



**August 10, 2021**

**Medway Planning & Economic Development Board  
Meeting**

**Phytopia – 6 Industrial Park Road Public  
Hearing Continuation**

**Focus Topic – Groundwater Protection**

- Public hearing continuation notice to 8-10-21 filed with the Town Clerk on 7-28-21
- Groundwater protection district special permit application
- Groundwater protection district language from Medway Zoning Bylaw, Section 5.6.3
- Groundwater protection district special permit memorandum dated 8-5-21 from applicant's attorney Ted Cannon
- Tetra Tech review letter for PEDB dated 6-8-21. See items #31 – 34 on page 3 regarding groundwater protection
- Tetra Tech review letter for Conservation Commission dated 6-9-21 on stormwater and contamination
- Environmental spill status report from applicant's consultant Bill Knoll dated 5-10-21. NOTE – You have previously received this in the board packet for the first Phytopia hearing, but I felt it was important for you have this for reference purposes during the focused discussion on groundwater protection.

**Other information provided for your review:**

- Mullins Rule certification for Member Matt Hayes for the 7-27-21 PEDB meeting
- Email dated 8-4-21 from Fire Chief Jeff Lynch regarding Phytopia's security plans
- Emails between Susy Affleck-Childs and attorney Ted Cannon re: installation of sidewalks along Phytopia frontage on Industrial Park and Jayar Roads.

## Board Members

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



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# TOWN OF MEDWAY

COMMONWEALTH OF MASSACHUSETTS

## PLANNING AND ECONOMIC DEVELOPMENT BOARD

### MEMORANDUM

July 28, 2021

TO: Stefany Ohannesian, Town Clerk  
Town of Medway Departments, Boards and Committees

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

RE: ***Public Hearing Continuation for Phytopia, Inc  
Marijuana Special Permit, Major Site Plan, Groundwater Protection Special  
Permit, and Reduced Parking Special Permit  
Continuation Date – Tuesday, August 10, 2021 at 8:45 p.m.***

At its July 27, 2021 meeting, the Planning and Economic Development Board voted to continue the public hearing on the application of Phytopia, Inc. of Peabody, MA for approval of special permits to operate a non-retail Registered Medical Marijuana cultivation and processing establishment and a Recreational Marijuana (adult-use) cultivation and processing establishment, a major site plan, a groundwater protection district special permit, and a reduced parking special permit for a proposed development at 6 Industrial Park Road to Tuesday, August 10, 2021 at 8:45 p.m. in Sanford Hall at Medway Town Hall, 155 Village Street.

The applicant proposes to use the existing 53,128 sq. ft. industrial manufacturing building at 6 Industrial Park Road and construct a 66,238 sq. ft., 2-story addition to the existing building for the cultivation, manufacturing, processing, and packaging of marijuana for medical use and adult recreational use and the delivery of such products off site to retail marijuana establishments in other communities. A retail marijuana operation is NOT proposed.

The planned scope of work includes interior renovations to the existing building, construction of the addition, improvements to the access/egress driveways, installation of curbing, parking area improvements, landscaping, lighting, and installation of and improvements to stormwater drainage facilities. The planned work is shown on a plan titled *Industrial Park Road*, dated April 1, 2021 prepared by Williams & Sparages Engineers, Planners and Surveyors of Middleton, MA. The architectural drawings dated April 6, 2021, last revised June 2, 2021 were prepared by Anderson Porter Design of Cambridge, MA. Noise and odor mitigation plans have also been provided. The project is also subject to the Conservation Commission for an Order of Conditions and a Land Disturbance Permit.

The application, site plan and supporting documentation were filed with the Town on May 12, 2021 and are on file with the Medway Town Clerk and the Community and Economic Development Department at Medway Town Hall, 155 Village Street, Medway, MA. Project

information including the revised site plan has been posted to the Planning and Economic Development Board's page at the Town's web site at: <https://www.townofmedway.org/planning-economic-development-board/pages/phytopia-inc-6-industrial-park-road-marijuana-facility>.

The Board welcomes review comments from Town staff, boards and committees. ***The August 10, 2021 public hearing will address the applicant's groundwater protection special permit application and their security plan for the premises.*** Subsequent public hearings will focus on reviewing a forthcoming revised site plan.

Please do not hesitate to contact me if you have any questions.



6PD

## Planning & Economic Development Board - Town of Medway, MA SPECIAL PERMITS

### Application for Special Permit Approval

#### INSTRUCTIONS TO APPLICANT/OWNER

This Application is made pursuant to the Medway Zoning Bylaw. Certain special permits are issued by the Planning and Economic Development Board instead of the Zoning Board of Appeals.

The Town's Planning and Engineering Consultants may review the Application and associated submittals and provide review letters to the Planning and Economic Development Board.

A copy of those review letters will be provided to you in advance of the meeting.

You and/or your duly authorized Agent/Official Representative are expected to attend the Board meeting at which your Application will be considered to answer any questions and/or submit such additional information as the Board may request.

Your absence may result in a delay the Board's review of the special permit application.

May 1, 2021

#### APPLICANT INFORMATION

Applicant's Name: Phytopia, Inc.

Mailing Address: 25 Newbury St.  
Peabody, MA 01960

Name of Primary Contact: Alex Athanas

Telephone: \_\_\_\_\_

Office: \_\_\_\_\_ Cell: 603 630-4575

Email address: alex.athanas@gmail.com

☐ Please check here if the Applicant is the equitable owner (purchaser on a purchase and sales agreement.)

#### PROPERTY INFORMATION

Location Address: 6 Industrial Park Rd.

The land shown on the plan is shown on Medway Assessor's Map # 33 as Parcel # 004

Size of Development Parcel(s): 4.24 acres

Development Name: 6 Industrial Park Rd.

General Description of Property: Existing industrial block building  
on flat upland.

Medway Zoning District Classification: East Industrial

## TYPE OF SPECIAL PERMIT

Check all that apply:

- ☐ Infill Dwelling Unit (Section 8.1)
- ☐ Mixed-Use Development in the Central Business District (Section 5.4.1)
- ☐ Reduced Parking (Section 7.1.1.J.)
- ☐ Vehicle fuel station with repair services
- ☐ Vehicle fuel station with car wash
- ☐ Vehicle fuel station with convenience store
- ☐ Car wash
- ☐ Vehicle repair
- ☐ Auto body shop
- ☐ Drive-thru facility
- ☐ Assisted living residence facility
- ☒ Other special permit uses, normally reviewed by the Zoning Board of Appeals, such as a Groundwater Protection District Special Permit and a Flood Plain Special Permit, but which are reviewed instead by the Planning and Economic Development Board when the project also requires site plan review (Section 3.4 H)

NOTE – There are separate application forms for the following special permits:

- Open Space Residential Development (OSRD)
- Adult Retirement Community Planned Unit Development (ARCPUD)
- Multi-Family Housing Overlay District (MHOD)
- Adaptive Use Overlay District (AUOD).
- Marijuana Facilities and Establishments (medical and adult recreational)
- Affordable Housing
- Oak Grove

Do not use this application form for the above noted types of developments.

## PROPERTY OWNER INFORMATION (if not applicant)

Property Owner's Name: Medway Flower, LLC

Mailing Address: 990 Paradise Rd.  
Swampscott, MA 01907

Primary Contact: Alex Athanas

Telephone: Office: \_\_\_\_\_ Cell: 603 630-4875

Email address: alex.athanas@gmail.com

## DESIGNATED REPRESENTATIVE INFORMATION

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: Office: \_\_\_\_\_ Cell: \_\_\_\_\_

Email address: \_\_\_\_\_

Relationship to Applicant: \_\_\_\_\_

## SIGNATURES

The undersigned, being the Applicant, herewith submits this application for a special permit(s) to the Medway Planning and Economic Development Board for review and action.

