

**COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
OFFICE OF APPEALS AND DISPUTE RESOLUTION**

In the Matter of:)))	Docket No. WET-2024-004
)))	MEDWAY
MEDWAY GRID, LLC)))	DEP File No. SE 216-1035

JOINT SETTLEMENT AGREEMENT

The Medway Enumerated Parties (“Petitioner”), Medway Grid, LLC (the “Applicant”), and the Department of Environmental Protection (the “Department”), (collectively the “Parties”), hereby agree that the appeal filed by the Petitioner may be settled and resolved upon issuance of a Final Decision and a Final Order of Conditions (“FOC”). This matter involves a Superseding Order of Conditions (“SOC”) that affirmed an Order of Conditions (“OOC”) issued by the Medway Conservation Commission (“Commission”) allowing the construction of a battery energy storage facility with a stormwater management system within the buffer zone of a Bordering Vegetated Wetland (“BVW”) and Riverfront Area. The Parties have agreed to one change to the OOC, as affirmed by the SOC, that will replace Special Condition #30 in Part II of the OOC in its entirety with the following text:

The Applicant shall install a system at the facility that allows for closure of the valves or gates on the stormwater lines leading from the deep sump catch basins and on the outlet control structure of the stormwater infiltration basin from a remote point, when manual closure at the valves or gates is not possible due to conditions during an emergency event at the facility.

In all other respects, the FOC should adopt the OOC, as affirmed by the SOC. A copy of the FOC is attached.

SETTLEMENT PROVISIONS

1. The Parties agree the FOC is issued pursuant to M.G.L. c. 131, § 40 (the "Act") and 310 CMR 10.00, the Wetland Regulations (the "Regulations").

2. The Applicant agrees to comply with the FOC and the special conditions contained therein.

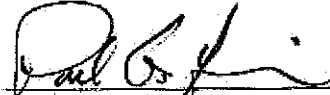
3. The terms and conditions of this Settlement Agreement shall be binding upon the Parties and their successors, heirs, assigns, agents, employees and/or contractors.

4. This Settlement Agreement may be executed in counterparts, each of which, when executed and delivered to the Department, shall be an original. All such counterparts shall constitute one and the same instrument.

5. The Parties understand and agree that any Final Order incorporating this Settlement Agreement shall not be subject to 310 CMR 1.01(14)(b) and 1.01(14)(d). The signatories to this Settlement Agreement attest that they are duly authorized to execute this Agreement and bind the respective Parties. The Parties waive whatever rights they have to further administrative review of the Final Decision and FOC before the Department, as well as any appeal to court, in accordance with 310 CMR 1.01(8)(c).

MEDWAY ENUMERATED PARTIES

By their representative,



Paul G. Yorkis
7 Independence Lane
Medway, MA 02053
pgyorkis@gmail.com

MEDWAY GRID, LLC

By their attorney,

Barry P. Fogel, Esq.
Keegan Werlin LLP
99 High Street, Suite 2900
Boston, MA 02110
bfogel@keeganwerlin.com

**DEPARTMENT OF ENVIRONMENTAL
PROTECTION**

By its representative,

MaryJude Pigsley, Regional Director
MassDEP Central Regional Office
8 New Bond Street
Worcester, MA 01606

Date: March 1, 2024

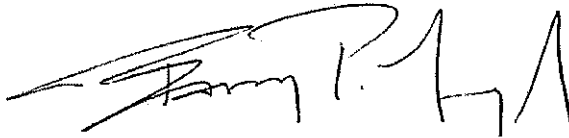
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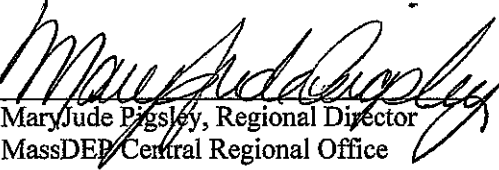
MEDWAY GRID, LLC

By their attorney,

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**DEPARTMENT OF ENVIRONMENTAL
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By its representative,



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Date: March 1, 2024



**Massachusetts Department of Environmental Protection
Bureau of Water Resources – Wetlands
Final Order of Conditions - Affirmation
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40**

MassDEP
File Number:

216-1035
Medway

A. General Information

From: **MassDEP - Central Region**

To: **Applicant:**

Justin Adams, Medway Grid LLC
Name
988 Howard Avenue Suite 200
Mailing Address
Burlingame CA 94010
City/Town State Zip Code

Project Location:
49, 53, 55 Milford Street
Street Address
46 & 56
Assessors Map

Property Owner (if different from applicant):

Name
Mailing Address
City/Town State Zip Code

Medway
City/Town
55, 56, & 57 and 006
Parcel Number

Final Approved Plans and Other Documents:

Medway Battery Energy Storage System NOI Plan Set

Title		
Langen	6/8/2023	10/4/2023
Prepared by:	Date	Final Revision Date

Frank Holmes PE Civil #40203

Final Plans – Signed and Stamped by

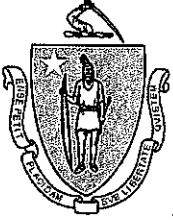
Stormwater Management Report

Title		
Langen	6/2023	10/4/2023
Prepared by:	Date	Final Revision Date

Frank Holmes PE Civil #40203

Report – Signed and Stamped by

Project Description: Construction of a battery energy storage facility with stormwater management in Buffer Zone and Riverfront Area.



**Massachusetts Department of Environmental Protection
 Bureau of Water Resources – Wetlands
 Final Order of Conditions - Affirmation
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40**

MassDEP
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216-1035
 Medway

B. Findings

MassDEP hereby approves the project as proposed.

In accordance with 310 CMR 10.05 (7) (i), this Final Order of Conditions affirms the Order of Conditions issued on November 14, 2023 by the Medway Conservation Commission for MassDEP File #216-1035. The Order of Conditions is attached and is incorporated by reference.

The proposed project is subject to the following conditions:

1. All work shall comply with the conditions contained in the attached Order of Conditions, subject to the following modifications:
 - a. The work shall comply with the plans referenced in this Final Order, if different from those listed in the Order of Conditions.
 - b. Requests for extensions in accordance with General Condition #5 shall be submitted to MassDEP.
 - c. Proof of recording in accordance with General Condition # 9 shall be submitted to MassDEP.
 - d. Requests for a Certificates of Compliance in accordance with General Condition # 12 shall be submitted to MassDEP, and wetland boundary flags shall remain in place pursuant to General Condition # 17 until a Certificate of Compliance has been issued by MassDEP.
 - e. MassDEP reserves the right to access the subject parcel for the assessment of compliance with this permit.

2. Special Condition #30 in Part II of the SOC is replaced in its entirety with the following text:

The Applicant shall install a system at the facility that allows for closure of the valves or gates on the stormwater lines leading from the deep sump catch basins and on the outlet control structure of the stormwater infiltration basin from a remote point when manual closure at the valves or gates is not possible due to conditions during an emergency event at the facility.

MassDEP makes no findings and imposes no conditions pursuant to a municipal bylaw or ordinance.

C. Issuance

Final Order of Conditions - Date of Issuance: 1/25/2024

Issued by: Massachusetts Department of Environmental Protection

Signature Salvatore M. Girlanda, Chief Policy Officer
 MassDEP OADR
 04/05/2024