whenever additional reviews by the ~~Planning~~ Board, its staff or consultants are necessary due to plan revisions, the applicant shall be billed for all costs incurred including but not limited to additional AUOD Filing and Plan Review Fees and any other expenses including but not limited to advertising and mailing costs.
- (2) If the revisions affect only specific limited aspects of the site, the ~~Planning~~ Board may reduce the scope of the required review and waive a portion of the additional AUOD Filing and Plan Review Fees.

s. **505 – 8 PENALTIES** – Any applicant, individual, property owner or business entity that violates or permits a violation of these *Rules and Regulations* shall be subject to enforcement pursuant to Section 3 of the Zoning Bylaw. a fine as follows:

~~Maximum fine allowed: \$3100.00~~

~~Enforcement Agent: Building Commissioner Zoning Enforcement Officer~~

~~Fine Schedule:~~

~~First Offense: Warning (verbal or written)~~

~~Second Offense: \$ 10025.00~~
~~Third Offense: \$ 20050.00~~
~~Fourth and each subsequent offense: \$ 300100.00 maximum per day~~

~~Each day to constitute a separate violation.~~

s. **505 – 9** **AMENDMENTS** – These *Rules and Regulations* may be amended from time to time by the Planning Board. ~~A public hearing shall be held with appropriate notice in compliance with state statute and local Bylaws.~~

Commented [SA1]:

There is no requirement in the zoning bylaw that you have to have a public hearing to adopt or amend Rules and Regulations. Do you want to remove this requirement going forward?

s. **505 – 10** **VALIDITY** – If, in any respect, any provision of these *Rules and Regulations* in whole or in part, shall prove to be invalid for any reason, such invalidity shall only affect the part of such provision which shall be held invalid and in all other respects these *Rules and Regulations* shall stand.

Commented [BSA2R1]: Yes, there is no requirement in state statute or local bylaws, so I would delete.

These *Adaptive Use Overlay District Rules and Regulations* were initially adopted by a vote of the Medway Planning Board on July 26, 2005. ~~A series of amendments were approved on [redacted]. A copy thereof has been filed with the Town Clerk and the Norfolk County Registry of Deeds.~~

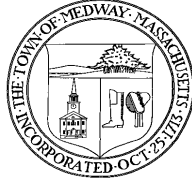
Commented [SA3]: There is no requirement to file these rules and regs with the Registry of deeds.

Attest:

Susan E. Affleck-Childs

Date

Planning and Economic Development Coordinator ~~Board Assistant~~



June 23, 2020
Medway Planning & Economic Development Board
Meeting

Central Business District Zoning

- SAC memo to PEDB dated 6-17-20 re: next steps

Susan E. Affleck-Childs
Planning and Economic
Development Coordinator



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155 Village Street
Medway, MA 02053
Phone (508) 533-3291
Fax (508) 321-4987
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townofmedway.org
www.townofmedway.org

TOWN OF MEDWAY
COMMONWEALTH OF MASSACHUSETTS
PLANNING AND ECONOMIC
DEVELOPMENT OFFICE

MEMORANDUM

June 17, 2020

TO: PEDB Members
FROM: Susy Affleck-Childs
RE: Central Business District Zoning

On June 8, 2020, Town Meeting approved an allocation of \$15,000 for the PEDB to develop new zoning regulations for the Central Business District. The funds will be available July 1st. The intent is to retain a planning/zoning consultant to assist the PEDB in this endeavor.

I believe the task at hand should address the following items:

1. What is the vision for Medway's central business zoning district? What kind of zoning needs to be put into place to guide development in that direction?
2. Review the current boundaries of the central business district. Should other properties be added?
3. Review the existing uses allowed "by right". Decide if this list is good, complete, etc. Are there other "by right" uses you want to enable? Are there some uses you want to remove? Are there some special permit uses you want to add?
4. Develop new regulations to address mixed-use development.

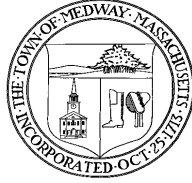
To undertake this project, I recommend the PEDB establish a CBD Zoning Task Force, similar in concept to what was done for the Oak Grove zoning. However, I do not expect this CBD zoning process to take as long as the Oak Grove initiative.

Ideas for Task Force composition – Representatives of the PEDB, Design Review Committee, Economic Development Committee, Medway Business Council, and BOS. Perhaps 1 citizen at large and 1 local business owner.

Staff Support – Susy Affleck-Childs and Barbara Saint Andre. Recording Secretary assistance will also be needed for Task Force meetings.