I hereby certify, under the pains and penalties of perjury, that the information contained in this application is a true, complete and accurate representation of the facts regarding the property under consideration.

(If applicable, I hereby authorize \_\_\_\_\_ to serve as my Agent/Designated Representative to represent my interests before the Planning & Economic Development Board with respect to this application.)

In submitting this application, I authorize the Board, its consultants and agents, Town staff, and members of the Design Review Committee and other Town boards and committees to access the site during the special permit review process.

Alexander Athan, Manager  
Signature of Property Owner (printed name) Date April 30, 2012

\_\_\_\_\_  
Signature of Property Owner (printed name) Date \_\_\_\_\_

Edward V. Cannon, Jr.  
Signature of Applicant (if other than Property Owner) printed name Date 4/30/12

Athy for Phytopia, Inc.  
Signature of Agent/Designated Representative (printed name) Date \_\_\_\_\_

## **SPECIAL PERMIT APPLICATION/FILING FEES**

*There is no separate special permit application fee when the project also requires site plan review.*

## **SPECIAL PERMIT APPLICATION CHECKLIST**

*It is understood that the applicant shall simultaneously file a corresponding application for Site Plan Review and Approval with all required submittals.*

- ☒ Special Permit Application (2 signed originals) – one for the Town Clerk and one for the Planning and Economic Development Board
- ☐ Submit a detailed narrative on how the proposed development project meets the special permit criteria included in the Medway Zoning Bylaw, SECTION 3.4 Special Permit Criteria AND any specific criteria included in the particular section(s) of the Zoning Bylaw for which a special permit is sought,  
*to be submitted from traffic expert promptly*
- ☒ Any additional information required by the specific section of the Zoning Bylaw for the requested type of special permit

## **Project Description**

### **6 Industrial Park Road**

This is the proposed redevelopment of a vacant industrial building at 6 Industrial Park Road and the currently paved parking area, all of which site on 4.24 acres of land. The building contains approximately 53,128 square feet of finished floor area on one floor. The proposed redevelopment includes the construction of an attached two-story addition with 33,119 square feet per story. The proposed new use is for a registered medical and recreational marijuana cultivation and manufacturing facility. There will be no retail sales out of this location. All vehicular and pedestrian access is off Industrial Park Road which runs northerly off of Main Street/Route 109. The proposed use will consist of growing and processing marijuana plants and byproducts, all of which will be shipped offsite. The operation will consist of approximately 90 employees on site at any one time with the hours of operation being daily from 8:00 a.m. to 8:00 p.m. The applicant anticipates completing all redevelopment within 12 months from the start of work. The property is located in the groundwater protection district and includes a small portion of work within wetlands jurisdiction. The proposed use requires a Special Permit from the Planning & Economic Development Board, and the overall project requires major site plan review and approval. The applicant is also requesting a Special Permit from the Planning & Economic Development Board to allow fewer parking spaces than the strict calculation of required spaces under the Zoning Bylaw, and the applicant will require a Land Disturbance Permit. Proposed site work includes improvement of existing access/egress driveways, curbing, 92 off-street parking spaces, landscaping, lighting, installation or improvement of stormwater drainage facilities. The property has existing connections to municipal water and sewer.



### 5.6.3 Groundwater Protection District

- A. **Purposes.** The purposes of the Groundwater Protection District are to promote the health, safety, and general welfare of the community by ensuring an adequate quality and quantity of drinking water for the residents, institutions, and businesses of the Town of Medway; to preserve and protect existing and potential sources of drinking water supplies; to conserve the natural resources of the Town; and to prevent temporary and permanent contamination of the environment.
- B. **Overlay District.** The Groundwater Protection District is an overlay district superimposed on the zoning districts. This overlay district shall apply to all new construction, reconstruction or expansion of existing buildings and new or expanded uses. Applicable activities or uses in a portion of one of the underlying zoning districts which fall within the Groundwater Protection District must additionally comply with the requirements of this district. Uses that are prohibited in the underlying zoning districts shall not be permitted in the Groundwater Protection District.
- C. **Establishment and Delineation of Groundwater Protection District:** For the purposes of this district, there are hereby established within the Town certain groundwater protection areas consisting of all Department of Environmental Protection approved Zone II recharge areas located within the Town of Medway's boundaries, which are delineated on four maps, all on file with the Town Clerk. The maps are entitled:
1. "Medway, MA Zone II and Zone III Delineation", prepared by D.L. Maher Co., and approved by the Department of Environmental Protection in October 1998 (Well #2);
  2. "Zone II Delineation, Well #1 and Well #3, Medway Water Department, Medway, MA", prepared by Tighe & Bond, Inc., and approved by the Department of Environmental Protection in August 2001.
  3. "Bellingham, MA Conceptual Zone II – Wells #7 & #8, Zone II and Zone III Delineation", prepared by Anderson-Nichols & Co., Inc. and approved by the Department of Environmental Protection in November 1992;
  4. "Wellhead Protection Zones – Medway Production Well No. 4", prepared by Haley and Ward Inc., dated February 25, 2004 and approved by the Department of Environmental Protection on May 31, 2005.
- D. **District Boundary Disputes:** If the location of the District boundary in relation to a particular parcel is in doubt, resolution of boundary ambiguities shall be through a special permit application to the Board of Appeals. Any application for a special permit for this purpose shall be accompanied by adequate documentation.

The burden of proof shall be upon the owner of the land in question to show where the bounds should properly be located. At the request of the owner, the Town may engage a professional engineer (civil or sanitary), hydrologist, geologist, or soil scientist to determine more accurately the boundaries of the district with respect to individuals parcels of land and may charge the owner for all or part of the cost of the investigation.

**E. Use Regulations:** In the Groundwater Protection District, the following regulations shall apply.

1. **Permitted Uses.** The following uses are permitted within the Groundwater Protection District, provided that all necessary permits, orders, or approvals required by local, state, or federal law are also obtained, and subject to sub-sections E.2 and E.3 herein:
  - a. Conservation of soil, water, plants, and wildlife;
  - b. Outdoor recreation, nature study, boating, fishing, and hunting where otherwise legally permitted;
  - c. Foot, bicycle and/or horse paths, and bridges;
  - d. Normal operation and maintenance of existing water bodies and dams, splash boards, and other water control, supply and conservation devices;
  - e. Maintenance, repair, and enlargement of any existing structure;
  - f. New construction;
  - g. Farming, gardening, nursery, conservation, forestry, harvesting, and grazing;
  - h. Construction, maintenance, repair, and enlargement of drinking water supply related facilities such as, but not limited to, wells, pipelines, aqueducts, and tunnels;
  - i. Underground storage tanks related to these activities are not categorically permitted.
2. **Prohibited Uses.** The following uses are prohibited:
  - a. Landfills and open dumps as defined in 310 CMR19.006;
  - b. Storage of liquid petroleum products, except the following: normal household use, outdoor maintenance, and heating of a structure; waste oil retention facilities required by statute, rule or regulation; emergency generators required by statute, rule, or regulation; treatment works approved under 314 CMR 5.00 for treatment of ground or surface waters; provided that such storage is in free-standing containers within buildings or above ground with secondary containment adequate to contain a spill the size of the container's total storage capacity;
  - c. Landfills receiving only wastewater residuals and/or septage;
  - d. Storage of sludge, and septage, unless such storage is in compliance with 310 CMR 32.30 and 310 CMR 32.31;
  - e. Storage of deicing chemicals unless such storage, including loading areas, is within a structure designed to prevent the generation and escape of contaminated runoff or leachate;
  - f. Storage of animal manure unless stored within a structure designed to prevent the generation and escape of contaminated runoff or leachate;

