

**December 10, 2013  
Medway Planning and Economic Development Board  
155 Village Street  
Medway, MA 02053**

**BOARD MEMBERS PRESENT:** Andy Rodenhiser, Karyl Spiller-Walsh, Tom Gay, Matthew Hayes and Associate Member Richard DiIulio

**ABSENT WITH NOTICE:** Bob Tucker

**ALSO PRESENT:**

Susy Affleck-Childs, Planning and Economic Development Coordinator  
Amy Sutherland, Meeting Recording Secretary  
Gino Carlucci, PGC Associates  
Dave Pellegri, Tetra Tech

The meeting was opened at 7:00 pm by member Gay.

There were no Citizen Comments.

**Rolling Hills Subdivision – 25 Milford Street**

The Board was provided with a cost estimate dated December 5, 2013 from Tetra Tech for construction administration services. **(See Attached)**

The previous cost estimate was \$7,800 which was done back in 2006 by VHB. The new cost estimate is \$14,179.50.

It was indicated by Consultant Pellegri that the previous estimate did not account for the engineering consultant's inspection of the water line installation which is now the standard practice per Medway DPS. Another reason for the increase is to provide a full day to inspect the paving. The last estimate only included two hours to inspect paving. There was also an increase of another meeting on the estimate.

The new estimate and a letter will go to the new owner. The letter will include that the money will need to go into the construction account. The new owner has the signed plans.

**On a motion made by Tom Gay and seconded by Matthew Hayes, the Board voted unanimously to establish a new construction estimate of \$14,179.50 for the Rolling Hills Subdivision at 25 Milford Street.**

**PEDB MEETING MINUTES:**

**November 12, 2013:**

**On a motion made by Karyl Spiller-Walsh and seconded by Matthew Hayes, the Board voted unanimously to approve the minutes from November 12, 2013 as revised.**

**November 26, 2013:**

The minutes from November 26, 2013 will be tabled until next meeting.

**Green Acres/Willow Green Subdivision**

Attorney Michael Murphy from Murphy and Lupan P.A. was present to discuss the performance bond seizure for Green Acres/Willow Green. This subdivision is 25 years old. The bond accounts have switched hands through the years but they are currently at TD Bank. He understands there is a concern to finish this subdivision which was started in 1988.

The Town is moving to seize the bond to get the work completed. This case is unusual since the holder of the bond is the bank which is also responsible for the roadway. Mr. Murphy did speak with Town Counsel and expressed that TD Bank is interested in working to resolve this.

The Board is in receipt of the Chairman's letter that was sent to TD Bank dated November 22, 2013. (**See Attached**).

It is the intent of the Board to seize the bond and finish the work and prepare the papers for street acceptance.

Attorney Murphy responded that the Bank wants to work to resolve this, but he has an obligation to look at the Bank's assets. There was an initial \$100,000 deposit and they want to know what happened to those funds. There were three different saving passbooks. These are bank assets which need further research. Mr. Murphy is wondering why these were posted at three different times.

Susy responds that there were no passbook agreements back then.

The issue is that the cost estimate is greater than the bond amount.

The Town will have to undertake the work at prevailing wage rates. We have to pay a scale that is established by the state for labor and materials.

The maintenance items impact the Town accepting the street. These items need completion prior to acceptance.

It was communicated to the Board that the DPS Director felt the sidewalks were not acceptable to the current standards. These would need to be repaired. More than half of the items in the estimate were DPS items.

The next step the Board would need to decide is if the Bank is formally in default. The Bank can either return the funds or do the work.

Mr. Murphy responded that the bank will need to see if they can get the work done for the \$50,000. Susy indicated to Mr. Murphy that some of the old information they are seeking may not exist. There would need to be research of titles. Susy communicated that the cover sheet of the subdivision plan which was recorded at the Registry of Deeds has nothing behind it.

The Board needs to plan for street acceptance which will take place in the spring. The Town cannot do any work on the roadway until we own it.

The Board will place this as an agenda item for the January 14, 2014 meeting at 7:05 pm.

**Millstone Village ARCPUD Plan Review Estimate**

The Board is in receipt of a letter dated November 12, 2013 from GLM Engineering regarding Millstone Village. **(See Attached)**

Julie Venincasa representing the applicant was present to discuss Millstone Village. The applicant wanted to come to the Board to discuss the cost estimate dated November 21, 2013 which was provided by Tetra Tech in the amount of \$8,945. **(See Attached)**

It was indicated that the applicant has purchased the former ARCPUD plans which were created back in 2007. There is a purchase and sale of the property. There are planning very few changes to the previous plan.

Member Spiller-Walsh indicated that there was a change to the left of the entry driveway to bring the model units 75 ft. closer to Winthrop Street. There was further discussion about the stone wall and the buffers which may be needed. There was also a change to add a community house for the development.

Susy indicated that the regulations and construction standards from 2006 would be same.

It was noted that the sensibility of Board is different from the previous sitting Board which acted on this submittal in the past.

The site conditions have not changed substantially.

The applicant indicated that the plan is to start construction in the spring 2014.

The estimate is for the plan review fees for Dave Pellegrini, Gino Carlucci, and Town Counsel.

Consultant Carlucci indicated these are only estimates and could be modified based on the prior reviews that already occurred.

Dave Pellegrini will prepare an updated plan review estimate. However, he needs a note from the applicant's engineer indicating how the previous plan was changed.

The applicant provided a plan review check for \$8,400.00. It was noted that funds would be refunded based on the forthcoming revised estimate from Tetra Tech.

**25 Summer Street Subdivision - Bond Estimate:**

The Board is in receipt of a punch list & bond estimate from Tetra Tech for 25 Summer Street which was dated December 5, 2013. **(See Attached)**

This punch list was created based on the Town of Medway's *Subdivision Rules and Regulations*.

The punch list indicates that the contractor should loam and seed the detention basin. This item cannot be done until spring. The Board could get away with letting this item go until the spring only if an erosion control measure is put in place. The seeding could then take place in the spring.

The landscaping also cannot be done now.

The estimate does not cover the items in the punch letter and those items need to be done first.

Consultant Pellegri communicated that there was an issue with the pavement. Upon observation, the first course of pavement was top course and not binder course. Dave did review the pavement slips which indicated it was top course. Dave does not think it is not a problem since it is a private road and there are only two houses. The top course will be fine. It was put down at the appropriate thickness.

Mike Fasolino indicated that there will be a homeowners association. He also explained that he is behind and wants to get the building permits ASAP. Both houses are sold and owners do not know about the binder problem.

It was suggested that Mike notify the buyers about the situation with the paving and provide the opinion from the consultant that the road is fine. The other option is to rip out the road and repave, but he does not think this is necessary. Still another option is to do a thicker top course.

The value of the top coat number will need to be increased in the bond estimate.

Dave Faist will send something to Dave Pellegri indicating the new composition of the top course including its height. This information will need to be added on the as-built plans.

The price on the bond estimate for the extra paving would need to be revised from \$3,250 to \$6,500.

**On a motion made by Karyl Spiller-Walsh and seconded by Matt Hayes, the Board voted unanimously to approve the revised bond amount to \$39,767.50.**

Mike asked if he still needs to paint the stop line. The Board did indicate that he needs to meet this requirement. Mike also wanted to know where he can purchase a stop sign.

Susy indicated that he is responsible for painting the lines and is required to add the signs but is not required to get the sign at the same place as the Town but he can certainly check with the DPW on who their vendor is.

The next item discussed was drainage and the loaming and seeding. This amount would need to be added to the bond amount. This would include an increase of \$375.00

**On a motion made by Matt Hayes and seconded by Karyl Spiller-Walsh, the Board voted unanimously to amend the previous amount of estimate to a total of \$40,142.50.**

The Board agreed to sign the lot release and also sign the bond agreement. Susy will hold the necessary paperwork until the bond check is presented and the punch list items are satisfactory to Tetra Tech.

**Cumberland Farms Special Permit and Site Plan – Discussion of Draft Decision dated 12/5/2013 (See Attached.)**

*Location of Canopy and Convenience Store*

Consultant Carlucci indicated that there were two ways to meet the requirement regarding the canopy not being closer to the intersection than any part of the convenience store. The first way would be to move the building closer to the intersection than the canopy. We traditionally measure from the center line to the center line. In this case it is the intersection of streets. It could also be the closest point of the intersection. The definition of “frontage” in the Medway Zoning Bylaw was referenced. The second way is to have that canopy become an integral part of the building so that they are connected. The third option is to have them seek a variance from the Zoning Board of Appeals. Another option is to reduce the size of the canopy.

Member Spiller-Walsh mentioned that what constitutes a ligature between the canopy and building could be a visual ligature and not a physical connection.

Architecturally integral . . . does it mean a physical connection?

Susy noted that when the bylaw was written the language came from having seeing two examples in Franklin when the canopy and gas pumps were physically connected.

Member Spiller-Walsh maintains that to avoid an interstate highway look, the canopy would act like an accessory building in the village.

The condition would be to revise the plan to meet the criteria and provide them with some design flexibility and then bring it back to the Board.

The Chairman noted that they could come back with a revision before endorsement.

The endorsed plan goes with decision.

Susy noted that the Design Review Committee would need to look at the revisions.

The decision could have language giving the applicant options, but let them decide what would work best.

*Store Hours:*

The chart which Susy had previously provided showed the majority of the stores open at 6:00 am and close at 10:00 pm but it did not include the two Dunkin Donuts in town. She reported that the Dunkin Donuts open at 5:00 am.

The Board is comfortable with the store hours being from 6:00 am to 10:00 pm.

The Chairman read a letter dated December 10, 2013 from Counsel Peter Paulousky on behalf of the applicant. (**See Attached**) The letter requested that he be allowed to address the Board regarding some aspects of the draft decision.

Susy would like Town Counsel to review the letter and provide input to the Board. She feels that Town Counsel would probably recommend to not allow Attorney Paulousky to offer comments during the Board's deliberation.

The Board continued with further discussion about the issue of the location of the canopy and convenience store compared to the intersection.

It was noted that the gas canopy and the convenience store building are about 75 ft. apart. This is a lot of space. This is not a situation where a simple two by four piece of wood could connect the two.

The Board agreed that they cannot design this and need to craft a decision and take into consideration if it does not comply with Zoning Bylaw.

**Deliveries:**

There was a suggestion to change the section on delivery hours since the store hours will be changed. Susy will make the corrections.

**Items which need to be addressed in the decision:**

- \* Susy should speak with John Emidy about his interpretation of the definition of architectural integration
  - \* Measurement
  - \* Change delivery times
  - \* Audio Signals for pedestrian crossings
  - \* Construction Inspections: drainage, oversight of landscape, lighting utilities
  - \* Bond estimate – for traffic mitigation
- Susy will take all the recommendations and will incorporate within a revised decision.

The Board is scheduled for another meeting for December 17, 2013 to just act on this decision.

**OTHER BUSINESS:**


The Board was informed that there will be an Oak Grove Housing Workshop on Wednesday December 11, 2013 at 7:00 pm at the Senior Center.

**Adjourn Meeting:**

**On a motion made by Karyl Spiller-Walsh and seconded by Matt Hayes, the Board voted unanimously to adjourn the meeting.**

The meeting was adjourned at 9:30 pm.

Respectfully Submitted,

  
Amy Sutherland  
Recording Secretary

Edited by,

  
Susan E. Affleck-Childs  
Planning and Economic Development Coordinator



**TETRA TECH**

Approved  
12-10-2013

December 5, 2013

Mr. Andy Rodenhiser, Chairman  
Planning and Economic Development Board  
Town Hall  
155 Village Street  
Medway, Massachusetts

**Re: Construction Administration Services  
Rolling Hills Subdivision  
Harmony Lane, Medway, MA**

Dear Mr. Rodenhiser:

We are pleased to submit this Proposal to The Town of Medway (the Client) for professional engineering services associated with the proposed Rolling Hills Subdivision (the Project) in Medway, Massachusetts. The objective of our services is to provide limited construction administration services on behalf of the Town of Medway.

