

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 J. Hayes, P.E.
Richard Di Iulio

August 11, 2015

SITE PLAN DECISION
John's Auto Body – 25 Jayar Road
APPROVED with Waivers and Conditions

Decision Date: August 11, 2015

Name/Address of Applicant: John and Caroline Solari

Name/Address of Property Owner: John and Caroline Solari
18 Winthrop Street
Medway, MA 02053

Engineer: Faist Engineering
67 Hall Road
Sturbridge, MA 01566

Site Plan: *Site Plan – 25 Jayar Road – 5,000 sq. ft. Commercial Building*
Dated October 16, 2014 last revised June 8, 2015

Location: 25 Jayar Road

Assessors' Reference: 24-013

Zoning District: Industrial I

I. PROJECT DESCRIPTION – The applicant/property owner proposes to construct a 5,000 sq. ft. steel building with a galvanized roof on a .92 acre parcel (*Medway Assessors' Parcel 24-13*) at 25 Jayar Road for use by John's Auto Body which presently operates at 27 Jayar Road. The property is located on the north side of Jayar Road in the Industrial I zoning district. The site is presently vacant but has been used as a parking area for the adjacent John's Auto Body at 27 Jayar Road since May 2000. It consists entirely of gravel and reclaimed asphalt with no stormwater controls. Portions of the site include wetlands resources within the jurisdiction of the Medway Conservation Commission and for which the Commission has issued an Order of Conditions. The subject site is located in the Groundwater Protection District and has secured a special permit from the Zoning Board of Appeals for the proposed building and use.

The proposed building will provide covered space for 2 tow truck storage bays and 2 vehicle storage and maintenance bays. Access to the 25 Jayar Road site is planned from Jayar Road in the form of two curb cuts/driveways. Proposed site work includes construction of the access driveways, curbing and sidewalks, improvements to the existing gravel/reclaimed asphalt parking area in the form of 13 paved parking spaces, retaining wall, landscaping, outdoor lighting, installation of stormwater drainage facilities, refuse storage and disposal, and site amenities. Per the Order of Conditions, an estimated 1,155 sq. ft. of the 25' wetlands buffer zone currently used as the gravel and reclaimed asphalt parking area will be recreated on site. A series of waivers from the *Site Plan Rules and Regulations* are requested.

II. VOTE OF THE BOARD – After reviewing the application and information gathered during the public hearing and review process, the Medway Planning and Economic Development Board, on August 11, 2015, on a motion made by Robert Tucker and seconded by Richard Di Iulio, **voted to APPROVE with WAIVERS and CONDITIONS** as specified herein, the site plan application of John and Caroline Solari of Medway, MA for a new 5,000 sq. ft. steel building and various site improvements at 25 Jayar Road. The vote was four in favor and none opposed.

Planning & Economic Development Board Member	Vote
Richard Di Iulio	Yes
Matthew Hayes	Yes
Andy Rodenhiser	Yes
Robert Tucker	Yes

III. PROCEDURAL HISTORY

- A. June 25, 2015 - Site plan application and associated materials filed with the Medway Planning & Economic Development Board and the Medway Town Clerk
- B. July 7, 2015 – Public hearing notice filed with the Town Clerk and posted at the Town of Medway web site.
- C. July 7, 2015 – Site plan information distributed to Town boards, committees and departments for review and comment.
- D. July 8, 2015 - Public hearing notice mailed to abutters by certified sent mail.
- E. July 13 and July 29, 2015 - Public hearing notice advertised in *Milford Daily News*.

- F. July 28, 2015 - Public hearing commenced. The public hearing was continued to August 11, 2015 when the hearing was closed and a decision rendered.

