

## Board Members

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



# TOWN OF MEDWAY

## COMMONWEALTH OF MASSACHUSETTS

## PLANNING AND ECONOMIC DEVELOPMENT BOARD

Medway Town Hall  
155 Village Street  
Medway, MA 02053  
Telephone (508) 533-3291  
Fax (508) 321-4987  
Email: [planningboard@townofmedway.org](mailto:planningboard@townofmedway.org)  
<https://www.townofmedway.org/planning-economic-development-board>

## MEETING NOTICE

**Tuesday, November 23, 2021 @ 7 pm**  
**Sanford Room, Medway Town Hall – 155 Village Street**

*Pursuant to Chapter 20 of the Acts of 2021, this meeting will be conducted in person and, as a courtesy, via remote means in accordance with applicable law. Please note that while an option for remote attendance and/or participation is being provided as a courtesy to the public and board members, the meeting/hearings will not be suspended or terminated if technological problems interrupt the virtual broadcast, unless required by law. Information for participating in the meeting via Zoom is included at the end of this Agenda.*

## AGENDA

### CALL TO ORDER

### CITIZEN COMMENTS

### PUBLIC HEARINGS/BRIEFINGS

- 7:00 p.m. Public Hearing – Phytopia special permits and site plan (6 Industrial Park RD)
- 8:15 p.m. Public Hearing – Rocky's Hardware outdoor display special permit and site plan (98 Main ST)
- 8:30 p.m. Public Hearing – Medway Place site plan (98, 108, 114 Main ST)

### APPOINTMENTS

- 7:45 p.m. Medway Department of Public Works – Informal Pre-Application Discussion re: forthcoming Cassidy Field improvements site plan application

### OTHER BUSINESS

1. ANR Plan for 39 Waterview Drive
2. ZBA Variance Petition for 5 Oakview Drive
3. Plan Review Fee estimate for Cutler Place (6 Cutler Street) - Multi-Family special permit, site plan approval and land disturbance permit
4. Request for Extension of Completion Deadline for Town Line Estate Subdivision (22 Populatic Street/Bunny Lane)
5. Construction Reports
6. Master Plan Update
7. Consideration of PEDB Meeting Minutes – November 9, 2021
8. Other Reports – Staff and Committee Liaisons
9. PEDB Members' Comments and Concerns
10. Review Correspondence/Communications
11. Other Business as May Properly Come Before the Board

### ADJOURN

*The listed agenda items are those reasonably anticipated by the Chair to be discussed at the meeting. Public hearings cannot commence before the specified time. Appointment times are approximate and may be adjusted. Not all of the listed items may in fact be discussed. The Board may address and consider other matters not specified to the extent permitted by law.*



**Face Coverings** – Planning and Economic Development Board meetings are open to the public. Seating in Sanford Hall is provided in its standard arrangement and spacing. Individuals not vaccinated for COVID-19 are required to wear a face covering.

## **Zoom ACCESS**

Planning and Economic Development Board Meeting  
Tuesday, November 23, 2021 at 7:00 p.m.

Join Zoom Meeting

<https://us02web.zoom.us/j/88380710517?pwd=OXNzV1lSSk1HTnVaRU5XM0JwckdqZz09>

Meeting ID: 883 8071 0517

Passcode: 184904

One tap mobile

+13017158592,,88380710517#,,,,\*184904# US (Washington DC)

+13126266799,,88380710517#,,,,\*184904# US (Chicago)

Dial by your location

+1 301 715 8592 US (Washington DC)

+1 312 626 6799 US (Chicago)

+1 929 205 6099 US (New York)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 669 900 6833 US (San Jose)

Meeting ID: 883 8071 0517

Passcode: 184904

Find your local number: <https://us02web.zoom.us/j/kdQ6ebj0sf>

## **MEETING VIEWING OPTIONS**

In addition to viewing the meeting via Zoom, the public may watch the meeting on:

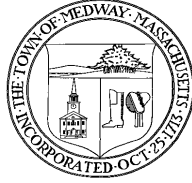
- Medway Cable Access - Channel 11 on Comcast Cable
- Medway Cable Access - Channel 35 on Verizon Cable
- <https://www.facebook.com/medwaycable/>
- <https://livestream.com/medwaycableaccess/events/7583840>

## **FUTURE PEDB MEETINGS**

Special Meeting – Tuesday, November 30, 2021 @ 7 p.m.

Regular Meetings – Second and Fourth Tuesday evenings @ 7 p.m.

December 14, 2021, January 11 and 25, February 8 & 22, and March 8 & 22, 2022



**November 23, 2021**  
**Medway Planning & Economic Development Board**  
**Meeting**

**ANR Application - 39 Waterview Drive**  
**UPDATED 11-22-21**

- ANR application from Michelle Earle and Todd Houle
- ANR plan of land dated November 12, 2021 by Colonial Engineering, Medway, MA
- Project description letter dated November 16, 2021 from Paul DeSimone
- **ANR plan review letter by Susy Affleck-Childs dated November 19, 2021**

The applicant has filed an ANR plan showing a 7,977 sq. ft. Parcel A immediately north of their property at 39 Waterview Drive at the northwest corner of Franklin Street and Waterview Drive. Parcel A is part of the abandoned railroad right of way. The Applicant wishes to claim a share of the Parcel to the centerline of the railroad right of way.

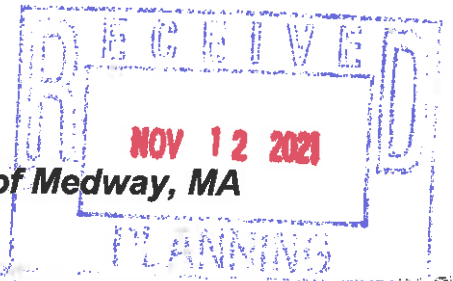
We have asked Town Counsel for some guidance on this for you. I will supply that to you upon receipt. Please note the Town may have a legal interest in the land comprising the railroad right of way.

~~I have not yet had a chance to review the plan for all the standard ANR elements. Stay tuned.~~



**Planning & Economic Development Board - Town of Medway, MA**

**LAND SUBDIVISION – FORM A**



RECEIVED TOWN CLERK  
NOV 17 '21 11:21

**Application for Endorsement of Plan  
Believed Not to Require Subdivision Approval (ANR)**

**INSTRUCTIONS TO APPLICANT/OWNER**

This Application is made pursuant to the Medway Subdivision Rules and Regulations.  
Please complete this entire Application.

Submit two (2) signed originals of this ANR Application, two copies of the ANR Plan, an electronic version (PDF) of the ANR plan, two Project Explanations, and the appropriate ANR application/filing fee checks to the Medway Planning and Economic Development office, 155 Village ST, Medway, MA 02053.

The Applicant certifies that the information included in this Application is a true, complete and accurate representation of the facts regarding the property under consideration.

In submitting this application, the Applicant and Property Owner authorize the Planning & Economic Development Board and its agents to access the site during the plan review process.

The Town's Planning Consultant will review the Application, Project Explanation and ANR plan and provide a recommendation to the Planning & Economic Development Board.

A copy of that letter will be provided to you. Revisions to the plan may be needed.

**You or your duly authorized agent is expected to attend the Board meeting  
when the ANR Plan 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 in the Board's review and decision.

November 12, 2021

**TO:** The Planning & Economic Development Board of the Town of Medway, MA

The undersigned, wishing to record the accompanying plan of property in the Town of Medway and believing that the plan does not constitute a subdivision within the meaning of the Subdivision Control Law, herewith submits this Application and ANR Plan to the Medway Planning and Economic Development Board and requests its determination and endorsement that the Board's approval under the Subdivision Control Law is not required.

**PROPERTY INFORMATION**

ANR Location Address(es): 39 Waterview Drive

The land shown on the plan is shown on Medway Assessor's Map # 67 Parcel(s) # 26

Total Acreage of Land to be Divided: 0

Subdivision Name (if applicable): N/A

Medway Zoning District Classification: AR II

Frontage Requirement: 150' Area Requirement: 22,500 S.F.



Is the road on which this property has its frontage a designated **Medway Scenic Road**? NO

The owner's title to the land that is the subject matter of this application is derived under deed from: Michelle S. Earle to Michelle S. Earle & Todd Houle dated February 23, 2021 and recorded in Norfolk County Registry of Deeds, Book 39070 Page 404 or Land Court Certificate of Title Number \_\_\_\_\_, Land Court Case Number \_\_\_\_\_, registered in the Norfolk County Land Registry District Volume \_\_\_\_\_, Page \_\_\_\_\_.

### **ANR PLAN INFORMATION**

Plan Title: Plan of Land in Medway, MA.

Prepared by: Anthony Dellorco

P.E. or P.L.S registration #: 34303 Plan Date: \_\_\_\_\_

### **APPLICANT INFORMATION**

Applicant's Name: Michelle S. Earle & Todd Houle

Address: 39 Waterview Drive

Medway, MA.

Telephone: 617-470-2353 Email: \_\_\_\_\_

### **PROPERTY OWNER INFORMATION**

*(If different than the applicant or if the plan shows a land swap between two adjacent properties)*

Property Owner's Name: \_\_\_\_\_

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

\_\_\_\_\_

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

### **ENGINEER or SURVEYOR INFORMATION**

Name: Anthony M. Dellorco

Address: 11 Owl St.

Medway, MA. 02053

Telephone: 508-533-1644 Email: colonial.eng@verizon.net

### **ATTORNEY INFORMATION**

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

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

\_\_\_\_\_

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

## OFFICIAL REPRESENTATIVE INFORMATION

Name: Paul DeSimone  
Address: 11 Owl St.  
Medway, MA. 02053  
Telephone: 508-533-1644 Email: colonial.eng@verizon.net

## PROJECT EXPLANATION

Provide a cover letter with a detailed explanation of how you propose to divide the land, what land transaction will occur, and what land reconfiguration will result from the endorsement and recording of this ANR Plan.

## APPROVAL NOT REQUIRED JUSTIFICATION

The Applicant believes that the Board's approval under the Subdivision Control Law is not required for the following reasons: *(Check all that apply.)*

- ☒ 1. The accompanying plan does not show a division of land.
- ☐ 2. Every lot shown on the plan has frontage as required by the Medway Zoning Bylaw. The frontage required by the Zoning Bylaw is located on \_\_\_\_\_ *(name of way(s), which is:*
- ☐ a. A public way. Date of street acceptance: \_\_\_\_\_
- ☐ b. A way certified by the Town Clerk as being maintained and used as a public way. *(Attach Town Clerk's certification)*
- ☐ c. A way shown on a definitive subdivision plan entitled \_\_\_\_\_
- that was previously endorsed by the Planning and Economic Development Board on \_\_\_\_\_ and recorded at the Norfolk County Registry of Deeds on \_\_\_\_\_
- Provide detailed recording information: \_\_\_\_\_
- ☐ d. A private way in existence on the ground before 1952 when the Subdivision Control Law was adopted in the Town of Medway, which has, in the opinion of the Planning & Economic Development Board, adequate width, suitable grades, and adequate construction to provide vehicular access to the lot(s) for their intended purpose of \_\_\_\_\_ and to permit the installation of municipal services to serve the lot(s) and any buildings thereon.
- ☒ 3. The division of land shown on the accompanying plan is not a "subdivision" for the following reasons: No new ways or streets.

## SIGNATURES

The undersigned, being the Applicant as defined under Chapter 41, Section 81P for endorsement of an Approval Not Required Plan, herewith submits this application and Approval Not Required Plan to the Medway Planning and Economic Development Board for review and endorsement.

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 Paul DeSimone to serve as my Agent/Official Representative to represent my interests before the Medway Planning & Economic Development Board with respect to this Approval Not Required Application.)

In submitting this application, I authorize the Board, its consultants and agents, and Town staff to access the site during the plan review process.

  
\_\_\_\_\_  
Signature of Property Owner

11/12/21  
\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Applicant (if other than Property Owner)

\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Signature of Agent/Official Representative

11/12/21  
\_\_\_\_\_  
Date

### **ANR PLAN FILING FEE**

**\$250 plus \$100 per lot or parcel for a plan involving three (3) or more lots/parcels, not to exceed a maximum of \$750.**

**Please prepare two checks: one for \$100 and one for the balance.  
Each check should be made payable to: Town of Medway**

Fee approved 11-2-06

### **APPLICATION CHECKLIST – All items must be submitted**

- \_\_\_\_\_ 2 signed original ANR applications (FORM A)
- \_\_\_\_\_ 2 full size prints of ANR plan
- \_\_\_\_\_ Electronic version of ANR plan – A flash drive may be provided or a PDF of the plan may be emailed to: [planningboard@townofmedway.org](mailto:planningboard@townofmedway.org).
- \_\_\_\_\_ 2 copies of the Project Explanation
- \_\_\_\_\_ Application/Filing Fee (2 checks) – Check with PEDB office for amounts.

\*\*\*\*\*

ANR Application/Filing Fee Paid:

Amount: \_\_\_\_\_ Check # \_\_\_\_\_

Amount: \_\_\_\_\_ Check # \_\_\_\_\_

3 PAGES

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C O P Y

N O T  
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C O P Y

**QUITCLAIM DEED**

I, MICHELLE S. EARLE, a married woman, of 39 Waterview Drive, Medway, Norfolk County, MA, 02053,

for consideration paid and in full consideration of Ten Dollars and No Cents (\$10.00),

grant to MICHELLE S. EARLE and TODD HOULE, husband and wife as tenants-by-the-entirety, of 39 Waterview Drive, Medway, Norfolk County, MA, 02053

with QUITCLAIM COVENANTS:

See legal description marked Exhibit A attached hereto and made a part hereof.

PROPERTY ADDRESS: 39 Waterview Drive  
Medway, MA 02053

Being the same premises conveyed to Grantor by deed of Michelle S. Earle and James F. Earle, Jr., dated March 13, 2015 and recorded at the Norfolk County Registry of Deeds in Book 33039, Page 21.

THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK  
SIGNATURE ON FOLLOWING PAGE

UPON RECORDING,  
PLEASE RETURN TO:

William S. Bonaccorso, Esq.  
Bonaccorso & Associates  
131 Dartmouth Street -- 501  
Boston, MA 02116

MASSACHUSETTS STATE EXCISE TAX  
Norfolk Registry of Deeds  
Date: 03-01-2021 @ 12:58pm  
Ct1#: 883 Doc#: 26415  
Fee: \$.00 Cons: \$10.00

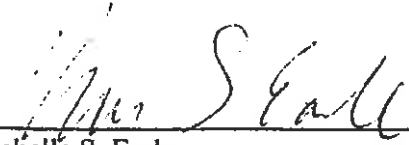
WILLIAM P. O'DONNELL, REGISTER  
NORFOLK COUNTY REGISTRY OF DEEDS  
RECEIVED & RECORDED ELECTRONICALLY

LOCUS: 39 Waterview Drive, Medway, Norfolk County, MA, 02053

NOT  
AN  
OFFICIAL  
COPY

NOT  
AN  
OFFICIAL  
COPY

Witness the execution hereof under seal this 23<sup>rd</sup> day of February 2021.

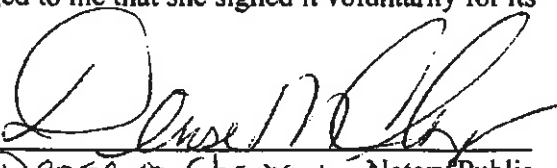
  
\_\_\_\_\_  
Michelle S. Earle

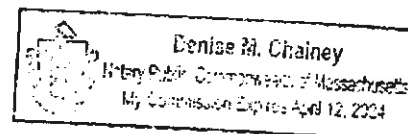
COMMONWEALTH OF MASSACHUSETTS

Essex, SS.

February 23, 2021

On this 23<sup>rd</sup> day of February 2021, before me, the undersigned notary public, personally appeared Michelle S. Earle, proved to me through satisfactory evidence of identification, which was MA license, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its stated purposes.

  
\_\_\_\_\_  
Denise M. Chainey, Notary Public  
My commission expires: 4/12/2024



N O T  
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O F F I C I A L  
C O P Y

N O T  
A N  
O F F I C I A L  
C O P Y

EXHIBIT A

The following property in Medway, Norfolk County, Massachusetts:

The land with the buildings thereon in Medway, Norfolk County, Massachusetts, being shown as Lot 17A on a plan entitled "Plan of Land in Medway, Mass., Property of Gary Hanson and Francis N. Murphy, Trustees of Humarco Realty Trust", Scale 40 feet to an inch, dated June 22, 1981 by Guerriere & Halnon, Inc., Engineering and Land Surveying, 326 West Street, Milford, Mass., recorded in the Norfolk County Registry of Deeds as Plan No. 635 of 1981 in Plan Book 290 to which plan reference is hereby made for a more particular description.

Said Lot 17A contains an area of 22,253 square feet, more or less, according to said plan.



**COLONIAL ENGINEERING INC.**  
Surveying and Consulting

11 AWL STREET  
MEDWAY, MA. 02053  
(508) 533-1644  
(508) 533-1645 FAX  
colonial.eng@verizon.net

November 16, 2021

Medway Planning Board  
Town Hall  
155 Village Street  
Medway, MA. 02053

RE: 39 Waterview Drive

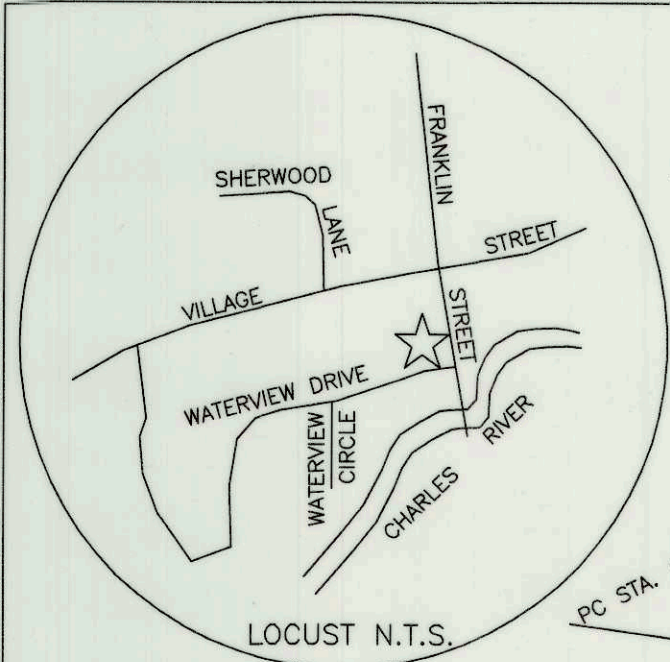
Dear Board Members,

This plan is not a subdivision, the owners of 39 Waterview Drive are claiming out to the centerline of the abandoned railroad bed. There has been many other such claims made along this particular rail road bed in the past.

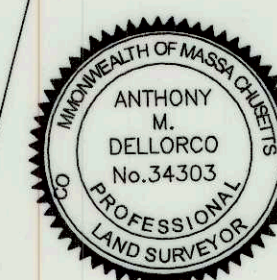
If you have any questions please do not hesitate to call or email our office.

Thank You  
Paul DeSimone





ZONE AR II  
AREA 22,500 S.F.  
FRONTAGE 150'  
SETBACK 35'  
SIDEYARD 15'  
REARYARD 15'



I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMITY WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

*Anthony M. Dellorco*

DATE: NOVEMBER 12, 2021

APPROVAL UNDER SUBDIVISION CONTROL LAW IS NOT REQUIRED.  
DATE APPROVED: \_\_\_\_\_

TOWN OF MEDWAY PLANNING BOARD

"PLANNING BOARD ENDORSEMENT DOES NOT CONSTITUTE A DETERMINATION OF COMPLIANCE WITH THE MEDWAY ZONING BY-LAWS."

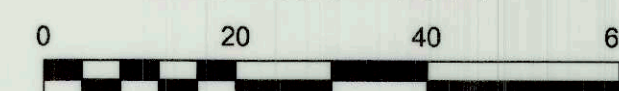
NOTE: PROPERTY SHOWN ON THIS PLAN IS NOT CLASSIFIED AS CHAPTER 61A OR 61B.

PLAN OF LAND  
IN  
**MEDWAY, MA.**

SCALE: 1"=20' NOV. 12, 2021

OWNER: Michelle S. Earle  
& Todd Houle  
39 Waterview Drive  
Medway, Ma. 02053

COLONIAL ENGINEERING INC.  
11 AWL STREET MEDWAY, MA. 02053  
508-533-1644



N/F CONSOLIDATED RAIL CORP.

N/F CONSOLIDATED RAIL CORP.

PARCEL A  
7,997 S.F.  
NOT A BUILDABLE LOT  
UNDER CURRENT TOWN  
OF MEDWAY ZONING

LOT 17A  
22,523 S.F.  
Map 67 Parcel 26

LOT 18A  
N/F Darrick & Andrea Kerr  
37 Waterview Drive  
Map 67 Parcel 27

N/F John & Sandra Currier  
2 Franklin Street  
Map 67 Parcel 74

**WATERVIEW (PUBLIC 50' WIDE) DRIVE**

**FRANKLIN (PUBLIC 50' WIDE) STREET**  
(COUNTY LAYOUT OF 1981)

N/F Kimberly M. Kasten  
38 Waterview Drive  
Map 67 Parcel 71

N/F Phillip & Cathy D'Alesio  
40 Waterview Drive  
Map 67 Parcel 72

A48.87'  
R275.00'  
D10°10'58"

RE-BAR SET

A19.88'  
R275.00'  
D4°08'28"

CB/DH FND

A78.00'  
R325.00'  
D13°45'04"

WS

GS

50.09'  
S 74°26'10" W

SB/DH FND

A45.08'  
R30.00'  
D86°05'20"

A88.46'  
R1525.00'



2ST. W/F  
HSE#39

BITUMINOUS DRIVE

DECK

RE-BAR SET

N 12°23'11" W  
41.25'

RR BASELINE

N 77°36'49" E  
195.70'

CENTERLINE OF ABANDONED RAILROAD BED

N 77°36'49" E  
192.21'

SIDELINE OF ABANDONED RAILROAD BED

A41.40'  
R1525.00'

RE-BAR SET

SB/DH FND

SIDELINE OF ABANDONED RAILROAD BED



Susan E. Affleck-Childs

Planning and Economic  
Development Coordinator



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

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

**MEMORANDUM**

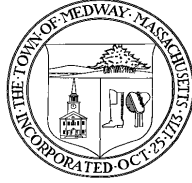
November 19, 2021

TO: Planning and Economic Development Board members  
FROM: Susy Affleck-Childs  
RE: ANR Plan for 39 Waterview Drive

I have reviewed the ANR plan of land, application, and accompanying submittal letter filed by Michelle Earle and Todd Houle of Medway, MA for 39 Waterview Drive, at the northwest corner of Waterview Drive and Franklin Street in the ARII zoning district. The plan was prepared by Colonial Engineering of Medway, MA and is dated November 12, 2021. The plan shows Lot 17A at 39 Waterview Drive, (Medway Map 67, Parcel 26) (22,523 sq. ft.) and the adjacent Parcel A, a 7,997 sq. ft. parcel, which is a portion of the abandoned railroad bed that runs along the northern property line of 39 Waterview Drive. The ownership of Parcel A is not specified however it is identified as not being a separate buildable lot under the *Zoning Bylaw*. Colonial Engineering has explained that the applicants wish to claim ownership of Parcel A to add to their property nothing that other properties along the railroad bed have done so as well.

I have comments as follows based on Section 3.2 ANR Plan Contents of the *Subdivision Rules and Regulations*.

1. The plan is drawn at a scale of 1" = 20'. The *Subdivision Rules and Regulations* call for the plan scale to be 1" = 40' or such other scale as the Board may accept. The 1" = 20' scale displays the parcel dimensions and arrangements more clearly and is suitable for this instance.
2. The calculation for the lot shape factor for Lot 17A is missing. However, the plan depicts a rectangular shaped lot without any odd configurations.
3. Other than the 2 items noted above, the plan includes all other details required to be shown on an ANR plan pursuant to Section 3.2 ANR Plan Contents of the *Medway Subdivision Rules and Regulations*.
4. The ownership of the abandoned railroad bed is complicated and the Town is involved in the chain of title. The applicant's representative has not provided documentation that the applicants have rights to claim Parcel A. We have asked Town Counsel for some guidance on this matter. However, the ownership is not a particularly relevant matter when it comes to an ANR plan. The key question is whether the land shown on the plan constitutes a subdivision, and it clearly does not.



**November 23, 2021**  
**Medway Planning & Economic Development Board**  
**Meeting**

**ZBA Petition**

- Dimensional variance petition for 5 Oakview Circle to allow for the construction of a front porch with a landing and stairs to provide for the future installation of a handicapped ramp. The applicant requests a variance for a 30' front setback instead of the 35' standard setback.

NOTE – The ZBA hearing on this project is December 1, 2021.

**GENERAL APPLICATION FORM**



**TOWN OF MEDWAY**

**ZONING BOARD OF APPEALS**

155 Village Street  
Medway MA 02053

Phone: 508-321-4915 | [zoning@townofmedway.org](mailto:zoning@townofmedway.org)  
[www.townofmedway.org/zoning-board-appeal](http://www.townofmedway.org/zoning-board-appeal)

**NOTE: THE APPLICATION WILL NOT BE CONSIDERED "COMPLETE" UNLESS ALL NECESSARY DOCUMENTS, FEES, & WAIVER REQUESTS ARE SUBMITTED. A GENERAL APPLICATION FORM MUST BE COMPLETED FOR ALL APPLICATIONS.**

**TO BE COMPLETED BY THE APPLICANT**

Applicant/Petitioner(s):	Application Request(s):
Property Owner(s):	Appeal <input type="checkbox"/>
	Special Permit <input type="checkbox"/>
Site Address(es):	Variance <input type="checkbox"/>
	Determination/Finding <input type="checkbox"/>
	Extension <input type="checkbox"/>
	Modification <input type="checkbox"/>
Parcel ID(s):	Comprehensive Permit <input type="checkbox"/>
Zoning District(s):	
Registry of Deeds Book & Page No. and Date or Land Court Certificate No. and Date of Current Title:	

TOWN CLERK STAMP

**TO BE COMPLETED BY STAFF:**

Check No.:  
Date of Complete Submittal:  
Comments:

**GENERAL APPLICATION FORM**

**APPLICANT/PETITIONER INFORMATION**

*The owner(s) of the land must be included as an applicant, even if not the proponent. Persons or entities other than the owner may also serve as co-applicants in addition to the owner(s), however, in each instance, such person shall provide sufficient written evidence of authority to act on behalf of the owner(s). For legal entities such as corporations, LLCs, etc., list the type and legal status of ownership, the name of the trustees/officer members, their affiliation, and contact information. Please provide attachment for information if necessary.*

<b>Applicant/Petitioner(s):</b>	Phone:
	Email:
Address:	
<b>Attorney/Engineer/Representative(s):</b>	Phone:
	Email:
Address:	
<b>Owner(s):</b>	Phone:
	Email:
Mailing Address:	

Please list name and address of other parties with financial interest in this property (use attachment if necessary):

Please disclose any relationship, past or present, interested parties may have with members of the ZBA:

No relationships past or present

**I hereby certify that the information on this application and plans submitted herewith are correct, and that the application complies with all applicable provisions of Statutes, Regulations, and Bylaws to the best of my knowledge, and that all testimony to be given by me during the Zoning Board of Appeals public hearing associated with this application are true to the best of my knowledge and belief.**

*John Deckers*

Signature of Applicant/Petitioner or Representative

Date

Signature Property Owner (if different than Applicant/Petitioner)

Date



**GENERAL APPLICATION FORM**

**APPLICATION INFORMATION**

		YES	NO
<b>Applicable Section(s) of the Zoning Bylaw:</b>	Requesting Waivers?	Y	N
	Does the proposed use conform to the current Zoning Bylaw?	Y	N
<b>Present Use of Property:</b>	Has the applicant applied for and/or been refused a building permit?	Y	N
	Is the property or are the buildings/ structures pre-existing nonconforming?	Y	N
<b>Proposed Use of Property:</b>	Is the proposal subject to approval by the BOH or BOS?	Y	N
	Is the proposal subject to approval by the Conservation Commission?	Y	N
<b>Date Lot was created:</b>	Is the property located in the Floodplain District?	Y	N
<b>Date Building was erected:</b>	Is the property located in the Groundwater Protection District?	Y	N
<b>Does the property meet the intent of the Design Review Guidelines?</b>	Is the property located in a designated Historic District or is it designated as a Historic Landmark?	Y	N
<b>Describe Application Request:</b>			

**GENERAL APPLICATION FORM**

**FILL IN THE APPLICABLE DATA BELOW**

Required Data	Bylaw Requirement	Existing	Proposed
A. Use			
B. Dwelling Units			
C. Lot Size			
D. Lot Frontage			
E. Front Setback			
F. Side Setback			
G. Side Setback			
H. Rear Setback			
I. Lot Coverage			
J. Height			
K. Parking Spaces			
L. Other			

**FOR TOWN HALL USE ONLY**

*To be filled out by the Building Commissioner:*

\_\_\_\_\_  
Date Reviewed

\_\_\_\_\_  
Medway Building Commissioner

*Comments:*

After completing this form, please submit an electronic copy to [zoning@townofmedway.org](mailto:zoning@townofmedway.org)  
and 4 paper copies to the Community & Economic Development Department.

TO: OAKLAND  
STREET

N/F LEVINE

OAKVIEW

160.00'

MIN. ZONING SETBACK LINE

LOT 13  
14,523 S.F.

53.98'

CBDH  
FND.

36.8'

No S.T.  
G.W.D.

DK.

43.3'

PROP.  
GAR.

24'

19'

LOT 14

145.54'

R=175.51'  
L=148.46'

CIRCLE

CBDH  
FND.

Add covered porch 7' x 16' with  
5 x 5' landing with stairs – built  
in preparation for handicap  
accessible ramp (in red, if  
needed)

ND. DENOTES CONCRETE BOUND WITH DRILL  
JUND



Existing view of house





## Proposed Front Porch addition





## TOWN OF MEDWAY

### ZONING BOARD OF APPEALS

155 Village Street  
Medway MA 02053

Phone: 508-321-4915 | [zoning@townofmedway.org](mailto:zoning@townofmedway.org)  
[www.townofmedway.org/zoning-board-appeal](http://www.townofmedway.org/zoning-board-appeal)

**NOTE: THE APPLICATION WILL NOT BE CONSIDERED "COMPLETE" UNLESS ALL NECESSARY DOCUMENTS, FEES, & WAIVER REQUESTS ARE SUBMITTED. A GENERAL APPLICATION FORM MUST BE COMPLETED FOR ALL APPLICATIONS.**

#### TO BE COMPLETED BY THE APPLICANT

*Please provide evidence regarding how the Variance Criteria, outlined below, is met. All Variance Criteria must be met to be considered. Provide attachments if necessary.*

**1. What circumstances exist relating to the shape, topography, or soil conditions of the subject property which do not generally affect other land in the zoning district? (See MGL c. 40A Section 10)**

**2. What substantial hardship, financial or otherwise, is caused by the circumstances listed above when the literal enforcement of Medway Zoning Bylaw is applied? (See MGL c. 40A Section 10) (Cannot be *personal hardship*)**

**3. State why desirable relief may be granted without substantial detriment to the public good.**

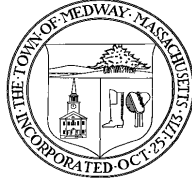
**4. State why relief may be granted without nullifying or substantially derogating from the intent or purpose of the Zoning Bylaw.**

*John Deckers*

Signature of Applicant/Petitioner or Representative

Date





**November 23, 2021**

**Medway Planning & Economic Development Board  
Meeting**

**Cutler Place Multi-Family Plan Review**  
**Fee Estimate**

- Plan Review fee estimate from Tetra Tech for Cutler Place (\$6,351)

On 11-17-21, we received the applications (site plan, land disturbance permit and multi-family housing special permit) for Cutler Place, a 5-unit residential development at 6 Cutler Street, the former American Legion Post building. Applicant/developer is Anthony Varrichione. The hearing will begin December 14<sup>th</sup>.



November 17, 2021

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

**Re: Peer Review Proposal  
Cutler Place  
6 Cutler Street  
Medway, Massachusetts**

Dear Ms. Affleck-Childs:

We are pleased to submit this Proposal to the Town of Medway Planning and Economic Development Board (the Client) for professional engineering services associated with the above-referenced Project (the Project). The objective of our services is to provide technical review and general assistance to the Board during its review of the above-referenced Project for compliance with the following Regulations and Standards:

- Town of Medway Planning & Economic Development Board Rules and Regulations, Chapter 200 – Site Plans, Rules & Regulations for Submission, Review and Approval of Site Plans (last Amended October 8, 2019)
- Town of Medway General Bylaws – Article XXVI, Stormwater Management and Land Disturbance
- Massachusetts Department of Environmental Protection (MA DEP) Stormwater Management Standards (Standards) and associated Stormwater Management Handbook (Handbook).

The Plans and supporting documentation will also be reviewed for general site planning design and sound engineering practice. We have excluded from our scope, the review of the application package as it relates to Town of Medway Zoning Bylaws.

## **SCOPE OF SERVICES**

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

### **Task 1 Site Visit**

A. Perform one (1) site visit to review the site and its surroundings.

- Budget Assumption: 1 Visit  
3 hours @ \$167/hr = \$501  
Total = \$501

### **Task 2 Design Review**

A. Review the permit Application, and supporting documentation, and incorporate comments into review letter in Item 2.D below.

- Budget Assumption: 1 hour @ \$167/hr = \$167  
1 hour @ \$120/hr = \$120  
Total = \$287

B. Review one (1) set of proposed Plans against the above-mentioned Regulations and Bylaws and sound engineering practice and incorporate comments into review letter in Item 2.D below.

