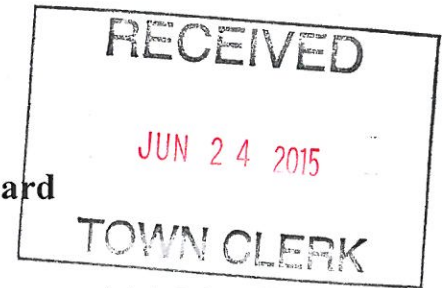


TOWN OF MEDWAY
Planning & Economic Development Board
155 Village Street
Medway, Massachusetts 02053



Andy Rodenhiser, Chairman
Robert K. Tucker, Vice-Chairman
Thomas A. Gay, Clerk
Matthew Hayes, P.E.
Karyl Spiller Walsh
Richard Di Iulio, Associate Member

June 23, 2015

Tri Valley Commons – 72 Main Street
SPECIAL PERMIT AND SITE PLAN DECISION
APPROVED with Conditions and Waivers

Decision Date: June 23, 2015

Name/Address of Applicant: Thurken III. LLC
P.O. Box 857
Newcastle, NH 03854

Later revised to: Thurken Medway LLC

Name/Address of Owner: MECOBA Properties, Inc.
70 Main Street
Medway, MA 02053

Engineer: Bohler Engineering
352 Turnpike Road
Southborough, MA 01772

Site Plan Dated: January 9, 2015, last revised May 13, 2015

Location: 72 Main Street
Medway, MA

Assessors' Reference: Map 40 – Parcel 51

Zoning District: Commercial I

I. PROJECT DESCRIPTION – The applicant seeks a special permit and major site plan approval to construct a 3 building shopping center totaling 16,713 sq. ft. to be known as Tri Valley Commons on a 4.54 acre parcel at 72 Main Street (*Medway Assessors' Parcel 40-51*) presently owned by Mecoba Properties, Inc. of Medway, MA. The property is located between Papa Gino's and Charles River Bank on the north side of Route 109/Main Street in the Commercial I zoning district. The site is presently not developed; a portion of the site includes wetlands resources and is within the jurisdiction of the Medway Conservation Commission.

The applicant proposes to develop the site in two phases on two separate parcels. Parcel A consists of an area of 63,711 sq. ft. and includes the construction of two buildings – a 6,301 sq. ft. building for a retail tire and vehicle repair business and a 6,912 sq. ft. building to house a retail auto parts/supplies store. Parcel B is 133,920 sq. ft. and includes the construction of a 3,500 sq. ft. commercial building with as of right retail and service tenants to be determined and stormwater management facilities to serve the entire shopping center.

Access to the development from Main ST/Route 109 will be from a single, common, non-signalized access driveway. Proposed site work includes construction of the access driveway, curbing and sidewalks, 66 off-street parking spaces, retaining wall, landscaping, lighting, installation of stormwater drainage facilities, and connection to municipal water and sewer service.

The *Tri Valley Commons Site Development Plan* is dated January 9, 2015 and was prepared by Bohler Engineering of Southborough, MA. Building elevations were prepared by Landry Architects of Salem, NH. During the course of the public hearing, the site and building plans were revised based on comments and feedback from the Town's consultants and staff.

The proposed scope of work requires a special permit from the Planning and Economic Development Board, hereinafter referred to as the "Board", pursuant to the *Medway Zoning Bylaw* (dated June 3, 2015) Section 5.4 for the proposed shopping center and motor vehicle repair use. The proposed development also requires *Major Site Plan Review* pursuant to the *Medway Zoning Bylaw*, Section 3.5.2.

II. PROCEDURAL HISTORY

- A. January 26, 2015 - Special permit and site plan application filed with the Medway Board and the Medway Town Clerk.
- B. March 19, 2015 – Special permit and site plan application materials determined to be complete. This serves as the official submittal date.
- C. March 19, 2015 – Public hearing notice posted with Town Clerk and posted at the Town of Medway web site. The Board conducted the public hearings on the special permits and site plan approval concurrently.
- D. March 20, 2015 – Site plan distributed to Town boards, committees and departments for review and comment.

- E. March 23, 2015 - Applicant meets with the Design Review Committee as referred by the Board. Additional meetings were held with the Design Review Committee on April 6 and April 27, 2015.
- F. March 23, 2015 - Public hearing notice mailed to abutters by certified sent mail.
- G. March 30 and April 7, 2015 - Public hearing notice advertised in *Milford Daily News*.
- H. April 14, 2015 – Public hearing commenced. Continued sessions of the public hearing were held on April 28, May 12, June 9, and to June 23, 2015 when the hearing was closed. Public hearing continuation notices were filed with the Town Clerk on April 15 and 29, May 13, June 10, 2015.
- I. June 9, 2015 – Applicant and Board agree to a deadline extension to June 26, 2015 for the Board to act on the Tri Valley Commons site plan.

All members voting on this decision were present at all sessions of the public hearing or have provided a Mullins Rule certification pursuant to General Laws c. 39 section 23D or have received approval to participate remotely pursuant to the Massachusetts Open Meetings Law regulations 940 CMR 29.00.

III. INDEX OF DOCUMENTS – The plans, reports, correspondence and documents specified below are contained in the Board’s project files for Tri Valley Commons and are hereby incorporated into this Decision by reference.

Application Materials

- Site Plan application dated January 26, 2015
- Supporting Memorandum to the site plan application from Attorney Richard Cornetta dated January 26, 2015
- Special Permit application dated January 6, 2015
- Supporting memorandum to the special permit application form Attorney Richard Cornetta dated January 26, 2015
- Site Development Plans, Tri Valley Commons (15 sheets) dated January 9, 2015 prepared by Bohler Engineering, Southborough, MA
- Existing Conditions Plan, Tri Valley Commons (1 sheet) dated May 20, 2014 prepared by Guerriere and Halnon, Milford, MA
- Proposed Exterior Elevations, Tri Valley Commons (3 sheets), Retail Buildings A, B, and C, dated January 12, 2015, prepared by Landry Architects, Portsmouth, NH; revised building elevations prepared by Landry Architects dated March 16, 2015
- Stormwater Drainage Report for Thurloe Kensington Development LLC, 70 Main Street, dated January 5, 2015 prepared by Bohler Engineering, Southborough, MA
- Supplemental Traffic Assessment, dated December 31, 2014 and Conceptual Improvement Plan for Rout 109 Intersection dated December 22, 2014, both prepared by Ron Muller & Associates, Hopkinton, MA
- Master Signage Plan, dated March 2, 2015, revised March 15, 2015, prepared by Landry Architects

Town's Consultants Review Letters & Other Written Communication

- Plan review letter dated April 7, 2015 from Gino Carlucci, PGC Associates
- Plan review letter dated March 31, 2015 from Sean Reardon, Tetra Tech
- Traffic Assessment Report review letter dated April 8, 2015 from John Diaz, GPI.
- Email dated April 17, 2015 from Steven Bouley, Tetra Tech re: driveway slope
- Plan review letter dated May 29, 2015 from Sean Reardon, Tetra Tech re: revised site plan dated May 13, 2015
- Plan review letter dated June 2 2015 from Gino Carlucci, PGC Associates re: revised site plan dated May 13, 2015

