



**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*



September 10, 2013

**SITE PLAN DECISION**  
**Medway Commons Site Plan Modification for Starbucks Coffee**  
**67 Main Street**  
**APPROVED with CONDITIONS**

You are hereby notified that on September 10, 2013 at a duly called and properly posted meeting, the Medway Planning and Economic Development Board, after reviewing the application and information compiled during the public review process which commenced on May 6, 2013, (*the date of application submittal*), voted on a motion made by Tom Gay and seconded by Karyl Spiller-Walsh with four in favor (Gay, Hayes, Rodenhiser and Spiller-Walsh) and none against to approve with conditions as specified herein, the application of Charter Medway I, LLC and Charter Realty II, LLC of Rye Brook, NY to modify the previously approved site plan for the Medway Commons shopping center as such pertains to proposed changes at Starbucks Coffee.

This Decision includes the following sections:

- I. Project Location
- II. Background
- III. Project Description – Proposed Modification
- IV. Procedural Summary
- V. Index of Site Plan documents
- VI. Testimony
- VII. Findings
- VIII. Special Conditions of Approval
- IX. General Conditions of Approval

**I. PROJECT LOCATION** - The application pertains to the Starbucks Coffee which is located in the most northeasterly building at 67A Main Street in the Medway Commons shopping center. Medway Commons is located in the Commercial I zoning district and is identified as Parcels 23-67A, 24, 23-67C on Medway Assessor's Map 41. The center is owned by Charter Medway I, LLC and Charter Medway II, LLC of Rye Brook, NY under a long term ground lease with Hidden Acres Realty Trust I, LLC and Hidden Acres Realty Trust II, LLC of Medway, MA. The property is bounded on the north by Main Street/Route 109 and on the west by Holliston Street.

**II. BACKGROUND** - *The overall site plan for the Medway Commons shopping center was previously approved by the Medway Board of Selectmen on July 29, 2002. On May 1, 2013, the Medway Zoning Board of Appeal issued a special use permit authorizing the drive-thru use pursuant to the Medway Zoning Bylaw, V. G. 1. j) 7).*

**III. PROJECT DESCRIPTION/PROPOSED MODIFICATION** - The primary purpose of this site plan modification is to provide a drive-through aisle and a 170 sq. ft. pick-up window for the Starbucks Coffee. The project will entail a reconstruction of the existing parking area along the West side of the building and a realignment of the drive aisles to provide a queue length for 8 cars, 2 menu boards, outside seating and a pick-up window. The drive-through lanes will exit onto an existing private parking lot roadway within Medway Commons. On-site improvements to internal circulation with landscaped areas and curbing alterations will better align Starbucks' access driveway with the adjacent STAR Market parking area. Some minor adjustments to the existing drainage system are needed to accommodate the driveway realignment. The outdoor area will provide seating for 20 customers and the interior store will be remodeled to allow seating for 35 customers. There is an overall reduction of 20 parking spaces due to the reconstruction.

**IV. PROCEDURAL HISTORY**

- A. May 6, 2013 – Application to modify a previously approved site plan was filed with the Medway Planning & Economic Development Board.
- B. May 21, 2013 – PED office notified Town staff, boards, committees of the application and the planned public hearing for June 11, 2013. The plans were posted to the Town's common drive and were available at the PEDB office for review.
- C. May 22, 2013 – Public Hearing notice was filed with the Town Clerk and posted to the Town's web site. The public hearing was advertised in the *Milford Daily News* on May 28 and June 3, 2013. Abutters were notified by certified sent mail on May 22, 2013.
- D. June 11, 2013 – Public Hearing commenced. The public hearing was continued to July 23, 2013, and August 27, 2013. The public hearing was closed on August 27, 2013.
- E. Action Deadline Extensions – At its 6-11-2013 meeting, the Planning and Economic Development Board approved the applicant's request to extend the action deadline to August 6, 2013. At its 7-27-2013 meeting, the Board approved the applicant's request to extend the action deadline to September 30, 2013.

**V. INDEX OF SITE PLAN DOCUMENTS**

- A. The application package to modify the previously approved Medway Commons site plan for Starbucks as submitted on May 6, 2013 included the following documents:
  - Application to Modify a Previously Approved Site Plan dated April 29, 2013.
  - Project Description dated April 29, 2013
  - *Medway Commons Retail Development*, 67 Main Street, Medway, MA dated April 26, 2013 prepared by Tighe and Bond Consulting Engineers of Portsmouth, NH. (15 sheet plan set)
  - Authorization letter dated March 21, 2013 from land owners Hidden Acres Realty Trust I and II, LLC to submit the site plan modification application
  - Determination letter dated May 10, 2013 from Building Commissioner John Emidy indicating that the scope of the proposed project constituted a Substantial Modification.
  - Technical Memorandum dated April 26, 2013 from Jennifer Viarengo, P.E. with Tighe and Bond describing the proposed alterations to the drainage design and verifying that there will be a slight reduction in impervious area.

