



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.
Karyl Spiller Walsh
Richard Di Iulio, Associate Member

July 22, 2014

SITE PLAN DECISION
Learning Tree Center – 157 Main Street
APPROVED with Waivers and Conditions

Decision Date: July 22, 2014

Name/Address of Applicant: Stephen P. Hansen
24 Point Street
Natick, MA 01760

Name/Address of Property Owner: 157 Main Street Realty LLC
157 Main Street
Medway, MA 02053

Engineer: Sullivan Surveying Company
209 West Central Street
Natick MA 01760

Site Plan: 157 Main Street Site Plan, dated April 24, 2014

Location: 157 Main Street

Assessors' Reference: Map 48 Parcel 98

Zoning District: Agricultural Residential II

I. PROJECT DESCRIPTION - The applicant/property owner proposes to construct a two story, 52' x 40' addition (4,160 sq. ft.) to the back/south of the existing 1,352 sq. ft. child care facility. The addition will provide classroom space on the upper level and an indoor play area on the lower level. Planned site improvements include stormwater drainage, exterior lighting, landscaping, and measures to ensure protection of adjacent wetland resources. The site is .76 acres in size. The parcel has rights to use a 20 foot wide right of way on the adjacent property at 155 Main Street to Evergreen Street. The proposed use is a child care facility which is an exempt use under the Massachusetts Zoning Act so it is allowed in any zoning district in the community. However, it is subject to "reasonable regulations concerning the bulk and height of structures and determining yard sizes, lot area, setbacks, open space, parking and building coverage requirements."

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 July 22, 2014, on a motion made by Robert Tucker and seconded by Matthew Hayes, **voted by roll call to APPROVE with WAIVERS and CONDITIONS** as specified herein, the site plan application of Stephen Hansen of Natick, MA for an addition and site improvements at the Learning Tree Center at 157 Main Street. The vote was five in favor and zero opposed.

Planning & Economic Development Board Member	Vote
Thomas Gay	AYE
Matthew Hayes	AYE
Andy Rodenhiser	AYE
Karyl Spiller-Walsh	AYE
Robert Tucker	AYE

III. PROCEDURAL HISTORY

- A. May 21, 2014 - Site plan application and associated materials filed with the Medway Planning & Economic Development Board and the Medway Town Clerk
- B. June 5, 2014 – Public hearing notice posted with Town Clerk and posted at the Town of Medway web site
- C. June 9, 2014 – Site plan information distributed to Town boards, committees and departments for review and comment.
- D. May 7, 2014 - Public hearing notice mailed to abutters by certified sent mail.
- E. June 9 and 17, 2014 - Public hearing notice advertised in *Milford Daily News*.
- F. June 24, 2014 – Public hearing commenced. The public hearing was continued to July 8 and July 22, 2014 when the hearing was closed.

IV. INDEX OF SITE PLAN DOCUMENTS

- A. The site plan application for the Learning Tree Center at 157 Main Street 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 in Medway, MA, dated April 24, 2014 prepared by Sullivan Surveying Company, LLC of Natick MA.
 2. Landscape Inventory & Plan prepared by Steve Hansen
 3. Stormwater Management Report dated May 22, 2014 prepared by Creative Land and Water Engineering, LLC of Framingham, MA
 4. Lighting Layout Plan dated May 2, 2014 prepared by RAB Lighting
 5. Mortgage Inspection Plot Plan in Medway, MA dated May 28, 2013 prepared by P.N. Associates, Inc.
- B. During the course of the review, the Applicant and its representatives submitted revised plans and a variety of other materials to the Planning and Economic Development Board as follows:
1. Updated Site Plan of Land in Medway, MA, revised May 21, 2014 prepared by Sullivan Surveying Company, LLC of Natick, MA
 2. Letter dated May 27, 2014 from Medway Inspector of Buildings John Emidy confirming that the scope of proposed work at 157 Main Street constitutes a *major site plan* pursuant to the Medway Zoning Bylaw.
 3. Quitclaim Deed conveying 157 Main Street from Michael and Jeannie Buxbaum to 157 Main Street Realty LLC, dated June 17, 2013, recorded at Norfolk County Registry of Deeds June 17, 2013 in Book 31442, Page 467.
 4. *Requests for Waivers from the Site Plan Rules and Regulations*, dated June 23, 2014 prepared by applicant Stephen Hansen.
 5. Checklist for Stormwater Report/Mass DEP prepared by Desheng Wang, P.E. dated July 1, 2014
 6. Building Addition drawings dated June 13, 2014, prepared by D & B Construction
 7. Revised Landscape Inventory and Plan prepared by Stephen Hansen.
 8. Updated Lighting Layout Plan dated June 26, 2014 prepared by RAB Lighting
 9. Updated Lighting Layout Plan dated July 10, 2014 prepared by RAB Lighting
- C. 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. Review Letter with recommendations dated June 23, 2014 from Medway Design Review Committee
 2. Memorandum dated July 7, 2014 from Medway Police Sergeant/Safety Office Jeffrey Watson
 3. Email communication dated June 9, 2014 from Medway DPS Director Thomas Holder
 4. Email communication dated June 11, 2014 from Fire Chief Jeff Lynch.

