

**April 24, 2012  
Medway Planning and Economic Development Board  
Medway Senior Center  
76 Oakland Street  
Medway, MA 02053**

**BOARD MEMBERS PRESENT:** Bob Tucker, Andy Rodenhiser, Karyl Spiller-Walsh, Tom Gay, and Chan Rogers.

**ABSENT WITHOUT NOTICE:**

**ALSO PRESENT:** Susy Affleck-Childs, Planning and Economic Town Coordinator  
Amy Sutherland, Meeting Recording Secretary  
Dave Pellegri, Tetra Tech Rizzo  
Gino Carlucci, PGC Associates

The Chairman opened the meeting at 7:10 pm.

There were no Citizen Comments.

**Construction Report:**

**Franklin Creek:**

Consultant Pellegri informed the Board that he has modified the punch list for Franklin Creek. He has communicated the issues to the developer. There will need to be a section of pavement which will need to be cut out and repaved.

**Announcements:**

The Board expressed condolences to Gino Carlucci in regards to the recent death of his father.

Consultant Carlucci attended the national planning conference in California. He did pick up some information on signage. This information will be given to Susy.

There is a SWAP meeting tomorrow afternoon April 25, 2012. The speaker will be the executive director of the new MetroWest Tourism Council.

SWAP is sponsoring a workshop on Monday, June 4, 2012 at 6:00 pm at Dean College. The workshop is with Randall Arendt on conservation subdivision design. We will be promoting to our property owners, engineers, and board members to attend. All committees will be encouraged to attend.

Member Spiller-Walsh wanted to know if there would be a question and answer period. She was also inquiring about if an agenda will be provided.

**PUBLIC HEARING CONTINUATION - 25 Summer Street Definitive Subdivision Plan Modification:**

The Chairman opened the continuation of the public hearing for 25 Summer Street for a Definitive Subdivision Plan Modification.

Present were applicant Mike Fasolino, engineer David Faist and land surveyor Dan O'Driscoll.

Mike Fasolino provided a letter dated April 9, 2012 from Bruce Eaton of CEC Engineers and Land Surveyors who designed the original Speroni Acres sewer system. **(See Attached)**. Also provided was a Speroni Acres as-built plan from 2007.

Since only one copy of the letter was provided, Susy Affleck-Childs read the letter orally. It noted that the sewer system consisted of a two inch pipe with stubs to all lots including Lots A & B at Summer Street.

Members Tom Gay, Bob Tucker, and Chan Rogers are comfortable with the letter as submitted.

Susy Affleck-Childs mentioned that the letter was not stamped or certified by a professional engineer as had been previously requested.

The Board is comfortable with the letter not being stamped or certified since the as-built plan is signed.

The Board is in agreement that this is acceptable.

The applicant is comfortable with the Board keeping the as-built plan for scanning purposes.

Mr. Fasolino communicated that he is working with the homeowner of Lot 15 in Speroni Acres. He should have a letter by next week. Mr. Fasolino indicated that the homeowner is comfortable giving written permission to access the easement and connect the sewer system. The lawyers are working this out and documents will be provided to the Board for review by Town Counsel.

David Faist communicated that there was a minor change which included the addition of a swale for potential overflow. There will be a small adjustment to the grade.

Dan O'Driscoll communicated that there was a one foot parcel added immediately east of the roadway. Dan Spoke with John Emidy about holding the property line as part of right of way and would make the front setback instead of the side.

The ownership of this piece of property gets tricky. It cannot be part of Lot 2 since it does not meet the lot shape factor. This lot needs to conform with zoning. Dan does not think there can be two lot shape factors.

Consultant Carlucci will look at language in relation to the lot shape factor.

This is a zoning issue when it relates to the lot shape factor and the Board cannot waive that.

Susy Affleck-Childs responded that one option could be to make the parcel be owned by the Homeowners Association.

Member Tucker responded that this piece could also go to the abutter of Lot 2.

Dan O'Driscoll responded that he could deed the parcel separately to Lot 2 under a separate deed but not to the abutter.

Karyl Spiller-Walsh wanted to know why this couldn't be part of the parcel.

Dan doesn't think that we can have two imaginary lot shape factor lines.