Immediate Next Steps

1. Decide on duties/scope of CBD Zoning Task Force
2. Appoint members
3. Prepare RFP and seek suitable consultants



June 23, 2020

**Medway Planning & Economic Development Board
Meeting**

**Medway Place Shopping Plaza Site Plan
Public Hearing Continuation**

- Public hearing continuation notice
- Minutes of the last public hearing held on February 11, 2020
- **CONFIDENTIAL** Memorandum dated March 2, 2020 from Town Counsel Amy Kwessel, KP Law
- **CONFIDENTIAL** Memorandum dated May 4, 2020 from Town Counsel Amy Kwessel, KP Law
- Collection of photos of site conditions at the plaza taken by Andy Rodenhiser on or around March 5, 2020

NOTE – Representatives of Medway Place have been asked to attend to update the Board on their stormwater planning work with the Medway Department of Public Works. DPW personnel are also expected to attend.

Board Members

Andy Rodenhiser, Chair

Robert Tucker, Vice
Chair

Thomas Gay, Clerk

Matthew Hayes, P.E.,
Member

Richard Di Iulio, Member

Jessica Chabot, Associate
Member



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TOWN OF MEDWAY COMMONWEALTH OF MASSACHUSETTS PLANNING AND ECONOMIC DEVELOPMENT BOARD

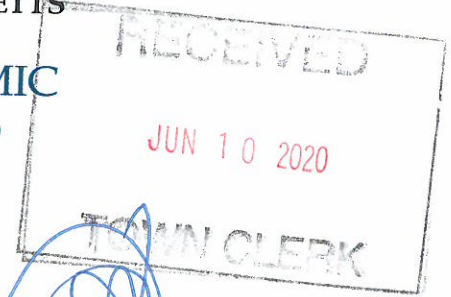
MEMORANDUM

June 10, 2020

TO: Maryjane White, Town Clerk
Town of Medway Departments, Boards and Committees

FROM: Susy Affleck-Childs, Planning & Economic Development Coordinator

RE: **Public Hearing Continuation: Medway Place Shopping Plaza Site Plan**
98, 108 and 114 Main Street
Continuation Date: Tuesday, June 23, 2020 at 8:15 pm



On June 3, 2020, Planning and Economic Development Board (PEDB) Chairman Andy Rodenhiser declared that the public hearing on the application of Medway Realty LLC of Boston, MA for approval of a site plan for proposed site improvements at the Medway Place shopping plaza located at 98, 108 and 114 Main Street would be continued from June 9, 2020 to Tuesday, June 23, 2020. *See attached declaration.* The continuation was also announced during the PEDB's June 9, 2020 meeting.

This continuation is made pursuant to Chapter 53 of the Acts of 2020, enacted April 3, 2020, which grants authority to Massachusetts planning boards to reschedule public hearings to a date not more than 45 days after the termination of the COVID-19 State of Emergency. At the present time, there is no conclusion date for the COVID state of emergency in Massachusetts.

The continued hearing is scheduled for 8:15 p.m. on June 23rd. The meeting will be held via remote participation on ZOOM; instructions for accessing the meeting will be included on the meeting agenda.

The applicant proposes changes in the layout of and landscaping for the 446 space Medway Place parking lot as a result of the recently completed Mass Department of Transportation Route 109 improvement project which included a new traffic light and entrance into Medway Place. The parking lot work will align the parking spacing with the Mass DOT constructed boulevard style main entrance to improve traffic circulation on site. The work will include widening the east side of the entrance aisle to the property to 20' wide. The applicant also proposes to install new stormwater management controls to treat stormwater collected from the parking lot before it is discharged into the Town's municipal storm drain system to meet the Town's MS4 requirements.

The proposed improvements are shown on *Medway Place Site Plan and Landscape Plan* dated October 16, 2019 by Howard Stein Hudson of Boston, MA. The *Drainage Improvement Plan for 98, 108 and 114 Main Street* is dated September 7, 2019 and was prepared by Grady Consulting, LLC of Kingston, MA. The documents are on file with the Medway Town Clerk and at the Community and Economic Development office at Medway Town Hall, 155 Village Street, Medway, MA. The materials have been posted to the Planning and Economic Development Board's page at the Town's web site at: <https://www.townofmedway.org/planning-economic-development-board/pages/medway-plaza-site-plan>. A revised plan is expected and will be posted upon receipt. Please don't hesitate to contact me if you have any questions.

