

Tuesday May 26, 2020
Medway Planning and Economic Development Board
155 Village Street
Medway, MA 02053

REMOTE MEETING

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

HIDDEN ACRES (FOREST ROAD):

The Board of Selectmen and Mr. John Rivard and Mr. Paul Rivard signed the Mutual Release of Claim agreement. The next step is to formally secure the bond funds from Middlesex Bank.

On a motion made by Matt Hayes and seconded by Rich Di Iulio, the Board voted by Roll Call to ratify and affirm the Mutual Release of Claims executed as of May 4, 2020 by Paul Rivard and John Rivard and the Board of Selectmen regarding the Hidden Pines Subdivision and Forest Road and request that the Town Treasurer transfer the balance of funds from Middlesex Savings bank in its entirety (\$6,436.48) as of March 21,2020 to the Planning Board Development Board’s Subdivision Bond Default Account.

Roll Call Vote:

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

EVERGREEN VILLAGE – Scenic Road Work Permit

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

- DRAFT Evergreen Village Scenic Road Work Permit dated 5-20-20

The applicant has received the draft of the decision and had no comments.

The permit for Evergreen Village was reviewed.

It was noted that the Tree Warden is named as a voting party in the language of the decision. This language will be revised.

On a motion made by Bob Tucker and seconded by Rich Di Iulio, the Board voted by Roll Call to accept the decision for Evergreen Village as prepared.

Roll Call Vote:

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

MEDWAY MILL SITE PLAN:

- Due to the State of Emergency the Chairman declared that this hearing will be continued until June 9, 2020.

CHOATE TRAIL SUBDIVISION – Scenic Work Permit:

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

- Draft Scenic Road Work Permit dated 5-21-20

The following were present during the zoom meeting:

- Vito Colonna, P.E. Connorstone Engineering
- Bob Pace, Residences at Choate Trail, LLC
- Matthew Silverstein, Residences at Choate Trail, LLC

The draft Scenic Road work permit for the Choate Trail Subdivision was reviewed the mitigation plan for tree removal. At the last meeting, the Applicant reported that the hickory tree will not need to be removed and can be retained. That change brings the new revised amount of tree replacement to 336 square inches. The quantity of 59 new trees is therefore reduced to 48 trees. The revised tree planting amount for a payment in lieu of tree planting becomes \$17,040.00. The stone will be reused on site. The Board needed to decide when the payment will be made. The Tree Warden has not commented about the timing of the payment. The Board indicated that the funds should be paid before the last building permit is issued. There was a suggestion to have the applicant use some of the funds to install some landscaping at the entryway to the high school or it can be left to the Tree Warden to decide. The Board would like to leave this at the discretion of the Tree Warden. Regarding the Hickory Tree, if the Tree Warden decides that the Hickory Tree

is at risk of dying, there would be provision for what happens. It was suggested to put a date on this such as a year of last building permit. Susy will draft this language.

The applicant reported that he had discussed with the Tree Warden and Susy their idea to plant some trees on site in lieu of the cash payment. An abutter on Highland Street wanted some landscaping in the area between the planned trail and her property. The applicant was informed if this is what they intend to do, there needs to be a proposal presented. The plantings with the abutter should not be tied to this but should be worked out with the parties. Some tree planting was put on the landscape plan by the Conservation Commission.

The Board needs to hear from Tree Warden Steve Carew. This will be put on hold until there is further conversation with Vito Colonna. The tree mitigation is along the trail and on private property. The Scenic Road Rules and Regulations are silent about whether scenic road mitigation can be on private property. It was noted that the board packet for the May 12, 2020 meeting included a memo dated March 9, 2020 from Connorstone Engineering with the proposed planting mitigation plan with trees and shrubs and what the equivalent values are. There was no vote or action on this item. This will be placed on the June 9, 2020 meeting agenda. Susy will work with the applicant and Vito Colonna to resolve this.

Choate Trail Construction Services Estimate

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

- Construction Services estimate from Tetra Tech dated 5-22-20

The Board is in receipt of the Tetra Tech estimate for construction services for the Choate Trail subdivision. On a motion made by Tom Gay and seconded by Rich Di Iulio, the Board voted by Roll Call vote to accept the Choate Trail Estimate in the amount of \$9,506.

Roll Call Vote:

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

PEDB MEETING MINUTES:

May 12, 2020:

On a motion made by Rich Di Iulio and seconded by Matt Hayes, the Board voted by Roll Call to approve the minutes from May 12, 2020.

Roll Call Vote:

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

APPOINTMENTS TO OPEN SPACE, DESIGN REVIEW, AND ECONOMIC DEVELOPMENT COMMITTEES:

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

- SAC memo dated 5-22-20 re: appointments to the Open Space Committee
- SAC memo dated 5-22-20 re: appointment to the Design Review Committee

Open Space Committee:

The term of office for the following members of the Open Space Committee expires on June 30, 2020: Charlie Ross, Denise Legee, Joanne Williams and Jim Wickis. All have expressed their interest to continue to serve on the OSC and it is recommended the PEDB reappoint them to the Open Space Committee for another two-year term through June 30, 2022.

On a motion made by Rich Di Iulio and seconded by Bob Tucker, the Board voted by Roll Call to appoint Charlie Ross, Denise Legee, Joanne Williams and Jim Wickis to the Open Space Committee through June 30, 2022.

Roll Call Vote:

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

Design Review Committee:

The term of office for DRC members Matt Buckley and Rachel Wolff Lander concludes on June 30, 2020. Matt Buckley would like to continue to serve. Rachel Wolff Lander has decided to conclude her time on the DRC.

On a motion made by Matt Hayes and seconded by Bob Tucker, the Board voted by Roll Call to appoint Matt Buckley to the Design Review Committee through June 30, 2022.

Roll Call Vote:

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

ENVIRONMENTAL STANDARDS:

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

- Revised draft of Environmental Standards dated May 21, 2020

The Board was informed that after the last meeting, Susy worked on some revisions and sent them to members Hayes and Gay for review. The feedback they provided was incorporated into the revised version for the Board's discussion tonight. This version provides that the Building Commissioner may use the reasonableness standard or two options for measurement standards to decide whether an odor is objectionable. Comments provided by Barbara Saint Andre and abutter John Lally were incorporated into this recent version of the draft standards.

Member Gay commented on his review of a number of documents he had researched. He indicated his uneasiness about the bylaw not having ways of measurement or justification for the Building Commissioner. He found further documentation about enforceable standards for odor. It is his recommendation to add a dilution threshold back into the language. There are multiple devices which can accomplish this. The Town does not have to settle on a single device and can be stricter on what the dilution threshold is to trigger a violation.

The Chairman and Susy discussed if this issue can be covered by a zoning special permit. Not all agree that this fits what a special permit is meant to do. If there were to be a special permit, the Board would need to decide if this would rest with the Planning and Economic Development Board or Zoning Board of Appeals. The Chairman noted that the applicant would need to present a plan and mitigation measures when applying for the special permit. There are analytical standards which could be objective. There is a continuum if someone finds an odor to be objectionable. It is not reasonable or realistic to think that there would be no odor. There are five components of the odor and noise sections which were added to the document – standards, investigation, mitigation plan, corrective measures and exemptions. Tom Gay indicated that the threshold could be lower in the dilution standard. There are different dilutions used for different industries. The Town could set a dilution of 2 or 3. This would be our jurisdiction to determine the dilution. This could help when determining the mitigation plan. Mr. Lally provided comments late in the day (**see Attached**) but the Board has not had time to review those comments.

Mr. Lally commented about the dilution threshold being reinserted which he is opposed to. The criteria with dilution was promising early on as seen in Denver but over time, experience has shown that some odors have low concentrations that any dilution renders ineffective. This happened to the residents of Denver. There is an analytic method which is undiluted, and this is what the residents experience. When we allow a diluted option, it creates confusion. He will oppose this at town meeting. There is no analytical method where odors can be measured since the instrument has not met the human threshold. There is a sensorial standard. This is where he has disagreement. This is specific sensorial undiluted measurement.

The Board would like to have a more productive discussion once everyone gets a chance to review the comments from Mr. Lally.

Member Gay will send the research he has done on the topic to Mr. Lally and the other PEDB members.

This will be tabled until Barbara Saint Andre can also be part of the discussion.

MEDWAY PLACE SITE PLAN:

- Due to the State of Emergency the Chairman declared that this hearing will be continued until June 9, 2020 at 8:15 pm.

CONSTRUCTION REPORTS:

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

- Millstone #83 (4-22-20)
- Salmon #37 (5-12-20)

- Medway Community Church #28 (5-14-20)

The Chairman explained to the Board that Jeff Robinson from Salmon has a video of the drone going over the Salmon site. Susy Affleck-Childs will follow-up with Jeff Robinson to secure the video and place on the Salmon section of the Board's web page.

CORRESPONDENCE:

- A copy of the 5-14-20 email to Steve Venincasa was provided. The email addresses the incomplete landscaping installation.
- There was a memo from the Town Manager about the plans for town hall and interacting with the public.
- Susy informed the Board that she will be back next week working at Town Hall every day. There are safety precautions being put in place for dealing with COVID-19.

FUTURE MEETING:

- Tuesday, June 9, 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.

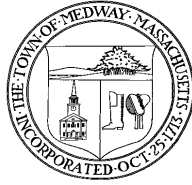
Roll Call Vote:

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

The meeting was adjourned at 10:01 pm.

Prepared by,
Amy Sutherland
Recording Secretary

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



May 26, 2020

**Medway Planning & Economic Development Board
Meeting**

Evergreen Village
Scenic Road Work Permit

- Draft scenic road work permit (5-20-20)

Note – This draft has been provided to applicant Maria Varrichione and project engineer Rob Tiberi for review.

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

DRAFT – May 20, 2020

SCENIC ROAD WORK PERMIT

Evergreen Village – 22 Evergreen Street

APPLICANT – Sampson Pond, LLC of Medway, MA

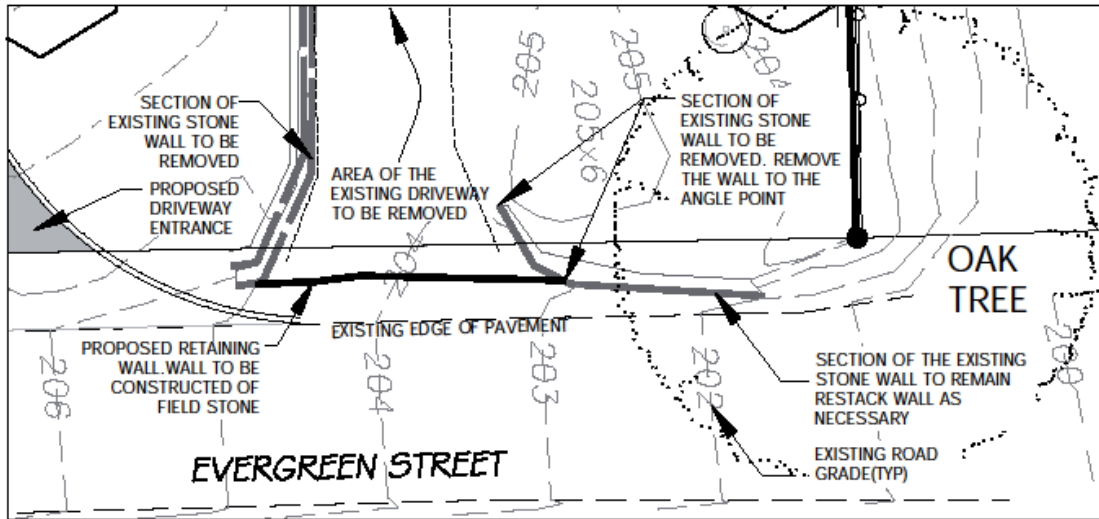
LOCATION – South side of Evergreen Street, a designated Medway Scenic Road, along the frontage of 22 Evergreen Street.

PROJECT DESCRIPTION – Sampson Pond LLC proposes to construct a 6-unit residential townhouse condominium community to be known as Evergreen Village on a 1.44- acre site at 22 Evergreen Street (Map 48, Parcel 51). The development will include 2 triplex buildings and associated site improvements - construction of a 150' long permanent private way, parking, and installation of stormwater management facilities, landscaping, and site lighting. On April 7, 2020, the Planning and Economic Development Board approved a multi-family special permit and site plan for this project pursuant to Sections 5.6.4 and 3.4 of the *Medway Zoning Bylaw*.