- Budget Assumption: 2 hours @ \$167/hr = \$334  
6 hours @ \$120/hr = \$720  
Total = \$1,054

- C. Review one (1) set of Proposed Plans and Stormwater Report for compliance with applicable town stormwater related standards, MA DEP Stormwater Standards and good engineering practice and incorporate comments into review letter in Item 2.D below.
- Budget Assumption: 4 hours @ \$167/hr = \$668  
4 hours @ \$120/hr = \$480  
Total = \$1,148
- D. Prepare one (1) letter summarizing findings for presentation to the Town of Medway PEDB.
- Budget Assumption: 4 hours @ \$167/hr = \$668  
2 hours @ \$120/hr = \$240  
Total = \$908
- E. Coordinate with Applicant to address items in initial review letter and issue one (1) revised letter upon receipt of modifications. This task is limited to minor changes in the site plans which directly address comments from our initial review letter. Major changes to the Plans and/or Stormwater Report will require additional funds.
- Budget Assumption: 4 hours @ \$167/hr = \$668  
4 hours @ \$120/hr = \$480  
Total = \$1,148

### Task 3 Meetings

- A. Participate in three (3) hearings/meetings with the Town of Medway PEDB by video conference, including time for preparation for each meeting.
- Budget Assumption: 6 hours @ \$167/hr = \$1,002  
Total = \$1,002

## BUDGET

The fee for the work outlined in this proposal will be billed on a Time and Expenses basis according to Tetra Tech's and Medway's then current contract rates. Reimbursable expenses budget for execution of the tasks included in this scope of work are limited to mileage, field equipment, internal-use printing costs and hard-copy production of deliverables for submission and are billed at a fixed fee of five (5) percent of labor costs. We suggest that you establish a budget as summarized below, which will not be exceeded without your approval.

Please be advised that this estimate is for initial review of submitted materials, is based on our current understanding of the Project needs and is for budget purposes only. The total actual cost of our services will largely depend on the number and complexity of revisions and resubmittals, quality and completeness of the information submitted by the applicant and the depth to which specific issues are explored. Cost for each task is based on a comparison with other similarly sized projects we have reviewed. Please be advised, additional funding will be required if additional or revised materials are submitted, if additional subject areas require review or additional coordination is required beyond what is specifically described above.

The breakdown of this fee by task is as follows:

Task	Task Description	Budget
Task 1	Site Visit	\$501
Task 2	Design Review	\$4,545
Task 3	Meetings	\$1,002
	<b>Labor Subtotal</b>	<b>\$6,048</b>
	Expenses (5%)	\$303
	<b>Total</b>	<b>\$6,351</b>

## SCHEDULE AND CONDITIONS

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

To signify your acceptance of this Agreement, please sign and return one copy and the retainer to us along with the attachments. When signed by representatives of both parties, this Proposal will become an agreement between Tetra Tech, Inc. (ENGINEER) and Town of Medway (CLIENT). The Agreement is subject to the existing contract Terms and Conditions between the Engineer and Client. The price is valid for 60 days from the date of this letter.

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

Very truly yours,



Steven M. Bouley, P.E.  
Project Manager



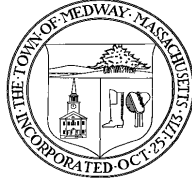
Sean P. Reardon, P.E.  
Vice President

Certified by:

\_\_\_\_\_  
Authorized Representative  
Town of Medway

\_\_\_\_\_  
Date

M:\SITE\BOULEY\MEDWAY\_PEDB\_6 CUTLER ST REVIEW\_2021-11-17.DOCX



**November 23, 2021**

**Medway Planning & Economic Development Board  
Meeting**

**Town Line Estate – Request for Project  
Completion Extension**

- Letter dated 11-16-21 from owner/permittee Rob Lapinsky
- Excerpt from endorsed subdivision plan

Robert Lapinsky  
62 Allston Ave,  
Worcester, MA 01604  
rlapinsky@gmail.com

November 16, 2021

Andy Rodenhiser, Chair  
Medway Planning and Economic Development Board  
155 Village Street  
Medway, MA 02053

Dear Mr. Rodenhiser and Board,

You may remember approving our family project to construct a single family home located behind the residence on 22 Populatic St (Town Line Estate – Bunny Lane). The Board had given us approval on January 22<sup>nd</sup>, 2019. At that time, we were given a 3-year window to complete the road, infrastructure and our home. I can remember hearing that and saying to my self “I’ll have it done in one”. My intentions at the time were to serve as the general contractor for the job myself. During the following year I struggled. It took months to finalize house plans and the frustration of trying to get subs to just give me quotes never mind scheduling them was proving to be way more difficult than I could handle. Ultimately I came to the conclusion I needed help and started working with a contractor. Then our great friend COVID 19 hit and slowed our progress even further, not to mention the skyrocketing price hikes on all the building materials needed to complete our home. I feel we are now through the weeds and intend on breaking ground in the spring to fulfil our dream of building our home. Unfortunately, there is no way to complete the construction before our approval expires on 1/22/2022. My intention with this letter is to formally request an extension of our approval for an additional 1-2 years to complete our project.

Thank you for your time on this matter and thank you in advance for your consideration of my request.

Sincerely,

Robert Lapinsky Jr.



This Subdivision is subject to a Certificate of Action Signed by the Medway Planning and Economic Development Board, Dated April 24, 2018 to be Recorded at the Norfolk County Registry of Deeds.

All Present and Future Owners of Lot 2 are subject to a Declaration of Protective Covenants & Restrictions and Private Roadway Agreement Governing Town Line Estate Subdivision.

DATE APPROVED: April 24, 2018

*[Signature]*  
*[Signature]*  
*[Signature]*  
MEDWAY PLANNING AND ECONOMIC DEVELOPMENT BOARD

MEDWAY PLANNING AND ECONOMIC DEVELOPMENT BOARD

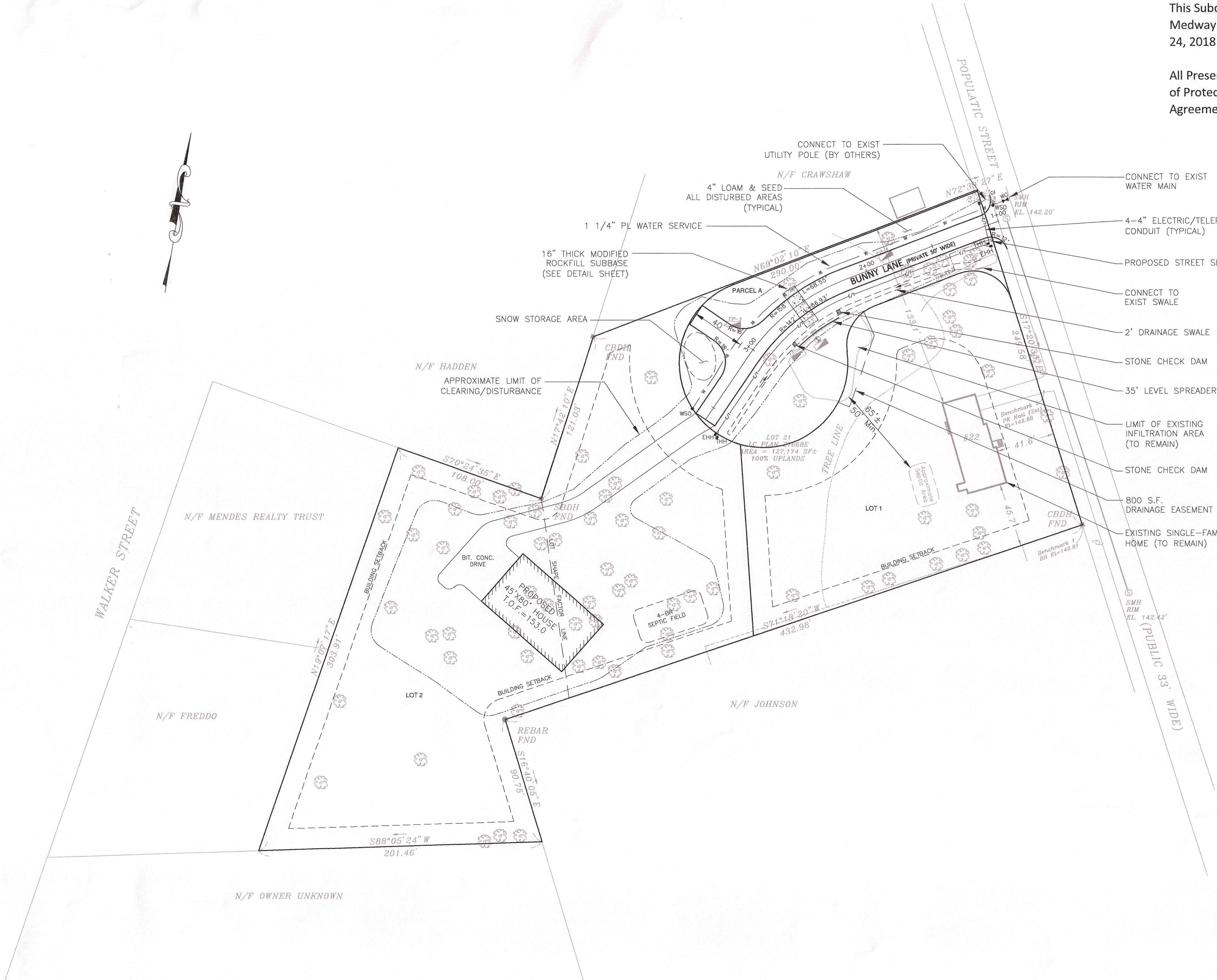
DATE ENDORSED: January 28, 2019

APPROVED \_\_\_\_\_ SUBJECT TO COVENANT CONDITIONS SET FORTH IN A COVENANT EXECUTED BY \_\_\_\_\_ DATED \_\_\_\_\_, AND TO BE RECORDED HEREWITH.

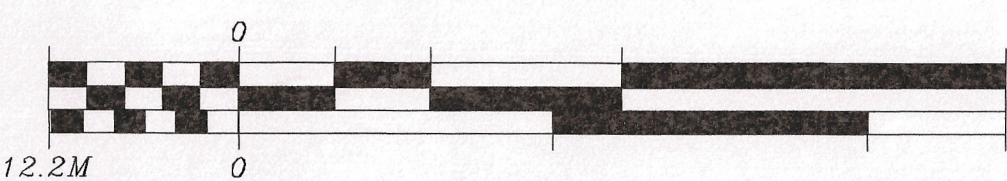
I CERTIFY THAT 20 DAYS HAVE PASSED SINCE PLANNING BOARD APPROVAL AND NO APPEAL HAS BEEN FILED IN THIS OFFICE.

DATE : \_\_\_\_\_

TOWN CLERK OF MEDWAY



GRAPHIC SCALE



( IN FEET )  
1 inch = 40 ft.

ASSESSORS REFERENCE  
MAP 71, PARCEL 020

ZONING REFERENCE  
AR-II

LEGEND

- TEL/ELEC. HAND HOLE
- TEST HOLE
- THH TELEPHONE HANDHOLE
- EHH ELECTRIC HANDHOLE
- WSO WATER SHUTOFF
- GG GAS GATE
- SWL SOLID WHITE LINE
- HYDRANT
- STONE CHECK DAM
- STONE WALL
- DRILL HOLE
- BOUND
- IRON PIN/PIPE

NO.	DATE	REFERENCE
2	6/8/18	PROJECT ENDORSEMENT
1	2/23/18	PROJECT REVIEW REVISIONS
REVISIONS		
DATE: DECEMBER 12, 2017		

Engineer:  
**L.A.L. Engineering Group**  
DESIGN ~ PERMITTING ~ PEER REVIEW ~ LAYOUT  
730 Main St, Suite 1F  
Millis MA 02054  
P: (781) 248-1133 F: (508) 376-8440

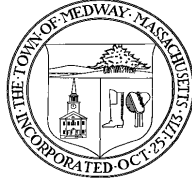
Surveyor:  
**CONTINENTAL LAND SURVEY, LLC**  
105 BEAVER STREET, FRANKLIN, MA  
(508) 528 - 2528

SITE LOCATION:  
22 POPULATIC STREET  
MEDWAY, MASSACHUSETTS  
PREPARED FOR:  
ROBERT & LISA LAPINSKY  
62 ALLSTON AVE.  
WORCESTER, MASSACHUSETTS

DEFINITIVE SUBDIVISION PLAN  
SITE & UTILITY PLAN  
MEDWAY, MASSACHUSETTS

SHEET NO.	SCALE	JOB NO.
4	1"=40'	5332





**November 23, 2021**  
**Medway Planning & Economic Development Board**  
**Meeting**

**PEDB Meeting Minutes**

- Draft minutes of the 11-9-2021 PEDB meeting

**Tuesday, November 9, 2021  
Medway Planning and Economic Development Board  
155 Village Street  
Medway, MA 02053**

<b>Members</b>	<b>Andy Rodenhiser</b>	<b>Bob Tucker</b>	<b>Tom Gay</b>	<b>Matt Hayes</b>	<b>Rich Di Iulio</b>	<b>Jessica Chabot</b>
<b>Attendance</b>	<b>X</b>	<b>Remote – Joined meeting at 7:22 p.m.</b>	<b>Absent with Notice</b>	<b>X</b>	<b>X</b>	<b>X</b>

**PRESENT:**

- Susy Affleck-Childs, Planning and Economic Development Coordinator

The Chairman opened the meeting for the Planning and Economic Development Board at 7:00 pm.

**PUBLIC COMMENTS:**

- There were no public comments.

**WINGATE FARM SUBDIVISION MODIFICATION PUBLIC HEARING:**

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

- Public Hearing Continuation Notice to 11.9.21
- Site distance analysis letter dated 10-12-21 from Dan Merrikin

The applicant's representative, project engineer Dan Merrikin was present. The applicant Karyl Spiller-Walsh was also present. The Board was informed that additional funds have been provided for peer review. Tetra Tech was directed to review the sight distance analysis prepared by Mr. Merrikin and provide written comments. Tetra Tech engineering consultants Steve Bouley and Courtney Sudak were present by Zoom.

Mr. Merrikin explained the information pertaining to the intersection sight distance (ISD) for traffic exiting Wingate Farm Road onto Holliston Street. Looking north, the ISD is 260 ft. The South ISD is well in excess of 500 feet. These calculations do not take into consideration the required future Timber Crest improvements on Holliston Street (including a 3.8% downhill slope correction) which will further increase the northerly ISD at Wingate Farm Road.

He also noted that the existing shoulder grade immediately to the north of Wingate Farm Road will be lowered 2-3 ft. to achieve the ISD. A plan with the profile of the right shoulder of the road at the edge of the site was displayed on Share Screen. Some vegetation on the side of the road will be removed. The big oak tree will not be taken out.

Consultant Sudak's letter dated 9-8-21 indicates that the ISD will be met for the 35 mph posted speed limit on Wingate Farm Road.

The discussion moved to Stopping Sight Distance (SSD). Consultant Sudak communicated that the options include either moving the driveway (Wingate Farm Road) to the top of the crest or lowering the crest of Holliston Street per the Timber Crest decision.

Mr. Merrikin noted that based on the AASHTO (American Association of State Highway Officials) formula, the recommended SSD for the posted 35 mph speed limit is 246 ft. It is the applicant's opinion that an adjustment for road slope is NOT appropriate. To reinforce speed limits on the southbound Holliston Street travel lane, the applicant is willing to install whatever reasonable signage is necessary including an intersection ahead warning sign and a radar speed display feedback sign. Also, the applicant is proposing to move the roadway further north which is a safer location.

Tetra Tech communicated that they continue to have concerns since this does not meet the AASHTO standard for stopping sight distance at the higher actual travel speeds on Holliston Street (vs. posted speeds) but what is proposed is reasonable for the three-lot subdivision.

It was noted that the Board's *Subdivision Rules and Regulations* indicate that intersection sight distances shall meet AASHTO standards. However, the *Regs* only address stopping speed distances within a subdivision, not on the approaching streets.

The Board's consensus was that this is OK with the improvements presented.

The applicant asked to continue the hearing to allow for further revisions on the plan to address stormwater.

**On a motion made by Jessica Chabot, seconded by Matt Hayes, the Board voted unanimously to approve the applicant's request to extend the Board's action deadline on the subdivision modification to March 30, 2022.**

**On a motion made by Jessica Chabot, seconded by Matt Hayes, the Board voted unanimously to continue the public hearing to January 25, 2022 at 7:15 pm.**

Consultant Merrikin indicated they would now work on revising the stormwater design.

**NOTE** – Member Bob Tucker joined the meeting via ZOOM at 7:22 p.m.

## **CONSTRUCTION REPORTS:**

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

- William Wallace Village – Legacy Engineering report dated 11-2-2021
- William Wallace Village – Tetra Tech Report dated 10-27-21
- Harmony Village Meridian Associates Report dated 10-26-21
- Harmony Village Meridian Associates Report dated 11-2-21
- Harmony Village Tetra Tech dated 10-27-21
- 21 Trotter Drive Report dated 10-27-21
- 4 Marc Rd – Tetra Tech Report dated 10-4-21
- 4 Marc Road – Tetra Tech Report dated 10-28-21

**Evergreen:**

There was an inspection at Evergreen. There needs to be discussion with the tree warden regarding a tree on the side of the wall.

**William Wallace:**

There was an inspection at William Wallace. The perimeter erosion controls were inspected and there were areas where the silt fence needs to be restapled to the stakes.

**Harmony Village:**

There was an inspection at Harmony Village. There is ongoing utility installation including the DW-2 (chamber bed).

**21 Trotter:**

There was an inspection with the Conservation Agent. It was recommended that the O & M plan be modified. There were concerns that there were hydrocarbons present in stormwater runoff. There were compost filter tubes in front of catch basins as temporary prevention measures.

**4 Marc Road:**

There were some erosion issues on site. There was one catch basin filled with sediment and debris which will require cleaning.

**FIELD CHANGE EVERGREEN VILLAGE:**

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

- 10-19-21 email from Maria Varrichione
- Photos showing the installed retaining wall
- Text from the Evergreen special permit decision re: field change process

The Board is in receipt of a letter requesting a field change for use of UniLock system for the retaining wall on the west boundary of the property. This is instead of field stone which was specified in the approved site plan. Developer Maria Varrichione was present during the meeting by Zoom. She explained that the modification would be on the west side retaining stone wall. Her general contractor spoke with the Building Commissioner who is satisfied with the wall construction using this material. A small portion of the wall appearance will be visible. The work has already been completed. It was noted that the Design Review Committee met on November 2, 2021 to discuss the field change. Member Chabot attended the DRC meeting and reported that the DRC is fine with the field change in this location but wants to make sure that the Applicant uses field stone for the front wall facing Evergreen Street.

**On a motion made by Jessica Chabot, seconded by Bob Tucker, the Board voted unanimously by roll call vote to approve the field change for Evergreen Village.**

**Roll Call Vote:**

<b>Jessica Chabot</b>	<b>aye</b>
<b>Bob Tucker</b>	<b>aye</b>
<b>Matt Hayes</b>	<b>aye</b>
<b>Andy Rodenhiser</b>	<b>aye</b>
<b>Rich Di Iulio</b>	<b>nay</b>

### **HARMONY VILLAGE STATUS REPORT:**

Developer Gary Feldman was present at the meeting to discuss recent construction activities. Consultant Bouley communicated that the excavator did not inform them that they were starting work. There needs to be photos presented of the installation of the manholes or video of the lines. The Board was informed that there were photos emailed today. The applicant was also informed that the required reports need to be submitted. Mr. Feldman informed the Board that there may be a change from natural gas to propane since there has been a delay in getting the gas company onto the site. This would be considered a field change and the developer would need to discuss with the Board before any change occurs.

### **MASTER PLAN UPDATE:**

The Board was informed that the summary report of the 10-3-21 Community Forum was emailed the Board earlier in the day. The Master Plan Committee will be reviewing it at its November 22, 2021 meeting.

### **RED GATE STREET ACCEPTANCE:**

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

- Documentation of 11-1-21 vote by the Select Board to “lay out” the Red Gate streets.
- Red Gate subdivision plan.
- Email dated 10-29-21 from Attorney Lee Smith, KP Law
- Mutual Release of Claims

**On a motion made by Jessica Chabot, seconded by Matt Hayes, the Board voted unanimously by roll call to recommend the Red Gate Street Acceptance to the 11-15-21 Town Meeting**

#### **Roll Call Vote:**

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

### **ROCKY’S HARDWARE ADMINISTRATIVE SITE PLAN AND OUTDOOR DISPLAY SPECIAL PERMIT PUBLIC HEARING:**

The Board was informed that the November 2, 2021 PEDB meeting agenda included a public hearing on Rocky’s Hardware. The applicant learned that the full Board would not be present that evening and requested a public hearing continuation. The Board did not announce the continuation during the November 2, 2021 meeting. The date for the hearing is November 23, 2021 at 8:15 pm.

**On a motion made by Matt Hayes, seconded by Jessica Chabot, the Board voted unanimously by roll call vote to continue the Rocky’s Hardware hearing to November 23, 2021 at 8:15 pm.**

**Roll Call Vote:**

<b>Jessica Chabot</b>	<b>aye</b>
<b>Bob Tucker</b>	<b>aye</b>
<b>Matt Hayes</b>	<b>aye</b>
<b>Andy Rodenhiser</b>	<b>aye</b>
<b>Rich Di Iulio</b>	<b>aye</b>

**PEDB MEETING MINUTES:**

The Board is in receipt of the draft meeting minutes of the October 12, 2021 and October 26, 2021.

**October 12, 2021 & October 26, 2021:**

**On a motion made by Rich Di Iulio, seconded by Matt Hayes, the Board voted unanimously to accept the minutes from October 12, 2021 and October 26, 2021.**

**Roll Call Vote:**

<b>Jessica Chabot</b>	<b>aye</b>
<b>Bob Tucker</b>	<b>aye</b>
<b>Matt Hayes</b>	<b>aye</b>
<b>Andy Rodenhiser</b>	<b>aye</b>
<b>Rich Di Iulio</b>	<b>aye</b>

**SALMON WILLOWS:**

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

- Proposed revised phasing schedule dated 10-26-21
- Proposed revised phasing plan exhibit
- Proposed revised cottage architecture
- Memo dated 11-4-21 from the DRC

Developer Jeff Robinson was present via Zoom and along with engineer Peter Bemis. He explained the new phasing plan and completion schedule. Salmon has taken on a partner for the cottage component of the project. It is Black Brook Realty owned by John Burns. Some of the changes involve downsizing the units with less square footage and smaller footprints. The DRC reviewed the proposed changes at its 11-11-21 meeting and a letter from the DRC was provided. There was a shared screen provided to display the phasing plan exhibit. Phases one and two are now complete. Phase 3 will involve performing remaining site work associated with cottages and constructing the remaining underground recharge systems and conveyance swales. The estimated project completion date will be January 1, 2026. The DRC recommended that the buildings have a more neutral color palette that what was originally proposed. It was suggested that the applicant meet with the DRC to finalize colors. The DRC would also like to review the material to be used. There were minor changes to the cottage window alignment. The Board does not have any issues with the change in the cottage architecture.

**New Completion Date:**

**On a motion made by Jessica Chabot, seconded by Matt Hayes, the Board voted unanimously by roll call vote to approve the new completion date as January 1, 2026.**

**Roll Call Vote:**

<b>Jessica Chabot</b>	<b>aye</b>
<b>Bob Tucker</b>	<b>aye</b>
<b>Matt Hayes</b>	<b>aye</b>
<b>Andy Rodenhiser</b>	<b>aye</b>
<b>Rich Di Iulio</b>	<b>aye</b>

**Phasing Plan:**

**On a motion made by Matt Hayes, seconded by Jessica Chabot, the Board voted unanimously by roll call vote to approve the phasing plan.**

**Roll Call Vote:**

<b>Jessica Chabot</b>	<b>aye</b>
<b>Bob Tucker</b>	<b>aye</b>
<b>Matt Hayes</b>	<b>aye</b>
<b>Andy Rodenhiser</b>	<b>aye</b>
<b>Rich Di Iulio</b>	<b>aye</b>

**Approve Changes:**

**On a motion made by Matt Hayes, seconded by Jessica Chabot, the Board voted unanimously by roll call vote to approve the changes to the cottages as proposed.**

**Roll Call Vote:**

<b>Jessica Chabot</b>	<b>aye</b>
<b>Bob Tucker</b>	<b>aye</b>
<b>Matt Hayes</b>	<b>aye</b>
<b>Andy Rodenhiser</b>	<b>aye</b>
<b>Rich Di Iulio</b>	<b>aye</b>

**MEDWAY PLACE SITE PLAN PUBLIC HEARING:**

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

- 11-4-21 notice to continue the Medway Place public hearing to the 11-9-21 meeting
- DPW Conditional MS4 Connection Permit issued 3-17-21
- DRAFT decision dated 11-5-21
- Letter dated 11-8-21 from Attorney Gareth Orsmond granting an extension on the Board's action deadline to December 3, 2021 at 5:00 pm.

The Chairman opened the hearing for Medway Place Site Plan.

It was announced that the applicant was sent an email about the hearing along with the draft decision; the applicant responded that they would not attend.

The Board was informed that there was a discussion with Town Counsel Amy Kwesell of KP Law, Barbara Saint Andre, Susy Affleck-Childs and Chairman Rodenhiser about working with the applicant to provide an action deadline extension and also to get advice on how to write the decision.



**On a motion made by Jessica Chabot, seconded by Matt Hayes, the Board voted Unanimously to authorize the extension of the action deadline to December 3, 2021 at 5:00 pm.**

**Roll Call Vote:**

<b>Jessica Chabot</b>	<b>aye</b>
<b>Bob Tucker</b>	<b>aye</b>
<b>Matt Hayes</b>	<b>aye</b>
<b>Andy Rodenhiser</b>	<b>aye</b>
<b>Rich Di Iulio</b>	<b>nay</b>

The Board is in receipt of the draft decision dated November 5, 2021.

The following was recommended:

- The project description will be updated to what the project has become after many meetings of discussion.
- Included in the decision will be the documents and minutes relating to Rocky's Hardware.
- Under the findings section there will be information added relative to the outdoor eating, electric charging stations.
- The last plan shows electrical underground for some of the lights which will be moved. There is no consistency with which lights will be moving.
- There was no trench plan provided.
- There was a concern about the daycare entrance being next to a loading area. This is in the same location as the restaurant and a 20 ft fire lane.
- There is no plan on where to store the planting pots or what the pots will look like.
- The materials to be used have not been provided.
- There needs to be more information provided about the electric charging stations.
- The grade on site is problematic.
- The Board has expressed concern about the traffic flow and safety in the alley and drive aisle around the back of the site.
- All of the flex spaces need to go to the DRC for review and comments.
- There needs to be language added that a pedestrian connection needs to be provided with Drybridge Crossing.
- There are 31 dumpsters which are located on site. There needs to be more information provided that when a new tenant has a lease, the dumpster with enclosure will be a requirement. The dumpsters as proposed do not work with the parking.
- There is concern about the turn at the entrance in front of the bank. There is one-way lane coming in, but the drive aisle is two-way. This area is confusing. The "Do Not Enter Signs" needs to be relocated.
- Susy will communicate with the Fire Department regarding the access for firefighting and emergency vehicles being able to go throughout site.
- Regarding #8, the proposed stormwater drainage system, it has been reviewed by the Town's Consulting Engineer and the MS4 permit has been issued by the DPW. There is concern that the permit which was issued does not take into account the current revised plan. Catch basin #11 is undersized. A question was asked if the stormwater will go into the structures.

- There should be a condition that there needs to be new asphalt on the entire site.
- The site plan does not meet the criteria for the traditional New England criteria.
- There was no lighting plan provided. The new light poles need to meet the standards. There is a concern that the applicant communicated that the current lights will be relocated and reused. This will not look consistent throughout the site.

Attorney Amy Kwesell joined the meeting via Zoom. It was communicated that with this being a preexisting use, the Board needs to look at what the applicant is intending to do. The site plan was submitted and cannot be denied. The Town can ask for a lighting plan and can require the applicant to not have spillage and this needs to be shown since it is in the bylaw as a requirement. A question was asked of Counsel if the applicant does not want to do the work, what can happen. Counsel communicated that if the approval is not appealed than it is valid site plan and can be enforced. There was discussion that since the applicant is not proposing any work in the back, whether there can be a condition relative to the dumpsters and enclosures for any new tenants who want to occupy the units.

The Board would like to hold a special meeting to discuss this further. It was recommended November 16, 2021, at 7:00 pm.

**On a motion made by Jessica Chabot, seconded by Matt Hayes, the Board voted by roll call to continue the hearing to November 16, 2021 at 7:00 pm.**

**Roll Call Vote:**

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

**ZONING BYLAW AMENDMENTS PUBLIC HEARING CONTINUATION:**

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

- 11-4-21 Notice to continue the zoning bylaw amendments public hearing to 11.9.21
- Revised West Industrial Zoning Article as discussed at the 11-2-21 hearing
- Published warrant dated 11-2-21 for the 11-15-21 town meeting.

The Board was informed that at the Select Board meeting on Monday November 8, 2021 the warrant was finalized. The meeting was attended by Chairperson Rodenhiser and Susy Affleck-Childs. The Board was informed that Noise Consultant Jeff Komrower will be available to speak at the town meeting. Barbara Saint Andre has provided edits to Article 13 which will be incorporated into a motion to be offered by FinCom. This will avoid having the Chairperson from making the edits on the town meeting floor.

**On a motion made by Rich Di Iulio, seconded by Matt Hayes, the Board voted by roll call to close the public hearing.**

**Roll Call Vote:**

<b>Jessica Chabot</b>	<b>aye</b>
<b>Bob Tucker</b>	<b>aye</b>
<b>Matt Hayes</b>	<b>aye</b>
<b>Andy Rodenhiser</b>	<b>aye</b>
<b>Rich Di Iulio</b>	<b>aye</b>

**FUTURE MEETING:**

- November 23, 2021

**ADJOURN:**

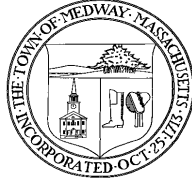
**On a motion made by Jessica Chabot, seconded by Matt Hayes, the Board voted by roll call to adjourn the meeting at 10:00pm.**

**Roll Call Vote:**

<b>Jessica Chabot</b>	<b>aye</b>
<b>Bob Tucker</b>	<b>aye</b>
<b>Matt Hayes</b>	<b>aye</b>
<b>Andy Rodenhiser</b>	<b>aye</b>
<b>Rich Di Iulio</b>	<b>aye</b>

Prepared by,  
Amy Sutherland  
Recording Secretary

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



**November 23, 2021**

**Medway Planning & Economic Development Board  
Meeting**

**Rocky's Hardware Administrative Site  
Plan and Outdoor Display Special  
Permit**

**UPDATED – 11/22/21**

- Public Hearing Continuation Notice to 11-23-21
- Collection of minutes of the public hearings
- DRAFT decision dated 11-19-21
- **Letter dated 11-19-21 from attorney Gareth Orsmond re: draft decision**

## 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

November 10, 2021

RECEIVED TOWN CLERK  
NOV 10 '21 AM 10:39

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 Rocky's Hardware Outdoor Display Special Permit and Administrative Site Plan**  
**Continuation Date – Tuesday, November 23, 2021 at 8:15 p.m.**

At its November 10, 2021 meeting, the Planning and Economic Development Board voted to continue the public hearing on the application of Rocky's Hardware of Springfield, MA for approval of outdoor display special permit and associated site plan to add an enclosed outdoor display area and an outdoor propane filling station area to their location in the Medway Place shopping plaza at 98 Main Street. The public hearing was continued to Tuesday, November 23, 2021 at 8:15 p.m. in Sanford Hall at Medway Town Hall, 155 Village Street. The hearing was continued at the request of the applicant.

The proposed project includes the establishment of a 1,200 square foot outdoor display area on a portion of the site that is currently paved, underutilized, and which abuts the eastern end of the Medway Place building where Rocky's is located. The display area will feature typical hardware store items such as seasonal tools, plants, and other merchandise. Proposed improvements include installation of fencing and protective bollards. Additionally, the applicant wishes to install a fenced in propane tank filling area on a 15' x 24' concrete pad, also with protective bollards. The planned improvements are shown on *Garden Center Design Plan* revised 9-9-21 by Sugrue Associates.

The applications, 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/rockys-hardware-98-main-street>

***The Board expects to vote its decision during the November 23<sup>rd</sup> meeting. Please do not hesitate to contact me if you have any questions or have any last minute comments.***

since the applicant does not have the money. She would like more time to put together the needed information for the Board.

The Board noted that another issue for the applicant is that the former Order of Conditions has also expired. This will require a new filing with the Conservation Commission plus a Land Disturbance Permit.

The Board would like Susy Affleck-Childs to prepare a draft decision to deny the requested modification of plan and prior decision and the requested waivers from the current *Subdivision Rules and Regulations*.

The Board is also leaning toward not recommending the extension.

**On a motion made by Jessica Chabot, seconded by Rich Di Iulio, the Board voted to continue the hearing to July 27, 2021 at 7:30. (The motion was approved; Member Tucker voted nay)**

### **ROCKY'S HARDWARE – PUBLIC HEARING - ADMINISTRATIVE SITE PLAN REVIEW AND OUTDOOR DISPLAY SPECIAL PERMIT:**

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

- Public Hearing notice dated 6-23-2021
- Outdoor Display Special Permit application and project narrative
- Administrative site plan application, project description, and requests for waivers from *Site Plan Rules and Regulations*
- Site Plan dated 4-22-2021 by Howard Stein Hudson
- Project review memo dated 7-8-2021 from Susy Affleck-Childs
- Rocky's Garden Center plan dated 7-12-2021 by Sugrue Associates
- Review comments from Sergeant Watson dated 7-11-2021
- Review comments from Building Department dated 7-12-2021
- Review letter from engineering consultant, Steve Bouley, Tetra Tech
- Rocky's Garden Center plan, revised 7-13-2021 by Sugrue Associates

**On a motion made by Rich Di Iulio, seconded by Matt Hayes, the Board voted unanimously to open the hearing for the Administrative Site Plan & Outdoor Display Special Permit for Rocky's Ace Hardware and to waive the reading of the public hearing notice.**

The applicant is seeking an approval of an administrative site plan and an outdoor display special permit for the addition of an outdoor garden center and a propane filling station adjacent to its new location at Medway Place shopping plaza.

