



March 22, 2022

**Medway Planning & Economic Development Board
Meeting**

PEDB Meeting Minutes

- DRAFT of March 2, 2022 special meeting minutes
- DRAFT of March 8, 2022 regular meeting minutes

NOTE – The draft CONFIDENTIAL minutes of the March 8, 2022 Executive Session have been provided to you under separate cover.

Wednesday March 2, 2022
Medway Planning and Economic Development Board
155 Village Street
Medway, MA 02053
Zoom Meeting

Members	Bob Tucker	Tom Gay	Matt Hayes	Sarah Raposa	Rich Di Iulio	Jessica Chabot
Attendance	Remote	Remote	Remote	Absent with Notice	Remote	Remote

PRESENT:

Susy Affleck-Childs, Planning and Economic Development Coordinator

The meeting was called to order by Chairman Hayes at 7 pm.

Public Hearing Continuation - Medway Department of Public Works Water Treatment Facility Site Plan Decision

The Board is in receipt of the draft decision for the Medway Department of Public Works, Water Treatment Facility Site Plan. All representatives have been provided with the draft decision. There have been additional items submitted since the last meeting which are included into the record and noted in the decision. The most recent version of the decision is dated February 24, 2022. (See Attached)

The Board is in receipt of the following which was entered into the record: (See Attached)

- Email from Medway DPW Director Peter Pelletier dated 2.9.22 (sidewalk costs)
- Email from Tree Warden Steve Carew dated 2.11.22 (Oak tree)
- Letter from Jeff Watson Sergeant /Safety Officer dated February 15, 2022 (sight lines and signage)
- Letter from Jeff Watson Sergeant/Safety Officer dated February 16, 2022 (Oak Tree)

The draft decision was shown on the screen share.

Findings:

The following comments are noted within the findings section:

- Stay consistent referring to the project as a water treatment facility, not water quality treatment.
- Under Findings - #1 add the address of abutter to the north which is 15 Populatic Street.
- Conservation Commission met last week and will be voting on the Order of Conditions on March 10, 2022.
- Clarity that there will be 12 and not 14 employees.
- The parking requirement is a minimum of 11, however 17 spaces will be provided.

Vote on Findings:

On a motion made by Jessica Chabot, seconded by Bob Tucker, the Board voted by Roll Call to approve the FINDINGS as revised.

Roll Call Vote:

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

Waivers:

The Board next discussed the waiver list.

#1: Section 204-5- Existing Landscape Inventory:

- The Board is comfortable waiving.

#2: Section 207-9B) 3)-Sidewalks:

- The Board is comfortable waiving.

#3: Section 207-11 A. 4. - Site Entrances and Exists (curbing)

The Town Manager has asked that the Board consider waiving the requirement for granite curbing at the driveway entrances requirement due to the added cost and potential damage which could be done to the vehicles. The majority of the members have no problem granting this waiver since there are currently no curbs at the noted location or along Populatic Street.

#4 Section 207-17 - Dumpsters and Recycling and Trash containers.

- The Board is comfortable waiving the requirement for dumpster enclosure.

On a motion made by Jessica Chabot, seconded by Bob Tucker, the Board voted by roll call vote to grant the waivers for #1, #2, and #4.

Roll Call Vote:

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

On a motion made by Jessica Chabot, seconded by Bob Tucker, the Board voted by roll call vote to grant the waiver for #3.

Roll Call Vote:

Bob Tucker	aye
Rich Di Iulio	nay
Jessica Chabot	aye
Matt Hayes	aye

Conditions of Decision:

The Board reviewed the conditions of the decision. The following comments were made:

- The Board wants to see a photo of the proposed canopy structure. They would like language that the design of canopy needs to be reviewed by DRC.
- Parking will include the infrastructure for future electric vehicles.
- The selected cutting zone should be shown on plan.
- There should be painted stop lines at each stop signs.
- The flood plan and ground water protection language were added to decision.
- The occupancy permit section was clarified about what is expected to be done since it is a non-residential project.
- There was a recommendation to remove the reference for environmental standards since municipal projects are exempt.
- Snow storage removal will be revised to a timeframe which is a week based on recommendation of applicant.
- There will be language added that in lieu of using consultant Tetra Tech for construction inspection, the Town will rely on town professionals and project engineering consultants.
- The applicant will provide monthly project inspection reports and updates.
- Site plan completion date is five years.

Approval of Decision:

On a motion made by Bob Tucker, seconded by Rich Di Iulio, the Board voted by Roll Call to approve the decision with revisions.

Roll Call Vote:

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

Close Hearing:

On a motion made by Bob Tucker, seconded by Jessica Chabot, the Board voted by Roll Call to close the hearing.

Roll Call Vote:

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

ADJOURN:

On a motion made by Jessica Chabot, seconded by Bob Tucker, the Board voted by Roll Call to adjourn the meeting.