Supplemental Materials Submitted by the Applicant

- Requests for waivers from *Site Plan Rules and Regulations*, dated February 17, 2015 and June 18, 2015
- Revised building elevations prepared by Landry Architects dated April 27, 2015
- Roof plans prepared by Landry Architects dated January 12, 2015
- Revised site plan prepared by Bohler Engineering dated April 27, 2015
- Revised site plan prepared by Bohler Engineering dated May 13, 2015
- Renderings of building elevations, not dated, prepared by Landry Architects, submitted May 12, 2015
- Letter from Richard Landry dated June 2, 2015 re: name change for applicant
- Letter from John Kucich of Bohler Engineering, dated May 8, 2015, in response to DPS Director Tom Holder's email review comments dated April 13, 2015
- Letter from John Kucich of Bohler Engineering, dated May 8, 2015, in response to Tetra Tech's review comment letter dated March 21, 2015
- Letter from John Kucich of Bohler Engineering, dated May 8, 2015, in response to PGC Associated review comment letter dated April 7, 2015
- Long-Term Stormwater System Operation and Maintenance Plan, prepared by Bohler Engineering, received May 18, 2015
- Revised Master Signage Plan, dated March 2, 2015, revised April 1, 2015, prepared by Landry Architects
- Undated rendered drawings of Tri Valley Commons building elevations, prepared by Landry Architects, submitted at the May 12, 2015 public hearing
- Email communication from John Kucich of Bohler Engineering, dated June 23, 2015 re: turning radii analysis for truck access
- Email communication from Ron Muller of Ron Muller Associates, dated June 23, 2015 re: turning radii analysis for truck access

Written Communications from Town Staff, Boards/Committees

- Preliminary review comments from the Medway Design Review Committee dated April 9, 2015
- Review comments from Bridget Graziano, Medway Conservation Agent dated April 14, 2015
- DPS Director Thomas Holder email communication dated April 13, 2015
- Fire Chief Jeff Lynch email communication dated May 8, 2015

- Interim Letter of Recommendation from the Medway Design Review Committee dated May 7, 2015
- Letter of Recommendation from the Medway Design Review Committee dated June 4, 2015
- Email communication from Medway DPS Deputy Director David D'Amico dated May 11, 2015 on behalf of the Route 109 Reconstruction Project Committee
- Review comments from Bridget Graziano, Medway Conservation Agent dated June 8, 2015

Draft Decisions

- Draft decision dated June 18, 2015, prepared by Susan Affleck-Childs, Planning and Economic Development Coordinator
- Revised draft decision dated June 22, 2015 with comments provided by Town Counsel Barbara Saint Andre, Petrini and Associates
- Revised draft decision dated June 22, 2015 with comments provided by Attorney Richard Cornetta for the applicant

IV. TESTIMONY – The following individuals provided testimony or comments during the course of the public hearing. Those comments are reflected in the minutes of the Planning and Economic Development Board meetings during which the public hearing was held.

Professional Consultants' Testimony during Public Hearings on behalf of the applicant:

- John Kucich, P.E., Bohler Engineering – Project engineer
- John Bernadino, Bohler Engineering – Project engineer
- Richard Landry, Landry Associates – Project architect
- Patrick Finn, RA, Landry Associates – Project architect
- Richard Cornetta of Cornetta, Ficco & Simmler PC – Attorney for the applicant
- Ron Muller, P.E. – Traffic engineer for the applicant

Professional Consultants' Testimony during Public Hearings on behalf of the Medway Planning and Economic Development Board:

- Sean Reardon, PE, Tetra Tech – Town of Medway Consulting Engineer
- Steven Bouley, Tetra Tech – Town of Medway Consulting Engineer
- Gino Carlucci, AICP, PGC Associates – Town of Medway Consulting Planner
- John Diaz, P.E., GPI – Traffic engineer for the Town

Citizen and Abutter Testimony at Public Hearings

- Dennis Crowley, Medway Board of Selectmen
- David Cassidy, 42 Ellis Street
- Robert Parella, Charles River Bank, 70 Main Street

Other Testimony at Public Hearings

- Matt Buckley - Chairman of the Medway Design Review Committee

- Jeff Lynch - Medway Fire Chief
- David D'Amico - Deputy Director, Medway Department of Public Services
- Susan Affleck-Childs - Medway Planning and Economic Development Coordinator

V. FINDINGS - At its June 23, 2015 meeting, the Planning and Economic Development Board, on a motion made by Robert Tucker and seconded by Matthew Hayes, voted by roll call to approve the following FINDINGS pursuant to the *Medway Zoning Bylaw* and the *Rules and Regulations for the Submission and Approval of Site Plans*. The motion was approved unanimously.

ZONING BYLAW (Site Plan Section) - Does the proposed project constitute a suitable development based on conformance with the purposes of Site Plan Review as specified in the Zoning Bylaw and with the various site development standards and criteria set forth in the Site Plan Rules and Regulations?

- (1) Are the buildings, uses and site amenities properly located on the development site in relation to the terrain and scale of other buildings in the vicinity and adjacent neighborhoods?

The buildings uses and site amenities are properly located. In this location, the shopping center and vehicle repair uses allowed by special permit and retail and service business uses are allowed by right. Three buildings are planned in two phases. The buildings meet all minimum setback requirements and are of a similar scale as other buildings in the area. The development is a modification of a previously submitted proposal that now more closely matches the terrain of the site resulting in less re-grading of the existing topography.

- (2) Are the construction and renovation of buildings and the installation of site amenities thoughtfully designed to reflect or be compatible with Medway's New England architectural style as further detailed in the *Design Guidelines*?

The building elevations and site design have been reviewed by the Design Review Committee (DRC) in light of the Medway Design Review Guidelines, and most of the changes recommended by the DRC have been incorporated into the revised building and site design. The buildings on Parcel A have been designed to face each other while presenting an attractive façade toward Main Street. The building on Parcel B is spatially located along the shared vehicular entrance. All of the buildings have been designed with varying rooflines and architectural styles reminiscent of New England architecture. Decorative cornices, trim moldings, accent windows, architectural shingles and a decorative cupola have been utilized to enhance the appearance of the buildings. The proposed tire store, the largest building on the site, has been designed with varied height and intersecting rooflines, as well as varied color and façade materials so as to lessen the volume while mimicking the appearance of a structure that has been put together in sections over time.

- (3) Are adjacent and neighboring properties protected from nuisance and harmful effects caused by noise, fumes, and the glare of headlights and other light sources generated by uses on the development site?

As conditioned herein (Condition I), there will be no spillage of light beyond the property boundaries. The driveway/curb cut is located at Main Street where it faces other commercial properties rather than residential properties, thus minimizing the impact of headlight glare. The project includes tire and vehicular services and repair as well as general commercial uses. The tire and vehicular repair services will take place within the building so impacts of odors, airborne particulates, noise and vibrations on adjacent properties will be minimized. All mechanical equipment servicing the buildings will also be located within the interior of the buildings so, with proper shield and insulation, detrimental appearance and noise will be avoided.

- (4) Are significant natural features on a development site (i.e. hills, water bodies, wetlands, trees, tree groves, wooded areas, rock outcrops, native plants, wildlife habitats, and other areas of aesthetic and ecological interest) preserved with as minimal site disturbance as possible?

As an undeveloped wooded site, significant disturbance is inevitable. However, the current redesign to more closely match existing topography has reduced the grading changes needed to develop the site. Also, the development avoids the 25-foot no-disturb wetlands buffer zone and manages stormwater in accordance with state regulations. Also, the applicant commits to take care to protect trees on the edge of the property.

- (5) Are off-street loading facilities and methods for unloading vehicles, goods, products materials and equipment incidental to the normal operation of the establishment(s) on the development site conveniently and safely provided while the visual intrusion thereof is appropriately screened from public view?

The off-street loading facilities have been reviewed by the Town's consulting engineer, the Police Safety Officer and the Fire Chief and no issues have been identified. Visual intrusion is limited by careful placement of buildings as well as screening with vegetation.

- (6) Are facilities for the storage, handling and disposal of sewage, refuse and other solid wastes resulting from the normal operations of the establishment(s) on the development site provided and adequately screened from public view?

