

Board Members

Matt Hayes, P.E, Chair
Robert Tucker, Vice Chair
Sarah Raposa, Clerk
Jessica Chabot, Member
Tom Gay, Associate
Member



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TOWN OF MEDWAY

COMMONWEALTH OF MASSACHUSETTS

PLANNING AND ECONOMIC DEVELOPMENT BOARD

SPECIAL PERMIT DECISION VEHICLE REPAIR APPROVED WITH CONDITIONS

Decision Date: May 9, 2023

Applicant/Permittee: Fasland, LLC
164 Main Street
Medway, MA 02053

Property Owner: Fasland, LLC
164 Main Street
Medway, MA 02053

Location: 10 Lincoln Street

Assessors' Reference: Map 58, Parcel 162

Plan: Certified Plot Plan for 10 Lincoln Street
Dated March 27, 2023, last revision May 1, 2023
O'Driscoll Land Surveying, Inc. (the "plot plan")

Zoning District: Village Commercial (VC)
Multi-Family Housing Overlay District

Board Members Participating: Matthew Hayes, Robert Tucker, Jessica Chabot, Sarah Raposa;
and Thomas Gay (associate member designated by Chair to sit on special
permit application)

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20 Day Appeal
June 1, 2023

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APPROVED WITH CONDITIONS**

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I. PROJECT DESCRIPTION –

The application is for a special permit for a vehicle repair establishment, Chris's Auto Repair, which will move from its current location on Milford Street. The proposed use requires a vehicle repair special permit pursuant to Sections 3.4, Special Permits, and 5.4, Table 1: Schedule of Uses, of the Town of Medway Zoning Bylaw (the "Zoning Bylaw"). The site is abutted on three sides by streets: Lincoln Street, Norfolk Avenue, and Guernsey Street. Chris's Auto Repair will operate as a full-service auto repair shop in one-half of the existing commercial building on the Norfolk Avenue side. Another business, MCH Cycles, which currently operates at the property, will continue to operate out of the other half of the building on the Lincoln Street side. The building also contains an apartment and office space. The applicant does not propose any changes to the exterior of the building or the parking lot. The parking lot is currently unstriped, with access along all three streets. Applicant proposes to add a dumpster behind the building on the Norfolk Avenue side and paint the parking space lines. There are four existing bays in the building which will be available for Chris's Auto Repair. Repairs will be conducted inside the bays, and no outside storage is allowed in the VC district.

II. VOTE OF THE BOARD – After reviewing the application and information gathered during the public hearing and review process, the Medway Planning and Economic Development Board (the "Board"), on May 9, 2023, **voted to approve with CONDITIONS a Vehicle Repair Special Permit to Fasland LLC of Medway, MA (hereafter referred to as the Applicant or the Permittee)**, the motion was approved by a vote of 5 in favor and 0 opposed, with members Hayes, Tucker, Chabot, Raposa and Gay voting.

III. PROCEDURAL HISTORY

- A. Special permit application filed with the Medway Town Clerk and Board on March 30, 2023.
- B. The Public hearing notice was posted at the Town Hall and on the Town of Medway web site and mailed to parties of interest as required by chapter 40A and published in the MetroWest Daily News on 4/10/23 and 4/18/23.
- C. The Board notified Town departments, boards and committees of this application and requested review and comment.
- D. The public hearing commenced on April 25, 2023, and was continued to May 9, 2023, when the hearing was closed, and a decision rendered.
- E. Member Robert Tucker filed a certificate pursuant to G.L. c. 39, §23D with respect to the April 25, 2023 public hearing date.

IV. INDEX OF SPECIAL PERMIT DOCUMENTS

- A. The application package included the following documents, plans, studies, and information that were provided to the Board:
 - Vehicle Repair Special Permit application dated March 29, 2023, with Special Permit Narrative prepared by Fasland LLC of Medway, MA.
 - Certified Plot Plan for 10 Lincoln Street dated March 27, 2023, by O'Driscoll Land Surveying, Inc.