Roll Call Vote:

Bob Tucker	aye
Rich Di Iulio	aye

Jessica Chabot **aye**
Matt Hayes **aye**

The meeting was adjourned at 8:05 pm.

Prepared by,

Amy Sutherland
Recording Secretary

Reviewed and edited by,

Susan E. Affleck-Childs
Planning and Economic Development Coordinator

DRAFT

Tuesday, March 8, 2022
Medway Planning and Economic Development Board
155 Village Street
Medway, MA 02053

Members	Bob Tucker	Tom Gay	Matt Hayes	Rich Di Iulio	Jessica Chabot	Sarah Raposa
Attendance	X	Remote via telephone	X	X	X (arrived at 6:45 p.m.)	X

ALSO PRESENT:

- Susy Affleck-Childs, Planning and Economic Development Coordinator

PEDB Chair Matt Hayes opened the meeting at 6:30 p.m.

A motion was made by _____ and seconded by _____ to go into executive session under G.L. c.30A, §21(a)(3) to discuss strategy with respect to litigation if an open meeting may have a detrimental effect on the litigating position of the public body and the chair so declares [Medway Realty LLC v. Medway Planning and Economic Development Board and the Town of Medway] and return to public session at the conclusion of the executive session for the Board's regular business.

Chair Matt Hayes declared that discussing litigation in this matter in an open meeting would be detrimental to the public good.
The board will return to public session

The motion was approved unanimously by roll call vote of Hayes, Tucker, Di Iulio, and Raposa.

The Board reconvened to public session at 7:26 p.m.

PUBLIC COMMENTS:

- There were no public comments.

NEO ORGANICS (4 MARC ROAD):

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

- Email dated 3.1.22 from Chad Blair to Susy Affleck-Childs
- Email dated 3.3.22 from Chad Blair to Susy Affleck-Childs
- Letter dated 9-17-21 from Cannabis Control Commission re: Neo Organics license
- Neo Annual Reports from 2019, 2020, and 2021
- Urban Gro Odor Control document dated 3-2-21
- Document dated 3-2-22 from Key Construction Solutions re: odor management system.

- SAC email dated 3-4-22 to NeoOrganics COO Chad Blair re: Key Construction document
- Neo Organics marijuana special permit decision dated 1-28-2020
- Bond list and estimate dated 3-4-22 from Tetra Tech

NeoOrganics COO Chad Blair zoomed in for the meeting. The Board was made aware that NeoOrganics is seeking a temporary occupancy permit for their facility at 4 Marc Road. This will allow them to take the next step with the Cannabis Control Commission for their permanent license. Neo also wants to revise the special permit to comply with the Town's updated noise standards which were approved at the November town meeting instead of the noise management language included in the decision dated 1-28-2020. Mr. Blair explained that the Cannabis Control Commission has approved the renewal of the Neo marijuana establishment licenses. The applicant has fulfilled the requirement for submitting the annual reports from 2019, 2020 and 2021.

There have been inspections completed at the facility. Consultant Bouley has been to the facility to conduct an inspection and prepare a bond estimate in the amount of \$53,750.00. The plumbing has been inspected and signed off on. The electrical work will be inspected tomorrow. The Conservation Commission still has some action items for its Certificate of Compliance which need to be completed in the spring since it involves plantings. The Police Department does need to sign off on the security, but it is not a requirement of the Special Permit. The As-built plans are being prepared. The odor management plan was sent with the engineered plan. The applicant is also prepared to submit the check for the performance security.

The only outstanding condition included in the special permit decision for an occupancy permit is the noise test. Mr. Blair indicated they want to delay the sound test. NeoOrganics noise consultant Andy Caballaria of Acentech zoomed in and explained that the noisiest time for the facility would be in the summer and that would be the best time to test the noise when all the equipment is working. The permittee communicated that a seasonal report of equipment could be provide for winter months and then a summer report could be provided. The only thing holding up full occupancy would be the noise test.

The Board decided to recommend that the Building Department issue a temporary occupancy which could be issued to not exceed 120 days and can be extended 30 days at a time based on the building inspector's determination. The noise testing of a fully functioning facility would be completed at the end of July 2022. The applicant would like to start the baseline ambient noise testing on March 12th.

A question was asked from resident John Lally who wanted to know if the odor design is available for review. The applicant communicated that there was a certification of odor engineer and plans were submitted. It was further explained that the CCC handles the odor mitigation when their review is done.

Consultant Bouley reviewed the site and prepared the bond estimate.

Bond Estimate:

On a motion made by Bob Tucker, seconded by Sarah Raposa, the Board voted to approve the bond estimate in the amount of \$53,750 for 4 Marc Road.