SCENIC ROAD WORK - The scenic road work permit application proposed the following work in and adjacent to the Town's right-of-way on Evergreen Street:

- removal of two existing driveway curb cuts into the property from Evergreen Street totaling approximately 50 linear feet and the creation of one new 22' wide curb cut, with additional space for roundings, for the construction of a new permanent private road to be known as Balsam Way.
- removal of two sections of existing stone walls in the area of the existing westerly curb cut (approximately 18 linear feet) and construction of approximately 26 linear feet of new stone wall.
- use of the removed field stone to construct the new stone wall.

See drawing below to illustrate the planned work.



DATE OF APPLICATION – The Scenic Road Work Permit application was filed with the Board on September 4, 2019.

DATE OF PUBLIC HEARING – Pursuant to M.G.L., Section 15C of Chapter 40 (*the Scenic Roads Act*) and the Medway Scenic Road Rules and Regulations, the Medway Planning and Economic Development Board commenced a public hearing on October 8, 2020 in conjunction with the site plan and special permit public hearing.

POSTED NOTICE - The public hearing notice was posted with the Medway Town Clerk on September 17, 2019

ABUTTER NOTICE - The public hearing notice was sent by first class mail to all abutters on October 1, 2019 as part of the notice for the special permit and major site plan.

ADVERTISEMENT – The public hearing notice was published in the *Milford Daily News* on September 23 and October 1, 2019.

PUBLIC HEARING – Other than the applicant, there were no citizen, residents or abutters in attendance at the scenic road public hearing.

DECISION CRITERIA - Pursuant to s. 405 – 7 of the *Scenic Road Rules and Regulations*, the Planning Board shall consider the following in making its determination on an application for a Scenic Road Work Permit:

- A. Public safety;
- B. Scenic and aesthetic characteristics and quality of the area;
- C. Quality and extent of shade and *tree* canopy;
- D. Accident history within five hundred (500) feet of *tree(s)* and *stone walls* at issue;
- E. Commentary contributed by the Tree Warden, town agencies, *abutters* and other interested parties;

- F. Preservation of natural resources and environmental systems;
- G. Preservation of historical and cultural resources values;
- H. Compatibility with surrounding neighborhood;
- I. Recreational uses of the proposed Scenic Road, taking into account the nature and extent of such uses;
- J. Relationship of the *road* design to the standards of the Planning Board's *Subdivision Rules and Regulations* but recognizing that a variance from the standards should be allowed when a way has been designated as a Scenic Road by the Town Meeting;
- K. Adequacy and value of compensatory actions proposed, such as replacement of *trees* or *stone walls* or restoration of the same;
- L. Traffic patterns, volume, congestion and posted speed limit;
- M. Consistency with articulated Town policies and the Medway Master Plan;
- N. Feasibility for avoiding disturbance to *trees* or *stone walls* by proposing a safe location for a walkway, driveway or *road* elsewhere; and
- O. Other sound planning principles and considerations.

FINDINGS

1. The proposed Evergreen Village condominium community has approximately 171 linear feet of frontage on Evergreen Street, a Medway scenic road.
2. There is one 32" oak tree located in the Town's right of way on Evergreen Street. As part of the Board's special permit and site plan review process, Safety Officer Jeff Watson expressed concern that the tree's large size and location limits acceptable sight visibility for egressing traffic from the development and recommended its removal. The Board, Tree Warden and Applicant wish to preserve the tree. The noted parties have come to a resolution which is detailed in the permit's conditions.

DECISION – On May 26, 2020, the Planning and Economic Development Board voted to approve a Scenic Road Work Permit to authorize the following work in the right-of-way at 22 Evergreen Street subject to the following conditions:

1. **Stone Wall** - The approximately 18 linear feet of removed fieldstone will be used to fabricate the new, 26 linear foot infill field stone wall in a manner that shall replicate the rustic quality and character of the existing stone wall. This standard also applies to any additional field stone to be used for construction of the new wall. The construction shall be as specified on Sheet L-3 of the endorsed Evergreen Village site plan dated September 2, 2019, last revised April 3, 2020.
2. **32" Oak Tree** – The 32" oak tree shall not be removed. Instead, tree pruning, and grading shall occur to improve sight lines for exiting traffic from the development. The

tree pruning shall be conducted under the guidance of both Medway Tree Warden Steve Carew and Medway Safety Officer Jeff Watson, who shall be present, on site, for the pruning work. It is the Applicant's responsibility to ensure that this occurs.

The provisions of this Permit shall apply and be binding upon the Applicant and all successors and assigns in interest. Failure to comply with all conditions stated herein shall be deemed cause to revoke or modify this Permit. This Permit does not relieve the Applicant or any other person of complying with all other applicable federal, state or local statutes, by-laws or regulations.

VOTING THIS 26th day of May 2020

IN FAVOR:

Planning and Economic Development Board Members:

Andy Rodenhiser

Bob Tucker

Thomas Gay

Matthew Hayes, P.E.

Richard Di Iulio

Tree Warden: Steve Carew

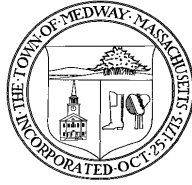
ATTEST

Susan E. Affleck-Childs

Planning and Economic Development Coordinator

A copy of this permit is filed in the Office of the Medway Town Clerk:

cc: Michael Boynton, Town Administrator
Steve Carew, Tree Warden
David D'Amico, Director Department of Public Works
Jack Mee, Building Commissioner
Ericka Robertson, Building Department Compliance Officer
Sergeant Jeff Watson
Maria Varicchione, Sampson Pond, LLC
Ron Tiberi, P.E.
John and Cynthia Shea



May 26, 2020

**Medway Planning & Economic Development Board
Meeting**

Choate Trail Subdivision
Scenic Road Work Permit

- Draft scenic road work permit (5-21-20)

Note – This draft has been provided to applicant Bob Pace and project engineer Vito Colona for review.

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

DRAFT – May 21, 2020

SCENIC ROAD WORK PERMIT

Choate Trail Way Subdivision – 42 Highland Street

APPLICANT – Residences at Choate Trail, LLC

LOCATION – North side of Highland Street, along the frontage of 42 Highland Street

PROJECT DESCRIPTION – Residences at Choate Trail LLC proposes to construct a 4-lot residential subdivision on a 5.88 site at 42 and 42 R Highland Street (Map 37, Parcels 64 & 67). Highland Street is a designated Medway Scenic Road. The development will include construction of an approximately 578' long permanent, private roadway (Copper Drive) and the installation of stormwater management facilities, sidewalk, landscaping, and private sewer and water services. On May 12, 2020, the Planning and Economic Development Board approved a definitive subdivision plan pursuant to the Board's *Land Subdivision Rules and Regulations*.

SCENIC ROAD WORK - The Scenic Road Work Permit application proposed the following work in and adjacent to the Town's right-of-way on Highland Street:

- Removal of seven trees to allow for the construction of Copper Drive and its entrance to the subdivision from Highland Street.
- Removal of approximately 60 linear feet of existing stone walls to establish the new roadway. Reuse of the removed fieldstone to construct accent stone walls on both sides of the roadway entrance roundings from Highland Street.

See attached *Scenic Road Intersection Plan* prepared by Connorstone Engineering, Inc.

DATE OF APPLICATION – The Scenic Road Work Permit application was filed with the Board on January 3, 2020.

DATE OF PUBLIC HEARING – Pursuant to M.G.L., Section 15C of Chapter 40 (*the Scenic Roads Act*) and the Medway *Scenic Road Rules and Regulations*, the Medway Planning and Economic Development Board commenced a public hearing on January 28, 2020. The hearing was held in conjunction with the subdivision plan public hearing.

POSTED NOTICE - The Scenic Road public hearing notice was posted with the Medway Town Clerk on January 8, 2020.

ABUTTER NOTICE - The public hearing notice was sent by first class mail to all abutters on January 8, 2020. Posters were also affixed to the specified trees and portions of the stone wall to be removed.

ADVERTISEMENT – The public hearing notice was published in the *Milford Daily News* on January 14 and 20, 2020.

PUBLIC HEARING – The public hearing commenced January 28, 2020 and was continued several times into May 2020 in conjunction with the subdivision public hearings. During the public hearings, the applicant attended along with his engineering consultant from Connorstone Engineering. Several abutters provided comments about the proposed development. Tree Warden Steve Carew participated in the hearing providing both verbal and written testimony (Tree Warden's recommendations dated February 14, 2020). Planning and Economic Development Coordinator Susy Affleck-Childs provided notes on tree placement requirements per the *Scenic Road Work Permit Rules and Regulations*.

DECISION CRITERIA - Pursuant to s. 405 – 7 of the Scenic Road Rules and Regulations, the Planning Board shall consider the following in making its determination on an application for a Scenic Road Work Permit:

- A. Public safety;
- B. Scenic and aesthetic characteristics and quality of the area;
- C. Quality and extent of shade and *tree* canopy;
- D. Accident history within five hundred (500) feet of *tree(s)* and *stone walls* at issue;
- E. Commentary contributed by the Tree Warden, town agencies, *abutters* and other interested parties;
- F. Preservation of natural resources and environmental systems;
- G. Preservation of historical and cultural resources values;
- H. Compatibility with surrounding neighborhood;
- I. Recreational uses of the proposed Scenic Road, taking into account the nature and extent of such uses;
- J. Relationship of the *road* design to the standards of the Planning Board's *Subdivision Rules and Regulations* but recognizing that a variance from the standards should be allowed when a way has been designated as a Scenic Road by the Town Meeting;
- K. Adequacy and value of compensatory actions proposed, such as replacement of *trees* or *stone walls* or restoration of the same;
- L. Traffic patterns, volume, congestion and posted speed limit;

- M. Consistency with articulated Town policies and the Medway Master Plan;
- N. Feasibility for avoiding disturbance to *trees* or *stone walls* by proposing a safe location for a walkway, driveway or *road* elsewhere; and
- O. Other sound planning principles and considerations.

FINDINGS

1. The proposed Choate Trail subdivision has approximately 200 linear feet of frontage on Highland Street, a Medway scenic road.
2. There are seven trees located in the Town's right-of-way on Highland Street where Copper Drive will be constructed to provide access and frontage to the 4 subdivision house lots.

Choate Trail Way Subdivision – Trees to Be Removed

Tree Size - Diameter	Radius	Radius ²	Radius ² x 3.14	Notes
12" Dead Tree	NA	NA	NA	No replacement required
5" maple	2.5	6.25	19.625	
5" maple	2.5	6.25	19.625	
26" oak	13	169	530.66	
7" maple	3.5	12.25	38.465	
9" maple	4.5	20.25	63.585	
14" hickory	7	49	153.86	
Total			825.82	

Application of the Scenic Road tree replacement formula

$$\frac{\text{tree radius}^2 \times 3.14}{2}$$

results in a total of 413 square inches of required tree replacement. A 3" caliper tree = 7 sq. inches. Based on this formula, fifty-nine 3" caliper trees would need to be planted to replace the 6 identified trees to be removed.

3. Tree Warden Steve Carew advises that planting 59 replacement trees on the development site may result in overcrowding as the trees mature. In lieu of planting replacement trees, a contribution to the Medway Tree Fund is preferred. Based on the current price of approximately \$355 for a 2.5-3 inch caliper tree, the amount of payment in lieu of tree planting would be \$20,945.

DECISION – On May 26, 2020, the Planning and Economic Development Board voted to approve a Scenic Road Work Permit to authorize the following work in the right-of-way at 42 Highland Street subject to the following conditions:

1. **Stone Wall** - Approximately 60 linear feet of fieldstone may be removed but shall be reused to fabricate new stone walls at the roundings of Copper Drive from Highland

Street. The new walls shall be constructed to replicate the rustic quality and character of the existing stone wall and shall be of comparable height. This standard also applies to any additional field stone that may need to be brought in to supplement what is available on site.

2. **Tree** – The seven identified trees may be removed. Replacement of the dead tree is waived as the applicant’s removal of that tree provides benefits to the Town of Medway. In lieu of planting replacement trees, the applicant shall contribute \$20,945 to the Medway Tree Fund.

- Include details on when the payment will be made
- Any limitations on where trees to be purchased with these funds would be planted? Are there any suitable locations nearby??

The provisions of this Permit shall apply and be binding upon the Applicant and all successors and assigns in interest. Failure to comply with all conditions stated herein shall be deemed cause to revoke or modify this Permit. This Permit does not relieve the Applicant or any other person of complying with all other applicable federal, state or local statutes, by-laws or regulations.

VOTING THIS 26th day of May 2020

IN FAVOR:

Planning and Economic Development Board Members:

Andy Rodenhiser

Bob Tucker

Thomas Gay

Matthew Hayes, P.E.