Applicant's team:

Attorney Joel Quick, Pierce Atwood  
Todd Wilson, Diversified,  
Matt Kelly, Rocky's Regional Manager  
Chris Rich, Rocky's Store Manager

The representative showed a pdf of the revised site plan on the presentation screen. The updated plan is dated July 13, 2021.

A question was asked why this project was not part of the Medway Place site plan. It was explained that this is a special permit for the outdoor garden center for Rocky's. The shopping center owner is co-applicant as landlord permission is needed and the landlord needs to sign the application. A question was asked if this can be combined with the other application. The overall site plan will be updated based on the results of this permit.

A question was asked about the outdoor totes being stored outside. The Board would like an area inside of the building where these can be stored instead of outside. It was explained that there will be a front gate for customers which will be opened daily through the side door and front entrance. There is a safety concern that this area is not striped. The applicant communicated that there will be bollards. There will also be a long sidewalk, but the Board does not think it extends far enough. This is a highly trafficked area. There was a recommendation for more bollards. The loading area is for car pick up of items. It was suggested to extend the walkway for foot traffic across the drive aisle to the propane area. There was a note from the Fire Department about the location of the fire hydrant. A question was asked about the propane tank and if it will remain since it was not shown on the drawing. The Applicant communicated that having the large filling tank is effective from the business perspective vs. selling individual propane tanks. The hydrant was noted on the detail sheet. The Board was informed that there was a visit from the Code Enforcement Officer about the large banners. Those are in violation of the bylaw for signage. The Chairman read the email from Erika Robertson of the Building Department into the record. The Board would like to make sure there will be no creep of the outside products. The applicant communicated that in regards to the outdoor storage, they did not know there were rules about the outside items. The manager communicated that all items will be moved inside starting tomorrow. The Board was informed that the fence around the garden center will be black chain link with bollards. The display racks for products will be 6 ft. tall and not taller than the fence. The products inside the perimeter of the fence are soils, mulch, wood pellets, and some plants. These are stacked bagged products. There will also be presentation tables. The Medway's Rocky's location will not have Christmas trees.

The delivery and unloading of products was explained. Deliveries will take place through the back of the store and then the products will be moved to garden center space. The maximum number of staff is 10. The vendors are not permitted to stop in front of the building to make deliveries. The Board would like the truck turning radius shown for the deliveries and the filling of the propane tank. They need to show that a truck can access in and out of the site without leaving the Medway Place property. The turning movements need to be shown so the trucks do not have to go onto the Shell station's property. It was suggested to have signage. There was a suggestion to have a canopy over the garden center for the inclement weather.

There was a review letter provided from Tetra Tech. The applicant will be incorporating the comments from Tetra Tech into the revised plan. There will be no change to the current lighting. The updated plan will include the following: updated plan for the turning radius, crosswalk, new propane area and stripping area. There is a concern that there is not enough room for a truck to pull in and out of the spots. There will be the removal of ten parking spaces. This will need to be coordinated with overall Medway Place site plan. A suggestion was made that the major site

plan reflect the reduction of the parking spaces associated with the Rocky's Garden Center and propone work.

Shell Station representative Michael Brown commented that Shell has a good relationship with the shopping center and Rocky's. However, there is a concern that trucks filling the propane tank would block the 50' side easement area Shell has on the Medway Place property. The Shell representative does not think the property line shown on the plan is accurate. The second concern is parking and the Shell station does not want Rocky's customers parking in their parking area. It was suggested that the parking lot for Shell be delineated on the plan and that Shell consider placing signs to denote Shell Station parking only.

**On a motion made by Matt Hayes, seconded by Bob Tucker, the Board voted to continue the hearing to August 10, 2021 at 7:00. Member Di Iulio voted (nay).**

### **MEDWAY COMMUNITY CHURCH SITE PLAN COMPLETION:**

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

- Minor Site Plan endorsed 11-27-2018
- Email from Tetra Tech engineer Steve Bouley re: project completion dated 3-29-2021
- Email from Tetra Tech engineer Steve Bouley re: as-built review and sign off dated 6-28-2021
- Final Site Plan Decision dated 9-11-2018
- Stormwater Field Change dated 7-31-2019
- As-Built Plan dated 3-19-21 by Tata and Howard
- Long Term Stormwater Operation and Maintenance Plan dated -1-14-21
- Catch basin cleaning receipt
- Email from Tom Gay regarding site inspection dated 7-8-2020
- Draft PEDB Certificate of Site Plan Completion dated 7-8-2021

Member Rodenhiser recused himself due to a potential conflict of interest and Vice Chairman Tucker took over the meeting for this agenda item.

The Medway Community Church has requested a Certificate of Site Plan Completion. Pastor Carl Schultz was present. The only outstanding item pertains to the adequacy of the existing landscaping in the area beyond the new fence on the western side of the property and whether it provides sufficient buffering for abutting neighbors.

Member Gay communicated the green space has filled in well and there is new growth and plantings on the outside of fence. Spoke with two neighbors who reported no drainage problems. He feels the applicant has done everything they had committed to do. He visited site today. The circulation in the lot is working well. The consultant has signed off for project completion.

**On a motion made by Matt Hayes, seconded by Jessica Chabot, the Board voted to determine that the Medway Community Church be approved for site plan completion. (Chairman Rodenhiser abstained)**



**Tuesday, August 10, 2021**  
**Medway Planning and Economic Development Board**  
**155 Village Street**  
**Medway, MA 02053**

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

**ALSO PRESENT:**

- Susy Affleck-Childs, Planning and Economic Development Coordinator

**PRESENT VIA ZOOM:**

- Steve Bouley, Tetra Tech
- Gino Carlucci, PGC Associates

**PUBLIC COMMENTS:**

- There were no public comments.

**ROCKY'S HARDWARE PUBLIC HEARING CONTINUATION -**  
**ADMINISTRATIVE SITE PLAN REVIEW AND OUTDOOR DISPLAY**  
**SPECIAL PERMIT - 98 MAIN STREET:**

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

- Public Hearing continuation notice to 8-10-21
- Revised Garden Center Design plan dated 7-29-21
- Applicant's responses to previous Town staff and consultant review comments
- Tetra Tech review letter dated 8-5-21 on revised plan

The Chairman opened the continued public hearing for Rocky's Hardware Administrative Site Plan Review and Outdoor Display Special Permit for 98 Main Street.

Present for the applicant were attorney Joel Quick, Rocky's Regional Manager Matt Kelly, and Rocky's Store Manager Chris Rich.

A share screen of the revised site plan was provided.

The first area explained was the location for the unloading and loading areas of delivery trucks. This was shown on the plan at the rear of the building. The plan has been resized as requested at the last hearing. There will be a waiver to the scale requirement. The truck turning radius was added to the site plan. The turning area to the south was noted where the propane will be delivered. The plan shows a stop sign on the pavement to increase the safety along with striping.

There will be no bollards included in this area. All parties had a meeting with the Shell gas station folks to discuss parking. An agreement was reached that each parking spot will have a sign noting that parking is for Shell customers only.

The gate area was next shown. This area will have a newly stripped crosswalk. There will be bollards, fence and signage “no parking any time”. There is over 24 ft. of clearance from the bollards and the display area. The south side bollards are 7.5 ft. apart. The Board is concerned that a car could fit through those bollards. A photo of what is proposed was shown. This needs to be noted on the plan since it is not consistent with the photo. The applicant communicated that the bollards could be moved closer. There may be more bollards needed to protect the propane tanks. The applicant has reached out to the Fire Chief for comments and recommendations.

There was a comment about losing 10 parking spaces to gain driveway width in this area. The applicant noted that 3 of the parking spaces will be lost due to the propane tank so it will be 7 spots lost. Regarding the dumpsters on site, the applicant was informed that the dumpsters require an enclosure. This information has yet to be provided.

At the last meeting, the applicant communicated that all outside pallets would be removed by the beginning of the next week. That has not occurred. Also, the convex containers need to be removed from the site. A question was asked about the water spigot on site. The applicant was informed that this water from the town is to not be used for watering the plants and a well should be used for irrigation.

The plan needs to show the dimensions for the outdoor display area. There also needs to be a plan for the cables securing product on the sidewalk so the pedestrians do not trip. The applicant is working with the DPW to resolve the sewer issue. The applicant continues to work on signage which will include no parking along with safety related signage. There will be no advertising signage on the propane tanks. The tank will be a basic white. The applicant was informed that the sidewalk needs to be labeled on the new plan along with the location of the dumpsters. The bollards will be yellow. It was suggested the applicant provide a letter from the Fire Chief.

**On a motion made by Jessica Chabot, seconded by Matt Hayes, the Board voted to continue the hearing to August 24, 2021 at 7:15 pm. The motion was approved by a 3-1 vote with Rodenhiser, Chabot and Hayes in favor and Di Iulio opposed.**

**PUBLIC HEARING CONTINUATION - MEDWAY PLACE SHOPPING  
PLAZA SITE PLAN 98, 108, AND 114 MAIN STREET:**

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

- Notice dated 7-28-21 to continue the public hearing to 8-20-21.
- Cover letter dated 7-14-21 from Attorney Gareth Orsmond
- Supplemental Site Plan narrative overview dated 7-14-21
- Revised landscape plan dated 7-13-21
- Revised temporary seating plan dated 7-13-21
- Tetra Tech review letter dated 7-21-21
- PGC review letter dated 7-22-21
- Mullins Rule certification for Matt Hayes for 7-27-21 PEDB meeting

### **CONSTRUCTION REPORTS:**

Tetra Tech engineer Steve Bouley was present via Zoom.

#### **William Wallace:**

The paving at William Wallace will be done later in the week along with the electrical trenches.

#### **Millstone Village:**

There will be a meeting on August 25, 2021 in the field. The meeting will address the remaining punch items.

### **MEDWAY MILL – SITE PLAN ENDORSEMENT:**

Present for the Zoom call was project engineer Amanda Cavaliere of Guerriere and Halnon and attorney Danielle Justo.

The Board was made aware that a revised site plan has been submitted for Medway Mill for endorsement. This plan has been reviewed by Tetra Tech per the conditions of the site plan decision. The Board was informed that the plan is almost complete but the bridge plan sheets need to be reviewed by the DRC as required by the site plan decision. The applicant will need an extension of the deadline for plan endorsement. The Conservation Commission will be voting on their decision and issuing Order of Conditions next week. The Board was made aware that the Town Clerk has issued a Certificate of No Appeal and the applicant has paid the construction inspection fee.

On a motion made by Matt Hayes, seconded by Bob Tucker, the Board voted by Roll Call to extend the site plan endorsement to October 14, 2021.

#### **Roll Call:**

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

### **MASTER PLAN UPDATE:**

The Board was informed that there was a Master Plan Committee meeting on August 23, 2021. The revised Existing Conditions report is forthcoming later this week; it will be provided to the PEDB. The Committee continues to work on the community engagement piece. The survey is due back on September 8, 2021. If anyone wants to hold a "Meeting In A Box", this also needs to be completed by September 8, 2021. There will be a Community Forum held on Sunday, October 3, 2021 from 11:00 am to 3:00 pm. This will be held as an open house event with lots of activities for public and children.

### **ROCKY'S HARDWARE – ADMINISTRATIVE SITE PLAN AND OUTDOOR DISPLAY SPECIAL PERMIT PUBLIC HEARING CONTINUATION**

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

- Public Hearing Continuation Notice to 8-24-21
- Revised Site Plan dated 8-17-21 from Howard Stein Hudson
- Document from Attorney Joel Quick with summary of plan changes
- Tetra Tech Review letter dated 8-18-21
- Special Permit decision criteria from Section 3.4 of the Zoning Bylaw
- Email dated 8-24-21 from Kelly Millette at the Medway DPW re: water use restrictions

Attorney Quick was present to provide an update relative to items addressed since the last meeting. The revised plan now shows the location for the Rocky's dumpster and its enclosure in the northeast corner of the Medway Place site. The applicant will be providing a graphic detail of the actual appearance.

The Board needs to decide about the special permit findings for the outdoor display for the garden center. At the last meeting, the Rocky's manager noted that Rocky's is using the sidewalk space in front of its store for outside display of goods and merchandise. It was noted that Rocky's ongoing use of the sidewalk for outdoor display will need an outdoor display special permit even if it maintains 6' clearance on the sidewalk.

The Board next discussed the special permit decision criteria and provided feedback so that Susy Affleck-Childs can draft the decision.

Member Di Iulio noted his continuing objection to this project as stated in previous meetings. He feels it should be part of the overall Medway Place site plan. Chairman Rodenhiser noted that he wants all the notes and information from this hearing to be entered into the record for the Medway Place site plan hearing.

Within the decision it was recommended to include a condition that deliveries will follow the one-way around the back of the site to access Rocky's. The applicant communicated that he has informed his vendors about this. The existing lighting will remain. The Board would like confirmation that this lighting complies with the photometric plan. There is a hazardous concern about the propane tank. There was discussion about signage. The Board wants to make sure that the extent of signage does not creep on site. There will be no vendor signs. The propane tank will have safety signage only.

There was a letter received from the Town of Medway Water Department allowing the applicant to use the Town water for hand watering of the plants displayed outside but will be limited by the standard seasonal water restrictions. The applicant will also be required to be in compliance with all the Fire Code Regulations.

**On a motion made by Bob Tucker, seconded by Matt Hayes, the Board voted by Roll call to continue the hearing to September 14, 2021 at 8:30 pm.**

**Roll Call:**

<b>Matt Hayes</b>	<b>aye</b>
<b>Jessica Chabot</b>	<b>aye</b>
<b>Bob Tucker</b>	<b>aye</b>

The 9-27-21 draft defines evening hours as 7:00 pm to 11:00 pm. There was discussion about the commuter noise. It was suggested that there be language added about doing a background noise survey over a minimum of a 7-day period to establish levels at each residential property line and at any sensitive receptor property line (for abutters within 300 ft.). There was also language added that the “measurement metric to determine ambient noise levels will be A-weighted L90 sound level”. The next section discussed was the prominent discrete tone. There was a recommendation to strike some repetitive language here since the definition already defines a “prominent discrete tone” as an “audible tone” and creates a conflict with section 7.3.D.2.a.2. There was also language added that there be a new “late-nighttime” time period that will be applicable to the 2db noise source. The MA DEP allows a 10 dBA increase to ambient background. The Medway draft would allow each new project to increase by 2dBA. This is very conservative, but consistent with the community’s intent to limit the rate of ambient noise increase. The tonal requirements appear to apply to all receptor types. It is recommended that these requirements are for residential uses and other sensitive receptors only. It was suggested that this not be applied at the industrial to industrial.

Resident Lee Knowlton 14 Green Valley road was present at the meeting. He asked if the levels for times are absolute. He suggested to bundle times. Consultant Komrower indicated that this was done to establish last night hours. An hourly average was then determined for each day to then determine the ambient noise levels.

Dan Merrikin, project engineer for Ellen Rosenfeld, noted that the one topic which need discussion is the requirement that a noise study be conducted. There needs to be language added to address the applicant securing access to nearby properties to conduct the study. It was noted that not all people will allow others on their property. A notice may need to be sent by certified mail.

There was discussion to change the receptors to the nearest residential property around the site up to 2,000 ft. from the of the building.

Resident John Lally had two items which he wanted addressed.

- Concern regarding 60dBA at the Industrial/Industrial and 55 dBA at the Commercial property lines.
- Not -to exceed residential property line and sensitive receipt noise limits
- Eliminating the octave bands would leave the residents vulnerable.

The Board will continue to work on refining this language.

### **PUBLIC HEARING CONTINUATION: ROCKY’S HARDWARE:**

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

- Public Hearing Continuation notice to 9-28-21
- Revised draft decision dated 9-23-21
- Rocky’s Ace Hardware Garden Center Plan
- Rocky’s Ace Hardware Dumpster Fence detail
- Photometric plan by Highpoint Engineering dated 9-10-21

- Mullins Rule Certification for Bob Tucker for 8-10-21 PEDB meeting
- Mullins Rule Certification for Tom Gay for the 8-10-21 PEDB meeting
- Photos supplied by chairman Andy Rodenhiser

The Chairman opened the continued public hearing. Attorney Joel Quirk and Rocky's Vice President Kevin Bradley were present vis Zoom.

The Board was provided with some photos from the Chairman which were recently taken of the site. The photos showed items which are being stored outside the building which violates the bylaws. At the last meeting, the store manager had indicated that this was not occurring. It seems as though the outdoor storage changes on a daily basis. The applicant is not compliant with the bylaw. Chairman Rodenhiser noted that since the applicant is not following the rules, the Special Permit should not be granted. Member Di Iulio agrees with the Chairman. If the applicant cannot control what is currently on the site, there is hesitation about about granting this permit.

There was a suggestion to provide the applicant 30 days to improve the performance on the site.

The Board reviewed and discussed the special permit criteria. There are concerns that site does not have adequate space.

It was suggested to have staff prepare a denial decision based on the criteria which are not being met.

**On a motion made by Matt Hayes, seconded by Jessica Chabot, the Board voted to continue the hearing to October 26, 2021, at 8:30 pm to will allow the applicant 30 days to improve their performance outside the site. (Member Di Iulio voted nay)**

#### **FUTURE MEETING:**

- October 12, 2021

#### **ADJOURN:**

**On a motion made by Jessica Chabot, seconded by Matt Hayes, the Board voted to adjourn the meeting.**

The meeting was adjourned at 10:36 pm.

Prepared by,  
Amy Sutherland  
Recording Secretary

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



**ROCKY'S HARDWARE ADMINISTRATIVE SITE PLAN AND  
OUTDOOR DISPLAY SPECIAL PERMIT PUBLIC HEARING  
CONTINUATION**

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

- 10-25-21 memo from Rocky's Vice President Kevin Bradley re: steps taken to address outdoor storage and display issues.
- Draft DENIAL decision dated 10-25-21
- Draft APPROVAL decision dated 10-25-21

The Board at the last meeting asked that Susy Affleck-Childs prepare both an approval and denial decision.

The Applicant's attorney and representative Joel Quick was present via Zoom along with Rocky's Vice President Kevin Bradley. The Board is in receipt of a memo from Rocky's Vice President Kevin Bradley regarding the steps Rocky's has taken to clean up the site since the last meeting (10-12-21). The Chairman communicated that he took photos on October 19, 2021 from and is not satisfied with the progress made to date and expressed concern that the management is not following the rules regarding outside storage.

Board members were asked for a straw poll on a possible vote. The Board is split with three for approval with conditions (Jess Chabot, Matt Hayes and Bob Tucker) and two against approval (Rich Di Iulio and Andy Rodenhiser). The Applicant is frustrated and communicated that at each meeting different issues seem to come up. It was noted that Rocky's representatives communicated that they are not in control of the traffic patterns of other leased businesses, only theirs. Susy will continue to work on both the approval and denial for the next meeting.

It was recommended to discuss this further at the Board's special meeting scheduled for November 2, 2021.

**On a motion made by Matt Hayes, seconded by Jessica Chabot, the Board voted to continue the hearing to November 2, 2021 at 7:30 pm. (Member Di Iulio voted nay)**

**PEDB MEETING MINUTES:**

The Board is in receipt of the draft minutes of the July 17, 2021 & October 12, 2021 meetings.

**On a motion made by Jessica Chabot, seconded by Matthew Hayes, the Board voted unanimously to accept the minutes from July 17, 2021 & October 12, 2021.**

**OTHER BUSINESS:**

- Matt Hayes announced will be a CPC meeting on November 1, 2021 to discuss additional funding for the Accessible Trail at the meadows.
- The Master Plan Committee will be holding a joint meeting with the PEDB and the Select Board on January 10, 2022. A first draft of Vision and Goals is being reviewed.



**Board Members**

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



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

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REVISED DRAFT – November 19, 2021  
APPROVAL

***Site Plan and Outdoor Display Special Permit***  
***Rocky's Hardware – 98 Main Street***  
***with Waivers and Conditions***

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

**Name/Address of Applicant:  
And Permittee** Rocky's Ace Hardware, LLC  
40 Island Pond Road  
Springfield, MA 01118

**Name/Address of Property Owner:** Medway Realty, LLC  
63 Atlantic Avenue  
Boston, MA 02110

**Designated Representative:** Gareth Orsmond  
Pierce Atwood LLP  
100 Summer Street  
Boston, MA 02110

**Site Plan:** *Medway Place Site Plan and Landscape Plan and*  
Prepared by Howard Stein Hudson, Boston, MA  
Dated April 22, 2021, last revised September 30, 2021 to be further  
revised as specified herein.

**Location:** 98 Main Street within Medway Place shopping plaza

**Assessors' Reference:** 40-055

**Zoning District:** Central Business District



**I. PROJECT DESCRIPTION** – Rocky's Hardware proposes to create a 1,200 square foot enclosed, year-round outdoor merchandise display area on a portion of the site that is currently paved, and which abuts the eastern end of the Medway Place shopping plaza building where Rocky's Hardware is located at 98 Main Street. The outdoor display area will feature typical hardware store items such as seasonal tools, plants, and other related merchandise. Proposed improvements include installation of fencing and protective bollards. Additionally, the applicant wishes to install a fenced-in propane filling station on a 15' x 24' concrete pad, also with protective bollards. A 24' drive aisle will be maintained between the two uses. The planned improvements result in the loss of ten parking spaces. The planned improvements are shown on *Medway Place Site Plan and Landscape Plan* (Sheets C1.00 and C2.00) dated April 22, 2021 by Howard Stein Hudson of Boston, MA, revised August 17, and September 30, 2021. The proposal requires administrative site plan review and an outdoor display special permit pursuant to the *Medway Zoning Bylaw*; when a project needs both site plan review and a special permit, the Planning and Economic Development Board serves as the permit granting authority.

In addition to this application from Rocky's Hardware, there is also currently pending before the Board an application from the owners of Medway Place for site plan approval for site improvements to the parking lot, lighting, landscaping, and other items. Any changes to Medway Place resulting from this pending application could impact this site plan and special permit approval.

**II. VOTE OF THE BOARD** – After reviewing the application and information gathered during the public hearing and review process, the Medway Planning and Economic Development Board (the "Board"), on \_\_\_\_\_, on a motion made by \_\_\_\_\_ and seconded by \_\_\_\_\_, **voted to \_\_\_\_\_ with WAIVERS and CONDITIONS** as specified herein, a site plan and an outdoor display special permit for the construction of site improvements for Rocky's Hardware at 98 Main Street as shown on *Medway Place Site Plan and Landscape Plan Temporary Seating Plan and Gate Detail* dated April 22, 2021, last revised September 30, 2021, prepared by Howard Stein Hudson of Boston, MA to be further revised as specified herein.

The motion was \_\_\_\_\_ by a vote of \_\_\_\_\_ in favor and \_\_\_\_\_ opposed.

**Planning & Economic Development Board Member**

**Vote**

Jessica Chabot  
Richard Di Iulio  
Matthew Hayes  
Andy Rodenhiser  
Robert Tucker

NOTE – Mullins Rule certifications pursuant to G.L. c. 39, §23D were provided by Bob Tucker and Tom Gay for the 8-10-21 public hearing.

**III. PROCEDURAL HISTORY**

- A. June 14, 2021 - Site plan and outdoor display special permit applications and associated materials filed with the Board; the information was filed with the Town Clerk on 6-22-2021
- B. June 23, 2021 – Notice for July 13, 2021 public hearing filed with the Town Clerk and posted at the Town of Medway web site's master meeting calendar.
- C. June 24, 2021 - Project information distributed to Town boards, committees, and departments for review and comment and posted to the Board's web page.
- D. June 24, 2021 – Notice for the July 13, 2021 public hearing was sent to abutters and parties of interest by certified sent mail.
- E. June 28 and July 6, 2021 - Public hearing notice advertised in *Milford Daily News*.

- F. July 13, 2021 – Public hearing begins. The hearing was continued to August 10, August 24, September 14, September 28, 2021, October 26, 2021, November 2, 2021 and November 23, 2021 (when a decision was rendered and the hearing was closed.)

#### IV. INDEX OF SITE PLAN DOCUMENTS

- A. The site plan and special permit applications for the proposed Rocky's outdoor display area and propane tank service area included the following plans and information that were provided to the Board at the time the applications were filed:
1. Administrative Site Plan and Outdoor Display Special Permit applications dated June 8, 2021, project description and narrative, certified abutters' list, and requests for waivers from the *Site Plan Rules and Regulations*.
  2. *Medway Place Site Plan and Landscape Plan and Temporary Seating Plan and Gate Detail* dated April 22, 2021, prepared by Howard Stein Hudson of Boston, MA.
- B. During the course of the Board's review, a variety of other materials were submitted to the Board by the Applicant and its representatives:
1. Rocky's Ace Hardware Garden Center plan dated 7-12-2021 by Sugrue Associates of Smithfield, RI
  2. Rocky's Ace Hardware Garden Center plan, revised 7-13-2021 by Sugrue Associates
  3. Rocky's Ace Hardware Garden Center plan, revised 7-27-21 by Sugrue Associates
  4. Rocky's Ace Hardware Garden Center plan, revised 8-16-21 by Sugrue Associates
  5. Rocky's Ace Hardware Garden Center plan, revised 9-9-21 by Sugrue Associates
  6. Response document by attorney Joel Quick, received 8-19-21 to the discussion and Board comments provided during the 8-10-21 public hearing
  7. *Medway Place Site Plan and Landscape Plan and Temporary Seating Plan and Gate Detail* dated April 22, 2021, revised August 17, 2021, last revised September 30, 2021 prepared by Howard Stein Hudson of Boston, MA.
  8. Existing Conditions Photometric Plan for Medway Place Shopping Center dated 9-10-21 by Highpoint Engineering, Inc. of Canton, MA
  9. *Rocky's Ace Hardware Dumpster Fence Details*, dated 8-30-21 by Sugrue & Associates.
  10. Memorandum dated 10-25-21 from Rocky's Vice President Kevin Bradley re: steps taken to address outdoor storage and display issues.
- C. During the course of the Board's review, a variety of materials were submitted to the Board by its staff, consultants, and other Town Boards and Committees.
1. Project review memorandum dated 7-8-2021 from Susy Affleck-Childs, Planning and Economic Development Coordinator
  2. Review comments dated 7-11-2021 from Police Sergeant Jeff Watson
  3. Review comments dated 7-12-2021 from Compliance Coordinator Erika Robertson, Medway Building Department
  4. Review letters dated 7-12-2021, 8-5-2021 and 8-18-2021 from the Board's engineering consultant, Steve Bouley of Tetra Tech
  5. Review comments dated 6-24-2021 and 8-24-21 from Deputy Fire Chief Mike Fasolino
  6. Review comments dated 8-24-2021 from Kelly Millette, Medway DPW

- V. **TESTIMONY** - In addition to the site plan application materials as submitted and provided during the course of the Board's review, the Board also received verbal testimony from:

- Steve Bouley, P.E. of Tetra Tech, Inc., the Town's Consulting Engineer
- Joel Quick, attorney, Pierce Atwood
- Todd Wilson, Medway Realty, LLC
- Matt Kelly, Rocky's Hardware Regional Manager
- Chris Rich, Rocky's Hardware Medway Store Manager
- Kevin Bradley, Rocky's Vice President
- Attorney Michael Brown of Adler Pollock & Sheehan presenting Colbea Enterprises, LLC owners of the adjacent Shell gas station

**VI. FINDINGS** – The Board, at its meeting on \_\_\_\_\_, on a motion made by \_\_\_\_\_ and seconded by \_\_\_\_\_, voted to \_\_\_\_\_ the following FINDINGS regarding the special permit application for Rocky's Hardware at 98 Main Street. The motion was \_\_\_\_\_ by a vote of \_\_\_\_\_ in favor and \_\_\_\_\_ opposed.

**Special Permit Findings pursuant to Medway Zoning Bylaw Section 3.4.**

- 1. The proposed site is an appropriate location for the proposed use.** Rocky's Hardware is a new anchor tenant within the Medway Place shopping plaza, a retail shopping center first established in the mid-1960's. The center is located within Medway's central business zoning district which includes several other shopping centers – Drybridge Crossing, Gould's Plaza, and Medway Commons. Rocky's is located in the easternmost section of Medway Place adjacent to an existing paved, but underutilized area where the proposed outdoor garden center and propane filling station would be located. This area has typically had minimal traffic and is not generally used for customer parking. An outdoor garden center and propane filling station are customary accessory uses to a retail hardware store. Placing these facilities on the side of the building near underutilized parking spaces will allow store staff to direct people to those specific nearby parking spaces to promote easier loading of merchandise. As conditioned herein, the site is appropriate for the proposed use.
- 2. Adequate and appropriate facilities will be provided for the operation of the proposed use.** The proposed enclosed garden center is modestly sized at 1,200 sq. ft. and the propane filling station area will be positioned on a 15' by 24' concrete pad, also enclosed by fencing. Rocky's Hardware employees will be responsible for moving merchandise into and out of the garden center, assisting customers to load merchandise from the garden center into vehicles, and filling propane tanks for customers. The site plan has been reviewed by the Board's consulting engineer and the Town's safety and emergency personnel and has been modified to address concerns raised about the size of the outdoor garden center, positioning of the propane tank, width of the traffic aisle, traffic routing, and safety signage. Existing exterior building lighting will remain in place; no additional lighting is planned for these accessory uses. **However, the Board has some reservations about the adequacy of the size of the drive aisle to service these uses, particularly for delivery vehicles and has included Conditions E.1 and E.3 to address traffic flow in this area. Condition C.1 provides a time limitation on the special permit, to allow an evaluation as to whether the site improvements will be adequate and appropriate once constructed.**
- 3. The proposed use as developed will not create a hazard to abutters, vehicles, pedestrians or the environment.** Abutters to the east, south and west are all commercial uses. During the public hearing, the immediate abutter, Colbea Enterprises (Shell gas station) raised concerns about Rocky's customers using Shell station parking spaces; the parties met and suitable parking signage will be added to the Shell building to specify Shell customer parking only. There is a residential neighborhood on the north side of the property, however those homes are screened

from the shopping center by a fence and vegetated buffer; those abutters were notified of the hearing and no one attended the hearing or expressed any concerns or comments. The location of the propane tank and outdoor garden center were reviewed by the Medway Fire Department which will have oversight and regular permitting for the propane tank. The Fire Department offered comments on its location to ensure that fire trucks can safely and easily access the building, on suitable safety signage, and various protective measures which have been incorporated into the site plan. **Condition C.1 provides a time limitation on the special permit, to allow an evaluation as to whether the site improvements will create a hazard.** As conditioned, the proposed use will not create a hazard to abutters, vehicles, pedestrians or the environment.

**4. The proposed use will not cause undue traffic congestion or conflicts in the immediate area.**

The goal of locating these new facilities in the specified area at the eastern end of the building is to keep open the main channel in front of the building for customer vehicles and pedestrians. As conditioned herein (Condition E.1), delivery vehicles to Rocky's Hardware are not permitted to use the driveway area adjacent to (east of) the outdoor garden center and propane filling station area to access the back of the store for deliveries. **They are required to access the back of the Rocky's store via the center's western drive aisle west of the Ocean State retail space. The Applicant has agreed to implement this limitation for its vendors. Condition E. 3 requires the installation of signage prohibiting traffic from using the driveway area to the east of Rocky's as a way to access the back of the Medway Place buildings and action by the Medway Place owners to revise the traffic pattern around the back of the building to one way, west to east, for all traffic.** **Condition C.1 provides a time limitation on the special permit, to allow an evaluation as to whether the site improvements will cause any traffic congestion or conflict and whether the traffic restrictions are enforced. Altogether, these changes will reduce traffic conflicts in this immediate area.**

**Commented [BSA1]:** Has this been agreed to by Medway Place? Or is it just applicable to Rocky's vendors?

**5. 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.**

The proposed uses do not necessitate any changes to lighting. There will be no change to the amount of impervious surface area so no increased flooding impacts are anticipated. There will be no notable increase in odors, dust or vibration. The existing dumpster servicing Rocky's will be enclosed as shown on the site plan. This will minimize that undesirable visual feature; the dumpster enclosure details are included on the site plan. **Condition C.1 provides a time limitation on the special permit, to allow an evaluation as to whether there will be any adverse visual attributes once constructed.** The planned additional uses are reasonable accessory extensions of the operation of the main hardware store retail use.

**6. The proposed use as developed will not adversely affect the surrounding neighborhood or significantly alter the character of the zoning district.**

The proposed uses are customary accessory uses associated with a retail hardware store. The modest size of the garden center (1,200 sq. ft.) will not significantly alter the character of the central business zoning district. The impacts of these uses on the adjacent neighborhood will not be different than those from the existing shopping center's operation.

**7. The proposed use is in harmony with the general purpose and intent of the Zoning Bylaw.**

The Zoning Bylaw's Table of Uses specifies a wide array of permitted business and retail uses for the central business district. The Bylaw authorizes outdoor display areas in the central business zoning district by special permit. By going through the special permit process, the location of these facilities is permanently designated and concerns for vehicle and pedestrian safety have been addressed pursuant to the Conditions specified in Section VIII herein.

8. **The proposed use is consistent with the goals of the Medway Master Plan.** The use is consistent with the Master Plan's goal of further economic development within the Town's existing commercial areas. As a regional hardware store, Rocky's has wide name recognition and its services and merchandise provide a draw to customers to the Medway Place shopping plaza, thus serving to strengthen the viability and importance of Medway Place to the community.

9. **The proposed use will not be detrimental to the public good.** For all the above reasons, the impacts of the proposed uses will not outweigh the beneficial services to be provided to the community. Potential adverse effects have been mitigated and addressed in the conditions included in this decision in Section VIII.