IV. INDEX OF SITE PLAN DOCUMENTS

- A. The site plan application for the John's Auto Body at 25 Jayar Road included the following plans, studies and information that were provided to the Planning and Economic Development Board at the time the application was filed:
1. *Site Plan of Land, 25 Jayar Road, 5,000 sq. ft. Commercial Building*, Medway, MA, dated October 16, 2014 last revised June 8, 2015, prepared by Faist Engineering, Inc. of Sturbridge, MA and O'Driscoll Land Surveying Company of Medway, MA
 2. *Stormwater Report* dated October 20, 2014, last revised May 12, 2015 prepared by Faist Engineering, Inc. of Sturbridge, MA
 3. Requests for waivers of the *Medway Site Plan Rules and Regulations*, prepared by Faist Engineering, dated June 25, 2015.
- B. During the course of the review, a variety of other materials were submitted to the Planning and Economic Development Board or entered into the record by the Board:
1. Medway Conservation Commission Order of Conditions (DEP File # 216-0850) dated June 30, 2015
 2. Medway Zoning Board of Appeals special permit decision dated July 8, 2015 to allow construction of a 5,000 sq. ft. building within one of Medway's Groundwater Protection Districts.

V. TESTIMONY - In addition to the site plan application materials as submitted and provided during the course of our review, the Planning and Economic Development Board received written or verbal testimony from:

- Sean Reardon, P.E., of Tetra Tech, Inc., the Town's Consulting Engineer – Site plan review letter dated July 22, 2015 and commentary throughout the public hearing process.
- Gino Carlucci, PGC Associates, the Town's Consulting Planner – Site plan review letter dated July 22, 2015 and commentary throughout the public hearing process.
- David Faist, P.E., Faist Engineering, engineer for the applicant.

VI. FINDINGS – The Planning and Economic Development Board must determine whether the proposed project constitutes 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*. The *Special and General Conditions* included in this Decision shall assure that the Board's approval of this site plan is consistent with the *Site Plan Rules and Regulations*, that the

comments of various Town boards and public officials have been adequately addressed, and that concerns of abutters and other town residents which were aired during the public hearing process have been carefully considered.

The Planning and Economic Development Board, at its meeting on August 11, 2015, on a motion made by Robert Tucker and seconded by Richard Di Iulio, voted to approve the following **FINDINGS** regarding the site plan application for John's Auto Body at 25 Jayar Road. The motion was passed by a vote of four in favor and none opposed. .

A. ZONING BYLAW – Section V. C - Site Plan Review & Approval

- (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?

Due to the sensitive nature of the site and proximity to wetlands, considerable effort was given to the location and design of the buildings and site features. The final plan does properly locate site features and the building is in scale with others within the industrial park.

- (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 site and building plans have been reviewed by the Design Review Committee. The design of the building and site are compatible with the existing building on site and with other buildings within the industrial park.

- (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 (Specific Condition VIII. A. 2), there will be no spillage of light beyond the property boundaries. Work is contained within the building so exposure to noise and fumes is limited. Abutting uses are commercial so headlight glare is not a significant problem.

- (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 a previously-developed site, disturbance of natural features is minimal. There are wetlands to the rear of the property. These will not be disturbed, and an Order of Conditions has been obtained from the Conservation Commission ensuring that any impacts are minimal. While the building will be within the 25-foot no-disturb zone, that zone has already been disturbed and a portion of the no-disturb zone will be restored resulting a net gain natural area within the no-disturb zone.

- (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 site has been reviewed by the Town's public safety officials as well as Consulting Engineer and has been determined to be adequately safe and convenient for the proposed operation.

- (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 Town sewer and a dumpster is located on site. The proper facilities for handling and storing hazardous materials and waste are incorporated into the design and operation 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 site has been reviewed by the Town's public safety officials as well as Consulting Engineer and Consulting Planner and has been determined to have adequate pedestrian and vehicular facilities for the proposed operation within an industrial park.

- (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 proposed building is accessible on three sides and the site is adequate to handle emergency vehicles. The Town's public safety officials have not indicated any deficiencies that need to be corrected.

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

The stormwater system has been carefully designed in light of the proximity to sensitive wetlands. It has been reviewed by the Conservation Commission and the Town's Consulting Engineer and found to be satisfactory.

- (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 volume of traffic generated by the proposed auto body shop use is minimal. The site has been reviewed by the Town's public safety officials as well as the Consulting Engineer and Consulting Planner and has been determined to have adequate vehicular facilities for the proposed operation within an industrial park

- (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?