Richard Di Iulio

Tree Warden: Steve Carew

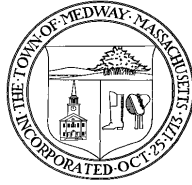
ATTEST

Susan E. Affleck-Childs

Planning and Economic Development Coordinator

A copy of this permit is filed in the Office of the Medway Town Clerk:

cc: Michael Boynton, Town Administrator
Steve Carew, Tree Warden
David D’Amico, Director Department of Public Works
Jack Mee, Building Commissioner
Ericka Robertson, Building Department Compliance Officer
Sergeant Jeff Watson
Robert Pace, Residences at Choate Trail, LLC
Vito Colona, P.E., Connorstone Engineering



May 26, 2020

**Medway Planning & Economic Development Board
Meeting**

Choate Trail Construction Estimate

- Tetra Tech estimate dated 5-22-20 for \$9506

**TETRA TECH**

**Choate Trail Way - 42 Highland Street
PEDB Construction Administration Budget
May 22, 2020**

Item No. ¹	Inspection	Visits	Hrs/Inspection ²	Rate	Total
1	Pre-Construction Meeting	1	6	\$136	\$816
2	Subgrade/Staking	1	4	\$112	\$448
3	Site Subbase Gravel/Fine Grading	1	4	\$112	\$448
4	Binder Course Paving	1	8	\$112	\$896
5	Curb/Berm	1	4	\$112	\$448
6	Top Course Paving	1	8	\$112	\$896
7	Landscape/Plantings	1	4	\$112	\$448
8	Walking Trail	1	4	\$112	\$448
9	Punch List/Bond Estimate ³	2	8	\$143	\$2,288
10	As-Built Review ⁴	1	4	\$143	\$572
11	Field Changes/Change Orders	1	2	\$143	\$286
12	Meetings	6	1	\$143	\$858
13	Admin	3	1	\$67	\$201
	Subtotal				\$9,053
	Expenses			5.0%	\$453
	TOTAL				\$9,506

Notes:

¹ Each item includes site visit, inspection and written report and is based on current TT/Medway negotiated rates through June 2021.

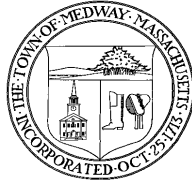
² If installation schedule is longer than that assumed by engineer for any item above, or if additional inspections are required due to issues with the contract work, additional compensation will be required.

³ This item includes a substantial completion inspection, punch list memo and bond estimate provided to the town. It also includes one final inspection to verify that comments from the list have been addressed and one revision to the list/estimate if required.

⁴ This item includes review of as-built plans and review letter.

Date Approved by Medway PEDB _____

Certified by: _____ **Date** _____
Susan E. Affleck-Childs
Medway PEDB Coordinator



May 26, 2020
Medway Planning & Economic Development Board
Meeting

PEDB Meeting Minutes

- Draft minutes of the 5-12-200 PEDB meeting

Tuesday May 12, 2020
Medway Planning and Economic Development Board
155 Village Street
Medway, MA 02053

REMOTE MEETING

Members	Andy Rodenhiser	Bob Tucker	Tom Gay	Matt Hayes	Rich Di Iulio	Jessica Chabot
Attendance	X	X	X	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
- Gino Carlucci, PGC Associates
- Steve Bouley, Tetra Tech

The Chairman opened the meeting at 7:01 pm and read the above noted announcement.

There were no Citizen Comments.

ANR Plan for 62 Adams Street:

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

- ANR application for Jim and Shelley Wieler
- Gino Carlucci review letter dated May 6, 2020
- ANR plan dated May 7, 2020 by O’Driscoll Land Surveying as revised per review comments

Property owners Jim and Shelley Wieler participated in the ZOOM meeting. Consultant Carlucci reviewed the ANR plan. The property will be split into two lots, each compliant with zoning requirements for adequate frontage (on Adams Street), area, and uplands. One lot will contain the existing house; the other lot will be available for new construction. There were a couple of minor deficiencies in the original plan which have been corrected. It is Mr. Carlucci’s recommendation that the Board endorse the revised ANR plan for 62 Adams Street, dated May 7, 2020.

On a motion made by Bob Tucker and seconded by Rich Di Iulio, the Board voted by Roll Call to endorse the ANR Plan dated May 7, 2020 for 62 Adams Street as presented.

Roll Call Vote:

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

Signatory:

On a motion made by Bob Tucker and seconded by Matt Hayes, the Board voted by Roll Call to have Member Gay be the signatory on the plan on behalf of the Board.

Roll Call Vote:

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

CHOATE TRAIL SUBDIVISION – Public Hearing Continuation:

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

- Public Hearing continuation notice
- Connorstone Engineering letter dated 3-9-20 with revised plan.
- Revised subdivision plan dated 3-9-20
- Tetra Tech review letter dated 3-26-20 on revised plan
- PGC review letter dated 3-31-20 on revised plan
- Existing Conditions sheet with large trees noted (received 4-3-20)
- Email dated 4-7-20 from abutter Amy Jordan
- Tax status certification from Medway Treasurer dated 4-6-20
- 4-28-20 email from Connorstone Engineer Vito Colonna with comments on draft decision
- Revised draft decision dated 5-5-20
- Email from abutter Amy Jordan dated 5-11-2020

The following were present during the zoom meeting:

- Vito Colonna, P.E. Connorstone Engineering
- Bob Pace, Residences at Choate Trail, LLC
- Matthew Silverstein, Residences at Choate Trail, LLC

The Board and applicant have a copy of the draft decision. The applicant is also in receipt of the review letters from Tetra Tech and PGC Associates. Those comments and suggestions were incorporated into the draft decision. There was an email from abutter Amy Jordan dated April 7, 2020.

Abutter, 40 Highland Street, Amy Jordan:

Ms. Jordan was present during the ZOOM meeting. She wanted to know what the policy is for blasting since her home is next to the development. She also asked about deer resistant plantings. She thought a simple fencing on a proposed pathway is an option instead of fencing. There is a concern about what happens if the border trees happen to fall on the new road, who is responsible.

She finally wanted to know when the project begins if a COVID-19 plan would be shared with the residents.

It was explained that if there is a need for blasting, it must be done in conjunction with a blasting plan and permit from the Medway Fire Department.

Applicant Bob Pace agreed to look to see if there are deer resistant shrubs. There will also be a COVID-19 plan which will be put in place to ensure safety for those working on site.

Abutter, Linda Bannon 38 Highland Ave:

Ms. Bannon is also concerned about the deer who will likely eat the rhododendron bushes proposed. She would like to see another type of plant which is not eaten by the deer. She also wanted clarity about the easement and the trail.

The easement will be to allow public access along a trail on Lot #4. It was recommended to put language in the decision that the access will be for pedestrian access only. The width of the easement is 15 ft. The sidewalk will be on the southern side of the road, Copper Drive, over which the easement will run until it gets to Lot #4.

Consultant Carlucci informed the Board that all the comments from his review have been addressed. There are no outstanding issues. Consultant Bouley indicated that all of his comments were also addressed except for the street lighting pole and wires going underground.

The Board agreed that it is in the best interest for the electrical line to go across Highland Street to the new pole on the north side and then underground within the development.

The following was noted:

- The stormwater management plan does not need a separate parcel.
- List of final edits need to be on plan with noted dates.
- Get a recommendation from Sergeant Watson about where he wants the streetlight (pole 33 or the new pole adjacent to the subdivision?).
- Put in language about replacement of shrubbery or shielding for deer.
- There was language included for tree preservation about replacement of removed trees and/or contributions to the tree fund. The Board agreed to reduce the number of trees that would have to be replaced by 5%.
- There is a reference of the Order of Conditions from the Conservation Commission.

Waivers:

On a motion made by Bob Tucker and seconded by Rich Di Iulio, the Board voted by Roll Call to approve the waivers as presented.

Roll Call Vote:

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

Evaluation Criteria:

On a motion made by Bob Tucker and seconded by Rich Di Iulio, the Board voted by Roll Call to approve the evaluation criteria.

Roll Call Vote:

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

Decision:

On a motion made by Bob Tucker and seconded by Matt Hayes, the Board voted by Roll Call to approve the decision as edited from the discussion.

Roll Call Vote:

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

Closing Hearing:

On a motion made by Rich Di Iulio and seconded by Matt Hayes, the Board voted by Roll Call to close the public hearing.

Roll Call Vote:

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

Signing of Decision:

On a motion made by Rich Di Iulio and seconded by Matt Hayes, the Board voted by Roll Call to authorize Tom Gay to sign the decision on behalf of the Board.

Roll Call Vote:

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

Medway Mill Site Plan & Medway Place Site Plan:

The Chairman announced that the hearings for the Medway Mill Site Plan and Medway Place Shopping Plaza Site Plan will be continued to May 26, 2020.

CONSTRUCTION REPORTS:

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

- William Wallace Village CO Report #4 and #5 from March 19 and March 25, 2020.
- Salmon ARCPUD CO reports #28-36 from November 12, 2019 through April 27, 2020.

William Wallace:

The excavation for the footings appears to have been completed. The site is stabilized with crushed stone material. The erosion controls appear to be in good condition. Construction has halted due to the Covid-19 emergency.

Salmon:

The site is coming along nicely. Vegetation continues developing along the slopes and the bottom of Basin 1 and Basin 3. The Rip Rap remains in good condition at each basin's forebay. There will be monitoring of the infiltration basins.

Millstone Village:

The Board is in receipt of an email dated May 12, 2020 from Millstone resident Ray Bigelow regarding Millstone. (**See Attached**) It is his understanding that there are shrubs and trees shown on the landscape plan which have not be installed. The Board communicated that this landscaping plan will be reviewed and checked before any funds are released. The Board would like there to be follow-up with Mr. Venincasa about this matter. Susy Affleck-Childs will send him an email.

ZONING BOARD OF APPEALS PETITION:

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

- Accessory family dwelling unit special permit application for 18 Broad Acres Farm Road.

The Board reviewed the application for a special permit application for 18 Broad Acres Farm Road. This is for a free standing AFDU of 880 sq. ft. plus garage. The hearing for this application is for June 3, 2020. It was noted that this is the first AFDU application for a free-standing dwelling unit. The Board has no comments or objections to this application.

PEDB MEETING MINUTES:

April 28, 2020:

On a motion made by Rich Di Iulio and seconded by Tom Gay, the Board voted by Roll Call to approve the minutes from April 28, 2020 and March 5, 2020 with the amended recommendations.

Roll Call Vote:

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

HILLVIEW ESTATES:

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

- Letter from property owner Christine Price dated May 12, 2020.

NOTE – On the ZOOM meeting were Christine Price, her local representative Tony Biocchi, and buyer Sean Smith.

The Board was made aware that some unauthorized site work was being done on the property. This work was discovered when Tony Biocchi and David Travalini, Chairman of the Conservation Commission, were on site May 8, 2020 while reviewing the site for the building permit application. The work done involved digging portions of the roadway along with land clearing outside the limit of work. The Board was made aware that the purchase and sale agreement with Mr. Smith will not be happening. Ms. Price will be continuing to seek a possible buyer. There is another site walk scheduled for tomorrow so that Conservation Agent Bridget Graziano can view the scope of land disturbance.

AMENMENTS TO ENVIRONMENTAL STANDARDS section of the Zoning Bylaw

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

- Email from John Lally dated May 11, 2020
- Email letter and draft edits from odor consultant Bruce Straughan dated May 11, 2020
- Email from Caroline Wells dated May 12, 2020 with revised draft
- Email from John Lally dated May 12, 2020 re: revised draft

The Board was provided with the most recent draft of the environmental standards dated May 12th. It incorporates comments from odor consultant Bruce Straughan and noise consultant Jeff Komrower and edits offered by Barbara Saint Andre. Susy Affleck-Childs reported there are no funds left for any further consulting services since the special appropriation of funds was used up along with some of the Board's FY20 consulting services budget.

John Lally of 35 Coffee Street was present on the ZOOM meeting and expressed the following comments:

- When referring to the odor threshold, the industry term is "detection" threshold, not "detectable". It is his strong recommendation to use an **undiluted** odor detection threshold. The draft should be revised to reflect such. He cannot support it otherwise at town meeting.
- The draft includes odor applicability qualifiers (continuous, frequent or repetitive). Use of those qualifiers risks exposing Medway residents to episodic odors that don't meet those standards. Those qualifiers could be deleted. However, it might be wise to exempt odors resulting from infrequent repairs and maintenance of septic and sewer systems.
- The bylaw should protect Medway residents from mixtures of odorants which have potential to cause odor intensities much greater than the intensities caused by odorants in isolation.
- The odor bylaw should leave the technical details of odor compliance and enforcement to those professionals with that expert knowledge and who are trained. The cost of the compliance should be borne by the applicants and the costs of enforcement by the violators.