### **Scope of Services**

We will undertake the following task:

#### **Task 1 Preconstruction Meeting**

- Prepare preconstruction agenda and attend meeting with the applicant, contractor and appropriate Town of Medway officials;

#### **Task 2 Inspectional Services**

- Inspect construction activities for conformance with the approved plans and good engineering and construction practices. Inspections will be dictated by work schedule, however the attached spreadsheet represents the proposed allocation of our time based on our current understandings;
- Act as a technical liaison between the Owner/Contractor and the Town;
- Provide inspection reports for each site visit to the Client and the designated project Point of Contact;
- Provide monthly invoices to the Client.





**TETRA TECH**

### **Cost**

Our cost for the above Scope of Services will be on a time and expenses basis in accordance with the Project Fee Schedule. The Construction Inspection Budget is attached, and breaks down the hours anticipated to be spent during the inspections. Please be advised that this estimate is based on our current understanding of the Project needs and is for budget purposes only. Changes to the project scope or schedule beyond that assumed by the engineer could require additional inspections if deemed necessary by the Planning Board. Additionally, the contractor's inefficiency, quality of work, or lack of communication may require additional inspections and compensation by the Owner.

### **Schedule**

We are prepared to begin work immediately upon receipt of this executed Proposal. We recognize that timely performance of these services is an important element of this Proposal and will put forth our best effort, consistent with accepted professional practice, to complete the work in a timely manner. We are not responsible for delays in performance caused by circumstances beyond our control or which could not have reasonably been anticipated or prevented.

### **General Terms and Conditions**

This Proposal shall be in accordance to the Terms and Conditions signed for the general services agreement between the Town of Medway and Tetra Tech. Should it meet with your approval, please sign and return a copy to us for our files. Your signature provides full authorization for us to proceed. We look forward to working with you on this Project.

Very truly yours,

David R. Pellegri, P.E.  
Senior Project Manager

Sean P. Reardon, P.E.  
Vice President

Date Approved By Medway Planning and Economic Development Board \_\_\_\_\_

Certified by: \_\_\_\_\_ Date \_\_\_\_\_  
Susan E. Affleck-Childs  
Medway Planning and Economic Development Coordinator

Attachments

Item No.	Inspection	Site Visits	Hrs/Inspection	Rate	Total
1	Erosion Control	1	2	\$100.00	\$200.00
2	Clear & Grub	1	2	\$100.00	\$200.00
3	Subgrade/Staking	1	2	\$100.00	\$200.00
4	Drainage System	4	3	\$100.00	\$1,200.00
5	Detention Pond	1	3	\$100.00	\$300.00
6	Roadway Gravel	1	4	\$100.00	\$400.00
7	Water System	6	3	\$100.00	\$1,800.00
8	Sewer System (N/A)			\$100.00	\$0.00
9	Roadway Binder	1	8	\$100.00	\$800.00
10	Curb/Berm/Edge Treatment	1	4	\$100.00	\$400.00
11	Private Utilities	1	4	\$100.00	\$400.00
12	Sidewalk Base/Gravel (N/A)			\$100.00	\$0.00
13	Sidewalk Binder (N/A)			\$100.00	\$0.00
14	Sidewalk Reconstruction (N/A)			\$100.00	\$0.00
15	Roadway Top	2	4	\$100.00	\$800.00
16	Roadway Top	1	8	\$100.00	\$800.00
17	Sidewalk Top (N/A)			\$100.00	\$0.00
18	Frames and Covers/Grates	1	2	\$100.00	\$200.00
19	Adjust Frames & Covers/Grates (N/A)			\$100.00	\$0.00
20	Inverts	1	2	\$100.00	\$200.00
21	Bounds	1	2	\$100.00	\$200.00
22	Landscape/Plantings	1	4	\$100.00	\$400.00
23	Roadway Sub-Drain (N/A)			\$100.00	\$0.00
24	Guard Rail/Fencing/Retaining Wall	3	2	\$100.00	\$600.00
25	Periodic Inspections (See Note 1)	2	3	\$100.00	\$600.00
26	Bond Estimates	3	4	\$100.00	\$1,200.00
27	As-Built Plans	2	4	\$100.00	\$800.00
28	Meetings	2	4	\$150.00	\$1,200.00
29	Admin	2	2	\$50.00	\$200.00
30	Project Closeout (See Note 3)	1	1	\$600.00	\$600.00
	Subtotal				\$13,700.00
	Expenses			3.5%	\$479.50
	<b>TOTAL</b>				<b>\$14,179.50</b>

Notes:

- 1 Periodic Inspection includes a final inspection and punch list memo provided to the town. It also includes one final inspection to verify that comments from the punch list have been addressed.
- 2 If installation schedule is longer than that assumed by engineer for any item above, or if additional inspections are required due to issues with the contract work, additional compensation may be required.
- 3 Closeout price is a lump sum value assessed to the project for extra items not listed above. This value has been placed in the breakdown due to past experience on other subdivision reviews.



**TOWN OF MEDWAY**  
**Planning & Economic Development Board**

155 Village Street  
Medway, Massachusetts 02053

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

November 22, 2013

Mr. Matthew Elia  
Accounting Manager | Finance  
TD Bank, N.A. & Apex, Inc.  
41 Donald B. Dean Drive  
S. Portland, ME 04106

Certified Mail # 7006 2150 0001 3527 4834  
Return Receipt Requested

RE: Notice of Public Hearing to Consider Subdivision Default  
Azalea Drive portion of Willow Green Subdivision – Medway, MA

Dear Mr. Elia,

This is to notify TD Bank, N.A. and Apex, Inc. that at its meeting on November 12, 2013, the Medway Planning and Economic Development Board voted to hold a public hearing on Tuesday, December 10, 2013 with respect to whether the Azalea Drive portion of the Willow Green subdivision, originally known as Green Acres, is in default. This subdivision is located on the west side of Summer Street in the north central section of Medway. Our records indicate that Baltic Realty Corporation was the owner of Azalea Drive and the associated infrastructure and is listed on the three pass book accounts provided to the Town of Medway as subdivision surety for this subdivision pursuant to Mass. General Laws chapter 41, §81U. It is our understanding based upon correspondence with TD Bank, N.A. and the records of the Commonwealth of Massachusetts Secretary of the Commonwealth that Apex, Inc. now holds the properties and assets of Baltic Realty Corporation, and that Apex, Inc. is a subsidiary of TD Bank, N.A.

Azalea Drive comprises the front portion of the 45 lot subdivision originally known as Green Acres that was developed by Kaplan Development Company. The approved definitive subdivision plan for Green Acres was recorded at the Norfolk County Registry of Deeds in October, 1988. We understand that Framingham Savings Bank provided the initial mortgage on the property and financed the road construction for the front portion of the parcel closest to

Telephone: 508-533-3291 Fax: 508-321-4987  
planningboard@townofmedway.org

Matthew Elia  
November 22, 2013

Summer Street. Kaplan Development constructed the road and infrastructure and built and sold several homes, but went into default on their loan. By that time, Framingham Savings Bank had been sold to MetroWest Savings Bank, which took title to the property under the name of its subsidiary, Baltic Realty Corporation. Baltic Realty subsequently renamed the subdivision Willow Green.

As performance security for completion of the subdivision ways and municipal services, Baltic Realty posted three bank books with the Town as required by Massachusetts law and the Planning Board; those funds remain intact and combined now equal \$49,965.44 (as of 10/31/2013). (*Baltic Realty also posted a fourth bank book with the Town as required by the Medway Conservation Commission.*) MetroWest gradually sold off the individual house lots on Azalea Drive. MetroWest sold the undeveloped back portion of the original parcel where the Dogwood Lane connector and loop are located to a developer named Al Miraj. MetroWest Savings Bank was ultimately sold to TD Bank, N.A and the funds held by the Town in the bank books were transferred to TD Bank.

At its meeting on November 12, 2013, the Planning and Economic Development Board determined that the construction of ways and installation of municipal services in accordance with the approved Green Acres Definitive Subdivision Plan have not been completed for the Azalea Drive portion of this subdivision. Tetra Tech, the Town's Consulting Engineer, has conducted a site inspection of the subdivision and has determined that there are a number of items that need to be completed for the Azalea Drive portion of the subdivision to conform to Medway's 1978 *Subdivision Rules and Regulations*. See attached punch list and cost estimate dated November 6, 2013 and another chart that matches the punch list items to the corresponding section of the 1978 *Subdivision Rules and Regulations*.

The purpose of this letter is to inform you of the needed work and to notify you that the Board has scheduled a public hearing for Tuesday, December 10, 2013 as to whether the developer of record of the Azalea Drive portion of the Green Acres/Willow Green subdivision is in default under the Subdivision Control Law, Mass. G.L. c. 41, §81U and the Board's 1978 *Subdivision Rules and Regulations*, for failure to complete the construction of ways and installation of municipal services. The hearing is scheduled for 7:15 pm and will take place during the regular meeting of the Planning and Economic Development Board in Sanford Hall at Medway Town Hall, 155 Village Street.

At the hearing, you will have the opportunity to be heard personally and/or through your counsel as to whether the Azalea Drive portion of the Green Acres/Willow Green subdivision should be found to be in default. The Board will discuss and determine whether it should vote to take the surety that is being held for the subdivision in order for the Town to complete the work.

Thank you for your attention to this matter. ***Please confirm that you or a representative of Apex will attend the December 10<sup>th</sup> public hearing.***

Should you have any questions, kindly contact Medway Town Counsel, Barbara Saint Andre of Petriani & Associates in Framingham, MA at 508-665-4310.

*Matthew Elia*  
November 22, 2013

Best regards,



Andy Rodenhiser  
Chairman

Enclosures

cc: Philip S. Furey, TD Bank Finance Department  
Maryjane White, Town Clerk  
Barbara Saint Andre, Town Counsel  
David Pellegri, P.E., Tetra Tech  
Melanie Phillips, Medway Treasurer/Collector



TETRA TECH

MEMORANDUM

**To:** Susan Affleck-Childs – Medway Planning and Economic Development Board  
Coordinator

**Fr:** David Pellegri–Tetra Tech (TT)

**Re:** Azalea Drive  
Subdivision Review (Punchlist)  
Medway, MA

**Dt:** November 6, 2013

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In September 2013 at the request of the Medway Planning and Economic Development Board, Tetra Tech (TT) coordinated with Medway Department of Public Services (DPS) to create a final Punchlist for the Azalea Drive Subdivision. The DPS performed the inspection and forwarded comments to our office which have been incorporated below. TT then applied costs to the improvements as provided in the attached spreadsheet. The following is a list of items and issues that should be repaired or resolved:

1. Proposed cul-de-sac was not built at the intersection of the northern leg of Azalea Drive at Dogwood.
2. Section of the sidewalk is in poor condition and needs prep and overlay.
3. Need to reduce granite radius at the entrance to allow for crosswalk.
4. The drainage system shall be flushed and cleaned. This shall include all structures and pipes, as well as the two (2) large retention basins on Summer Street, north and south of Azalea Drive. The basins shall be cleaned by removing vegetation as necessary to maintain proper function and the originally calculated capacity of basins.
5. There are five (5) drain manhole inverts that have not been installed.
6. Gate valve could not be located, and is either missing or buried.
7. Two (2) hydrant need to be raised.
8. The site requires two (2) sewer manhole covers.