- Traffic Impact Statement dated April 1, 2013, prepared by Jason Plourde, P.E. and Paul Furgal, P.E., Tighe and Bond, Portsmouth, NH
- Certified abutters list

B. During the course of the public hearing process, the following additional documents were provided to the Board:

- Traffic Impact Statement (REVISED) dated July 15, 2013 prepared by Jason Plourde, P.E., Tighe and Bond, Portsmouth, NH
- Revised Memorandum dated July 15, 2013 from Jennifer Viarengo, P.E. with Tighe and Bond describing the proposed alterations to the drainage design
- Cover memo dated July 23, 2013 from Jason Plourde, P.E., Tighe and Bond with a collection of vehicle queuing observations at drive-thru windows of two similar Starbucks facilities.
- *Starbucks Addition*, 67 Main Street – 6 sheet plan set dated July 12, 2013 prepared by Scott Griffin Architects, Waltham, MA.
- *Medway Commons Retail Development*, 67 Main Street, Medway, MA REVISED DATE July 8, 2013 prepared by Tighe and Bond Consulting Engineers of Portsmouth, NH (received 7/16/2013). NOTE – The 19 sheet plan set includes the 6 sheets dated 7/12/2013 prepared by Scott Griffin Architects, Waltham, MA.
- Technical Memorandum dated July 23, 2013 from Jennifer Viarengo, P.E. and Jason Plourde, P.E. of Tighe & Bond in response to the 7/17/2013 peer review letter from David Pellegrini of Tetra Tech Engineering, the Town's consulting engineer
- *Medway Commons Retail Development*, 67 Main Street, Medway, MA REVISED DATE July 22, 2013 prepared by Tighe and Bond Consulting Engineers of Portsmouth, NH (received 7/26/2013). (NOTE – the 19 sheet plan set includes 6 sheets dated 7/12/2013 prepared by Scott Griffin Architects, Waltham, MA.
- *Medway Commons Retail Development*, 67 Main Street, Medway, MA – REVISED Sheets C-4 and C-2B dated 8/20/2013.
- *Starbucks Addition*, 67 Main Street – Sheet A1 prepared by Scott Griffin Architects, Waltham, MA (received 8/21/2013) NOTE – Revision date is NOT indicated.
- ZBA special permit decision dated May 1, 2013 authorizing the drive-thru use
- Prior site plan decision of the Medway Board of Selectmen dated July 29, 2002

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

**Review Letters**

- Review letter dated July 17, 2013 from David Pellegrini, Tetra Tech Engineering, the Town's consulting engineer.
- REVISED review letter dated August 21, 2013 from David Pellegrini, Tetra Tech Engineering, the Town's consulting engineer.
- Letter of Recommendation dated August 12, 2013 from the Medway Design Review Committee
- Review memo dated August 23, 2013 from Sergeant/Safety Officer Jeffrey Watson

### **Verbal Testimony**

- Karen Johnson, Charter Realty and Development
- David Pellegrini, P.E., Tetra Tech
- Gino Carlucci, AICP, PGC Associates
- Matt Buckley, Chairman of the Medway Design Review Committee

**VII. FINDINGS** – The Planning & Economic Development Board must determine whether the proposed site plan modification constitutes a suitable development based on conformance with the purposes of Site Plan Review as specified in the *Medway Zoning Bylaw* and with the various site development standards and criteria set forth in the Board's *Site Plan Rules and Regulations*. The Planning & Economic Development Board, at its meeting on September 10, 2013, on a motion made by Tom Gay and seconded by Karyl Spiller-Walsh, voted four in favor (Gay, Hayes, Rodenhiser and Spiller-Walsh) and zero against to approve the following **FINDINGS** regarding the Medway Commons site plan modification for Starbucks Coffee.