Gino read from the lot shape factor section within the Zoning Bylaw.

It was suggested that the line goes all the way up and can remain part of Lot 2.

Susy Affleck-Childs suggested checking with the Building Inspector, John Emidy to make sure it fits with his thoughts and how he interprets the lot shape factor relative to the line.

Member Spiller-Walsh feels that this is a good example to use in the future.

Susy Affleck-Childs asked the Board if they are comfortable with the revised landscaping plan that had been provided.

The Board is satisfied with the landscape plan as presented. **(See Attached)**

Dave Faist asked if whether we have them do another copy of the plans or move to a decision and then a comment letter to Dave.

Consultant Pellegri is comfortable with the modifications. This is a very simple and straightforward contour change.

Susy Affleck-Childs communicated that she will work on a draft decision with the understanding that the letter regarding the sewer easement and connection will have to go to Town Counsel for review. Also, the review letter from Dave Pellegri would be attached to the decision.

**On a motion made by Bob Tucker, and seconded by Tom Gay, the Board voted unanimously to continue the public hearing for 25 Summer Street to May 8, 2012 at 7:30 pm at Sanford Hall.**

**Minutes April 10, 2012:**

These will be tabled until the next meeting for further clarification from the digital voice recording regarding page 5 and businesses.

**Zoning Articles of Town Meeting:**

The Board is in receipt of a copy of the warrant booklet from FINCOM for the 2012 Annual Town Meeting which includes the Board's proposed Zoning Bylaw amendment Articles.

**On a motion made by Bob Tucker and seconded by Chan Rogers, the Board voted unanimously to recommend the approval by Town meeting for Zoning Articles 30-48 as written in the warrant.**

**Task Force/Committee Reports:**

There are no Task Force/Committee reports.

**Correspondence:**

The Board was provided with a copy of the updated Zoning Bylaw, dated April 17, 2012. There is also a new zoning map which was completed by Fran Hutton Lee. It is exciting that these were done in house.

The Town's new website is up and running. This new website is called Virtual Town Hall.

There is a date for Oak Grove briefing number #3. The date is June 19, 2012. All the title work done will be done and completed. The consulting firm will be presenting the work they have completed. This meeting will be at the library.

The Town of Medway was selected for local LEAP. There will be a LEAP Working Group session next Tuesday night May 1, 2012. This will be a meeting with a diverse group of people. The purpose is to take a look at the various types of energy programs throughout Massachusetts and the town. This is a two year program working with MAPC. The goal is to work with citizens and businesses throughout the community. The program entails \$15,000 worth of technical assistance from the MAPC energy staff. We need to come up with a list of projects that we want to work on. The MAPC staff will be working with us coaching and facilitating the process. Susy will send the board more information on this. The funds are through the BARR Foundation. Medway and eight other communities were selected. There will be a public meeting on May 23, 2012.

Member Tucker was wondering if there is anyone in town that has an electric car.

Susy Affleck-Childs will inquire about this.

**ANR Plan – 32R/34 Hill Street**

NOTE – Tony Biocchi was present on behalf of applicants Christine Price and Peter McKenzie.

The Board is in receipt of a review letter from consultant Gino Carlucci dated April 24, 2012. (See Attached). The applicant has also received the letter.

The ANR plan shows a 318 sq. ft. parcel on the McKenzie land at 34 Hill Street to be conveyed to Christine Price at 32-R Hill Street. The purpose of the transaction is to correct an existing encroachment of the Price driveway onto the McKenzie land. This correction is being done in preparation for a future subdivision application on the Price property.

It was noted that the setbacks to the existing structure on the McKenzie property at 34 Hill Street are not shown on the plan. The structure on the McKenzie property needs to be plotted and the setbacks shown.

This is simple housekeeping and needs to take place and be recorded before the definitive plan stage.

Member Gay wanted to know why not make an adjustment to the driveway.

The abutter did not want this due to the existing buffer which is comprised of evergreen trees. The abutter wanted to have the change on the paper and wants the buffer to remain.

Abutter Peter McKenzie is conveying this piece and wanted a buffer between the drainage. There is a natural buffer in the plan between his lot line and Christine Price's property. This will be reflected in the Definitive Subdivision Plan. Tony Biocchi indicated he wanted to have this on the record.