5. Order of Conditions dated June 12, 2014 from the Medway Conservation Commission for 157 Main Street
6. Photo of non-enclosed dumpster at the back of the property.

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:

- Brian Marchetti, P.E., of Tetra Tech, Inc., the Town's Consulting Engineer – Site plan review letter dated June 18, 2014 and commentary throughout the public hearing process.
- Gino Carlucci, PGC Associates, the Town's Consulting Planner – Site plan review letters dated June 19, 2014 and commentary throughout the public hearing process.
- Email communication dated June 18, 2014 from Paul and Kathleen Yorkis, owners of adjacent property at 159 Main Street.
- Letter dated June 2014 from Christine Riccio, Medway
- Letter dated June 23, 2014 from Kara Gulla, Medway
- Kristy Smith, 7 Iarussi Way, Medway – Verbal testimony (June 24, 2014)
- Stephen Hansen and Lauren Nigro (owner of Learning Tree Center) – Verbal comments provided at public hearings on June 24, July 8 and July 22, 2014.

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 preceding *Special and General Conditions* included in this Decision shall assure that the Planning 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 July 22, 2014, on a motion made by Robert Tucker and seconded by Matthew Hayes, voted by roll call to approve the following **FINDINGS** regarding the site plan application for The Learning Tree Center at 157 Main Street. The motion was approved by a vote of five in favor and zero against.

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?

The project is an addition to the rear of the existing building. It is properly located since it needs to be attached to the existing building and the location to

the rear meets all setback requirements. The addition does not interfere with existing site features such as driveways, parking and play areas.

- (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 design of the addition has been reviewed by the Design Review Committee (DRC) in light of the Medway Design Guidelines, and the changes recommended by the DRC have been incorporated into the revised building and site design. Some of the changes include adding dormers, a cupola, and shutters and changing roof pitches.

- (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 shown in the lighting plan dated July 10, 2014, there will be no spillage of light beyond the property boundaries. No fumes (other than from automobiles) will be generated on site. The existing driveways will be used for access and egress so no new headlight glare problem is created. Also, abutting uses on either side are commercial.

- (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 the site is already developed, 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.

- (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?

As a child care facility, it is the loading and unloading of children that constitute the primary cause of concern. The facility has dedicated parking spaces for loading and unloading of children. Also, the parking spaces as well as the egress and ingress plan have been reviewed by the Town's Consulting Engineer and Safety Officer, and the Safety Officer has recommended that traffic enter the site from Evergreen Street and exit onto Main Street (with right turn only allowed onto Main Street). These measures will minimize safety concerns.

- (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 so it is handled adequately. As conditioned (See Condition #4A), a dumpster will be located on the site and adequately screened.

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

- (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 site provides access from two streets. The plan has been reviewed and approved by the Town's Fire Chief and Safety Officer.

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

The drainage plan has been reviewed by the Town's Consulting Engineer and has been found to meet applicable stormwater management standards, and is adequate for the site.

- (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 public ways and private drives serving the site are already in existence and have been used for this use for several years. While the intensity of the use will be increased, the ways and drives have been reviewed by the Town's Consulting Engineer, DPS Director, Fire Chief and Police Chief, including the impact of the redeveloped Route 109. The Safety Officer has recommended a one-way traffic pattern through the site with ingress from Evergreen Street and egress onto Main Street via right-turn only. The one-way pattern will accommodate the increased use of the site.

- (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) and Evergreen Street are adequate for the proposed use. 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 as indicated in the lighting plan dated July 10, 2014. The building and site design has been approved by the Design Review Committee which has provided a positive Letter of Recommendation. The facility will not have a detrimental impact on community economics and may have a positive impact by expanding the child care service it provides. The amenities and appearance of the site will improve with the addition. As an existing use, this development expanding the use 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.

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

The applicant is not providing a sidewalk along the frontage of the property. However, sidewalks will be installed as part of the Route 109 redevelopment project so the installation of a sidewalk now that does not connect to anything would serve no useful purpose and would be a waste of resources.

B. ZONING BYLAW – SECTION V. USE REGULATIONS. Sub-Section P. Exempt Uses. 1. Child Care Facility

- (15) The structure and lot containing the child care facility shall meet the dimensional requirements (lot area; lot width; building height; front, side and rear yard setbacks; and lot coverage) for the zoning district in which the facility is to be

located unless the structure is a legally pre-existing, non-conforming building or structure.