There continues to be the question about how we measure odor. There needs to be some measure of validation since it is too subjective. There was considerable discussion about the use of the Nasal Ranger which uses a dilution of odor technique. Board members agreed that the dilution of odor technique does not provide a suitable measurement. There needs to be a statement which defines the

threshold so the Building Commissioner can make a suitable determination. The language regarding Building Commissioner and Zoning Enforcement Officer needs to be consistent throughout the document.

Consultant Carlucci will work on language with Susy to present to the Board.

OTHER BUSINESS:

- The Board of Selectmen will be considering a new 3-year contract with Tetra Tech for on-call engineering consulting services.
- Susy Affleck-Childs is continuing to work on the final edits for the Open Space plan.
- There will be a task force created to assist in getting restaurants up and running throughout town (outside dining, possibly changes to parking areas, etc.)

FUTURE MEETING:

- Tuesday, May 26, 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.

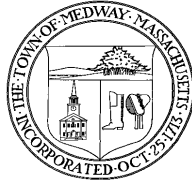
Roll Call Vote:

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

The meeting was adjourned at 10:01 pm.

Prepared by,
Amy Sutherland
Recording Secretary

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



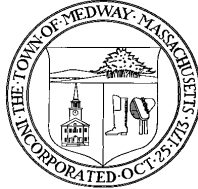
May 26, 2020

**Medway Planning & Economic Development Board
Meeting**

**Appointments to Open Space, Design
Review, and Economic Development
Committees**

- SAC memo dated 5-22-20 re: appointments to the Open Space Committee
- SAC memo dated 5-22-20 re: appointment to the Design Review Committee

Note – I do not yet have a memo re: the Economic Development Committee appointments.



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

MEMORANDUM

May 22, 2020

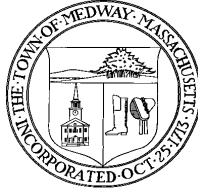
TO: Planning & Economic Development Board Members
FROM: Susy Affleck-Childs
RE: Appointments to the Open Space Committee

The term of office for the following members of the Open Space Committee expires on June 30, 2020: Charlie Ross, Denise Legee, Joanne Williams and Jim Wickis. All have expressed their desire to continue to serve on the OSC and I recommend the PED reappoint them to the Open Space Committee for another two-year term through June 30, 2022 and thank them for their dedicated service.

NOTE – The other members of the Open Space Committee are Tina Wright, Bruce Hamblin and Mike Francis. Their terms expire on June 30, 2021.

The Medway General Bylaw which established the Open Space Committee provides for up to 9 people to serve on the Committee. As the group presently has 7 members, there is room for 2 more individuals. Both the Open Space Committee and the PEDB need to do some public outreach to secure some additional talent for the Committee. I believe it would be helpful if someone from the Conservation Commission could serve on the Open Space Committee.

Thanks.



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

MEMORANDUM

May 22, 2020

TO: Planning and Economic Development Board
FROM: Susy Affleck-Childs, Planning and Economic Development Coordinator
RE: Appointments to the Medway Design Review Committee

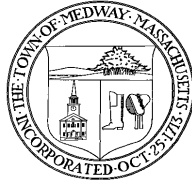
The term of office for DRC members Matt Buckley and Rachel Wolff Lander concludes on June 30, 2020. Matt Buckley would like to continue to serve. Rachel Wolff Lander has decided to conclude her time on the DRC

Therefore, I recommend the PEDB reappoint Matt Buckley for another two-year term through June 30, 2022. Much appreciation to Matt and Rachel for their dedication to the DRC's work.

The continuing members of the DRC are Jess Chabot, Alex Siekierski, Dan Conolly and Rachel Walsh. Their terms will conclude June 30, 2021.

With Rachel Wolff Lander's departure, there will be one opening on the DRC which we should seek to fill with an individual with graphic design experience.

Tom Gay has served as the PEDB's representative on the DRC this past year with Rich Di Iulio as alternative. That position is handled as a 1-year term as determined by the PEDB.



May 26, 2020
Medway Planning & Economic Development Board
Meeting

Environmental Standards

After the last meeting and discussion, I worked on some revisions and sent them to Matt and Tom for review. I received feedback from both and have incorporated those comments into a further revised version. This version provides that the Building Commissioner may use the “reasonableness” standard or two options for measurement standards for the investigation whether an odor is objectionable, etc.



7.3. ENVIRONMENTAL STANDARDS

A. **Purpose.** The intent of this section is to provide standards for uses that may generate impacts that are potentially hazardous, harmful to the environment, disturbing or offensive. ~~The Medway Zoning Bylaw, § 5.2, Prohibited Uses, expressly prohibits all uses in any zoning district that pose a present or potential hazard to human health, safety, welfare, or the environment through the emission of smoke, particulate matter, noise or vibration, or through fire or explosive hazard, or light and shadow flicker. Furthermore, the Zoning Bylaw, § 5.2, Prohibited Uses, B.14 prohibits any use that produces “disturbing or offensive” noise, vibration, smoke, gas, fumes, odors, dust or other objectionable or hazardous features. For the purposes of this section, “disturbing or offensive” impacts are those that a reasonable person with normal sensory sensitivities would find objectionable, as interpreted by the Building Commissioner or designee.~~

Commented [SA1]: I suggest we also include the word “objectionable” in here as it is used extensively throughout this section. .

B. **Enforcement:** The Medway Zoning Bylaw, § 3.1, Enforcement, Violations, and Penalties authorizes the Building Commissioner, or designee, to interpret and enforce this Bylaw. ~~The police department, fire department, or board of health officials are authorized to enforce standards that are based on certain sections of [310 Code of Massachusetts Regulations \(CMR\), § 7, Air Pollution Control Regulations](#). At the discretion of the Building Commissioner, a technical consultant may be engaged by the Town of Medway to investigate and document violations.~~

Advisory Note – State regulations authorize the police department, fire department, and board of health officials to enforce noise standards that are based on certain sections of [310 Code of Massachusetts Regulations \(CMR\), § 7, Air Pollution Control Regulations](#). Such regulations are distinct and separate from the Town’s zoning regulations.

C. **Standards.** The following standards shall apply to all zoning districts and ~~shall be determined at the location of use:~~

Commented [SA2]: This is not an accurate statement. In the noise section, the determination is made at the property line.

1. **Smoke, Fly Ash, Dust, Fume, Vapors, Gases, Other Forms of Air Pollution:** Medway Zoning Bylaw, § 5.2, Prohibited Uses, 14, prohibits any use “that produces disturbing or offensive noise, vibration, smoke, gas, fumes, odors, dust or other objectionable or hazardous features.” In addition, all activities involving smoke, fly ash, dust, fume, vapors, gases, other forms of air pollution, as defined in [CMR 310, § 7, Air Pollution Control Regulations](#), as amended, which can cause damage to human health, to animals or vegetation, or other forms of property, or which cause any excessive soiling at any point are prohibited.

2. **Noise Disturbance:** The Building Commissioner may determine that a noise source is subject to investigation, violations, penalties, and/or corrective measures.

a. **Standards.** No person or persons owning, leasing, or controlling the operation of any source or sources of noise shall willfully, negligently, or through the failure to provide necessary equipment or facilities or to take necessary precautions, permit the establishment of a condition of noise pollution. In addition, all activities involving noise

must also meet the standards of 310 CMR § 7.10, Air Pollution Control Regulations, as amended, which regulates outdoor noise. Section 7.10 (1) of this regulation prohibits any person owning, leasing, or controlling a source of sound to “cause, suffer, allow, or permit unnecessary emissions from said source of sound that may cause noise.”

Commented [SA3]:

Again, are we saying that the state noise regulations are the Town's as well?

- 1) **Continuous Noise.** For the purposes of this bylaw, continuous noise restrictions apply to permanent non-residential installations and home-based businesses where noise is a by-product of business operations (such as from exhaust equipment). Maximum permissible sound pressure levels measured at the property line of the noise source for noise radiated continuously from the noise source shall not exceed the values specified in the table below where Daytime is defined as between the hours of 7 a.m. and 9 p.m. and Nighttime is defined as between the hours of 9 p.m. and 7 a.m.

Commented [SA4]: Let's define Hz, dB, and dBA and octave band so that a regular person may have some idea what this all means!?!?

Octave Band Center Frequency (Hz)	Daytime (dB) 7:00 a.m. – 9:00 p.m.	Nighttime (dB) 9:00 p.m. – 7:00 a.m.
63	72	55
125	60	48
250	53	42
500	47	39
1000	43	36
2000	40	33
4000	37	30
8000	33	27
Overall Level (dBA)	52	42

(Hz) Hertz. A unit of frequency of change in the cycle of a sound wave

(dB) Decibel. A unit of measurement of the intensity of sound

(dBA) A-weighted decibel. An expression of the relative loudness of sounds in the air as perceived by the human ear.

Octave Band - ???????????

Compliance with all octave band limits is required. If the Building Commissioner determines that the noise source contributes significantly to ambient noise levels at any distance from the property, sound levels may be measured in those locations beyond the source property line.

Commented [SA5]: It might be helpful to define "ambient noise" or replace this with "background".

- 2) **Temporary Noise.** For the purposes of this bylaw, non-continuous noise restrictions apply to permanent non-residential installations and home-based businesses where noise is periodically produced. No person shall use or cause the use of any noise-producing equipment or tool (such as for construction, repair, or demolition operations) between the hours of 9:00 p.m. and 7:00 a.m.

- 3). **Construction Noise.** Work at construction sites and in the operation of construction equipment including truck/vehicular and machine start-up and movement shall commence no earlier than 7 a.m. and shall cease no later than 6 p.m., Monday – Saturday. No construction shall take place on Sundays or federal and state legal holidays without the advance approval of the Building Commissioner,

Commented [SAC6]: I believe we should include something to address construction noise. This is our standard language we have been incorporating into decisions.

Tom asks if this is located in rules and regs. Also asks if this really belongs here at all in light of the purpose of this section.

- b. **Investigation.** The Building Commissioner may determine that the noise source is subject to investigation, violations, penalties, and/or corrective measures. If the Building Commissioner determines that an investigation is warranted, he or she may order the owner or operator to address the issue, which may include undertaking a noise study at their expense. Such noise study including sound measurements shall be conducted by a qualified acoustical consultant (INCE board certification or equivalent experience) in accordance with industry best practices. Depending on the particular site and noise generators, the noise study shall include, at a minimum, measurements of:

- ambient (background) noise (daytime and nighttime) and
- operational noise levels (daytime and nighttime) at the facility property line and residential receptors.

The Building Commissioner may provide the noise study to the Town's noise consultant for peer review, comment, and recommendations at the owner or operator's expense.

- c. **Noise Control Plan.** If the Building Commissioner, after evaluating the noise study, determines that corrective measures are necessary to remedy the noise violation, the owner and/or operator of the noise producing use shall provide a noise control, abatement and mitigation plan to the Building Commissioner for review and approval. The plan shall address how the site will become compliant. The plan shall be prepared by a qualified acoustical consultant whose qualifications include Institute of Noise Control Engineering (INCE) board certification of equivalent experience. If the Town requires consulting assistance to evaluate the plan, all costs will be borne by the owner or operator pursuant to [G.L. c. 44, § 53G](#).

Commented [SAC7]: Pretty much the same language as in the marijuana special permit section.

- d. **Corrective Measures** - Non-residential uses that produce non-compliant noise must install and maintain noise reducing equipment in accordance with the approved noise control plan to meet the requirements of this section. Compliance shall be achieved through industry best practices and suitable mitigation measures and may include reports of ongoing noise compliance reporting.

- e. **Exemptions**

Commented [SAC8]: Are there any other noise exemptions we should include?

- 1) Noise caused by agricultural, farm-related, or forestry-related activities as defined by [G.L., c 128, Agriculture, § 1A](#), as amended, is exempt from this restriction when such

activities follow generally accepted practices (Right to Farm Bylaw, [G.L., c 111, §125A](#)).

- 2) The limitations of this section do not apply to any construction, demolition, or repair work on public improvements authorized by a governmental body or agency.