Consultant Carlucci communicated that the easement will remain in effect.

Member Gay noted that there are two new lots with two new easements.

Consultant Carlucci noted that the applicant will also need to go the Holliston for the definitive subdivision plan.

Tony reported that he has communication with Holliston.

This will be recorded in both registries (Norfolk and Worcester Counties).

Susy Affleck-Childs communicated that she did receive the application from Tony Biocchi and it was prepared on behalf of Christine Price. She was out of the country and authorized Tony to submit on her behalf. Susy Affleck-Childs will follow-up with an email.

Christine Price will need to sign the ANR paperwork.

Member Tucker communicated that the applicant will need to sign the original.

Susy Affleck-Childs provided Tony Biocchi with the original for signature by Christine Price.

**On a motion made by Bob Tucker and seconded by Karyl Spiller-Walsh the Board votes unanimously to endorse the ANR presented.**

**Lawrence Waste Services:**

The Board is in receipt of the revised draft site plan decision for Lawrence Waste Services/49 Alder Street dated April 24, 2012. **(See Attached)**

There was a question on page 6. It references Murphy Insurance and it should say Lawrence Waste. Susy-Affleck-Childs will make the revision.

Member Spiller-Walsh compliments Susy Affleck-Childs on a well written site plan decision.

The Board is comfortable with how the waivers and findings were written.

It was recommended to remove member Tucker's name on the bottom of page two since he will not be voting on the decision as he had missed a meeting.

On page 11 #4, in the paragraph below response, relative to the parking, "outside" needs to be added.

Consultant Carlucci noted that all is outside the riverfront area. The word "primarily outside" could be added and this would cover it.

The Conservation Commission has approved Order of Conditions.

**Waivers:**

**On a motion made by Chan Rogers and seconded by Karyl-Spiller-Walsh, the Board voted unanimously to approve the waiver requests as written in the decision.**

*(Member Tucker abstained from vote)*

**Findings:**

**On a motion made by Chan Rogers and seconded by Karyl-Spiller-Walsh, the Board voted unanimously to accept the findings as written in the decision.**

*(Member Tucker abstained from vote)*

**Application with Waivers and Conditions:**

**On a motion made by Chan Rogers and seconded by Karyl-Spiller-Walsh, the Board voted unanimously to approve the application and plan with waivers and conditions as amended in the decision.**

*(Member Tucker abstained from vote)*

**Next Meeting May 8<sup>th</sup>, 2012:**

- 25 Summer Street Definitive Subdivision Plan – Public Hearing Continuation
- Endorse the site plan for A123 Systems for 34 West Street
- Future Zoning Amendment articles
- DPS Director Tom Holder will be invited to the next meeting to speak about the Applegate drainage. He had a meeting with Ralph Costello.

Susy Affleck-Childs did speak with Town Counsel about sign bylaw provisions. If we are interested in pursuing a sunset approach we cannot do it through the zoning bylaw. It can be done by making the sign regulations into a general bylaw. This discussion needs to take place and could be placed on the fall town meeting.

Consultant Carlucci indicated that the mechanics of this would need to be worked out.

Member Tucker wonders if we want to go down this road.

This will be on May 8, 2012 agenda.

Member Karyl-Spiller Walsh communicated that this could be a good agenda item for Design Review Committee.

Member Gay will not be able to attend the May 22, 2012 PEDB meeting.

Susy reminded members that Town meeting is scheduled for May 14, 2012.

Chairman Rodenhiser will be the lead person on speaking on the zoning articles.

Member Spiller-Walsh would like a calendar with the upcoming dates. Susy Affleck-Childs will provide this to Board.