Susan Affleck-Childs

From: Andy Rodenhiser <Andy@rodenhiser.com>
Sent: Wednesday, June 03, 2020 9:40 AM
To: Susan Affleck-Childs
Subject: Medway Place Shopping Plaza

Dear Susy,

In my role as Chairman of the Medway Planning and Economic Development Board, I declare that the public hearing for Medway Place Shopping Plaza scheduled for Tuesday, May 26, 2020 has been continued to Tuesday, June 23, 2020 at 8:15 PM due to the COVID-19 pandemic and the limitations on meetings.

Thank you.

Andy S. Rodenhiser
President
Rodenhiser Home Services

Tuesday, February 11, 2020
Medway Planning and Economic Development Board
155 Village Street
Medway, MA 02053

Members	Andy Rodenhiser	Bob Tucker	Tom Gay	Matt Hayes	Rich Di Iulio
Attendance	X	X	Remote Participation	X	X

The meeting is being broadcast and recorded by Medway Cable Access.

ALSO PRESENT:

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

The Chairman opened the meeting at 7:00 pm.

There were no Citizen Comments.

APPOINTMENT TO ECONOMIC DEVELOPMENT COMMITTEE

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

- Memo dated 1-28-20 from Susy Affleck-Childs
- Letter of Interest and resume of Khalid Abdi

Resident Khalid Abdi was present to meet the Board. He explained his background and interest in seeking appointment to the Economic Development Committee.

On a motion made by Bob Tucker and seconded by Matt Hayes, the Board voted by Roll Call Vote to appoint Khalid Abdi to the Economic Development Committee for a term effective immediately through June 30, 2021.

Roll Call Vote:

Bob Tucker	aye
Matt Hayes	aye
Rich Di Iulio	aye
Andy Rodenhiser	aye
Tom Gay	aye

67 & 69 Summer Street Subdivision Pre-Application Discussion:

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

- Subdivision Concept Plan dated January 14, 2020 by Connorstone Engineering
- Email and photos dated 2/10/20 from Erika Robertson, Medway Compliance Officer
- Letter dated 2/11/20 from Gerry Lindsey

- Aerial photo 69 Summer Street

The prospective applicant, Zachary Lindsey, was present along with Vito Colonna from Connorstone Engineering. Parents Gerry and Linda Lindsey were also present. Mr. Lindsey is looking to divide the 9.7733-acre property at 69 Summer Street into two lots (1 for the existing house and one new house lot) and adjust the property line at the adjacent 67 R Summer Street. This will include a permanent private way subdivision. The subject property is currently owned by Linda Lindsey. The existing dwelling was constructed circa 1865 with some modern additions and has been in continuous agricultural use since then. Zachary Lindsey, their son, has had a business certificate since 2011 to operate his landscape business as an accessory use to the farm. The proposed private way will have a homeowner's association. Mr. Lindsey has met with the Deputy Fire Chief and the road will be provided with a turnaround large enough for the ladder truck. There will be a well to be used for the house and irrigation. There will also be a fire suppression system. The dead end roadway will be used to provide legal frontage for the new lot. The property will require a filing with the Conservation Commission. It is expected that this will receive a negative determination of applicability for the roadway. There will be filing for grading associated with the house construction. This will incorporate low impact design. The drainage will be on Parcel A. There will be a land swap to allow for this. If the drainage cannot be on Parcel A, the applicant will be seeking a waiver. The road width will be 18 ft. This was discussed with Deputy Chief Fasolino. He noted that this is acceptable.

The Board acknowledged receipt of an email from Erika Robertson dated February 10, 2020 with photos.

There was a question about the landscaping business on the site. If it is agricultural use it is protected, but landscaping is not agricultural. There was a concern brought up that this is a contractor's yard. The applicant communicated that he cuts grass part-time and uses the grass clippings as compost for the farm. They keep blueberry bushes and garlic. Gerry Lindsey communicated that there is no longer a backhoe in site. They plan on keeping the mini excavator. They have an active building permit to construct a three-car garage. The tractor will be put inside. The Board explained to the applicant that this will probably trigger the need for a Land Disturbance permit.

Medway Place Shopping Plaza Site Plan:

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

- Public Hearing Continuation Notice
- Email communication dated 1-22-20 from Dave D'Amico re: MS4
- Tetra Tech plan review letter dated 1-29-20
- Letter dated 2-6-20 from Attorney Gareth Orsmond for the applicant
- Existing Conditions Plan dated 6-12-19.
- Revised Site and Landscaping Plan dated 2-4-20
- Applicant's response dated 2-6-20 to previous Tetra Tech and PGC review comments
- 2-10-20 email from Fire Chief Lynch.