TETRA TECH

9. An As-Built and Street Acceptance plan shall be submitted for review.

If you have any questions or require additional information, please don't hesitate to contact me at (508) 903-2000.

Very truly yours,

David R. Pellegri, PE  
Project Manager

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Azalea Drive Subdivision Estimate

ITEMS REQUIRING MAINTENANCE/REPAIR/REPLACEMENT

1	Cul-de-Sac	1	LS	10,000.00	\$/LS	\$ 10,000.00
2	Prep and Overlay Sidewalks	1	LS	16,000.00	\$/LS	\$ 16,000.00
3	Reduce Granite Radius at Entrance to allow for Crosswalk	1	EA	5,000.00	\$/EA	\$ 5,000.00
4	Flush and Clean Drainage System (See Note 5)	1	LS	16,500.00	\$/LS	\$ 16,500.00
5	Drain Manhole Invert	5	EA	300.00	\$/EA	\$ 1,500.00
6	Install Gates	4	EA	2,000.00	\$/EA	\$ 8,000.00
7	Hydrants to be Raised	2	EA	400.00	\$/EA	\$ 800.00
8	Sewer Manhole Cover	2	EA	400.00	\$/EA	\$ 800.00
9	As-Built Plan and Street Acceptance Plan	1	EA	10,750.00	\$/EA	\$ 10,750.00
		Subtotal				69,350

Project Summation

Project Summation	\$ 69,350.00
Contingency	25%
Contingency	\$ 17,337.50
Site Total	\$ 86,687.50
Project Total	\$ 86,687.50

Notes:

- 1 Unit prices are taken from the latest information provided on the Massachusetts Highway Department website. They utilize the Mass Highway weighted bid prices (Combined - All Districts)
- 2 Mass Highway pricing for crack sealing was not available, therefore prices were taken from 2008 construction bid results from another Massachusetts municipality.
- 3 Exact quantities for the amount of material were not measured and are approximate values.
- 4 Hot mix asphalt quantity includes repairs to severely cracked pavement in between drainage structures and the pavement around the adjusted catch basin castings (2" top course, 2" binder course).
- 5 Cost for item 4 above includes \$10,000 for cleaning the basins (\$5,000 each), and \$6,500 for flushing all structures and pipes.



**Azalea Drive (Medway, MA) - Green Acres/Willow Green Subdivision**

Needed Construction Work from 11/6/13 Tetra Tech Punch List	Applicable Section of the 1978 Subdivision Rules and Regs	Tetra Tech Cost Estimate (11/6/2013)	<b>ROADWAY</b>	
			Construct cul-de-sac at the intersection of the northern leg of Azalea Drive at Dogwood	V. A. Streets and Roadways, 1-4
			Prep and overlay portions of the sidewalk	V. D. Sidewalks, 1-5
			Reduce granite radius at the entrance to allow for crosswalk	V. E. Curbsings
			<b>DRAINAGE</b>	
			Flush and clean drainage system	V. B. Drains 1.
			Drain 5 manhole inverts	V. B. Drains 3.
			<b>WATER</b>	
			Install 4 missing gate valves	V. C. Utilities 1.
			Raise 2 fire hydrants	V. C. Utilities 1.
			<b>SEWER</b>	
			Install 2 sewer manhole covers	V. C. Utilities 1. (a)
			<b>AS BUILT and STREET ACCEPTANCE PLAN</b>	III. C. As-Built Plan
			Sub-Total	\$ 10,750.00
			25% Contingency	\$ 17,337.50
			<b>TOTAL</b>	\$ 86,687.50

11/6/2013 - soc



## ENGINEERING CONSULTANTS, INC.

19 EXCHANGE STREET, HOLLISTON, MASSACHUSETTS 01746 - (508)429-1100 - FAX (508)429-7160

REGISTERED CIVIL ENGINEERS AND LAND SURVEYORS

November 12, 2013

Medway Planning Board  
155 Village Street  
Medway, MA 02053

**Re: Special Permit Application**  
**Adult Retirement Community Planned Unit Development**  
**"Millstone Village", Medway MA**  
**Applicant: Elite Home Builders LLC**

Dear Board Members,

On behalf of our client, Elite Home Builders LLC, we are filing a Special Permit Application to construct an Adult Retirement Community Planned Unit Development (ARCPUD) consisting of 80 units of age restricted condominium dwellings. The project was previously submitted as "Daniels Village" and approved May 29, 2007. The previous project was requested to be withdrawn without prejudice by the owner, Betty McCall-Vernaglia, on July 12, 2010. There is a valid Order of Conditions from the Conservation Commission for the previous project that would be valid for this application. A copy is included herewith for your files.

The proposed project utilizes the same architectural plans and site layout as the previously approved project, with the exception of providing a community building.

The subject property, a 51 acre site, is located between 63 and 81 Winthrop Street on the west side of the street, south of Lovering Street and across from Clove Lane in the ARI zoning district. The property is presently owned by Betty McCall-Vernagli of Medway, MA.

The applicant proposes to construct an age-restricted condominium development on the site, to be known as Millstone Village, consisting of 80 condominium dwelling units in 53 buildings. The proposed project will consist of approximately 3,270 linear feet of privately owned roadway and be serviced by the Town of Medway sewage and water system. Site access and egress will be from Winthrop Street.

The 80 condominiums will be comprised of 45 townhouse type residences constructed in groups of two or three units in 18 buildings and 35 detached single family houses. The condominium units range in size from 1600 to 2300 sq. ft. for a two bedroom unit. Each unit will have a 2 car garage plus 2 additional driveway parking spaces. Another 42 off-

RESIDENTIAL, COMMERCIAL AND INDUSTRIAL SITE PLANNING AND DESIGN - PUBLIC WORKS ENGINEERING - SEPTIC DESIGNS - HYDROLOGY AND FLOOD CONTROL - TOPOGRAPHIC SURVEYS - SOIL ANALYSIS - MORTGAGE AND LAND SURVEYS AVAILABLE - WILDLIFE AND ENVIRONMENTAL ANALYSIS - WETLAND DELINEATION - TITLE INSURANCE PLANS AND REPORTS - SITE APPRAISALS - TOWN CONSULTATION SERVICES

street parking spaces will be provided for visitors and guests. Eight (8) townhouse units will be considered to be low or moderate income units which will comply with the requirements for inclusion in the Subsidized Housing Inventory prepared by the Department of Housing and Community Development.

The parcel identified on the Millstone Village ARCPUD Plan as Parcel B (20.40 acres) will be dedicated open space owned by the Millstone Village Condominium Trust and protected through a Conservation Restriction granted to the Town of Medway.

Thank you for your consideration in this matter.

Yours truly,

Robert S. Truax  
Project Manager/Design Eng.

## **Susan Affleck-Childs**

---

**From:** Susan Affleck-Childs  
**Sent:** Thursday, December 05, 2013 4:07 PM  
**To:** 'Steven Venincasa'; Leo Leo; Julie Lynn  
**Cc:** Andy Rodenhiser; 'Andy'  
**Subject:** RE: Millstone Village - Plan Review Invoice

Steve,

Thanks for your note and I can understand that you are trying to be cost effective.

I will ask the Planning and Economic Development Board to review this email, your previous email, my responses to you and the Tetra Tech and PGC plan estimates. I do not have the authority to adjust the plan review fees as established by the Board.

The Board meets on Tuesday evening, December 10th. Are you available or interested in attending? If you let me know asap, I can add an agenda item to that meeting. It would probably be around 7:45 pm.

I hope you can understand that you need to be the one to explain/advocate for your position.

Susy

Susan E. Affleck-Childs  
Medway Planning and Economic Development Coordinator  
155 Village Street  
Medway, MA 02053

508-533-3291

[saffleckchildstowntownofmedway.org](mailto:saffleckchildstowntownofmedway.org)

Please remember when writing or responding, the Massachusetts Secretary of State has determined that e-mail is a public record.

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-----Original Message-----

**From:** Steven Venincasa [<mailto:sv@casarealty-builders.com>]  
**Sent:** Thursday, December 05, 2013 3:18 PM  
**To:** Susan Affleck-Childs; Leo Leo; Julie Lynn  
**Subject:** Millstone Village

Sue,

I understand this project needs to be reviewed and I certainly appreciate you guiding this process so approvals go smoothly but I am questioning the additional funds regarding further consults and reviews, since I have already paid \$7000 toward this. As this project has all ready been approved and reviewed it seems the funds and work involved is being duplicated. Is

it possible to define the scope of review needed to meet your concerns rather than a broad spectrum of review so funds are used efficiently and not drive-up the project costs?

I would appreciate you considering this, then let me know what monies you need to proceed and I will get to you ASAP.

Steve

Steven Venincasa  
Sent from my iPad

## **Susan Affleck-Childs**

**From:** Susan Affleck-Childs  
**Sent:** Tuesday, December 03, 2013 3:19 PM  
**To:** 'Steven Venincasa'  
**Cc:** Julie Lynn; Leo Leo; 'Andy'  
**Subject:** RE: Millstone Village

Hi Steve,

The Board's fees are divided into two categories:

1. Standard application/filing fee which does NOT go toward the cost of the outside consultants. For that, you have already paid \$4,500. None of that is refundable.
2. Plan Review fees which go completely toward the cost of the outside consultants. So far, you paid a \$2,500 deposit toward that. Today's invoice completely pertains to the balance of the estimated plan review costs for the outside consultants. If any funds are left over, you are entitled to a refund. We collect this up front so I don't have to go chasing for money mid way through a public hearing/plan review process and to ensure that we can pay the consultants on a timely basis. As I mentioned to you, the Board now uses a different engineering consultant. Tetra Tech does have to get up to speed on the whole project and the prior review was done in 2007.

Susy

**Susan E. Affleck-Childs**  
Medway Planning and Economic Development Coordinator  
155 Village Street  
Medway, MA 02053

508-533-3291

[saffleckchildst@townofmedway.org](mailto:saffleckchildst@townofmedway.org)

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**From:** Steven Venincasa [<mailto:sv@casarealty-builders.com>]  
**Sent:** Tuesday, December 03, 2013 3:04 PM  
**To:** Susan Affleck-Childs  
**Cc:** Julie Lynn; Leo Leo  
**Subject:** Re: Millstone Village

We have paid \$7,000 in filing fees. I thought that money was used for review .  
We have made very fee changes to a plan that has been through the approval process.

Can we make use of the previous application and associated review to help keep our cost down?

Steven Venincasa 508-560-9440  
Sent from my iPad

On Dec 3, 2013, at 1:21 PM, Susan Affleck-Childs <[sachilds@townofmedway.org](mailto:sachilds@townofmedway.org)> wrote:

Hi Steve,

Hope you had a good Thanksgiving holiday. Am I recollecting correctly that you are leaving soon to travel to Florida??

Attached is a cover letter and invoice for further plan review fees for Millstone Village. This invoice pertains to the cost of outside consultants the Board has retained to review the application and plans. Last week, I had mentioned to you that this invoice was forthcoming!

I am also sending the letter/invoice to you via regular US mail.

Please don't hesitate to contact me if you have any questions.

Best regards,

*Susy Affleck-Childs*

**Susan E. Affleck-Childs**  
Medway Planning and Economic Development Coordinator  
155 Village Street  
Medway, MA 02053

508-533-3291

[saffleckchild@townofmedway.org](mailto:saffleckchild@townofmedway.org)

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<12-3-2013 Millstone Village PR invoice.pdf>

## **Susan Affleck-Childs**

---

**From:** Susan Affleck-Childs  
**Sent:** Tuesday, December 03, 2013 1:21 PM  
**To:** 'Steven Venincasa'  
**Cc:** sv@svcasa.com  
**Subject:** Millstone Village  
**Attachments:** 12-3-2013 Millstone Village PR invoice.pdf

Hi Steve,

Hope you had a good Thanksgiving holiday. Am I recollecting correctly that you are leaving soon to travel to Florida??