**Adjourn:**

**On a motion made by Karyl Spiller-Walsh and seconded by Chan Rogers, the Board voted unanimously to adjourn the meeting at 9:00 pm.**

Respectfully Submitted,

  
Amy Sutherland  
Meeting Recording Secretary

Edited by,

  
Susan E. Affleck-Childs  
Planning and Economic Development Coordinator

CIVIL ENVIRONMENTAL CONSULTANTS LLC  
ENGINEERS AND LAND SURVEYORS

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8 Oak Street  
Peabody, MA 01960  
Phone (978) 531-1191  
Fax (978) 531-5501  
[ceclandsurvey@comcast.net](mailto:ceclandsurvey@comcast.net)

April 9, 2012

Michael Fasolino  
164 Main Street  
Medway, MA 02053

RE: Speroni Acres  
No. 25 Summer St  
Lots A & B  
Medway, MA 02053

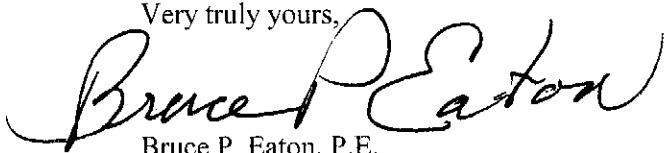
To whom it may concern:

The sewer system installed in the above project consisted of a two (2) inch PVC pipe main with stubs to all lots, including lots A and B at 25 Summer Street. It, being a pressure sewer system, is adequate for all stubbed connections.