The Chairman opened the continued hearing for the Medway Place Shopping Plaza. Attorney Orsmond and the Engineer Michael Littman from Howard Stein Hudson were present. Attorney Orsmond explained that they did listen to the comments from the last meeting and have made a

number of changes. The main change is to provide non-angled parking with 24 foot drive aisles in between. This was submitted to the Fire Chief. Attorney Orsmond communicated that the Fire Chief would like the applicant to remove work done by MA DOT near the entrance to achieve the required 20' wide entrance. This will be put on a new plan.

The Sunset Drive easement identified at the previous hearing has been resolved with the shifting of the planned landscaping off of the easement. The applicant is not proposing to remove this sidewalk. DPW Director Dave D'Amico does not want the applicant to remove or touch anything that the MA DOT has done.

Chief Lynch has noted his concern about the landscaping on the fire lane from the parking area back to Tumble Beans. He wants it removed. Attorney Orsmond suggests that there be a mediation with the State Fire Marshall's office for an opinion on the alley way since the Fire Chief wants the plantings to be removed and the owner does not. This dispute can be resolved by the Advisory Board.

Chairman Rodenhiser stated there are major issues with the parking in the back of the site that needs to be addressed. This current plan does not comply with the Site Plan Rules and Regulations. Attorney Orsmond responded that this is a pre-existing condition and area. It was indicated that the applicant has provided no new trees, curbing or islands to improve the parking situation. There needs to be more of a change than just adding 15 spots. Attorney Orsmond noted that the plan shows stripping rather than islands. Medway Realty is exploring redevelopment opportunities and is not prepared to landscape the relocated island areas at this time. This may be something they may be willing to do in the future. Attorney Orsmond communicated that there is not a need for charging stations in a setting like this with customer turnover.

Regarding stormwater, the site's stormwater runoff is currently connected to the Town's stormwater infrastructure. Such a connection is no longer allowed per the MS4 permit without an approved connection permit from the Medway DPW. In order for the connection to the stormwater system to be allowed, the applicant must provide some form of treatment to ensure that pollutants and sediment are not entering the Town's system. There is a need for some method of control and treatment for the entire site. There are no calculations on the volumes and detention associated with the various drainage areas proposed. The applicant indicated that the Drainage Improvement Plan and relevant materials were included in the application and Tetra Tech reviewed and commented on this material. It is suggested by the Attorney that the stormwater plans continue to be worked on with the DPW and Tetra Tech. The applicant has incorporated Low Impact Development Techniques. A full stormwater report needs to be submitted. Consultant Bouley would like to see the applicant use rain gardens to promote infiltration. There was discussion that the snow storage areas in the front will need to be relocated elsewhere on the site in order to accommodate BMPs to mitigate stormwater flow from the site.

The next topic discussed was the landscaping. Attorney Orsmond stated that 70 trees cannot be placed in this area since it is not feasible.

The Board would like to see the Applicant comply with the lighting regulations of the Zoning Bylaw. Engineer Littman responded that they realize that they need to comply with the lighting bylaw and can relocate some of the lighting in the driving aisles.

Member Gay communicated that he would like to see the parking area divided into three areas: the west, middle and east. The complete refinement of the existing space would allow for a more pragmatic approach.

Chief Lynch arrived and informed the Board that the area discussed earlier (alleyway from parking lot back to the current Tumble Beans) has always been used as a fire lane. They needed to use this area in the fall when addressing an emergency and it was difficult due to the plantings which effectively reduce the width of the drive aisle. He does not know why the plantings were proposed in this area and he had recommended against them at the time with the property owner. There was a suggestion to have the Fire Chief and the Applicant representatives get together outside of the meeting to come to a resolution on this matter.

The Board next discussed that the Design Review Committee spent a lot of time working on the sign and the landscaping which was to be around the sign. The landscaping has not been undertaken. This will also need to be addressed by the applicant.

On a motion made by Matt Hayes, and seconded by Rich Di Iulio, the Board voted by Roll Call vote to extend the Board's action deadline to March 31, 2020.

Roll Call Vote:

Tom Gay	aye
Bob Tucker	aye
Matt Hayes	aye
Rich Di Iulio	aye
Andy Rodenhiser	aye

There were no comments from the public.

On a motion made by Matt Hayes, and seconded by Rich Di Iulio, the Board voted by Roll Call vote to continue the hearing for the Medway Shopping Plaza to February 25, 2020 at 8:15 pm.