- Certified Abutters List from Medway Assessor's office dated March 7, 2023.
- B. During the course of the Board's review, revised plans and a variety of other materials were submitted to the Board by the Applicant and its representatives:
- Certified Plot Plan for 10 Lincoln Street dated March 27, 2023, revised April 19, 2023, by O'Driscoll Land Surveying, Inc.
 - Email from Deb Williams, Fasland LLC, dated April 19, 2023.
 - Email from Deb Williams, Fasland LLC, dated April 25, 2023, with attachment
 - Certified Plot Plan for 10 Lincoln Street dated March 27, 2023, last revision May 1, 2023, by O'Driscoll Land Surveying, Inc.
- C. Other documentation submitted to the Board during the course of the public hearing:
- 2.24.2023 email from Stephanie Carlisle
 - 4.6.2023 email from Joanne Russo
 - 4.7.2023, 4.11.2023, 4.25.2023 emails from Derek Kwok
 - 4.10.2023 email from Bridget Graziano
 - 4.11.2023 email from Chief William Kingsbury
 - 4.12.2023 email from Nolan Lynch, Superintendent of Highway
 - 4.11.2023 memo from Jon Ackley, Building Commissioner
 - Memo from Barbara J. Saint Andre, Director, Community and Economic Development, April 20, 2023

V. TESTIMONY - In addition to the special permit review application materials as submitted and provided during the course of its review, the Board heard and received verbal testimony from:

- Daniel O'Driscoll, Applicant's engineer
- Matthew Fasolino, owner
- Jeff Grenon, 6 Norfolk Avenue
- Brittany Solari, 4 Norfolk Avenue
- Joe MacDougall, 8 Norfolk Avenue
- Chris Swanson, owner of Chris's Auto Repair

VI. FINDINGS - The Board voted to approve the following findings regarding the vehicle repair special permit, site plan, by a vote of 5 in favor and 0 opposed.

SPECIAL PERMIT DECISION CRITERIA –The Board makes the following findings in accordance with Section 3.4 of the Zoning Bylaw. In making its determination, the special permit granting authority, in addition to any to any specific factors that may be set forth in other sections of the Zoning Bylaw, shall make findings on all of the applicable criteria specified below:

- 1) **The proposed site is an appropriate location for the proposed use.** The proposed use is a vehicle repair shop on a property located on Lincoln Street within the Village Commercial zoning district. The proposed site currently operates as a motorcycle repair business, and is located in a mixed use area with businesses and residences.

- 2) **Adequate and appropriate facilities will be provided for the operation of the proposed use.** As documented in the plans and associated materials, and conditioned herein, adequate and appropriate facilities will be provided for the operation of the proposed automotive repair use. The existing building has four bays which can be readily used by the applicant, as well as office space and parking. Work on vehicles will be performed inside the building. The site is connected to town water and sewer.
- 3) **The proposed use as developed will not create a hazard to abutters, vehicles, pedestrians, or the environment.** The proposed use of automotive repairs will occur inside the garage bays, and the use is similar to the existing use of motorcycle repair. There are no wetland resources located on the property. Oil and other materials will be disposed of in accordance with state regulations. Parking lot striping will be added adjacent to the building to better delineate traffic and parking flow.
- 4) **The proposed use will not cause undue traffic congestion or conflicts in the immediate area.** The proposed use is located off Lincoln Street from which the site will be accessed. The site can also be accessed from Guernsey Street and Norfolk Street, as it currently exists. The existing parking lot has ample space fit the needs of the use as demonstrated on the plot plan. Parking lot striping will be added adjacent to the building to better delineate traffic and parking flow.
- 5) **The proposed use will not be detrimental to the adjoining properties due to lighting, flooding, odors, dust, noise, vibration, refuse materials or other undesirable visual, site or operational attributes of the proposed use.** The proposed use will be similar to the existing use. Proposed vehicle repairs will be contained inside the garage bays, and no exterior changes will be made to the outside of the building. Any additional lighting and signage are required to follow Town regulations. Fluids and tires will be picked up and removed twice a month and will be properly disposed of. No outside storage is allowed.
- 6) **The proposed use as developed will not adversely affect the surrounding neighborhood or significantly alter the character of the zoning district.** The proposed use is similar to former uses of the property, and fits criteria as stated in the Zoning Bylaw. The applicant is not proposing to alter the footprint of the building, and any alterations inside will follow building code.
- 7) **The proposed use is in harmony with the general purpose and intent of the Zoning Bylaw.** The proposed use is in harmony with the allowed uses per the Zoning Bylaw, vehicle repair is allowed by special permit in the Village Commercial zoning district.
- 8) **The proposed use is consistent with the goals of the Medway Master Plan.** The proposed use will support local business by allowing an existing Medway-based business to relocate as they need to move from their current location.
- 9) **The proposed use will not be detrimental to the public good.** As documented in the plans and application, and the findings and conditions of this decision, the proposed use is in accordance with the goals of the Master Plan while protecting against potential adverse impacts. The proposed use is in a suitable location and will allow current customers of the business to continue business in Medway.