3. **Vibration:** No vibration which is discernible to the human sense of feeling for 3 minutes or more in any hour between 7:00 a.m. and 7 p.m. or for 30 seconds or more in any one hour from 7:00 p.m. to 7:00 a.m. shall be permitted. No vibration at any time shall produce an acceleration of more than 0.1g or shall result in any combination of amplitude and frequencies beyond the "safe" range on [Table 7, U.S. Bureau of Mines Bulletin NO. 442](#). Vibrations resulting from temporary construction activity that occurs between 7:00 a.m. and 9:00 p.m. shall be exempt from this section.

Commented [MJH9]: Other requirements are 9:00pm. Is there a reason to be different?

Tom suggests we use the same hours as in the noise table.

Commented [SA10]: perhaps provide a link to this referenced source.

4. **Odors:** The Building Commissioner may determine that an odor source is subject to investigation, violations, penalties, and/or corrective measures.

- a. **Standards** – Either of the two standards listed below shall be used by the Building Commissioner.

- 1) **Reasonableness Standard** - Disturbing or offensive odors as defined in Paragraph A above shall not be produced in any zoning district or impact any public space where people live, work or assemble in a way that unreasonably interferes with the comfortable enjoyment of life or the use of property. The Building Commissioner may determine, using only her or her sense of smell, that an odor is one which is offensive or objectionable to a reasonable person with normal olfactory sensitivity.

- 2) **Measurement Standards** – Either of the following two measurement standards may be used.

- a) No disturbing or offensive odor greater than that caused by the lowest odor detection thresholds as listed in the most recent edition of the [American Industrial Hygiene Association \(AIHA\) Odor Thresholds for Chemicals with Established Occupational Health Standards, Reported Odor Thresholds \(EG Table 6.3 in 2nd Edition\)](#) shall be permitted. Only those reported detection thresholds determined with equal to or better than the following control measures shall apply:

Commented [SAC11]: Perhaps provide a link to this referenced resource.

- Measured delivered concentration
- Used force-choice methods
- Provided sample blanks
- Delivered odorant such that the delivery person could not dilute the sample

Due to the potential of odorant mixtures causing more intense odors than individual odorant compounds in isolation, nothing in this Bylaw shall be interpreted as allowing for any objectionable odor at or above the cited detection thresholds.

- b). A measured “Dilution-to-Threshold ratio” (D/T) of [REDACTED] or greater at the property line from where the odor is created shall constitute non-compliance. The Dilution-to-Threshold ratio is a measure of the number of dilutions needed to make the odorous ambient air non-detectable. The method of calculating D/T for the field olfactometer is:

$$D/T = \frac{\text{Volume of Carbon Filtered Air}}{\text{Volume of Odorous Air}}$$

- b. **Investigation.** If the Building Commissioner determines that an investigation is warranted, he or she shall undertake an odor observation to determine if an objectionable odor exists at the property line. As a component of the investigation, measurements may be done in the field by the Building Commissioner or designee, or by using laboratory means and methods. The following forms of investigation may be used:

- 1) Undiluted odor field observations (i.e. sniffing at the property line(s)) or odor sampling shall be performed at a frequency, duration, and property line locations appropriate for the odor source under investigation and any odor complaints that have been received by the Town. Field observations shall include the use of carbon filtering masks to refresh the olfactory sense between observations (sniffing).
- 2) A field olfactometer may be used measure odor strength using a dilution to threshold ratio.
- 3) At the discretion of the Building Commissioner, a technical odor consultant may be engaged by the Town of Medway for this investigation including odor observation and documentation of violations.

~~Because certain odors cannot be detected by mechanical or electrical instruments and their odor strength cannot be effectively measured with a field olfactometer, As a result of the investigation, the Building Commissioner may determine without using field devices and using only the sense of smell of the inspector that the odor is one which is objectionable to a reasonable person with normal sensitivity and that the odor source is subject to violations, penalties, and/or corrective measures.~~

- c. **Odor Control Plan** – If, based on the investigation, the Building Commissioner determines that corrective measures are necessary, the owner and/or operator of the odor-producing use shall may be required to provide an odor control, abatement and mitigation plan to the Building Commissioner for review and approval. The plan shall address how

Commented [MJH12]: What is an Odor Observation? Is this what is defined in the next section?

Commented [MJH13]: This may be ok to keep, but I wouldn't want it to be confused with the dilution device that we are trying not to use.

Commented [SAC14]: Same language as in the marijuana special permit section

Commented [SA15]: Or “shall?”

the odor standards will be met. The plan shall be prepared by a certified environmental engineer or certified environmental professional with experience in odor management, abatement and mitigation technologies. If the Town requires consulting assistance to evaluate the plan, all costs will be borne by the owner or operator pursuant to [G.L. c. 44, § 53G](#).

- d. **Corrective Measures** - Non-residential uses that produce non-compliant odors may be required to install and maintain odor-eliminating equipment in accordance with the approved odor control plan to meet the requirements of this section. ~~to the satisfaction of the Building Commissioner~~. This may include reports of ongoing odor compliance monitoring.

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e. **Exemptions**

- 1) **Farming.** Odors resulting from farming practices as defined in Medway General Bylaws, Article XXXI 31, § 2, Right to Farm, are exempt from these restrictions when such activities follow generally accepted practices ([G.L. c. 111, §125A](#)).
- 2) **Residential Uses.** Periodic odors resulting from residential activities such as but not limited to barbecues, wood stove exhaust, and house painting are exempt from these restrictions.
- 3) **Repair and infrequent maintenance activities.** Repair and infrequent maintenance activities such as but not limited to those for septic and sewer systems shall be exempt from these restrictions.

Commented [SAC17]: Recommended by odor consultant Bruce Straughan

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- D. **Special Permits** - A non-residential use that does not comply with the environmental standards herein shall only be allowed by special permit from _____. Special permits granted hereunder shall be based upon the criteria in Section ____ of this Bylaw. Nothing in this Bylaw prevents the special permit granting authority from attaching additional conditions to its approval of a special permit application.

Commented [SAC19]: Tom doesn't feel that we should allow an7 non-residential use to not comply.

Who should be the special permit granting authority? ZBA or PEDB?

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Possible definition for Ambient Noise – The sound pressure level produced by everything else excluding the source of sound being evaluated. Also referred to as background noise.

7.3. ENVIRONMENTAL STANDARDS

A. **Purpose.** The intent of this section is to provide standards for uses that may generate impacts that are potentially hazardous, harmful to the environment, disturbing or offensive. ~~The~~ **Medway** Zoning Bylaw, § 5.2, Prohibited Uses, expressly prohibits all uses in any zoning district that pose a present or potential hazard to human health, safety, welfare, or the environment through the emission of smoke, particulate matter, noise or vibration, or through fire or explosive hazard, or light and shadow flicker. Furthermore, the Zoning Bylaw, § 5.2, Prohibited Uses, B.14 prohibits any use that produces “disturbing or offensive” noise, vibration, smoke, gas, fumes, odors, dust or other objectionable or hazardous features. For the purposes of this section, “disturbing or offensive” impacts are those that a reasonable person with normal sensory sensitivities would find objectionable, as interpreted by the Building Commissioner or designee.

Commented [SA1]: I suggest we also include the word “objectionable” in here as it is used extensively throughout this section. .

Commented [BSA2]: Why do we keep saying “Medway” ZBL? We don’t do that elsewhere in the ZBL, and is seems unnecessary. Section 7.3 is part of the Zoning By-law.

Commented [BSA3]: We probably don’t need to have both 5.2 and 5.2.B.14 provisions prohibiting offensive uses, but that is an issue for another day.

B. **Enforcement:** The ~~Medway~~ Zoning Bylaw, § 3.1, Enforcement, Violations, and Penalties authorizes the Building Commissioner, or designee, to interpret and enforce this Bylaw. ~~The police department, fire department, or board of health officials are authorized to enforce standards that are based on certain sections of~~ 310 Code of Massachusetts Regulations (CMR), § 7, Air Pollution Control Regulations. At the discretion of the Building Commissioner, a technical consultant may be engaged by the Town of Medway to investigate and document violations.

Advisory Note – State regulations authorize the police department, fire department, and board of health officials to enforce noise standards that are based on certain sections of 310 Code of Massachusetts Regulations (CMR), § 7, Air Pollution Control Regulations. Such regulations are distinct and separate from the Town’s zoning regulations.

C. **Standards.** The following standards shall apply to all zoning districts and shall be determined at the location of use:

Commented [SA4]: This is not an accurate statement. In the noise section, the determination is made at the property line.

Commented [BSA5]: Agreed

1. **Smoke, Fly Ash, Dust, Fume, Vapors, Gases, Other Forms of Air Pollution:** ~~Medway~~ Zoning Bylaw, § 5.2, Prohibited Uses, 14, prohibits any use “that produces disturbing or offensive noise, vibration, smoke, gas, fumes, odors, dust or other objectionable or hazardous features.” In addition, all activities involving smoke, fly ash, dust, fume, vapors, gases, other forms of air pollution, as defined in CMR 310, § 7, Air Pollution Control Regulations, as amended, which can cause damage to human health, to animals or vegetation, or other forms of property, or which cause any excessive soiling at any point are prohibited.

2. **Noise Disturbance:** The Building Commissioner may determine that a noise source is subject to investigation, violations, penalties, and/or corrective measures.

a. **Standards.** No person or persons owning, leasing, or controlling the operation of any source or sources of noise shall willfully, negligently, or through the failure to provide necessary equipment or facilities or to take necessary precautions, permit the

Commented [BSA6]: Is this necessary? Do we care how the noise is caused? Can we just delete this?

establishment of a condition of noise pollution. In addition, all activities involving noise must also meet the standards of 310 CMR § 7.10, Air Pollution Control Regulations, as amended, which regulates outdoor noise. Section 7.10 (1) of this regulation prohibits any person owning, leasing, or controlling a source of sound to “cause, suffer, allow, or permit unnecessary emissions from said source of sound that may cause noise.”

- 1) **Continuous Noise.** For the purposes of this bylaw, continuous noise restrictions apply to permanent non-residential installations and home-based businesses where noise is a by-product of business operations (such as from exhaust equipment). Maximum permissible sound pressure levels measured at the property line of the noise source for noise radiated continuously from the noise source shall not exceed the values specified in the table below where Daytime is defined as between the hours of 7:00 a.m. and 9:00 p.m. and Nighttime is defined as between the hours of 9:00 p.m. and 7:00 a.m.

Octave Band Center Frequency (Hz)	Daytime (dB) 7:00 a.m. – 9:00 p.m.	Nighttime (dB) 9:00 p.m. – 7:00 a.m.
63	72	55
125	60	48
250	53	42
500	47	39
1000	43	36
2000	40	33
4000	37	30
8000	33	27
Overall Level (dBA)	52	42

(Hz) Hertz. A unit of frequency of change in the cycle of a sound wave

(dB) Decibel. A unit of measurement of the intensity of sound

(dBA) A-weighted decibel. An expression of the relative loudness of sounds in the air as perceived by the human ear.

Octave Band - ????????????

Compliance with all octave band limits is required. If the Building Commissioner determines that the noise source contributes significantly to ambient noise levels at any distance from the property, sound levels may be measured in those locations beyond the source property line.

- 2). **Temporary Noise.** For the purposes of this bylaw, non-continuous noise restrictions apply to permanent non-residential installations and home-based businesses where noise is periodically produced. No person shall use or cause the use of any noise-producing equipment or tool (such as for construction, repair, or demolition operations) between the hours of 9:00 p.m. and 7:00 a.m.

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Again, are we saying that the state noise regulations are the Town's as well?

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Not sure what this means. Does it mean uses? The term non-residential uses is used in other parts of the By-law. Or is it premises?

Commented [BSA9]:

Can't help myself, this is a formal document.

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Let's define Hz, dB, and dBA and octave band so that a regular person may have some idea what this all means!?!?

Commented [BSA11]:

Where do these definitions come from? We want to use the recognized definitions; otherwise, putting in a definition could have unintended consequences.

Commented [SA12]:

It might be helpful to define "ambient noise" or replace this with "background".

Commented [BSA13]:

I believe "ambient" is a term of art in the noise field, I would be reluctant to use "background".

3). **Construction Noise.** Work at construction sites and in the operation of construction equipment including start-up and movement of trucks, vehicles, and machines ~~start-up and movement~~ shall commence no earlier than 7:00 a.m. and shall cease no later than 6:00 p.m., Monday ~~through~~– Saturday. No construction shall take place on Sundays, ~~or~~ federal ~~holidays or~~ and state legal holidays without the advance written ~~?~~ approval of the Building Commissioner,

Commented [SAC14]: I believe we should include something to address construction noise. This is our standard language we have been incorporating into decisions.