- g. Earth removal, consisting of the removal of soil, loam, sand, gravel, or any other earth material (including mining activities) to within 6 feet of historical high groundwater as determined from monitoring wells and historical water table fluctuation data compiled by the United States Geological Survey, except for excavations for building foundations, roads, or utility works;
  - h. Facilities that generate, treat, store or dispose of hazardous waste subject to G.L. c. 21C and 310 CMR 30.000, except the following:
    - i. Very small quantity generators as defined under 310 CMR 30.000;
    - ii. Household hazardous waste centers and events under 310 CMR 30.390;
    - iii. Waste oil retention facilities required by G.L. c. 21, § 52A;
    - iv. Water remediation treatment works approved by DEP for the treatment of contaminated ground or surface waters;
  - i. Automobile graveyards and junkyards, as defined in G.L. c. 140B, § 1;
  - j. Treatment or disposal works subject to 314 CMR 5.00, for wastewater other than sanitary sewage. This prohibition includes, but is not limited to, treatment or disposal works related to activities under the Standard Industrial Classification (SIC) Codes set forth in 310 CMR 15.004(6) (Title 5), except the following:
    - i. The replacement or repair of existing system that will not result in a design capacity greater than the design capacity of existing system;
    - ii. Treatment works approved by the Department of Environmental Protection designed for treatment of contaminated ground or surface waters and operated in compliance with 314 CMR 5.05(3) or 5.05(13); and
    - iii. Publicly owned treatment works.
  - k. Storage of hazardous materials, as defined in G.L. c. 21E, unless in a free standing container within a building or above ground with adequate secondary containment adequate to contain a spill the size of the container's total storage capacity;
  - l. Industrial and commercial uses which discharge process wastewater on-site;
  - m. Stockpiling and disposal of snow and ice containing deicing chemicals if brought in from outside the district;
  - n. Storage of commercial fertilizers, as defined in G.L. c. 128, § 64, unless such storage is within a structure designated to prevent the generation and escape of contaminated runoff or leachate;
  - o. The use of septic system cleaners which contain toxic or hazardous chemicals.
3. **Uses and Activities Requiring a Special Permit.** The following uses and activities are permitted only upon the issuance of a special permit by the Board of Appeals under such conditions as the Board may require.

- a. Enlargement or alteration of existing uses that do not conform to the Groundwater Protection District;
- b. The application of fertilizers for non-domestic or non-agricultural uses. Such application shall be made in a manner so as to minimize adverse impacts on groundwater due to nutrient transport, deposition, and sedimentation;
- c. Those activities that involve the handling of toxic or hazardous materials in quantities greater than those associated with normal household use, permitted in the underlying zone (except as prohibited under sub-section E.2). Such activities shall require a special permit to prevent contamination of groundwater;
- d. The construction of dams or other water control devices, ponds, pools or other changes in water bodies or courses, created for swimming, fishing, or other recreational uses, agricultural uses, or drainage improvements. Such activities shall not adversely affect water quality or quantity;
- e. Any use that will render impervious more than 15 percent or 2,500 square feet of any lot, whichever is greater. A system for groundwater recharge must be provided which does not degrade groundwater quantity. For non-residential uses, recharge shall be by stormwater infiltration basins or similar system covered with natural vegetation, and dry wells shall be used only where other methods are infeasible. For all non-residential uses, all such basins and wells shall be preceded by oil, grease, and sediment traps to facilitate removal of contamination. Any and all recharge areas shall be permanently maintained in full working order by the owner.

#### **F. Special Permits.**

- 1. The Board of Appeals may grant a special permit in the Groundwater Protection District if it determines, in consultation with the Board of Health, the Conservation Commission, the Water and Sewer Commission, the Department of Public Services, and the Planning and Economic Development Board, that the special permit addresses the purposes and requirements of Section 3.4 and this Section 5.6.3. Specifically, the proposed use must:
  - a. In no way, during construction or thereafter, adversely affect the existing or potential quality or quantity of water that is available in the Groundwater Protection District, and
  - b. Be designed to avoid substantial disturbance of the soils, topography, drainage, vegetation, and other water-related natural characteristics of the site to be developed.
- 2. The Board of Appeals shall not grant a special permit under this Section 5.6.3 unless the applicant's submission includes, in the Board's opinion, sufficiently detailed, definite, and credible information to support positive findings in relations to the standards given herein. The Board of Appeals shall document the basis for any departures from the recommendations of the other town boards or agencies in its decision.
- 3. Submission requirements and hearing procedures shall be in accordance with the rules and regulations of the Board of Appeals and Section 3.4 of this Zoning Bylaw. Any agency to which the special permit application is referred for review shall provide written comments to the Board of Appeals within 35 days. Failure to respond in writing within 35 days of

receipt by the Board shall be deemed lack of opposition thereto. The necessary number of copies of the application shall be furnished by the applicant.

- G. The Board of Appeals may adopt regulations to govern design features of projects. Such regulations shall be consistent with the Planning and Economic Development Board's subdivision rules and regulations.

COMMONWEALTH OF MASSACHUSETTS

Town of Medway

Planning & Economic Development Board

In Re:

Phytopia, Inc.

Application for a Groundwater Protection District Special Permit

6 Industrial Park Road

MEMORANDUM OF PHYTOPIA, INC. IN SUPPORT  
OF ITS APPLICATION FOR A GROUNDWATER  
PROTECTION DISTRICT SPECIAL PERMIT

ISSUE:

Whether the applicant's request for a Special Permit from the Town of Medway Planning & Economic Development Board (hereinafter the "Board") to rehabilitate and enlarge the existing structure at 6 Industrial Park Road, which is located in the Groundwater Protection District, for use as a recreational and medical marijuana cultivation facility, as required by Section 5.6.3.E.1.e of the Zoning By-Law (hereinafter the "By-Law"), should be granted where the applicant meets each of the requirements for a Special Permit as set forth in Sections 3.4 and 5.6.3.F of the By-Law.

BACKGROUND:

Locus is 6 Industrial Park Road in Medway, which is presently the location of a vacant industrial building that is in need of environmental cleanup and improved stormwater management. Locus is in the East Industrial Zoning District. The building, in its present configuration, has been the site of industrial businesses for many years. Locus enjoys the benefit of public water and sewer. The applicant expects to have approximately 90 employees working on the location once both Phase 1 (the existing building) and Phase 2 (the proposed addition) are complete. For both Phase 1 and Phase 2

the applicant proposes 119,366 square feet of building space. The existing paved areas for parking are in poor condition and are close to sensitive wetlands areas. Locus is also the location of notable environmental contamination, which is the applicant remains committed to cleaning up in compliance with MA DEP requirements.

ARGUMENT:

1. The use must in no way, during construction or thereafter, adversely affect the existing or potential quality or quantity of water that is available in the Groundwater Protection District (Sec. 5.6.3.F.1.a).

The applicant believes the proposed work on the site will greatly enhance groundwater quality. The applicant is in the process of treating the existing contaminated groundwater. The applicant is also proposal a state-of-art stormwater management system for the premises so that storm water will be collected and retained for on-site infiltration.

2. The project will be designed to avoid substantial disturbance of the soils, topography, drainage, vegetation, and other water-related natural characteristics of the site (Sec. 5.6.3.F.1.b).

The proposal includes maintaining most of the current topography, improved drainage as described above, extension landscaping with many tree plantings proposed. The result, once the work is complete, will be a much-improved site from the standpoint of improving groundwater quality.

3. The proposed site is an appropriate location for the proposed use (Sec. 3.4.C.1).

The site is in the East Industrial zoning district. The project seeks to revitalize a substantial existing but vacant industrial building. The industrial park is an excellent location for the proposed marijuana cultivation and manufacturing use.

4. Adequate and appropriate facilities will be provided for the operation of the proposed use (Sec. 3.4.C.2).

The applicant has presented to the Board overwhelming evidence throughout the major site plan approval process concerning the nature and extent of the proposed facilities.