Roll Call Vote:

Tom Gay	aye
Bob Tucker	aye
Matt Hayes	aye
Rich Di Iulio	aye
Andy Rodenhiser	aye

20 Broad Street – Public Hearing Continuation:

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

- Public Hearing Continuation Notice
- Email dated 1-28-20 from abutters Chris Cushing and Ashley Ahlers (27 Broad Street)
- Email dated 2-3-20 from Fire Chief Jeff Walsh.
- Revised Photometric Plan.
- Email dated 2-27-20 from project engineer Rob Truax re: open space area.

- 3rd party testing documents re: TSS removal
- Revised draft decision dated 2-7-20.
- 2-10-20 Email from Steve Brody requesting a public hearing continuation.

On a motion made by Bob Tucker, and seconded by Matt Hayes, the Board voted by Roll Call vote to continue the hearing for 20 Broad Street to March 25, 2020 at 8:15 pm.

Roll Call Vote:

Tom Gay	aye
Bob Tucker	aye
Matt Hayes	aye
Rich Di Iulio	aye
Andy Rodenhiser	aye

Associate Member Planning Board

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

- Email from Jessica Chabot dated February 6, 2020

The Board is in receipt of an email from Jessica Chabot expressing interest in serving as the Associate Member of the Planning and Economic Development Board. It was noted that the Board has not had an associate member for several years. Members Gay and Rodenhiser noted Ms. Chabot's excellent work leading the Oak Grove Zoning Task Force.

On a motion made by Matt Hayes, and seconded by Tom Gay, the Board voted by Roll Call vote to recommend Jessica Chabot as the Associate Member to the Planning and Economic Development Board.

Roll Call Vote:

Tom Gay	aye
Bob Tucker	aye
Matt Hayes	aye
Rich Di Iulio	aye
Andy Rodenhiser	aye

It was noted that such appointment has to be made jointly by the PEDB and the Board of Selectmen. Susy Affleck-Childs will work with the BOS/TA office to schedule.

Construction Observation Estimates:

The Board is in receipt of the following estimates from Tetra Tech: **(See Attached)**

- 4 Marc Road for \$9,459.00
- William Wallace Village for \$12,895.00

On a motion made by Rich Di Iulio and seconded by Matt Hayes, the Board voted by Roll Call vote to approve the Construction Observation Estimate for 4 Marc Road in the amount of \$9,459.00.

Roll Call Vote:

Tom Gay	aye
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Bob Tucker	aye
Matt Hayes	aye
Rich Di Iulio	aye
Andy Rodenhiser	aye

On a motion made by Rich Di Iulio and seconded by Matt Hayes, the Board voted by Roll Call vote to approve the Construction Observation Estimate for William Wallace Village in the amount of \$12,895.00

Roll Call Vote:

Tom Gay	aye
Bob Tucker	aye
Matt Hayes	aye
Rich Di Iulio	aye
Andy Rodenhiser	aye

2 Marc Road Plan Endorsement:

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

- 2 Marc Road Site Plan Modification dated 1-17-20 by Legacy Engineering
- Sign off memo from Steve Bouley dated 2-4-20
- Site plan Modification Decision dated 1-14-2020

The Board is informed that the applicant has requested endorsement for the 2 Marc Road Site Plan Modification. There is a Certificate of No Appeal from the Town Clerk. The tax status report from the Treasurer's office was provided. It is recommended to endorse.

On a motion made by Matt Hayes and seconded by Rich Di Iulio, the Board voted by Roll Call vote to endorse the modified site plan for 2 Marc Road.

Roll Call Vote:

Tom Gay	aye
Bob Tucker	aye
Matt Hayes	aye
Rich Di Iulio	aye
Andy Rodenhiser	aye

Articles for May 2020 Town Meeting:

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

- Miscellaneous minor housekeeping amendments
- Adaptive Use Overlay District amendments
- Additions/revision to Use Table for Oak Grove
- Incidental Accessory Objects
- Multi-Family Housing amendments

The Board was made aware that there will be a draft of the revised Environmental Standards section of the Zoning Bylaw which will be submitted to the Board of Selectmen and the Town Administrator's Office. There has also been work with the Conservation Agent, DPW

Compliance Officer and Barbara Saint Andre on amendments to Article XXVI of the General Bylaws – Stormwater Management and Land Disturbance permit section.