The facility is served by municipal sewer. Dumpsters, properly screened, and located in the least visible areas on the site, are provided to handle solid waste and recyclable materials generated by the normal operations of the facility.

- (7) Are pedestrian ways, access driveways, loading and parking facilities properly designed for the convenience and safety of customers, employees and the general public?

The plan has been reviewed by Town's Public Safety Officer as well as the Town's Consulting Engineers and Consulting Planner. The access driveways, loading and

parking facilities have been found to be adequately designed. Sidewalks will be constructed along the frontage of the site on Main Street as part of the Town's Route 109 construction project, but temporary sidewalks on Main Street will be provided by the applicant. Pedestrian pathways consisting of walkways and crosswalks are provided within the site and are ADA/AAB compliant. Parking is provided adjacent to walkways across the front and side of the building and a bike rack is also provided. The design provides for sufficient paved areas for loading, refuse storage and snow storage. As conditioned (See Conditions S), pedestrian connections will also be provided to adjacent properties as part of future phases of development.

- (8) Is convenient and safe access for fire-fighting and emergency rescue vehicles provided to and within the development site in relation to adjacent streets?

The Fire Chief has reviewed and approved the plans. Access is provided to at least three sides of each building. The access and internal driveways are of sufficient width to accommodate emergency vehicles.

- (9) Are satisfactory methods for drainage of surface water to and from the development site provided?

The applicant's stormwater management plan has been reviewed by the Town's Consulting Engineer as well as by the Medway Department of Public Services. It is in compliance with the Town's Site Plan Rules and Regulations and the Massachusetts Department of Environmental Protection Stormwater Management Guidelines. The system will attenuate peak flows from a 100-year storm and infiltrate, at a minimum, the first 1-inch volume of stormwater following proper treatment. Additional upstream BMP's include deep sump/hooded catch basins, proprietary hydrodynamic separators and isolator rows included as part of the sub-surface infiltration system.

- (10) Are public ways and private drives properly designed to be constructed to serve the intended use and provide an adequate level of service in relation to the traffic to be generated by the development site?

The access to the site has been designed in coordination with the design for the Route 109 reconstruction project. The main access drive will be 28 feet wide and the aisles within the parking lots will be 24 feet wide. A traffic assessment was conducted for the project and submitted by the applicant. The study concluded that sight distances are adequate and that an additional vehicle every 1 to 3 minutes during peak hours would be added to Route 109 by the development. This additional traffic would have little impact on the operation of the traffic signal at the intersection of Main and Holliston Streets, and it is recommended that the two-way left turn onto Route 109 be retained in the vicinity of the project. The report was reviewed by the Town's traffic engineer and Department of Public Services and found to be adequate.

- (11) Have the effects and impacts of the proposed use of land or structures on vehicular and pedestrian traffic, municipal services and utilities, roadways, parking, drainage, environmental quality, water resources, signage, lighting, and community economics, character, values, amenities and appearance been identified and evaluated?

Main Street (Route 109) is adequate for the proposed use. Municipal services are adequate to serve the proposed facility. The quantity of on-site parking is adequate and exceeds the minimum requirement for the proposed use as specified in the Medway Zoning bylaw. Drainage is in compliance with Massachusetts Department of Environmental Protection Stormwater Management Guidelines. The site was designed to minimize impacts on environmental quality and water resources. Signage is subject to review and compliance with the sign provisions of the Zoning Bylaw. Lighting is in compliance with the lighting provisions of the Zoning Bylaw as conditioned herein (Condition I). The building and site design has been reviewed by the Design Review Committee, which has provided a positive Letter of Recommendation with several recommendations. The facility will have a positive impact on community economics, amenities and appearance. As a permitted use within the C-I zoning district this shopping center development will not detract from the character and values of the area

- (12) Have site design modifications been proposed and evaluated to lessen the negative and harmful impacts?

The site plan has been reviewed by Town officials and the Town's Consulting Engineers and Consulting Planner. Modifications were suggested and the applicant has responded positively to those comments with a revised plan. The revised plan has been reviewed and the applicant has addressed each of the comments received.

- (13) Have reasonable conditions, limits, safeguards and mitigation measures been established?

Specific reasonable conditions have been included in Sections VIII and IX of this Site Plan Decision.

ZONING BYLAW (Commercial I Special Permits) - The Planning and Economic Development Board must find that all of the following criteria are met before granting a special permit (Section 5.4.1.D):

- (14) The proposed use represents the qualities of a traditional New England town center.

The uses provide a variety of products and services as found in a traditional New England town center. As noted above, the buildings also feature designs that reflect New England architecture.

- (15) The proposed site design is environmentally sound and is readily accessible to and useable by pedestrians.

The redesign of this site from a previous proposal more closely matches the existing topography and has reduced the grading changes required to make the site work. The development avoids the 25-foot no-disturb wetlands buffer zone and manages stormwater in accordance with state regulations. The applicant commits to take care to protect trees on edge of property. Pedestrian pathways consisting of walkways and crosswalks are provided within the site and are ADA/AAB compliant. A bike rack is also provided. As conditioned (See Condition S), pedestrian connections will also be provided to adjacent properties as part of future phases of development

- (16) The proposed use reflects and advances the goals and objectives of the Medway Master Plan as updated.

One of the goals of the 2009 Medway Master Plan is to encourage additional commercial/industrial development in the community. Preserving community character is another important goal of the Master Plan. The extensive review of (and resulting changes in) the project in light of the Town's Design Review Guidelines by the Design Review Committee was a significant consideration of this conditional approval because the project meets the goal of expanding commercial development while maintaining/enhancing the Town's character.

- (17) Adequate pedestrian and (where applicable) vehicular linkages within the site and connecting to abutting properties are included.

The plan has been reviewed by Town's Public Safety Officer as well as the Town's Consulting Engineers and Consulting Planner. The access driveways, loading and parking facilities have been found to be adequately designed. Sidewalks are provided along the frontage of the site as part of the Route 109 project, but temporary sidewalks will be provided by the applicant. Pedestrian pathways consisting of walkways and crosswalks are provided within the site and are ADA/AAB compliant. Parking is provided adjacent to walkways across the front and side of the building and a bike rack is also provided. As conditioned (See Condition S), and provided a mutually agreeable access and maintenance agreement is reached between the applicable parties, both vehicular and pedestrian connections will also be provided to adjacent properties as part of future phases of development on this site.

- (18) Streets, driveway, sidewalks, landscaped areas and public services are laid out in a safe manner.

The streets, driveway, sidewalks, landscaped areas and public services have been reviewed by the Town's Consulting Engineers, Consulting Planner, and public safety officials. As conditioned, there are no outstanding safety issues.

- (19) Any detrimental impacts of the use on abutting properties and/or residential neighborhoods have been adequately mitigated

As conditioned herein (Condition I), there will be no spillage of light beyond the property boundaries. The driveway/curb cut is located at Main Street where it faces other commercial properties rather than residential properties, thus minimizing the impact of headlight glare. The project includes tire and vehicular services and repair as well as general commercial uses. The tire and vehicular repair services will take place within the building so impacts of odors, airborne particulates, noise and vibrations will be minimized. All mechanical equipment servicing the buildings will also be located within the interior of the buildings so, with proper shield and insulation, detrimental appearance and noise will be avoided.

- (20) The site design incorporates the site's existing topography and protects natural features to the maximum extent possible.

The project has been redesigned from a previous proposal to more closely match existing topography and has significantly reduced the grading changes required. Also, drainage is in compliance with Massachusetts Department of Environmental Protection Stormwater Management Guidelines. The site was designed to minimize impacts on environmental quality and water resources.