5. The proposed use as developed will not create a hazard to abutters, vehicles, pedestrians, or the environment (Sec. 3.4.C.3).

The applicant has invested and will continue to invest heavily in environmental cleanup, stormwater management, noise and odor control, the exterior appearance of the building and the landscaping. All of which will dramatically improve the site as it exists currently but no create any hazard to abutters, vehicles, pedestrians, or the environment.

6. The proposed use will not cause undue traffic congestion or conflicts in the immediate area (Sec. 3.4.C.4).

This section of Route 109 provides excellent access to the industrial park. Once off of Route 109 there is not very much traffic within the industrial park and virtually no residential traffic. In addition, there is no retail component of the project limiting access to the site to mainly employees with a few scheduled business-related trips, but the traffic generated by the site, mostly broken into employee shifts, will not cause undue traffic congestion.

7. The proposed use will not be detrimental to the adjoining properties due to lighting, flooding, odors, dust, noise, vibration, refuse materials, or other undesirable visual, site or operational attributes of the proposed use (Sec. 3.4.C.5).

The applicant has presented to the Board overwhelming evidence throughout the major site plan approval process concerning the nature and extent of the proposed facilities. Further, the applicant has met twice with the Design Review Committee, which has supplied very positive feedback about the applicant's vision for the proposed improvements.



8. The proposed use as developed will not adversely affect the surrounding neighborhood or significantly alter the character of the zoning district (Sec. 3.4.C.6).

The proposed work and use on the site are appropriate for the East Industrial zoning district. The site is surrounded by other industrial uses. There are no residential properties in the immediate area and the applicant has demonstrated to the Board the nature of the applicant's plan to keep noise and odor in the neighborhood to levels consistent with the Bylaw.

9. The proposed use is in harmony with the general purpose and intent of the Zoning Bylaw (Sec. 3.4.C.7).

The proposed industrial use fits squarely in with the other industrial uses at the Industrial Park in the East Industrial zoning district. The purpose and intent of the Zoning Bylaw is to encourage smart economic growth while protecting the rights of citizens and the ensuring environmental awareness. The project blends nicely with the surrounding industrial uses, has a fresh exterior design, addresses the noise and odor requirements of the Bylaw.

10. The proposed use is consistent with the goals of the Medway Master Plan (Sec. 3.4.C.8).

The goals of the Medway Master Plan for this kind of project include economic development, water quality and quantity, and traffic safety. The applicant proposed to repurpose an existing but vacant industrial building that will improve groundwater quality, stormwater retention, and promote job growth. All in keeping with the goals of the Master Plan.

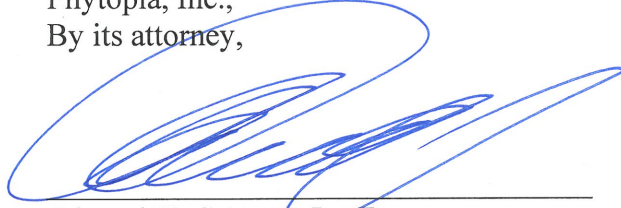
11. The proposed use will not be detrimental to the public good (Sec. 3.4.C.9).

The applicant restates its response in #10 above as if fully set forth here.

CONCLUSION:

For the reasons set forth above, the applicant respectfully requests that the Board grant a Groundwater Protection District Special Permit to the applicant.

Respectfully submitted,  
Phytopia, Inc.,  
By its attorney,

A handwritten signature in blue ink, appearing to read 'E. Cannon, Jr.', is written over a horizontal line.

Edward V. Cannon, Jr., Esq.  
Doherty, Dugan, Cannon, Raymond & Weil, P.C.  
124 Grove Street, Suite 220  
Franklin, MA 02038  
Tel (508) 541-3000 x218  
E [evc@ddcrwlaw.com](mailto:evc@ddcrwlaw.com)  
BBO#561137

Date: August 4, 2021



June 8, 2021

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

**Re: Phytopia Inc.  
Major Site Plan Review  
6 Industrial Park Road  
Medway, Massachusetts**

Dear Ms. Affleck-Childs:

Tetra Tech (TT) has performed a review of the proposed Site Plan for the above-mentioned Project at the request of the Town of Medway Planning and Economic Development Board (PEDB). The proposed Project is located at 6 Industrial Park Road in Medway, Massachusetts. The Project consists of redeveloping the vacant industrial building along with constructing a two-story addition for the purpose of growing and processing marijuana plants and byproducts. The scope of work also includes improving existing access driveways, curbing, 92 off-street parking spaces, landscaping, lighting, and installation of stormwater drainage facilities.

TT is in receipt of the following materials:

- A cover letter dated May 12, 2021, prepared by Edward V. Cannon, Jr.
- A plan (Plans) set titled "Industrial Park Road, 6 Industrial Park Road, Medway, MA" dated April 1, 2021, prepared by MEM.
- An Application for Major Site Plan Approval, dated April 30, 2021, prepared by Edward V. Cannon, Jr.
- An Application for Reduced Parking Special Permit Approval, dated May 1, 2021, prepared by Edward V. Cannon, Jr.
- An Application for Groundwater Protection District Special Permit Approval, dated May 1, 2021, prepared by Edward V. Cannon, Jr.
- A Marijuana Special Permit Application, dated April 30, 2021, prepared by Edward V. Cannon, Jr.

The Plans and accompanying materials were reviewed for conformance with Chapter 200 of the Town of Medway PEDB Rules and Regulations (Regulations) last amended October 8, 2019, Town of Medway Zoning Bylaw – Groundwater Protection District and good engineering practice. Review of the Project for zoning related matters, other than the Groundwater Protection District, is being conducted by the Town and is excluded from this review.

#### **SITE PLAN REVIEW**

1. A written Development Impact Statement was not provided. However, the Applicant is requesting a waiver from this requirement. (Ch. 200 §204-3.F)
2. A Stormwater Pollution Prevention Plan (SWPPP) was not provided. However, the Applicant acknowledged in the cover letter that one will be completed once the final scope of the Project is clearly defined and will file it at a later date. (Ch. 200 §204-3.G.3)
3. A Construction Management Plan was not provided. However, the Applicant acknowledged in the cover letter that one will be provided once the final scope of the Project is clearly defined and will file it at a later date. (Ch. 200 §204-3.H)