Draft Housekeeping Article:

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

- Draft Housekeeping Article with edits from Barbara and Susy dated 2-6-20

This section includes using the term Massachusetts Cannabis Control Commission wherever it appears in Section 8.9 replacing the word Massachusetts Department of Public Health.

The next section is to amend the Zoning Bylaw, Section 6.2.f. setbacks, by adding a new Section 6.2.F.4 and 6.2.F.5 that fences installed within 10 feet of any from lot line shall not exceed three feet in height. Member Tucker does not agree with the three feet height limitation. Fences must be on private property. It was suggested to do a site triangle limitation for areas near intersections. There was a point that greenery can also cause blockage in sight lines.

Adaptive Use Overlay District:

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

- Proposed amendments draft with edits 2-5-20.

This article is to see if the Town will vote to amend the Zoning Bylaw, Section 5.6.2 Adaptive Use Overlay District, specifically Section 5.6.2.D.2. a. through h., and section 5.6.2.D.3. to match the text with definitions.

Use Table Amendments:

In regards the Use Table Amendments, there was a change to the use category “motel or hotel” into two separate categories and provide for what is allowed in the Oak Grove Zoning districts. There was also a recommendation to make sure the “N” in the sections is centered.

Accessory Uses and Incidental Accessory Objects:

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

- Revised draft February 5, 2020

The Board discussed that the ground mounted solar photovoltaic panel are only allowed in the energy resource zoning district. There was a recommendation to change the term wind generating device to “wind turbine”.

Multi-Family Housing:

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

- Proposed Amendments draft February 5, 2020

The purpose of this article is to see if the town will vote to amend the Zoning Bylaw, Section 5.6.4 Multifamily Housing, D. Density Regulations to indicate that an applicant is not entitled to the maximum number of dwelling units. The number of dwelling units for a Multi-Family Development and Building shall be determined by the Planning and Economic Development Board.

Massing/Scale:

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

- Massing /Scale draft dated 2-10-20

This is to see if the town will vote to amend the Zoning Bylaws, Section 6.1, Table 2 Density and Dimensional Regulations, by deleting the percentages in the row entitled” Maximum Lot Coverage” for the AR-1, AR-2, and VR Zoning Districts, and replace them with Section 6.4.

This article came from a meeting with the Zoning Board of Appeals having concerns about residents putting large additions on smaller lots making the homes look out of character for the neighborhoods. There is a concern that the % numbers do not meet the square foot numbers. This needs to be clarified and reworked and considered for the fall town meeting.

Special Permit in the Central Business District:

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

- Special Permits in the Central Business District (draft 2-11-20)

This warrant article would be to see if the Town would vote to amend the Zoning Bylaw, Section 5.4.1 Special Permits in the Central Business District. This would encourage mixed – use development in the Central Business District with business uses and residential development.

The Board discussed that a Central Business District is an area where residents have access to consumer services through the day and a layer of isolation of this during the night where residents may live above an office area. It was suggested to look at truly mixed uses where vertical and horizontal units are located at the same area. There needs to be varied uses. All agree that the wording is an improvement from the previous language. This could be supported as an incremental change but will need further refinement. The Board also discussed a thoughtful review of the CBD special permit provisions; perhaps funding could be sought for such.

Street Acceptance:

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

- Street Acceptance Draft – February 10, 2020

Forest Road:

The Board is in support of recommending Forest Road of street acceptance.

Applegate Road:

The Board is reminded that the town would like to seize the bond and fix the street. This has had lengthy discussion both internally with the administrative staff. This would allow the town to move forward and hopefully come to a resolution.

Article for Land Use Permitting Authorities:

This is a recommended as a General Bylaw to provide authority to the Board of Health, Building Department, Conservation Commission, Planning and Economic Board, the Zoning Board of Appeals, Historical Commission, and DPW to deny, revoke or suspend action on a land use permit before the respective group when the property is not in compliance with permits issued by another board/department. Barbara Saint Andre communicated that there are legal concerns with

this, but it would provide safeguards to make sure applicants are in compliance. The Board agrees that this article needs further refinement and will not be ready for the May town meeting.

Public Comments:

Resident John Lally wanted to know if there will be an opportunity for input on the Environmental Bylaw. It was explained to Mr. Lally that there will be comments during the public hearing process at which point his email will be entered into the record.

Consulting Services:

The Board was made aware that the current consultant contract with Tetra Tech will conclude June 30, 2020. The PEDB has been directed and advised by the BOS/TA office that these services will need to go through an RFP process. The Board would like to see a separate contract for specialized consultants such as noise, and odor.

