



April 12, 2022
Medway Planning & Economic Development Board
Meeting

Public Hearing - 149 Main Street AUOD
Modification

- Public hearing continuation notice dated 3-23-22
- Original AUOD special permit dated 3-7-06 for 149 Main Street
- Draft AUOD modification decision dated 4-11-22

Board Members

Matthew Hayes, P.E., Chair
Robert Tucker, Vice Chair
Richard Di Iulio, Clerk
Jessica Chabot, Member

Sarah Raposa, A.I.C.P.,
Member



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155 Village Street
Medway, MA 02053
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TOWN OF MEDWAY COMMONWEALTH OF MASSACHUSETTS

PLANNING AND ECONOMIC DEVELOPMENT BOARD

RECEIVED TOWN CLERK
MAR 23 '22 AM 10:32

MEMORANDUM

March 23, 2022

TO: Stefany Ohannesian, Town Clerk
Town of Medway Departments, Boards and Committees

FROM: Susy Affleck-Childs, Planning and Economic Development Coordinator

RE: **Public Hearing Continuation for Modification to the 149 Main Street Adaptive Use Overlay District Special Permit**
Continuation Date – Tuesday, April 12, 2022 at 8:45 p.m.

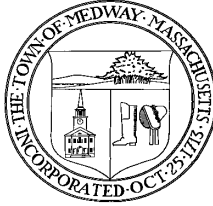


At its March 22, 2022 meeting, the Planning and Economic Development Board voted to continue the public hearing on the application of Early Capital, LLC of Medway, MA for approval of a modification to the previously approved adaptive use overlay district special permit plan for 149 Main Street to the Board's meeting on Tuesday, April 12, 2022 at 8:45 p.m. at Medway Town Hall, 155 Village Street.

The applicant proposes to add paving to fully accommodate 15 parking spaces, alter the curb cut at Evergreen Street to create a more definitive traffic pattern, and install supplemental landscaping around the site for beautification and screening. Vehicular access to the site will continue to be from Evergreen Street.

The proposed site improvements are shown on a plan titled *Adaptive Use Overlay District (AUOD) Modification Plan, 149 Main Street, Medway, MA* dated February 24, 2022, prepared by CMG Engineering and Environmental Services of Sturbridge, MA. The application materials are on file at the offices of the Town Clerk and the Planning and Economic Development Board at Medway Town Hall, 155 Village Street and may be reviewed during regular business hours. The application materials have also been posted at the Board's web page at: <https://www.townofmedway.org/planning-economic-development-board/pages/149-main-street-adaptive-use-overlay-district-auod-special>

The Board expects to vote a decision at the April 12th meeting. If you have any review comments on the proposed plan modification, please forward them to me by April 5th. Please don't hesitate to contact me if you have any questions. Thanks.



TOWN OF MEDWAY
Planning Board
155 Village Street
Medway, Massachusetts 02053

Matthew J. Hayes, P.E., Chairman
Andy Rodenhiser, Vice-Chairman
Karyl Spiller-Walsh
Cranston (Chan) Rogers, P.E.
John Schroeder
Eric Alexander, Associate Member

March 7, 2006

ADAPTIVE USE SPECIAL PERMIT DECISION
Sandelswood LLC dba The Maids for 149 Main Street
SPECIAL PERMIT – GRANTED

Name/Address of Applicant: Sandelswood LLC, dba The Maids
165 Main Street
Medway, MA 02053

Name/Address of Owner: Paul Yorkis and George Papadopoulos
159 Main Street
Medway, MA 02053

Designer: Faist Engineering
Southbridge, MA

Plan Date: November 23, 2005 as last revised February 10, 2006

Project Location: 149 Main Street

Assessor's Reference: Map 5-6; Parcel 11A

Zoning District: AR-II

Purpose: Continue to use the residential structure at the front of the property for two-family residential purposes and modify the use of the converted barn/garage accessory structure at the rear of the property from a day care facility to a business office for The Maids, as authorized under the *Medway Zoning Bylaw, SECTION V. Use Regulations, Sub-Section W. Adaptive Use Overlay District, Paragraph 3b) 1) (as amended June 6, 2005)*.