The lot, existing structure and proposed addition meet the dimensional requirements of the Zoning Bylaw for the Agricultural Residential II zoning district.

- (16) Open Space – A fenced outdoor play area set back a minimum of fifteen (15) feet from any abutting land shall be provided.

A fenced play area suitably buffered from the abutting property already exists on the site. The abutting property owner of 159 Main Street has submitted a letter of no objection to this project.

- (17) Parking

- One off-street parking space with a minimum dimension of 8 x 18 feet shall be provided for every paid and unpaid employee, not resident on the premises so that there is no on-street parking for employees.
This requirement is met and there is no on-street parking proposed.
- No space shall be considered available for parking which reduces the effective width of a driveway providing access to the site/building.
No spaces are considered available for parking that reduces the effective width of the driveway.
- No parking area shall be located nearer than 15 feet of the property line of an adjoining residential lot
Parking spaces along the easterly side of the lot are less than 15 from the adjoining lot; however, the lot is not used for residential purposes and there is a line of mature shrubs on the abutting property that provides considerable screening.
- The 15 buffer area of an off-street parking area shall be substantially screened from abutting properties through the installation of suitable landscaping and/or fencing materials.
As noted above, the off-street parking area does not abut a residential lot so this requirement is not applicable.
- So as to not interfere with traffic patterns and flow, there shall be provided a separate on-site drop off and pick up parking area capable of accommodating at least the number of vehicles equal to 1/3 the licenses capacity of the child care facility. Such area shall be exclusive of drive aisles.
There is a separate on-site pick up and drop off area. The number of spaces provided is less than required to accommodate 1/3 of the projected license capacity of the expanded facility. However, Sub-Section P of SECTION V. of the Zoning Bylaw provides the Board with the discretion

to vary these requirements and the Board finds that the number of parking spaces provided for pick up and drop off is adequate considering the irregular timing for pick up and drop off.

- There shall be a separate entrance and exit areas for vehicles to access the parking and drop off/pick up areas.
The site plan, as conditioned (See Condition VIII. C), provides for a one-way traffic pattern through the site with an entrance from Evergreen Street and an exit on Main Street (right turn only).

- (18) Adequate provisions for on-site retention and treatment of stormwater shall be provided.

The drainage system for the site has been reviewed and approved as adequate under the Massachusetts Stormwater Management rules for redevelopment projects.

- (19) Lighting used to illuminate a parking area shall meet the provisions of SECTION V. USE REGULATIONS, Sub-Section B. Area Standards, 3. B).

As shown on the revised lighting plan dated July 10, 2014, the project meets the lighting standards of Section V. USE REGULATIONS, Sub-Section B. Area Standards, 3. B.

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:

- (20) 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?

As conditioned (See Condition VIII. C.), internal circulation will be in the form of a one-way traffic flow pattern with ingress from Evergreen Street and egress to Main Street as recommended by the Safety Officer. No backing onto a public way is needed.

- (21) 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 addition has been reviewed and approved by the Design Review Committee and is not a departure from the character, materials and scale of buildings in the vicinity.

- (22) 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 addition is located directly behind the existing building so the visual intrusion is minimal. The outdoor facilities are mostly already existing to the rear of the building so the visual intrusion is minimal.

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

The Fire Chief has reviewed and approved the site design.

- (24) 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. Vary little visual impact will result since the addition is to the rear of the existing building and the outdoor elements already exist.

- (25) 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, and will use a one-way pattern entering from Evergreen Street and exiting on Main Street. As conditioned, internal site traffic directional signage shall be added to the plan further enhancing safety.

- (26) 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 incorporates the existing natural and man-made visual features by locating the addition to the rear of the existing building and retaining most of the outdoor features as they are.

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

As shown on the revised lighting plan dated July 10, 2014, the project meets the lighting standards of Section V. USE REGULATIONS, Sub-Section B. Area Standards, 3. B., and there will be no glare on adjoining properties.

- (28) 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

- (29) *Due to the significant increase in capacity, the applicant agrees to manage the drop-off and pickup times for the children in order to minimize traffic backups that may impact Route 109. The one-way pattern will address this issue by ensuring that any queuing does not occur on Route 109.*
- (30) *Estimated new maximum capacity increase from 36 children to 80.*
- (31) *The existing building at 157 Main Street was constructed in 1983 as a child care facility and has been used exclusively for this purpose since then.*
- (32) *The deed for the subject property includes the right of the owner of the property to use the right-of-way on the adjacent property at 155 Main Street to connect to Evergreen Street.*

VII. WAIVERS – At its July 22, 2014 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 granting waivers from the following provisions of the *Rules and Regulations for the Submission and Approval of Site Plans, as amended December 3, 2002 EXEPT 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 five in favor and zero against.