Tom asks if this is located in rules and regs. Also asks if this really belongs here at all in light of the purpose of this section.

Commented [BSA15]: May want to include this, thinking just an email would do, but good to have a paper trail.

b. **Investigation.** The Building Commissioner may determine that the noise source is subject to investigation, violations, penalties, and/or corrective measures. If the Building Commissioner determines that an investigation is warranted, he or she may order the owner or operator to address the issue, which may include undertaking a noise study at their expense. Such noise study including sound measurements shall be conducted by a qualified acoustical consultant (INCE board certification or equivalent experience) in accordance with industry best practices. Depending on the particular site and noise generators, the noise study shall include, at a minimum, measurements of:

- ambient ~~(background)~~ noise ~~(d~~Daytime and ~~n~~Nighttime) and
- operational noise levels ~~(d~~Daytime and ~~n~~Nighttime) at the facility property line and residential receptors.

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The Building Commissioner may provide the noise study to the Town's noise consultant for peer review, comment, and recommendations at the owner or operator's expense.

c. **Noise Control Plan.** If the Building Commissioner, after evaluating the noise study, determines that ~~corrective measures are necessary to remedy the noise violation~~ there is a violation, the owner and/or operator of the noise producing use shall provide a noise control, abatement and mitigation plan to the Building Commissioner for review and approval. The plan shall address how the site will become compliant. The plan shall be prepared by a qualified acoustical consultant whose qualifications include Institute of Noise Control Engineering (INCE) board certification ~~or~~ or equivalent experience. If the Town requires consulting assistance to evaluate the plan, all costs will be borne by the owner or operator pursuant to G.L. c. 44, § 53G.

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Commented [SAC18]: Pretty much the same language as in the marijuana special permit section.

Commented [BSA19]: Isn't the question whether there is a violation?

d. **Corrective Measures** - Non-residential uses that produce non-compliant noise must install and maintain noise reducing equipment in accordance with the approved noise control plan to meet the requirements of this section. Compliance shall be achieved through industry best practices and suitable mitigation measures and may include reports of ongoing noise compliance reporting.

Commented [BSA20]: See comment above.

e. **Exemptions**

1) Noise caused by agricultural, farm-related, or forestry-related activities as defined by G.L. c 128, Agriculture, § 1A, as amended, is exempt from this restriction when such

Commented [SAC21]: Are there any other noise exemptions we should include?

activities follow generally accepted practices (Right to Farm Bylaw, G.L., c 111, §125A).

- 2) The limitations of this section do not apply to any construction, demolition, or repair work on public improvements authorized by a governmental body or agency.

3. **Vibration:** No vibration which is discernible to the human sense of feeling for 3 minutes or more in any hour between 7:00 a.m. and 7:00 p.m. or for 30 seconds or more in any one hour from 7:00 p.m. to 7:00 a.m. shall be permitted. No vibration at any time shall produce an acceleration of more than 0.1g or shall result in any combination of amplitude and frequencies beyond the "safe" range on Table 7, U.S. Bureau of Mines Bulletin NO. 442. Vibrations resulting from temporary construction activity that occurs between 7:00 a.m. and 9:00 p.m. shall be exempt from this section.

Commented [MJH22]: Other requirements are 9:00pm. Is there a reason to be different?

Tom suggests we use the same hours as in the noise table.

Commented [SA23]: perhaps provide a link to this referenced source.

4. **Odors:** The Building Commissioner may determine that an odor source is subject to investigation, violations, penalties, and/or corrective measures.

- a. **Standards – Failure to meet** Either of the two standards listed below shall be a violation of this section used by the Building Commissioner.

- 1) **Reasonableness Standard** - Disturbing or offensive odors as defined in Paragraph A above shall not be produced in any zoning district or impact any public space where people live, work or assemble in a way that unreasonably interferes with the comfortable enjoyment of life or the use of property. The Building Commissioner may determine, using only her or her sense of smell, that an odor is one which is offensive or objectionable to a reasonable person with normal olfactory sensitivity.

- 2) **Measurement Standards – Violation of** Either of the following two measurement standards may be used.

- a) No disturbing or offensive odor greater than that caused by the lowest odor detection thresholds as listed in the most recent edition of the American Industrial Hygiene Association (AIHA) Odor Thresholds for Chemicals with Established Occupational Health Standards, Reported Odor Thresholds (EG Table 6.3 in 2nd Edition) shall be permitted. Only those reported detection thresholds determined with equal to or better than the following control measures shall apply:

Commented [SAC24]: Perhaps provide a link to this referenced resource.

- Measured delivered concentration
- Used force-choice methods
- Provided sample blanks
- Delivered odorant such that the delivery person could not dilute the sample

Due to the potential of odorant mixtures causing more intense odors than individual odorant compounds in isolation, nothing in this Bylaw shall be interpreted as allowing for any objectionable odor at or above the cited detection thresholds.

- b). A measured “Dilution-to-Threshold ratio” (D/T) of [REDACTED] or greater at the property line from where the odor is created shall constitute non-compliance. The Dilution-to-Threshold ratio is a measure of the number of dilutions needed to make the odorous ambient air non-detectable. The method of calculating D/T for the field olfactometer is:

$$D/T = \frac{\text{Volume of Carbon Filtered Air}}{\text{Volume of Odorous Air}}$$

- b. **Investigation.** If the Building Commissioner determines that an investigation is warranted, he or she shall undertake an odor observation to determine if an objectionable odor exists at the property line. As a component of the investigation, measurements may be done in the field by the Building Commissioner or designee, or by using laboratory means and methods. The following forms of investigation may be used:

- 1) Undiluted odor field observations (i.e. sniffing at the property line(s)) or odor sampling shall be performed at a frequency, duration, and property line locations appropriate for the odor source under investigation and any odor complaints that have been received by the Town. Field observations shall include the use of carbon filtering masks to refresh the olfactory sense between observations (sniffing).
- 2) A field olfactometer may be used measure odor strength using a dilution to threshold ratio.
- 3) At the discretion of the Building Commissioner, a technical odor consultant may be engaged by the Town of Medway for this investigation including odor observation and documentation of violations.

~~Because certain odors cannot be detected by mechanical or electrical instruments and their odor strength cannot be effectively measured with a field olfactometer, As a result of the investigation, the Building Commissioner may determine without using field devices and using only the sense of smell of the inspector that the odor is one which is objectionable to a reasonable person with normal sensitivity and that the odor source is subject to violations, penalties, and/or corrective measures.~~

- c. **Odor Control Plan** – If, based on the investigation, the Building Commissioner determines that ~~corrective measures are necessary~~ there is a violation, the owner and/or operator of the odor-producing use shall ~~may be required to~~ provide an odor control,

Commented [BSA25]: Interesting that we direct the BC on how to conduct the investigation.

Commented [MJH26]: What is an Odor Observation? Is this what is defined in the next section?

Commented [BSA27]: Are these the exclusive methods?

Commented [MJH28]: This may be ok to keep, but I wouldn't want it to be confused with the dilution device that we are trying not to use.

Commented [SAC29]: Same language as in the marijuana special permit section

Commented [SA30]: Or “shall?”

abatement and mitigation plan to the Building Commissioner for review and approval. The plan shall address how the odor standards will be met. The plan shall be prepared by a certified environmental engineer or certified environmental professional with experience in odor management, abatement and mitigation technologies. If the Town requires consulting assistance to evaluate the plan, all costs will be borne by the owner or operator pursuant to [G.L. c. 44, § 53G](#).

Commented [BSA31]: Check with Town Counsel; §53G is generally associated with permits rather than enforcement.

- d. **Corrective Measures** - Non-residential uses that produce non-compliant odors may be required to install and maintain odor-eliminating equipment in accordance with the approved odor control plan to meet the requirements of this section. ~~to the satisfaction of the Building Commissioner~~. This may include reports of ongoing odor compliance monitoring.

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e. **Exemptions**

- 1) **Farming.** Odors resulting from farming practices as defined in Medway General Bylaws, Article XXXI 31, § 2, Right to Farm, are exempt from these restrictions when such activities follow generally accepted practices ([G.L., c 111, §125A](#)).
- 2) **Residential Uses.** Periodic odors resulting from residential activities such as but not limited to barbecues, wood stove exhaust, and house painting are exempt from these restrictions.
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- D. **Special Permits** - A non-residential use that does not comply with the environmental standards herein shall only be allowed by special permit from _____. Special permits granted hereunder shall be based upon the criteria in Section ____ of this Bylaw. Nothing in this Bylaw prevents the special permit granting authority from attaching additional conditions to its approval of a special permit application.

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Who should be the special permit granting authority? ZBA or PEDB?

Commented [SAC36]: Are there any other specialized criteria pertaining to environmental standards that we should include?

Commented [BSA37]: I tend to agree with Tom, seems a slippery slope. Chapter 40A, §6 seems to provide grandfathering for uses lawfully in existence; any new uses should comply.

~~Possible definition for Ambient Noise—The sound pressure level produced by everything else excluding the source of sound being evaluated. Also referred to as background noise.~~

Susan Affleck-Childs

From: Lally, John - 0666 - MITLL <jlally@ll.mit.edu>
Sent: Tuesday, May 26, 2020 6:13 PM
To: Susan Affleck-Childs
Subject: RE: 2020.05.12 Environmental Standards bjs edits (002 - May 26, 2020) - UPDATED VERSION
Attachments: 2020.05.12_Environmental_Standards_bjsedits_JLComments_May_26_2020.docx

Thank you Susy,

Attached are my "tentative-comments-and-edits", figured to get something out timely is better than trying to be perfect and get nothing out at all.

Please consider the comments and offered edits in the attached very much a work in progress, I only had time to do an expeditious review of the odor section.

I think what's so difficult about the odor standards is there does not currently exist an effective analytical, instrument only based set of performance criteria.

For this reason analytical standards are often combined with sensorial standards.
The attached seems to have dealt with this in the Odors Section 4.a.2.a) Analytic Standard, and 4.a.2.b) Sensorial Standard.

I agree with the Analytic Standard provided in 4.a.2.a) with a slight edit: deleting the word "cited" in last paragraph. My comments explain the rationale for this delete.

I did read through the doc more carefully and still disagree with the D/T based criteria in 4.a.2.b), my comments in the attached explain why.

I have offered a replacement for 4.a.2.b) that provides for an objective Sensorial Standard using ASTM E679 to back up the building commissioner in the event of a stubborn violator.

Please note as explained in my comments there are very complex and involved standards (e.g. EN16841 & ASTM E544) for doing sensorial field inspections which I don't think are appropriate for Medway. Perhaps what is appropriate are field inspections by the building commissioner backed up with the olfactometry specified in ASTM E679. This is what I offered as a replacement for the D/T based criteria.

Thank you so much Susy for keeping me involved,

-John

From: Susan Affleck-Childs <sachilds@townofmedway.org>
Sent: Tuesday, May 26, 2020 1:22 PM
To: Andy Rodenhiser <andyrodenhiser@gmail.com>; Andy Rodenhiser <andy@rodenhiser.com>; Bob Tucker <rktucker51@gmail.com>; Bob Tucker <RTucker@compasspmc.com>; Jessica Chabot <jesswchabot@gmail.com>; Matthew Hayes <hayes7000@msn.com>; Rich Di Iulio <richd@trolleycomputers.com>; Tom Gay <tag70c3@verizon.net>
Cc: Lally, John - 0666 - MITLL <jlally@ll.mit.edu>
Subject: 2020.05.12 Environmental Standards bjs edits (002 - May 26, 2020) - UPDATED VERSION

Hi,

Barbara has provided some comments on the revised draft environmental standards document I emailed you this morning. Please use this one for our discussion tonight.

Thanks .

Susy

7.3. ENVIRONMENTAL STANDARDS

A. **Purpose.** The intent of this section is to provide standards for uses that may generate impacts that are potentially hazardous, harmful to the environment, disturbing or offensive. ~~The Medway~~ Zoning Bylaw, § 5.2, Prohibited Uses, expressly prohibits all uses in any zoning district that pose a present or potential hazard to human health, safety, welfare, or the environment through the emission of smoke, particulate matter, noise or vibration, or through fire or explosive hazard, or light and shadow flicker. Furthermore, the Zoning Bylaw, § 5.2, Prohibited Uses, B.14 prohibits any use that produces “disturbing or offensive” noise, vibration, smoke, gas, fumes, odors, dust or other objectionable or hazardous features. For the purposes of this section, “disturbing or offensive” impacts are those that a reasonable person with normal sensory sensitivities would find objectionable, as interpreted by the Building Commissioner or designee.