ZONING BYLAW (COMMERCIAL I Design Requirements Section 5.4.1.E) – The Planning and Economic Development Board has not yet established Commercial I District Design Guidelines pursuant to the June 3, 2015 Zoning Bylaw. Instead, the Board is using the Design Requirements for the Commercial I District from the December 1, 2014 Zoning Bylaw.

- (21) All facades of a building that are visible from a public way or an internal pedestrian or vehicular way shall be designed in accordance with the current *Medway Design Review Guidelines* and the Design Principles and Standards included in the Site Plan Rules and Regulations.

The building and site design has been reviewed by the Design Review Committee (DRC) in light of the Design Review Guidelines, and most of the changes recommended by the DRC have been incorporated into the revised building and site design. The buildings on Parcel A have been designed to face each other while presenting an attractive façade toward Main Street. The building on Parcel B is spatially located along the shared vehicular entrance. All of the buildings have been designed with varying rooflines and architectural styles reminiscent of New England architecture. Decorative cornices, trim moldings, accent windows, architectural shingles and a decorative cupola have been utilized to enhance the appearance of the buildings. The proposed tire store, the largest building on the site, has been designed with varied height and intersecting rooflines, as well as varied color and façade materials so as to lessen the volume while mimicking the appearance of a structure that has been put together in sections over time.

- (22) All sites shall include pedestrian connections to abutting commercial properties and, where appropriate, to abutting residential neighborhoods. The pedestrian connections shall be well-defined and of a design and quality that will encourage significant use.

The plan has been reviewed by Town's Public Safety Officer as well as the Town's Consulting Engineers and Consulting Planner. Sidewalks will be constructed along the frontage of the site as part of the Route 109 Reconstruction 109 project, but temporary sidewalks will be provided by the applicant. Pedestrian pathways consisting of walkways and crosswalks are provided within the site and are ADA/AAB compliant. A bike rack is also provided. As conditioned (See Condition S), pedestrian connections will also be provided to adjacent properties as part of future phases of development provided a mutually agreeable access and maintenance agreement is reached between the applicable parties.

- (23) Vehicular connections to abutting sites shall be provided where practical as determined by the Planning and Economic Development Board as part of the review process. In

cases where physical connections are not currently possible, easements and a design to provide for potential future connections may be required.

The plan has been reviewed by Town's Public Safety Officer as well as the Town's Consulting Engineers and Consulting Planner. The access driveways, loading and parking facilities have been found to be adequately designed. Parking is provided adjacent to walkways across the front and side of the building and a bike rack is also provided. As conditioned (See Condition S), vehicular connections will also be provided to adjacent properties as part of future phases of development provided a mutually agreeable access and maintenance agreement is reached between the applicable parties.

- (24) Buildings and developments shall be made pedestrian friendly by use of amenities such as wide sidewalks/pathways, outdoor seating, and patios or courtyards. All structures, parking pathways and other pedestrian amenities shall be designed to maximize ease of pedestrian services.

The plan has been reviewed by Town's Public Safety Officer as well as the Town's Consulting Engineers and Consulting Planner. Sidewalks are provided along the frontage of the site as part of the Route 109 reconstruction project, but temporary sidewalks will be provided by the applicant, and connections between the project buildings and the Main Street sidewalk are provided, Pedestrian pathways consisting of walkways and crosswalks are provided within the site and are ADA/AAB compliant.

Site Plan Rules and Regulations - In making its recommendation, the Board shall find whether the proposed development is in conformance with the standards and criteria set forth in the Site Plan Rules and Regulations, unless specifically waived. In its recommendation, the Planning Board shall determine the following:

- (25) Has internal circulation, queuing and egress been designed such that traffic safety is protected, access via minor streets servicing residential areas is minimized, and traffic backing up into the public way is minimized?

The primary drive serving the site connects with Main Street. Following review by the Town's Consulting Engineers and Public Safety officials, the PEDB finds that these are adequate. There is no impact on residential streets since access is provided from Main Street only. The on-site parking spaces are all located such that no backing out onto a public way is necessary. Therefore, the Board finds that this criterion is met.

- (26) Does the site plan show designs that minimize any departure from the character, materials, and scale of buildings in the vicinity as viewed from public ways and places?

The design of the buildings, especially the planned tire store, was a major concern of the PEDB. The buildings and site went through several rigorous review sessions with the Design Review Committee and many of its recommendations were incorporated into the revised designs of the buildings and landscaping. The building sizes are in scale with other commercial buildings in the C-I zoning district. The landscaping has been designed specifically to soften the view of the tire store bays.

- (27) Is reasonable use made of building location, grading and vegetation to reduce the visible intrusion of structures, parking areas, outside storage or other outdoor service areas (e.g. waste removal) from public views or from (nearby) premises residentially used and zoned.

The building and site design has been reviewed by the Design Review Committee (DRC) in light of the Design Review Guidelines, and most of the changes recommended by the DRC have been incorporated into the revised building and site design. The buildings on Parcel A have been designed to face each other while presenting an attractive façade toward Main Street. The landscaping, including the use of specimen trees, has been designed to screen and, applicable, enhance the views of the buildings and parking on site from public areas.

- (28) Is adequate access to each structure for fire and service equipment provided?

The Fire Chief has reviewed and approved the plans. Access is provided to at least three sides of each building. The access driveways are of sufficient width to accommodate emergency vehicles. It is anticipated that the buildings will be constructed of non-combustible materials and will be fully protected by an automatic sprinkler system and fire alarm.

- (29) Will the design and construction minimize, to the extent reasonably possible, the following environmental impacts?

- a) the volume of cut and fill;
- b) the number of trees to be removed with particular care taken with mature trees and root systems;
- c) the visual prominence of man-made elements not necessary for safety;
- d) the removal of existing stone walls;
- e) the visibility of building sites from existing streets;
- f) the impacts on waterways and environmental resource areas;
- g) soil pollution and erosion;
- h) noise.

The redesign to more closely match existing topography has reduced the grading changes required. Also, the development avoids the 25-foot no-disturb wetlands. Landscaping has been designed to reduce the visual prominence of man-made elements and buildings on the site. The stone wall along the front of the site is being rebuilt. The drainage plan complies with Massachusetts Stormwater Guidelines and has been reviewed by the Town's Consulting Engineer and Department of Public Services. An erosion control plan will minimize soil pollution and erosion during construction and noise generated by the site is minimal. Any blasting on the site during construction will be completed in compliance with State requirements and as further conditioned herein (Condition C).

- (30) Is pedestrian and vehicular safety both on the site and egressing from it maximized?

The plan has been reviewed by Town's Public Safety Officer as well as the Town's Consulting Engineers and Consulting Planner. The access driveways, loading and parking facilities have been found to be adequately designed. Sidewalks are provided

along the frontage of the site as part of the Route 109 reconstruction project, but temporary sidewalks will be provided by the applicant. Pedestrian pathways consisting of walkways and crosswalks are provided within the site and are ADA/AAB compliant. Parking is provided adjacent to walkways across the front and side of the building and a bike rack is also provided. As conditioned (See Condition S), both vehicular and pedestrian connections will also be provided to adjacent properties as part of future phases of development provided a mutually agreeable access and maintenance agreement is reached between the applicable parties.

- (31) Does the design and will the construction incorporate, to the maximum extent possible, the visual prominence of natural and historic features of the site?

As an undeveloped wooded site, significant disturbance is inevitable. However, the development avoids the 25-foot no-disturb wetlands buffer. Also, the applicant commits to take care to protect trees on the edge of the property

- (32) Does the lighting of structures and parking area avoid glare on adjoining properties and minimize light pollution within the town?

As conditioned herein (Condition I), there will be no spillage of light beyond the property boundaries. The driveway/curb cut is located at Main Street where it faces other commercial properties rather than residential properties, thus minimizing the impact of headlight glare. The lights on site will be shielded in compliance with the Town's lighting bylaw to minimize light pollution.