The site has been reviewed by the Town's public safety officials as well as Consulting Engineer and Consulting Planner and has been determined to have adequate pedestrian and vehicular facilities. Municipal services are adequate to serve the proposed facility, which already exists but is being expanded. The quantity of on-site parking is adequate for the proposed use. Drainage is in compliance with Massachusetts Department of Environmental Protection Stormwater Management Guidelines for a redevelopment project. The site was designed to minimize impacts on environmental quality and water resources and the project has been issued an Order of Conditions from the Conservation Commission. No additional signage is proposed, but would be 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. The facility will not have a detrimental impact on community economics and may have a positive impact by expanding the service it provides as well as increased tax revenue. As an existing use, this development to add a building 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?

Site design modifications have been developed during the pre-application phase and have reduced negative and harmful impacts.

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

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

- (14) Is the applicant providing sidewalks along the entire frontage of the subject property along existing Town ways?

The applicant is not providing a sidewalk along the frontage of the property. There are no sidewalks to connect to within the industrial park so installing one that does not connect to anything would serve no useful purpose and would be a waste of resources.

C. SITE PLAN RULES AND REGULATIONS – The Planning and Economic Development Board shall determine whether the proposed development is in conformance with the standards and criteria set forth in the *Rules and Regulations*, unless specifically waived. In making its decision, the Planning and Economic Development Board shall determine the following:

- (15) 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 expanded parking lot will have a minor impact. Maintaining the connection with the parking lot of the existing building and providing two new curb cuts assures adequate circulation. Since there is no access from residential streets, there no impacts on that.

- (16) 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 new building and site are compatible with the existing character and scale of buildings in the vicinity. The DRC has reviewed the project and has offered no comments or recommendations.

- (17) 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 current site is an already disturbed area previously used for storing cars and equipment. The building and site amenities, including some landscaping and screened dumpster, do adequately reduce the visual intrusion of the development and actually represent an improvement in aesthetics.

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

The new building is accessible from three sides (of which 2 have large door openings). The Fire Chief had no suggestions for changes.

- (19) 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.

As a redevelopment project, the environmental impacts of the project are minimal. The most significant potential impacts have been addressed in the form of an Order of Conditions from the Conservation Commission. The stormwater management system has also been reviewed and approved by the Town's Consulting Engineer. The no-disturb zone will be partially restored and the aesthetic impacts are positive.

- (20) 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 Engineer and Consulting Planner. The access driveways, loading and parking facilities have been found to be adequately designed.

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

The design includes partial restoration of the no-disturb wetlands buffer area. The rest of the site is already disturbed and has no natural or historic features to incorporate.

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

The site proposes only lights on the building. As conditioned below, these will be shielded to minimize light pollution and there will be no glare onto other properties.

- (23) 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.

The Order of Conditions issued by the Conservation Commission ensures that the environmental resources of the site are protected. No cultural resources are impacted.

D. OTHER FINDINGS

- (24) The proposed use of the property/building for vehicle storage and repair is an allowed use in the Industrial I zoning district pursuant to the *Medway Zoning Bylaw*.

- (25) The proposed use is in compliance with the *Medway Master Plan* goal of increased commercial development.

VII. WAIVERS – At its August 11, 2015 meeting, the Planning and Economic Development Board, on a motion made by Robert Tucker and seconded by Matthew Hayes, voted to grant waivers from the following provisions of the *Rules and Regulations for the Submission and Approval of Site Plans, as amended December 3, 2002 EXCEPT for a waiver from Section 204-5 A. Site Plan Contents Cover Sheet* which the Board did not approve. The Planning and Economic Development Board's action and reasons for granting or denying each waiver request are listed below. All waivers are subject to the *Special and General Conditions of Approval*, which follow this section. The motion was approved by a vote of four in favor and none opposed.