Performance Security Agreement:

On a motion made by Rich Di Iulio, seconded by Bob Tucker, the Board voted to approve the performance security agreement for 4 Marc Road.

Temporary Occupancy Permit:

On a motion made by Rich Di Iulio, seconded by Bob Tucker, the Board voted to recommend the Building Department issue a temporary occupancy permit for 4 Marc Road with the understanding that the noise study will be completed prior to final occupancy.

21 HIGH STREET – Informal Pre-Application Discussion Multi-Family Development Options

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

- Information provided by owner Michael Larkin including a project narrative and 3 design options.

Owner Michael Larkin was present for the meeting. He indicated that they intend to keep the existing single family home but demolish the attached garage and secondary garage. The parcel is 3.77 acres.

Option #1:

This proposal is for townhouse style development with 21 housing units. This includes four (5) unit buildings with the existing house to be rehabbed. The units would be 3 bedrooms.

Option #2:

This proposal is a three-apartment style building with 11 units in each building plus the single family house totaling 34 units. The parking would be underneath. There would be a mix of one and two bedrooms.

Option #3:

This proposal is for two apartment style buildings with 12 units in each building plus the single family house totaling 25 housing units. The units would be three bedrooms.

The Board preferred Option #1 but with less units. It was noted that when this project was previously presented, the option with the parking underneath was unpopular. The density and architecture of the buildings will need to fit into the environment of the neighborhood. The Board suggested the applicant look at the Evergreen townhouses as an example of good architecture. The Board is concerned about the overall density and how this exceeds the density in the area. Member Tucker is not in favor of any of the options. Mr. Di Iulio is also uncomfortable with the level of density proposed.

Member Chabot left the meeting at 8:30 pm.

BATTERY ENERGY STORAGE SYSTEM:

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

- Flyer for the upcoming 3-17-22 BESS presentation by ARUP on technical language to include in zoning regulations

- Preliminary draft of an outline of recommended technical language to include zoning regulations dated 3-4-22 prepared by ARUP.

The Board was provided with a presentation prepared by ARUP who is the Town's BESS Consultant. ARUP personnel in attendance via zoom were: Geoff Gunn, Victoria Grimes and Justin Roy. The presentation was shown using the Zoom screen share feature. It included a BESS technical zoning outline overview. This was broken down into a variety of sections which included: application, definitions, general requirements, siting standards, design standards, safety and environmental standards, monitor and maintenance, abandonment or decommissioning.

The Board was informed on the two options recommended for the zoning bylaw content. This was Option A and Option B.

- Option A: NFPA 855, Standard for Installation of Stationary Storage Systems.
- Option B: 527 CMR.1.00, Massachusetts Comprehensive Fire Safety Code.

All of the energy storage systems shall be designed constructed and operated in accordance with the applicable requirements of 780 CMR. The permits must also comply with 780 CMR. All building permits will be applied for and obtained through the typical building permit process. In relation to the Fire Code, a permit under Option A will need be required the local Fire Department if the BESS exceeds the code thresholds for capacity. The review of this is done through the Fire Department.

If Option A is chosen it would require full compliance with the most recent available edition of NFPA 855 for all BESS projects within Medway. There is a recommendation for the Town to voluntary adopt the NFPA 855.

If Option B is chosen, it represents the minimum requirements currently applicable to all jurisdictions within Massachusetts. There are siting requirements which have thresholds for larger capacities. Large-scale fire test data and hazard analysis are required to support the installation. In relation to required setbacks, the Option A specifies that a minimum of 10 ft. must be between the BESS and the lot lines, public ways, buildings, stored combustible materials, hazardous materials, and high-piled storage. The Town is able to tailor the thresholds. An emergency response plan will need to be provided.

After the presentation, the Board concluded it would like to move forward with Option A, NFPA 855.

On a motion made by Bob Tucker, seconded by Sarah Raposa, the Board voted unanimously to use Option A NFPA 855 instead of Option B Mass Fire Code for BESS zoning regulations.

The Board was informed that the next step in this process will be a community presentation of the zoning language by ARUP on March 17, 2022. After that, the Consultant will then review the Medway Grid proposal. Town staff will then work to craft the zoning regulations incorporating the recommended safety language.

20 Broad Street – “Substantial Use” Determination:

(See Attached Notes) The Board was informed that the Special Permit decision for 20 Board Street was issued on February 20, 2020. This permit lapses after two years if substantial use has not commenced. Permittee Steve Brody was present and explained that there was permit extension legislation approved due to COVID (Chapter 52 of the Acts of 2020) which provides extensions for permits which were in effect as of March 10, 2020 for the period of the state of emergency. The date from which to count the two-year period for “Substantial Use” for 20 Broad Street changed from February 20, 2020 to May 27, 2021 and the two-year deadline for “substantial use” changed from February 20, 2022 to May 27, 2023. The Board agrees with the extension.