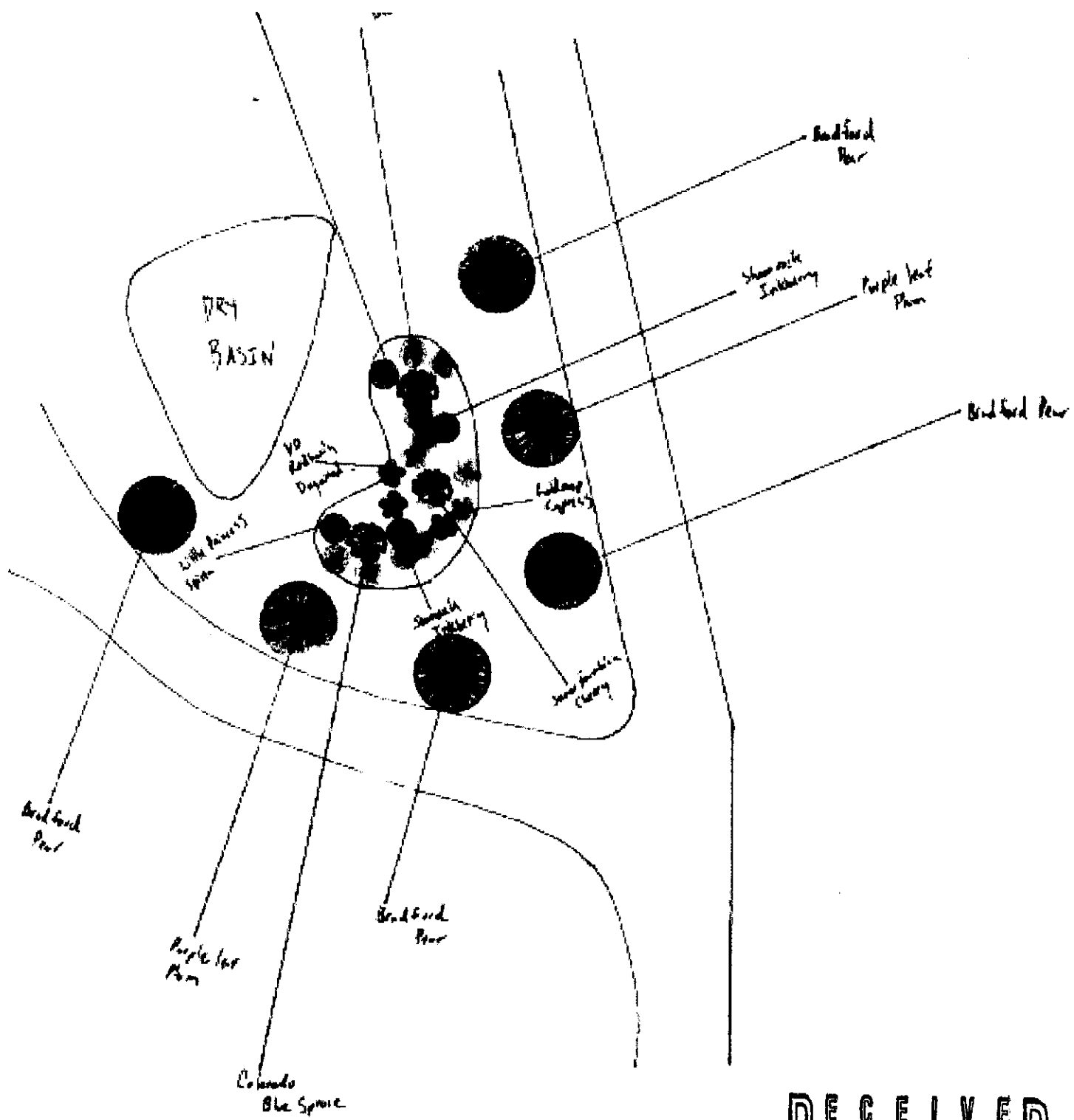
RECEIVED  
APR 24 2011

TOWN OF MEDWAY  
PLANNING BOARD

Very truly yours,

  
Bruce P. Eaton, P.E.





ST.  
MA.

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APR 02 2012

TOWN OF MEDWAY  
PLANNING BOARD

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**PGC ASSOCIATES, INC.**

1 Toni Lane  
Franklin, MA 02038-2648  
508.533.8106  
508.533.0617 (Fax)  
gino@pgcassociates.com

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**MEMO TO:** Medway Planning Board

**FROM:** Gino D. Carlucci, Jr.

**DATE:** April 24, 2012

**RE:** Price ANR on Price/McKenzie land on Hill Street

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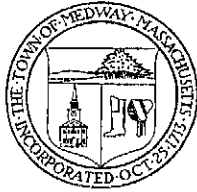
**R E C E I V E D**  
APR 24 2011

**TOWN OF MEDWAY  
PLANNING BOARD**

I have reviewed the ANR plan submitted for endorsement by Christine Price. of Medway. The plan was prepared by Colonial Engineering, Inc. of Medway. The plan proposes to create a 318 square feet parcel on the McKenzie land to be conveyed to Christine Price. The purpose of the plan is apparently to correct an existing encroachment of the Price driveway on the McKenzie land. This correction is being done in preparation for a future subdivision application on the Price property. I have comments as follows:

1. Section 3.2.1 requires that the Assessors Map and Parcel be shown on the plan. This information is shown for Price property but not for the McKenzie land. It should be noted that the application does show the Map and parcel numbers for the McKenzie lot.
2. Section 3.2.3 requires that the lot shape factor (LSF) be shown "for each lot." While the plan does not create a new lot, I believe that this requirement applies to the lots affected by the plan since Section 3.2.4 requires the LSF for new lots.
3. Section 3.2.4 requires that distances to existing building/structure be shown on the plan. There is an existing building on the McKenzie land but this information was not shown.
4. Section 3.2.5 requires that any previous ZBA decisions be provided. None were provided. There may not have been any, but the nonconforming nature of the Price lot indicates that a variance may have granted in the past.
5. Section 3.2.9 requires that buildings, bounds, fences, walls, wells, septic tanks and sewage disposal systems on the subject lots and parcels be shown as well as their distance to new lines. This was not done.
6. Section 3.2.10 requires that cart paths, easements, rights-of-way, wetlands, water courses and other significant features be shown on the plan.

I recommend that the technical deficiencies be corrected and the plan resubmitted for endorsement. Given the nature of the application (i.e. transferring 318 square feet from one lot to another) and an upcoming subdivision application, it would not be unreasonable to waive the requirements of Section 3.2.9 and 3.2.10.



**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*  
*Cranston (Chan) Rogers, P.E.,*  
*Karyl Spiller Walsh*

DRAFT - April 17, 2012

**SITE PLAN DECISION**  
**Lawrence Waste Services - 49 Alder Street**  
**Approved with Waivers and Conditions**

**Decision Date:** April 24, 2012

**Name/Address of Applicant:** East Hill Associates Realty  
3 Thayer Street  
Framingham, MA 02702

**Name/Address of Owner:** East Hill Associates Realty  
3 Thayer Street  
Framingham, MA 02702

**Engineer:** Guerriere & Halnon, Inc.  
P.O. Box 235  
Milford, MA 01757

**Site Plan Dated:** January 17, 2012; last revised March 26, 2012

**Location:** 49 Alder Street

**Assessors' Reference:** Map 3: Parcel 41

**Zoning District:** Industrial III

This Decision includes the following sections:

- I. Project Description
- II. Vote of the Board
- III. Procedural History
- IV. Index of Site Plan documents
- V. Testimony
- VI. Waivers
- VII. Special Conditions of Approval
- VIII. General Conditions of Approval
- IX. Findings
- X. Appeal

**I. PROJECT DESCRIPTION** - The application for site plan approval proposed the following scope of work at 49 Alder Street, a 13.2 acre parcel located on the south side of Alder Street in the Medway 495 Business Park. Portions of the site are in a Wetlands Resource Area and in the Groundwater Protection District.