4. Earthwork Calculations have not been provided. However, the Applicant acknowledged in the cover letter that one will be provided once the final scope of the Project is clearly defined and will file it at a later date. (Ch. 200 §204-3.I&J)
5. A copy of an Order of Resource Area Delineation (ORAD) was not provided. However, the Applicant has acknowledged in their cover letter that an NOI has been submitted with the Medway Conservation Commission. (Ch. 200 §204-3.K)
6. Cover sheet has not been provided in the Plans. However, applicable cover sheet information is provided on the Site Context Sheet/Location Plan. A list of requested waivers should be added to the sheet once approved by the Board. (Ch. 200 §204-5.A)
7. The Locus Plan provided on the Location Plan is missing clearly labeled brooks, streams, wooded areas, protected open spaces, recreation fields, landmarks, and public facilities. (Ch. 200 §204-5.B.1)
8. Dimensions of lot lines and easement areas (if applicable) have not been provided on the Site Context Sheet. Additionally, metes and bounds should be included on all plans. (Ch. 200 §204-5.B.3)
9. The source of existing topography and the vertical datum reference have been provided. (Ch. 200 §204-5.B.4)
10. An Erosion and Sediment Control Plan was not included in the plan set. However, the Applicant acknowledged in the cover letter that it will be completed and submitted to Medway Conservation Commission as part of the Land Disturbance Permit Application. (Ch. 200 §204-5.D.5)
11. A Building Elevations and Architectural Plan was not provided in the Plans. (Ch. 200 §204-5.D.9)
12. Color Renderings were not provided in the Plans. (Ch. 200 §204-5.D.10)
13. A Building Layout or Floor Plan was not provided in the Plans. (Ch. 200 §204-5.D.11)
14. Entry and Exit locations to Structures were not provided in the Plans. (Ch. 200 §204-5.D.12)
15. Site Amenities Details were not provided in the Plans. (Ch. 200 §204-5.D.13)
16. A Master Signage Plan was not provided in the Plans. (Ch. 200 §204-5.D.14)
17. The Plans do not include horizontal sight distances for the public roads at any of the four curb cuts at the Site. The Applicant has acknowledged this will be completed and filed at a later date. (Ch. 200 §204-5.D.16)
18. Locations of proposed fire hydrants and emergency access lanes not provided on plans. A hydrant exists on Industrial Park Drive immediately across the street from the Project. We recommend Plans and supporting information be submitted to Medway Fire Department for review and comment. (Ch. 200 §204-5.D.18)
19. Sidewalks along the building in the west parking lot are proposed at 5-foot width but abut parking which requires width to be increased to seven feet to accommodate bumper overhang. (Ch. 200 §207-9.B.1)
20. There is a total of four curb cuts proposed for the Project which we believe may be excessive for a Project of this size. We recommend the Applicant explore combining the parking areas along the west property line to help reduce the proposed curb cuts. We understand there are three existing curb cuts, but we believe the site can be designed to reduce this condition. The Regulations favor one curb cut per roadway at corner lots. (Ch. 200 §207-11.A.2)

21. Bituminous berm is proposed for the entire curb length for the Project. Typically, curb cut radii are delineated with vertical granite curb which may transition to bituminous berm on the interior of the site is approved by the PEDB. (Ch. 200 §207-11.A.4)
22. Portions of the proposed driveways discharge stormwater runoff to the right of way. Stormwater and land disturbance permit is being reviewed by the Medway Conservation Commission and we believe this comment will be addressed during that review. (Ch. 200 §207-11.A.15)
23. Portions of the west and east parking lots are proposed within 15 feet of the property lines which does not comply with the Regulations. (Ch. 200 §207-12.G.3.b)
24. The Applicant has not supplied provisions for electric vehicle parking stations. (Ch. 200 §207-12.I)
25. It appears the existing electric connection will be extended to the proposed addition and no new connections are proposed. It should be noted that all proposed connections shall be located underground. (Ch. 200 §207-16.A)
26. The Applicant has not proposed any screening of the existing dumpster location at the site. (Ch. 200 §207-17.C)
27. The Photometric Plan does not show any light levels beyond the property lines. We anticipate light trespass along the northwestern and northeastern and eastern property lines. (Ch. 200 §207-18)
28. The Applicant has not proposed any landscaping along the eastern property line to screen the Project. Existing tree line will remain along the northern and western portions of the site. We recommend the PEDB visit the site to determine if the extent of vegetation to remain conforms with the “spirit” of the Regulation. (Ch. 200 §207-18)
29. The Applicant has not proposed any internal landscape islands to break up the parking areas and provide shade. (Ch. 200 §207-19.C)
30. The Applicant shall provide narrative and note on Plans to describe method for irrigating proposed landscaping at the site. Town water supply shall not be used for irrigation at the property. (Ch. 200 §207-19.K)

#### **GROUNDWATER PROTECTION DISTRICT REVIEW**

31. A generator is proposed for the Project and are prohibited in the Groundwater Protection District unless required by statute. The Applicant shall provide narrative related to the generator and whether it is a statutory requirement of the business. (ZBL §5.6.3.E.2.b)
32. The Applicant shall provide a list of any hazardous materials that may be stored at the site and their method of containment. (ZBL §5.6.3.E.2.k)
33. The Project proposes approximately 140,000 square feet of impervious coverage after the proposed expansion which triggers special permit review of the Project. Consequently, the Applicant has proposed groundwater recharge for the development, consistent with the bylaw, which is currently being reviewed by the Medway Conservation Commission. (ZBL §5.6.3.E.3.e)
34. We have concerns whether proposed groundwater recharge at the site is viable due to historic contamination at the site. The Medway Conservation Commission is currently reviewing the Stormwater and Massachusetts Contingency Plan (MCP) reporting for the Project. (ZBL §5.6.3.F.1.a)

**GENERAL COMMENTS**

35. The Applicant is proposing two additional water connections to the site for a total of four. We recommend the Applicant coordinate with Medway Department of Public Works (DPW) to determine if these connections should be consolidated as part of this Project.
36. There are no additional sewer connections proposed for the Project other than the one existing. We recommend the Applicant provide narrative to determine if the existing connection is sufficient to serve to Project as it appears the size of the existing service is unknown.
37. Mulch sock should be depicted in the "Siltfence with Mulch Sock" detail on the Construction Details Plan.
38. The existing information on the Plans is difficult to read and should be updated in future submissions for ease of review.

These comments are offered as guides for use during the Town's review and additional comments may be generated during the course of review. The Applicant shall be advised that any absence of comment shall not relieve them of the responsibility to comply with all applicable local, state and federal regulations for the Project. If you have any questions or comments, please feel free to contact us at (508) 786-2200.

Very truly yours,



Steven M. Bouley, PE  
Project Manager



Bradley M. Picard, EIT  
Civil Engineer

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June 9, 2021

Ms. Bridget Graziano  
Medway Conservation Agent  
Medway Town Hall  
155 Village Street  
Medway, MA 02053

**Re: Phytotherapy, Inc.  
Stormwater, Land Disturbance and MCP Review  
6 Industrial Park Road  
Medway, Massachusetts**

Dear Ms. Graziano:

Tetra Tech (TT) has performed a review of the proposed development for the above-mentioned Project at the request of the Town of Medway Conservation Commission (Commission). The proposed Project is located at the easterly corner of Industrial Park Road and Jayar Road in Medway, MA. The Project includes a 33,000+ sf building addition as well as associated driveway, parking, utilities and stormwater infrastructure.

TT is in receipt of the following materials:

- A plan (Plans) set titled "Industrial Park Road, 6 Industrial Park Road, Medway, MA", dated April 1, 2021, prepared by Williams & Sparages Engineers (WSE).
- A stormwater management report (Stormwater Report) titled "Stormwater Report, 6 Industrial Park Road, Medway, Massachusetts", dated April 1, 2021, prepared by WSE.
- A Notice of Intent package titled "Notice of Intent, 6 Industrial Park Road, Medway, Massachusetts" dated April 26, 2021, prepared by WSE.
- An Massachusetts Contingency Plan (MCP) submission with various documents included with various submission dates.

The Plans and accompanying materials were reviewed for conformance with latest Massachusetts Department of Environmental Protection (MA DEP) Stormwater Management Standards (MA DEP Stormwater Standards) and associated Stormwater Handbook, MA DEP Wetlands Protection Act (WPA) Section 10.05 (6) (k-q), Town of Medway Article 21 – Wetlands Bylaw, Town of Medway Article 26 – Stormwater Management and Land Disturbance Bylaw (November 18, 2019 version) (Stormwater Bylaw), Massachusetts Contingency Plan (MCP) and sound engineering practice. Review of the project for Planning, Zoning and site related issues was not completed as these reviews are conducted by separate town permitting authorities. It must be noted that the Plans and supporting materials were well prepared and organized and we appreciate the clarity and completeness of the submission. Our initial comments are provided below.