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

VII. **WAIVERS** – At its \_\_\_\_\_ meeting, the Board, on a motion made by \_\_\_\_\_, and seconded by \_\_\_\_\_, voted to \_\_\_\_\_ waivers from the following provisions of Section 206-3 of the *Rules and Regulations for the Submission and Approval of Site Plans*, as amended October 8, 2019. The Board's action and reasons for approving each waiver request are listed below. All waivers are subject to the Special and General Conditions of Approval, which follow this section.

The motion was \_\_\_\_\_ by a vote of \_\_\_\_\_ in favor and \_\_\_\_\_ opposed.

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

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

1. **Section 206-3 Stormwater Drainage Evaluation Report.** Concurrent with this application, the shopping center owner, Medway Realty LLC, is in public hearing with the Planning and Economic Development Board for a site plan for the full Medway Place shopping plaza. As part of that application, a full stormwater report and drainage plan has been prepared, submitted and reviewed by the Board's consulting engineer and the Medway Department of Public Works. The specific site for these proposed Rocky's improvements is located on existing asphalt so there is no increase in impervious surface. The planned installation of stormwater infrastructure for the plaza has been added to the Rocky's site plan. *For the foregoing reasons, the Board APPROVES this waiver request as being consistent with the purpose and intent of the Site Plan Rules and Regulations which will have no significant detriment to the achievement of any of the purposes of Site Plan Review and Approval.*

**VIII. CONDITIONS** - The *Special and General Conditions* included in this *Decision* shall assure that the Board's \_\_\_\_\_ of this site plan and special permit is consistent with the *Zoning Bylaw* and the *Site Plan Rules and Regulations*, that the comments of various Town boards and public officials have been adequately addressed, and that concerns of abutters and other town residents which were aired during the public hearing process have been carefully considered. The Board's \_\_\_\_\_ is subject to the following conditions.

**SPECIFIC CONDITIONS OF APPROVAL**

- A. **Plan Endorsement** - Within one hundred twenty days after the Board has filed the *Decision* with the Town Clerk, the site plan for Rocky's Hardware dated April 21, 2021, last revised August 17, 2021, prepared by Howard Stein Hudson of Boston, MA shall be further revised to reflect all Conditions and required revisions and additions, including those as follows, and shall be submitted to the Board to review for compliance with the Board's *Decision*. (*Said plan is hereinafter referred to as the Plan*). The Applicant shall provide a set of the revised Plan in its final form to the Board for its signature/endorsement.
- B. **Plan Revisions** – Prior to plan endorsement, the following plan revisions shall be made to the April 21, 2021 site plan, last revised August 17, 2021, to be approved by the Board.
1. The plan sheets shall be revised to comply with Section 206-4 E of the Site Plan Rules and Regulations including the addition of a cover sheet to include approved waivers, index, signature box, etc.
  2. Plan shall be formatted suitably for recording at the Norfolk County Registry of Deeds
  3. The plan shall be revised to specify the revised one-way traffic pattern west to east behind the building pursuant to Condition E.3.
  4. The plan shall be revised to add details and notes regarding the text and locations for signage to prohibit the use of the paved area to the east of Rocky's pursuant to Condition E.3.
- C. **Use Limitations**
1. In addition to this application from Rocky's Hardware, there is also currently pending before the Board an application for site plan review from Medway Realty LLC for site improvements to the parking lot, lighting, landscaping, and other items. Any changes to Medway Place resulting from this pending application could impact this site plan and special permit approval for Rocky's Hardware. Accordingly, this special permit shall expire two years after the expiration of the 20-day appeal period. An application to modify this condition to extend the special permit may be filed after the expiration of 20 months from the expiration of the 20-day appeal period.
  2. The permittee shall not place fertilizers, de-icing chemicals or other substances that are potential sources of pollutants as defined in the Town's Stormwater Management and Land Disturbance Bylaw, Article XXVI of the Town's General Bylaws in the outdoor garden center that may enter the Town's MS4 stormwater system.
  3. Hours of operation – The outdoor garden center and the propane tank filling station shall be closed during any time the retail store is closed.

4. Outdoor Storage – Consistent with the Zoning Bylaw, Table 1 Schedule of Uses, outside storage as defined in the Zoning Bylaw of materials associated with a business operating in a building on the premises is not permitted in the Central Business District.
5. Other Outdoor Display - This decision does not apply to or authorize the applicant's use of the outdoor sidewalk area in front of the Rocky's Hardware store for product display purposes. Such outdoor display activity requires a separate special permit from the Zoning Board of Appeals.
- 6.
- 7.

**E. Other Conditions**

1. Deliveries for all Rocky's Hardware merchandise shall be from behind the store, not through the store's front entrance or gate to the garden center. The traffic route for Rocky's delivery vehicles shall be one-way (west to east) from the far western end of the shopping center complex and around the rear of the buildings to the back of the Rocky's store. No delivery vehicles for Rocky's merchandise are permitted to access its back unloading area via the paved area and drive aisle at the easternmost end of the shopping center building where the Rocky's garden center and propane filling station are located.
2. No signage other than the safety signs shown on the site plan is allowed for the propane tank and filling station area. No product signage or banners are allowed on the fencing for the outdoor garden center.
3. Signage shall be installed to:
  - Direct traffic to move one-way only from west to east behind the Medway Plaza buildings. This may include pavement markings as well as wall signage.
  - Prohibit traffic from entering the paved area to the east of Rocky's Hardware
4. The permittee shall comply with Town of Medway water restrictions issued by the Department of Public Works as such apply to the watering of plant materials located within the garden center.

**GENERAL CONDITIONS OF APPROVAL**

- A. **Fees** - Prior to site plan endorsement by the Board, the Permittee shall pay:
1. the balance of any outstanding plan review fees owed to the Town for review of the site plan by the Town's engineering, planning or other consultants; and
  2. any construction inspection fee that may be required by the Board; and
  3. any other outstanding expenses or obligations due the Town of Medway pertaining to this property, including real estate and personal property taxes business licenses, water/sewer bills, etc.

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



- B. **Other Permits** – This decision does not relieve the Permittee from its responsibility to obtain, pay and comply with all other required federal, state and Town permits. The contractor for the Permittee or assigns shall obtain, pay and comply with all other required Town permits.
- C. **Document/Plan Recording** – After conclusion of the 20-day appeal period, the Permittee shall file this decision and endorsed plan with the Norfolk County Registry of Deeds. Within thirty days of recording, the Permittee or assign shall provide the Board and the Building Commissioner with evidence of such recording.
- D. **Restrictions on Construction Activities** – During construction, all local, state and federal laws shall be followed regarding noise, vibration, dust and blocking of Town roads. The Permittee and its contractors shall at all times use all reasonable means to minimize inconvenience to abutters and residents in the general area. The following specific restrictions on construction activity shall apply.
1. **Construction Time** - Construction work at the site and the operation of construction equipment including truck/vehicular and machine start-up and movement shall commence no earlier than 7 a.m. and shall cease no later than 6 p.m. Monday – Saturday. No construction shall take place on Sundays or legal holidays without the advance approval of the Building Commissioner.
  2. **Neighborhood Relations** – The Permittee shall notify neighbors in the general area around the site when site work and construction are scheduled to begin and provide a phone number for them to use for questions and concerns that arise during construction.
  3. The Permittee shall take all measures necessary to ensure that no excessive dust leaves the premises during construction including use of water spray to wet down dusty surfaces.
  4. There shall be no tracking of construction materials onto any public way. Daily sweeping of roadways adjacent to the site shall be done to ensure that any loose gravel/dirt is removed from the roadways and does not create hazardous or deleterious conditions for vehicles, pedestrians or abutting residents. In the event construction debris is carried onto a public way, the Permittee shall be responsible for all clean-up of the roadway which shall occur as soon as possible and in any event within twelve hours of its occurrence.
  5. The Permittee is responsible for having the contractor clean-up the construction site and the adjacent properties onto which construction debris may fall, on a daily basis.
  6. All erosion and siltation control measures shall be installed by the Permittee prior to the start of construction and observed by the Board's consulting engineer and maintained in good repair throughout the construction period.
  7. **Construction Traffic/Parking** – During construction, adequate provisions shall be made on-site for the parking, storing, and stacking of construction materials and vehicles. All parking for construction vehicles and construction related traffic shall be maintained on site. No parking of construction and construction related vehicles shall take place on adjacent public or private ways or interfere with the safe movement of persons and vehicles on adjacent properties or roadways.

8. *Noise* - Construction noise shall not exceed the noise standards as specified in the *Bylaw*, SECTION V. USE REGULATIONS, Sub-Section B. Area Standards, Paragraph 2. b).

**E. Construction Oversight**

1. Construction Account
  - a) Inspection of infrastructure and utility construction, installation of site amenities including landscaping, and the review of legal documents by Town Counsel is required. Prior to plan endorsement, the Permittee shall establish a construction account with the Board. The funds may be used at the Board's discretion to retain professional outside consultants to perform the items listed above as well as the following other tasks - inspect the site during construction/installation, identify what site plan work remains to be completed, prepare a bond estimate, conduct other reasonable inspections until the site work is completed and determined to be satisfactory, review as-built plans, and advise the Board as it prepares to issue a *Certificate of Site Plan Completion*.
  - b) Prior to plan endorsement, the Permittee shall pay an advance toward the cost of these services to the Town of Medway. The advance amount shall be determined by the Board based on an estimate provided by the Town's Consulting Engineer.
  - c) Depending on the scope of professional outside consultant assistance that the Board may need, the Permittee shall provide supplemental payments to the project's construction inspection account, upon invoice from the Board.
  - d) Any funds remaining in the Permittee's construction inspection account after the *Certificate of Site Plan Completion* is issued shall be returned to the Permittee.
2. Board members, its staff, consultants or other designated Town agents and staff shall have the right to inspect the site at any time during construction, for compliance with the endorsed site plan and the provisions of this *Decision*.
3. If applicable, the Department of Public Works may conduct inspections for any construction work occurring in the Town's right-of way in conjunction with a Town of Medway Street Opening/Roadway Access Permit.
4. The Permittee shall have a professional engineer licensed in the Commonwealth of Massachusetts conduct progress inspections of the construction of the approved site improvements. Inspections shall occur at least on a monthly basis. The engineer shall prepare a written report of each inspection and provide a copy to the Board within 5 days of inspection.

**F. On-Site Field Changes**

1. During construction, the Permittee may be authorized to make limited, minor, on-site field changes to the approved plan based on unforeseen site or job conditions, situations, or emergencies necessitated by field conditions or due to practical considerations. These field changes shall not alter items which may affect the site's compliance with this *Decision* and the *Bylaw* nor conflict with a specific condition of the *Decision*. Field changes shall not substantially alter the intent, layout or design of the endorsed site plan.

2. Prior to undertaking such field changes, the Permittee and/or contractor shall discuss the possible field changes with the Town's Consulting Engineer and submit a letter and drawings to the Planning and Economic Development Coordinator and the Building Commissioner describing the proposed changes and what conditions, situations, or emergencies necessitate such changes. In accordance with Section 3.5.2.C of the Bylaw, the Building Commissioner may determine that the field change is insubstantial, authorize the change, and so notify the Board. Otherwise, the Board shall review the proposed field changes at a public meeting and determine whether the proposed field changes are reasonable and acceptable based on the unforeseen conditions, situations, or emergencies and whether other options are feasible or more suitable. A written authorization of field change will be provided. Any approved field change shall be reflected in the as-built plan to be provided at project completion.

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

1. Proposed modifications, not including on-site field changes, to the *Decision* or endorsed plan shall be subject to review by the Board.
2. This site plan approval is subject to all subsequent conditions that may be imposed by other Town departments, boards, agencies or commissions. Any changes to the site plan that may be required by the decisions of other Town boards, agencies or commissions shall be submitted to the Board for review as site plan modifications.
3. Any work that deviates from the approved site plan or this *Decision* shall be a violation of the *Bylaw*, unless the Permittee requests approval of a plan modification pursuant to Section 3.5.2.A.3.c. and such approval is provided in writing by the Board.
4. The request for a modification to a previously approved site plan shall be subject to the same application and review process including a public hearing. Whenever additional reviews by the Board, its staff or consultants are necessary due to proposed site plan modifications, the Permittee shall be billed and be responsible for all supplemental costs including filing fees, plan review fees and all costs associated with another public hearing including legal notice and abutter notification. If the proposed revisions affect only specific limited aspects of the site, the Board may reduce the scope of the required review and waive part of the filing and review fees.
5. The Board shall issue a modification decision, file such with the Town Clerk, and provide copies to the Building Commissioner and other Town officials and the Permittee. Any modification approved by the Board shall be made a permanent part of the approved site plan project documents and shall be shown on the final as-built plan.

**H. Compliance with Plan and Decision**

1. The Permittee shall construct all improvements in compliance with the approved and endorsed site plan and this *Decision* and any modifications thereto.
2. The Board or its agent(s) may use all legal options available to it, including referring any violation to the Building Commissioner/Zoning Enforcement Officer for appropriate enforcement action, to ensure compliance with the foregoing Conditions of Approval.
3. The Conditions of Approval are enforceable under Section 3.1. F. of the Bylaw (non-criminal disposition) and violations or non-compliance are subject to the appropriate fine.

I. **Project Completion**

1. Site plan approval shall lapse after two years of the grant thereof if substantial use has not commenced except for good cause. The work shown on the approved site plan shall be completed by the Permittee or its assignees within two years of the date of plan endorsement. Upon receipt of a written request from the Permittee filed at least thirty days prior to the date of expiration, the Board may grant an extension for good cause. The request shall state the reasons for the extension and also the length of time requested. If no request for extension is filed and approved, the site plan approval shall lapse and may be reestablished only after a new filing, hearing and decision.
2. Prior to project completion, the Permittee shall request a **Certificate of Site Plan Completion** from the Board. The **Certificate** serves as the Board's confirmation that the completed work conforms to the approved site plan and any conditions and modifications thereto, including the construction of any required on and off-site improvements. The **Certificate** also serves to release any security/performance guarantee that has been provided to the Town of Medway. To secure a **Certificate** of Site Plan Completion, the Permittee shall:
  - a) provide the Board with written certification from a Professional Engineer registered in the Commonwealth of Massachusetts that all building and site work has been completed in substantial compliance with the approved and endorsed site plan, and any modifications thereto; and
  - b) submit an electronic version of an As-Built Plan, prepared by a registered Professional Land Surveyor or Engineer registered in the Commonwealth of Massachusetts, to the Board for its review and approval. The As-Built Plan shall show actual as-built locations and conditions of all buildings and site work shown on the original site plan and any modifications thereto. The As-Built Plan shall also show all utilities found during the construction process. The final As-Built Plan shall also be provided to the Town in CAD/GIS file format per MASS GIS specifications.

- J. **Construction Standards** - All construction shall be completed in full compliance with all applicable local, state and federal laws, including but not limited to the Americans with Disabilities Act and the regulations of the Massachusetts Architectural Access Board for handicap accessibility.

- K. **Conflicts** – If there is a conflict between the site plan and the *Decision's* Conditions of Approval, the *Decision* shall rule. If there is a conflict between this *Decision* and/or site plan and the Bylaw, the Bylaw shall apply.

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

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

###

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

**AYE:**

**NAY:**

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

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

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

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

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

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

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

**Gareth I. Orsmond**

100 Summer Street, 22<sup>nd</sup> Floor  
Boston, MA 02110

617.488.8181 voice  
617.824.2020 fax  
gorsmond@pierceatwood.com  
www.pierceatwood.com

*Admitted in:* MA, NH

November 19, 2021

**By Electronic Mail**

Town of Medway Planning and Economic Development Board  
c/o Susan Affleck-Childs, Planning and Economic Development Coordinator  
Town Hall  
155 Village Street  
Medway, MA 02053

Re: Rocky's Ace Hardware Outdoor Display Special Permit and Administrative  
Site Plan Review, 98 Main Street, Medway, Massachusetts

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Dear Board Members:

I write on behalf of Medway Realty, LLC ("Medway Realty") in response to two aspects of the above-referenced matter, both of which were brought to my attention by the draft decision for an outdoor display special permit and administrative site plan approval sent to Rocky's Ace Hardware on November 1, 2021 and further revised on November 19, 2021 (the "Draft Decision").

First, the Draft Decision requires that the driveway behind the buildings (the "Back Driveway") be made into a one-way drive going from west to east and that certain signs be installed to implement this requirement.

Second, the Draft Decision refers to and requires changes to the site plan separately submitted to the Board by Medway Realty under reservation of right as part of a major site plan review process, which the Draft Decision identifies as "Medway Place Site Plan and Landscape Plan and / Prepared by Howard Stein Hudson, Boston, MA / Dated April 22, 2021, last revised September 30, 2021" (the "Parking Site Plan"), and states that this plan will be "further revised as specified herein".

As you know, Medway Realty is not the special permit or administrative site plan applicant, is not party to the applications, and is not bound by any conditions of the special permit or site plan review. Only Rocky's is so bound. Rocky's rights to pursue the

administrative site plan review and special permit come solely from its lease with Medway Realty, and by signing the applications Medway Realty is doing no more than acknowledging Rocky's lease rights. Its signature was not necessary. Additionally, Medway Realty signed as the owner of 98 Main Street, where Rocky's is located. As the Board is aware, this is only one of three adjoining properties owned by Medway Realty.

That said, I offer the following to guide the Board's decision.

With respect to the first issue above, Medway Realty is willing to make the Back Driveway a one-way drive (and to implement the necessary signage) subject to two conditions. First, Medway Realty would only agree to this limitation for so long as Rocky's outdoor display area and propane-filling station are allowed to remain and to operate. In the event that the Board insists on its two-year "trial" period and does not permit Rocky's to continue these operations, then Medway Place will no longer agree to maintain the Back Drive as a one-way drive and will remove the signage. Second, by agreeing to this accommodation for the sake of Rocky's, Medway Realty does not agree to designate any of the parking at the side or back of the buildings as "employee only" parking.

With respect to the second issue above, please make it clear in the special permit and site plan review decision that the only approved site plan is the plan prepared by Sugrue Associates. Although Rocky's introduced a long-since-outdated version of the Parking Site Plan early on the special permit and site plan review proceedings, that plan was supplanted by the Sugrue Associates plan, no longer represents Medway Realty's proposal in its own site plan review proceedings, and Medway Realty has not authorized Rocky's to submit the Parking Site Plan for review or approval as part of Rocky's applications for a special permit and site plan review. As is clear from the identification of the property as 98 Main Street, only part of the property shown on the Parking Site Plan is at issue here: the part of the property that Rocky's is seeking approval to improve as shown on the Sugrue Associates plan.

As set forth above, Medway Realty is not party to and is not bound by the Board's decision regarding Rocky's applications, but is willing to make the above-described accommodations to help Rocky's business.

Very truly yours,

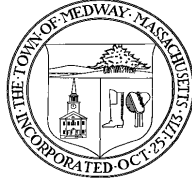


Gareth I. Orsmond

GIO/msg

cc: Joel Quick, Esq. (by email)  
Todd Wilson (by email)  
Kevin Bradley (by email)





**November 23, 2021**

**Medway Planning & Economic Development Board  
Meeting**

**Phytopia Public Hearing – Marijuana  
Special Permits, Site Plan, Reduced  
Parking Special Permit, and  
Groundwater Protection Special Permit**

- Public Hearing Continuation Notice to 11-23-21
- Lease document
- Tetra Tech review letter dated 10-27-21 in response to revised site plan dated 9-15-21
- DRAFT marijuana special permit decision dated 11-19-21

## 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



Medway Town Hall  
155 Village Street  
Medway, MA 02053  
Phone (508) 533-3291  
Fax (508) 321-4987  
Email: [planningboard@townofmedway.org](mailto:planningboard@townofmedway.org)  
[www.townofmedway.org](http://www.townofmedway.org)

# TOWN OF MEDWAY

## COMMONWEALTH OF MASSACHUSETTS

### PLANNING AND ECONOMIC DEVELOPMENT BOARD

RECEIVED TOWN CLERK  
NOV 1 '21 AM 10:40

## MEMORANDUM

October 29, 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, November 23, 2021 at 7:00 p.m.*

At its October 26, 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, November 23, 2021 at 7:00 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.

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

## COMMERCIAL LEASE

### MEDWAY PROPERTY TO PHYTOTHERAPY, LLC

#### 1. PARTIES

MEDWAY FLOWER, LLC, a Massachusetts Limited Liability Company ("Landlord"), which expression shall include its successors and assigns where the context admits, does hereby lease to PHYTOTHERAPY, LLC, a Massachusetts Limited Liability Company ("Tenant"), which expression shall include its successors and assigns where the context so admits, and the Tenant hereby leases the following described premises (the "Premises").

#### 2. PREMISES

The premises consists of approximately 53,554 square feet of area that is located at 6 Industrial Park Road, Medway, MA 02053 (the "Building") located at 6 Industrial Park Road, Medway, MA 02053 (the "Property"); together with the right to exclusive use of all surrounding land and parking lots comprising the real property described herein, and access to and from the Premises.

So long as Tenant is not in default under this Lease, Tenant shall and may quietly have, hold and enjoy the Premises free from disturbance by Landlord or its officers, agents, employees, successors, assignees or tenants or by anyone claiming by, through or under Landlord, subject, however, to the terms and conditions of this Lease.

#### 3. TERM

The term of this Lease (the "Term") shall be for TEN (10) years, commencing on January 1, 2021, and ending December 31, 2030, subject to extension as provided herein.

Tenant shall have the right to extend the Term by the exercise of FOUR (4) options, each option period being for the period of FIVE (5) years to be exercised by written notice to Landlord delivered on or before the date THREE (3) months prior to the expiration of the Term, provided there is not an uncured default under this Lease by Tenant when the notice of exercise is given.

#### 4. BASE RENT

The Tenant shall pay to the Landlord base rent at the rate of \$240,000.00 per year, payable in advance on the first day of each calendar month of the Term, in monthly installments of Twenty Thousand Dollars (\$20,000.00).

#### 5. SECURITY DEPOSIT

No security deposit is required hereunder in light of the Tenant's investment in improvements made to the underlying property.

#### 6. RENT ADJUSTMENTS

##### a. TAX ESCALATION

If any tax year commencing with fiscal year 2021 (July 1, 2020), the real estate taxes on the Property, are in excess of the amount of the real estate taxes thereon for the fiscal year 2021 (July 1, 2020), which amount is \_\_\_\_\_. Tenant shall be responsible for property taxes so assessed and entitled to all credits, abatements or other tax discounts issued to the property. Landlord provides a Power of Attorney hereunder to the Tenant so long as this lease remains in effect to permit the Tenant to interact with all taxing authorities in the same manner and power and right as the landlord. Landlord agrees to execute all documents requested by Tenant to effectuate the powers conveyed to Tenant. This paragraph shall survive the expiration or earlier termination of this Lease.

If Landlord obtains any abatement or refund of any such excess real estate tax, Tenant's shall receive in total all such abatements or refunds or tax credits.

##### b. Additional Costs Payable by Tenant

Tenant shall maintain the premises in the general condition provided by the Landlord, including snow removal, property insurance, water service, trash removal and general building maintenance.

#### 7. LEASE UTILITIES

Tenant shall pay, as they become due, all bills for electricity that is furnished to the Premises during the Term or any occupancy of the Premises by Tenant.

Landlord shall have no obligation to provide utilities or equipment other than the utilities and equipment within the Premises as of the commencement date of this Lease. In the event Tenant requires additional utilities or equipment, the installation and maintenance thereof shall be Tenant's sole obligation, provided that such installation shall be subject to the written consent of Landlord.

## 8. USE OF LEASED PREMISES

Tenant shall use the Premises only for the purpose of business offices, retail and for accessory uses customarily related thereto in conjunction with its licensed use generally in the Cannabis industry and such other use or purpose determined by the Tenant.

## 9. COMPLIANCE WITH LAWS

Tenant acknowledges that no trade or occupation shall be conducted in the Premises or use made thereof which will be unlawful or contrary to any legal or governmental requirement.

## 10. FIRE AND PROPERTY INSURANCE

Landlord shall maintain fire and other casualty insurance covering the Building and the Property consistent with that maintained by owners of similar properties in the location of the premises, or as may be required by Landlord's bank, commercial or institutional mortgage lenders. Tenant shall not permit any use of the Premises which will make violable any insurance on the Property, or on the contents of the Property or which shall be contrary to any legal or governmental requirement or any regulation from time to time established by the New England Fire Insurance Rating Association, or any similar body succeeding to its powers. Tenant shall on demand reimburse Landlord all extra insurance premiums caused by Tenant's use of the premises so long as written notice is provided thirty (30) days prior to such assessment, and the Tenant has the right to cure such reasons causing the insurance escalation.

Tenant shall, at all times, maintain full and adequate fire and other extended coverage casualty insurance on its personal property located at the Premises and on any alterations, improvements or betterments made by Tenant in or to the Premises. The insurance shall, at all times, be issued by responsible companies qualified to do business in Massachusetts, in sound condition, and in good standing therein. Such insurance on Tenant's property shall contain a waiver of subrogation clause in favor of Landlord, or shall name Landlord as an additional insured on a primary basis (without any obligation to pay any of Tenant's insurance premium) for the sole purpose of preventing a subrogation claim against Landlord.

Landlord and Tenant hereby release each other, to the extent of their respective insurance coverages, from any and all liability for any loss or damage caused by fire, any applicable extended coverage casualties, or other casualties insured against, even if such fire or other casualty shall be brought about by the fault or negligence of the party benefited by the release or its agents; provided however, this release shall be in force and effect only with respect to loss or damage occurring during such time as the policies of fire, extended coverage and other insurance, maintained by the releasing party shall contain a clause, or be subject to a statutory provision to the effect that such release shall not affect said policies or the right of the releasing party to recover thereunder. Landlord and Tenant each agree that their respective insurance policies will include such a clause so long as the same is obtainable from its insurance carriers. For this purpose, applicable deductible amounts shall be treated as though they were recoverable under such policies. Such insurance on Tenant's property shall contain a waiver of subrogation

clause in favor of Landlord, or shall name Landlord as an additional insured for the sole purpose of preventing a subrogation claim against Landlord.

Tenant is hereby authorized to utilize insurance coverage as provided by Lloyd's of London or such similar insurer as Tenant deems fit and appropriate.

## 11. MAINTENANCE

Tenant agrees, at its expense, to maintain the Premises in good order, condition and repair, damage by fire and other insured casualty and normal wear and tear excepted. Subject to the terms and conditions of Section 17 hereof, whenever necessary, Tenant shall replace plate glass and other glass in the Premises, Tenant hereby acknowledging that the Premises are now in good order and the glass whole.

### A. TENANT'S OBLIGATIONS

Tenant shall not permit the Premises to be overloaded, damaged, stripped, or defaced, nor suffer any waste. Tenant shall not erect any signs on the Premises without first obtaining Landlord's written consent, which consent shall not be unreasonably withheld.

### B. LANDLORD'S OBLIGATIONS

Landlord agrees to maintain and repair the structure of the Building and to preserve the parking lot surface. Landlord shall provide utilities and such additional site systems to the premises necessary for the Tenants use of the premises.

## 12. ALTERATIONS AND ADDITIONS

Tenant is authorized to make alterations to the premises as Tenant requires, and such alterations shall be at Tenant's expense and shall be in quality at least equal to the present construction. Tenant shall not permit any mechanic's liens, or similar liens, to remain upon the Premises for labor and material furnished to Tenant or claimed to have been performed at the direction of Tenant and shall cause any such lien to be released of record forthwith without cost to Landlord. Any alterations or improvements made by Tenant shall become the property of Landlord at the termination of occupancy as provided herein. All fixtures shall remain tenant property.

## 13. ASSIGNMENT – SUBLEASING

Tenant shall not assign or sublet the whole or any part of the Premises without Landlord's prior written consent, which consent shall not be unreasonably withheld. Notwithstanding such consent, Tenant shall remain liable to Landlord for the payment of all rent and for the full performance of the covenants and conditions of this Lease. The following shall constitute assignments by Tenant requiring Landlord's consent: any direct or indirect transfer, assignment, sale, pledge, hypothecation or other change in the ownership or other beneficial interests of Tenant, including, without limitation, assignments of stock, membership interests, and partnership interests, resulting (whether from a single transaction or series of transactions) in a



change of control of Tenant. Notwithstanding anything herein to the contrary, Tenant shall be permitted to assign this Lease or sublet the Premises to any person or entity controlled by or under common control with Tenant or to any entity into which Tenant is merged or which purchases substantially all the assets of Tenant, without limitation, assignments of stock, membership interests, and partnership interests, resulting (whether from a single transaction or series of transactions) in a change of control of Tenant. Notwithstanding anything herein to the contrary, Tenant shall be permitted to assign this Lease or sublet the Premises to any person or entity controlled by or under common control with Tenant or to any entity into which Tenant is merged or which purchases substantially all the assets of Tenant, without obtaining Landlord's consent, so long as Tenant notifies the Landlord in writing of such assignment or sublet within ten (10) business days thereof.

#### 14. SUBORDINATION

This Lease shall be subject and subordinate to any and all mortgages, deeds of trust and other instruments in the nature of a mortgage, now or at any time hereafter, a lien or liens on the Property and Tenant shall, when requested, promptly execute and deliver such written instruments as shall be necessary or appropriate to show the subordination of this Lease to said mortgages, deeds of trust or other such instruments in the nature of a mortgage. Notwithstanding the foregoing, Tenant's subordination to any future mortgages, deeds of trust and other instruments in the nature of a mortgage shall be conditioned upon the holder of such instrument(s) agreeing in writing not to disturb Tenant's use and occupancy of the Premises pursuant to the terms and conditions of this Lease (provided Tenant is in compliance with the terms and conditions hereof.)

#### 15. LANDLORD'S ACCESS

**Landlord is not permitted access to the premises** without first obtaining approval by Tenant and only upon Tenant supervision at the times deemed appropriate by Tenant. Landlord acknowledges that the premises will be used as permitted by the Massachusetts Cannabis Control Commission, and cannabis and related products will be present upon the premises. Accordingly, the Landlord acknowledges that for both security as well as product purity, neither the Landlord or any Landlord agent or employee shall enter the property without prior notice to the Tenant and Tenant presence and supervision. Landlord shall not interfere with Tenant's operations or products or take any action which may violate governing rules of Massachusetts, City of Medway or the Massachusetts Cannabis Control Commission.

#### 16. INDEMNIFICATION AND LIABILITY

Subject to the terms and conditions of Section 17 hereof, Tenant shall indemnify, defend and exonerate Landlord and save Landlord harmless from and against all loss, cost, expenses and damages occasioned by Tenant's use of the Premises unless the same is caused by the gross negligence or intentional misconduct of Landlord.

## 17. TENANT'S LIABILITY INSURANCE

Tenant shall maintain comprehensive general liability insurance with respect to the Premises and the Property. The minimum limits of liability of such insurance shall be One Million (\$1,000,000.00) Dollars combined Single Limit Bodily Injury and Property Damage and Two Million (\$2,000,000.00) Dollars each occurrence, or such other limits as Landlord's bank, commercial or institutional mortgage lenders from time to time may require. The insurance shall, at all times, be issued by responsible companies qualified to do business in Massachusetts and in good standing therein insuring Landlord as well as Tenant against injury to persons or damage to property as provided. Landlord shall be named as an additional insured party on a primary basis on Tenant's policies, without any obligation to pay any Tenant insurance premiums. Tenant shall deposit with the Landlord certificates for such insurance prior to the commencement of the Term, and thereafter within thirty (30) days prior to the expiration of any such policies. All such insurance certificates shall provide that such policies shall not be cancelled without at least ten (10) days prior written notice to each assured named therein. Landlord acknowledges that the liability insurance coverages evidenced by the Certificate of Liability Insurance delivered to Landlord on December 31, 2020 are satisfactory as of the date hereof.

## 18. FIRE, CASUALTY AND EMINENT DOMAIN

Should a substantial portion of the Premises, the Building or the Property, be substantially damaged by fire or other casualty, or be taken by eminent domain, Landlord or Tenant may elect to terminate this Lease. When such fire, casualty, or taking renders the Premises substantially unsuitable for their intended use, a just and proportionate abatement of the rent shall be made, and the Tenant may elect to terminate this Lease if:

- (a). Landlord fails to give written notice within sixty (60) days of its intention to restore Premises, or
- (b) Landlord fails to restore the Premises to a condition substantially suitable for their intended use within one hundred twenty (120) days of said fire, casualty or taking; or
- (c) If the damage or loss occurs during the final six (6) months of the Term.

Landlord reserves, and Tenant grants to Landlord, all rights which Tenant may be for damages or injury to the Premises for any taking by eminent domain, except for damage to Tenant's furniture, personal property or equipment, provided Landlord's compensation is not reduced thereby. Tenant shall have the right to freely and separately negotiate for its own benefit any relocation award or other benefit should the premises be altered or taken by power of eminent domain, and such additional award or benefit shall not be divided or shared with Landlord. To the extent such award is paid to the Landlord as property owner, the Landlord shall immediately transfer or assign such award to the Tenant.

## 19. DEFAULT AND BANKRUPTCY

In the event that:

- (a) Tenant shall default in the payment of any installment of rent or other sum herein specified and such default shall continue for five (5) business days after it shall be due; or
- (b) Tenant shall default in the observance or performance of any other of Tenant's covenants, agreements, or obligations under this Lease and such default shall not be corrected within thirty (30) days after written notice thereof (or such longer period if correction is not reasonably possible within such 30-day period, provided Tenant shall commence correction of same within such 30-day period and diligently continue with such correction or completion); or
- (c) Tenant shall file or initiate any proceeding for bankruptcy, insolvency or relief from any creditor, or be declared bankrupt or insolvent according to laws, or if any assignment shall be made of Tenant's property for the benefit of creditors;

In the event Landlord shall default in the observance or performance of any other Landlord's covenants, agreements, or obligations under this Lease and such default shall not be corrected within thirty (30) days after such written notice thereof (or such longer period if correction is not reasonably possible within such 30-day period, provided Landlord shall commence correction of same within such 30-day period and diligently continue with such correction to completion), then Tenant shall have all rights and remedies under this Lease or at law or in equity. If Tenant incurs any costs, including legal fees, in remedying Landlord default or failure to perform, then Landlord shall reimburse the Tenant or at Tenant's election, the Tenant may withhold any rents or other charges due to the Landlord hereunder until such balance is satisfied to the Tenant.