- A. Construct a new, one-story, 7,400 sq. ft building to be used exclusively by Lawrence Waste Services, a waste and recycling disposal company. The building would include 2,400 sq. ft for office space and 5,000 sq. ft for garage space including 4 service bays. The site is not to be used for the storage of waste, only for the storage of waste dumpsters/containers/compactors.
- B. Extend water and sewer service to the new building.
- C. Construct stormwater management/drainage system to mitigate and treat stormwater flows.
- D. Construct a paved parking area to accommodate 23 vehicles and paved and unpaved areas for storing empty trash dumpsters/containers.
- E. Other site work including driveway, curbing, landscaping, lighting, pathways and sidewalks.

The proposed scope of work constitutes a *Major Site Plan Project* pursuant to the Medway Zoning Bylaw, V. C. 2 and therefore has been subject to *Complete Site Plan Review*.

**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 April 24, 2012, on a motion by \_\_\_\_\_, seconded by \_\_\_\_\_, **voted to grant approval with WAIVERS and CONDITIONS** as specified herein, the site plan application of East Hill Associates Realty of Framingham, MA for new construction, site improvements, drainage, parking and landscaping at 49 Alder Street for Lawrence Waste Services, Inc.

<b>Planning &amp; Economic Development Board Member</b>	<b>Vote</b>
Thomas Gay	
Andy Rodenhiser	
Chan Rogers	
Karyl Spiller-Walsh	
Robert Tucker	

**III. PROCEDURAL HISTORY**

- A. January 31, 2012 - Site plan application filed with the Medway Planning & Economic Development Board and the Medway Town Clerk
- B. February 7, 2012 – Public hearing notice posted with Town Clerk and posted at the Town of Medway web site

- C. February 7, 2012 – Site plan distributed to Town boards, committees and departments for review and comment.
- D. February 8, 2012 - Public hearing notice mailed to abutters by certified sent mail.
- E. February 17, 2012 – Review meeting held with Medway Internal Development Review Team and Lawrence Waste Services applicant and engineer
- F. February 13 & 21, 2012 – Public hearing notice advertised in *Milford Daily News*.
- G. February 28, 2012 – Public hearing commenced. The public hearing was continued to March 27 and then to April 10, 2012 when the hearing was closed.
- H. March 5, 2012 – Applicant meets with the Design Review Committee as referred by the Planning and Economic Development Board.

#### IV. INDEX OF SITE PLAN DOCUMENTS

- A. The site plan application for Lawrence Waste Services at 49 Alder 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. *Proposed Site Plan for 49 Alder Street*, prepared by Guerriere & Halnon, Milford, MA, January 10, 2012, revised March 13, 2012; last revised March 26, 2012.
  - 2. *Hydrologic & Hydraulic Report, Lot 3-41, 49 Alder Street in Medway, MA* dated January 10, 2012 prepared by Guerriere and Halnon.
  - 3. *Project Description* prepared by Guerriere & Halnon.
  - 4. *Waiver Requests* dated January 17, 2012 prepared by Guerriere & Halnon
- 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. *Proposed Site Plan for 49 Alder Street*, prepared by Guerriere & Halnon, Milford, MA, revised March 13, 2012; last revised March 26, 2012.
  - 2. *Hydrologic & Hydraulic Report, Lot 3-41, 49 Alder Street in Medway, MA* dated January 10, 2012 prepared by Guerriere and Halnon; revised