### **STORMWATER REVIEW**

#### **MA DEP Stormwater Standards/Handbook**

1. Peak discharge rates to Design Point 3L – Jayar Road in the post-developed condition are greater than the pre-developed condition for all storms studied which does not meet the standard. (Standard 2)
2. We recommend the Applicant provide the approximate limits of soil contamination at the site as well as extents of the contaminant plume in groundwater on the Plans. This will help determine if recharge is a viable practice at this site given its location in the Zone II and Town Groundwater Protection District. This content is discussed further in the "MCP Review" section of this letter. (Standard 3)



3. We recommend the Applicant provide the existing and proposed roof types in the Stormwater Report to confirm if additional pre-treatment is required due to the site's proximity in the Zone II. (Standard 3)
4. The 12" outlet pipe invert in the extended dry detention basin (EDDB) is located at the bottom of the basin which will not allow for proper residence time (24+ hours) to effectively remove total suspended solids (TSS) from upstream impervious runoff. (Standard 4)
5. It appears the proposed site stormwater program does not achieve 80% TSS removal. The eastern parking area is largely untreated due to the conditions mentioned in Comment 3 above. Additionally, all of the driveway entrances discharge to the right of way untreated. (Standard 4)
6. The Applicant shall provide proposed roof type to confirm if additional pre-treatment of the roofs is required since the site is located within the Zone II. (Standard 4)
7. The site has a history of contamination and has triggered review under the MCP. Therefore, we believe the site meets the threshold for a Land Use with Higher Potential Pollutant Load (LUHPPL) as a "disposal site" and shall meet the requirements of the standard. (Standard 5)
8. The Project appears to meet the requirements of the United States Environmental Protection Agency (US EPA) National Pollutant Discharge Elimination System (NPDES) General Permit for Discharges from Construction Activities (CGP). A Stormwater Pollution Prevention Plan (SWPPP) has been included in the submission. However, we recommend the Commission Condition this item in the Order of Conditions for the Project, requiring the Applicant provide proof of coverage under the NPDES CGP prior to construction. (Standard 8)

#### **Town Stormwater Management and Land Disturbance Bylaw (Article 26)**

9. The Applicant is proposing to discharge to the right of way in several locations around the site. This action requires the Applicant to seek a MS4 Permit from Medway DPW. We recommend the Applicant provide alternatives to the current site design to determine if stormwater can be managed entirely on-site, including all existing discharges (ie. existing parking at Industrial Park Road). (§26.4.1.b)
10. It appears the Project will disturb greater than 20,000 sf of site area and will require a Land Disturbance Permit. The Applicant has not submitted a Land Disturbance Permit Application. (§26.5.1)
11. The Applicant has not submitted an Erosion and Sediment Control Plan. We recommend the Applicant coordinate the plan with the appropriate section of the Stormwater Bylaw. (§26.5.6)
12. The Applicant has not addressed the stormwater design requirements in the Stormwater Report. (§26.5.8.3)

#### **General Stormwater Comments**

13. Subcatchment 6S (Existing Rooftop) directly discharges to Design Point 1L in the proposed plan. We recommend the Applicant explore routing all site rooftop to recharge BMP's (if viable due to site contamination) as it may be considered "clean" runoff depending on roof type.
14. We recommend the Applicant include the Stormwater Operation and Maintenance Plan (O&M Plan) as an appendix to the stormwater report and formatted as a stand-alone document.
15. We recommend the Applicant propose Stormtech Isolator Row and maintenance weir manhole for Basin 4P as it is accepting runoff from the parking area. This will provide additional sediment and debris removal and will allow for the system to be properly maintained.



16. The level spreader and rip-rap spillway at Basin 2P are proposed to be installed at the property line. We do not believe this will be feasible to construct in this manner without affecting the abutter's property. We recommend the Applicant pull proposed work away from the property line to provide a reasonable buffer to construct these items.
17. The Applicant has not provided emergency outlets for either of the infiltration systems.

### **MCP REVIEW**

Based on a search of the MassDEP Energy & Environmental Affairs Data Portal, Waste Site & Reportable Release website, one release of hazardous materials was identified at the subject property. The Disposal Site associated with Release Tracking Number (RTN) 2-20717 is related to a release of tetrachloroethene (PCE), which was detected in soil and groundwater at the Site. The Site is located within a potentially productive aquifer and designated Zone II drinking water protection area associated with nearby water supply wells. The Town of Medway water supply well (2177000-04G) is located approximately 1,000 feet north/northwest of the Site. The reported concentrations of PCE in groundwater were above the applicable RCGW-1 reportable concentration. The PCE release was reported to MassDEP on November 19, 2018. The responsible parties are identified as Dart Associates Limited Partnership c/o Industrial Park Road, LLC, General Display, Inc., and Medway Flower LLC. The Licensed Site Professional identified for RTN 2-20717 is Richard Cote, as of June 19, 2020.

A Release Abatement Measure (RAM) Plan was submitted to MassDEP on August 10, 2019 by Dart Associates. The proposed RAM activities included excavation of contaminated soil at a former drum storage room where PCE impacts were identified. The RAM include excavation of soils from a 10-foot square area to 4 feet below the floor of the former drum storage room. The former septic tank was removed on August 15, 2018. Also, on August 12, 2019, a 4-foot square concrete pump chamber associated with the former septic tank was removed. Finally, smaller areas of PCE impacted soil were removed as identified during subsurface assessment activities. RAM Status Reports were not submitted on-time, and a RAM Completion Report was not submitted until June 1, 2020. MassDEP performed a Level II Audit of the RAM activities in March 2020, which included an inspection of the Site and a meeting with involved parties to discuss deficiencies. On March 11, 2020, 28.5 tons of PCE impacted soil was removed from the Site and transported for disposal as hazardous waste at Englobe Corporation in Montreal, Quebec, Canada. A RAM Completion Report was submitted by Medway Flower LLC on June 1, 2020. The RAM Completion Report reported that PCE concentrations in the remaining soil beneath the footprint of the former drum storage room was below applicable MCP Method 1 standards.

A Phase I Initial Site Investigation and Tier I Classification were submitted to MassDEP on June 1, 2020 by Medway Flower LLC. Based on this submittal, two sources of PCE were identified: a drum storage room at the rear of the building and beneath concrete floor in a former sheet metal cleaning and painting area. PCE impacts were also identified around a former septic tank and leach field. Depth to groundwater is 4 to 6 feet below the ground surface, and groundwater flows from west to east toward Great Black Swamp and the Charles River.

On June 19, 2020, a letter was submitted to MassDEP indicating a change in the LSP of Record for the Site from Glenn A. Carlson to Richard Cote.

The Applicant is proposing an expansion of the building at the Site including installation of stormwater infiltration features. This work should be performed in accordance with the Massachusetts Contingency Plan, 310 CMR 40.0000. Specifically, either a RAM or Comprehensive Response Actions would need to be implemented prior to or concurrently with redevelopment at the Site. Based on our review of available documents for the Site, we have the following comments:

18. The Phase II Comprehensive Site Assessment has not been completed at this time and is not due to MassDEP until November 2022. Prior to construction of a permanent building structure, stormwater infrastructure and other utilities, sufficient assessment should be completed to define the horizontal and vertical extent of contamination in all environmental media at these locations of the Site including but not limited to: soil, groundwater, soil gas, and indoor air. The data from such assessment activities should be

incorporated into design plans for the proposed redevelopment, and remediation activities should be coordinated with construction, as warranted.