SUBMITTAL REQUIREMENTS/PLAN CONTENTS

1. *204 – 4 B. Scale of drawings* – The site plan shall be drawn at a scale of one (1) inch equals forth (40) feet or such other scale that has been approved in advance by the Planning Board and that clearly and adequately represents the proposed improvements.

The applicant has requested that the plans be prepared at a scale of 1" = 20' instead of 1" = 40' due to the small size of the property at less than one acre in size. The Board feels this is a reasonable request that will make the plans easier to read. Therefore, the Board APPROVES this waiver.

2. *204-5 A. Site Plan Contents Cover Sheet* – The Cover Sheet shall include the project name, name and address of owner, name and address of applicant, name and address of engineering and other professional firms responsible for the plan, current date, list of revision dates, project street address, project Assessor's Map and parcel number, zoning district classification, list of requested waivers from the Site Plan Rules and Regulations, Planning Board signature block and a list of drawings/contents

The information provided by the applicant includes most or all of the required information so it is not unreasonable to prepare a specific cover sheet with the required information which will identify all sheets included in the plan set and list the approved waivers. Therefore the Board DENIES this waiver.

3. *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 (1) foot or greater at four (4) feet above grade.

The applicant requests a waiver from this regulation. The already-disturbed site has minimal vegetation so an inventory is not practical. Therefore the Board APPROVES this waiver.

4. *204-5 D. 7) – Site Plan Contents Landscape Architectural Plan - A Landscape Architectural Plan* shall be prepared by a Landscape Architect licensed in the Commonwealth of Massachusetts. This *Plan* shall be prepared as an overlay of the existing conditions sheets and shall incorporate, whenever possible, the significant features of the existing site and topography, particularly existing trees with a diameter of one (1) foot or greater at four (4) feet above grade. The *Landscape Architectural Plan* shall indicate the areas slated for excavation; any woodlands, trees or other existing features or structures to be retained; all new plantings by common and Latin name including their proposed locations and sizes at the time of installation. Plan graphics for tree canopies shall reflect, as closely as possible, the actual canopy dimension of proposed tree plantings at the time of installation with a "lesser" intensity graphic used to represent potential canopy at maturity.

The applicant requests a waiver from this regulation due to the small scale of this project (less than 1 acre). Sheet C1 of the plan set shows the proposed landscape treatment and refers to the Conservation Commission's Order of Conditions which requires the restoration of 1,155 sq. ft. of disturbed land within the 25' buffer zone and specifies the planting of sweet pepperbush and winterberry shrubs. While the proposed landscaping outside the no-disturb zone is minimal, it is compatible with other sites within the industrial park. Therefore, the Board APPROVES this waiver.

5. 204-5 D. 8) *Architectural Plan* – The site plan shall include an architectural plan with dimensions and details of façade designs of each building including specifications on style, materials, and colors from all elevations. A color rendering of the architectural plan shall be provided.

The applicant requests a waiver from this regulation to not be required to provide a color rendering of the architectural plans. The renderings provided illustrate clearly enough the massing and style of the metal building proposed. Due to its location near the end of an industrial park road, the building will be minimally viewed by the public other than customers of the facility. The DRC has reviewed the project and has offered no comments or recommendations. Therefore, the waiver is APPROVED.

6. 204-5 D. 9) *Color Renderings* – The site plan shall include color renderings of the project depicting structure, signage and commons views of the site from a public way and other views helpful in illustrating the totality of the proposed site improvements.

The applicant requests a waiver from this regulation. As stated above, the renderings submitted provide sufficient aesthetic detail for a building in this location with minimal public viewing. The DRC has reviewed the project and has offered no comments or recommendations. Therefore, the waiver is APPROVED.

7. 204-5 D. 12) *Site Plan Contents Signage Plan* - The site plan shall include the design, location, materials, dimensions and lighting for a) the proposed development and all building identification both freestanding and attached; and b) standards for tenant signs.

The applicant has stated that there would be no change in signage for this project. No additional signage is needed as the main customer entrance for John's Auto Body is located to the east at 27 Jayar Road. Therefore, there is no need for a signage plan and the Board APPROVES this waiver.