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2. **Noise Disturbance:** The Building Commissioner may determine that a noise source is subject to investigation, violations, penalties, and/or corrective measures.

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Again, are we saying that the state noise regulations are the Town's as well?

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Octave Band - ????????????

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Commented [BSA19]: Isn't the question whether there is a violation?

- c. **Noise Control Plan.** If the Building Commissioner, after evaluating the noise study, determines that ~~corrective measures are necessary to remedy the noise violation~~ there is a violation, the owner and/or operator of the noise producing use shall provide a noise control, abatement and mitigation plan to the Building Commissioner for review and approval. The plan shall address how the site will become compliant. The plan shall be prepared by a qualified acoustical consultant whose qualifications include Institute of Noise Control Engineering (INCE) board certification ~~or~~ if? equivalent experience. If the Town requires consulting assistance to evaluate the plan, all costs will be borne by the owner or operator pursuant to G.L. c. 44, § 53G.

Commented [BSA20]: See comment above.

- d. **Corrective Measures** - Non-residential uses that produce non-compliant noise must install and maintain noise reducing equipment in accordance with the approved noise control plan to meet the requirements of this section. Compliance shall be achieved through industry best practices and suitable mitigation measures and may include reports of ongoing noise compliance reporting.

e. **Exemptions**

- 1) Noise caused by agricultural, farm-related, or forestry-related activities as defined by [G.L., c 128, Agriculture, § 1A](#), as amended, is exempt from this restriction when such activities follow generally accepted practices (Right to Farm Bylaw, [G.L., c 111, §125A](#)).
- 2) The limitations of this section do not apply to any construction, demolition, or repair work on public improvements authorized by a governmental body or agency.

Commented [SAC21]: Are there any other noise exemptions we should include?

3. **Vibration:** No vibration which is discernible to the human sense of feeling for 3 minutes or more in any hour between 7:00 a.m. and 7:00 p.m. or for 30 seconds or more in any one hour from 7:00 p.m. to 7:00 a.m. shall be permitted. No vibration at any time shall produce an acceleration of more than 0.1g or shall result in any combination of amplitude and frequencies beyond the "safe" range on [Table 7, U.S. Bureau of Mines Bulletin NO. 442](#). Vibrations resulting from temporary construction activity that occurs between 7:00 a.m. and 9:00 p.m. shall be exempt from this section.

Commented [MJH22]: Other requirements are 9:00pm. Is there a reason to be different?

Tom suggests we use the same hours as in the noise table.

Commented [SA23]: perhaps provide a link to this referenced source.

4. **Odors:** The Building Commissioner may determine that an odor source is subject to investigation, violations, penalties, and/or corrective measures.

- a. **Standards – Failure to meet** ~~Either~~ of the two standards listed below shall be [a violation of this section used by the Building Commissioner](#).

- 1) **Reasonableness Standard** - Disturbing or offensive odors as defined in Paragraph A above shall not be produced in any zoning district or impact any public space where people live, work or assemble in a way that unreasonably interferes with the comfortable enjoyment of life or the use of property. The Building Commissioner may determine, using only her or her sense of smell, that an odor is one which is offensive or objectionable to a reasonable person with normal olfactory sensitivity.

- 2) **Measurement Standards – Violation of** ~~Either~~ of the following two measurement standards: ~~may be used.~~

- a) **Analytical Standard:** ~~No~~ disturbing or offensive odor greater than that caused by the lowest odor detection thresholds as listed in the most recent edition of the [American Industrial Hygiene Association \(AIHA\) Odor Thresholds for Chemicals with Established Occupational Health Standards, Reported Odor Thresholds \(EG Table 6.3 in 2nd Edition\)](#) shall be permitted. Only those reported detection thresholds determined with equal to or better than the following control measures shall apply:

Commented [LJ-0-M24]: This is the analytical Measurement standard, ok on this. I'm really struggling with the sensorial measurement standard, see 4.2.b) below.

Commented [SAC25]: Perhaps provide a link to this referenced resource.

- Measured delivered concentration
- Used force-choice methods
- Provided sample blanks
- Delivered odorant such that the delivery person could not dilute the sample

Due to the potential of odorant mixtures causing more intense odors than individual odorant compounds in isolation, nothing in this Bylaw shall be interpreted as allowing for any objectionable odor at or above the ~~cited~~ detection thresholds.

~~b). Sensorial Standard: No objectionable odor greater than the detection threshold as determined through field inspections by the building commissioner or their designee or determined using olfactometry as specified in ASTM E679~~

~~A measured "Dilution to Threshold ratio" (D/T) of or greater at the property line from where the odor is created shall constitute non-compliance. The Dilution to Threshold ratio is a measure of the number of dilutions needed to make the odorous ambient air non-detectable. The method of calculating D/T for the field olfactometer is:~~

$$D/T = \frac{\text{Volume of Carbon Filtered Air}}{\text{Volume of Odorous Air}}$$

b. **Investigation.** If the Building Commissioner determines that an investigation is warranted, he or she shall undertake an odor observation to determine if an objectionable odor exists at the source property line. As a component of the investigation, measurements may be done in the field by the Building Commissioner or designee, or by using laboratory means and methods. The following forms of investigation may be used:

1) Undiluted odor field observations (i.e. sniffing at the source property line(s)) or odor sampling shall be performed at a frequency, duration, and property line source property locations appropriate for the odor source under investigation and any odor complaints that have been received by the Town. Field observations shall include the use of carbon filtering masks to refresh the olfactory sense between observations (sniffing).

2) ~~A field olfactometer may be used measure odor strength using a dilution to threshold ratio:~~

Commented [LJ-0-M26]: By deleting "cited", any objectionable odor above the detection threshold is covered, independent of the cited detection thresholds.

That way if an odorant isn't in the AIHA tables, either because it just hasn't been characterized yet or it can't be characterized because the state of the art can't measure it's detection threshold (i.e. cannabis based & other highly sensitive compounds) residents will still be protected.

Commented [LJ-0-M27]: I think this is intended to be the sensorial measurement standard to cover the cases where odorants aren't in the AIHA tables or whose detection thresholds are below the current state of the art of analytical methods, or the odorants combine to cause intense odors even though the individual odorants are below there detection threshold concentrations.

In general this can be accomplished through field inspections or through olfactometry as specified in ASTM E679.

Sensorial Field inspection Standards such as EN16841 & ASTM544 are extremely complicated and extensive, involving panels of odor assessors for extended periods of time. I really don't think that is appropriate for Medway. Perhaps what is appropriate for Medway is for the building commissioner (or designee) to inspect a facility and using their undiluted sense of smell determine if an odor is above the detection threshold. Then back that up with the laboratory test methods of ASTM E679 which will provide the building commissioner with an objective tool to rely on if needed for stubborn violators.

Commented [LJ-0-M28]: I did see in 2.) that violating either 2.a) or 2.b) is a violation, however I remain puzzled by the 2.b) option: ...

Commented [BSA29]: Interesting that we direct the BC on how to conduct the investigation.

Commented [MJH30]: What is an Odor Observation? Is this what is defined in the next section?

Commented [LJ-0-M31]: The appropriate location at the source may be other than the property line, so just specify source property?

Commented [BSA32]: Are these the exclusive methods?

Commented [LJ-0-M33R32]: This is a very good question by bjs, the state of the art of odor measurement & analysis is constantly evolving and as of yet isn't sufficiently sensitive to provide adequate non-human objective criteria ...

Commented [LJ-0-M34]: I agree with Matt, it's important to make the distinction between a simple carbon filtering mask which is intended here, and the complex field ...

Commented [MJH35]: This may be ok to keep, but I wouldn't want it to be confused with the dilution device that we are trying not to use.

Commented [LJ-0-M36]: I thought it was the sense of the board this was inappropriate for Medway?

- 3) At the discretion of the Building Commissioner, a technical odor consultant may be engaged by the Town of Medway for this investigation including odor observation and documentation of violations.

~~Because certain odors cannot be detected by mechanical or electrical instruments and their odor strength cannot be effectively measured with a field olfactometer. As a result of the investigation, the Building Commissioner may determine without using field devices and using only the sense of smell of the inspector that the odor is one which is objectionable to a reasonable person with normal sensitivity and that the odor source is subject to violations, penalties, and/or corrective measures.~~

- c. **Odor Control Plan** – If, based on the investigation, the Building Commissioner determines that ~~corrective measures are necessary~~ there is a violation, the owner and/or operator of the odor-producing use ~~shall~~ may be required to provide an odor control, abatement and mitigation plan to the Building Commissioner for review and approval. The plan shall address how the odor standards will be met. The plan shall be prepared by a certified environmental engineer or certified environmental professional with experience in odor management, abatement and mitigation technologies. If the Town requires consulting assistance to evaluate the plan, all costs will be borne by the owner or operator pursuant to G.L. c. 44, § 53G.
- d. **Corrective Measures** - Non-residential uses that produce non-compliant odors may be required to install and maintain odor-eliminating equipment in accordance with the approved odor control plan to meet the requirements of this section. ~~to the satisfaction of the Building Commissioner~~. This may include reports of ongoing odor compliance monitoring.

e. **Exemptions**

- 1) **Farming**. Odors resulting from farming practices as defined in Medway General Bylaws, Article XXXI 31, § 2, Right to Farm, are exempt from these restrictions when such activities follow generally accepted practices (G.L., c 111, §125A).
- 2) **Residential Uses**. Periodic odors resulting from residential activities such as but not limited to barbecues, wood stove exhaust, and house painting are exempt from these restrictions.
- 3) **Repair and infrequent maintenance activities**. Repair and infrequent maintenance activities such as but not limited to those for septic and sewer systems shall be exempt from these restrictions.

Commented [SAC37]: Same language as in the marijuana special permit section

Commented [SA38]: Or “shall?”

Commented [BSA39]: Check with Town Counsel; §53G is generally associated with permits rather than enforcement.

Commented [SA40]: Or shall?

Commented [SAC41]: Recommended by odor consultant Bruce Straughan

Commented [SAC42]: Recommended by odor consultant Bruce Straughan

D. **Special Permits** - A non-residential use that does not comply with the environmental standards herein shall only be allowed by special permit from _____. Special permits granted hereunder shall be based upon the criteria in Section ____ of this Bylaw. Nothing in this Bylaw prevents the special permit granting authority from attaching additional conditions to its approval of a special permit application.

Commented [SAC43]: Tom doesn't feel that we should allow an7 non-residential use to not comply.

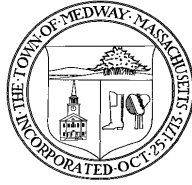
Who should be the special permit granting authority? ZBA or PEDB?

Commented [SAC44]: Are there any other specialized criteria pertaining to environmental standards that we should include?

Commented [BSA45]: I tend to agree with Tom, seems a slippery slope. Chapter 40A, §6 seems to provide grandfathering for uses lawfully in existence; any new uses should comply.

~~Possible definition for Ambient Noise—The sound pressure level produced by everything else excluding the source of sound being evaluated. Also referred to as background noise.~~

DRAFT



May 26, 2020

**Medway Planning & Economic Development Board
Meeting**

Tetra Tech Construction Reports

- Millstone #83 (4-22-20)
- Salmon #37 (5-12-20)
- Medway Community Church #28 (5-14-20)

Hi,

Barbara has provided some comments on the revised draft environmental standards document I emailed you this morning. Please use this one for our discussion tonight.

Thanks .

Susy

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

FIELD REPORT

Project Millstone Village	Date 4/22/2020	Report No. 83
Location Winthrop Street, Medway, MA	Project No. 143-21583-14018	Sheet 1 of 2
Contractor Titan Contractors Inc.	Weather A.M. OVERCAST P.M.	Temperature A.M. 35°F P.M.

FIELD OBSERVATIONS

On Wednesday, April 22, 2019, Bradley M. Picard, E.I.T. 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. TT on site to inspect top course paving operations on Steppingstone Drive. Milinazzo Paving Corp. arrived on site at 8 AM. to prep the road for top course pavement installation. Steppingstone Drive Paving crew and laborers with Titan Contractors removed temporary pavement transitions at the intersections on Fieldstone Drive and around manhole covers. Deteriorated portions of binder course were also removed, followed by a installing a shim course to provide a level surface for top course installation. Prior to top course installation, Milinazzo placed tack coat on the binder course as well as in the joints at the intersection of Steppingstone Drive and Fieldstone Drive. Milinazzo placed two inches (loose) of top course HMA to obtain a compacted finished depth of 1.5 inches. Temperatures of asphalt ranged from 250°F - 290°F. Upon departure from the site, Milinazzo had completed top course installation at all 6 driveways and started paving Steppingstone Drive.
- B. TT inspected landscaping located at #3 and #5 Steppingstone Drive. Landscaping appeared to be complete at the front of the units, however landscaping at the back of these units, specifically the three trees proposed between #3 and #5 steppingstone, have not been completed.