19. A Permanent Solution under the MCP has not yet been achieved for RTN 2-20717. Therefore, a RAM Plan (or Comprehensive Response Actions under Phase IV of the MCP) would be warranted to facilitate construction of a permanent building structure at the Site, and for construction of related stormwater features and utilities. The Applicant should consider the MassDEP Policy for Construction of Buildings in Contaminated Areas (WSC-00-425) and related guidance. This may require an assessment of potential risks to construction/utility workers and the anticipated future receptors at the Site. Also, the remedial plans for construction of the permanent structure at the Site should consider whether future assessment and/or remedial actions would be inhibited by the construction activities or by the presence of new structures or utilities at the Site. Those assessment and/or remedial actions that could be inhibited by the redevelopment should be completed prior to or concurrent with redevelopment.
20. The Site has a history of industrial use including the manufacture of various metal, wood, laminate, and plastic products and the associated use/storage of various oils and hazardous materials. Limited information was presented in the Phase I Report regarding the exact nature of the materials that were used and possibly released at the Site. Laboratory analysis of one soil sample for waste characterization included metals, petroleum hydrocarbons, polychlorinated biphenyls (PCBs), semi-volatile organic compounds (SVOCs), volatile organic compounds (VOCs) and hazardous waste characteristics. Also, laboratory analysis of groundwater samples was limited to extractable petroleum hydrocarbons (EPH) and VOCs. However, the various oil and hazardous materials previously used at the Site could contain other hazardous materials that were not analyzed. Considering the apparent past use of an on-site septic system to discharge wastewaters from the prior industrial facility, groundwater sampling and analysis of additional parameters may be warranted. A comprehensive understanding of potential impacts to groundwater is necessary prior to final design and construction of stormwater infiltration features at the Site.
21. A dry detention basin is proposed in the southeasterly corner of the property for stormwater management. This area is associated with PCE impacts to groundwater above applicable MCP Method 1 standards. Also, subsurface infiltration chambers are proposed at the northwestern and northeastern portions of the property, upgradient of known areas of PCE impacts to groundwater and suspected/likely PCE impacts to soil beneath the building. The infiltration of stormwater may cause or contribute to further groundwater contamination in this area. The Applicant should consider the following regarding infiltration of stormwater at these locations:
  - a. Whether stormwater infiltration at each location would exacerbate groundwater contamination. These considerations may include but should not be limited to: potential effects from groundwater mounding that could increase contact with residual contaminated soil in the vadose zone; effects from introduction of oxygenated stormwater on the degradation of PCE; and changes in groundwater flow patterns and migration pathways at the Site and in the downgradient area.
  - b. Whether the presence of these stormwater features would inhibit future assessment and/or remediation actions at the Site.
22. During construction or in the future, management of contaminated media may be necessary during assessment and/or remediation activities associated with RTN 2-20717. Therefore, source control and pollution prevention measures should be implemented to prevent adverse impacts to stormwater that is infiltrated or discharged from the Site.

These comments are offered as guides for use during the Town's review and additional comments may be generated during the course of review. The Applicant shall be advised that any absence of comment shall not relieve him/her of the responsibility to comply with all applicable local, state and federal regulations for the Project. If you have any questions or comments, please feel free to contact us at (508) 786-2200.

Very truly yours,



Steven M. Bouley, P.E.  
Project Manager  
(Stormwater Review)



Ian S. Cannan, CHMM  
Project Manager  
(MCP Review)



Ronald E. Myrick, Jr., P.E., L.S.P.  
Vice President  
(MCP Review)

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May 10, 2021

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

Subject: Medway Flowers, LLC  
6 Industrial Park Road  
Medway, MA  
RTN # 2-20717

Dear Ms. Childs:

This letter is written to present a brief summary and status of the results of the hydrogeologic subsurface and soil gas investigations and remedial efforts performed at 6 Industrial Park Road to date to address contaminants in groundwater and soil gas associated with a release of tetrachloroethene (PCE) from the former General Display business operations at the site. This information is presented chronologically by year.

2018

The "Disposal Site" ("Site") was reported to the MADEP by the property owner General Display, Inc., on November 19, 2018 based on PCE concentrations of 1090 ppb exceeding the RCGW-1 Reportable Concentration of 5 ppb. On December 10, 2018 Release Tracking Number (RTN) 2-20717 was assigned to the Site.

Environmental Investigations consisting of soil borings and observation wells were completed by Coneco Engineers & Scientists (Coneco) from August through September of 2018. The results of this investigation identified the former drum storage room, a small (8'x8' square room) that was added to the rear of the building, as one area where the PCE was released/spilled. The business used the chlorinated solvent Tetrachloroethylene (PCE) in their operations and stored two 55-gallon drums inside the drum storage area.

2019

In July of 2019 Knoll Environmental, Inc. (Knoll) continued site assessment activities consisting of soil borings inside the drum storage room and along the exterior. Based on these results, in August of 2019 a Release Abatement Measure Plan was implemented to remove the drum storage attached building and excavate contaminated soils. The remedial activities have been completed and are documented in a "Release Abatement Measure Completion" report.

*Corporate Headquarters*

69 Wexford Street  
Needham, MA 02494  
(781) 449-1566  
Fax (781) 343-0730  
P. O. Box 460  
N. Kingstown, R.I. 02852

In July of 2019 Knoll conducted a background history of the site and located areas inside the building that were suspect release areas. The original building, which has had two additions, occupies the southern half of the current building footprint. In this half of the building were located a "Wire Department", "Sheet Metal & Painting Department", and a small office area. From July of 2019 through September of 2019 Knoll continued site assessment activities consisting of soil borings inside this portion of the building to locate the potential source area(s). A total of 13 monitor wells were installed (Knoll-7 through Knoll-19), 8 monitor wells in the Wire Department and Sheet Metal & Painting Department areas, and 5 monitor wells on the eastern half of the two additions.

Based on these results, Knoll conducted a 24-hour indoor air samples in October of 2019 throughout the interior of the building to determine if vapors beneath the slab were migrating into the indoor air of the building. The samples were analyzed for volatile organic compounds (VOCs) and revealed non-detect for PCE and its derivatives.

In November of 2019 Knoll oversaw the installation of two nested monitor wells, one at the rear of 6 Industrial Park Road and one downgradient on the adjacent 24 Jayar Road property. The results of the ground water sampling revealed PCE beneath the 24 Jayar Road property.

2020

On May 26, 2020 a Phase I Limited Site Investigation and Tier I Classification report was submitted to the MADEP.

From May 28, 2020 through August 25, 2020 Knoll continued site assessment activities to delineate the extent of PCE in the ground water. A total of 10 nested monitor wells were installed, Knoll-22 through Knoll-31. Each well location contains three monitor wells screening three depths of the aquifer, 15 feet, 30 feet, and 45/50 feet. The results of the hydrogeologic investigation defined the downgradient or eastern edge of the PCE plume in Knoll-31, located on the Route 109 Self Storage property. The southern edge of the PCE plume was also defined and is located inside the 6 Industrial Park Road building on the eastern half of the building footprint. The width of the plume, the northern and southern edge has been well defined at the 6 Industrial Park Road property, but requires additional monitor wells to accurately define the limits on the 24 Jayar Road property and the Route 109 Self Storage property.

The property is in a zone II drinking water supply area and one of the Town of Medway's water supply wells is located due north to the upgradient and sidegradient of the PCE plume. As a result, Knoll oversaw the installation of a "compliance well", Knoll-29, between the town well and the PCE plume. The results of the ground water sampling revealed non-detect for PCE and its biodegradation derivatives.

In June through August of 2020, 18 soil gas samples were collected and analyzed from the soil gas points, SG-1 through SG-18, located throughout the interior of the building. The soil gas points were installed to determine the concentration of PCE in vapors beneath the concrete slab. The results of the soil gas samples revealed PCE in all locations. The soil gas results revealed the highest concentration of PCE in and around the Wire Department and "Sheet Metal &



Painting Department”, coincident with the high concentrations in the ground water beneath the concrete slab.

In November of 2020 a 24-hour indoor air sample for PCE was conducted at the adjacent 24 Jayar Road property along the interior of the building in the office area and in the industrial operations area to determine if soil gases containing PCE migrated into the building. The building is a one story concrete block structure with a concrete floor and no basement. The results revealed 12 ug/m<sup>3</sup> of PCE only with non-detect for all its degradation products, in the industrial operations area and 19 ug/m<sup>3</sup> of PCE in the office area. As a result, Knoll conducted both a commercial (existing property use) and residential (potential future use without restrictions) to evaluate risk. Based on this one snapshot in time, an Imminent Hazard does not exist and there is not a long-term health risk as a commercial property.