8. 204-5 D. 13) – *Lighting plan* – The site plan shall include a lighting plan indicating the type, height and location of all proposed lighting fixtures and devices and the radius of light patterns, brightness and intensity of proposed lighting. The manufacturer's data and specifications for the proposed lighting fixtures shall be submitted. The Lighting Plan shall indicate proposed lighting around all structures, driveways, driveway entrances, walkways, entrances,

pathways and parking areas. The Lighting Plan shall include a night lighting plan which specifies the times of illumination and the location of fixtures which shall be illuminated.

The applicant has proposed to install only building mounted lighting. No additional lighting is proposed that will spill onto adjacent properties. As conditioned below, those lights will be shielded to minimize light pollution as well as trespass onto adjacent properties. Therefore, the Board APPROVES this waiver.

9. 204-5 D. 14) – Site Plan Contents Horizontal Sight Distances – Horizontal Sight distances shall be shown on the public ways at all entrances in both directions.

John's Auto Body is located at the end of Jayar Road, a dead end road at the back of an industrial park with minimal traffic. Therefore, the Board APPROVES this waiver.

10. 205-3 A. 3) – Curb Cuts – The number of curb cuts on public ways shall be minimized.

The applicant has proposed two curb cuts for the property at 25 Jayar Road to accommodate ready access to the site for the large trucks and vehicles to be stored and serviced within the building. Due to the need for larger vehicles to enter the building from the end facing Jayar Road, a second curb cut, to be used only rarely, is needed. Therefore, the waiver is APPROVED.

11. 205-3 B. 6) – The perimeter of the driveway shall be bounded with vertical granite curbing or similar type of edge treatment.

The applicant proposes to use bituminous curbing instead of vertical granite curbing. This will match the existing curbing along Jayar Road in the industrial park. Therefore, the Board APPROVES this waiver.

12. 205-3 D. – Pedestrian and Bicycle Access and Connections

The applicant has requested relief from all regulations pertaining to pedestrian and bicycle access and connections. Based on its use and location, pedestrian and bicycle access is not likely to be used. Therefore, the Board APPROVES this waiver.

13. 205-6 A. – Parking lots should be located to the side or rear of the lot. Placement of parking areas should not be near a high volume of traffic where it can obstruct traffic flow. Parking should be hidden to the maximum extent possible and located near the side and rear of the site. Parking should not create a hazard to abutters, vehicles or pedestrians. Where or when parking does exist near the street, plantings or appropriate fences, i.e. picket or post and rail, should be incorporated into the design to screen parking areas and reduce their visual impact.

The applicant proposes that there be some parking to the front of the site. Due to the presence of wetlands, parking in the rear is not feasible. Therefore, the Board APPROVES this waiver.

14. 205-6 G. 3) a) – Car parking stalls shall be ten (10) feet by twenty (20) feet, except that handicap stalls shall be in accordance with the current ADA standards. Each handicapped space/stall must be identified on the ground surface and by a sign.

The applicant proposes that the parking spaces be 9' wide by 18' long. This size is consistent with the Section 7.1.1 E. 3 of the Medway Zoning Bylaw, dated May 11, 2015. Therefore, the Board APPROVES this waiver.

15. 205-6-G. 4) b) – Parking spaces/stalls shall not be located within fifteen (15) feet of the front, side and rear property lines.

The applicant proposes that parking spaces be allowed to be located within 15' of the front and side property lines as this is consistent with current site conditions. The building's location on the site is limited by the wetlands. Further, the required handicap spot is located within 15 feet of the front setback, but that is the closest location to the building and therefore the most appropriate for the handicap parking space. Therefore, the Board APPROVES this waiver

16. 205-6 G. 4) c) – Parking spaces/stalls shall be located such that a vehicle backing out of a space does not impede traffic entering from a public way within the first fifty (50) feet into the site.

Due to the rare use of the curb cut in front of the building as well as the minimal traffic on Jayar Road, strict adherence to this requirement is not necessary at this location. Therefore, the Board APPROVES this waiver.