Attached is a cover letter and invoice for further plan review fees for Millstone Village. This invoice pertains to the cost of outside consultants the Board has retained to review the application and plans. Last week, I had mentioned to you that this invoice was forthcoming!

I am also sending the letter/invoice to you via regular US mail.

Please don't hesitate to contact me if you have any questions.

Best regards,

*Susy Affleck-Childs*

**Susan E. Affleck-Childs**  
Medway Planning and Economic Development Coordinator  
155 Village Street  
Medway, MA 02053

508-533-3291

[saffleckchild@townofmedway.org](mailto:saffleckchild@townofmedway.org)

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**TOWN OF MEDWAY**  
**Planning & Economic Development Board**

155 Village Street  
Medway, Massachusetts 02053

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

December 3, 2013

Mr. Steve Venincasa  
Elite Home Builders, LLC  
P.B Box 1205  
Westborough, MA 01581

RE: Millstone Village ARCPUD – Special Permit Application  
Plan Review Expenses

Dear Steve,

The Medway Planning & Economic Development Board has determined that the size, scale, and complexity of the proposed plan and special permit application for the proposed Millstone Village ARCPUD development off of Winthrop Street and its consequent impact on the community necessitate the hiring of outside professional consultants to review the application and plans for compliance with the *Town of Medway Zoning Bylaw and the ARCPUD Rules and Regulations*.

The Planning & Economic Development Board has selected Tetra Tech (*the Town's engineering consultant*) and PGC Associates (*the Town's planning consultant*) as the primary outside consultants to conduct the reviews to assist the Board. Town Counsel Barbara Saint Andre of Petri & Associates will provide legal counsel when needed. Please be advised that the Board may also engage the services of other outside consultants to assist in reviewing this project if it is determined to be in the best interests of the Town to do so.

The initial estimated expense for Tetra Tech to review the Millstone Village ARCPUD special permit application and plan is \$8,945. That amount does not include any costs associated with reviewing a traffic study or memorandum. The estimate from PGC Associates is for \$1,440. A copy of each estimate is attached. These fees were approved by the Board at its December 10, 2013 meeting. At this time, we do not have a quote from Petri and Associates for legal services. However, based on past experience, we estimate that time to be approximately 3 hours @ \$205/hour = \$615.00. The combined total for all three consultants is \$10,990.

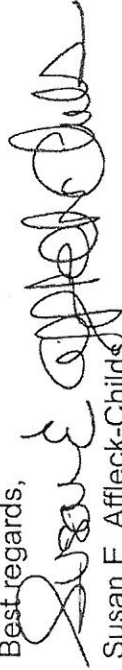
Telephone: 508-533-3291      Fax: 508-321-4987  
planningboard@townofmedway.org

At the time you filed the Millstone Village application with the Town, one of the checks you provided was in the amount of \$2,500 as a deposit toward plan review expenses. Accordingly, **the total now due for plan review services is \$8,490.** An invoice is enclosed. We look forward to your prompt payment. These funds must be provided to us before the Millstone Village public hearing begins on January 14, 2014.

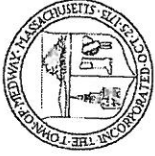
Plan review fees are deposited to a revolving account from which we pay the outside consultants. Please be advised that additional plan review fees will be charged if the Town's expenses for outside consultants to review the Millstone Village ARCPUD special permit application and plan exceed these initial estimates. We will keep you apprized of the status of your account and if necessary, we will bill you accordingly for prompt payment. Any outstanding balance for plan review fees must be paid in full before the Planning & Economic Development Board will issue its decision and endorse the plan. If, at the conclusion of the plan review and decision process, there are any funds remaining in the account, you are entitled to a refund of any unexpended balance.

Please contact me if you have any questions regarding these fees or any other matters. We look forward to working with you in the weeks ahead for a timely review of the Millstone Village ARCPUD plan.

Best regards,



Susan E. Affleck-Childs  
Planning and Economic Development Coordinator



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

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

**INVOICE**

December 3, 2013

Mr. Steve Venincasa  
Elite Home Builders, LLC  
P.O. Box 1205  
Westborough, MA 01581

RE: Millstone Village ARCPUD – Special Permit Application  
Plan Review Expenses

For professional services provided by outside consultants (Town Consulting Engineer  
*Tetra Tech, Town Consulting Planner PGC Associates, Town Counsel Petrini and*  
*Associates*)

ESTIMATED COST	\$10,990
PAYMENTS BY APPLICANT	- 2,500
BALANCE	\$ 8,490

**TOTAL NOW DUE AND PAYABLE \$ 8,490**

*Make check payable to: Town of Medway*

Mail or drop off to: Medway Planning & Economic Development  
155 Village Street  
Medway, MA 02053

Telephone: 508-533-3291 Fax: 508-321-4987  
planningboard@townofmedway.org



**TETRA TECH**

November 21, 2013

Ms. Susan E. Affleck-Childs  
Medway Planning and Economic Development Coordinator  
Medway Town Hall  
155 Village Street  
Medway, MA 02053

**R E C E I V E D**

NOV 22 2013

TOWN OF MEDWAY  
PLANNING BOARD

**Re: Planning and Economic Development Board  
Engineering Review Services Proposal  
Adult Retirement Community Planned Unit Development  
Millstone Village  
Medway, Massachusetts**

Dear Ms. Affleck-Childs:

We are pleased to submit this Proposal to the Town of Medway (the Client) for professional engineering services associated with the proposed Millstone Village Adult Retirement Community Planned Unit Development (ARCPUD) Special Permit Application submittal in Medway, Massachusetts (the Project). The objective of our services is to review the proposed ARCPUD Plan submittal package, including but not limited to the Plans, Application (Special Permit Application), Special Permit Application letter, Waivers and the Drainage Calculations, and provide review comments as they relate to the Medway Planning Board's Rules and Regulations for the Review and Approval of the Subdivision, Department of Environmental Protection Stormwater Management Regulations, and sound engineering practice. As is typical, we have excluded from our scope, the review of the application package as they relate to the ARCPUD requirements in the Town of Medway Zoning By-Laws.

### Scope of Services

The following specifically describes the Scope of Services to be completed:

#### Task 1 Site Visit

A. We have visited the site during past phases of this project and therefore a site visit is not required;

- Budget Assumption: \$2 hour @ \$155/hr=\$310

#### Task 2 Design Review

A. Review the proposed Application for Approval of an ARCPUD Plan, Application (Special Permit Application), Special Permit Application letter, Waivers and the Drainage Calculations, prepared GLM Engineering Consultants, Inc. (GLI) and incorporate comments into review letter in item D below;



**TETRA TECH**

- Budget Assumption: 1 hours @ \$155 = \$155.
  
- B. Review the proposed "Millstone Village" ARCPUD Plans prepared by GLM dated October 15, 2013;
  - Budget Assumption: 8 hours @ \$155 = \$1,240  
10 hours @ \$115/hr = \$1,150  
8 hours @ \$90/hr = \$720  
Total = \$3,110
  
- C. Review the Stormwater Management Report prepared by GLM and dated October 15, 2013 for compliance with the latest Department of Environmental Protection Stormwater Management Standards and good engineering practice;
  - Budget Assumption: 8 hours @ \$115/hr = \$920.
  
- D. Prepare a letter summarizing findings for presentation to the Town of Medway Planning and Economic Development Board;
  - Budget Assumption: 4 hour @ \$155/hr = \$620  
2 hours @ \$90/hr = \$180  
Total = \$800
  
- E. Coordinate with applicant to address items in review letter and issue an updated letter upon receipt of modifications:

- Budget Assumption: 8 hour @ \$155/hr = \$1,240  
6 hour @ \$115/hr = \$690  
2 hour @ \$90/hr = \$180  
Total = \$2,110

### Task 3 Meeting Attendance

- A. Participate in four (4) meetings with the Town of Medway Planning and Economic Development Board.
  - Budget Assumption: 4 Meetings  
2 hrs/meeting @ \$155/hr = \$1,240

### Cost

Our cost for the above Scope of Services will be on a time and expenses basis in accordance with Tetra Tech and Medway's existing contract rates. Direct expenses will be billed at a fixed fee of three and a half (3.5) percent of labor costs. We suggest that you establish a budget identified below for these services, which will not be exceeded without your approval. Please be advised that this estimate is based on our current understanding of the Project needs and is for budget purposes only. The total cost of our services will depend greatly on the completeness and adequacy of the information provided.



**TETRA TECH**

The breakdown of this fee by task is as follows:

Task	Task Description	Fee
Task 1	Site Visit	\$310
Task 2	Design Review	\$7,095
Task 3	Meeting Attendance	\$1,240
	Labor Subtotal	\$8,645
	Expenses (3.5%)	\$300
	<b>Total Fee</b>	<b>\$8,945</b>

### **Exclusions**

No traffic report has been submitted with this application and therefore, the budget and scope identified above excludes a traffic review component. If a traffic review is required in the future, we can provide an additional scope and budget.

### **Schedule**

We are prepared to begin work immediately upon receipt of this executed Proposal. We recognize that timely performance of these services is an important element of this Proposal and will put forth our best effort, consistent with accepted professional practice, to comply with the projects needs. We are not responsible for delays in performance caused by circumstances beyond our control or which could not have reasonably been anticipated or prevented

### **General Terms and Conditions**

This Proposal is subject to the existing Terms and Conditions signed by Tetra Tech and the Town of Medway. Should this proposal meet with your approval, please sign and return a copy to us for our files. Your signature provides full authorization for us to proceed. We look forward to working with you on this Project.



TETRA TECH

Please contact us with any questions, or if you require additional information.

Very truly yours,

David R. Pellegrini, P.E.  
Senior Project Manager

Date Approved by Medway Planning and Economic Development Board \_\_\_\_\_

Certified by:

Susan E. Affleck-Childs

Medway Planning and Economic Development Coordinator

\_\_\_\_\_

Date

**PGC ASSOCIATES, INC.**

1 Toni Lane  
Franklin, MA 02038-2648  
508.533.8106  
gino@pgcassociates.com

Mr. Andy Rodenhiser, Chairman  
Medway Planning Board  
155 Village Street  
Medway, MA 02053

**RE: Millstone Village ARCPUD**

Dear Mr. Rodenhiser:

PGC Associates is pleased to present the following cost estimate to review and comment on the proposed ARCPUD special permit application submitted by Elite Home Builders LLC of Westborough. The property is owned by Betty McCall-Vernaglia of Medway. The plan was prepared by GLM Engineering Consultants, Inc. of Holliston, and is dated October 15, 2013.

The proposal is to construct 80 units of age-restricted housing, of which 45 would be multiple units and 35 would be single family units. The site includes 51.01 acres and 20.4 acres is proposed as open space.

<u>Task</u>	<u>Hours</u>	
Technical Review and comment of initial submittal for compliance with zoning and ARCPUD site plan regulations	5.0	
Attendance at Planning and Economic Development Board meetings/hearings	4.0	
Review and comment on revised plans	2.5	
Review and comment on draft special permit	4.5	
Total	16.0	
Cost Estimate (@\$90)		\$1440.00

If there are any questions about this estimate, please call me.

Sincerely,



Gino D. Carlucci, Jr.

**R E C E I V E D**

NOV 19 2013

TOWN OF MEDWAY  
PLANNING BOARD

Planning

Project Management

Policy Analysis



## **25 Summer Street Subdivision**

December 6, 2013

NOTE – Attached is the lot release and bond agreement for the 25 Summer Street subdivision. Both have been reviewed by Town Counsel.