PEDB MEETING MINUTES:

January 28, 2020:

On a motion made by Rich Di Iulio and seconded by Matt Hayes, the Board voted by Roll Call vote to approve the minutes from January 28, 2020.

Roll Call Vote:

Tom Gay	aye
Bob Tucker	aye
Matt Hayes	aye
Rich Di Iulio	aye
Andy Rodenhiser	aye

February 4, 2020:

The minutes from February 4, 2020 will be held over until the next meeting.

FUTURE MEETING:

- Tuesday, February 25, 2020

ADJOURN:

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

The meeting was adjourned at 10:31 pm.

Prepared by,

Amy Sutherland
Recording Secretary

Reviewed and edited by,

Susan E. Affleck-Childs
Planning and Economic Development Coordinator

TO: Town of Medway Planning and Economic Development Board
Barbara Saint Andre, Director, Community and Economic Development

FROM: Amy E. Kwesell, Esq.

RE: Medway – Medway Realty, LLC (Medway Plaza)

DATE: March 2, 2020

I have been informed that the Planning and Economic Development Board (“PEDB”) is currently reviewing an application for major site plan review relative to the property located at 98, 108, and 114 Main Street in Medway (the “Property” or “Medway Plaza”). The Applicant, Medway Realty, LLC (the “Applicant”) filed an application for site plan review dated October 25, 2019 (and received by the Town Clerk on November 5, 2019) (the “Application”).

The Application and accompanying site plans depict alterations to the front parking lot including, but not limited to, the reconfiguring and re-striping of approximately 285 parking spots along with the addition of motorcycle parking, bicycle racks, curbing, landscaping, signage and a speed bump. Additionally, there are alterations to the entrances, as well as improvements to the stormwater management system, which currently discharges to the Town of Medway’s MS4 system. The Application also requests numerous waivers from the PEDB’s site plan Rules and Regulations.

I have been further informed that the Applicant claims that, notwithstanding that it filed an application for major site plan review, the Applicant is not subject to the PEDB’s site plan rules and regulations because it is “grandfathered” as a pre-existing, nonconforming use and/or nonconforming structure. The Applicant additionally claims that it can withdraw its application for site plan review, and instead file an application with the Zoning Board of Appeals (“ZBA”) for an alteration of a pre-existing, nonconforming use and/or structure, in which case, the standard would be whether the proposed alterations would be substantially more detrimental to the neighborhood, and the site plan regulations would not be applicable.

In my opinion, the project, as described in the Application, requires major site plan review pursuant to 3.5.3(A)(1)(c) which states:

The redesign of the layout/configuration of an existing parking area of forty or more parking spaces.

The proposed redesign of the parking lot involves 285 spaces and the layout is changing as spaces are shifted and the entranceway is being improved with curbing, a sidewalk, and associated amenities. Moreover, the Applicant's "grandfathering" argument fails as the requested future action is a redesign which is specifically addressed in the Zoning Bylaw.

It is my further opinion that the Application is subject to the Zoning Bylaw and any Rules and Regulations in effect at the time the Application is filed. This is further confirmed by the Application which seeks numerous waivers from the PEDB's Rules and Regulations.

Finally, I have not been provided evidence related to the Applicant's claim that the proposed project would be the alteration of a pre-existing, nonconforming use and/or structure, however, in my opinion, any requirement to obtain a special permit from the ZBA would be independent and in addition to major site plan review. See, Bruno v. Board of Appeals of Wrentham, 62 Mass. App. Ct. 527, 533 (2004).

Further, if a special permit is required, the Zoning Bylaw, Section 3.4(H)(1) and Section 3.5.3(A)(4) provide that the PEDB would be the special permit granting authority as major site plan review is also required.

Please let me know if you need anything further.

712670/MDWY/0001

TO: Town of Medway Planning and Economic Development Board
Barbara Saint Andre, Director, Community and Economic Development

FROM: Amy E. Kwesell, Esq.

RE: Medway Realty, LLC (Medway Plaza) – Site Plan

DATE: May 4, 2020

You have asked for an opinion regarding the scope of the Planning and Economic Development Board’s (“PEDB”) site plan review over the Medway Plaza Property, and the enforcement mechanisms available to PEDB if the Applicant begins work without first obtaining site plan approval.

1. Scope of Review

While there is limited case law on the issue of whether the PEDB has authority to require that the entire Plaza comply with the site plan regulations, or whether its jurisdiction extends only to the proposed changes to the Plaza, it is my opinion that the PEDB may impose any “reasonable conditions” on the Property so long as they are consistent with the purposes of the site plan regulations and are incidentally connected to the redesign of the parking lot.