2021

In February through March, 2021 eight (8) soil gas samples were collected and analyzed from the soil gas points, SG-1 through SG-8, located throughout the interior of the Innovative Coatings building at 24 Jayar Road. The soil gas points were installed to determine the concentration of PCE in vapors beneath the concrete slab. The results of the soil gas samples revealed PCE in 7 of the 8 locations. The soil gas results revealed the highest concentration of PCE in the center of the building in the operations area, with the next highest concentrations located along the southwestern wall bordering the 6 Industrial Park Road property.

From March through April, a hydrologic survey was conducted to characterize water table elevations, hydraulic gradients, and ground water flow directions. The depth to the ground water in the unconfined aquifer varies from 4 to 6 feet below land surface. Ground water monitoring of water quality parameters of temperature, dissolved oxygen, and ORP to evaluate the chemistry of the ground water.

### **Summary of Remedial Activities and Environmental Testing through March 2021**

On the following page is an aerial view showing the Site, the location of water supply wells, wetlands, and other site details. The ground water investigation indicates that ground water was impacted by PCE directly beneath and in the vicinity of the drum storage area, in and around the former septic tank, and beneath the portion of the building that conducted solvent cleaning. The sampling results indicates that ground water impacts by PCE and its biodegradation derivatives have been delineated beneath the building.





The full extent of the PCE plume has not been delineated to date. From the survey conducted to date, the direction of ground water flow beneath the Site is from the west to the east toward Great Black Swamp and the Charles River. Additional observation wells are planned in the ongoing Phase II Comprehensive Site Assessment Scope of Work to delineate the full extent.

Additional indoor air sampling rounds at Innovative Coatings, 24 Jayar Road, would be needed to confirm that the results are consistent under worst-case scenarios such as heating season and high groundwater. Also, conditions could change over time with the migration and degradation of the plume (e.g., concentrations increase, degradation byproducts are present, etc.) as well as the condition of the building (e.g, cracks form in the slab and foundation, building modifications are made, etc.) and this needs to be considered as long as contaminants above GW-2 remain beneath/in proximity to the building.

Should you have any questions or require additional information, please feel free to contact me at 781-449-1566.

Cordially,  
KNOLL ENVIRONMENTAL

Kevin A. Doherty  
Hydrogeochemist  
Director Environmental Services



## Susan Affleck-Childs

---

**From:** Jeff Lynch  
**Sent:** Wednesday, August 4, 2021 1:11 PM  
**To:** Susan Affleck-Childs  
**Cc:** Mike Fasolino; Chief Tingley; William Kingsbury  
**Subject:** RE: Phytopia - 6 Industrial Park Road

Good afternoon Susy, You were reading my mind. Yes, we had a call with them this morning. We all agree we are comfortable with their present security plans and would prefer they were not discussed in a public forum due to the nature of the plans. They will continue to work with FD on fire related issues and PD on security issues throughout the process. Thus far they have been receptive to our input. If anything changes we will certainly let you know. Thanks. Jeff

Jeffrey P. Lynch  
Chief of Department  
Medway Fire Department  
155 Village Street  
Medway, MA 02053  
508-533-3211

Mailing address;  
44 Milford Street  
Medway, MA 02053

---

**From:** Susan Affleck-Childs  
**Sent:** Wednesday, August 4, 2021 12:53 PM  
**To:** Jeff Lynch <ChiefLynch@townofmedway.org>  
**Subject:** Phytopia - 6 Industrial Park Road

Hi,

Just touching base about Phytopia. Have you and Chief Tingley met with them? How did it go?

*Susy*

Susan E. Affleck-Childs  
Planning and Economic Development Coordinator



Town of Medway  
155 Village Street  
Medway, MA 02053  
508-533-3291  
[sachilds@townofmedway.org](mailto:sachilds@townofmedway.org)





Town of Medway, Massachusetts

**CERTIFICATION  
PURSUANT TO G.L. c. 39, Section 23D  
OF PARTICIPTION IN A SESSION OF AN  
ADJUDICATORY HEARING  
WHERE THE UNDERSIGNED MEMBER MISSED  
A SINGLE HEARING SESSION**

RECEIVED TOWN CLERK  
AUG 2 '21 PM2:48

Note: This form can only be used for missing a single public hearing session.  
This cannot be used for missing more than one hearing session.

I, Matthew J. Hayes (name), hereby certify under the pains and penalties of perjury as follows:

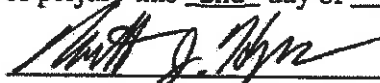
1. I am a member of the Planning and Economic Development Board
2. I missed a public hearing session on the matter(s) of: Medway Place Site Plan; St. Joseph's Church Site Plan; Wingate Farm Subdivision Modification; The Settlement Site Plan and Mixed-Use Special Permit; and Phytopia Marijuana Cultivation Special Permit, Major Site Plan, Groundwater Protection Special Permit, and Reduced Parking Special Permit.

which was held on July 27, 2021

3. I have reviewed all the evidence introduced at the hearing session that I have missed which included a review of *(initial which one(s) is/are applicable)*:
  - a.        audio recording of the missed hearing session; or
  - b. mjh video recording of the missed hearing session: or
  - c.        a written transcript of the missed hearing session.

This certification shall become part of the record of the proceedings in the above matter.

Signed under the pains and penalties of perjury this 2nd day of August, 2021.



(Signature of Board Member)

\*\*\*\*\*

Received as part of the record of the above matter:

Date: August 2, 2021

By: Susan E. Appleton - Clerk

Position: Planning + Economic Development

## Susan Affleck-Childs

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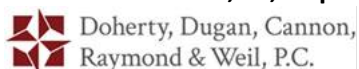
**From:** Edward V. Cannon <evc@ddcrwlaw.com>  
**Sent:** Monday, August 2, 2021 3:41 PM  
**To:** Susan Affleck-Childs  
**Cc:** Peter Pelletier; Bouley, Steven; Andy Rodenhiser  
**Subject:** RE: Sidewalks at Phytopia

Hi Susy,

Thanks for the heads up. I'll speak to my client and get back to you. I agree let's tackle this sooner rather than later.

Ted

**Edward V. Cannon, Jr., Esq.**



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**From:** Susan Affleck-Childs <sachilds@townofmedway.org>  
**Sent:** Monday, August 2, 2021 3:10 PM  
**To:** Edward V. Cannon <evc@ddcrwlaw.com>  
**Cc:** Peter Pelletier <ppelletier@townofmedway.org>; Bouley, Steven <steven.bouley@tetrattech.com>; Andy Rodenhiser <andy@rodenhiser.com>  
**Subject:** Sidewalks at Phytopia

Hi Ted,

There is some language in the site plan section of the ZBL that pertains to sidewalks: Section 3.5.4 I. 3.

3. Unless the Board determines that adequate means of pedestrian travel is already provided to the site, sidewalks shall be provided along the entire frontage of the subject property along existing public ways, including the frontage of any lots held in common ownership with the parcel(s) within five years prior to the submission of the application for site plan review and approval. In those instances where the Board determines that sidewalk construction is not feasible or practical, the Applicant will fund sidewalk construction elsewhere in the community. This may be accomplished either by constructing an

equivalent length of sidewalk elsewhere in the community as authorized by the Department of Public Works or making a payment in lieu of sidewalk construction to the Town, or a combination of both.

We haven't discussed this yet but I didn't want to wait until we start working on the decision. My guestimate is that there is around 950 linear feet of frontage that will need to be addressed.

Would be glad to chat further with you about this.

Susy

Susan E. Affleck-Childs  
Planning and Economic Development Coordinator



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