## 20. NOTICE

Any notice from Landlord to Tenant relating to the Premises or to the occupancy thereof, shall be deemed duly served if mailed to the Premises, by registered or certified mail, return receipt requested, postage prepaid, addressed to Tenant. Any notice from Tenant to Landlord relating to the Premises or to the occupancy thereof, shall be deemed duly served, if mailed by registered or certified mail, return receipt requested, postage prepaid, addressed to the Landlord at such address as the Landlord may from time to time advise in writing.

All rent shall be paid and sent to the Landlord at 82 Andover Street, Peabody, MA 01960.

## 21. EXPIRATION OF TERM

Tenant shall at the expiration or earlier termination of this Lease remove all Tenant's goods and effects from the Premises (including, without limitation, all signs and lettering affixed or painted by Tenant, either inside or outside the Premises). Tenant shall deliver to Landlord the Premises and all keys, locks thereto, and other fixtures connected therewith and all alterations and

additions made to or upon the Premises, in good condition, damage by fire or other insured casualty only excepted. In the event of Tenant's failure to remove any of Tenant's property from the Premises, Landlord is hereby authorized, without liability to Tenant for loss or damage thereto, and at the sole risk of Tenant, to remove and store any of the property at Tenant's expense, or to retain same under Landlord's control or to sell at public or private sale, without notice any or all of the property not so removed and to apply the net proceeds of such sale to the payment of any sum due thereunder, or to destroy such property.

## 22. CONDITION OF PREMISES

Subject to Landlord's obligations under this paragraph, Tenant shall accept the Premises "as is" in their condition as of the commencement of the Term of this Lease, and Landlord shall be obligated to perform no work whatsoever in order to prepare the Premises for initial occupancy by the Tenant.

### (a) Environmental Issues

Landlord acknowledges that the property has had prior environmental hazards, and Landlord agrees to accept full financial responsibility for said environmental hazards and such additional hazards that may arise therefrom or have not yet been located or determined existing on the premises. Landlord shall indemnify Tenant from any costs (including legal fees) or other losses suffered by Tenant arising from said environmental hazards.

## 23. FORCE MAJEURE

In the event that Landlord or Tenant is prevented or delayed from making any repairs or performing any other covenants hereunder by reason of any cause reasonably beyond the control of the Landlord or Tenant, then said party's performance is excused. However, once the interrupting cause has ceased to exist, the party must diligently pursue efforts to perform.

## 24. LIABILITY OF OWNER

No owner of the Property shall be liable hereunder except for breaches of Landlord's obligations occurring during the period of such ownership. The obligations of the Landlord shall be binding upon the Landlord's interest in the Property, but not upon other assets of Landlord, and no individual partner, agent, trustee, stockholder, officer, director, manager, member, employee or beneficiary of the Landlord shall be personally liable for the performance of the Landlord's obligations hereunder.

## 25. BROKERAGE- N/A

Tenant warrants and represents that it has neither contacted nor utilized the services of any broker or finder in connection with this Lease or its occupancy of the Premises, nor is any person claiming through Tenant entitled to a fee or commission therefore.

## 26. FIRST RIGHT OF REFUSAL TO PURCHASE PREMISES

Tenant has the First Right of Refusal to purchase the subject premises. The Landlord is required to first offer the premises to the Tenant at least Thirty (30) days before offering the property for sale. Landlord is required to provide Tenant with a full and complete copy of any written offer received on the subject property, and the Tenant shall have Thirty (30) days thereafter to elect to purchase the property under the same terms and conditions. This lease terminates upon any transfer of the subject premises to the Tenant. Should the Tenant not purchase the subject property, the successor property owner after Landlord's sale shall honor all terms of this lease unless mutually modified with the Tenant in writing.

## 27. ADDITIONAL PROVISIONS

### A. ESTOPPEL CERTIFICATES

Tenant agrees, at any time and from time to time, within ten (10) business days of written request and at no cost to Landlord, to execute, acknowledge and deliver to Landlord a statement in writing certifying that (except as may be otherwise specified by Tenant): (a) this Lease is (then) presently in full force and effect and unmodified; (b) the Tenant has accepted possession of the Premises; (c) Tenant has not delivered to Landlord notice of any uncured Landlord default under this Lease; (d) the addresses for notices to be sent to the Tenant is as set forth in this Lease or as specified in such certificate; (e) Tenant as of the date of executing the certificate has no charge, lien or claim of offset against rents or other charges due or to become due thereunder except as provided under this Lease, and (f) such other information as Landlord may reasonably request about the Lease or Tenant's occupancy.

### B. AUTHORITY TO EXECUTE LEASE

Landlord and Tenant each represent and warrant to the other party that they have the authority to execute this Lease and that this Lease is binding on Landlord and Tenant, as the case may be.

### C. LANDLORD'S REPRESENTATIVES AND WARRANTIES.

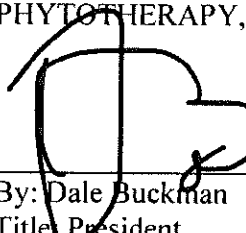
Landlord hereby represents and warrants as follows: (i) the Building is served by all utilities necessary for the operation thereof and Landlord has no knowledge that such utilities are not adequate with respect to service and capacity for the operation thereof, and (ii) there is no such claim, suit, litigation, proceeding or action pending or threatened against Landlord that relates to the Building and/or the use of ownership thereof, and (iii) Landlord is the owner of the Building.

IN WITNESS WHEREOF, the said parties hereunto set their hands and seals this 31<sup>st</sup> day of December, 2020.

**LANDLORD:**  
MEDWAY FLOWER, LLC

\_\_\_\_\_  
By: Alexander Athanas  
Title: Manager  
Duly Authorized and not individually

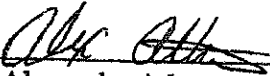
**TENANT:**  
PHYTOTHERAPY, LLC

  
\_\_\_\_\_  
By: Dale Buckman  
Title: President  
Duly Authorized and not individually

IN WITNESS WHEREOF, the said parties hereunto set their hands and seals this 31<sup>st</sup> day of December, 2020.

**LANDLORD:**  
MEDWAY FLOWER, LLC

**TENANT:**  
PHYTOTHERAPY, LLC

  
By: Alexander Athanas  
Title: Manager  
Duly Authorized and not individually

\_\_\_\_\_  
By: Dale Buckman  
Title: President  
Duly Authorized and not individually



EXHIBIT A

Plan of the Premises

(attached hereto).



June 8, 2021  
(revised October 27, 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.

#### **TT 10/27/21 Update**

The Applicant has supplied TT with a revised submission addressing comments provided in our previous letter including the following documents:

- A Cover Letter dated October 12, 2021, prepared by WSE.
- A Response to Comments Letter dated October 12, 2021, prepared by WSE.
- A letter regarding Groundwater Special Permit, dated September 15, 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, revised October 12, 2021, prepared by WSE.

The revised Plans and supporting information were reviewed against our previous comment letter (June 8, 2021) and comments have been tracked accordingly. Text shown in gray represents information contained in previous correspondence while new information is shown in black text.

#### 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)
  - *WSE 10/12/21 Response: No response necessary.*
    - **TT 10/27/21 Update: No further action required for this item until PEDB decision on waiver requests.**
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)
  - *WSE 10/12/21 Response: A SWPPP will be prepared at the time the EPA NOI application is submitted, prior to land disturbance activities.*
    - **TT 10/27/21 Update: We recommend a Condition requiring the Applicant provide proof of coverage under the NPDES CGP prior to construction.**
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)
  - *WSE 10/12/21 Response: See Land Disturbance Permit Application dated October 1, 2021.*
    - **TT 10/27/21 Update: Review of this item is being conducted by the Medway Conservation Commission. In our opinion, this item is resolved.**
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)
  - *WSE 10/12/21 Response: See attached earthwork calculations.*
    - **TT 10/27/21 Update: Earthwork on the Project is a net fill with approximately 1,685 cubic yards of import material expected. We recommend this information be provided on the Erosion and Sediment Control Plan.**
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)
  - *WSE 10/12/21 Response: No response necessary.*
    - **TT 10/27/21 Update: Review of this item is being conducted by the Medway Conservation Commission. In our opinion, this item is resolved.**
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)
  - *WSE 10/12/21 Response: A cover sheet with a list of waivers has been provided, see sheet 1 of 10.*
    - **TT 10/27/21 Update: The list of requested waivers has not been included on the Cover Sheet.**

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)
  - *WSE 10/12/21 Response: A Site Context Plan has been provided, see sheet 2.*
    - **TT 10/27/21 Update: In our opinion, this comment is resolved.**
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)
  - *WSE 10/12/21 Response: Dimensions of lot lines has been provided, see sheet 2.*
    - **TT 10/27/21 Update: Lot line dimensions have been added to the Site Context Sheet, but metes and bounds have not been added to the remainder of the Plans.**
9. The source of existing topography and the vertical datum reference have been provided. (Ch. 200 §204-5.B.4)
  - *WSE 10/12/21 Response: No response necessary.*
    - **TT 10/27/21 Update: In our opinion, this comment is resolved.**
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)
  - *WSE 10/12/21 Response: See Land Disturbance Permit Application dated October 1, 2021.*
    - **TT 10/27/21 Update: Review of this item is being conducted by the Medway Conservation Commission. In our opinion, this item is resolved.**
11. A Building Elevations and Architectural Plan was not provided in the Plans. (Ch. 200 §204-5.D.9)
  - *WSE 10/12/21 Response: Refer to architectural plans.*
    - **TT 10/27/21 Update: In our opinion, this comment is resolved.**
12. Color Renderings were not provided in the Plans. (Ch. 200 §204-5.D.10)
  - *WSE 10/12/21 Response: Refer to architectural plans.*
    - **TT 10/27/21 Update: In our opinion, this comment is resolved.**
13. A Building Layout or Floor Plan was not provided in the Plans. (Ch. 200 §204-5.D.11)
  - *WSE 10/12/21 Response: Refer to architectural plans.*
    - **TT 10/27/21 Update: In our opinion, this comment is resolved.**
14. Entry and Exit locations to Structures were not provided in the Plans. (Ch. 200 §204-5.D.12)
  - *WSE 10/12/21 Response: Entry and exit locations have been provided, see sheet 6.*
    - **TT 10/27/21 Update: In our opinion, this comment is resolved.**
15. Site Amenities Details were not provided in the Plans. (Ch. 200 §204-5.D.13)
  - *WSE 10/12/21 Response: Site amenity details have been provided, see sheet 10.*
    - **TT 10/27/21 Update: In our opinion, this comment is resolved.**
16. A Master Signage Plan was not provided in the Plans. (Ch. 200 §204-5.D.14)
  - *WSE 10/12/21 Response: Refer to architectural plans. The plans presented by the project architect to the PEDB and Design Review Committee included proposed signage.*
    - **TT 10/27/21 Update: In our opinion, this comment is resolved.**

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)
- *WSE 10/12/21 Response: Horizontal site distances have been provided, see sheet 12.*
    - **TT 10/27/21 Update: In our opinion, this comment is resolved.**
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)
- *WSE 10/12/21 Response: There are two existing fire hydrants along the industrial Park Road and three existing fire hydrants along Jayar Road within close proximity to the subject property. It is our understanding that members of the development team have met with Police and Fire Department officials.*
    - **TT 10/27/21 Update: We recommend the Applicant provide written correspondence from the Medway Fire Department regarding their review of the Project.**
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)
- *WSE 10/12/21 Response: Curb stops have been added to the parking spaces directly adjacent to sidewalks. Propose sidewalks to remain five feet in width.*
    - **TT 10/27/21 Update: We do not recommend use of wheel stops as they are a nuisance in winter months and are typically either removed by the tenant or by snowplows. They also effectively reduce the length of parking stalls.**
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)
- *WSE 10/12/21 Response: The existing condition has three curb cuts and the proposed seeks to retain two while adding one and removing one for a total of three curb cuts as in the existing condition.*
    - **TT 10/27/21 Update: We believe the revised curb cuts are sufficient to serve the proposed parking and emergency access. However, we recommend the PEDB require the Applicant provide written correspondence from the Fire Department regarding their review of the Project.**
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)
- *WSE 10/12/21 Response: The existing curbing on Industrial Park Road and Jayar Road is bituminous and the proposed curbing at site entrances are proposed to remain bituminous.*
    - **TT 10/27/21 Update: We recommend the Applicant coordinate with the PEDB regarding this item and provide a formal waiver request. Typically, vertical granite curbing is preferred at entrance radii, particularly within the public right of way.**

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)
- *WSE 10/12/21 Response: No response necessary.*
    - **TT 10/27/21 Update: Review of this item is being conducted by the Medway Conservation Commission. In our opinion, this item is resolved.**
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)
- *WSE 10/12/21 Response: The east parking lot essentially follows the existing pavement line and is proposed to remain. The west parking field remains as shown on the civil drawings.*
    - **TT 10/27/21 Update: We recommend the Applicant coordinate with the PEDB regarding this item.**
24. The Applicant has not supplied provisions for electric vehicle parking stations. (Ch. 200 §207-12.I)
- *WSE 10/12/21 Response: Two spaces are designated for electric vehicles, see sheet 6.*
    - **TT 10/27/21 Update: In our opinion, this comment is resolved.**
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)
- *WSE 10/12/21 Response: Proposed transformer locations are shown. All underground electrical connections are proposed to be underground. A note is added to the plans that all proposed connections shall be underground, see sheet 5.*
    - **TT 10/27/21 Update: In our opinion, this comment is resolved.**
26. The Applicant has not proposed any screening of the existing dumpster location at the site. (Ch. 200 §207-17.C)
- *WSE 10/12/21 Response: The proposed trash enclosure is a 40-yard roll-off container that will be accessed via a chute from inside the building. A chain-link security fence with slats and gates are proposed. A detail of the chain-link fencing has been provided, see sheet 10.*
    - **TT 10/27/21 Update: We recommend the Applicant provide written correspondence from the Medway Design Review Committee (DRC) regarding their review of this item.**
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)
- *WSE 10/12/21 Response: The Photometric Plan has been revised to show light levels beyond the property line.*
    - **TT 10/27/21 Update: Light trespass occurs along each of the property lines to multiple abutters.**
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)
- *WSE 10/12/21 Response: A six foot high opaque fence is proposed along the eastern property line, see sheet 10.*
    - **TT 10/27/21 Update: We recommend the Applicant provide written correspondence from the Medway Design Review Committee regarding their review of the Project.**

29. The Applicant has not proposed any internal landscape islands to break up the parking areas and provide shade. (Ch. 200 §207-19.C)
- *WSE 10/12/21 Response: Additional trees and shrubs have been added to the landscape plan.*
    - **TT 10/27/21 Update: We recommend the Applicant coordinate with the PEDB and DRC regarding the scope of plantings for the Project.**
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)
- *WSE 10/12/21 Response: No irrigation system is proposed at the present time.*
    - **TT 10/27/21 Update: We anticipate an irrigation well or other means of irrigation will be required to ensure plantings remain viable at the site after Project completion.**

#### 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)
- *WSE 10/12/21 Response: Please see application materials submitted to the PEDB in support of an application for a Groundwater Protection District Special Permit dated August 4, 2021 and subsequent letter from attorney Cannon dated September 15, 2021.*
    - **TT 10/27/21 Update: The proposed generator was not referenced in the letter dated September 15, 2021, we do not have the August 4, 2021 letter on file.**
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)
- *WSE 10/12/21 Response: Please see application materials submitted to the PEDB in support of an application for a Groundwater Protection District Special Permit dated August 4, 2021 and subsequent letter from attorney Cannon dated September 15, 2021.*
    - **TT 10/27/21 Update: The Applicant provided a letter dated September 15, 2021 regarding the Groundwater Special Permit which attests that the Project will not generate greater than 100kg/month of hazardous material (Very Small Quantity Generator) and that all hazardous materials will be stored in an acceptable manner on site, specifically ethanol which will be stored in a five gallon carboy in secondary containment. We recommend a Condition requiring the Applicant provide inventory of hazardous materials and manifest of its disposal to ensure ongoing compliance with the bylaw once the Project is in use.**
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)
- *WSE 10/12/21 Response: No response necessary.*
    - **TT 10/27/21 Update: Review of groundwater recharge is being conducted by the Medway Conservation Commission and is ongoing. In our opinion, this item is resolved.**



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)
- *WSE 10/12/21 Response: Please see response letter from Knoll Environmental dated September 15, 2021.*
    - **TT 10/27/21 Update: Review of groundwater recharge is being conducted by the Medway Conservation Commission and is ongoing. In our opinion, this item is resolved.**

#### 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.
- *WSE 10/12/21 Response: The applicant has met with representatives from the DPW. The two existing water service lines will be cut and capped as shown on the site plan set.*
    - **TT 10/27/21 Update: We recommend the Applicant provide written correspondence from the Medway DPW regarding their review of the 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.
- *WSE 10/12/21 Response: When the DPW marked out the existing water and sewer service locations in the spring of 2019, we were informed that the existing sewer service is a 6-inch PVC pipe. The existing service is more than adequate to serve the needs of the proposed use. The applicant has also filed for and received an industrial discharge permit from the Charles River Pollution Control District.*
    - **TT 10/27/21 Update: In our opinion, this comment is resolved.**
37. Mulch sock should be depicted in the "Siltfence with Mulch Sock" detail on the Construction Details Plan.
- *WSE 10/12/21 Response: Mulch sock is depicted on the Construction Details Plan, see sheet 9.*
    - **TT 10/27/21 Update: The detail does not appear to be correct as certain information is missing on the detail or is not showing up correctly when printed from CAD.**
38. The existing information on the Plans is difficult to read and should be updated in future submissions for ease of review.
- *WSE 10/12/21 Response: The existing information has been updated to increase readability.*
    - **TT 10/27/21 Update: In our opinion, this comment is resolved.**

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

### **Board Members**

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



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155 Village Street  
Medway, MA 02053  
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@townofmedway.org  
www.townofmedway.org

## **TOWN OF MEDWAY**

COMMONWEALTH OF MASSACHUSETTS

### **PLANNING AND ECONOMIC DEVELOPMENT BOARD**

Revised Draft – November 19, 2021

### **Recreational Adult Use Marijuana Special Permit Non-Retail Registered Medical Marijuana Facility Special Permit \_\_\_\_\_ with Conditions**

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

**Name/Address of Applicant/Permittee**

Phytopia, Inc.  
25 Newbury Street  
Peabody, MA 01960

**Name/Address of Property Owner:**

Medway Flower, LLC  
990 Paradise Road  
Swampscott, MA 01907

**Location:** 6 Industrial Park Road

**Assessors' Reference:** 33 – 004

**Zoning District:** West Industrial

**Site Plan:** *Industrial Park Road*, dated April 1, 2021, last revised October 12, 2021, prepared by William Sparages Engineers, Planners and Surveyors of Middleton, MA. The architectural drawings dated April 6, 2021 were prepared by Anderson Porter Design of Cambridge, MA.

**I. PROJECT DESCRIPTION** - The Applicant seeks a Recreational (Adult Use) Marijuana Establishment special permit and a Non-Retail Registered Medical Marijuana Facility special permit pursuant to Sections 8.9 and 8.10 of the Medway *Zoning Bylaw* to operate a marijuana cultivation and processing facility at 6 Industrial Park Road. NOTE – The Applicant has also applied to the Planning and Economic Development Board for Major Site Plan Approval, a Reduced Parking Special Permit, and a Groundwater Protection Special Permit. This decision does not pertain to those three applications which are still pending before the Board. The property also includes wetlands resources which are under the jurisdiction of the Medway Conservation Commission for an Order of Conditions and a Land Disturbance Permit.

The Applicant proposes to use the existing 53,128 sq. ft. industrial manufacturing building at 6 Industrial Park Road and construct a 2-story addition (total of 66,238 sq. ft.) 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 at this location 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, installation of and improvements to stormwater drainage facilities, and remediation of site contamination by the previous owner. The planned work is shown on a plan titled *Industrial Park Road*, dated April 1, 2021, last revised October 12, 2021, prepared by Williams & Sparages Engineers, Planners and Surveyors of Middleton, MA. The architectural drawings dated April 6, 2021 were prepared by Anderson Porter Design of Cambridge, MA.

The Applicant has requested the Board to act on these two marijuana special permit applications separate from the related applications for Major Site Plan Approval, a Reduced Parking Special Permit, and a Groundwater Protection Special Permit, so that they can apply to the Massachusetts Cannabis Control Commission. The Board's usual procedure is to review and act on all related applications together. As an accommodation to the Applicant, the Board has agreed to consider these two special permit applications separately, while the other applications are still pending.

**II. VOTE OF THE BOARD** – After reviewing the application and information gathered during the public hearing and review process, including statements of the Applicant and its representatives, comments offered by the public, and comments provided by the Board's consultants and Town staff, the Medway Planning and Economic Development Board, on \_\_\_\_\_, on a motion made by \_\_\_\_\_ and seconded by \_\_\_\_\_, voted to \_\_\_\_\_ with CONDITIONS as specified herein a special permit to operate a Recreational (adult use) Marijuana Establishment and a Non-Retail Registered Medical Marijuana Facility at 6 Industrial Park Road in Medway, MA.

The vote was \_\_\_\_\_ by a vote of \_\_\_\_ in favor and \_\_\_\_ opposed.

**Planning & Economic Development Board Member**

**Vote**

Jessica Chabot  
Richard Di Iulio  
Matthew Hayes  
Andy Rodenhiser  
Robert Tucker

### **III. PROCEDURAL HISTORY**

- A. May 12, 2021 – Marijuana special permits application filed with the Board; filed with the Town Clerk on May 19, 2021
- B. May 19, 2021– Public hearing notice filed with the Town Clerk and posted at the Town of Medway web site.
- C. May 19, 2021 - Public hearing notice mailed to abutters by certified sent mail.
- D. May 24 and June 1, 2021 - Public hearing notice advertised in *Milford Daily News*.
- E. June 8, 2021 - Public hearing commenced. The public hearing was continued to June 22, July 13, July 27, August 10, August 24, September 28, and October 26, 2021 and November 23, 2022 when a decision was rendered.

### **IV. INDEX OF DOCUMENTS**

- A. The following documents were provided at the time the marijuana special permits application was filed with the Board:
  - Marijuana Special Permits application dated April 30, 2021 with Project Description (along with applications for major site plan review, reduced parking special permit, and a groundwater protection district special permit)
  - Phytotherapy Odor Control Approach, received May 12, 2021, prepared by BLW Engineers
  - 4-12-21 letter from Andy Carballeira, Acentech re: noise mitigation plan
  - 5-10-21 letter from Kevin Doherty of Knoll Environmental re: groundwater contamination
  - 4-9-21 Interest Disclosure Attestation for Phytopia
  - Site Plan dated 4-1-21 by William Sparages Engineers Planners and Surveyors of Middleton, MA
  - Parking Evaluation dated 5-12-21 from MDM Transportation Consultants
- B. During the course of the review, a variety of other materials were submitted to the Board by the Applicant and its representatives and consultants:
  - Parking memorandum from attorney Ted Cannon dated 7-8-21
  - Groundwater protection district special permit memorandum from attorney Ted Cannon dated 8-5-21
  - Noise Mitigation Plan by Acentech, updated 7-9-21
  - Letter from attorney Ted Cannon dated 7-22-21 in response to the 7-1-21 Tetra Tech parking and traffic review letter
  - Memorandum from Erik Gath, BLW Engineers, Inc. in response to the odor mitigation review letter dated 6-16-21 from Straughan Forensic
  - Email communication from Dan Dumais, MDM Transportation Consultants, dated 8-11-21 re: Fire Department's review of turning requirements on the site.
  - Updated site plan dated 10-12-21 by William Sparages Engineers Planners and Surveyors
  - Letter dated 10-12-21 to the PEDB from Chris Sparages to summarize site plan changes resulting from previous public hearings, consultant review letters, and

feedback from the PEDB, Design Review Committee and the Conservation Commission.

- Letter dated 10-12-21 to the PEDB from Chris Sparages in response to the June 8, 2021 technical letter from Tetra Tech.
- Email dated 10-18-21 from attorney Ted Cannon re: staff's request for information on the Applicant's policies/procedures for the transfer, acquisition, or sale of medical marijuana between approved RMMF's in compliance with 105 CMR 725.105(b) (2).
- Lease between Medway Flower, LLC (property owner) and Phytotherapy, LLC for use of the premises at 6 Industrial Park Road.

C. During the course of the review, a variety of other materials were submitted to the Board by the Board's consultants and Town staff:

- Plan review letter to the Board from Steve Bouley, P.E. Tetra Tech, dated 6-8-21
- Odor mitigation plan review letter from Bruce Straughan, Straughan Forensic dated 6-16-21
- Parking and Traffic Review letter to the Board from Courtney Sudak, P.E. Tetra Tech, dated 7-1-21
- Noise mitigation review letter to the Board from Jeff Komrower, Noise Control Engineering, dated 7-7-21
- Cultivation Facility Parking Guidelines Summary prepared by Tetra Tech, dated 7-13-21
- Email communication from Fire Chief Jeff Lynch dated 8-4-21 regarding Phytopia's security and emergency plans

D. Abutter Comments

- Email communication dated June 7, 2021 (with attachments) from resident John Lally, 35 Coffee Street
- Email communication dated June 21, 2021 (with attachments) from resident Leigh Knowlton, 14 Green Valley Road

E. Other Documentation

1. Mullins Rule Certification dated August 2, 2021 for Board member Matthew Hayes pertaining to the July 27, 2021 hearing.
2. Mullins Rule Certification dated August 24, 2021 for Board member Robert Tucker pertaining to the August 10, 2021 hearing.

V. **TESTIMONY** – During the course of the public hearing, the Board heard and received verbal testimony from:

- Steve Bouley, P.E, Tetra Tech – Commentary throughout the public hearing process
- Courtney Sudak, P.E. Tetra Tech – Commentary related to parking and traffic
- Jeff Komrower of Noise Control Engineering LLC, acoustic sound consultants for the Town.
- Andy Carballeira, Acentech Inc., acoustic sound consultant for the Applicant.
- Chris Sparges, Sparges Engineering Consultants, engineering consultant for the Applicant.
- Edward (Ted) Cannon, Doherty Dugan Cannon Raymond and Weil, P.C., attorney for the Applicant

- Brian Anderson of Anderson Porter Design, architect for the Applicant
- Kevin Doherty of Knoll Environmental LLC, environmental consultant for the Applicant
- Peter D’Agostino, Tenax Strategies, Inc. regulatory consultant for the Applicant
- Daniel Dumais, P.E. MDM Transportation Consultants, traffic consultant for the Applicant
- Former Norfolk County Sheriff Jerry McDermott and Retired State Police Major Pat Russolillo, security consultants for the Applicant
- Medway Conservation Agent Bridget Graziano
- Resident John Lally, 35 Coffee Street
- Resident Leigh Knowlton, 14 Green Valley Road

## VI. FINDINGS

The Planning and Economic Development Board, at its meeting on \_\_\_\_\_, on a motion made by \_\_\_\_\_ and seconded by \_\_\_\_\_, voted to \_\_\_\_\_ the following **FINDINGS** regarding the special use permit application for a marijuana facility at 6 Industrial Park Road. The motion was \_\_\_\_\_ by a vote of \_\_\_\_\_ in favor and \_\_\_\_\_ opposed.

### **REGISTERED MEDICAL MARIJUANA FACILITIES SPECIAL PERMIT FINDINGS**

(Sub-Section 8.9 of the Zoning Bylaw)

- (1) Section 8.9.E(1) and (2) and (3) and (5). The registered medical marijuana facility will be contained within an established building located at 6 Industrial Park Road and its associated addition which are located in the East Industrial zoning district where such facilities may be authorized by special permit. This is and will be a permanent stand-building which does not contain any residential uses or medical doctors’ offices or offices of other professional practitioners’ authorized to prescribe the use of medical marijuana. The site will include driveways, parking areas, utility systems, sidewalks and stormwater management facilities. The facility is not located within 500 feet of any lot with an existing public or private school serving students in grades K-12. Retail sales are prohibited at this site.
- (2) Concurrent with the Board’s review of the special permit application, the Board is also reviewing a major site plan for the property, which is still pending before the Board.
- (3) Section 8.9.E (4). The hours of operation are as prescribed in Specific Condition \_\_\_\_.
- (4) Section 8.9.E(6) and (7) As conditioned herein (Specific Condition \_\_\_\_ ) and as required by the *Zoning Bylaw*, smoking, burning and consumption of marijuana or marijuana-infused products on the premises is not allowed, and drive-through service is not allowed.
- (5) As conditioned in Specific Condition \_\_\_\_, any signage for the facility shall comply with Section 8.9.F and Section 7.2 of the *Zoning Bylaw*.
- (6) As conditioned in Specific Condition \_\_\_\_, the Permittee shall provide the contact information for management staff and key holders of the facility to Town officials as indicated in Section 8.9.G.

- (7) As conditioned in Specific Conditions \_\_\_\_, the Board finds that the operation of a registered medical marijuana facility will not create a nuisance to abutters or to the surrounding area or create any hazard. Both the Applicant and the Town have contracted with noise and odor consultants during the permitting process. The Applicant has prepared a noise mitigation plan which has been reviewed by the Town's noise consultant. It will be implemented in accordance with Specific Condition \_\_\_\_ herein. The Applicant has also provided an odor control plan which will be implemented in accordance with Special Condition \_\_\_\_ herein. As conditioned herein, any non-compliance will be addressed through zoning enforcement.

The Board has been briefed on the hazardous waste incident which occurred prior to the Applicant's ownership of the property for which the Applicant is actively pursuing clean-up in accordance with State law. Environmental clean-up will be ongoing under the guidance of the Applicant's Licensed Site Professional with oversight by the Town Boards and Commissions with jurisdiction over the project, agreeing in writing in advance on each step in the clean-up process.

**Commented [SA1]:**  
This language provided by the Applicant's attorney Ted Cannon

- (8) As conditioned in Specific Condition \_\_\_\_, the facility shall meet the Openness of Premises requirements of Section 8.9.I. No activities within the building or displays of products will be visible from the exterior of the building. The front of the building, which includes the primary entrance to the facility, is fully visible from the site's frontage on Industrial Park Road. All operations will be within the restricted building.
- (9) This special permit authorizes only the cultivation, processing and packaging of marijuana for medical use. Retail sale of medical marijuana is not allowed in this zoning district.
- (10) As conditioned in Specific Condition \_\_\_\_, copies of required licenses and permits issued by the Commonwealth will be provided upon approval by the Massachusetts Cannabis Control Commission. The registered medical marijuana facility will be operated in strict compliance with Massachusetts Cannabis Control Commission regulations.
- (11) The special permit application and associated documents include the submittals required in Section 8.9 J.4 of the Zoning Bylaw.

- Medway Flower, LLC is the record owner of the property as shown on the Medway Assessor's records as documented in a quitclaim deed from Alexander S. Athanas of Peabody, MA recorded at the Norfolk County Registry of Deeds, Book 36836, Pages 269 and 270, on May 30, 2019.

The Applicant, Phytopia, LLC will be a tenant in the subject property and building pursuant to a lease dated December 31, 2020 with Medway Flower LLC. Accordingly, the Applicant has the right to use the site for a registered marijuana establishment.

- The Applicant has provided a sworn statement disclosing the owner's or other similarly situated individuals' interest in the registered marijuana establishment.
- A certified list of all abutter and parties of interest was provided.

- A site plan was submitted and is under review by the Board, the Conservation Commission and the Town's consultants. A detailed floor plan of the premises showing the functional areas of the facility has also been provided. The facility's security plan including lighting, fencing, gates and alarms was submitted and provided to the Police and Fire Chiefs during the permitting process.
  - The Applicant has informed the Board that the policies/procedures for the transfer, acquisition, or sale of medical marijuana between approved RMMF's (seed-to-sale tracking) has been standardized and is now regulated via oversight by the Cannabis Control Commission through METRC, a national cannabis supply chain tracking and monitoring company.
  - A comprehensive noise mitigation plan prepared by Acentech, Inc. a qualified acoustical consultant has been provided. It has been reviewed by the Town's noise consultant, Noise Control Engineering. The plan was revised, re-submitted and re-reviewed. It will be implemented in accordance with Specific Condition \_\_\_ herein. The planned noise mitigation measures are expected to enable the facility to meet the Town's noise standards as included in Section 7.3 of the *Zoning Bylaw* and as further specified herein. As conditioned herein, any non-compliance will be addressed through zoning enforcement.
  - A comprehensive odor mitigation plan prepared by the Applicant's odor consultant, BLW Engineers, Inc., was submitted to the Board and reviewed by Straughan Forensic, LLC, the Board's odor consultant. The odor mitigation plan was revised, re-submitted and re-reviewed. It will be implemented in accordance with Specific Condition \_\_\_ herein. As conditioned herein, any non-compliance will be addressed through zoning enforcement.
- (12) The registered medical marijuana establishment, as conditioned herein, has been designed to minimize adverse visual or economic impacts on abutters and other parties in interest.
- (13) As conditioned herein, the proposed facility will meet all the permitting requirements of all applicable agencies within the Commonwealth of Massachusetts and will be in compliance with all applicable state laws and regulations.
- (14) As conditioned herein, the Applicant has satisfied the conditions and requirements of this Section 8.9 and Section 3.4 of the *Zoning Bylaw*.