The PEDB’s authority to enforce compliance with site plan regulations is “to assure protection of the public interest to a degree consistent with a reasonable use of the site for the purposes permitted or permissible by the regulations of the district in which the regulated land lies.” Y.D. Dugout, Inc. v. Board of Appeals of Canton, 357 Mass. 25, 31 (1970). Where the construction relates to an as-of-right use in that district, the PEDB has no discretionary power to deny the plan; it may only impose “reasonable terms and conditions” in connection with the approval of the proposed use. Dufault v. Millennium Power Partners, L.P., 49 Mass. App. Ct. 137, 139 (2000).

Here, it is my opinion that the PEDB may impose any conditions on the site and lot as a whole, which are reasonably designed to manage “the aesthetics and environmental impacts of land use,” “assure protection of the public interest consistent with a reasonable use of the site,” and “promote and encourage desired community characteristics.” Zoning Bylaw, Section 3.5.1. Neither the local regulations nor the governing case law appear to distinguish between regulation of the entire redevelopment site, or merely a portion thereof. However, in my opinion, the Board would be prudent to limit its reasonable conditions to those that have a nexus to the parking reconfiguration.

In my view, then, the PEDB would not necessarily exceed its authority in reviewing other portions of the Plaza Property if the reconfiguration can reasonably be said to affect those parts of the site and falls within the protected interests of the regulations. For example, changes to the stormwater management plan which have been triggered by the reconfiguration may bring the entire site under the PEDB’s purview, within reasonable limits. Indeed, the regulations relative to Major Site Plan review require that “[t]he 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 requirements."

Moreover, to the extent that the lack of dumpster enclosures on the site may affect the aesthetics, environment, and public interest of the district in which the regulated land lies, it is my opinion that the same may be subject to reasonable regulation, if the reconfiguration of the parking area has triggered that review. Cf. Castle Hill Apartments Ltd. Partnership v. Planning Board of Holyoke, 65 Mass. App. Ct. 840 (2006) (imposition of conditions, such as addition of drainage and sanitary disposal plans, are reasonably connected to project and purpose of site plan regulations, whereas requiring redesign of building was not).

Thus, it is my opinion that the PEBD may review the entire site only to the extent that the reconfiguration of the parking lot affects the protected interests and desired community characteristics with which the site plan regulations are concerned and for which reasonable conditions may be imposed. Moreover, if the Applicant has requested waivers from the regulations relative to entire portions of the Plaza, it is my opinion that the Applicant would be acknowledging that reasonable regulations may be applied across the entire property and would be waiving any future challenge to the same.

2. Requiring Site Plan Review

Next, you have asked whether the Town may require site plan review, if the Applicant simply withdraws the application and begins work on the project.¹ A somewhat similar issue was presented in Boespflug v. Community Housing Resource, Inc., 2008 WL 4570337, at *2 (Mass. Super. Oct. 11, 2008). There, an applicant applied for and obtained a special permit from the ZBA for a proposed redevelopment without first applying for site plan review, and began work in accordance with that special permit. An aggrieved abutter appealed, arguing that the ZBA exceeded its authority in issuing the permit before the required site plan review had been conducted by the Planning Board, as required under the Town's Bylaws.

The Court in Boespflug determined that, under the Bylaw, "site plan review was required" and the Applicant could not simply avoid it by applying instead for the special permit. The remedy was a Court Order requiring that the Applicant submit all materials for site plan review and that the Planning Board properly conduct said review. The Court also ordered that the Planning Board's concerns needed to be addressed by the ZBA before it could re-issue a special permit to the Applicant.

Here, even if a special permit is not required, however, it is my opinion that the PEBD could seek injunctive relief requiring that the Applicant obtain the required site plan approval before beginning work, in accordance with Section 3.5 of the Zoning By-law, which requires that all work be done in accordance with an approved site plan and that failure to do so shall be a

¹ As you know, site plan review is ordinarily a prerequisite to obtaining a building permit. Here, however, I understand that a building permit is not required for the Applicant to begin construction on the parking lot. Thus, I understand that the Town is concerned about its available enforcement mechanisms, which are discussed further herein.

violation of the Zoning Bylaw subject to enforcement action such as seeking injunctive relief.
Cf. Boespflug, 2008 WL 4570337, at *2.

Please let me know if you need anything further.

719602/MDWY/0001





