SUBMITTAL REQUIREMENTS/PLAN CONTENTS

1. 204-3 A. 7) – A written *Development Impact Statement* shall be prepared. It shall describe the potential and anticipated impacts of the proposed development, identify all positive and adverse impacts, and propose an acceptable program to

prevent or mitigate adverse impacts. The Development Impact Statement shall address traffic, environmental, community and parking impacts.

The project is an expansion of an existing use on a site that is already developed. Increasing the building by 2080 square feet will have a minimal impact on the community so this requirement is waived.

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. Therefore this waiver is hereby denied.

3. *204-5 B. Site Plan Contents Context Sheet – Items 1 – 6.*

The applicant provided sufficient information about the context of the development. Therefore, due to the scale of the project, the requirement for a Context Sheet is waived.

4. *204-5 C. Site Plan Contents Existing Condition Sheet(s) – Items 1 - 5*

The applicant provided sufficient information about existing conditions on the site such that the Board was able to fully understand what existing on site and how that was going to change. Therefore, due to the scale of the project, the requirement for an Existing Conditions Sheet is waived.

5. *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.

Very few trees are being disturbed by the addition which will be constructed in the current back yard of the existing building. Due to the scale of the project, a Landscape Architectural Plan prepared by a Landscape Architect would be of

little use. The applicant did provide information about the existing and proposed vegetation on the site. Therefore, this requirement is waived.

6. 204-5 D. 12) – *Site Plan Contents Signage Plan* - The 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. Therefore, there is no need for a signage plan and this requirement is waived.

7. 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.

The driveway that exits onto Route 109 has existed for many years and is not being changed. The sight distance at the driveway is clearly adequate based on a site visit so there is no need to document this with a traffic engineer. This requirement is waived.

8. 204-5 D. 16) *Site Plan Contents – Fire Equipment* – Locations of proposed fire hydrants, fire alarm boxes, fire lanes and access for equipment shall be provided to the satisfaction of the Fire Department.

No additional fire equipment is proposed and the Fire Department has approved the project so this requirement is waived.

9. 205-6 A. *Parking* – 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.

Some of the parking for this site is to the side but some is also in front of the site. However, this is an existing condition that is not being changed by this project. A stone wall across the front of site provides some screening of the parking. Due to the existing condition and the scale of the project, this requirement is waived.

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

- A. **Plan Revisions** - Prior to endorsement, the site plan set for The Learning Tree Center 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* except that the signature box shall be for the Planning and Economic Development Board.
2. A detail showing an enclosure for the dumpster located behind the building shall be included in the final plan. The enclosure design shall be to the satisfaction of the Planning and Economic Development Board
3. The landscaping plan shall be further revised to specify the landscape plantings to be installed in the area behind the new addition and in the area on Main Street located between the playground fencing and the stone wall. The landscape plantings shall provide 4 season, evergreen screening and shall be non-invasive species.
4. The site plan shall be revised to show the following:
 - a. A location for dumpster
 - b. Location of on-site traffic directional signs
5. The cover sheet, site plan, landscaping plan, lighting plan, and building elevation plans shall be combined into one plan set with all sheets being the same size.

B. *Parking*

1. Customers and employees shall not park in the right-of-way access driveway from Evergreen Street. Contingent upon approval of the owners of 155 Main Street, *No Parking* signs and one way inbound traffic signs for the Learning Tree Center shall be installed in the right of way area on their property.
2. Handicap parking spaces shall be specifically designated and shall be in compliance with current ADA and Mass Architectural Access Board requirements.
3. The parking area closest to the main entry for Learning Tree Center Drop off parking area shall be clearly designated.

C. *Traffic Access/Egress*

1. The right of way off of Evergreen Street across the back of 155 Main Street shall be used for vehicular access to The Learning Tree Center.
2. Egress from the site shall be by right turn (eastbound) only onto Main Street

- D. *Signage* – Any changes in the free-standing signage for The Learning Tree Center and any proposal for additional signage shall be reviewed and approved by the Medway Design Review Committee before the Town issues any sign permit.

VIII. **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 ensure 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.

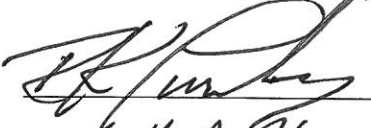
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**Medway Planning and Economic Development Board
SITE PLAN DECISION
Learning Tree Center Site Plan – 157 Main Street**

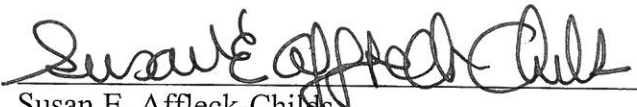
Approved by the Medway Planning & Economic Development Board:

AYE:

NAY:



ATTEST:



Susan E. Affleck-Childs
Planning & Economic Development Coordinator

7-29-2014

Date