- (33) Is the proposed limit of work area reasonable and does it protect sensitive environmental and/or cultural resources? The site plan as designed should not cause substantial or irrevocable damage to the environment, which damage could be avoided or ameliorated through an alternative development plan or mitigation measures.

As an undeveloped wooded site, significant disturbance is inevitable. However, the redesign to more closely match existing topography has reduced the grading changes required. The development avoids the 25-foot no-disturb wetlands buffer zone and manages stormwater in accordance with state regulations. Also, the applicant commits to take care to protect trees on the edge of the property.

Other Miscellaneous Findings

- (34) The plan review comments provided by PGC Associates, Tetra Tech Engineering, and GPI, Inc. have been addressed through plan modifications or acceptable explanations to the satisfaction of the consultants and the Board.

VI. VOTES OF THE BOARD

SPECIAL PERMITS - After reviewing the application and information gathered during the public hearing and review process including the plans, reports and correspondence provided by the applicant, consultants and various Town departments, the Medway Planning and Economic Development Board, at its meeting held on June 23, 2015, on a motion by Robert Tucker and

seconded by Matthew Hayes, voted by roll call to APPROVE a special use permit to allow for the construction of a three building shopping center including a seven bay vehicle repair service garage in one of the buildings at 72 Main Street, pursuant to the Medway Zoning Bylaw Section 5.4 subject to the following Conditions.

<u>Planning & Economic Development Board Member</u>	<u>Vote</u>
Thomas Gay	Yes
Matthew Hayes	Yes
Andy Rodenhiser	Yes
Karyl Spiller-Walsh	Yes
Robert Tucker	Yes

SITE PLAN - After reviewing the application and information gathered during the public hearing and review process including the plans, reports and correspondence provided by the applicant, consultants and various Town departments, the Medway Planning and Economic Development Board, at its meeting held on June 23, 2015, on a motion made by Robert Tucker and seconded by Matthew Hayes voted by roll call to APPROVE a major site plan for the Tri Valley Commons shopping center including the construction of landscaping, stormwater drainage facilities, driveways, parking and site amenities at 72 Main Street as shown on the Tri Valley Commons Site Plan, dated January 9, 2015, last revised May 13, 2015, prepared by Bohler Engineering of Southborough, MA and Landry Architects of Salem, NH, subject to the following Waivers and Conditions including further plan revisions as specified herein.

<u>Planning & Economic Development Board Member</u>	<u>Vote</u>
Thomas Gay	Yes
Matthew Hayes	Yes
Andy Rodenhiser	Yes
Karyl Spiller-Walsh	Yes
Robert Tucker	Yes

VII. WAIVERS - The Planning and Economic Development Board acted on various requests for waivers from the following provisions of the *Rules and Regulations for the Submission and Approval of Site Plans, as amended December 3, 2002*. The Board’s action and reasons for acting on each waiver request are listed below. All waivers are subject to the *Special and General Conditions of Approval*, which follow this section.

A. SUBMITTAL REQUIREMENTS/PLAN CONTENTS

1. **204-5 (C) 3 – An Existing Landscape Inventory** shall be prepared by a Professional Landscape Architect licensed in the Commonwealth of Massachusetts. This inventory shall include a “*mapped*” overview of existing landscape features and structures and a general inventory of major plant species including the specific identification of existing trees with a diameter of one foot or greater at four feet above grade.

EXPLANATION – *The site is completely wooded. Performing an inventory for the 4+ acre site is not practical. The redevelopment of the site will necessitate*

considerable clearance of trees due to the site's topography and the extent of the proposed onsite improvements. The site design has limited the area of disturbance to the greatest extent practical.

***BOARD ACTION** - The Board agrees that the requirement for a complete inventory of the existing landscape on the site is not warranted for this particular project. The waiver is granted except for the southeast and southwest corners of the site where the applicant has been required to prepare a Landscape Inventory to determine what plant materials can be saved to include in the needed screening and buffering. The results of the Landscape Inventory in those two areas are shown on the revised plan dated May 13, 2015. APPROVED – June 9, 2015.*

B. CONSTRUCTION STANDARDS – Site Plan Rules and Regulations

1. **205 – 6, G. 3. a) Parking Spaces/Stalls** – Car parking spaces/stalls shall be ten feet by twenty feet, except that handicapped stalls shall be in accordance with the current ADA standards.

***EXPLANATION** – The applicant seeks a waiver from this regulation to allow for 9' x 18 parking stalls. This is typical of parking stalls at retail sites and is specifically allowed in the parking regulations section of the Medway Zoning Bylaw. The reduced dimensions of the parking stalls will decrease the extent of impervious surface and reduce stormwater runoff*

***BOARD ACTION** - The Board concurs with the above noted explanation and grants this waiver. APPROVED – June 9, 2015.*

2. **205 – 6, G. 3. b) Wheel Stops** - Wheel stops are required at the head of each car stall where a space/stall abuts a walkway, pedestrian way, or special site feature such as an abrupt change in grade. Acceptable materials are pre-cast concrete, granite, or like materials. All wheel stops shall be properly anchored into the ground and located approximately twenty-four inches from the head of a car space/stall.

***EXPLANATION** – The applicant seeks a waiver from this regulation as they believe wheel stops pose a potential tripping hazard to pedestrians and will simplify snow removal efforts. The length of the parking spaces adjacent to sidewalks has been increased to twenty feet to allow for additional room for vehicles. This decreases the likelihood of vehicle bumpers overhanging the sidewalk.*

***BOARD ACTION** - The Board concurs with the above noted explanation and grants this waiver. APPROVED – June 23, 2015.*

3. **205 – 9 F – Tree Replacement** – The total diameter of trees over 10' in diameter that are removed from the site shall be replaced with trees that equal the total breast height diameter of the removed trees.

EXPLANATION – *The applicant seeks a waiver from this requirement of tree replacement. This waiver is related to the approved waiver request for relief from the requirement to conduct a complete inventory of major plant species including the specific identification of existing trees with a diameter of one foot or greater at four feet above grade. As Board has granted relief from the requirement for the above noted landscape inventory, the applicant cannot ascertain the extent of tree replacement needed. The applicant proposes instead to implement the proposed comprehensive landscaping plan which includes the addition of more than 36 new trees and 250 new shrubs and ground cover as shown on the submitted Landscape Plan.*

BOARD ACTION – *The Board concurs with the above noted explanation and grants this waiver. APPROVED – June 9, 2015.*

VIII. SPECIFIC CONDITIONS – At its June 23, 2015 meeting, the Planning and Economic Development Board, on a motion made by Robert Tucker and seconded by Matthew Hayes voted by roll call to approve the SPECIFIC CONDITIONS included herein. The motion was approved unanimously.

This approval is subject to the following *Specific Conditions/Limitations*:

- A. **Plan Revisions** – Subsequent to the expiration of the 20 day appeal period and within sixty days after the Board has filed its Decision with the Town Clerk, the Tri Valley Commons site plan dated January 9, 2015, last revised May 13, 2015 shall be further revised to reflect all Conditions and required revisions, including those as specified below and submitted to the Board for review and approval. The revised site plan by Bohler Engineering shall be combined with the final Architectural Elevations and Master Signage Plan by Landry Architects and bound together to constitute the full and official Tri Valley Commons Site Plan. (*Said plan is hereinafter referred to as the Plan*). Upon approval, the Applicant shall provide a Mylar set of the revised Plan in its final form to the Board for signature/endorsement.
1. Cover Sheet
 - a. All waivers from the *Site Plan Rules and Regulations* that have been granted as specified herein shall be listed on the cover sheet of the Plan presented for endorsement.
 - b. The cover sheet shall prominently display a final Plan revision date.
 - c. The list of plan sheets for the Architectural Elevations and the Master Signage Plan shall be added to the Sheet Index.
 2. All sheets included in the final Plan set shall include an endorsement signature block for the Planning and Economic Development Board.
 3. The horizontal sight distances in both directions on Main Street for exiting traffic from the Tri Valley Commons driveway shall be shown on Sheet 4 of the Plan.
 4. The planned lighting installation shall be modified such that the foot-candle readings along the Route 109 frontage and along the western property line do not

exceed 0.01 foot candles at any elevation as specified in the Medway Zoning Bylaw Section 7.1.2.E.1.