For all of the above reasons, the Board finds that the beneficial impacts of the proposed vehicle repair business outweigh the effects of the proposed use on the Town and neighborhood.

VII. CONDITIONS – The Conditions included in this Decision shall assure that the Board’s approval of this use complies with the Zoning Bylaw, Section 3.4 (special permits), that the comments of various Town boards and public officials have been adequately addressed, and that concerns of abutters and other town residents which were aired during the public hearing process have been carefully considered.

If there is a conflict between the plot plan and the Decision’s Conditions of Approval, the Decision shall apply. If there is a conflict between this Decision and/or plot plan and the Zoning Bylaw, the Zoning Bylaw shall apply. The Board’s issuance of a special permit is subject to the following conditions:

1. Notwithstanding any future amendment of the Zoning Bylaw, G.L. c.40A, or any other legislative act:
 - A. The tract(s) of land on which this business will be located shall not be altered or used except:
 - 1) as granted by this special permit;
 - 2) substantially as shown on the plan entitled Certified Plot Plan, last revised May 1, 2023 by Daniel O’Driscoll;
 - 3) in accordance with any subsequently approved modified plans or amendments to this special permit.
 - B. The tracts of land and buildings comprising 10 Lincoln Street shall not be used, sold, transferred or leased except in conformity with this special permit and shall not be further divided.
2. **Hours of Operation** – The hours of operation for the Vehicle Repair business authorized by the special permit shall be 8:00 a.m. to 6:00 p.m. Monday through Friday, and 9:00 a.m. to 2:00 p.m. on Saturdays, and closed on Sundays.
3. **Parking** – The plot plan submitted showed that the existing parking area is sufficient to accommodate the number of parking spaces required by Section 7.1.1.D, Table 3. There are two parking spaces in front of the existing apartment for the use of the apartment residents. Within 60 days of the date of this decision, the applicant shall complete the striping of parking spaces one through eleven and the accessible space next to the apartment as shown on the plot plan. The applicant shall comply with any state or federal requirements regarding the provision of accessible parking spaces.
4. **Dumpster** – The new dumpster as shown on the plot plan shall be enclosed in compliance with the Board’s Site Plan Rules and Regulations. In addition, the dumpster may be emptied only during business hours, 8:00 a.m. to 6:00 p.m. Monday through Friday, and 9:00 a.m. to 2:00 p.m. on Saturdays, and not on Sundays.
5. **Recording of Decision**
 - A. The plan associated with this special permit is titled: Plot Plan for 10 Lincoln Street dated March 27, 2023, last revision May 1, 2023, by O’Driscoll Land Surveying, Inc.
 - B. The vehicle repair use authorized by this special permit shall not commence before this special permit is recorded at the Norfolk County Registry of Deeds and

proof of such recording is provided to the Board. Within thirty days of recording, the Permittee or its assigns or successors shall provide the Board with a receipt from the Norfolk County Registry of Deeds or other verification that this special permit has been duly recorded.