This is a decision of the Planning Board of the Town of Medway, MA (hereinafter “Board”) on the November 23, 2005, as revised January 27, 2006 Petition of Sandelswood LLC (hereafter “Applicant”), 165 Main Street, Medway, MA 02053, for an Adaptive Use Special Permit for Property presently owned by Paul Yorkis and George Papadopoulos at 149 Main Street, Medway, Massachusetts (hereinafter “Property”). The Special Permit is sought pursuant to *SECTION V. USE REGULATIONS, Sub-Section W. Adaptive Use Overlay District of the Town of Medway Zoning Bylaw (as amended June 6, 2005)* and other relevant provisions of the *Zoning Bylaw* in order to allow the Project as described below.

PROJECT DESCRIPTION

The Petition seeks to modify the mixed commercial/residential use of the subject Property at 149 Main Street. The Applicant is in the process of purchasing the Property, which has an area of 18,427 +/- square feet. The Applicant plans to continue using the existing residential structure facing Main Street, approximately 2,190 sq. feet, as a two-family residence, consistent with the special permit issued by the Zoning Board of Appeals on April 21, 1999. The barn/garage accessory structure with a footprint of approximately 1,328 square feet that is presently used as a day-care facility will be converted to be used exclusively as a business office from which Sandelswood LLC, would operate its commercial cleaning business, The Maids, as allowed in the *Medway Zoning Bylaw, SECTION V. USE REGULATIONS, Sub-Section W. Adaptive Use Overlay District, Paragraph 3b) 1)*. Certain site improvements will be made to the Property including landscaping, parking and minor building enhancements.

The Property that is the subject of this petition is shown on the ADAPTIVE USE OVERLAY DISTRICT (AUOD) PLAN - 149 MAIN STREET, MEDWAY, MASSACHUSETTS” prepared by Faist Engineering for Robert Goodliffe, Sandelswood LLC, dba The Maids, 165 Main Street, Medway, MA. 02053. Originally dated November 23, 2005, the plan was revised February 10, 2006.

PROCEDURAL BACKGROUND

On November 23, 2005, an application dated November 23, 2005 for an Adaptive Use Special Permit was filed with the Medway Planning Board and Town Clerk by Robert Goodliffe, Sandelswood LLC. The application consisted of an Adaptive Use Overlay District Special Permit application, an Adaptive Use Overlay District (AUOD) Plan dated November 23, 2005 prepared by Faist Engineering, a project narrative including a traffic evaluation and landscaping plan, building elevation photographs, a drainage evaluation report from Faist Engineering, and a certified abutters list. Subsequent to the submittal date, the Applicant provided additional information including existing interior floor plans and the 4-21-99 opinion of the Zoning Board of Appeals. Project revisions were provided on February 15 and March 3, 2006.

Upon the Planning Board’s receipt of the Applicant’s petition, a Public Hearing thereon was scheduled to commence December 20, 2005 in the Sanford Room of Medway Town Hall, 155 Village Street, Medway, MA. Notice of the public hearing was published in the *Milford Daily News* on December 6 and 12, 2005. Notice was also sent to abutters and the Planning Boards of all adjacent towns on December 2, 2005 and posted in the Town Hall on November 28, 2005 as required by M.G.L, Chapter 40A, Section 11.

On November 23, 2005, a memo from the Planning Board soliciting comments on the application and plan was distributed to the Board of Selectmen/Town Administrator, Assessors, Conservation Commission, Department of Public Services, Design Review Committee, Historical Commission, Inspector of Buildings, Fire Department and Police Department. The memo indicated that the public hearing was scheduled to begin on December 20, 2005 and requested review comments by that date. Comments were received from the Design Review Committee.

The matter came on for hearing at the time and place set forth above. The hearing was continued to January 17 and 24, February 15 and 28, and March 7, 2006 when the hearing was closed. Present for all sessions were members Andy Rodenhiser, Karyl Spiller-Walsh, Cranston Rogers and John Schroeder. The petitioner was present along with David Faist, of Faist Engineering and Robin Gelbwachs, Coldwell Banker. Mark Cerel, as Trustee/owner of the property at 151, Main Street raised concerns about the applicant's petition.