5. The master signage plan, dated March 3, 2015, last revised April 1, 2015, shall be revised to include a modified development sign that complies with the Medway Zoning Bylaw (maximum of 60 sq. ft. of sign surface area on both sides and maximum height of 8'). The master signage plan shall be revised to comply with the recommendations included in the Design Review Committee's Letter of Recommendation dated June 4, 2015. The revised master signage plan shall be reviewed by the Medway Design Review Committee prior to plan endorsement.
 6. The plan and building elevations shall be revised to specify and show that the electrical installation on the property shall be designed to have the capacity to accommodate future electric vehicle charging facilities.
 7. Pursuant to the Letter of Recommendation of the Design Review Committee dated June 4, 2015, attached hereto and made a part hereof, the Plan shall be revised to include the recommended changes to landscaping, site amenities, awning treatments and stone walls.
- B. **Coordination with the Medway Conservation Commission** – Prior to plan endorsement, the Applicant shall provide the Order of Conditions issued by the Medway Conservation Commission for this site. Any changes to the Plan necessitated by the Order of Conditions shall be handled as plan modifications (*See Condition IX - D*).
- C. **Blasting**
1. If blasting is necessitated by site and soil conditions, the applicant shall follow all procedures as specified by the Massachusetts Department of Fire Services regarding site blasting.
 2. The applicant shall provide at least 24 hours written notice of the scheduled blasting to all property owners, residents, and business owners within 500 feet of 72 Main Street.
 3. Blasting shall be limited to occur between the hours of 9:00 am and 5:00 pm, Monday through Saturday only. No blasting to occur on Sundays or legal holidays.
- D. **Construction Oversight**
1. **Construction Account**
 - a) Inspection of infrastructure and utility construction, installation of site amenities including landscaping is required. Prior to plan endorsement, the applicant shall establish a construction account with the Planning and Economic Development 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 commencement of any construction on site, the Applicant 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 Applicant shall provide supplemental payments to the project's construction inspection account, upon invoice from the Board.
 - d) Any funds remaining in the applicant's construction inspection account after the *Certificate of Site Plan Completion* is issued shall be returned to the applicant.
2. *Pre-Construction Meeting* – Prior to any land clearance or site development, the Applicant and his site contractor shall meet with the Board's Consulting Engineer and the Department of Public Services and other Town staff as may be appropriate to establish a construction time schedule and coordinate the installation of water/sewer lines, street opening/curb cut construction, and the construction of Main Street sidewalks.
3. *Inspections*
- a) 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.
 - b) The Department of Public Services 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.
4. *Reports* - The applicant shall have a professional engineer licensed in the Commonwealth of Massachusetts conduct progress inspections 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.
- E. ***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 applicant 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* – Outside 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 Inspector of Buildings. No equipment on site shall be started and allowed to warm up prior to the start of the authorized construction hours.
 2. The applicant 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.
 3. 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 Applicant 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.
 4. The Applicant is responsible for having the contractor clean-up the construction site, the adjacent properties, and Town streets onto which construction debris may fall on a daily basis.
 5. All erosion and siltation control measures shall be installed by the Applicant prior to the start of construction and observed by the Board’s consulting engineer and maintained in good repair throughout the construction period.
 6. *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 Town roadways.
 7. *Noise* - Construction noise shall not exceed the noise standards as specified in the *Medway Zoning Bylaw*, Section 7.3.C.
- F. ***Construction Impact on Adjacent Property*** – If construction on the subject premises negatively impacts the viability of existing trees/landscaping on the adjacent property to the west (74 Main Street/Gould’s Plaza/Papa Gino’s), the applicant, if permitted access and approval by the abutting property owner and provided that such access and approval is at no additional cost to the applicant, shall restore damage made to abutting properties to their existing condition by replacing trees on a diameter inch for inch basis and any shrubs or other vegetation on a like kind for like kind basis based on a

plan to be approved by both the PEDB and, for replacement that occurs on the adjacent property, the adjacent property owner.

- G. **Outside Displays and Storage** – The following items shall not be permitted outside the buildings on the premises or in the right-of-way nor are they considered accessory to the authorized uses excepting for a single tractor trailer intended for the temporary storage of materials, products and supplies of the tire/vehicle repair business which are intended for disposal, the location and screening of which to be approved by the Board,
1. Outside displays and storage of materials, products and supplies, including but not limited to tires, etc.
 2. Machines or vending type devices for dispensing goods or products such as but not limited to vending machines or self-serve kiosks for dispensing food, beverages, or any other items.
 3. Shipping and packaging materials unless stored within the dumpster enclosure.
 4. Promotional/advertising banners/signs including flutter signs and sandwich board signs, etc. except for exterior signs specifically authorized by the Medway Zoning Bylaw.
 5. Unscreened outside storage trailers or containers of any kind
- H. **Deliveries** - Product deliveries by tractor trailer for all tenants in Tri Valley Commons are prohibited between 7 and 9 a.m. and between 4 and 7 p.m.
- I. **Lighting**
1. Lighting shall not exceed the maximum allowed as specified in the *Medway Zoning Bylaw*, Section 7.1.2.E.1.
 2. The least impactful but sufficient security lighting shall be permitted after the closing hours of the Tri Valley Commons tenants.
 3. The applicant shall notify the Board upon completion of the site lighting installation. After said notification, the Board shall have one year to review illumination. During this review period, the Board reserves the right to require adjustment of the number and/or intensity of the exterior light fixtures if it determines that spill-over onto adjacent properties is occurring.
- J. **Business Signage** - The monument sign, the individual tenant panels in the monument sign, and the individual tenant wall signs shall secure sign permits from the Medway Building Department; review by the Design Review Committee is required before sign permits are issued.
- K. **Property Maintenance After Construction**
1. The applicant or its designee shall diligently attend to daily inspections and clearing the outside of the premises of refuse and litter.

2. Trash storage shall be completely contained within the trash enclosure areas shown on the Plan.
3. The tire store shall store all used tires and other products within the building.
4. The area shown on the plan for Building C shall be cleared and prepared for development but loamed and seeded to stabilize the site and mowed on a regular schedule prior to construction beginning on Building C. Grass shall not be permitted to reach heights of more than 6-inches.
5. The undeveloped area in the northwest quadrant of the site shall be maintained in its natural state. The tree line facing the site shall be trimmed and maintained to retain the same aesthetic value as the developed portion of the site.

L. **Landscape Maintenance**

1. The site's landscaping shall be maintained in good condition. Any shrubs, trees, bushes or other landscaping features shown on the Plan that die shall be replaced during the following planting season.
2. Within 60 days after two years of an occupancy permit being issued, the Town's Consulting Engineer shall inspect the landscaping to determine whether and which landscape items need replacement or removal and provide a report to the Board. At any time subsequent to this inspection, the Town's Consulting Engineer may conduct further inspections of the landscaping to determine whether and which landscaping items need replacement or removal and provide a report to the Board. The Board may seek enforcement remedies with the Inspector of Buildings/ Zoning Enforcement Officer to ensure that the comprehensive landscaping plan is maintained.