17. 205-6-H. Curbing – The perimeter of the parking area shall be bounded with vertical granite curb or similar type of edge treatment to delineate the parking lot.

The applicant proposes to use bituminous curbing instead of vertical granite curbing to delineate the parking lot area. This is consistent with the rest of the site. Therefore, the Board APPROVES this waiver.

18. 205-9 C. Trees and Landscaping –

The applicant requests a waiver to allow for a reduced number of replacement trees and landscaping on this site. The applicant is restoring a portion of the no-disturb wetlands buffer area and is proposed reduced landscaping elsewhere on the site. The proposed landscaping is consistent with other sites within the industrial park, Therefore, the Board APPROVES this waiver.

VIII. SPECIFIC CONDITIONS – This approval is subject to the following *Specific Conditions*:

- A. **Plan Revisions** - Prior to endorsement, the site plan set for John's Auto Body shall be further revised as follows and submitted to the Planning and Economic Development Board for review and approval.
1. A Cover Sheet shall be provided to include all items specified in the *Site Plan Rules and Regulations* including a plan index, a list the approved requests for waivers, and the standard signature boxes.
 2. A note shall be added to the plans to indicate that lights on the building shall be shielded in a manner to prevent light pollution and to eliminate light trespass onto adjacent properties.
 3. Per the plan review letter dated July 22, 2015 from Gino Carlucci of PGC Associates, the location of a "Knox Box" shall be added.
 4. Per the plan review letter dated July 22, 2015 from Sean Reardon of Tetra Tech, the plan shall be revised as noted in items 22 – 31.
 5. A "Do Not Enter" sign shall be installed at the westerly driveway to the site.

IX. GENERAL CONDITIONS OF APPROVAL

- A. **Plan Endorsement** - Within thirty (30) days after the Planning and Economic Development Board has filed its *Decision* with the Town Clerk, the Applicant shall submit a final site plan modification reflecting all Conditions and required revisions, if any, to the Planning and Economic Development Board to review for compliance with the Board's *Decision*. The Applicant shall provide one set of the revised site plan in its final form to the Planning and Economic Development Board for signature/endorsement. All plan sheets shall be bound together in a complete set.
- B. **Fees** - Prior to site plan endorsement by the Planning and Economic Development Board, the Applicant shall pay:
1. the balance of any outstanding plan review fees owed to the Town for review of the site plan by the Town's engineering, planning or other consultants; and
 2. any construction inspection fee required by the Planning and Economic Development 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 Planning and Economic Development Board to withhold plan endorsement.

- C. **During Construction**
1. The applicant shall take all measures necessary to ensue that no excessive dust leaves the premises during construction.

2. 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 loose gravel/dirt 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 within twenty-four (24) hours of its occurrence.
 3. All erosion and siltation control measures shall be installed and observed by the Planning and Economic Development Board's consulting engineer or the Conservation Agent prior to the start of construction, and maintained in good repair throughout the construction period.
 4. *Construction Time* - Construction work at the site and in the building shall commence no earlier than 7 a.m. and shall cease no later than 7 p.m. No construction shall take place on Sundays or legal holidays.
 5. *Construction Traffic/Parking* – 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.
- D. ***Other Town Permits*** - The contractor for the applicant or assigns shall obtain, pay and comply with all other required Town permits.
- E. ***Construction Inspection***
1. Planning and Economic Development Board members, its staff and consultants, and 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.
 2. The applicant shall have a professional engineer licensed in the Commonwealth of Massachusetts conduct progress inspections of the approved plan. 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 Planning and Economic Development Board within 5 days of inspection.
 3. In the event the applicant seeks an occupancy permit from the Town of Medway before all site plan work is satisfactorily completed (see VIII. General Conditions of Approval G. 2 herein), the Applicant shall establish a construction inspection account with the Medway Planning and Economic Development Board. The Applicant shall pay a construction inspection fee to the Town of Medway in an amount to be determined by the Planning and Economic Development Board. The funds may be used at the Planning and Economic Development Board's discretion to retain professional outside consultants to:
 - inspect the site
 - 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* (see VIII. General Condition G. 3 herein).