The punch list and bond estimate for the 25 Summer Street subdivision are forthcoming from Tetra Tech Engineering.

I will forward those documents to you on Monday and distribute paper copies to you at the 12/10/2013 PEDB meeting.

Susy



TETRA TECH

MEMORANDUM

**To:** Susan Affleck-Childs – Medway Planning and Economic Development Board  
Coordinator

**Fr:** Steven Bouley–Tetra Tech (Tt)

**Re:** **25 Summer Street  
Subdivision Review (Bond Value Estimate)  
Medway, MA**

**Dt:** December 5, 2013

**R E C E I V E D**

DEC 10 2013

TOWN OF MEDWAY  
PLANNING BOARD

On December 5, 2013 at the request of the Medway Planning and Economic Development Board, Tetra Tech (Tt) performed an inspection of the 25 Summer Street Subdivision against the approved subdivision plans dated February 28, 2012 revised March 14, 2013, Board of Health Permit Plan and Construction Worksheet dated September 18, 2013 and the Town of Medway Planning Board Rules and Regulations Chapter 100 – Land Subdivision section 6.6.3. The following is a list of outstanding items that should be resolved:

**Drainage**

1. The contractor should construct the “Emergency 100-Year Storm Overflow Swale” as shown on the Board of Health Permit Plan and Construction Worksheet. (6.6.3.c)
2. The contractor should install the flared end section as shown on the “Dry Basin Cross-Section Schematic Detail” on Sheet 5 of the approved plans. (6.6.3.c)
3. The contractor should loam and seed the detention basin and emergency 100-year storm overflow swale in order to establish proper ground cover to limit erosion within the structures. Erosion control measures should be taken to prevent sediment from entering the completed drainage system. (6.6.3.c)

**As-Built Review**

4. The contractor should supply the Planning Board with an as-built plan detailing the completed drainage system with contours in two foot (2’) intervals, critical elevations and details of the structures within the detention pond area. (6.6.3.d)



TETRA TECH

### Roadway

5. The contractor should install a stop sign and street name sign at the approved locations. (6.6.3.e)
6. The contractor should paint a stop line and the word "STOP" at the approved location. (6.6.3.f)

### Additional Observations

7. It appears that the roadway binder course was paved with a top course material.

If you have any questions or require additional information, please don't hesitate to contact me at (508) 903-2382.

Very truly yours,

Steven Bouley  
Civil Engineer



TETRA TECH

**Bond Estimate**  
Summer Valley Lane  
25 Summer Street  
Medway, Massachusetts  
December 5, 2013

One Grant Street  
Frammingham, MA 01701  
Tel 508.903.2000 Fax 508.903.2001

DESCRIPTION	QUANTITY	UNIT	UNIT COST	ENGINEERS ESTIMATE
HMA Top Course	26	TON	\$125.00	\$3,250
Loam Borrow <sup>2</sup>	220	CY	\$40.00	\$8,800
Seed <sup>2</sup>	1,098	SY	\$2.00	\$2,196
Landscaping	1	LS	\$5,000.00	\$5,000
2 Year Snow Plowing	351	LFYR	\$2.50	\$1,755
2 Year Road Maintenance	351	LFYR	\$2.00	\$1,404
2 Year Drainage Maintenance	351	LFYR	\$2.00	\$1,404
As-Built Plans	351	LF	\$5.00	\$1,755
Legal Services	1	LS	\$3,000.00	\$3,000

**Subtotal**

\$28,564

**25% Contingency**

\$7,141

**Total**

\$35,705

Notes:

1. Unit prices are taken from the latest information provided on the Mass DOT website. They utilize the Mass DOT weighted bid prices (Combined - All Districts) for the time period 12/2012 - 12/2013.
2. Loam borrow and seed includes pricing to loam and seed all areas within the right of way (paper cul-de-sac) not including the detention pond.

RECEIVED  
DEC 10 2013

TOWN OF MEDWAY  
PLANNING BOARD

TO: Chairman of the Board – Medway Planning & Economic Development Board

FROM: Counsel for Applicant GCCF, New England, LLC c/o Cumberland Farms

RE: Medway – 109/126 Special Permit & Site Plan Project – request to address selected draft Findings and Ideas for Conditions.

DATE: December 10, 2013

Mr. Rodenheiser:

Applicant requests permission to address the Planning, Economic & Development Board (“Board”) during its deliberations on the following two issues contained in the draft Findings & Ideas for Conditions.

1. Findings: Zoning Bylaw (b)(iii), page 4; and
2. Ideas: Hours of Operation, page 1.

The Chairman has the authority to allow and actively seek comment during deliberations. Though the “hearing” is closed, deliberations at an open meeting are part of an open record. Thus, the Chairman has the discretion to allow non-substantive opinion and comment on material already presented. It is common practice to allow an Applicant to address a sitting Board during deliberations conducted during an open meeting. Accordingly, as the deliberations are taking place during an open meeting, the deliberations are of open record and to allow comment would be appropriate.



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

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

DRAFT – December 5, 2013

**SPECIAL PERMIT AND SITE PLAN DECISION**

**Decision Date:** TBD

**Name/Address of Applicant:** GCCF New England, LLC  
600 East 95<sup>th</sup> Street  
Indianapolis, IN 46240

**Name/Address of Owner:** Onilleva Realty, LLC  
38 Summer Street  
Medway, MA 02053

**Engineer:** Civil Design Group, LLC  
21 High Street  
North Andover, MA 01845

**Site Plan Dated:** June 28, 2013, last revised October 30, 2013

**Location:** 38 Summer Street and 39 & 41 Milford Street  
Medway, MA

**Assessors' Reference:** Parcels 56-37, 56-38 and 56-39.

**Zoning District:** Commercial V.

**I. PROJECT DESCRIPTION** – The applicant has sought a special permit and major site plan approval to construct a 4,513 sq. ft. Cumberland Farms convenience store and vehicular fuel dispensing facility with four fueling dispensers (*eight vehicle fueling positions*) through a long-term land lease of 1.35 acres on the northern portion of the combined 2.44 acres of property located at 38 Summer Street and 39 and 41 Milford Streets. The proposal includes construction of a canopy structure above the fuel dispensers to provide weather protection and house fire suppression equipment. Site access/egress is to be provided by one curb cut on Summer Street and two curb cuts on Milford Street. The project plans include the construction/installation of stormwater management facilities, extensive landscaping, lighting, outdoor seating, parking and various pedestrian amenities.

Two residential structures currently located at 39 and 41 Milford Street are to be demolished. A portion of the structure presently occupied by Medway Gardens will also be demolished.

The proposed scope of work requires a special permit from the Medway Planning and Economic Development Board pursuant to the *Medway Zoning Bylaw, V. \_\_\_\_\_*. The proposed development also 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. PROCEDURAL HISTORY

- A. July 12, 2013 – Special permit and site plan application filed with the Medway Planning & Economic Development Board and the Medway Town Clerk
- B. July 17, 2013 – Public hearing notice posted with Town Clerk and posted at the Town of Medway web site
- C. July 17, 2013 – Site plan distributed to Town boards, committees and departments for review and comment.
- D. July 22, 2013 - Public hearing notice mailed to abutters by certified sent mail.
- E. July 29 and August 6, 2013 – Public hearing notice advertised in *Milford Daily News*.
- F. August 13, 2013 – Public hearing commenced. The public hearing was continued to August 27, September 17, October 8 & 22, and to November 12, 2013 when the hearing was closed.
- G. \_\_\_\_\_ – Applicant meets with the Design Review Committee as referred by the Planning and Economic Development Board. Additional meetings were held with the Design Review Committee on September 23, CHECK DATES

**NOTE – Before the special permit and site plan applications were submitted to the Board, the following occurred:**

- A. March 18, 2013 - Meeting was held with Medway Internal Development Review Team and the Cumberland Farms applicant and engineer
- B. April 30, 2013 - Informal Pre-Application Meeting was held with the Planning and Economic Development Board
- C. \_\_\_\_\_ - Informal Pre-Application Meeting was held with the Design Review Committee.

### III. INDEX OF DOCUMENTS

#### *Application materials*

#### ***Town's Consultants Review Letters***

- Plan review letter dated August 6, 2013 from Gino Carlucci, PGC Associates
- Plan review letter dated August 20, 2013 from Gino Carlucci, PGC Associates
- Plan review letter dated August 8, 2013 from Dave Pellegri, Tetra Tech
- Traffic Study review letter dated \_\_\_\_\_ from Mike Hall, Tetra Tech
- Revised plan review letter dated October 4, 2013 from Dave Pellegri, Tetra Tech
- Review letter dated November 5, 2013 from Mike Hall, Tetra Tech
- Review letter dated November 6, 2013 from Mike Hall, Tetra Tech
- Review letter dated November 7, 2013 from Mike Hall, Tetra Tech

#### ***Supplemental Materials Submitted by the Applicant***

- Blasting booklet from State Fire Marshall's office
- Email communication dated September 10, 2013 from Jason Plourde of Tighe and Bond
- Letter dated September 6, 2013 from Jason Plourde of Tighe and Bond
- Response letter dated September 11, 2013 from Phil Henry of Civil Design Group
- Letter dated October 3, 2013 from Jason Plourde of Tighe and Bond
- Letter dated September 27, 2013 from Phil Henry of Civil Design Group to DPS Deputy Director David D'Amico



- Email dated October 10, 2013 from Phil Henry of Civil Design Group
- Request dated October 15, 2013 for Waivers from the *Site Plan Rules and Regulations*
- Two email communications each dated October 22, 2013 from Jason Plourde of Tighe and Bond
- Proposed shared Easement Plan dated September 20, 2013 by Civil Design Group
- Proposed Draft Easement document dated \_\_\_\_\_
- Trash Maintenance Plan for Cumberland Farms dated May 5, 2013
- Letter dated October 31, 2013 from property owner Joe Avellino
- Email communication dated October 25, 2013 from Attorney Peter Paulousky
- Email communication dated October 28, 2013 from Attorney Peter Paulousky
- Proposed Scope of Work for Additional Traffic Analyses dated October 28, 2013 from Jason Plourde of Tighe and Bond

#### **Written Communications from Town Staff, Boards/Committees**

- Status report memorandum from the Medway Design Review Committee dated August 8, 2013
- Fire Chief Jeff Lynch email communication dated \_\_\_\_\_
- DPS Deputy Director David D'Amico letter and email communication dated September 26, 2013
- DPS Director Thomas Holder email communication dated October 8, 2013
- Police Safety Office Sergeant Jeff Watson letter dated October 4, 2013
- Status report memorandum from the Medway Design Review Committee dated \_\_\_\_\_
- Letter of Recommendation dated November 8, 2013 from the Medway Design Review Committee.