- M. **Pedestrian Connection to 74 Main Street/Gould's Plaza** - The applicant has agreed to install stepping stones between the area behind Building A (tire store/vehicle repair) and the adjacent property to the west as a landscaping feature and optional means of pedestrian access. Said installation shall be accomplished prior to project completion.

N. **Stormwater Management**

1. The applicant shall follow the Stormwater Operations and Management Plan with all due diligence and regularity.

O. **Snow Storage and Removal**

1. On-site snow storage shall not encroach upon nor prohibit the use of any parking spaces required by the zoning bylaw.
2. Accumulated snow which exceeds the capacity of the designated snow storage areas on-site shall be removed from the premises within 24 hours after the conclusion of the storm event.
3. Snow removal/disposal from the site shall be in accordance with local, state and federal regulations.

P. **Sidewalks and Crosswalks**

1. The applicant shall coordinate with the Medway Department of Public Services regarding easements as may be necessary for the sections of public sidewalk along Route 109 which extend onto the private property.
2. The applicant shall coordinate with the Medway Department of Public Services to determine maintenance practices and responsibilities for the painted crosswalks located at the site driveways.

Q. **Signage**

1. There shall be no product signage or promotional posters displayed in the store windows of the tenants on the premises.
2. Any entrance/egress signs at the site driveway shall not include any corporate names, colors, text, symbols or logos of any tenant in Tri Valley Commons.

R. **Use of Premises** – Pursuant to the special permit for vehicle repair use, the vehicle repair use allowed on the premises is limited to 7 service/garage bays.

S. **Future Vehicular and Pedestrian Connectivity to Abutting Property Gould's Plaza, 74 Main Street** – The applicant shall be obligated to provide for future connections for vehicles and pedestrians to the abutting properties (Assessors Map/Parcel 40-53 and 40-49, currently the site of Gould's Plaza and Cassidy's Clubhouse respectively) at such time as additional development is proposed on either the applicant's or abutting properties and provided a mutually agreeable access and maintenance agreement is reached between the applicable parties. This is condition of approval shall run with the land.

T. **Site Amenities** - Site development is expected to result in the availability of rock outcroppings. The applicant has agreed to position such rock outcroppings within the landscaped area adjacent to the stormwater detention pond.

U. **Performance Security**

1. No occupancy permit shall be granted until the Board has provided a written communication to the Inspector of Buildings 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 site improvements, including landscaping, which are incomplete or not constructed.
2. The applicant shall propose a form of performance security which shall be of a source and in a form acceptable to the Board, the Medway Treasurer/Collector and Town Counsel. The Board may require that the performance guarantee be

accompanied by an agreement which shall define the obligations of the developer and the performance guarantee company including:

- a) the date by which the developer 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 Site 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 developer 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 twenty-five percent (25%) contingency.
 5. Final release of performance security is contingent on project completion.

IX. GENERAL CONDITIONS OF APPROVAL - At its June 23, 2015 meeting, the Planning and Economic Development Board, on a motion made by Robert Tucker and seconded by Matthew Hayes voted by roll call to approve the GENERAL CONDITIONS included herein. The motion was approved unanimously.

- A. **Other Town Permits** – This permit does not relieve the applicant from its responsibility to obtain, pay and comply with all other required federal, state and Town permits, including but not limited to a Street Opening/Roadway Access Permit from the Department of Public Services.
- B. **Fees** - Prior to Plan endorsement by the Board, the following shall be paid in full by the Applicant and/or property owner.
 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 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 and business licenses.

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

C. **Document/Plan Recording**

1. The applicant shall record this decision and the complete endorsed site plan with the Norfolk County Registry of Deeds prior to the issuance of a building permit, after the required appeal period has lapsed in accordance with MGL, Chapter 40A. Section 17.
2. Within thirty days of recording the Decision and the associated site plan, the Applicant or his assign shall provide the Board with a receipt from the Norfolk County Registry of Deeds indicating that all documents have been duly recorded, or supply another alternative verification that such recording has occurred.

D. **Plan Modification**

1. This Approval is subject to all subsequent conditions that may be imposed by other Town boards, agencies or commissions. Any changes to the Plan that may be required by the decisions of other boards, agencies or commissions shall be submitted to the Board for review as plan modifications pursuant to the *Medway Zoning Bylaw* Section 3.5.
2. Any work that deviates from the approved Plan and Decision shall be a violation of the *Medway Zoning Bylaw*, unless the Applicant requests approval of a plan or decision modification pursuant to Section 3.5 of the *Medway Zoning Bylaw* and such approval is provided in writing to the Board.
3. Whenever additional reviews by the Board, its staff or consultants are necessary due to proposed site plan modifications, the Applicant 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.

E. **Plan Compliance**

1. The Applicant shall construct all improvements in compliance with the approved and endorsed Plan 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 Inspector of Buildings for appropriate enforcement action, to ensure compliance with this Decision.

F. **Project Completion**

1. Site plan approval and the issuance of this special permit for the shopping center and vehicle repair use shall lapse after two years of the grant thereof if substantial use has not commenced except for good cause as determined by the Board. All improvements shown on the Phasing Plan shall be completed by the applicant within two years of the date of plan endorsement excepting the development of Building C which is to be completed at a later time period as specifically in the rendering of this Decision. Upon receipt of a written request by the applicant 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 issuance of a final occupancy permit, the Board shall provide a **Certificate of Site Plan Completion** to the Inspector of Buildings/Zoning Enforcement Officer. The **Certificate** serves as the Board's confirmation that the completed work conforms to the approved Plan and any conditions and modifications thereto, including the construction of any required on and off-site improvements.

To secure a **Certificate of Site Plan Completion** from the Board, the applicant 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 strict compliance with the approved and endorsed Plan, and any modifications thereto; and
- b) submit six copies of an As-Built Plan, prepared by a registered Professional Land Surveyor or Engineer registered in the Commonwealth of Massachusetts, to the Board for review by the Town's Consulting Engineer and the Board's approval. The As-Built Plan shall show actual as-built locations and conditions of all work shown on the original site plan and any modifications thereto. The final As-Built Plan shall also be provided to the Town in an electronic format as may be specified by the Board of Assessors.
- c) Be current with the Town of Medway for any taxes/fees associated with these parcels or other property owned by the applicant in the Town of Medway.

G. **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.



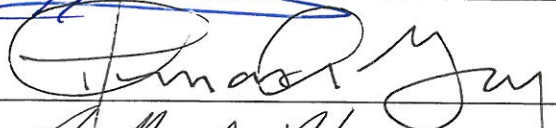

- H. **Conflicts** – If there is a conflict between the site plan and the Decision’s Conditions of Approval, the Decision shall rule. If there is a conflict between this Decision and/or site plan and the *Medway Zoning Bylaw*, the Bylaw shall apply.
- X. **APPEAL** - Appeals if any, from this Decision shall be made to the court within twenty days of the date the Decision is filed with the Town Clerk.