6. No outdoor storage is allowed at this site, per Section 5.4, Table 1: Schedule of Uses, which prohibits outdoor storage in the VC zone.
7. Any outdoor lighting added to this site shall comply with Section 7.1.2 of the Zoning Bylaw.
8. **Snow Storage and Removal** – On-site snow storage shall not encroach upon nor prohibit the use of any parking spaces required by the Zoning Bylaw. The Permittee and any future owners shall inform snow removal operators of the approved locations for on-site snow storage. Accumulated snow which exceeds the capacity of the on-site snow storage areas shall be removed from the premises within 24 hours after the storm event has concluded.
9. Any construction work occurring in the Town’s right-of way in conjunction with the Town of Medway Street Opening/Roadway Access Permit and any utility connection permits must meet the requirements of the Medway Department of Public Works and is subject to inspection by the Department of Public Works.
10. **Modification**
 - A. Proposed modifications (not including on-site field changes) shall be subject to review by the Board.
 - B. This special permit is subject to all subsequent conditions that may be imposed by other Town departments, boards, agencies or commissions. Any changes that may be required by the decisions of other Town boards, agencies or commissions shall be submitted to the Board for review as modifications.
 - C. Any work that deviates from this decision may be a violation of the Zoning Bylaw, unless the Permittee requests approval of a modification and such approval is provided in writing by the Board.
 - D. The request for a modification shall be subject to the same application and review process, including a public hearing, the payment of a modification filing fee and all costs associated with another public hearing including legal notice advertising. The Board’s decision on the modification application will be filed with the Town Clerk, with copies to the Permittee and others as provided in Chapter 40A. Any modifications approved by the Board shall be made a permanent part of the approved project documents.
11. **Project Commencement** – As provided in Section 3.4.E of the Zoning Bylaw, special permits shall lapse within two years, which shall not include such time required to pursue or await the determination of an appeal under G.L. c. 40A, §17, from the grant thereof, if a substantial use thereof has not sooner commenced except for good cause, or, in the case of a special permit for construction, if construction has not begun by such date, except for good cause. Upon receipt of a written request by the applicant filed at least 30 days prior

to the date of expiration, the Board may grant an extension for good cause. The request shall state the reasons for the extension and also the length of time requested.

VIII. APPEAL

The Board and the Applicant have complied with all statutory requirements for the issuance of this Decision on the terms set forth herein. A copy of this Decision will be filed with the Medway Town Clerk and mailed to the Permittee, and notice will be mailed to all parties in interest as provided in G.L. c. 40A §15.

Any person aggrieved by the Special Permit Decision of the Board may appeal to the appropriate court pursuant to Massachusetts General Laws, Chapter 40A, §17, which shall be filed within twenty days after the filing of this decision in the office of the Medway Town Clerk.

In accordance with G.L. c. 40A, §11, no special permit shall take effect until a copy of the Decision is recorded in the Norfolk County Registry of Deeds, and indexed in the grantor index under the name of the owner of record, or is recorded and noted on the owner's certificate of title, bearing the certification of the Town Clerk that twenty days have elapsed after the Decision has been filed in the office of the Town Clerk and no appeal has been filed within said twenty day period, or that an appeal has been filed. The person exercising rights under a duly appealed special permit does so at risk that a court will reverse the permit and that any construction performed under the permit may be ordered undone. The fee for recording or registering shall be paid by the Permittee. A copy of the recorded Decision, and notification by the Permittee of the recording, shall be furnished to the Board.

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**Medway Planning and Economic Development Board
SPECIAL PERMIT DECISION
10 Lincoln Street**

By a vote of 5 to 0, the Planning and Economic Development Board hereby GRANTS the Applicant, Fasland, LLC a special permit for Vehicle Repair under Section 3.4 of the Zoning Bylaw, for the use of the property at 10 Lincoln Street for Vehicle Repair, in accordance with this Decision, the application, the plot plan, and subject to the Conditions herein.

Member:

Vote:

Signature:

Matthew Hayes, Chair

Robert Tucker

Jessica Chabot

Sarah Raposa

Thomas Gay, Associate
member, designated to sit
as to special permit
application

Date Signed: _____

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Vote:

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Matthew Hayes, Chair

AYE

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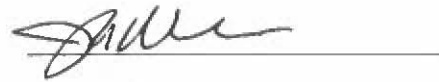
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Jessica Chabot

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Sarah Raposa

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Thomas Gay, Associate
member, designated to sit
as to special permit
application

AYE

Date Signed: 5/12/2023