CONTRACTOR'S FORCE AND EQUIPMENT						WORK DONE BY OTHERS	
Sup't	1	Bulldozer		Asphalt Paver	1	Dept. or Company	Description of Work
Foreman	2	Backhoe		Asphalt Reclaimer		Milinazzo Paving Corp.	Top Course Paving
Laborers	5+	Loader		Vib. Roller	3		
Drivers	2	Rubber Tire Backhoe/Loader	1	Static Roller			
Oper. Engr.	2	Skid Steer	1	Vib. Walk Comp.	1		
Carpenters		Hoeram		Compressor			
Masons		Excavator		Jack Hammer			
Iron Workers		Grader		Power Saw			
Electricians		Crane		Conc. Vib.			
Flagpersons		Scraper		Tack Wagon	1		
Surveyors		Conc. Mixer		Man Lift			
Roofers		Conc. Truck		Skidder		OFFICIAL VISITORS TO JOB	
Mechanical/HVAC		Conc. Pump Truck					
		Pickup Truck	3				
		Tri-Axle Dump Truck	2				
		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.	7:00 A.M. – 12:00 P.M.

NOTE: Please use reverse side for remarks and sketches

Project Millstone Village	Date 4/22/2020	Report No. 83
Location Winthrop Street, Medway, MA	Project No. 143-21583-18008	Sheet 2 of 2

FIELD OBSERVATIONS CONTINUED

2. Schedule

- A. Contractor will contact TT for further inspections as the site is nearing substantial completion.

3. New Action Items

- A. Contractor to install remaining landscaping behind units at Steppingstone Drive per the endorsed Landscape Plan.

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 05/12/2020	Report No. 37
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. P.M. SUNNY	Temperature A.M. P.M. 55°F

FIELD OBSERVATIONS

On Tuesday, May 12, 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. The main open portion of the site is firm, standing water and mud present from recent rainstorms. The main site construction entrance (West Entrance) has been reinforced with a paved apron to prevent damage to the edge of Village Street Pavement, all traffic is directed to the West Entrance. 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.
- B. TT on site to inspect the installation of Infiltration Trench 19 (IT 19) located on the southwest side of the main campus building. Contractor excavated existing material to the extents of proposed IT 19 to uncover the wick area, which was installed Fall 2019. Existing 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. Existing stone was excavated from the wick and the 4-inch, capped, perforated, inspection port was placed at the bottom of the wick drain per the plan. The walls of the wick were then re-laid with filter fabric and backfilled with washed crushed stone up to the bottom of overall system excavation. The overall system excavation sides and bottom were wrapped with non-woven filter fabric and the contractor installed approximately one foot of washed crushed stone throughout in preparation for installation of 21 proposed SK75 chambers. Inspection ports were installed at the end of each row of chambers, system backfilled with washed crushed stone to approximately six inches above chambers and system wrapped with non-woven filter fabric, six additional inches of stone and 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		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		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	1:00 P.M. – 3:00 P.M.

NOTE: Please use reverse side for remarks and sketches

Project Salmon Health and Retirement Community	Date 05/12/2020	Report No. 37
Location Village Street, Medway, MA	Project No. 143-21583-15011	Sheet 2 of 2

FIELD OBSERVATIONS CONTINUED

2. Schedule

- A. Contractor will continue main campus building construction at this time and is expected to install Infiltration Trench 23 in approximately one month.
- 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. Contractor to provide photos from wick inspection port installation to ensure inspection port reaches bottom of wick and to confirm proper materials were used. **TT Update: Perforations in pipe previously observed as well as depth of wick drain confirmed with measurement down to bottom of wick, comment resolved.**

5. Materials Delivered to Site Since Last Inspection

- A. N/A

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

FIELD REPORT

Project Medway Community Church	Date 05/14/2020	Report No. 28
Location 9 & 11 Slocumb Place, Medway, MA	Project No. 143-21583-18009	Sheet 1 of 2
Contractor Rodenhiser Excavating, Inc. (Site Contractor)	Weather A.M. SUNNY P.M. SUNNY	Temperature A.M. 60°F P.M. 70°F

FIELD OBSERVATIONS

On Thursday, May 14, 2020, Bradley Picard, EIT 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. Upon arrival, Clover Paving, Rodenhiser Excavating, and Matthew Barry (Tata & Howard) on-site to coordinate pavement repairs and to build the crown at the driveway apron on Slocumb Place. Clover to sawcut and repair pavement adjacent to Catch Basin No. 2-3 and Catch basin No. 1-7 where water ponds at a low point rather than entering the catch basin.
- B. Using a milling attachment on a compact track loader, Clover keyed the driveway apron approximately three feet before the striped pedestrian walkway and at Slocumb Place. Clover following the direction and approval of work from Tata & Howard. TT overseeing work performed to ensure the final product directs stormwater from the parking area to the open bottom catch basins on either side of the driveway apron. Water was sprayed upstream of catch basins once paving was completed to ensure stormwater will travel into the catch basins and not onto Slocumb Place. TT departs site at approximately 12:30 P.M., contractor in the process of completing patch at Catch Basin No. 2-3 upon departure.

CONTRACTOR'S FORCE AND EQUIPMENT						WORK DONE BY OTHERS	
Sup't	1	Bulldozer		Asphalt Paver	1	Dept. or Company	Description of Work
Foreman	1	Backhoe		Asphalt Reclaimer		Clover Paving	Top Course Paving
Laborers	3	Loader		Vib. Roller	2		
Drivers	1	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	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		Compact Track Loader	1	Matthew Barry	Tata & Howard
		Pickup Truck	3	Screener			
		Tri-Axle Dump Truck	1				
		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. – 11:30 A.M.;
							12:00 P.M. – 12:30 P.M.
NOTE: Please use reverse side for remarks and sketches							

Project Medway Community Church	Date 05/14/2020	Report No. 28
Location 9 & 11 Slocumb Place, Medway, MA	Project No. 143-21583-18008	Sheet 2 of 2

FIELD OBSERVATIONS CONTINUED

2. Schedule

A. TT will maintain communication with contractor and will inspect the site on an as-need basis.

3. New Action Items

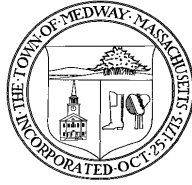
A. N/A

4. Previous Open Action Items

A. N/A

5. Materials Delivered to Site Since Last Inspection

A. N/A



May 26, 2020

**Medway Planning & Economic Development Board
Meeting**

Correspondence

- SAC email dated 5-14-20 to Millstone developer Steve Venincasa about landscaping
- Town of Medway Reopening Guidelines from Michael Boynton, 5-20-20

Susan Affleck-Childs

From: Susan Affleck-Childs
Sent: Thursday, May 14, 2020 1:12 PM
To: Steven Venincasa
Cc: Brian Clarke (brian-clarke@live.com); Steve Bouley ; Andy Rodenhiser ; Bridget Graziano
Subject: Millstone Landscaping

Hi Steve,

It has come to our attention that some of the Millstone landscaping is not yet complete. We were contacted by Millstone resident Ray Bigelow on May 12th with the list below:

After a walk around the complex, we have noticed many trees and shrubs missing according to the plans on the Town's website. Here is a list:

1. At the end of Flagstone Drive: 15 Red Twig Dogwoods. 6 Austrian Pines. (completely missing).
These are to help hide the public walking trail.
2. Eastern side of the clubhouse: 5 Norway Spruce. (completely missing).
These are to help hide the public walking trail.
3. Top of Steppingstone Drive: 20 'Ivory Halo' Dogwoods. 10 PJM Rhododendrons. (some).
4. Behind 10 Fieldstone Drive where the cement wall/drain is: 30 Arnold Dwarf Forsythia. (completely missing).
5. Front of Steppingstone Drive: 20 Honeysuckle. (some).
6. New common area behind gazebo: 25 Spirea. (these may be missing to allow installation of gazebo).
7. In addition, we are still missing 4 benches in the existing common area and 3 benches in the new common area.

In some of these areas there have been some plantings put in, but nowhere near what the plans call for.

Please be advised that installation of the complete landscape plan as included in the approved plan set is required. However, if you wish to change out some plant materials or locations, please submit that to us in writing for the Board's review as a field change.

I am copying Tetra Tech engineer Steve Bouley on this email so he is fully informed. He will conduct a focused inspection of the landscape installation as part of the project completion review for Millstone.

Kindly respond to this email regarding your plan for completing the beautiful landscape plan for Millstone.

Best regards,

Susy

Susan E. Affleck-Childs
Planning and Economic Development Coordinator

**Town of Medway
155 Village Street
Medway, MA 02053
508-533-3291**



TOWN OF MEDWAY
COMMONWEALTH OF MASSACHUSETTS

Medway Town Hall
155 Village Street
Medway, MA 02053
Phone (508) 533-3264
Fax (508) 321-4988
Email: mboynton@townofmedway.org

Town Manager

Michael E. Boynton

May 20, 2020

Dear All:

Governor Baker recently announced the four phased approach of re-opening of businesses beginning May 18, 2020. As an essential service we were given the greenlight to continue to operate as we have been and bring back all employees as long as we meet the guidelines put forth by the state. Given the requirements we must meet we are moving forward with a two-part approach to re-open. As we move through the parts listed below, please note that these guidelines are subject to change in accordance with local, state, and federal guidance:

Town of Medway Re-opening Part One, effective June 1, 2020

1. Town offices will remain closed to the public.
2. All employees are to report to work, full duty, to their respective work spaces. At the direction of the Town Manager's office, DPW and IT may be coming in to make some of the necessary office space changes as directed by the state.
3. Employees must maintain the proper social distancing of 6' at all times unless this creates a safety hazard due to the nature of the work or the configuration of the workspace.
 - a. If not able to maintain social distancing, you must wear a face mask or face covering.
 - b. All employees will be required to wear face masks or coverings while walking in the halls outside of their office space.
4. No congregating in hallways or confined spaces (i.e. break rooms, lobby area)
 - a. Groups that take breaks or lunch together are limited to no more than 10 people and allowed only if able to maintain at least 6' in between each person.
 - i. Employees are responsible for disinfecting tables after each use.
 - b. No more than one person may ride the elevator at any one given time.
5. All employees must continue to follow proper hygiene protocols
 - a. Employees must wash their hands often, if soap is not available use alcohol based sanitizer with at least 60% alcohol.
 - b. Use the proper coughing and sneezing techniques and wash hands thoroughly after blowing your nose.
 - c. Remain home if you are sick
6. Board and Committee meetings are to continue via zoom or other online spaces until further notice and subject to local and state guidance.
7. Police and Fire will continue operations as directed by Chief Lynch and Chief Tingley.

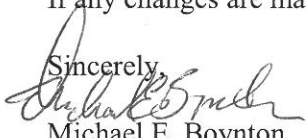
Town of Medway Re-opening Part Two, effective June 8, 2020

1. Buildings will be open to the public via appointment only. Town Hall's front door will remain locked and all appointments will have to come in through the back door.
 - a. No more than 1 appointment can be made at any one given time per department.
 - b. Each department is responsible for greeting their appointment at the back door and then walking them out.
2. All employees in public spaces, open to the public, and/or not able to socially distance or section off from others must wear a face mask or facial covering. This is a direct order, COVID-19 Order No. 31, from Governor Baker's office dated May 6, 2020.
 - a. The public will be required to wear a face mask when entering the building, there is to be no access for those not wearing a mask or if they are symptomatic.
 - b. All employees must wear masks while interacting with the public.
 - c. All employees working within 6 feet of coworkers for longer than 10 minutes must wear a mask at all times.
 - d. All employees must continue to wear a mask while in shared spaces outside of their office space.
8. Portable Plexiglas screens must be used in each department with an open window/counter. Plexiglas screens will be provided and installed by our Maintenance staff during part one.
9. Board and Committee meetings are to continue via zoom or other online spaces until further notice and subject to local and state guidance.
10. Police and Fire will continue operations as directed by Chief Lynch and Chief Tingley.

I want to thank you all for your hard work over the last couple months. Many of you have gone above and beyond in ensuring the Town's and our Residents' needs are met.

If any changes are made, we will notify you as soon as possible.

Sincerely,



Michael E. Boynton
Town Manager