#### **Other Provided Reference Documents**

- Text and map of the Commercial V Zoning District
- Hours of Operation for Medway gas stations and convenience Stores – Dated September 30, 2013
- Cumberland Farms Public Hearing Schedule (multiple versions as revised) – Prepared by Susan Affleck-Childs, Medway Planning and Economic Development Coordinator
- Medway Stormwater Management General Bylaw
- Announcement, notes and audio recording of the October 28, 2013 Public Briefing by Town Staff and Consultants with interested residents/abutters
- Findings and Conditions Worksheet prepared by Susan Affleck-Childs for members of the PEDB

#### IV. TESTIMONY

##### ***Professional Consultants' Testimony during Public Hearings***

- Phil Henry, PE, Civil Design Group – Site engineer for the applicant
- David Pellegrini, PE, Tetra Tech – Town of Medway Consulting Engineer
- Michael Hall, PE, Tetra Tech – Town of Medway Consulting Engineer
- Gino Carlucci, AICP, PGC Associates – Town of Medway Consulting Planner
- Peter Paulousky, Attorney at law - Duggan, cannon. ... – attorney for the applicant
- Jason Plourde, PE, Figue and Bond – Traffic engineer for the applicant

##### ***Citizen and Abutter Testimony at Public Hearings***

- Jesse and Teigan Bain, 37 Milford Street
- Tracy Stewart, 21 Lovering Street
- Robert Parella (Paramount Industries), 42 Milford Street
- Donna Hainey, 6 Little Tree Road
- Paul G. Yorkis, 7 Independence Lane
- Audrey Alexander, 35 Summer Street
- Rod Condon, 3 Rustic Road
- John Flanagan, 12 Little Tree Road
- Resident, 13 Independence Lane
- Noreen Murphy, 13 Tulip Way
- Wes Truscott, 98 Winthrop Street
- Dennis Crowley, 6 Hill Street
- Resident, 1 Freedom Trail
- Tony Biocchi, \_\_\_\_\_

- Resident, 7 Little Tree Road
- Resident, 14 Little Tree Road
- Matt Buckley, 101 Main Street
- Resident, 38 Milford Street
- Resident, 10 Cedar Farms Road

### **Other Testimony at Public Hearings**

AJ Barbato -

Joe Avellino – Onilleva Properties, LLC

Matt Buckley – Chairman of the Medway Design Review Committee

Jeff Lynch – Medway Fire Chief

David D’Amico - Deputy Director, Medway Department of Public Services

Ruthann McCarthy – Cumberland Farms District Manager

Susan Affleck-Childs – Medway Planning and Economic Development Coordinator

### **Written Communications from Abutters/Residents**

Citizens Petition submitted October 7, 2013

Pam Bellino, 2 Knollwood Road

Tracy Stewart, 21 Lovering Street

Sheila Marshall, 65 Summer Street

Resident, 8 Freedom Trail

Pat Jensen, \_\_\_ Waterview Drive

15 emails entered into the record on 9/17 ...

Email from resident Greg Evers dated September 18, 2013

Email from resident Greg Bedard dated September 18, 2013

Email from resident Grace Hoag dated September 18, 2013

Email from resident Ronnie Gibson dated October 3, 2013

Email from resident Dhole Vikas dated September 17, 2013

Email from resident Karen Grossman dated September 17, 2013

Letter from residents Jesse & Feigan Bain dated September 17, 2013

Email from resident Angela Carney dated September 17, 2013

Email from resident Susan Alessandri dated September 17, 2013

Email from resident Andrea Kerr dated September 17, 2013

Email from resident E. Burke Anderson dated September 17, 2013

Email from resident Nicole Dwyer dated September 17, 2013

Email from resident John Flanagan dated September 17, 2013

Email from resident Sally Reynolds dated September 17, 2013

Email from resident Jill Antonellis dated September 17, 2013

Email from resident Sean Lynch dated September 14, 2013

Email from resident Chris Bell dated September 16, 2013  
Email from resident Tanya Green dated September 17, 2013  
Email from resident Donna Hainey dated September 17, 2013  
Email from resident Andrew Evers dated September 17, 2013  
Email from resident Pam Bellino dated September 17, 2013  
Email from resident Jodi Ferrari dated September 17, 2013  
Email from residents Erin & Bill Hoye dated October 8, 2013  
Email from resident Gay Rotatori dated October 7, 2013  
Email from resident Sheila Marshall dated October 7, 2013  
Email from resident Julie Infanger dated October 7, 2013  
Email from resident Tanya Green dated October 7, 2013  
Email from resident Kevin Mee dated October 8, 2013  
Email from resident Tom Price dated October 8, 2013  
Email from resident Heather Damon dated October 8, 2013  
Email from resident Erin Hoye dated October 8, 2013  
Email from resident Martin Dietrich dated October 8, 2013  
Email from resident Nick Sellitto dated October 8, 2013  
Email from resident Mike Droeske dated October 9, 2013  
Email from resident Anderson Huang dated October 9, 2013  
Email from resident Wayne Marshall dated October 10, 2013  
Email from residents Peter and Patricia Jensen dated October 14, 2013  
Email from resident Linda Tasker dated November 7, 2013  
Email from resident Manuela Bartiromo dated November 5, 2013  
Email from residents Shaun and Shannon Montana dated November 12, 2013  
Letter from residents Teigan and Jesse Bain dated October 31, 2013

## V. FINDINGS

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

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

*The buildings, uses and site amenities are properly located. The use is allowed by special permit in this location within the Commercial V zoning district. This project is a redevelopment of a portion of the existing Medway Gardens site. The Cumberland Farms development is designed to minimize the grade change from Summer Street. Access to the site is maximized with entrances and exits on both Summer Street and Milford Street. It is integrated with the Medway Gardens use by sharing a driveway off of Milford Street. A*

*decorative stone façade is provided on the retaining wall where it is facing Medway Gardens and Summer Street. The approximately 4,500 square foot convenience store building is in scale with other commercial and municipal buildings in the Commercial V zoning district. Therefore, 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 and site design has been reviewed by the Design Review Committee (DRC) in light of the Design Guidelines, and most of the changes recommended by the DRC have been incorporated into the revised building and site design. Some of the changes include reduced signage, changes to the canopy design, extending the water table stonework around the three sides of the building and on the rear retaining wall, changing the colors of the bollards to a neutral color, removing corporate colored banding from the building and canopy, incorporating portions of the natural ledge on the site into the landscaping plan, and upgraded landscaping in general. Therefore, 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?

*As conditioned herein (Condition # \_\_\_\_\_), there will be no spillage of light beyond the property boundaries. The access and egress driveways/curb cuts are located at Milford and Summer Streets where they face other commercial properties rather than residential properties, thus minimizing headlight glare. The most significant noise generated from the site will be from gasoline delivery trucks and the times of delivery are restricted per Condition # \_\_\_\_\_ to minimize the impact of this noise on the abutting residential property at \_\_\_\_\_ Milford Street. In addition, the applicant has agreed to install fencing and landscaping along the property line on the adjacent residential property at 37 Milford Street to provide a buffer to the Cumberland Farms site, as well as some additional shrubs on the adjacent property at 37 Milford Street. Therefore, this criterion is met.*

- (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 this is a redevelopment project on a previously developed site, there are minimal natural features remaining on the site. However, there are rock outcroppings. The outcroppings will not be preserved in place, but portions will be relocated and integrated into the landscape plan for the site as noted in Condition # \_\_\_\_\_. Therefore, 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?

*During the course of the public hearing, the location of the underground gasoline storage tanks were moved from the western part of the site to the eastern part of the site to improve the safety and convenience of filling the tanks. The off-street loading facilities have been reviewed by the Town's consulting engineer, the Police Safety Officer and the Fire Chief and no issues have been identified. Visual intrusion is limited by virtue of the tanks being underground (i.e. there are no loading docks). The loading area for delivery of both gasoline and goods to the convenience store is located on the east side of the building, which is the least visible area on the site. Therefore, 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 facility is served by municipal sewer. A dumpster, properly screened, and located in the least visible area on the site, is provided to handle solid waste generated by the normal operations of the facility. Pursuant to Condition # \_\_\_\_\_, the Town will review the outside upkeep of the site to ensure that refuse is properly managed. Therefore, 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?

*The plan has been reviewed by Town's Public Safety Officer as well as the Town's Consulting Engineers and Consulting Planner. The access driveways, loading and parking facilities have been found to be adequately designed. Sidewalks are provided along the entire frontage of the site and pedestrian pathways consisting of walkways and crosswalks are provided within the site and are ADA/AAB compliant. Parking is provided adjacent to walkways across the front and side of the building and a bike rack is also provided. Therefore, 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?

*The Fire Chief has reviewed and approved the plans. Access is provided to three sides of the building, and there are three access points to the site. Additionally, the Town's primary fire station is located at the northwest corner of the Route 109/126 intersection and is therefore very close by. Therefore, this criterion is met.*

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

*The applicant's stormwater management plan has been reviewed by the Town's Consulting Engineer as well as by the Department of Public Services. It is in compliance with Massachusetts Department of Environmental Protection Stormwater Management Guidelines. A waiver was necessary from the requirement to recharge groundwater with swales and detention basins due to the existence of ledge at high elevations throughout the site. Due to this physical inability to recharge the stormwater runoff, and due to the lack of a viable on-site discharge location, a waiver was also necessary to allow for the connection of the Cumberland Farms stormwater system to the Town's stormwater drainage system in Summer Street. The applicant will mitigate the peak rate of stormwater runoff by means of a subsurface detention and treatment system and no downstream impacts from such a connection were found. Therefore, 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 site abuts two state-numbered highways and both are properly designed and constructed to serve the intended use and, as conditioned by \_\_\_\_\_ will provide an adequate level of service in relation to the traffic generated by the development. There are three site drives serving the site – two from Milford Street and one from Summer Street. Following review by the Town's Consulting Engineers and Public Safety Officials, the PEDB finds that these are adequate. The need for providing two driveways onto Milford Street was questioned during the public hearing. Most of the concern was directed at the easternmost Milford Street driveway, which will be shared with Medway Gardens. While this driveway has more impact on the abutters to the east, the PEDB finds that adequate buffers to the abutters is provided in the form an 8-foot fence and trees and shrubs along a 15-foot planting strip (Condition # \_\_\_\_\_). Also, it was found that the westernmost access drive on Milford Street helps distribute traffic within the site thus facilitating access. Therefore, 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?

*Milford Street (Route 109) and Summer Street (Route 126) are adequate for the proposed use. Municipal services are adequate to serve the proposed facility. The quantity of on-site parking is adequate and exceeds the minimum requirement for the proposed use. Drainage is in compliance with Massachusetts Department of Environmental Protection Stormwater Management Guidelines. The site was designed to minimize impacts on environmental quality and water resources. Signage is subject to review and compliance with the sign provisions of the Zoning Bylaw; the Zoning Board of Appeals has issued a variance to allow for a taller height and larger sign surface area. Lighting is in compliance with the lighting provisions of the Zoning Bylaw as conditioned herein (Condition # \_\_\_\_\_). The building and site design has been approved by the Design Review Committee which has provided a positive Letter of Recommendation. The facility*

*will have a positive impact on community economics, amenities and appearance. As a permitted use within the C-V zoning district and approved by Town Meeting, this development will not detract from the character and values of the area. Therefore, this criterion is met.*

- (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. Therefore, this criterion is met.*

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

*Specific reasonable conditions have been included in Sections \_\_\_ and \_\_\_ of this Site Plan Decision. Therefore, this criterion is met.*

#### **ZONING BYLAW (Commercial V Zoning District for Local Convenience Retail store with associated gasoline sales)**

- (13) A Local Convenience Retail store with associated gasoline sales is allowed a maximum of 4 pumps.

*In an effort to downsize the scale of the gas canopy, the Board asked the applicant to consider having 3 pumps instead of 4. The applicant presented its case that the geography of the site and the associated site development costs are such that having 4 pumps is necessary to make the project work financially. As the bylaw allows for up to 4 pumps, this criterion is met.*

- (14) The convenience store shall be a minimum of 4,000 sq. ft.

*The convenience store is 4,513 square feet so this criterion is met.*

- (15) Gasoline canopy

- (a) Any canopy over the gasoline pumps shall not exceed 2,200 sq. ft. in area and shall not exceed 60 ft in length unless a greater length is authorized by the Planning and Economic Development Board

*The proposed canopy over the gasoline pumps is 2,200 square feet and its length is 100 feet. The PEDB has authorized the greater length of the canopy for four primary reasons. These are: (1) the arrangement of four pumps in a single row provides for safer vehicular and pedestrian movement within the site; (2) the shape of the site provides a more efficient use of space if the four pumps are aligned in a single row rather than as two*



*tandem sets of pumps; (3) the single row of four pumps provides more convenient access to the pumps by motorists while also facilitating traffic movement within the site; and (4) the applicant is providing extensive landscaping with specimen trees to soften the aesthetic impact of the canopy. The PEDB finds that this criterion is met.*

(b) The gas canopy shall be either an architecturally integral part of the local convenience store retail building or a separate structure located to the rear or the side of the local convenience store.