**RECREATIONAL (ADULT USE) MARIJUANA ESTABLISHMENT SPECIAL PERMIT  
FINDINGS (Sub-section 8.10 of the Zoning Bylaw)**

- (1) Section 8.10.E.(1) and (2). The recreational marijuana establishment will be contained within an established building located at 6 Industrial Park Road and its associated addition which are located in the East Industrial zoning district where such facilities may be authorized by special permit. This is and will be a permanent stand-building which does not contain any residential uses or medical doctors' offices or offices of other professional practitioners' authorized to prescribe the use of medical



marijuana. The site will include driveways, parking areas, utility systems, sidewalks and stormwater management facilities. Retail sales are prohibited at this site.

- (2) Section 8.10.E(4). None of the uses listed in Section 8.10 E. 4. of the *Zoning Bylaw* (public or private school serving students in grades K-12) are located within 500 feet of the site of the proposed facility.
- (3) Section 8.10.E.(5) and (6). As conditioned herein (Specific Condition \_\_\_\_), and as required by the *Zoning Bylaw*, smoking, burning and consumption of marijuana or marijuana-infused products on the premises is not allowed, and drive-through service is not allowed.
- (4) As conditioned herein (Specific Condition \_\_\_\_), any signage for the facility shall comply with Section 8.10.F and Section 7.2 of the *Zoning Bylaw*.
- (5) As conditioned herein (Specific Condition \_\_\_\_), the Permittee shall provide the contact information for management staff and key holders of the facility to Town officials.
- (6) As conditioned herein (Specific Condition \_\_\_\_), the Board finds that the operation of the recreational marijuana establishment will not create a nuisance to abutters or to the surrounding area or create any hazard. Both the Applicant and the Town have contracted with noise and odor consultants. The Applicant has prepared a noise mitigation plan which has been reviewed by the Town's noise consultant. It will be implemented in accordance with Specific Condition \_\_\_\_ herein. The Applicant has also provided an odor control plan which will be implemented in accordance with Specific Condition \_\_\_\_ herein.

The Board is requiring on-going noise and odor monitoring to ensure compliance with the Town's requirements. See Specific Conditions \_\_\_\_ and \_\_\_\_ in, any non-compliance will be addressed through zoning enforcement.

- (7) The existing building meets the requirements for "openness of premises" since no activities within the building or displays of products are visible from the exterior of the building and the front of the building, which includes the primary entrance to the facility, is fully visible from the site's frontage. All operations will be within the restricted building
- (8) The special permit authorizes only the following adult recreational marijuana establishment activities: cultivation, manufacturing, processing and packaging of marijuana and marijuana products, and the transport and delivery of such to other recreational marijuana establishments. Retail sales and marijuana social establishments are not allowed pursuant to the *Zoning Bylaw*.
- (9) As conditioned herein (Specific Condition \_\_\_\_), copies of required licenses and permits issued by the Commonwealth will be provided upon approval by the Massachusetts Cannabis Control Commission. The recreational marijuana operation will be operated in strict compliance with Massachusetts Cannabis Control Commission regulations.
- (10) Medway Flower, LLC is the record owner of the property as shown on the Medway Assessor's records as documented in a quitclaim deed from Alexander S. Athanas of

Peabody, MA recorded at the Norfolk County Registry of Deeds, Book 36836, Pages 269 and 270, on May 30, 2019.

The Applicant, Phytopia, LLC will be a tenant in the subject property and building pursuant to a lease dated December 31, 2020, with Medway Flower, LLC. Accordingly, the Applicant has the right to use the site for a registered marijuana establishment.

- (11) The Applicant has provided a sworn statement disclosing the owner's or other similarly situated individuals' interest in the registered marijuana establishment.
- (12) A certified list of all abutter and parties of interest was provided as part of the application submittal documents.
- (13) A site plan was submitted and is under review by the Board, the Conservation Commission and the Town's consultants. A detailed floor plan of the premises showing the functional areas of the facility has also been provided. The facility's security plan including lighting, fencing, gates and alarms was submitted and provided to the Police and Fire Chiefs for review during the permitting process.
- (14) The Applicant has informed the Board that the policies/procedures for the transfer, acquisition, or sale of medical marijuana between approved RMMF's (seed-to-sale tracking) has been standardized and is now regulated via oversight by the Cannabis Control Commission through METRC, a national cannabis supply chain tracking and monitoring company.
- (15) A comprehensive noise mitigation plan prepared by the Applicant's noise consultant, Acentech, Inc. was submitted and reviewed by Noise Control Engineering, the Board's noise consultant. The plan was revised, re-submitted, and re-reviewed. The planned noise mitigation measures are expected to enable the facility to meet the Town's noise standards as included in Section 7.3 of the *Zoning Bylaw* and further clarified herein. As conditioned herein (Specific Condition \_\_\_\_), any non-compliance will be addressed through zoning enforcement.
- (16) A comprehensive odor mitigation plan prepared by the Applicant's odor consultant, BLW Engineers, Inc., was submitted to the Board and reviewed by Straughan Forensic, LLC, the Board's odor consultant. As conditioned herein (Specific Condition \_\_\_\_), any non-compliance will be addressed through zoning enforcement.
- (17) The adult recreational marijuana establishment, as conditioned herein, (Specific Conditions \_\_\_\_), has been designed to minimize adverse visual or economic impacts on abutters and other parties in interest.
- (18) As conditioned herein, the proposed facility will meet all the permitting requirements of all applicable agencies within the Commonwealth of Massachusetts and will be in compliance with all applicable state laws and regulations.
- (19) As conditioned herein, the Applicant has satisfied the conditions and requirements of this Section 8.10 and Section 3.4 of the *Zoning Bylaw*.

**GENERAL SPECIAL PERMIT FINDINGS** (Sub-section 3.4 of the Zoning Bylaw)

- (1) The proposed site is an appropriate location for the proposed use.

*Sections 8.9 and 8.10 of the Zoning Bylaw and Table 1 – Schedule of Uses specifies that registered medical marijuana facilities and non-retail recreational marijuana establishments are allowed by special permit in the East and West Industrial zoning districts. The subject site at 6 Industrial Park Road is located within the East Industrial zoning district and is therefore an eligible location for the proposed use. Further, the site is not located within 500 feet of any of the uses from which marijuana establishments are prohibited (existing public or private school serving students in grades K-12). The site includes an existing industrial building constructed in 1973.*

- (2) Adequate and appropriate facilities will be provided for the operation of the proposed use.

*The recreational and medical marijuana cultivation and processing uses will occur within the existing industrial building at 6 Industrial Park Road and a planned addition. The project has been reviewed by the Town's engineering, noise and odor consultants. This special permit is conditioned (Specific Condition \_\_\_) on the Permittee's receipt of major site plan approval, a reduced parking special permit, and a groundwater protection special permit which have yet to be issued.*

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

*As conditioned in Specific Conditions \_\_\_, the Board finds that the operation of a registered medical marijuana facility will not create a nuisance to abutters or to the surrounding area or create any hazard. Both the Applicant and the Town have contracted with noise and odor consultants during the permitting process. The Applicant has prepared a noise mitigation plan which has been reviewed by the Town's noise consultant. It will be implemented in accordance with Specific Condition \_\_\_ herein. The Applicant has also provided an odor control plan which will be implemented in accordance with Special Condition \_\_\_ herein. As conditioned herein, any non-compliance will be addressed through zoning enforcement.*

*The Board has been briefed on the hazardous waste incident which occurred prior to the Applicant's ownership of the property for which the Applicant is actively pursuing clean-up in accordance with State law. Environmental clean-up will be ongoing under the guidance of the Applicant's Licensed Site Professional with oversight by the Town Boards and Commissions with jurisdiction over the project, agreeing in writing in advance on each step in the clean-up process.*

- (4) The proposed use will not cause undue traffic congestion or conflicts in the immediate area.

*The proposed facility is expected to have up to 87 employees. The planned parking configuration provides for 92 vehicles. As the facility will not have a retail operation, non-employee traffic to the site will be minimal. Industrial Park Road is adequate to handle the routine employee traffic. The site's access is from Main Street/Route 109,*

**Commented [SA2]:**  
This language provided by the Applicant's attorney Ted Cannon

*a major east-west arterial roadway, so there is no traffic impact on local residential roadways. Pursuant to Condition \_\_\_\_, the Applicant is required to staff the facility with 2 or 3 shifts with 30-minute intervals between shifts to minimize parking overlap and maximize parking available onsite for employees. No offsite parking is permitted.*

- (5) 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.

*The Applicant, as a condition of receiving these special permits prior to completion of the Board's review of the Major Site Plan, Reduced Parking, and Groundwater Protection applications, has agreed that the conditions imposed by the Board in these other applications shall also apply to this special permit decision. (See Specific Condition \_\_\_\_). Further, the Applicant has agreed to comply with the new Environmental Standards, Section 7.3 of the Zoning Bylaw, as approved by Medway Town Meeting on 11-15-21.*

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

*The proposed use is manufacturing and is therefore consistent with the character of the East Industrial Zoning District in which the subject property is located. This application proposes to produce marijuana for medical and adult recreational use within the existing building and the planned addition. The proposed manufacturing use will not significantly alter the character of the East Industrial zoning district.*

*The Board heard testimony from residential abutters and neighbors about their concerns regarding adverse noise and odor conditions which may emanate from the proposed facility. The Board contracted with outside consultants specializing in noise and odor control to review and provide guidance as to how to minimize potential noise and odors. The final site plan will include extensive and rigorous measures to ensure that the impacts are minimal at best. The Applicant will be held to the recently amended environmental standards included in Section 7.3 of the Zoning Bylaw. The Cannabis Control Commission requires its Applicants to also meet the MA DEP noise standards. Measures to address other types of potential impacts (lighting, flooding, dust, vibration, refuse materials, etc.) will also be included in the site plan decision. As conditioned herein, the Board finds that reasonable measures will be taken such that this particular industrial use will not adversely affect the surrounding neighborhood.*

- (7) The proposed use is in harmony with the general purpose and intent of this Zoning Bylaw.

*The Recreational Marijuana section of the Zoning Bylaw (Section 8.10) was adopted by the Town in May 2018 with the specific intent of allowing the establishment of non-retail recreational marijuana establishments at limited locations in Medway. The stated purpose of Section 8.10 is to address possible adverse public health and safety consequences and impacts on the quality of life related to this type of facility by providing for them in appropriate places and under strict conditions. As the proposed facility is located within one of the designated zoning districts and has been*

*rigorously reviewed by the Board and its consultants, and as conditioned herein, it meets the purpose of the Zoning Bylaw.*

- (8) The proposed use is consistent with the goals of the *Medway Master Plan*.

*The existing facility and the expanded use of the facility is in compliance with Goals 1 and 6 of the Economic Development Goals and Objectives section of the Medway Master Plan as follows:*

- *Goal 1: Maximize the area's economic resources*
- *Goal 6: Attract new (and retain existing) businesses and increase the industrial/manufacturing base.*

- (9) The proposed use will not be detrimental to the public good.

*As a facility in compliance with state and local law, consistent with the goals of the Medway Master Plan, and as thoroughly conditioned herein, the proposed use will not be detrimental to the public good.*

**VIII. CONDITIONS** The *Special and General Conditions* included in this Decision are to assure that the Board's approval of this special permit is consistent with the *Zoning Bylaw*, and that the comments of various Town boards and public officials have been adequately addressed, and that concerns of abutters and other town residents which were aired during the public hearing process have been carefully considered. These conditions are binding on the Permittee.

#### **SPECIFIC CONDITIONS OF APPROVAL**

- A. All standard requirements included in Sections 8.9 and 8.10 of the *Zoning Bylaw* apply to this special permit. These include but are not limited to:
1. Prior to commencing operations on the property to cultivate and process marijuana for adult recreational and medical uses, the Permittee shall provide the Building Commissioner, Health Agent, Fire Chief, Police Chief, and the Board with a copy of the applicable state marijuana establishment licenses, permits, and approvals from the Massachusetts Cannabis Control Commission.
  2. The Permittee shall provide the Medway Police and Fire Departments, Building Commissioner, and the Board with the names, telephone numbers, and email addresses of all management staff and key holders to whom the Town can provide notice if there are operating problems associated with the establishment.
  3. The Permittee shall provide an annual report of Phytopia LLC to the Board and other Town officials no later than January 31<sup>st</sup> of each year, including a copy of all current state licenses and demonstrating continued compliance with the conditions of this special permit. Any change in ownership of Phytopia, LLC or change in management staff and key holders shall also be reported.
  4. This special permit is not transferrable to another party. It shall remain exclusively with the Permittee, Phytopia, LLC, as the operator of a recreational (adult use) marijuana establishment and a non-retail registered medical marijuana facility on the premises.

5. Smoking, burning and consumption of marijuana or marijuana infused products on the premises is prohibited.
  6. The Permittee shall notify the Building Commissioner, Health Agent, Fire Chief, Police Chief, and the Board in writing within forty-eight hours of the cessation of operation of the marijuana business or the expiration or termination of the license holder's certificates or registration with the Massachusetts Cannabis Control Commission.
  7. The Permittee shall fulfill the *Openness of Premises* requirements as specified in Sections 8.9 and 8.10 of the *Zoning Bylaw*.
- B. **Compliance with Other Permits** - This special permit is subject to all subsequent conditions that may be imposed by other Town departments, boards, agencies or commissions including the Planning and Economic Development Board and the Conservation Commission for the other pending permits including but not limited to site plan approval, groundwater protection special permit, reduced parking special permit, Order of Conditions, and a land disturbance permit.
- C. **Host Community Agreement** - There shall be a valid Host Community Agreement with the Town of Medway in effect at all times during the operation of this marijuana establishment.
- D. **Hours of Operation** – The hours of operation may be up to 24 hours a day, seven days a week. Staffing shall be split into 2 or 3 different shifts separated by at least 30 minutes to reduce parking overlap.
- E. **Nuisance** – The Permittee shall construct and maintain the property and establishment so as to not create a nuisance to abutters or to the surrounding area, or create any hazard, including but not limited to fire, explosion, fumes, gas, smoke, odors, obnoxious dust, vapors, offensive noise or vibration, flashes, glare, objectionable effluent or electrical interference, which may impair the normal use and peaceful enjoyment of any property, structure, or dwelling in the area. The Permittee shall comply with Section 7.3 of the *Zoning Bylaw*, as recently amended at the November 15, 2021 Town Meeting.
- F. **Noise Management**
1. The Permittee shall install and maintain at all times effective noise reduction equipment for the property to comply with Section 7.3 of the *Zoning Bylaw* as recently amended as well as the Massachusetts Department of Environmental Protection (MA DEP) noise requirements as established in 310 CMR 7.10. The Permittee will achieve compliance through industry best practices and suitable noise abatement measures. The Permittee shall ensure proper maintenance of all noise abatement equipment to ensure maximum efficiency and effectiveness and ongoing compliance.
  2. Approximately six months after beginning operations under this Special Permit, the Permittee shall provide a supplemental noise study to the Building Commissioner, Health Agent and Board so as to determine compliance with the *Zoning Bylaw* and any conditions set forth herein as to noise. The Building

Commissioner, Health Agent or Board may forward the plan to the Town's noise consultant for review and comment, at the Permittee's expense.

3. The Permittee shall be required to implement additional noise mitigation measures if the facility is non-compliant with the *Zoning Bylaw* and the MA DEP Noise Policy.
4. The Permittee shall annually submit a certification by a registered professional mechanical engineer that there are no changes in the installed mechanical equipment which may impact the noise emanating from the facility. Such certification shall be provided to the Building Commissioner, Health Agent and the Board.
5. The Building Commissioner, in enforcing the conditions contained herein, may require the Permittee to provide additional noise studies by a qualified noise consultant and/or implement additional mitigation measures should legitimate concerns or complaints develop in the future about noise generation from the facility. The Building Commissioner, Health Agent or Board may forward the plan to the Town's noise consultant for review and comment, at the Permittee's expense. The Permittee may further be required to address such issues with the Board to its satisfaction.

**G. Odor Management**

1. The Permittee shall install and maintain at all times effective odor control technology to remove odors from the facility's exhaust system to comply with Section 7.3 of the *Zoning Bylaw* as recently amended by the 11-15-21 Town Meeting. The Permittee will achieve compliance through industry best practices and suitable building filtration systems. The Permittee shall maintain all odor migration equipment to ensure maximum efficiency and effectiveness and ongoing compliance.
2. The *Odor Control Approach* (odor mitigation plan) by BLW Engineers submitted to the Board does not include mechanical drawings for the odor management system. At such time as the mechanical drawings are available, they shall be submitted to the Board for review by the Board's odor consultant, at the Permittee's expense, to determine if they comply with the Town's odor requirements.
3. The June 16, 2021 review letter from Straughan Forensic, LLC, the Board's odor consultant, identifies a number of issues and information missing from the Applicant's odor mitigation plan. The noted letter is attached and made a part of this decision. The odor mitigation plan shall be revised to fully address these items and to comply with recently updated odor standards included in Section 7.3 of the *Zoning Bylaw* and shall be submitted to the Board for review and further revision, if needed. The Permittee's submittal to the Cannabis Control Commission shall indicate that the odor control system must comply with Section 7.3 of the *Zoning Bylaw*.

4. If the Cannabis Control Commission requires changes to the Permittee's odor mitigation plan, the Permittee shall inform the Board and the changes shall be reviewed by the Town's odor consultant at the Permittee's expense.
5. Prior to the issuance of an occupancy permit by the Medway Building Department, the Permittee shall provide a certification made by a licensed engineer that the odor mitigation measures included in the approved plan have been installed. Additional odor mitigation measures may be required if determined to be necessary by the Building Commissioner.
6. For each of the two successive years following occupancy, the Permittee shall annually submit a certification by a registered professional engineer to address all maintenance and changes in the mechanical equipment that has been installed to control the odor emanating from the facility. Such certification shall be provided to the Building Commissioner, Health Agent and the Board.
7. The Building Commissioner, in enforcing the conditions herein, may require additional odor investigations and/or odor mitigation measures should legitimate concerns and complaints develop in the future about odor generation from the facility. Permittee may further be required to address such issues with the Board to its satisfaction.

**H. Water Use and Conservation**

1. The development is relying on the Town's public water system and the Town is being held to its Water Management Act Permit with the MA Department of Environmental Protection. The Permittee shall incorporate the following water conservation measures for construction of the development:
  - a. private well water for landscape irrigation
  - b. rain-gauge controlled irrigation systems
  - c. water efficient appliances (toilets, etc.)

2. The Permittee shall not use Town water for irrigation of the site's lawn and landscaping.

- I. Signage** – Any signs shall comply with Section 7.2 of the *Zoning Bylaw* and the respective signage requirements of Sections 8.9 and 8.10.

**J. Limitations**

1. This special permit is limited to the operation of a medical and recreational marijuana cultivation and processing establishment at 6 Industrial Park Road. This permit does not authorize operation of a retail outlet for the sale of adult recreational marijuana products or medical marijuana products, or the operation of a marijuana social establishment, or the operation of a marijuana testing facility on the premises.
2. This special permit does not relieve the Permittee from its responsibility to apply for, obtain, pay for, and comply with all other required federal, state and Town permits, licenses and approvals.
3. An approved site plan, groundwater special permit, reduced parking special permit, Order of Conditions, and a land disturbance permit are required before

**Commented [BSA3]:** Is this advisable given the contamination issues? Should the applicant be sinking a well?

The Applicant has asked if Town water may be used on a limited basis for landscape irrigation. The Board does not have the authority to approve that request. The Board has previously discussed directing roof runoff and greywater for irrigation.



any building permits can be issued or site work undertaken except for “white box” construction approved by the Town of Medway Building Commissioner and all environmental clean-up work in accordance with MA DEP requirements.

4. This special permit shall expire on December 1, 2022 if the Permittee has not secured the Board’s approval of the associated major site plan, reduced parking special permit, groundwater protection permit, Order of Conditions and land disturbance permit.

## GENERAL CONDITIONS OF APPROVAL

- A. **Fees** - Prior to filing the special permit decision with the Town Clerk, the Board requires the Applicant to pay:

1. the balance of any outstanding project review fees owed to the Town for review of the application by the Town’s engineering, planning, noise, odor or other consultants;
2. an advance on fees for the continued review services to be provided by outside noise and odor consultants as approved by the Planning and Economic Development Board;
3. any other outstanding expenses or obligations due the Town of Medway pertaining to this property, including real estate and personal property taxes and business licenses.

- B. **Restrictions on Construction Activities** — During construction, all local, state and federal laws shall be followed regarding noise, vibration, dust and blocking of Town roads. The Permittee and its contractors shall at all times use all reasonable means to minimize inconvenience to abutters and residents in the general area. The following specific restrictions on construction activity shall apply.

1. ~~Construction Time~~ — Construction work at the site and in the building and the operation of construction equipment including truck/vehicular and machine start-up and movement shall commence no earlier than 7 a.m. and shall cease no later than 6 p.m. Monday – Saturday. No construction shall take place on Sundays or legal holidays without the advance approval of the Building Commissioner. These rules do not apply to interior construction work such as carpentry, installation of drywall, flooring, electrical and HVAC systems, painting, etc.
2. ~~Neighborhood Relations~~ — The Permittee shall notify neighbors in the general area around the site when site work and construction are scheduled to begin and provide a phone number for them to use for questions and concerns that arise during construction.
3. The Permittee shall take all measures necessary to ensure that no excessive dust leaves the premises during construction including use of water spray to wet down dusty surfaces.
4. There shall be no tracking of construction materials onto any public way. Daily sweeping of roadways adjacent to the site shall be done to ensure that any loose gravel/dirt is removed from the roadways and does not create hazardous or

**Commented [SA4]:**

Not needed here. Will include in subsequent site plan decision.

~~deleterious conditions for vehicles, pedestrians or abutting residents. In the event construction debris is carried onto a public way, the Permittee shall be responsible for all clean up of the roadway which shall occur as soon as possible and in any event within twelve (12) hours of its occurrence.~~

- ~~5. The Permittee is responsible for having the contractor clean up the construction site and the adjacent properties onto which construction debris may fall on a daily basis.~~
- ~~6. All erosion and siltation control measures shall be installed by the Permittee prior to the start of construction and observed by the Board's consulting engineer and maintained in good repair throughout the construction period.~~
- ~~7. Construction Traffic/Parking – During construction, adequate provisions shall be made on site for the parking, storing, and stacking of construction materials and vehicles. All parking for construction vehicles and construction related traffic shall be maintained on site. No parking of construction and construction related vehicles shall take place on adjacent public or private ways or interfere with the safe movement of persons and vehicles on adjacent properties or roadways.~~
- ~~8. Noise – Construction noise shall not exceed the noise standards as specified in the Zoning Bylaw, SECTION V. USE REGULATIONS, Sub Section B. Area Standards, Paragraph 2. b).~~
- ~~9. Stormwater Management – During construction, the Permittee shall maintain the site and installed stormwater management facilities in accordance with the Construction Period Stormwater Operation and Maintenance Plan included in Stormwater Management Design and Runoff Calculations Report for 4 Mare Road, dated July 24, 2019, last revised December 13, 2019 prepared by DGT Associates Surveying and Engineering.~~

C. **Construction Oversight**

- ~~1. Pre Construction Meeting – At least seven days prior to the start of any site preparation or construction, the Applicant shall meet with the Town's Consulting Engineer, the Planning and Economic Development Coordinator, the Medway Department of Public Works, the Medway Conservation Agent (if applicable), the contractors and Applicant's project engineer for a pre construction meeting. The construction schedule shall be reviewed and the procedures for inspections discussed.~~
- ~~2. Construction Account~~
  - ~~a) Inspection of infrastructure and utility construction, installation of site amenities including landscaping, and the review of legal documents by Town Counsel is required. Prior to plan endorsement, the Permittee shall establish a construction account with the Board. The funds may be used at the Board's discretion to retain professional outside consultants to perform the items listed above as well as the following other tasks – inspect the site during construction/installation, identify what site plan work remains to be completed, prepare a bond estimate, conduct other reasonable inspections~~

**Commented [SA5]:**

Not needed here. Will include in subsequent site plan decision

~~until the site work is completed and determined to be satisfactory, review as-built plans, and advise the Board as it prepares to issue a *Certificate of Site Plan Completion*.~~

- ~~b) Prior to plan endorsement, the Permittee shall pay an advance toward the cost of these services to the Town of Medway. The advance amount shall be determined by the Board based on an estimate provided by the Town's Consulting Engineer.~~
  - ~~c) Depending on the scope of professional outside consultant assistance that the Board may need, the Permittee shall provide supplemental payments to the project's construction inspection account, upon invoice from the Board.~~
  - ~~d) Any funds remaining in the Permittee's construction inspection account after the *Certificate of Site Plan Completion* is issued shall be returned to the Permittee.~~
- ~~3. Board members, its staff, consultants or other designated Town agents and staff shall have the right to inspect the site at any time, for compliance with the endorsed site plan and the provisions of this *Decision*.~~
- ~~4. The Department of Public Works will conduct inspections for any construction work occurring in the Town's right of way in conjunction with the Town of Medway Street Opening/Roadway Access Permit.~~
- ~~5. The Permittee shall have a professional engineer licensed in the Commonwealth of Massachusetts conduct progress inspections of the construction of the approved site improvements. Inspections shall occur at least on a monthly basis. The engineer shall prepare a written report of each inspection and provide a copy to the Board within 5 days of inspection.~~

~~D. On-Site Field Changes~~

- ~~1. During construction, the Permittee may be authorized to make limited, minor, on-site field changes to the approved plan based on unforeseen site or job conditions, situations, or emergencies necessitated by field conditions or due to practical considerations. These field changes shall not alter items which may affect the site's compliance with this *Decision* and the *Zoning Bylaw* nor conflict with a specific condition of the *Decision*. Field changes shall not substantially alter the intent, layout or design of the endorsed site plan.~~
- ~~2. Prior to undertaking such field changes, the Permittee and/or contractor shall discuss the possible field changes with the Town's Consulting Engineer and submit a letter and drawings to the Planning and Economic Development Coordinator and the Building Commissioner describing the proposed changes and what conditions, situations, or emergencies necessitate such changes. In accordance with Section 3.5.2.C of the *Zoning Bylaw*, the Building Commissioner may determine that the field change is insubstantial, authorize the change, and so notify the Board. Otherwise, the Board shall review the proposed field changes at a public meeting and determine whether the proposed field changes are reasonable and acceptable based on the unforeseen conditions, situations, or~~

**Commented [SA6]:**

Not needed here. Will include in subsequent site plan decision

~~emergencies and whether other options are feasible or more suitable. A written authorization of field change will be provided. Any approved field change shall be reflected in the as built plan to be provided at project completion.~~

**B. Modification of Decision**

1. Proposed modifications to this *Decision* shall be subject to review by the Board.
2. Any work that deviates from this *Decision* shall be a violation of the *Zoning Bylaw*, unless the Permittee requests approval of a modification pursuant to Section 3.5.2.A.3.c. and such approval is provided in writing by the Board.
3. The request for a modification to a previously approved special permit shall be subject to the same application and review process including a public hearing. Whenever additional reviews by the Board, its staff or consultants are necessary due to a proposed modification, the Permittee shall be billed and be responsible for all supplemental costs including filing fees, review fees and all costs associated with another public hearing including legal notice and abutter notification. If the proposed revisions affect only specific limited aspects of the site, the Board may reduce the scope of the required review and waive part of the filing and review fees.
4. The Board shall issue a modification decision, file such with the Town Clerk, and provide copies to the Building Commissioner and other Town officials and the Permittee. Any modification approved by the Board shall be made a permanent part of the approved special permit documents.

**C. Enforcement**

1. The Board or its agent(s) may use all legal options available to it, including referring any violation to the Building Commissioner/Zoning Enforcement Officer for appropriate enforcement action, to ensure compliance with the special permit and its Conditions of Approval.
2. The Conditions of Approval are enforceable under Section 3.1. F. of the *Zoning Bylaw* (non-criminal disposition) and violations or non-compliance are subject to the appropriate fine.

**H. Performance Security**

1. ~~No occupancy permit shall be granted until the Board has provided a written communication to the Building Commissioner/Zoning Enforcement Officer that the project, as constructed, conforms completely and fully to the approved site plan and that any conditions including construction of any required on and off site improvements, have been satisfactorily completed OR that suitable security/performance guarantee has been provided to the Town of Medway, to the Board's satisfaction, to cover the cost of all remaining work.~~
2. ~~The Permittee shall propose a form of performance security which shall be of a source and in a form acceptable to the Board, the Treasurer/Collector and Town Counsel. The Board requires that the performance guarantee be accompanied by~~

**Commented [SA7]:**

Not needed here. Will include in site plan decision.

~~an agreement which shall define the obligations of the Permittee and the performance guarantee company including:~~

- ~~a) the date by which the Permittee shall complete construction~~
- ~~b) a statement that the agreement does not expire until released in full by the Board~~
- ~~c) procedures for collection upon default.~~

~~3. The amount of the performance guarantee shall be equal to 100% of the amount that would be required for the Town of Medway to complete construction of the site infrastructure including installation of stormwater management facilities, utilities, services, pedestrian facilities and all site amenities as specified in the approved Site Plan that remain unfinished at the time the performance guarantee estimate is prepared if the developer failed to do so.~~

~~4. The security amount shall be approved by the Board based on an estimate provided by the Town's Consulting Engineer based on the latest weighted average bid prices issued by the Mass Highway Department. The estimate shall reflect the cost for the Town to complete the work as a public works project which may necessitate additional engineering, inspection, legal and administrative services, staff time and public bidding procedures. The estimate shall also include the cost to maintain the infrastructure in the event the Permittee fails to adequately perform such and the cost for the development of as-built plans. In determining the amount, the Board shall be guided by the following formula in setting the sum: estimate of the Town's Consulting Engineer of the cost to complete the work plus a 30% contingency.~~

~~5. Final release of performance security is contingent on project completion.~~

#### ~~I. Project Completion~~

~~1. Site plan approval shall lapse after one (1) year of the grant thereof if substantial use has not commenced except for good cause. The work shown on the approved site plan shall be completed by the Permittee or its assignees within two (2) years of the date of plan endorsement. Upon receipt of a written request from the Permittee filed at least thirty (30) days prior to the date of expiration, the Board may grant an extension for good cause. The request shall state the reasons for the extension and also the length of time requested. If no request for extension is filed and approved, the site plan approval shall lapse and may be reestablished only after a new filing, hearing and decision.~~

~~2. Prior to issuance of a final occupancy permit, the Permittee shall request a **Certificate of Site Plan Completion** from the Board. The **Certificate** serves as the Board's confirmation that the completed work conforms to the approved site plan and any conditions and modifications thereto, including the construction of any required on and off site improvements. The **Certificate** also serves to release any security/performance guarantee that has been provided to the Town of Medway. To secure a **Certificate** of Site Plan Completion, the Permittee shall:~~

- ~~a) provide the Board with written certification from a Professional Engineer registered in the Commonwealth of Massachusetts that all building and site~~

#### Commented [SA8]:

Not needed here. Will include in site plan decision.

~~work has been completed in substantial compliance with the approved and endorsed site plan, and any modifications thereto; and~~

~~b) submit an electronic version of an As Built Plan, prepared by a registered Professional Land Surveyor or Engineer registered in the Commonwealth of Massachusetts, to the Board for its review and approval. The As Built Plan shall show actual as built locations and conditions of all buildings and site work shown on the original site plan and any modifications thereto. The As Built Plan shall also show all utilities found during the construction process. The final As Built Plan shall also be provided to the Town in CAD/GIS file format per MASS GIS specifications.~~

- D. **Right to Enter Property** – Board members, its staff, consultants or other designated agents of the Town shall have the right to enter onto the property to ascertain compliance with the terms and conditions of this special permit.
- E. **Recording** - Within thirty days of recording the Decision, the Permittee shall provide the Board and the Building Commissioner with a receipt from the Norfolk County Registry of Deeds indicating that the Decision has been duly recorded, or supply another alternative verification that such recording has occurred.
- F. **Conflicts** –If there is a conflict between this Decision and the *Zoning Bylaw*, the *Bylaw* shall apply.

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

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

In accordance with G.L c. 40A, §11, no special permit shall take effect until a copy of the Decision is recorded in the Norfolk County Registry of Deeds, and indexed in the grantor index under the name of the owner of record, or is recorded and noted on the owner's certificate of title, bearing the certification of the Town Clerk that twenty days have elapsed after the Decision has been filed in the office of the Town Clerk and no appeal has been filed within said twenty-day period, or that an appeal has been filed. The person exercising rights under a duly appealed special permit does so at risk that a court will reverse the permit and that any construction performed under the permit may be ordered undone. The fee for recording or registering shall be paid by the Permittee. A copy of the recorded Decision, and notification by the Permittee of the recording, shall be furnished to the Board.

\_\_\_\_\_ by the Medway Planning & Economic Development Board: \_\_\_\_\_

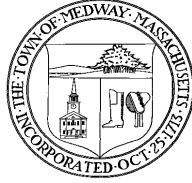
**AYE:**

**NAY:**

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**COPIES TO:** Michael Boynton, Town Manager  
Stephanie Carlisle, DPW Compliance Officer  
Michael Fasolino, Deputy Fire Chief  
Bridget Graziano, Conservation Agent  
Donna Greenwood, Assessor  
Beth Hallal, Health Agent  
Sean Harrington, Deputy DPW Director  
Jeff Lynch, Fire Chief  
Jack Mee, Building Commissioner and Zoning Enforcement Officer  
Pete Pelletier, DPW Director  
Joanne Russo, Treasurer/Collector  
Barbara Saint Andre, Director of Community and Economic Development  
Alan Tingley, Police Chief  
Jeff Watson, Police Department  
Steven Bouley, Tetra Tech  
Edward Cannon  
Phytopia, LLC



**November 23, 2021**

**Medway Planning & Economic Development Board  
Meeting**

**Cassidy Field Parking Lot Site Plan –  
Informal Pre-Application Discussion**

- *Cassidy Field Parking Improvements, Winthrop Street,  
dated 9-8-2021 by Tetra Tech*

DPW Director Pete Pelletier will attend the meeting to discuss this project with you.