###


Medway Planning & Economic Development Board:

AYE:

NAY:

ATTEST:



Susan E. Affleck-Childs
Planning & Economic Development Coordinator

6-23-15
Date

- COPIES TO:** Stephanie Bacon, Health Agent
Michael Boynton, Town Administrator
Matt Buckley, Design Review Committee
Tom Holder, Department of Public Services
Bridget Graziano, Conservation Agent
Donna Greenwood, Assessor
Jeff Lynch, Fire Chief
Jack Mee, Inspector of Buildings and Zoning Enforcement Officer
Melanie Phillips, Treasurer/Collector
Jeff Watson, Police Department
Gino Carlucci, PGC Associates
Stephen Bouley, Tetra Tech
Richard Landry, applicant
Richard Cornetta, attorney for the applicant
John Kucich, engineer for applicant



Town of Medway
DESIGN REVIEW COMMITTEE
155 Village Street
Medway MA 02053
508-533-3291
drc@townofmedway.org

June 4, 2015

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

RE: TRI VALLEY COMMONS SITE PLAN
DRC LETTER OF RECOMMENDATION

Dear Members of the Medway Planning and Economic Development Board,

The DRC met with representatives of the Tri Valley Commons applicant during its meetings on March 23rd, April 6th and April 27th 2015, to review the proposed site plan and building designs. The DRC further discussed the TVC plans at its meetings on May 18th and June 1st to prepare this Letter of Recommendation. The DRC is pleased to report that throughout the review process, the representatives from Landry Architects and Bohler Engineering have been both responsive to our recommendations and have reacted proactively to revise the plans to move the proposed development towards compliance with the *Medway Design Review Guidelines*.

Some site issues have been reduced or resolved and a variety of techniques have been employed to mitigate the impact of the lengthy Building A (Goodyear Service Center) with its seven garage/service bays. The use of landscape buffers is key to this mitigation. Initially the applicant had agreed to plant large specimen trees in some key areas. However, the applicant has since reduced the size of such trees throughout the site in the current version of the plan. This subsequent reduction diminishes the effective buffer that previously had been achieved. The DRC recommends that these buffers or reasonable alternatives be employed to attain the needed screening.

At this point, some of the discussed items have not yet been incorporated into the site plan dated May 13, 2015. The DRC is encouraged that the applicant will update the site plan to reflect the recommendations discussed.

Design Review Committee Members

Matthew Buckley, Member & Chairman
Julie Fallon, Member & Vice Chair

*Karyl Spiller-Walsh, Planning & Economic
Development Board Liaison*
Rod MacLeod, Member

Rachel Walsh, Member & Corresponding Secretary
Mary Weafer, Member

This letter serves as the Design Review Committee's recommendations for the Tri Valley Commons proposal as reflected in the site plan documents dated May 13, 2015 by Bohler Engineering and the Building Elevations dated April 27, 2015 by Landry Architects.

Building Elements - The conceptual building elevations for **Buildings B and C** are the most compliant with the *Medway Design Review Guidelines* (MDRG) - Part II. This has been achieved by including a mixture of roof pitches and elevations constructed with architectural elements and materials found within the Medway community.

Building A is least compliant due to its significant length and the difficulties of the repetition of [7] garage service bays, which reflect the franchise design. The applicant has incorporated a variety of changes to mitigate these effects. They are:

1. Buildings A and B are grouped more closely together to limit views of the long array of garage doors on the eastern façade of Building A.
2. The surfaces and façade set backs of the garage doors have been varied to reduce repetition.
3. Varied rooflines have been used to break up the length of the building mass.
4. The westerly façade has been varied similarly to achieve the same results.
5. The final and crucial element to mitigate the length of Building A is landscaping, some of which is inaccurate or absent on the current plan set. **The landscaping items needing further attention are:**
 - Upon the review of the tree inventory prepared by the applicant for the area west of Building A and in light of the reduction of size of trees to be planted throughout the site, the DRC recommends that the [2] white pines at the southwest corner of the site be replaced with larger specimens, greater than 20 feet in height.
 - The species should be of a conical form, such as a blue spruce, to provide a more complete buffer to the length of Building A.
 - For the same purpose, additional ground plantings should be installed along the front of the site in this same area.
 - The applicant has recently determined that a large conifer tree cannot be placed in the planting area just southeast of the first garage bay due to safety issues for vehicles backing out of the adjacent parking spaces. This is contrary to prior plans. This is unfortunate as the value of that large conifer tree was to help shield the length of Building A. The DRC recommends that a specimen deciduous tree be placed in this spot instead. Current plans indicate a deciduous honey locust. The DRC recommends a maple species be used to instead to accomplish the needed screening. This tree should have a minimum caliper of [5] inches.

- The planting area at the southwest of Building B should also be enhanced with four season, mid-story plantings to help complete the screening of Building A that was initially intended.

Note: Please refer to page 9 of the site plan dated May 13, 2015.

An inconsistency was noted among the building elevation sheets with regard to the description of the stone veneer to be used as a water table on the buildings. The DRC would like to clarify and recommend the following:

- The stone veneer be a consistent material in what the plans call "Cambria New England Grey"
- The stone veneer be variegated with rounded units that reflect indigenous fieldstone.

Material samples for building awnings were not provided or discussed. The DRC recommends that the awnings be opaque and not illuminated.

Note: Please refer to pages A2.1, A2.2 and A2.3 of the building elevations dated April 27, 2015.

All the above noted Building Element items should be specified as conditions in the Board's decision and require DRC review when revised plans are submitted for plan endorsement.

Landscaping - During meetings with the applicant's representatives, the DRC has communicated a variety of specific recommendations regarding landscape treatments. Modifications have been made to the plan throughout the DRC review process in accordance with the recommendations made. Those, which have been incorporated include inclusion of four-season low growth shrubs like rhododendron to screen site structures near the detention pond and notes to reclaim and rebuild existing fieldstone walls within the site and at front of the parcel.

Note: Please refer to page 9 of the site plan dated May 13, 2015.

The DRC recommends a number of additional landscape elements be incorporated into the site plan. Those are:

- Create a natural buffer of the utility boxes located to the northwest of Building C.
- Establish a four-season infill buffer at the end of the stub road that includes conifers and natural elements like stone.
- Reclaimed stonewalls should have a dry laid appearance consistent with native walls and adjacent Route 109 project.
- Increase buffer area at the southeast corner of the site near street edge with [2] additional conifers at corner of site together with a group of at least [3] rhododendrons. Add [2] additional conifers between three proposed that extend in a line northward along this easterly boundary.

- Improve the buffer to the detention pond with [1] additional conifer at the front.
- Provide specifics of retaining wall material and use a varied blend of local natural stone colors such as grey and oxidized granite. The applicant indicated the blocks would be Versa lock type with a face size similar to 16" x 6".

All the above noted Landscaping items should be specified as conditions in the Board's decision and require DRC review when revised plans are submitted for plan endorsement.

Site Amenities - The DRC has communicated a variety of specific recommendations regarding site elements during its meetings with the applicant's representatives. Most have been incorporated but some elements are absent. They are:

- Light posts should be black and of a similar format to the light heads and similar to the style selected for the adjacent Route 109 reconstruction project.
- Details of public trash receptacles should be provided. The DRC recommends that they be black metal with vertical bars in a style consistent with the ornamental lights.
- Where bollards are necessary, they should be shrouded or concealed within planters.

All the above noted Site Amenity items should be specified as conditions in the Board's decision and require DRC review when revised plans are submitted for plan endorsement.

Signage

- Details of monument sign at the entryway should be provided.
- The sign should be incorporated and coordinated with the stone wall.
- The base of the sign should be stone and integrated into the wall along the front of the site.
- The monument sign materials should match adjacent buildings.
- The monument sign should include the site address and development name.

Please note that the monument sign and signs for each tenant including their individual panel in the monument sign will need to secure sign permits from the Medway Building Department which involves review by the Design Review Committee.

All the above noted Signage items should be specified as conditions in the Board's decision and require DRC review when revised plans are submitted for plan endorsement.

Tri-Valley Commons Letter of Recommendation
June 4, 2015

By incorporating these recommendations as discussed, the general style of architecture and site design will reflect Medway's New England architectural style as detailed in the *Town of Medway Design Review Guidelines*, and outlined in the *Medway Master Plan*.

Sincerely,

A handwritten signature in cursive script, appearing to read "Matthew Buckley".

Matthew Buckley
Chairman