*The applicant has chosen to separate the convenience store and gasoline canopy for the following reasons: (1) to maximize safety by keeping the specialized fire suppression system enclosed within the canopy structure completely separate from the convenience store building; (2) because of the difficulty in designing a physical connection between the convenience store and the elongated canopy with a suitable architectural style; and (3) because such a connection would likely detract from the handsome appearance of the building's gable on the Milford Street façade of the convenience.*

*The site is at the corner of two roadways and has frontage on both Summer and Milford Streets. The address of the existing Medway Gardens site is 38 Summer Street from which Medway Garden's primary access has historically been located. Summer Street has also traditionally been the front of the Medway Gardens business. The applicant intends to use 38 Summer Street for Cumberland Farms' address. With the Cumberland Farms development, there will be vehicular and pedestrian access from Summer Street and the convenience store has a customer entrance on the Summer Street side of the building. As the site is at the corner of two roadways and has frontage on and access from both Summer and Milford Streets, the Board finds that both the north and western building sides of the convenience store can serve as the "front". The PEDB finds that the proposed gas canopy is located to the side of the Summer Street address side of the convenience store building. Therefore, this criterion is met.*

(c) If it is a separate structure, the gasoline canopy shall not be located closer to the intersection than any part of the convenience store building.

As presently shown on the site plan, the gasoline canopy is located closer to the intersection of Route 109/Milford Street and Route 126/Summer Street than the convenience store and therefore does not comply with this standard.

Pursuant to Condition # \_\_\_\_\_ herein, the applicant shall revise the site plan so that the edge of any part of the gasoline canopy is not closer than the edge of any part of the convenience store to the intersection of Routes 109/126 (AND to the intersection of Rustic Road and Route 126 - ???) For the purpose of measuring the distance from the building and the gas canopy to the intersection, the term "intersection" shall be defined as the intersection of the centerlines of the two roadways. The applicant shall provide a revised site plan showing compliant locations for the gas canopy and convenience store building which shall be subject to the Board's approval before the plan is endorsed. The revised site plan shall be reviewed by the Design Review Committee which shall provide

its recommendation to the Planning and Economic Development Board to consider before it acts on the revised plan.

(d) The canopy shall not be closer than 50' to any lot used for residential purposes.

*The eastern edge of the gas canopy is located approximately 105 feet from the western edge of the Bain property line at 37 Milford Street, the closest lot used for residential purposes. Further, the eastern edge of the canopy is located approximately 150 feet from the western facade of the Bain's home. Therefore this criterion is met.*

**ZONING BYLAW (Special Permits) - The Planning and Economic Development Board must find that the following criteria are met before granting a special permit:**

(16) The use is in harmony with the general purpose and intent of the zoning bylaw

*The C-V district specifically allows for a Local Convenience Retail store with associated gasoline sales by special permit so the PEDB finds that this criterion is met.*

(17) The use is in an appropriate location and is not detrimental to the neighborhood and does not significantly alter the character of the zoning district

*The C-V district is the only Medway zoning district that specifically provides for the combined convenience store/vehicular fuel sales use so it is in an appropriate location and is in character with the zoning district. The proposed building is in scale with other commercial buildings in the district and the building and site details have been reviewed by Town officials including, but not limited to, the Fire Chief and Police Safety Officer, Department of Public Services, and Design Review Committee, as well as the Town's Consulting Engineers (including a traffic engineer) and Consulting Planner to ensure that the use is not detrimental to the neighborhood. Property included in this zoning district and its environs have housed a number of gasoline/automotive service stations in the past. The site's location at the intersection of two state roadways makes it suitable for the proposed use. Finally, the facility provides services to a part of the community where they are not currently available which may slightly reduce cross-town traffic to other commercial areas. The PEDB finds that this criterion is met.*

(18) Adequate and appropriate facilities will be provided for the operation of the proposed use.

*The facility is served by municipal sewer and the stormwater runoff will be connected to public infrastructure within Summer Street and managed in compliance with Mass DEP Stormwater standards. A dumpster, properly screened, and located in the least visible area on the site, is provided to handle the solid waste/trash generated by the normal operations of the convenience store and fueling station. The access driveways, loading and parking facilities have been found to be adequately designed. Sidewalks are provided*

*along the entire frontage of the site and pedestrian pathways consisting of walkways and crosswalks are provided within the site. Parking is provided adjacent to walkways across the front and side of the building and a bike rack is also provided. Stormwater is being managed in compliance with Mass DEP Stormwater Regulations. Therefore, this criterion is met.*

- (19) The proposed use will not be detrimental or otherwise offensive to the adjoining zoning districts and neighboring properties due to the effects of lighting, odors, smoke, noise, sewage, refuse materials, visual or other nuisances.
- During the hearing, oral and written testimony was provided by Jesse and Teigan Bain, owners of the adjacent easterly residential property at 37 Milford Street in the Agricultural/ Residential II zoning district. Their testimony expressed serious concerns about the impacts of the Cumberland Farms development on the livability of their home. Of particular concern is the relocation of the curb cut/driveway presently serving 39 Milford Street by moving it 65' easterly/closer to their property line such that the eastern edge of the new driveway is 15' off their property line. That driveway will serve as one of two driveways for customers to access and egress Cumberland Farms and for deliveries for the continued operation of Medway Gardens to the southwest of the Bain's property.*
- As conditioned herein (Condition # \_\_\_\_\_), there will be no spillage of light beyond the property boundaries. The most significant noise generated from the site will be from gasoline delivery trucks and the times of delivery are restricted to minimize the impact of this noise. See Condition # \_\_\_\_\_. No smoke will be generated by the convenience store facility. Gasoline fumes must comply with state and federal regulations. The site is served by municipal sewer. A dumpster, properly screened, will handle refuse. As conditioned (Condition # \_\_\_\_\_), the store's operation plan will require patrolling for and removing refuse and debris that may be found on the grounds. Outdoor displays are also limited by Condition # \_\_\_\_\_ of this approval. Furthermore, the applicant has agreed to install fencing and landscaping on the Bain's property as part of its mitigation plan. Therefore, the Board finds that this criterion is met.*
- (20) The proposed use will not cause undue traffic congestion in the immediate area.
- Extensive analysis of traffic information has been provided by the applicant's Traffic Engineer and reviewed by the Town's Traffic Engineer. As a result of the traffic analysis and peer review, recommendations for changes in the plan, further pre-construction traffic analyses of existing conditions at Summer Street/Medway High School and Milford Street/Little Tree Road and Summer Street/Rustic Road, as well as off-site mitigation of traffic impacts have been made and incorporated. These will serve to minimize any additional traffic congestion generated by the project. Further, Condition # \_\_\_\_\_ provides that an evaluation of the performance of the traffic signal at the intersection of Routes 109/126 will occur to determine if adjustments or upgrades are needed. Therefore, this criterion is met.*
- (21) The proposed use is consistent with the Medway Master Plan.

*One of the goals of the 2009 Medway Master Plan is to encourage additional commercial/industrial development in the community. Preserving community character is another important goal of the Master Plan. The extensive review of and resulting changes in the site plan as a result of the Design Review Committee's review of the project in light of the Medway Design Guidelines was a significant component of the review process. The PEDB finds that it has appropriately balanced the goals of economic development and the preservation of community character. Therefore this criterion is met.*

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

(22) 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 are three drives serving the site – two from Milford Street and one from Summer Street. Following review by the Town's Consulting Engineers and Public Safety Officials, the PEDB finds that these are adequate. The single row of gasoline pumps facilitates internal circulation and the three access drives help spread the traffic to minimize internal congestion. The possibility of the Cumberland Farms development causing an increase in cut-through traffic on residential streets Rustic Drive and Little Tree Road was discussed during the public hearing. As conditioned herein (Condition # \_\_\_\_\_), the applicant will install signage in the right of way on Milford Street to discourage such cut-through traffic into the neighborhood. The on-site parking spaces are all located such that no backing out onto a public way is necessary. Therefore, the Board finds that this criterion is met.*

(23) 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 convenience store building, gas canopy and site was a major concern of the PEDB. The buildings and site went through several rigorous review sessions with the Design Review Committee and many of its recommendations were incorporated into the revised design of the canopy, signage and landscaping in order to better match the character of the area and the Town. The building size is in scale with other commercial buildings in the C-V zoning district. The landscaping has been designed specifically to soften the view of the gas canopy, and rock outcroppings are incorporated into the landscape plan in order to highlight one of the natural features of the area's character. Therefore, this criterion is met.*

(24) 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 project is a redevelopment of a portion of the Medway Gardens site. The development was designed to minimize the grade change from Summer Street. It is integrated with the adjacent Medway Gardens use by sharing a driveway on Milford Street, and it provides a decorative stone façade on the retaining wall where it is facing Medway Gardens and Summer Street. Parking areas are away from the street. Outside storage is limited by the conditions of this site plan and special permit approval (Condition # \_\_\_\_\_). Waste removal is addressed through a dumpster properly located and screened, as well as through an operations plan that requires the regular monitoring and removal of waste on site. The landscaping plan both enhances the visual amenities of the site and helps soften views of the canopy. Extensive landscaping and fencing is planned to provide a substantial buffer with the residentially zoned and used property to the east to reduce the visible impact of the development. The PEDB finds that the buildings, uses and site amenities are properly located. Therefore, this criterion is met.*

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

*The building has vehicular access on three sides and the site has 3 access driveways. The Fire Chief has reviewed and approved the plans. Medway's primary fire station is located across the street from the subject site. The canopy above the gasoline pumps incorporates a built-in fire suppression system. Therefore, this criterion is met.*

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

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

*The project is a redevelopment of an existing developed site so environmental impacts are minimal. The volume of cuts and fills is minimized. Few trees will be removed since there are few on the site. Landscaping has been designed to reduce the visual prominence of man-made elements and buildings on the site. No stone walls are being impacted. The drainage plan complies with Massachusetts Stormwater Guidelines and has been reviewed by the Town's Consulting Engineer and Department of Public Services. An erosion control plan will minimize soil pollution and erosion during construction and noise generated by the site is minimal. Blasting on the site during construction will be completed in compliance with State requirements and as further conditioned herein. (Condition # \_\_\_\_\_). Therefore, this criterion has been met.*

- (27) Is pedestrian and vehicular safety both on the site and egressing from it maximized?
- The plan has been reviewed by Town Public Safety Officials as well as the Town's Consulting Engineers and Consulting Planner. The access driveways, loading and parking facilities have been found to be adequately designed. Sidewalks are provided along the entire frontage of the site and pedestrian pathways consisting of walkways and crosswalks are provided within the site. Parking is provided adjacent to walkways across the front and side of the building and a bike rack is also provided. Therefore, this criterion is met.*
- (28) Does the design and will the construction incorporate, to the maximum extent possible, the visual prominence of natural and historic features of the site?
- As an existing developed site, the only visually prominent natural features are the rock outcroppings. The landscape plan has incorporated rock outcroppings to retain a form of this feature on the site. Therefore, this criterion is met.*
- (29) Does the lighting of structures and parking area avoid glare on adjoining properties and minimize light pollution within the town?
- As conditioned, there will be no off site glare from the site and the lighting will comply with the lighting section of the Zoning Bylaw. Therefore, this criterion is met.*
- (30) 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 is reasonable and as a redevelopment project, the site plan will not cause substantial damage to the environment. Reasonable measures are included to minimize any impacts. Therefore, this criterion is met.*

**VI. 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, at its meeting held on \_\_\_\_\_, on a motion by \_\_\_\_\_, seconded by \_\_\_\_\_, **voted to grant its approval** of a special permit and site plan to GCCF New England, LLC of Indianapolis, IN to construct a Cumberland Farms convenience store and vehicular fuel facility with associated site improvements, drainage, parking and landscaping on a \_\_\_\_\_ acre

portion of 38 Summer Street and 39 and 41 Milford Streets in Medway, MA subject to WAIVERS and CONDITIONS as specified herein.