According to Pete, the goal for the Cassidy parking lot project is to establish a clear parking layout that is ADA accessible. With the proposed parking lot improvements and the removal of parking from the riverfront area, the DPW would like to also implement some stormwater mitigation strategies that would enhance this property when dealing with stormwater runoff. Costs will be an issue with this project but the DPW hopes to make every effort to improve this area and provide improved parking facilities for the town.



Medway Department of Public Works  
Cassidy Field Parking Improvements  
Winthrop Street, Medway, MA

100 Nickerson Road  
Marlborough, MA 01752  
Phone: (508) 786-2200 Fax: (508) 786-2201



www.tetratech.com

PROJECT LOCATION:  
Winthrop Street,  
Medway, MA 02053

CLIENT INFORMATION:  
Medway Department of Public Works  
45B Holliston Street,  
Medway, MA 02053

Tt PROJECT No.:  
143-21583-21012

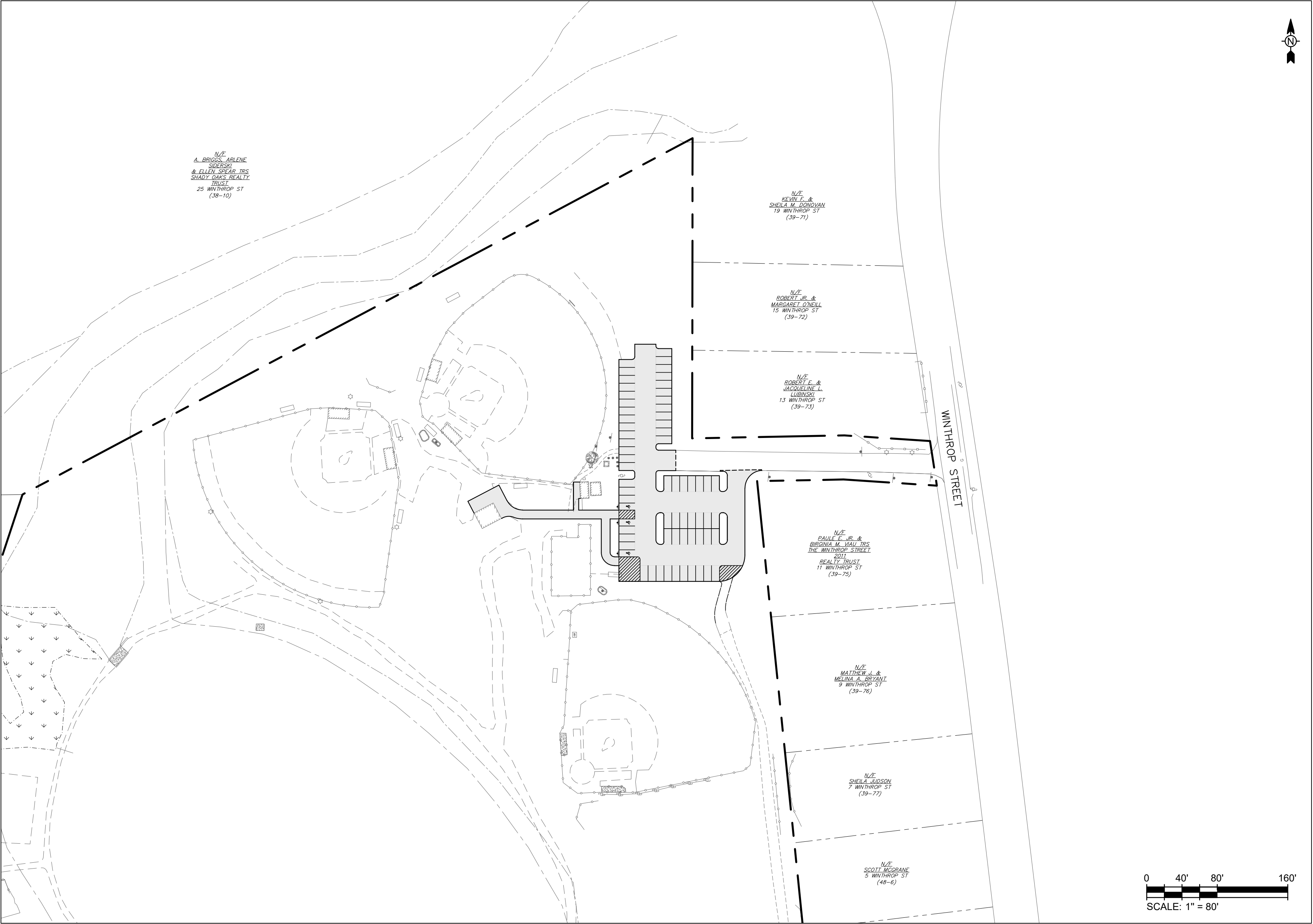
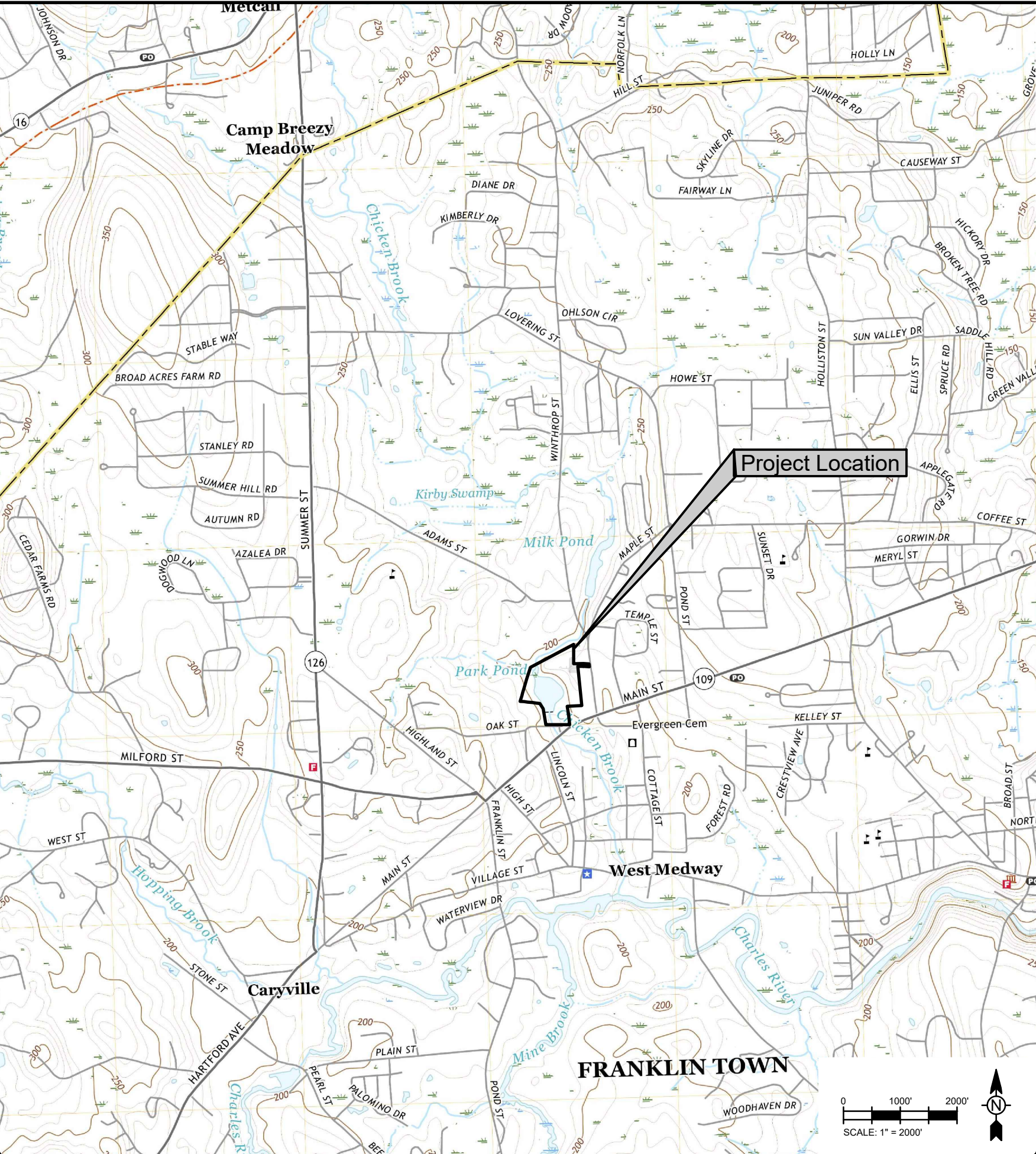
CLIENT PROJECT No.:

PROJECT DESCRIPTION / NOTES:

ISSUED: SEPTEMBER 8, 2021

2021-09-08 - BID SET

VICINITY MAP:



SHEET NO.	SHEET TITLE
C-001	COVER SHEET
C-100	EXISTING CONDITIONS, DEMOLITION, AND EROSION CONTROL PLAN
C-101	LAYOUT AND MATERIALS PLAN
C-102	GRADING AND DRAINAGE PLAN
C-201	ADD ALTERNATE PLAN
C-301 to 302	CONSTRUCTION DETAILS



[illegible]

Medway Department of Public Works	Cassidy Field Parking Improvements Winthrop Street, Medway, MA	Anticipating Conditions, Demolition, and Erosion Control Plan
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PROJ:	143-21583-21012
DESN:	BMP
DRWN:	BMP
CHKD:	SMB

C-100

Copyright: Tetra Tech

Medway Department of Public Works  
Cassidy Field Parking Improvements  
Winthrop Street, Medway, MA

C-101



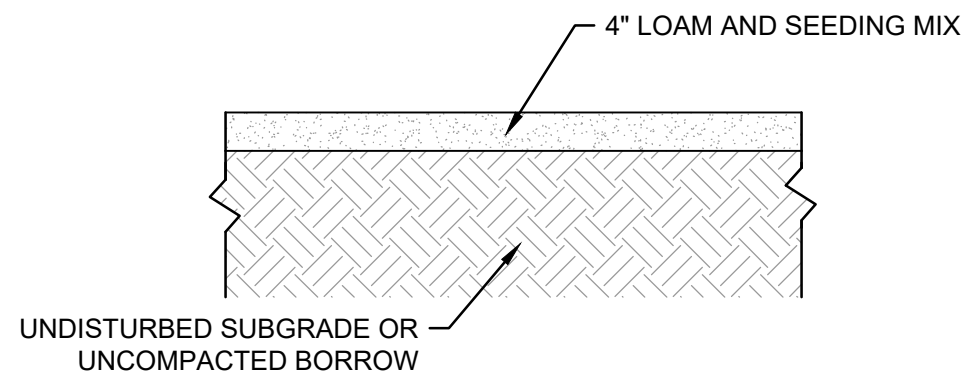
Medway Department of Public Works  
Cassidy Field Parking Improvements  
Winthrop Street, Medway, MA

C-102

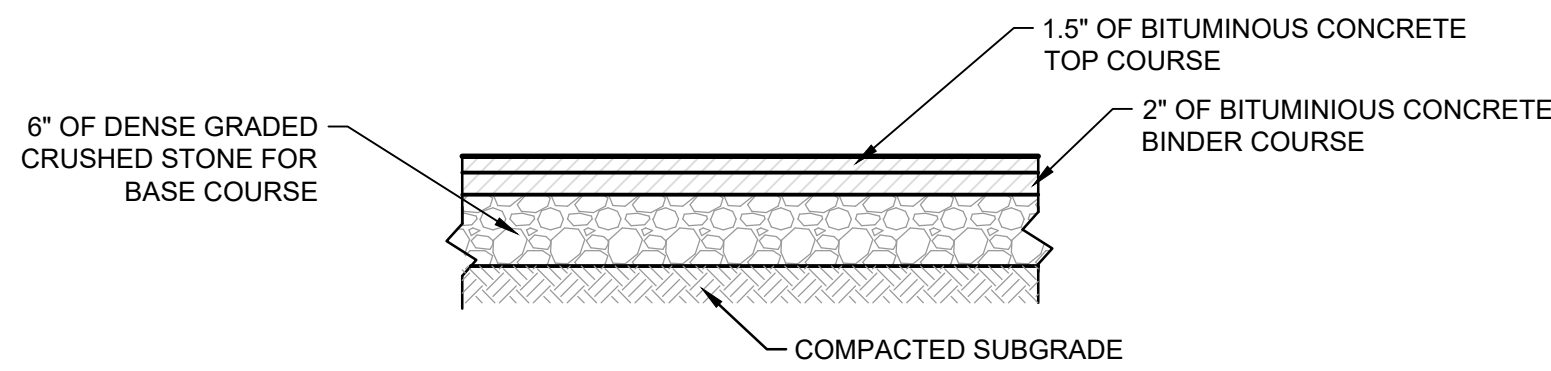




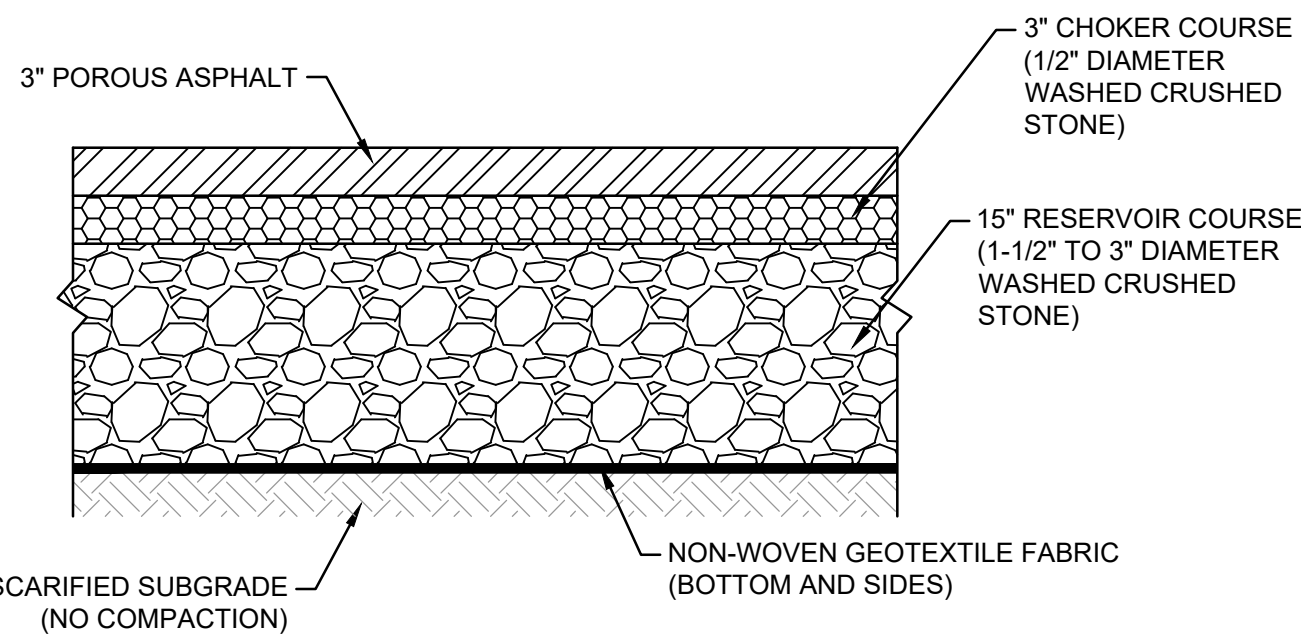
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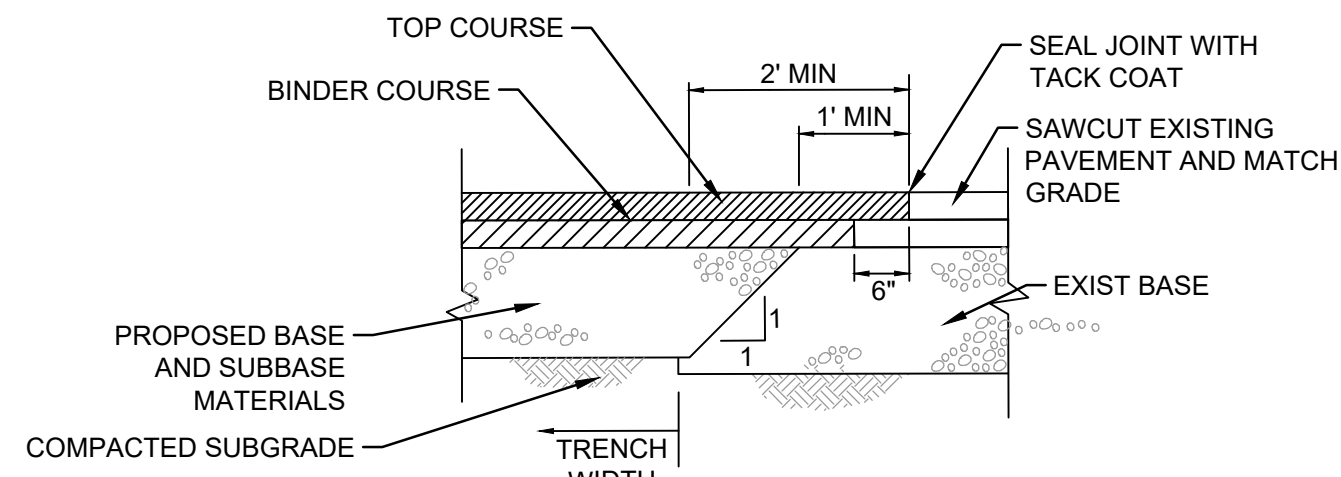
**LOAM AND SEED**  
NOT TO SCALE



**BITUMINOUS CONCRETE PAVEMENT SECTION**  
NOT TO SCALE



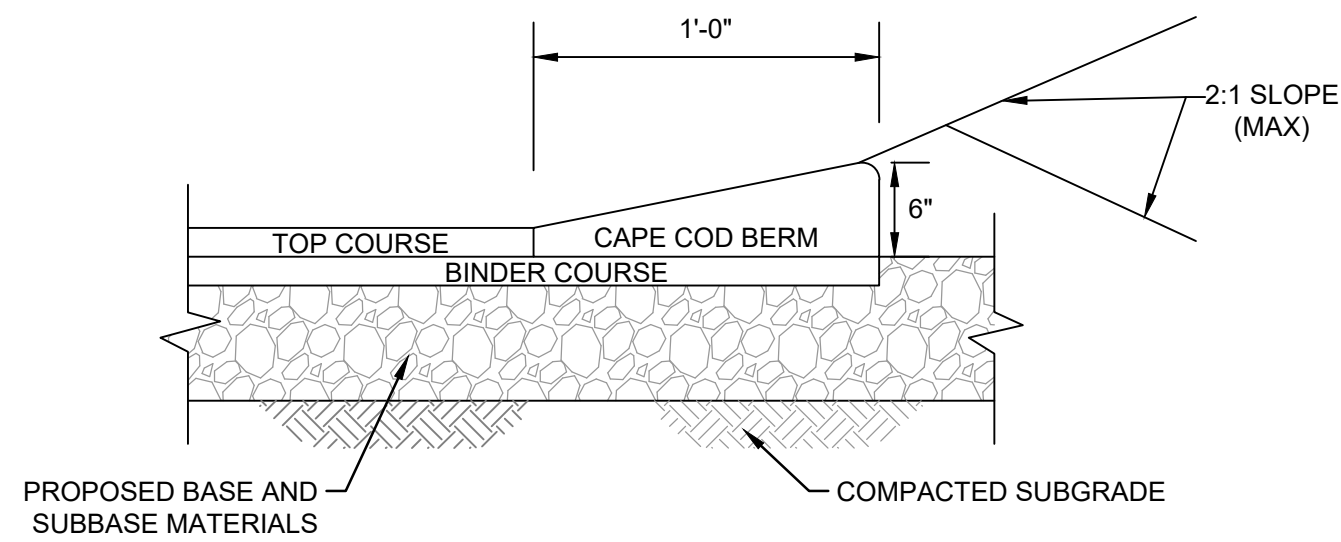
**POROUS PAVEMENT SECTION**  
NOT TO SCALE



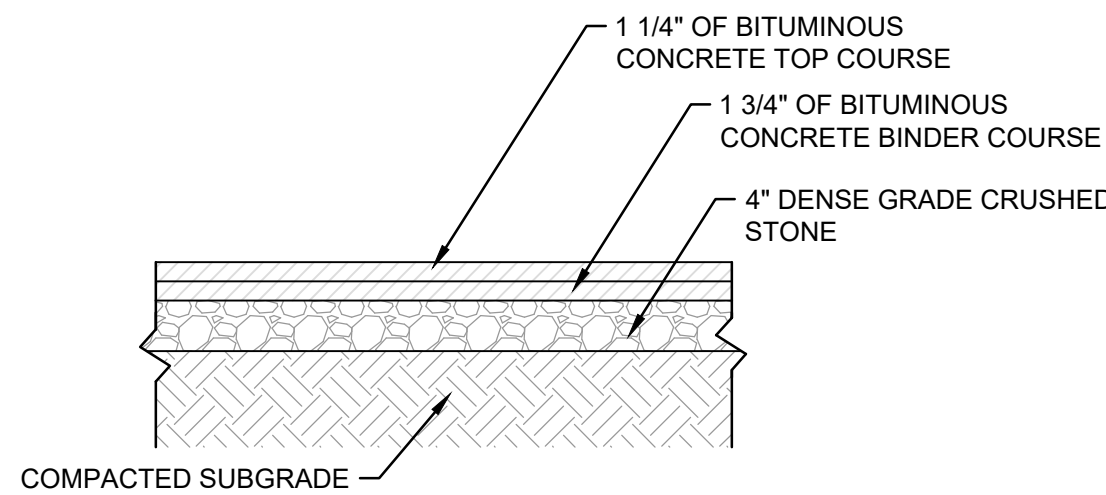
**NOTES:**

1. SAWCUTS MUST BE MADE PRIOR TO ANY TRENCH EXCAVATION.
2. SUBGRADE PREPARATION MUST BE IN ACCORDANCE WITH GEOTECHNICAL ENGINEER'S RECOMMENDATIONS.

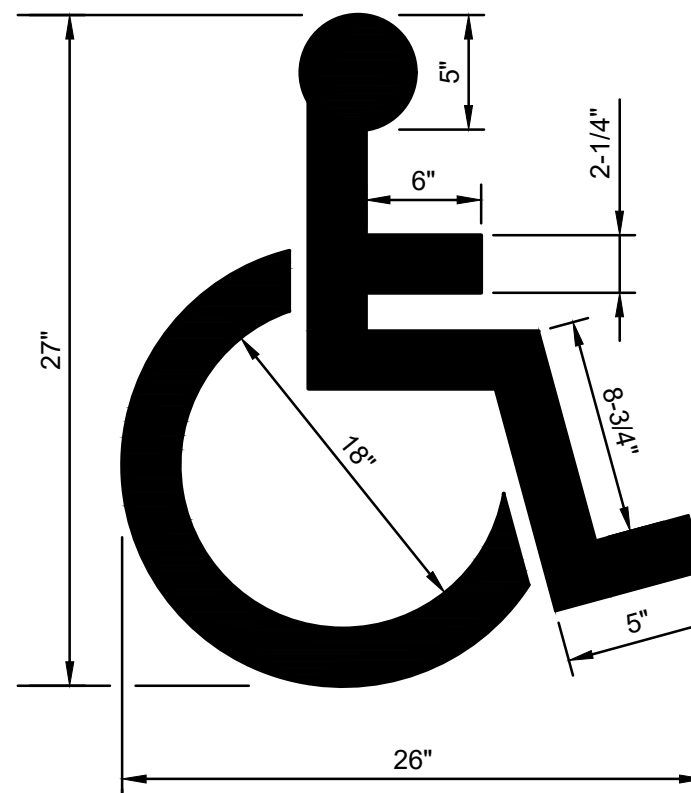
**PERMANENT BITUMINOUS CONCRETE  
MATCHING TO EXISTING**  
NOT TO SCALE



**CAPE COD BERM**  
NOT TO SCALE



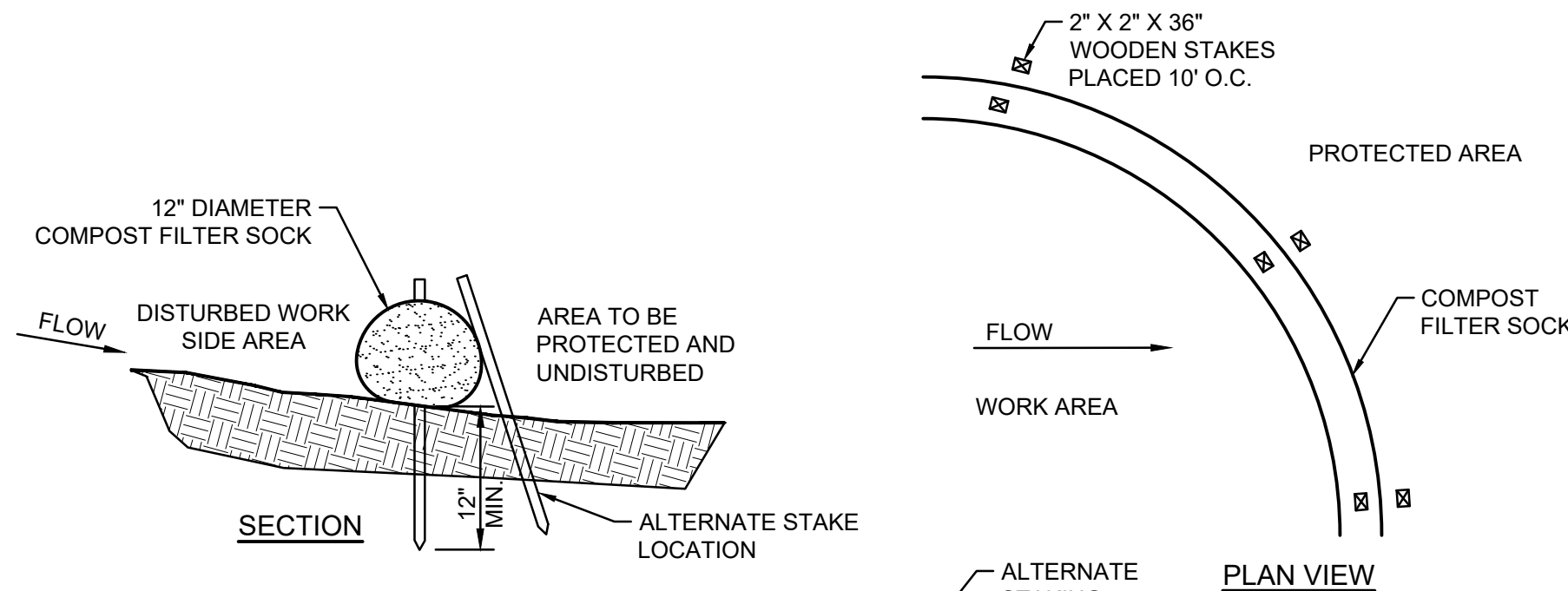
**BITUMINOUS CONCRETE WALKWAY**  
NOT TO SCALE



**NOTE:**

WHITE PAVEMENT MARKING

**ACCESSIBLE PARKING PAVEMENT MARKING**  
NOT TO SCALE



**NOTES:**

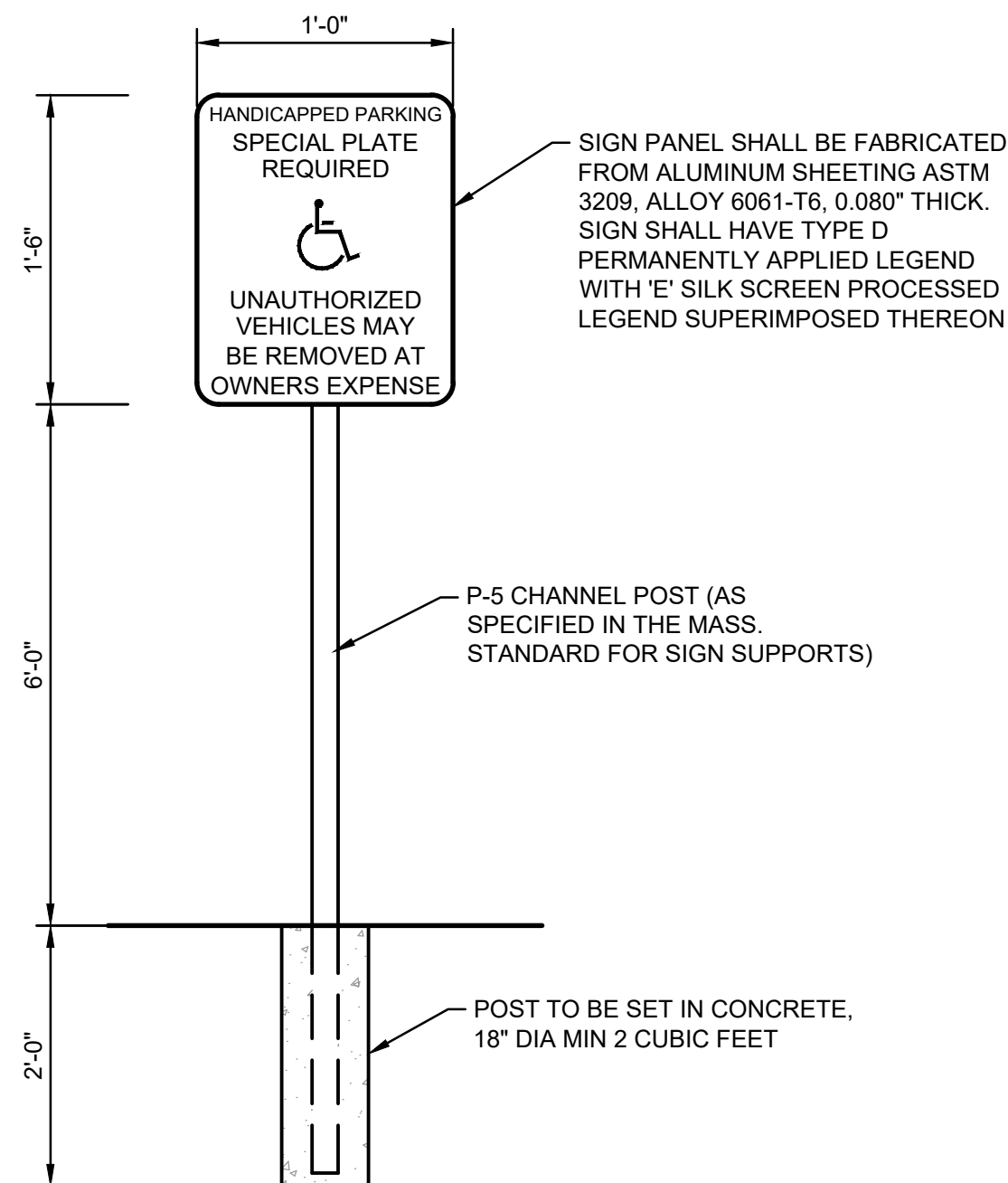
1. LINEAR SEDIMENTATION CONTROL SHALL BE PREFABRICATED COMPOST SOCK (FILTREXX SOXX) OR APPROVED EQUAL.
2. MATERIAL FOR SOCKS SHALL CONSIST OF SANITIZED MATURE COMPOST, FREE OF VIABLE WEED SEEDS AND FOREIGN DEBRIS SUCH AS GLASS AND PLASTIC. COMPOST SHALL BE IN SHREDDED OR GRANULAR FORM AND FREE FROM HARD LUMPS. IN ADDITION, NO KILN-DRIED WOOD OR CONSTRUCTION DEBRIS SHALL BE ALLOWED. CONTRACTOR SHALL REFER TO MASSDOT SPECIFICATIONS M1.06.0 FOR MATERIAL SPECIFICATIONS.
3. SOCK SHALL CONSIST OF JUTE MESH OR OTHER APPROVED BIODEGRADABLE MATERIAL.

**PRACTICE: COMPOST FILTER SOCK.** A COMPOST FILTER SOCK IS A TYPE OF CONTAINED COMPOST FILTER BERM CONSISTING OF A MESH TUBE FILLED WITH COMPOSTED MATERIAL THAT IS PLACED PERPENDICULAR TO SHEET-FLOW RUNOFF TO RETAIN SEDIMENT FROM DISTURBED AREAS. THE COMPOST FILTER SOCK ACTS AS A FILTER TO RETAIN SEDIMENT AND OTHER POLLUTANTS (E.G., SUSPENDED SOLIDS, NUTRIENTS) WHILE ALLOWING THE WATER TO FLOW THROUGH IT. COMPOST QUALITY MUST MEET AASHTO 2010 SPECIFICATIONS.