The plans and all associated application materials were reviewed by VHB, Inc., the Town's Consulting Engineer, and PGC Associates, the Town's Consulting Planner, which provided written review comments dated December 20, 2006. The plans were modified accordingly to address the identified concerns and deficiencies, resulting in revised plans dated February 10, 2006.

The Board carefully reviewed the November 23, 2005 and February 10, 2006 plans and the March 3, 2006 presentation package. Throughout its deliberations, the Board has been mindful of the statements of the applicants and their representatives, and the comments of the general public, all as made at the public hearings. The Board carefully analyzed the general purposes of the Adaptive Use Overlay District provision of the *Zoning Bylaw* and its specific requirements and standards as well as the requirements of Section 9 of Chapter 40A, M.G.L. specifically relating to Special Permits in making its findings, conditions of approval and decision.

FINDINGS - Based on the evidence and testimony presented at the public hearings as documented in the application materials and detailed record of this case, the Board makes the following findings regarding this application in accordance with *SECTION V. Sub-Section W. Adaptive Use Overlay District of the Town of Medway Zoning Bylaw (as amended June 6, 2005)*.

1. The Subject property, located at 149 Main Street, is located within the Adaptive Use Overlay District. It has 90.05 feet of frontage on Main Street and 107.79 feet of frontage on Evergreen Street. *(This complies with the Zoning Bylaw requirement for a minimum of 50 feet of frontage.)* The primary existing building upon the parcel was constructed in 1850. *(This complies with the Bylaw requirement for the site to have a building constructed before June 28, 2004.)*

2. The proposed mixed-use of the Property for a two-family residence in the existing structure and office use for The Maids in the barn/garage accessory structure is allowed pursuant to *SECTION V, USE REGULATIONS, Sub-Section W, 3. b)* of the *Medway Zoning Bylaw (as amended June 6, 2005)*. Overall, the area is one in which residential, professional and commercial uses historically and presently co-exist.

3. The Project preserves the overall residential character of the neighborhood in which the Property lies. The change in use of the barn/garage accessory building to an office for business use will be less intrusive on the adjacent properties and neighborhood than the existing day-care facility.

4. The Project as proposed includes improvements to the existing residential building, which has gone into disrepair over recent years and does not presently enhance Main Street, as a building of its age and character should. Planned work includes replacement of the front door sill; re-roof the front part of the building; replace side wood wall below grade with block wall; replace the side wood wall above grade with brick to match the chimney; repainting; and miscellaneous renovations to the siding, gutters and woodwork
5. In addition, extensive landscaping is planned to enhance the residential character of the property. Overgrown landscaping adjacent to the residential building facing Main Street will be removed and replaced with new landscape materials. Unsightly chain link fencing will be removed which will improve the site's appearance from Main Street, providing a more positive aesthetic. The day-care facility's playground area will be eliminated and replaced with grass lawn and a landscape area to provide a buffer with the abutting property at 151 Main Street.
6. The combination of the building improvements and landscaping plan enhances the aesthetic appeal of the primary building and the site. The impact of the Project on the neighborhood's visual character is positive.
7. The Property site is adequate for the proposed Project's use in terms of the size, configuration, and uses of the abutting properties.
8. Parking - The Adaptive Use section of the *Zoning Bylaw* specifies that nine (9) off-street parking spaces should be provided for business use of 2,656 square feet (*the first and second floors of the barn/garage accessory building @ one space per 300 square feet gross floor area*) and four (4) off-street spaces for the two residential apartments for a total of 13 needed parking spaces. The Applicant proposes to improve the parking area to provide a total of twelve (12) spaces on site, including one handicapped space. All parking is to be located to the rear of the residential building, accessed only from Evergreen Street. No parking is located in the front or side yards. The Planning Board finds that the provision of 12 parking spaces is adequate based on site characteristics and for the proposed uses of the site.
9. Lighting – No changes to exterior lighting are proposed. The lighting from the Summer House does produce some glare on the abutting property at 151 Main Street. That structure is being removed as part of this Project.
10. Vehicular Access - Provisions for traffic are adequate based on the Property's proposed use. Sole vehicular access to this site shall be provided from Evergreen Street. No new curb cuts are being added and no existing curb cut is being expanded. Instead, the Evergreen access is being reworked to improve traffic circulation.
11. Pedestrian and Bicycle Access – Provisions for pedestrian and bicycle accesses in the Project are already adequate, based upon Property site characteristics and the proposed uses. The Site already has a sidewalk across a portion of the front of the property. However, it is in disrepair. The Applicant will contribute \$3,116 to the Town of Medway Sidewalk Fund in lieu of sidewalk construction/reconstruction along the Property's 90 feet of Main Street frontage.