**Planning & Economic Development Board Member**

**Vote**

Thomas Gay  
Matthew Hayes  
Andy Rodenhiser  
Karyl Spiller-Walsh  
Robert Tucker

Member Thomas Gay was absent from the August 13, 2013 public hearing but participated remotely via speakerphone as approved by PEDB Chairman Andy Rodenhiser on \_\_\_\_\_.

Member Robert Tucker was absent from the October 3, 2013 public hearing but provided a Mullins Rule Certification which was entered into the record during the November 12, 2013 public hearing.

**VII. WAIVERS -** At its \_\_\_\_\_ meeting, the Planning and Economic Development Board, on a motion made by \_\_\_\_\_, seconded by \_\_\_\_\_, voted to grant waivers from the following provisions of the Rules and Regulations for the Submission and Approval of Site Plans, as amended December 3, 2002. The Planning and Economic Development Board's action and reasons for granting each waiver 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 \_\_\_ in favor ( \_\_\_\_\_ ) and \_\_\_ against ( \_\_\_\_\_ ).

**A. SUBMITTAL REQUIREMENTS/PLAN CONTENTS**

1. **204-5 (C) 3 – An Existing Landscape Inventory** shall be prepared by a Professional Landscape Architect licensed in the Commonwealth of Massachusetts. This inventory shall include a “mapped” overview of existing landscape features and structures and a general inventory of major plant species including the specific identification of existing trees with a diameter of one (1) foot or greater at four (4) feet above grade.

**EXPLANATION -** *The proposal involves redevelopment of an existing site which includes multiple residential and commercial buildings which are shown on the existing conditions sheet. There are a few noteworthy landscape features on the site that will be retained (!?!?! – is this true?) The submitted landscape plan is extensive and includes the addition of more than fifty new trees and three hundred-fifty new shrubs and ground cover.*

**BOARD ACTION -** *The Planning and Economic Development Board agrees that this requirement is not warranted for this particular project and the waiver is granted.*

**B. CONSTRUCTION STANDARDS – Site Plan Rules and Regulations**

1. **205-3 (C-1)** – The slope of the paved entrance way shall not exceed two percent (2%) for the first 25 feet measured perpendicular from the front property line.

*EXPLANATION – The applicant seeks approval for a 3% slope for the first 25 feet of the paved entranceway off of Route 126/Summer Street. By allowing for a minimally steeper slope, the need for more extensive site blasting is reduced. Steeper slope allows the developed site to be more consistent with the existing topography.*

*BOARD ACTION - The Planning and Economic Development Board concurs that the site can be safely developed without applying the more rigorous slope standard to the access drive off of Route 126. The waiver is granted.*

2. **205-4 (C)** – The applicant must demonstrate that there are not other suitable means to discharge stormwater other than tying into the public drainage system.

*EXPLANATION*

*BOARD ACTION*

3. **205-4 (D)** – Runoff discharge to ground and surface drainage by means of swales and detention areas shall be required.

*EXPLANATION*

*BOARD ACTION*

**VIII. MITIGATION PLAN**

- A. traffic studies
- B. traffic signs
- C. speed signal
- D. landscaping and fencing on the Bains property

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

- A. *Plan Revisions* - Prior to endorsement, the site plan set for Cumberland Farms dated June 28, 2013 last revised October 30, 2013 shall be further revised as



follows and submitted to the Planning and Economic Development Board for review and approval.

1. Cover Sheet
  - a. All waivers from the *Site Plan Rules and Regulations* that have been granted as specified herein shall be listed on the cover sheet of the site plan presented for endorsement.
  - b. The cover sheet shall prominently display a final plan revision date.
2. Revise the signature box on each sheet to remove references to the Board of Selectmen and replace with Medway Planning and Economic Development Board.
3. As indicated in FINDING # \_\_, the site plan shall be revised to relocate the convenience store and/or gasoline canopy such that the western edge of the convenience store is closer than the western edge of the gasoline canopy to the intersection of Routes 109 and 126.

**B. Blasting**

**C. During Construction**

1. *Construction Time* - Construction work at the site and in the building and the operation of construction equipment shall commence no earlier than 7 a.m. and shall cease no later than (5:06 or 7 p.m.) Monday – ~~Friday~~ (Saturday). No construction shall take place on Sundays or legal holidays.
2. The applicant shall take all measures necessary to ensure that no excessive dust leaves the premises during construction.
3. There shall be no tracking of construction materials onto any public way. Daily sweeping of roadways adjacent to the site shall be done to ensure that 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.
4. On a daily basis, the Applicant is responsible for having the contractor (2) clean-up the construction site and the adjacent properties onto which construction debris may fall.

5. All erosion and siltation control measures shall be installed and observed by the Planning and Economic Development Board's consulting engineer and maintained in good repair throughout the construction period.
6. *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.

**7. Noise - per town bylaw**

- D. Outside Displays and Storage** – The following items shall not be permitted outside on the premises.
1. Outside displays and storage of products including but not limited to firewood, beverages, propane, etc.
  2. Except for an air machine, other machines for dispensing goods or products such as but not limited to an ice machine or Redbox kiosk.
  3. Shipping and packaging materials unless stored within the dumpster enclosure.
  4. Promotional/advertising banners/signs, etc.
- E. Hours of Operation** – The convenience store and vehicular fueling facility shall not be open to the public before 6 am or after 10 pm.
- F. Deliveries**
1. Fuel and product deliveries may occur during normal business hours except during the morning rush period from 6:45 am and 9:15 am and in the afternoon during the Medway High School dismissal time period from 2:30 – 3:30 pm.
  2. Fuel and product delivery trucks shall access the site only from Summer Street.
- G. Lighting**
1. Lighting shall not exceed the maximum allowed as specified in \_\_\_\_\_ of the Medway Zoning Bylaw.
  2. The exterior surfaces of the perimeter of the gasoline canopy shall not be illuminated.
  3. The standard store and gas canopy lighting shall be turned off when premises is closed.
  4. The least impactful but sufficient security lighting shall be permitted after the closing hours of the convenience store and fueling facility.
  5. The applicant shall notify the Board upon completion of the site lighting installation. After said notification, the Board shall have one year to review illumination. During this review period, the Board reserves the right to requirement adjustment of the number and/or intensity of the

exterior light fixtures if it determines that illumination is not sufficient for security purposes or if spill-over onto adjacent properties is occurring.

**H. Site Maintenance – trash, litter, outside seating area. .**

**I. Landscape Maintenance**

1. The site's landscaping shall be maintained in good condition and to the same extent as shown on the endorsed plan or be replaced.
2. Within 60 days after two years after the occupancy permit is issued for the convenience store, the Town's Consulting Engineer shall inspect the landscaping to determine what items need replacement. **MORE NEEDED HERE.**

**J. Fire Suppression System** – The fire suppression system for the fueling pumps shall be located completely within the gasoline canopy and shall comply with all applicable federal, state and local regulations.

**K. Outdoor Seating**

1. The allowance for outdoor seating is granted for \_\_\_ months after an occupancy permit is issued for the convenience store.
2. Before the conclusion of that period, the Applicant shall contact the Medway Safety Officer to evaluate the performance of the outdoor seating area to determine if there are safety/loitering problems. **MORE NEEDED HERE**

**L. Snow Storage and Removal**

1. On-site snow storage shall not encroach upon nor prohibit the use of any parking spaces required by the zoning bylaw.
2. Accumulated snow which exceeds the capacity of the designated snow storage areas on-site shall be removed from the premises within 24 hours after the conclusion of the storm event.

**M. Stormwater Management**

**N. Signage**

1. Product window signage . . . *no*
- 2.

**O. Site Consolidation** – Prior to the issuance of a any demolition permit for structures located on 38 Summer Street, 39 and 41 Milford Street, the Applicant

shall present a plan to consolidate the 3 subject parcels to the PEDB for endorsement and subsequent recording at the Norfolk County Registry of Deeds.

**P. Easement with Onilleva Trust LLC**

**Q. Use of premises** – The use of the premises is limited to the convenience store and vehicular fueling facility. No other vehicular services are permitted pursuant to this special permit.

**R. Traffic Management**

1. The performance of the intersection of Route 109 and 126 shall be evaluated after \_\_\_ months of operation of the convenience store and vehicular fueling facility to determine if any adjustments are needed to the traffic signal as a result of the Cumberland Farms operation. The schedule for conducting such traffic analyses shall be determined by the Medway Department of Public Services. The Applicant shall bear the costs associated with the evaluation of the intersection's performance, the Town's review of that traffic analysis by its Consulting Traffic Engineer, and any needed adjustments or upgrades to the traffic signal at Route 109/126.

2. The applicant shall add audio signals to the traffic signal at the intersection of Routes 109/126 . . . MORE NEEDED HERE

**S. Construction Inspection**

1. Planning and Economic Development Board members, its staff, consultants or other designated Town agents and staff shall have the right to inspect the site at any time, for compliance with the endorsed site plan and the provisions of this Decision.

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 C. 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.

## IX. GENERAL CONDITIONS OF APPROVAL

- A. **Plan Endorsement** - Within sixty (60) 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*. Upon approval, the Applicant shall provide a Mylar 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 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. **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, and a Common Victualler's License from the Board of Selectmen.

**D. Plan Modification**

1. This Approval is subject to all subsequent conditions that may be imposed by other Town boards, agencies or commissions. Any changes to the 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 plan modifications pursuant to SECTION V. C. 10 of the *Medway Zoning Bylaw*.
2. Any work that deviates from the approved 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 to 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.

**E. Plan Compliance**

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

**F. Performance Security**

1. No occupancy permit shall be granted until the Planning and Economic Development Board has provided a written communication to the Building Commissioner 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. **MORE NEEDED HERE . . . to calculate a bond estimate . . .**

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 provide a **Certificate of Site Plan Completion** from the Planning and Economic Development Board to the Building Commissioner. 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** from the Board, 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 review by the Town's Consulting Engineer and the Board's approval. The As-Built Plan shall show actual as-built locations and conditions of all work shown on the original site plan and any modifications thereto. The final As-Built Plan shall also be provided to the Town in an electronic format as may be specified by the Board of Assessors.
- 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.
- 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



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

**AYE:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**NAY:**

\_\_\_\_\_  
\_\_\_\_\_

**ATTEST:**

Susan E. Affleck-Childs

Date

Planning & Economic Development Coordinator

**COPIES TO:**

- Stephanie Bacon, Health Agent
- Patty Barry, Conservation Agent
- Matt Buckley, Design Review Committee
- John Emidy, Inspector of Buildings and Zoning Enforcement Officer
- Tom Holder, Department of Public Services
- Donna Greenwood, Assessor
- Suzanne Kennedy, Town Administrator
- Jeff Lynch, Fire Chief
- Melanie Phillips, Treasurer/Collector
- Jeff Watson, Police Department
- Gino Carlucci, PGC Associates
- David Pellegri, Tetra Tech
- Peter Paulousky, attorney for the applicant