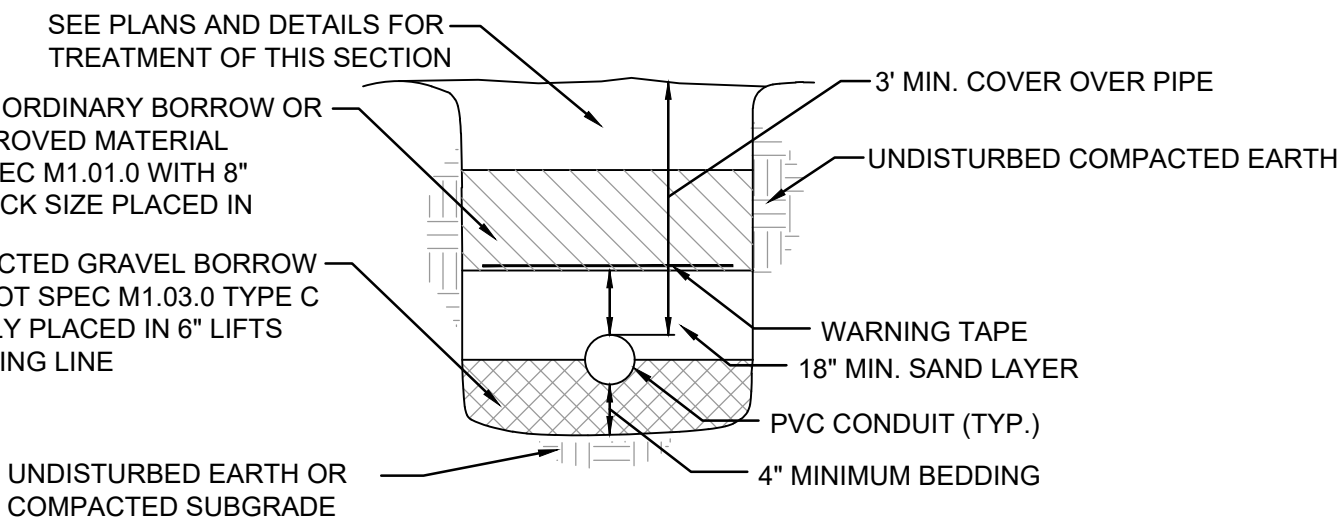
**INSTALLATION:** ONCE THE FILTER SOCK IS FILLED AND PUT IN PLACE, IT SHOULD BE ANCHORED TO THE SLOPE BY STAKES THROUGH THE CENTER OR OUTER EDGE OF THE SOCK AT REGULAR INTERVALS; ALTERNATIVELY, STAKES CAN BE PLACED ON THE DOWNSTREAM SIDE OF THE SOCK. THE ENDS OF THE FILTER SOCK SHOULD BE DIRECTED UPSLOPE, TO PREVENT STORMWATER FROM RUNNING AROUND THE END OF THE TUBE. THERE SHOULD BE NO GAPS BETWEEN SEGMENTS AND THE SOCK ENDS MUST OVERLAP A MINIMUM OF 6 INCHES.

**MAINTENANCE:** SOCKS MUST BE INSPECTED FOR SEDIMENT ACCUMULATION. IF THERE IS EXCESSIVE PONDING BEHIND THE FILTER SOCK OR ACCUMULATED SEDIMENT REACHES THE TOP OF THE SOCK, AN ADDITIONAL SOCK SHOULD BE ADDED ON TOP OR IN FRONT OF THE EXISTING FILTER SOCK IN THESE AREAS. AN ADEQUATE RESERVE OF SOCKS MUST BE KEPT ON SITE AT ALL TIMES FOR EMERGENCY AND/OR ROUTINE REPLACEMENT. SOCKS SHALL BE REMOVED ONLY AFTER EXPOSED SOILS IN THE CONTRIBUTING DRAINAGE AREA ACHIEVE FINAL STABILIZATION. SEDIMENT ACCUMULATION MUST BE REMOVED ONCE IT HAS REACHED 1/2 OF THE EXPOSED HEIGHT OF THE SOCK.

**COMPOST FILTER SOCK**  
N.T.S.



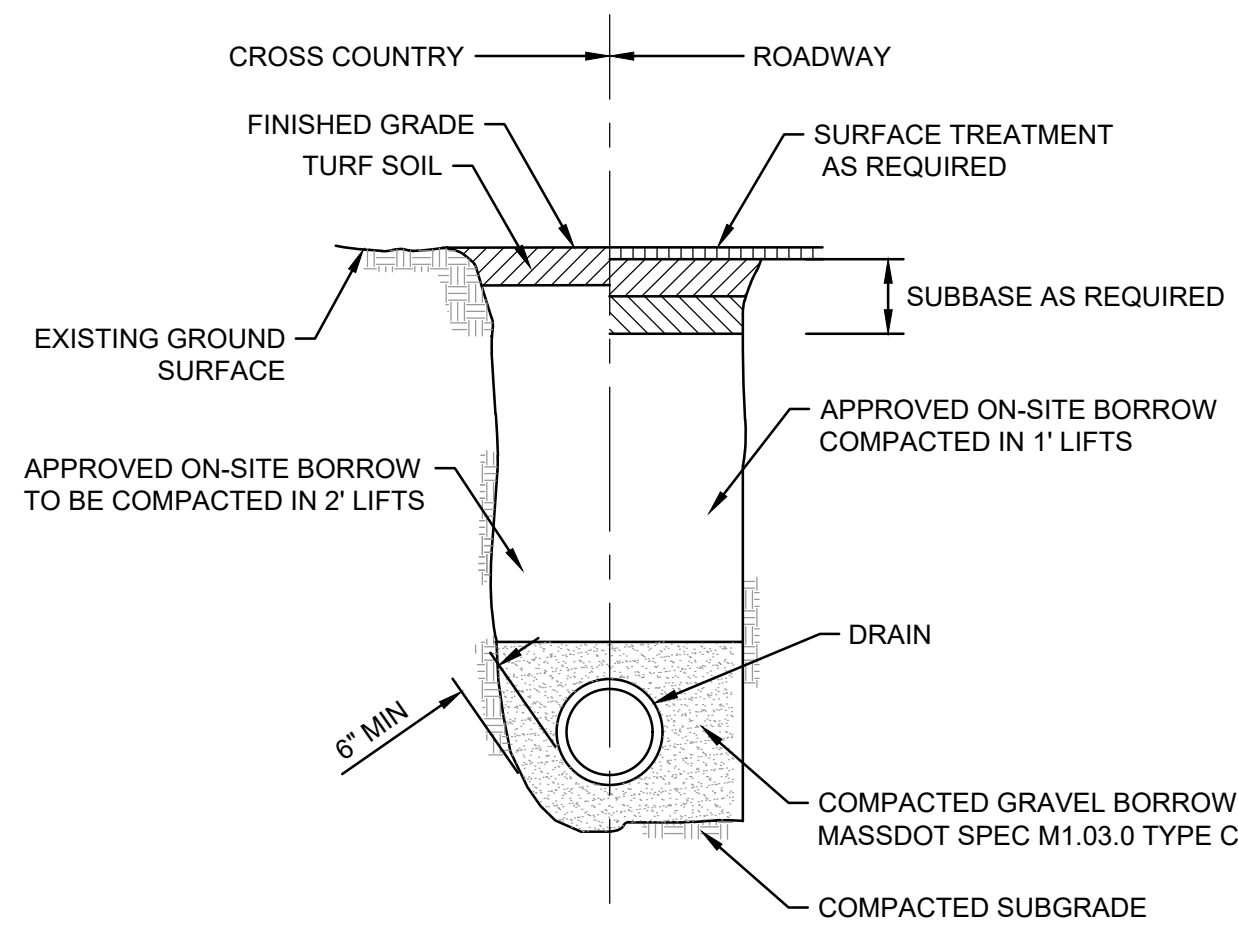
**HANDICAP PARKING SIGN**  
NOT TO SCALE



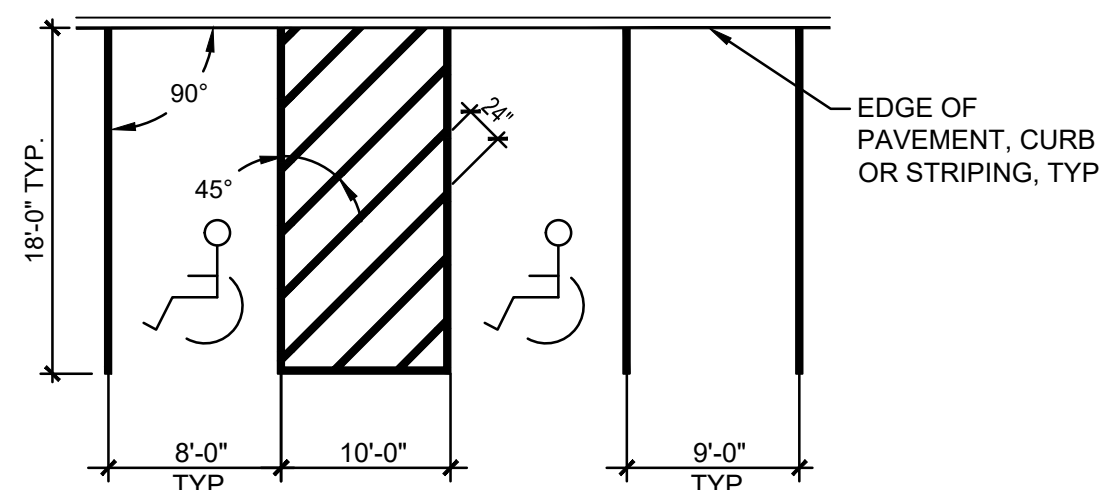
**NOTES:**

1. TRENCH EXCAVATION WIDTH TO ALLOW FOR FREE TRAVEL OF COMPACTION EQUIPMENT.
2. ALL COMPACTION TO A MINIMUM 95 PERCENT DRY DENSITY DETERMINED BY ASTM D1557 SEE SPECIFICATIONS FOR ADDITIONAL REQUIREMENTS.
3. AVOID HEAVY EQUIPMENT LOADS OVER PIPE DURING CONSTRUCTION.

**ELECTRIC TRENCH**  
NOT TO SCALE



**DRAIN TRENCH SECTION**  
NOT TO SCALE



**NOTES:**

1. LINE WIDTHS SHALL BE 4" UNLESS OTHERWISE INDICATED.

**PARKING STALL STRIPING**  
NOT TO SCALE

**TETRA TECH**



www.tetrattech.com  
100 Nickerson Road  
Marlborough, MA 01752  
Phone: (508) 786-2200 Fax: (508) 786-2201

BY	SMB
DATE	9/8/21
DESCRIPTION	BID SET
MARK	0

Medway Department of Public Works  
Cassidy Field Parking Improvements  
Winthrop Street, Medway, MA

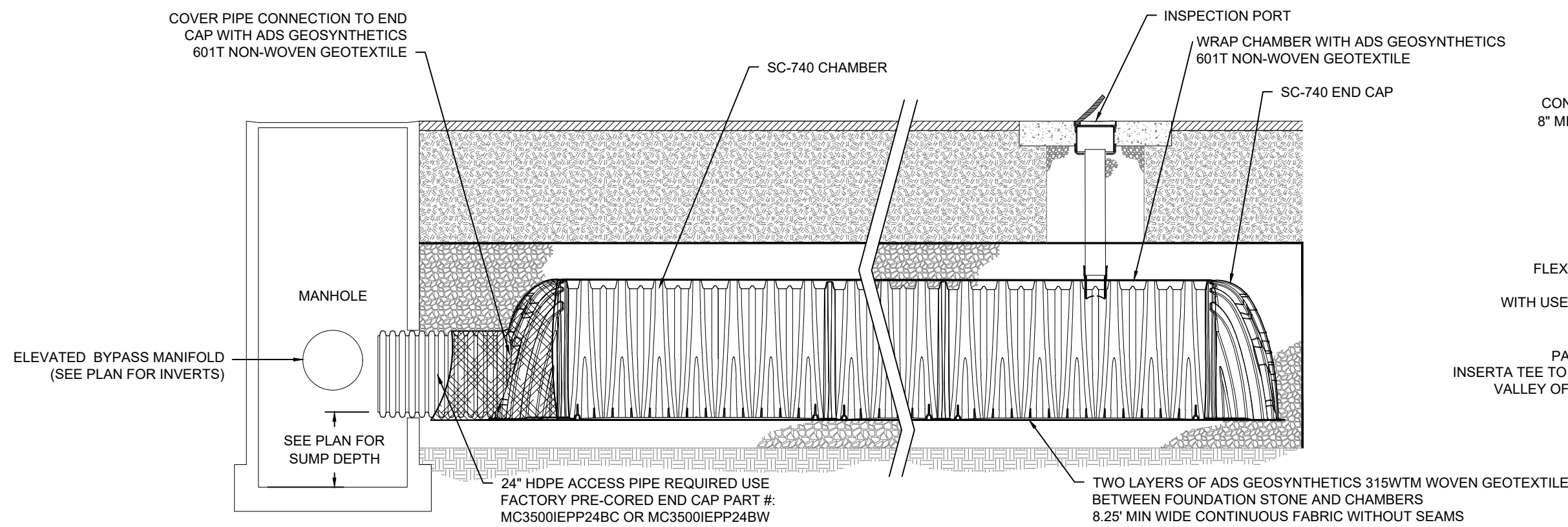
Construction Details

PROJ:	143-21583-21012
DESN:	BMP
DRWN:	BMP
CHKD:	SMB

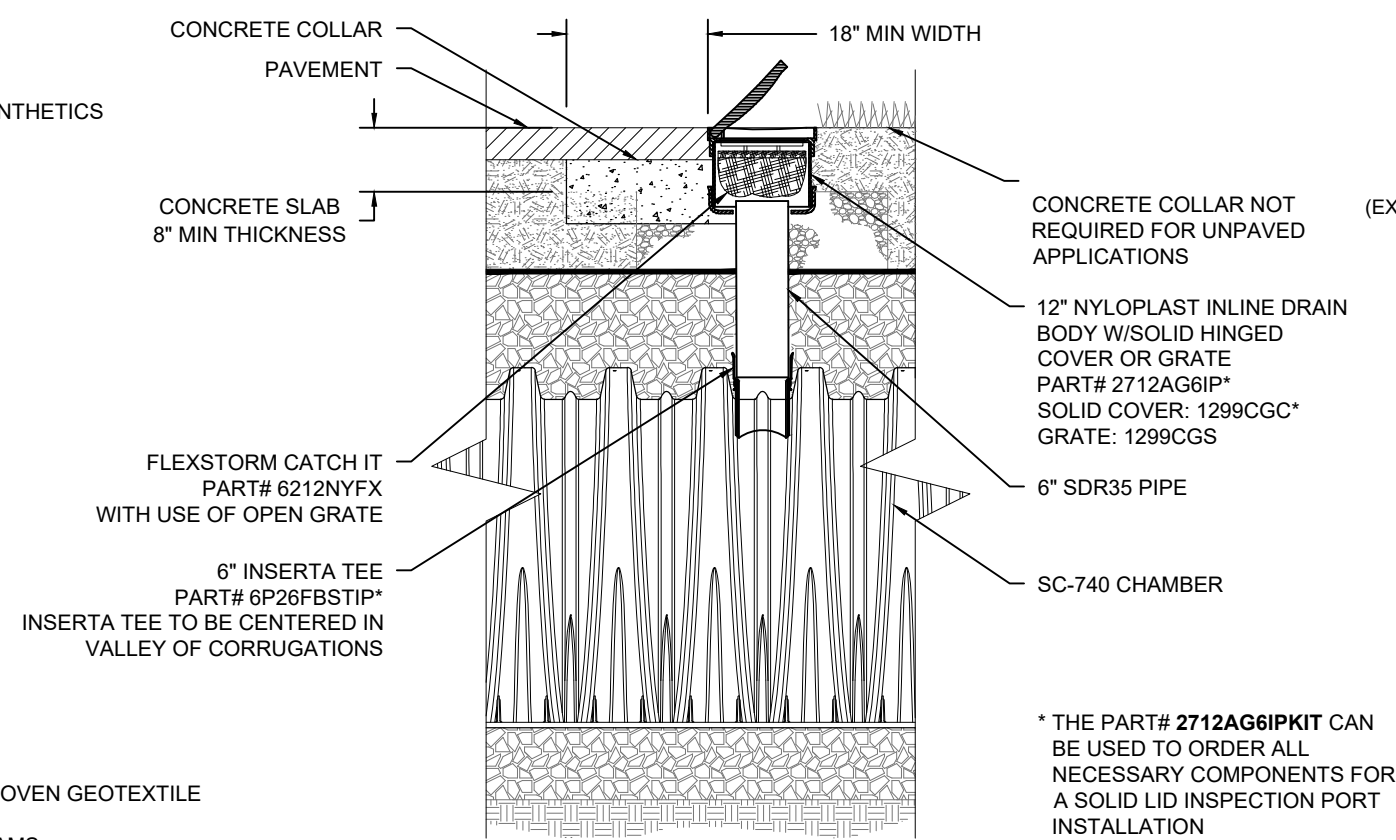
**C-301**



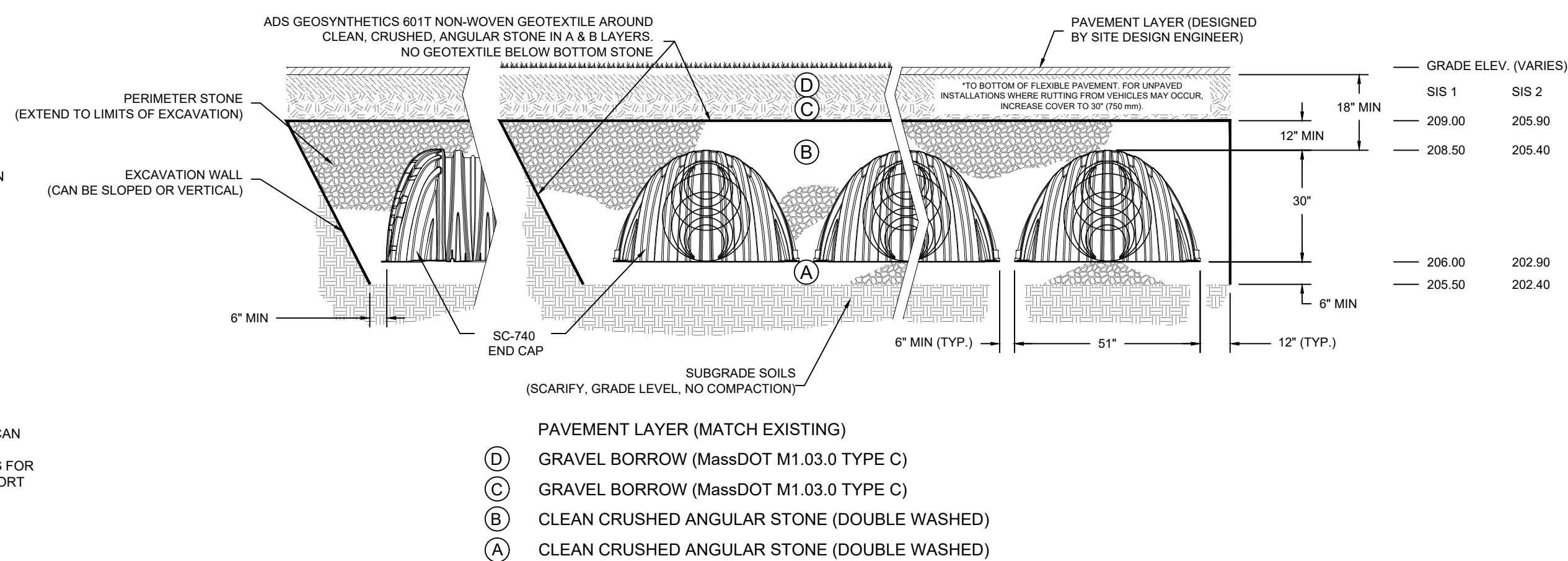
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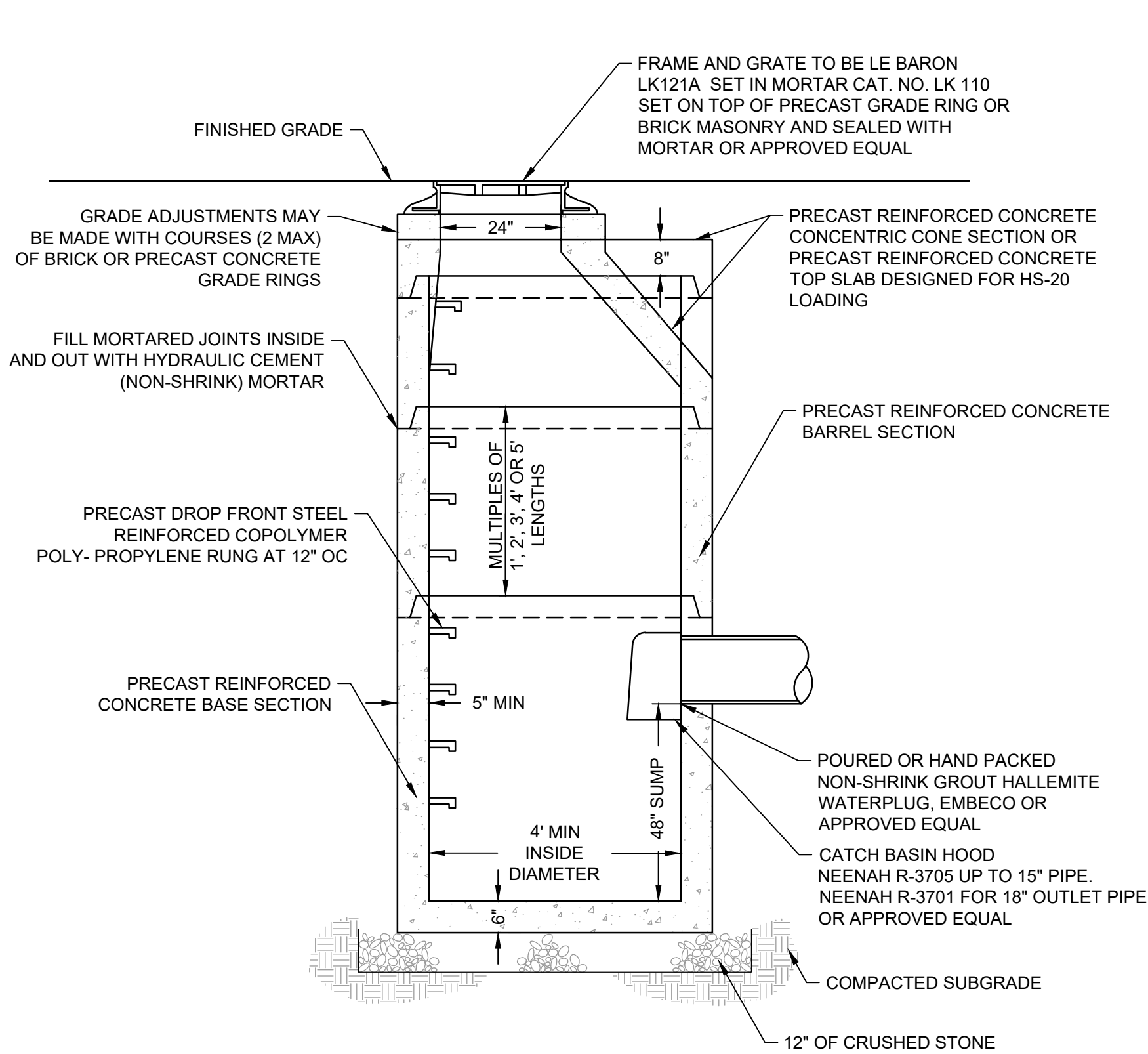
SC-740 ISOLATOR ROW DETAIL  
NTS



SC-740 6" INSPECTION PORT DETAIL  
NTS  
SUBSURFACE INFILTRATION SYSTEM (SIS)  
NOT TO SCALE

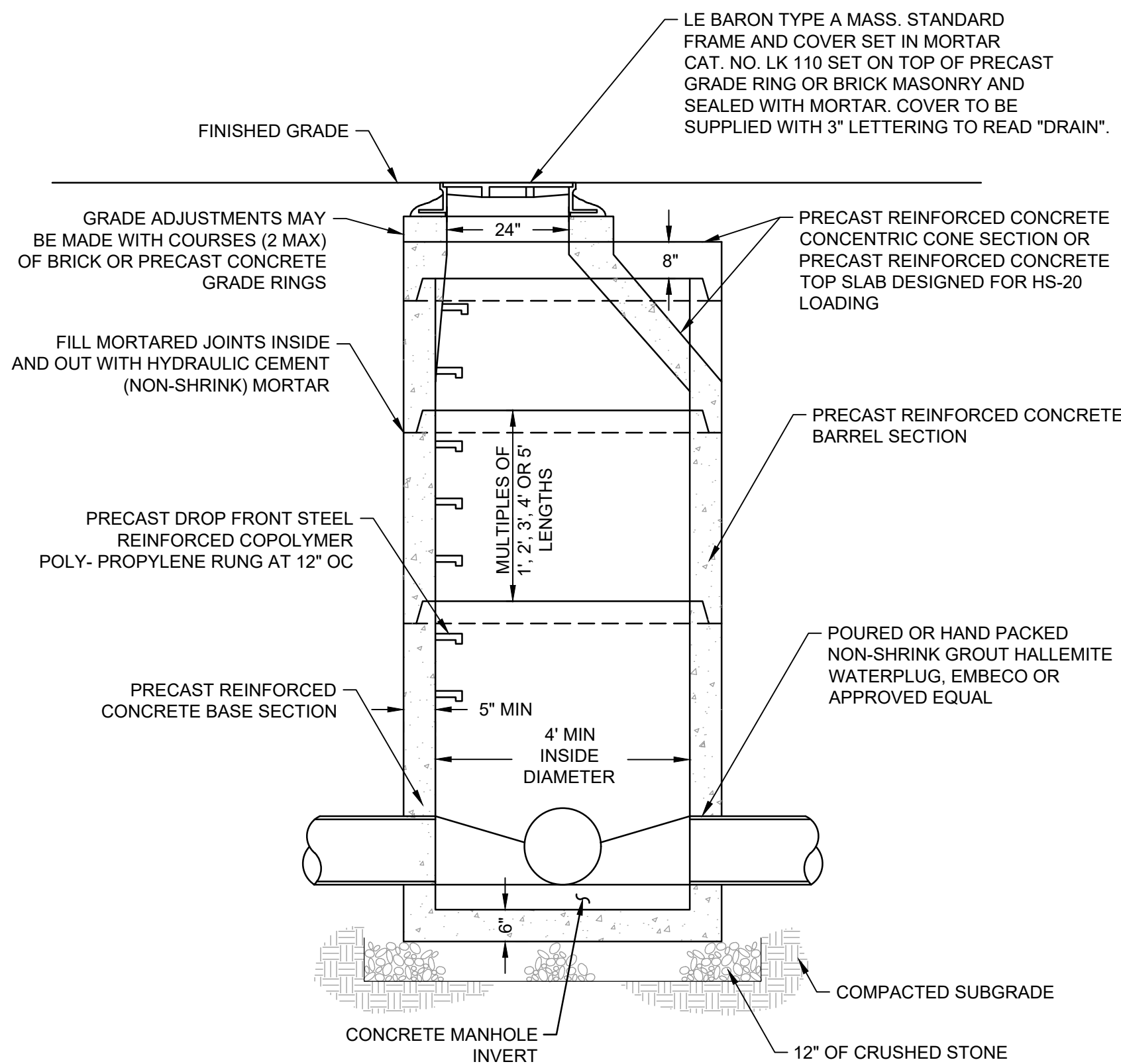


SC-740 CROSS SECTION DETAIL  
NTS



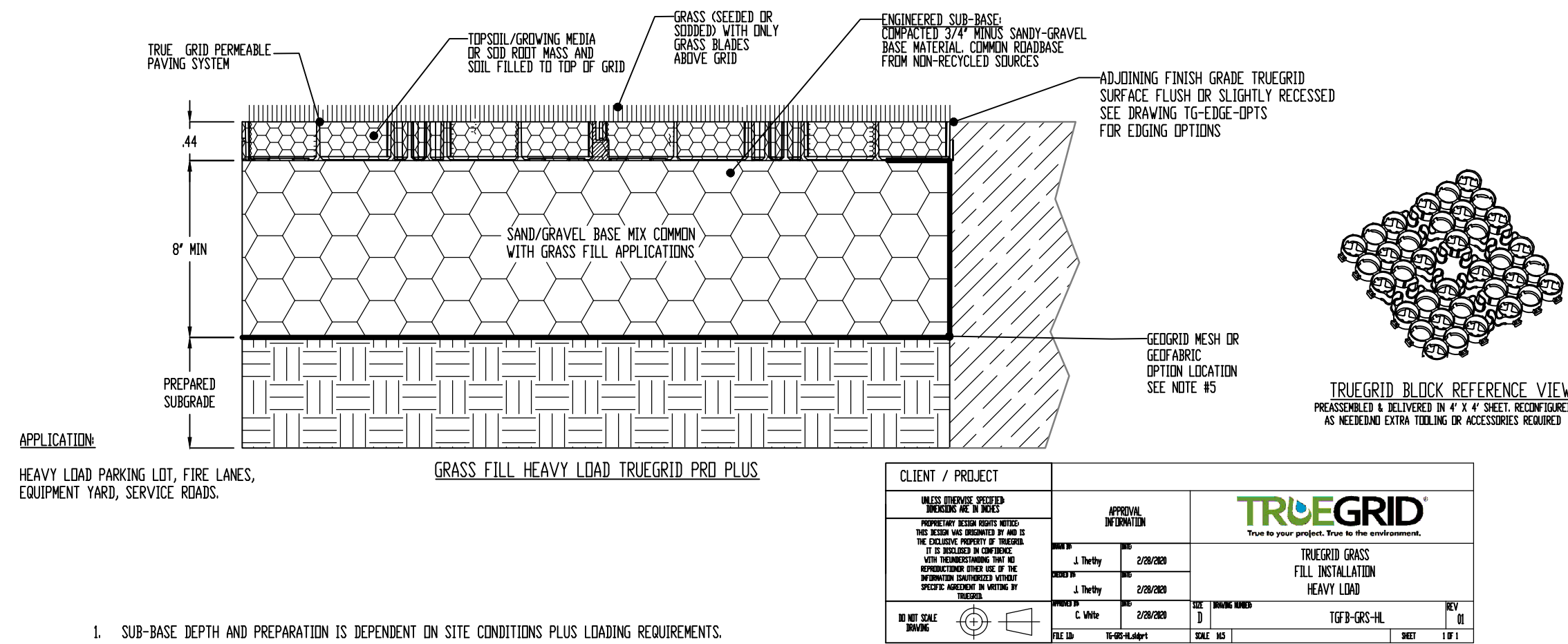
- NOTES:
1. CATCH BASINS SHALL BE 48" INSIDE DIAMETER (ID) UNLESS OTHERWISE INDICATED ON PLANS.
  2. EXCAVATION TO ALLOW FOR FREE TRAVEL OF COMPACTION EQUIPMENT.
  3. ALL COMPACTION TO A MINIMUM 95 PERCENT DRY DENSITY DETERMINED BY ASTM D1557.
  4. ALL PRECAST TO MEET OR EXCEED ASTM C-478 AND AASHTO M 199 SPECIFICATIONS.
  5. REINFORCED STEEL TO MEET OR EXCEED ASTM A185 AND H-20 LOADING REQUIREMENTS.
  6. ALL PRECAST CONCRETE TO BE 4,000 PSI MINIMUM AND MEET ASTM C-478 (6.1).
  7. FILL ALL INTERNAL AND EXTERNAL HOLES WITH NON-SHRINK GROUT.

PRECAST CONCRETE CATCH BASIN  
NOT TO SCALE



- NOTES:
1. MANHOLES SHALL BE 48" INSIDE DIAMETER (ID) UNLESS OTHERWISE INDICATED ON PLANS.
  2. EXCAVATION TO ALLOW FOR FREE TRAVEL OF COMPACTION EQUIPMENT.
  3. ALL COMPACTION TO A MINIMUM 95 PERCENT DRY DENSITY DETERMINED BY ASTM D1557.
  4. ALL PRECAST TO MEET OR EXCEED ASTM C-478 AND AASHTO M 199 SPECIFICATIONS.
  5. REINFORCED STEEL TO MEET OR EXCEED ASTM A185 AND H-20 LOADING REQUIREMENTS.
  6. ALL PRECAST CONCRETE TO BE 4,000 PSI MINIMUM AND MEET ASTM C-478 (6.1).
  7. FILL ALL INTERNAL AND EXTERNAL HOLES WITH NON-SHRINK GROUT.

PRECAST CONCRETE DRAIN MANHOLE  
NOT TO SCALE



- APPLICATION:  
HEAVY LOAD PARKING LOT, FIRE LANES, EQUIPMENT YARD, SERVICE ROADS.
- GRASS FILL HEAVY LOAD TRUEGRID PRO PLUS
- CLIENT / PROJECT
- APPROVAL
- TRUEGRID
- TRUEGRID GRASS FILL INSTALLATION HEAVY LOAD
1. SUB-BASE DEPTH AND PREPARATION IS DEPENDENT ON SITE CONDITIONS PLUS LOADING REQUIREMENTS.
2. TRUEGRID PRO PLUS PRODUCTS ARE SUFFICIENTLY RATED FOR H-20 /HS-20 LOADING AND GREATER.
3. SEEDING METHOD: FILL, TOPSOIL/GROWING MEDIA TO TOP OF GRID. APPLY SEEDING OR HYDROSEEDING PER MANUFACTURERS' (BY OTHERS) REQUIRED APPLICATION RATES.
4. SOD INSTALLATION METHOD: FILL, TOPSOIL/GROWING MEDIA HALF-WAY (<1") WITHIN TRUEGRID AND PRESS IN SOD SO THAT TOP OF GRID IS AT SOIL/ROOT LEVEL AND ONLY THE GRASS BLADES EXTEND ABOVE THE GRID.
5. GEOTRID MESH OR GEOTEXTILE MAY BE REQUIRED BETWEEN SUBGRADE & SUBBASE FOR CERTAIN SOILS AND SITE SPECIFIC REQUIREMENTS.
6. NO STAKING NECESSARY WITH TRUEGRID PRO PLUS WHEN SLOPE IS BELOW 20 DEGREES. ASSESS PROJECT, AS NEEDED.
7. TRUEGRID PRO PLUS IS ADA COMPLIANT WITH PROPER FILL MATERIAL.
8. ALTERNATIVE ENGINEERED SUB-BASE MIXES CAN BE USED PROVIDED THEY PROMOTE GRASS GROWTH, HAVE ADEQUATE VOID SPACE FOR DRAINAGE, AND PROVIDE REQUIRED STRUCTURAL SUPPORT.
9. THIS CROSS SECTION IS FOR INFORMATION ONLY.

TRUE GRID PAVERS  
NOT TO SCALE

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BY	DATE	DESCRIPTION
SMB	9/8/21	BID SET

Medway Department of Public Works  
Cassidy Field Parking Improvements  
Winthrop Street, Medway, MA

Construction Details

PROJ: 143-21583-21012  
DESN: BMP  
DRWN: BMP  
CHKD: SMB

C-302