### **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?

*The plan is to add a drive-thru arrangement to the existing Starbucks Coffee within the Medway Commons shopping center. The site is already highly developed. The driveway will allow 8 vehicles to queue and a 168 sq. ft. pick-up window will be constructed as an addition to the building's west façade. The proposed location for the drive-thru aisles and window is currently used as a parking area. The site plan has been reviewed by the Town's engineering consultant, the Design Review Committee, and Police Department's Safety Officer and has been revised to address comments received. Therefore, the Planning and Economic Development Board finds that this criterion is met.*

- (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 architecture and design of site amenities have been reviewed by the Design Review Committee. Recommended changes have been or will be incorporated into the plans. Therefore, subject to Specific Condition A-5, the Planning and Economic Development Board finds that this criterion is met.*

- (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?

*The site is already developed and the proposed area of the drive-thru is currently a parking lot. The addition of the drive-thru will not affect adjacent and neighboring properties with noise, fumes, glare of headlights and other light sources to an appreciably greater degree than the current parking lot configuration.*

- (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?

*The site is already developed. Since this project involves a modification to a business in one existing building of a multi-tenant/building shopping center and a reconfiguration of the parking lot, there is no additional disturbance of natural features. Therefore, the Planning and Economic Development Board finds that this criterion is met.*

- (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?

*Starbucks will continue to use the existing loading zone for its operations. No changes in the loading and unloading of goods, products and materials are planned as a result of the proposed addition of the drive-thru aisles and pick-up window. Therefore, the Planning and Economic Development Board finds that this criterion is met.*

- (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 building and the entire shopping center are already served by municipal sewer. Starbucks will continue to manage the handling and disposal of its refuse with the existing dumpsters which are suitably screened from public view. Therefore, the Planning and Economic Development Board finds that this criterion is met.*

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

*This was a particular concern of the Planning and Economic Development Board as pedestrian access to this business would be changed by the conversion of the adjacent parking area to a drive-thru aisle and pick up window. The site design was reviewed by the Town's consulting engineer and the Police Department's Safety Office and recommended changes in pedestrian access have been incorporated into the plan to ensure that pedestrian access from the west is suitably provided. Subject to Specific Condition A-4, the Planning and Economic Development Board finds that this criterion is met.*

- (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?

*Starbucks is located within the Medway Commons shopping center which is situated at the intersection of Route 109/Main Street and Holliston Street, less than 1.5 miles from a fire station. The plan has been reviewed by the Police Department's Safety Officer and the Fire Chief has not expressed any concerns about the proposed modification. Therefore, the Planning and Economic Development Board finds that this criterion is met.*

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

*The plan has been reviewed by the Town's consulting engineer. The proposed minor change to the drainage design to accommodate the creation of the drive-thru aisles has been determined to be adequate. The Director of the Department of Public Services has not expressed any concerns about the proposed modification. Subject to Specific Condition A-6, the Planning and Economic Development Board finds that this criterion is met.*

- (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 primary customer access driveway to Medway Commons is a signalized intersection at Main Street/Route 109. The access to Starbucks is from an internal driveway within Medway Commons. Vehicle queuing for the drive-thru will be handled completely within the immediate Starbucks area and will not back up out onto Main Street/Route 109 or the private drives serving the Medway Commons shopping center as documented by information presented by the applicant regarding queuing distances at other Starbucks locations. The overall design to convert the parking area to the drive-thru aisles was reviewed by the Town's consulting engineer and their in-house traffic expert and was determined to be adequate. Therefore, the Planning and Economic Development Board finds that this criterion is met.*

- (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 plan has been reviewed by the Town's consulting engineer and has been circulated to various Town boards/committees/departments for their review. The plan has been revised to address comments received. Therefore, the Planning and Economic Development Board finds that this criterion is met.*

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

*The plan has been revised in response to comments from the Town's consulting engineer, the Design Review Committee and Police Safety Officer in order to reduce and/or ameliorate the impacts of the proposed modifications to the development. Therefore, the Planning and Economic Development Board finds that this criterion is met.*

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

*As noted in Sections VIII and IX below, a variety of conditions, limits and safeguards have been included in this decision. Therefore, the Planning and Economic Development Board finds that this criterion is met.*

**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 Board shall determine the following:

- (14) 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?

*There is no access to Medway Commons or the proposed drive-thru via minor streets servicing residential areas. However, internal circulation, queuing and egress were the primary areas of concern during the review of this proposed modification. The original design was reviewed by the Town's consulting engineer, Police Safety Office and Fire Chief and the plans were revised based on their comments. Therefore, the Planning and Economic Development Board finds that this criterion is met.*

- (15) 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 proposed changes in the building and site amenities have been reviewed by the Design Review Committee. The planned 168 sq. ft. addition to accommodate a pick-up window is relatively minor; its surface finishes for siding, trim, cornice and brick work will match those of the existing structure. The addition reflects the architecture of the original building. Therefore, the Planning and Economic Development Board finds that this criterion is met.*

- (16) 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.