Public Hearing Continuation - PHYTOPIA Site Plan, Reduced Parking Special Permit and Groundwater Protection Special Permit, 6 Industrial Park Road

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

- Notice dated 2-9-22 to continue the Phytopia public hearing to March 8, 2022
- Email dated 3-1-22 from Attorney Ted Cannon asking for continuation to April 12, 2022.

On a motion made by Rich Di Iulio, seconded by Bob Tucker, the Board voted to continue the hearing for Phytopia to April 12, 22 at 8:00 pm. (Member Raposa abstained)

148 MAIN STREET – Adaptive Use Overlay District Special Permit and Plan Modification – Plan Review Fee:

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

- Plan review fee estimate dated 3-2-22 from Tetra Tech for \$3,787.00.

The Board reviewed the plan review fee estimate. This is for proposed site modification to an Adaptive use overlay district project approved in 2006 for The Maids building. There is a different owner now, John Early, who wants to improve the parking layout and enhance the landscaping. The public hearing on this will begin March 22, 2022. Owners John and Christine Early were present via Zoom to listen.

On a motion made by Bob Tucker, seconded by Rich Di Iulio, the Board voted unanimously to approve the plan review fee of \$3,787.00 for the proposed modification to the 149 Main Street AUOD site plan.

CORRECTION TO CUTLER PLACE DECISION:

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

- 2-4-22 email from abutter Chris Meo
- Proposed correction to page 14 of decision.

The Board was informed that the decision included an incorrect date on a referenced plan. The Board was advised that the correction can be made as an action item.

On a motion made by Bob Tucker, seconded by Rich Di Iulio, the Board voted

**unanimously to approve the corrected decision for Cutler Place and endorse the plan.
(Member Raposa abstained.)**

RELEASE OF PERFORMANCE SECURITY FOR CHARLES RIVER VILLAGE:

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

- Email dated 2-9-22 from Attorney Glenn Murphy requesting a release of a recorded performance security agreement for this development (off of Neelon Lane)
- Recorded Charles River Village security agreement dated 10-8-2013
- Release of document for approval and signature
- Minutes of 12-13-18 PEDB meeting with vote to release bond funds.

Susy Affleck-Childs noted this is an unusual circumstance. Performance security agreements are not required to be recorded, but the developer in this case did so. An owner in the development is selling their property and the closing attorney picked up this unreleased document in a title search.

**On a motion made by Bob Tucker, seconded by Rich Di Iulio, the Board voted to sign a release of the recorded performance agreement for Charles River Village.
(Member Raposa abstained)**

HOUSING PRODUCTION PLAN APPROVAL VOTE:

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

- 2-14-22 version of the updated Housing Production Plan.

The Board was informed that that the Select Board voted to approve the updated Housing Production Plan.

On a motion made by Sarah Raposa, seconded by Rich Di Iulio, the Board voted unanimously to approve the Housing Production Plan dated February 14, 2022.

NEWTON LANE STREET ACCEPTANCE UPDATE:

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

- Street Acceptance and As-Built Plan for Hartney Acres II dated 1-29-22
- 9-22-21 Hartney Acres punch list prepared by Tetra Tech
- SAC email dated 3-2-22 to Paul Yorkis about status report
- Email memo dated 3-4-22 from Paul Yorkis with punch list completion.

The Board was informed that there has been a warrant article submitted to accept Newton Lane. The Select Board voted at their March 7, 2022 to begin the roadway layout process and to refer this to the PEDB for its review and recommendation. This will be on the March 22, 2022 PEDB meeting. The Select Board will hold the required public hearing on either April 4, 2022 or April 19, 2022.

APPROVAL OF MINUTES:

January 3, 2022 Executive Session:

On a motion made by Sarah Raposa, seconded by Rich Di Iulio, the Board voted unanimously to approve the minutes of the January 3, 2022 executive session.

February 8 & 16, 2022 Regular Meetings:

On a motion made by Rich Di Iulio, seconded by Bob Tucker, the Board voted unanimously to approve the minutes of the February 8 & 16, 2022 meetings as revised.

PLAN REVIEW FEE - COMMCAN MODIFICATION:

The Board is in receipt of a plan review fee estimate from Tetra Tech for the proposed CommCan modification at 2 Marc Road in the amount of \$3,918.00. **(See Attached)**

On a motion made by Rich Di Iulio, seconded by Bob Tucker, the Board voted unanimously to approve the peer review estimate in the amount of \$ 3,918.00.

FUTURE MEETING:

- March 22, 2022

ADJOURN:

On a motion made by Rich Di Iulio, seconded by Sarah Raposa, the Board voted to adjourn the meeting.

The meeting was adjourned at 9:53 pm.

Prepared by,
Amy Sutherland
Recording Secretary

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