Depending on the scope of professional outside consultant assistance that the Planning and Economic Development Board may need, the Applicant shall be required to provide supplemental payments to the project's construction inspection account, upon invoice. 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.

F. **Plan Modification**

1. This Site Plan Approval is subject to all subsequent conditions that may be imposed by other Town departments, boards, agencies or commissions. Any changes to the site plan that may be required by the decisions of other Town boards, agencies or commissions shall be submitted to the Planning and Economic Development Board for review as site plan modifications pursuant to SECTION V. C. 10 of the *Medway Zoning Bylaw*.
2. Any work that deviates from an approved site plan shall be a violation of the *Medway Zoning Bylaw*, unless the Applicant requests approval of a plan modification pursuant to SECTION V. C. 10 of the *Medway Zoning Bylaw* and such approval is provided in writing by the Planning and Economic Development Board.
3. Whenever additional reviews by the Planning and Economic Development 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 Planning and Economic Development Board may reduce the scope of the required review and waive part of the filing and review fees.

G. **Plan Compliance**

1. The Applicant shall construct all improvements in compliance with the approved and endorsed site plan and any modifications thereto.
2. The Planning and Economic Development Board or its agent(s) shall use all legal options available to it, including referring any violation to the Building Commissioner/Zoning Enforcement Officer for appropriate enforcement action, to ensure compliance with the foregoing Conditions of Approval.
3. The Conditions of Approval are enforceable under Section. V. C. 12 of the *Medway Zoning Bylaw* (non-criminal disposition) and violations or non-compliance are subject to the appropriate fine.

H. **Project Completion/Performance Security**

1. Site plan approval shall lapse after one (1) year of the grant thereof if substantial use has not commenced except for good cause. Approved site plans shall be completed by the applicant or its assignees within two (2) years of the date of plan endorsement. Upon receipt of a written request by the applicant filed at least thirty (30) days prior to the date of expiration, the Planning and Economic Development 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. No occupancy permit shall be granted until the Planning and Economic Development Board has provided a written communication to the Inspector of Buildings to verify that the project, as constructed, conforms to the approved site plan and 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 Planning and Economic Development Board's satisfaction, to cover the costs of all remaining work.
3. Prior to issuance of a final occupancy permit, the Applicant shall secure a **Certificate of Site Plan Completion** from the Planning and Economic Development Board and provide the **Certificate** to the Inspector of Buildings. The **Certificate** serves as the Planning and Economic Development Board's confirmation that the completed work conforms to the approved site plan and any conditions and modifications thereto, including the construction of any required on and off-site improvements. The **Certificate** also serves to release any security/performance guarantee that has been provided to the Town of Medway. To secure a **Certificate of Site Plan Completion**, the applicant shall:
 - a) provide the Planning and Economic Development 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 site plan, and any modifications thereto; and
 - b) submit an electronic version of an As-Built Plan, prepared by a registered Professional Land Surveyor or Engineer registered in the Commonwealth of Massachusetts, to the Planning and Economic Development Board for its review and 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.

- I. **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.

- J. **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 (20) days of the date the Decision is filed with the Town Clerk.

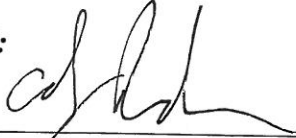
After the appeal period has expired, the applicant must obtain a certified notice from the Town Clerk that no appeals have been made and provide such certification to the Planning and Economic Development Board before plan endorsement.


###


Medway Planning and Economic Development Board
SITE PLAN DECISION
John's Auto Body (25 Jayar Road)


Approved by the Medway Planning & Economic Development Board:

AYE:










NAY:

ATTEST:



Susan E. Affleck-Childs
Planning & Economic Development Coordinator

8-11-2015
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
Stephanie Mercandetti, Director of Community and Economic Development
Melanie Phillips, Treasurer/Collector
Jeff Watson, Police Department
Gino Carlucci, PGC Associates
Steven Bouley, Tetra Tech
John Solari, applicant
David Faist, engineer for applicant