*This site does not abut residential areas and the small addition for the pick-up window does not cause a substantial increase in the visible intrusion of structures. Expanded landscaping will provide a more attractive atmosphere than the present parking area, and the screening provided for the parking areas, outside storage and outdoor storage areas will either not be impacted or upgraded. Therefore, the Planning and Economic Development Board finds that this criterion is met.*

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

*As noted in Finding #8 above, Starbucks is located within the Medway Commons shopping center which is situated at the intersection of Route 109/Main Street and Holliston Street, less than 1.5 miles from a fire station. The plan has been reviewed by the Police Department's Safety Officer and the Fire Chief has not expressed any concerns about the proposed modification. Therefore, the Planning and Economic Development Board finds that this criterion is met.*

- (18) 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.

*This project involves a relatively modest modification to a business in one existing building of an established multi-tenant/building shopping center. The design and construction involved in the development of drive-thru aisles and a pick-up window for Starbucks Coffee:*

- a) *does not include any cut and fill;*
- b) *does not remove any existing trees and will add landscaping enhancements;*
- c) *results in the conversion of a paved parking area to a combined drive-thru aisle with attractive supplemental landscaping;*
- d) *does not result in the removal of existing stone walls;*
- e) *retains the visibility of the existing building from Main Street/Route 109;*
- f) *does not infringe on waterways and environmental resource areas;*
- g) *does not increase pollution and erosion;*

- h) *minimizes noise as noted in Specific Condition B-1 regarding limitations on the hours of construction.*

*Therefore, the Planning and Economic Development Board finds that this criterion is met.*

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

*The plan was reviewed by the Town's consulting engineer and the Police Department's Safety Officer. Replacement pedestrian access has been added for that which will be eliminated due to the construction of the drive-thru aisles. As noted in Finding #14 above, vehicular safety was a primary concern of the review and has been adequately addressed. Therefore, the Planning and Economic Development Board finds that this criterion is met.*

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

*This project involves a modification to a business in one building of an established multi-tenant/building shopping center. As noted in Finding #4 above, there is no additional disturbance of natural features. Also, there are no historic features on site. Therefore, the Planning and Economic Development Board finds that this criterion is met.*

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

*The proposed site plan modification does not include any additional light poles from what presently exists to illuminate the existing parking area nor are any additional exterior light fixtures proposed. Therefore, the Planning and Economic Development Board finds that this criterion is met.*

- (22) 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 limit of work area is reasonable and since the project is an alteration of an existing development, it does not encroach on any sensitive environmental or cultural resources. Minor drainage changes are being provided to ensure adequate stormwater management. Therefore, the Planning and Economic Development Board finds that this criterion is met.*

**VIII. SPECIFIC CONDITIONS OF APPROVAL** – Approval of this site plan modification is subject to the following specific conditions:

- A. **Plan Revisions** - Prior to endorsement, the plan set *Medway Commons Retail Development*, 67 Main Street, Medway, MA REVISED DATE July 22, 2013 prepared by Tighe and Bond Consulting Engineers of Portsmouth, NH including plan sheets by Scott Griffin Architects shall be further revised to incorporate the following:

1. The plan endorsement signature box on all plan sheets shall be revised to delete reference to the Board of Selectmen and shall be replaced to specify the Planning and Economic Development Board.
2. The cover sheet (Sheet C-0) shall be revised to reference:



- a. the approval and endorsement dates of the previously approved Medway Commons site plan.
  - b. the approval date and recording information of the special use permit authorized by the Medway Zoning Board of Appeals on May 1, 2013.
  - c. final plan revision date.
3. The Plan Title throughout the plan set shall be revised as follows: *Medway Commons Retail Development Site Plan Modification – Starbucks Coffee Drive-Thru*
  4. Requirements as specified in the 8/23/2013 memorandum from Sergeant Jeff Watson.
  5. The proposed Starbucks sign/logo to be positioned in the existing circular faux window on the west façade, with materials and size specifications.
  6. Sheets A-1 and A-4 – The splash pads under the downspouts shall be eliminated. Instead, a connection to the drainage system shall be specified.