12. Provision of Utilities - The provisions in the Project for utilities, including sewerage disposal, water supply and stormwater management are adequate. Approximately 75% of the site, consisting of the rear half of the existing two-family residential structure, the barn/garage accessory building, and the entire existing paved parking area, drains via overland flow across the parking area toward Evergreen Street where it is directed toward an existing catch basin located on the northwest side of Evergreen Street. The front half of the two-family residential structure, the existing playground area and the front law drain to the ground surrounding the residential building. The proposed redevelopment of the site including the expansion of the paved parking area is designed to maintain the existing drainage patterns. The area of pavement expansion is balanced with areas of new landscaping so that there is no net increase in the site's impervious area. No change to the existing on-site drainage patterns or peak runoff flows will result from the planned re-development of this site. The stormwater management design was reviewed by VHB, Inc., the Town's consulting engineer. The Project provides for adequate on-site retention and treatment of stormwater in compliance with Massachusetts' Stormwater Management Policy.

13. The proposed Project complies with the purposes of *SECTION V. USE REGULATIONS, Sub-Section W. Adaptive Use Overlay District of the Medway Zoning Bylaw (as amended June 6, 2005)*. The Project implements certain goals of the Medway Master Plan including encouragement of economic development, protecting small town character, and preserving historic sites.

14. Scenic Road – Although this property has frontage on and access from Evergreen Street, a Medway Scenic Road, the planned site improvements do not include any construction work that would result in the removal of trees or the destruction of stone walls within the Evergreen Street right of way. Therefore a Scenic Road Work Permit is not required.

VOTE OF THE BOARD - After reviewing the application and information gathered during the public hearing process and considering all the evidence, the Medway Planning Board, at a duly posted meeting on March 7, 2006, by a 4 – 0 vote, granted an Adaptive Use Special Permit to Sandelswood LLC, for the subject property at 149 Main Street, Medway, MA. as represented in the hearing and shown on the plans, subject to the following conditions.

<u>Voting Planner Board Member</u>	<u>Grant/Not Grant</u>
Karyl Spiller-Walsh	
Andy Rodenhiser	
Cranston Rogers	
John Schroeder	

DECISION – It is the decision of this Board, as evidenced by its vote herein, that the aforesaid Property is a proper parcel to be developed under *SECTION V. USE REGULATIONS, Sub-Section W. Adaptive Use Overlay District of the Medway Zoning Bylaw (as amended June 6, 2005)* in that it meets all the requisite site development standards and special permit criteria. It is therefore decided to grant the Adaptive Use Special Permit request of Sandelswood LLC for the property at 149 Main Street, Medway, MA subject to the conditions, safeguards, and limitations set forth below. This special permit is general and runs with the land.