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  - 3. Peter Lavoie, Project Engineer, Guerriere & Halnon, the applicant's engineering consultant:
    - a. Supplemental *Waiver Requests* – March 13, 2012
    - b. Response letter dated March 13, 2012 to the February 23, 2012 review letter from Gino Carlucci, PGC Associates
    - c. Response letter dated March 13, 2012 to the February 22, 2012 review letter from David Pellegri, Tetra Tech Rizzo
    - d. Response letter dated March 26, 2012 to the March 15, 2012 review letter from David Pellegri, Tetra Tech Rizzo









2. The Department of Public Services will conduct inspections for any construction work occurring in the Town's right-of way in conjunction with the Town of Medway Street Opening/Roadway Access Permit.
3. The applicant shall have a professional engineer licensed in the Commonwealth of Massachusetts conduct progress inspections of the approved site improvements. Inspections shall occur at least on a monthly basis. The engineer shall prepare a written report of each inspection and provide a copy to the Planning and Economic Development Board within 5 days of inspection.
4. In the event the applicant seeks an occupancy permit before all site plan work is satisfactorily completed (see VIII. General Condition F. 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. 2 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.
5. **Business Sign** – The applicant is required to secure a building permit for any business signs for the site and or building. A required component of the sign permit process is to meet with the Design Review Committee and secure a Letter of Recommendation from the DRC. Landscaping is required around the base of a free-standing sign and a landscaping plan shall be provided with sign design review application to the DRC. The landscaped area shall extend at least 3' beyond all sign faces or supporting structures in all directions.

## 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 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 Commission 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, including but not limited to a Street Opening/Roadway Access Permit from the Department of Public Services.

- E. **Plan Modification**
1. This Site Plan Approval is subject to all subsequent conditions that may be imposed by other Town boards, agencies or commissions. Any changes to the site plan that may be required by the decisions of other boards, agencies or commissions shall be resubmitted 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.

**F. Plan Compliance/Performance Security**

1. The Applicant shall construct all improvements in compliance with the approved and endorsed site plan and any modifications thereto.
2. No occupancy permit shall be granted until the Planning and Economic Development Board has provided a written communication to the Inspector of Buildings 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. 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.
4. 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.

**G. Project Completion**

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. 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 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 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.

H. **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.

I. **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.

IX. **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 April 24, 2012, on a motion by \_\_\_\_\_, seconded by \_\_\_\_\_, voted unanimously to approve the following **FINDINGS** regarding the site plan application for 49 Alder Street.

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?
- (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*?
- (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?
- (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?
- (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?
- (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?

- (7) Are pedestrian ways, access driveways, loading and parking facilities properly designed for the convenience and safety of customers, employees and the general public?
- (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?
- (9) Are satisfactory methods for drainage of surface water to and from the development site provided?  
*The proposed stormwater drainage system has been reviewed by the Town's Consulting Engineer and is in compliance with new Massachusetts Department of Environmental Protection stormwater management guidelines. Therefore, 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?
- (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?
- (12) Have site design modifications been proposed and evaluated to lessen the negative and harmful impacts?

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

**B. 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:

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

- (19) Is pedestrian and vehicular safety both on the site and egressing from it maximized?
- (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?
- (21) Does the lighting of structures and parking area avoid glare on adjoining properties and minimize light pollution within the town?
- (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.

**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.



DRAFT

**Medway Planning and Economic Development Board**  
**SITE PLAN DECISION**  
**Lawrence Waste Services – 49 Alder Street**

*Approved by the Medway Planning & Economic Development Board:*

**AYE:**

**NAY:**

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**ATTEST:**

Susan E. Affleck-Childs  
Planning & Economic Development Coordinator

Date

**COPIES TO:** Stephanie Bacon, Health Agent  
Matt Buckley, Design Review Committee  
John Emidy, Inspector of Buildings and Zoning Enforcement Officer  
Ray Himmel, Economic Development Committee  
Tom Holder, Department of Public Services  
Suzanne Kennedy, Town Administrator  
Will Naser, Board of Assessors  
Melanie Phillips, Treasurer/Collector  
Karon Skinner-Catrone, Conservation Agent  
Paul Trufant, Fire Department  
Jeff Watson, Police Department  
Gino Carlucci, PGC Associates  
David Pellegrini, Tetra Tech Rizzo  
Jim Lawrence, Lawrence Waste Services  
Peter Lavoie, Guerriere & Halnon