**B. Construction**

1. **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 unless authorized in advance by the Medway Building Commissioner.
2. **Construction Traffic/Parking** – All parking for construction and construction related traffic shall be maintained on site. No parking of construction and construction related vehicles shall take place on Main Street/Route 109.
3. **Construction Materials/Debris** - There shall be no tracking of construction materials/debris onto any public way. Sweeping of the roadways adjacent to the site shall be done as needed to ensure that loose gravel/dirt does not create hazardous or deleterious conditions for vehicles, pedestrians and neighborhood residents. In the event any construction debris is carried onto a public way, the applicant shall be responsible for all clean-up of the roadway within 24 hours of its occurrence.
4. During construction, the contractors shall maintain suitable access for tenants and customers of the other businesses in the vicinity of the Starbucks Coffee.

**C. Construction Inspection** - Planning & Economic Development Board members, its staff or its designated agents shall have the right to inspect the site at any time, for compliance with the provisions of this Decision. Inspectors may include Town employees or consultants.

**D. Plan Compliance**

1. The Applicant shall construct all improvements in compliance with the approved and endorsed site plan modification.

2. Any construction work that deviates from this and the previous site plan decisions shall be a violation of the Zoning Bylaw. The Board or its agents may use all legal options available to it, including referring any violation to the Building Commissioner/Zoning Enforcement Officer for appropriate enforcement action, to ensure compliance with this decision and its conditions.
  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 designated fine.
- E. **Plan Changes** – Any change to the approved site plan modification shall necessitate a further modification of the site plan requiring Planning & Economic Development Board approval pursuant to SECTION V. C. 8 of the Medway Zoning Bylaw. Whenever additional reviews by the Planning & 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 if required including legal notice and abutter notification. If the proposed revisions affect only very limited aspects of the site, the Planning & Economic Development Board may reduce the scope of the required review, public notice and waive part of the filing and review fees.
- F. **Schedule for Project Completion** – The Planning and Economic Development Board's approval of this site plan modification shall lapse after one (1) year of the grant thereof if substantial use has not commenced except for good cause. Construction 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 & 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 and hearing have been held.

- G. **Occupancy Permit** - Prior to the issuance of a new occupancy permit for Starbucks, the applicant shall:
1. provide **written certification from a Professional Engineer** registered in the Commonwealth of Massachusetts that all approved site plan modification work has been completed in strict compliance with the approved and endorsed site plan modification, the decision and any conditions thereto; and
  2. submit six (6) copies of an **As-Built Plan**, prepared by a registered Professional Land Surveyor or Engineer registered in the Commonwealth of Massachusetts, to the Planning & 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 approved 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; and
  3. secure a written **Certificate of Site Plan Completion** from the Planning and Economic Development Board that all work was completed in strict compliance

with the approved and endorsed site plan modification, this decision and any conditions thereto, and provide such certification to the Inspector of Buildings.

OR/ the applicant shall provide suitable security/performance guarantee acceptable to the Town, to the Board's satisfaction, to cover the Town's costs to complete the remaining work. Such amount shall be determined by the Board based on the recommendation of the Town's Consulting Engineer.

**IX. GENERAL CONDITIONS OF APPROVAL**

- A. **Appeal** – Any person aggrieved by the Planning & Economic Development Board's Decision may appeal such to the court within twenty (20) days of the date the Decision is filed with the Town Clerk.
- B. **Plan Endorsement** - Within thirty (30) days after the Planning & Economic Development Board has filed its *Decision* with the Town Clerk, the Applicant shall submit a final site plan modification drawing reflecting all required revisions, if any, to the Planning and Economic Development Board to review for compliance with the Board's *Decision* before plan endorsement. All plan sheets shall be bound together in a complete set.
- C. **Fees/Taxes** - Prior to endorsement of the modified site plan by the Planning & Economic Development Board, the Applicant shall pay the balance of any outstanding plan review fees owed to the Town for review of the site plan by the Town's engineering and planning consultants, and any other outstanding expenses or obligations due the Town of Medway, 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 & Economic Development Board to withhold plan endorsement.
- D. **Construction Standards** - All construction shall be 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.

Approved by the Medway Planning & Economic Development Board: 9-10-2013

ATTEST: Susan E. Affleck-Childs 9-11-2013  
Susan E. Affleck-Childs Date  
Planning & Economic Development Coordinator

- COPIES TO:** Stephanie Bacon, Health Agent  
Board of Assessors  
John Emidy, Building Commissioner/Zoning Enforcement Officer  
Thomas Holder, DPS  
Suzanne K. Kennedy, Town Administrator  
Jeff Lynch, Fire Department  
Melanie Phillips, Treasurer/Collector  
Karon Skinner-Catrone, Conservation Agent  
Jeff Watson, Police Department  
Dave Pellegrini, Tetra Tech