CONDITIONS/SAFEGUARDS/LIMITATIONS OF APPROVAL

1. The primary existing structure facing Main Street shall not be altered or used except for a maximum of two (2) residential dwelling units. No other use of this building is permitted.
2. Upon the existing day care facility's vacating the barn/garage accessory structure at the back of the site upon the expiration of the current tenant's lease on May 31, 2006, the first and second floors of the building (2,656 square feet) may be used exclusively as a business office for a commercial cleaning business known as The Maids, as permitted under the *Medway Zoning Bylaw (as amended June 6, 2005), SECTION V. USE REGULATIONS, Sub-Section W. Adaptive Use Overlay District, Paragraph 3 b) 1)*. No other use is permitted in any part of the converted barn/garage accessory structure.
3. Within one (1) year following the issuance of an occupancy permit for The Maids' use of the barn/garage accessory structure, the Applicant will contribute \$3,116 to the Town of Medway (*Sidewalk Improvement Fund*) in lieu of the construction/reconstruction of ninety (90) feet of sidewalk along the Main Street frontage of the Property. If the Applicant fails to comply with this condition it shall be considered to be a violation of this Special Permit and is subject to enforcement by the Inspector of Buildings/Zoning Enforcement Officer.
4. The Medway Planning Board shall endorse its approval of the Adaptive Use Special Permit on Sheet C-1 of the Adaptive Use Overlay District (AUOD) Plan for 149 Main Street. The endorsed Adaptive Use Overlay District (AUOD) Plan is considered part of the Special Permit and shall be recorded therewith. The February 10, 2006 149 Main Street AUOD plan shall be revised as follows:
 - A. Sheet C-1. Add "Adaptive Use Overlay District (AUOD) Plan for 149 Main Street, Medway, MA" at the top center of the sheet.
 - B. Sheet C-1. Provide a box for the signatures of Planning Board members, with space for dates of approval and endorsement.
 - C. Sheet C-1. Adjust the Parking Calculations to reflect use of 2,656 sq. feet of the barn/garage accessory structure by The Maids.
 - D. Sheet C-1. Provide an index of all sheets to be included in the plan set.
 - E. Provide additional sheet(s) depicting the pages of the March 3, 2006 supplemental presentation including: Structural Improvements, Landscape Improvements and Landscape Plan by Fasolino Landscape, Fencing for Dumpster Enclosure and Color Plan. The March 3, 2006 supplemental presentation shall be revised as follows:
 1. Add a note that the decaying wood wall on the west side of the front building shall be replaced with brick that matches the chimney brick.
 2. Add a note that there shall be a guardrail affixed on top of the stone retaining wall adjacent to the garage/barn accessory structure at the rear of the site. The guardrail shall be made of wood or another natural or natural looking material.
 3. Add a note that the stone retaining wall adjacent to the garage/barn accessory structure shall be repaired using like materials.

4. The fencing option for the dumpster enclosure shall be 8 foot high and made of wood. The fencing may be unpainted if cedar is used.

F. The Fasolino Landscape Plan shall be revised as follows:

1. The landscape materials to be installed along the northern front property line adjacent to the existing playground area shall not be designed as a full hedge. Instead, bushes should be designed and placed in clusters and clumps along the property line. The landscape design should include a featured corner treatment at the northwest corner of the site. Plant materials along the front shall NOT include arborvitae, but may come from the list of other plant materials shown on the plan.

5. This approval is conditioned on project completion in full compliance with the 149 Main Street Adaptive Use Overlay District Plan, as last revised February 10, 2006, as may be further revised as a condition of this permit. Notwithstanding any requirements of the Inspector of Buildings, the timetable for Project completion is as follows:

2006	April/May	Replace front building front door sill Repair/replace front building roof Remove existing landscape materials Re-landscape front yard Landscape east side of front building
	May/June	Install sign
	June/July	Rebuild the decaying east facing side wall of front building Landscape west side of front building toward 151 Main Street
	June/September	Tidy up rear barn area Paint front building exterior Paint barn/garage exterior Install fencing to screen dumpster
	2007 Spring	Remove summer house in side yard Rebuild barn foundation Pave parking area Convert paved area to grass along Evergreen Street

6. Parking – The Project shall include at least twelve (12) parking spaces, which shall be a permanent condition of this permit. One handicap parking space is to be provided. Except for the handicap space, each parking space shall be at least 9' x 18'.
7. Entrance/egress to this parcel shall be from Evergreen Street only.
8. The area where the former driveway from Main Street was located between the principal building and the westerly property line, now presently used as a playground for the day-care facility, shall not be used for vehicular access to the site or for parking. Instead, the playground equipment and fencing shall be removed and the area converted into a landscaped buffer to provide a privacy screen and noise mitigation for the benefit of the adjacent property at 151 Main Street.
9. The applicant shall make no further site improvements/changes that would alter the site's drainage patterns or characteristics as indicated on the plan approved by the Board.

10. Collection of garbage and domestic trash shall be the responsibility of the applicant subject to Board of Health *Rules and Regulations*.
11. Duly authorized agents of the Town of Medway shall have the right to enter upon the property to ensure continued compliance with the terms and conditions of this Special Permit
12. The hours of operation for The Maids shall be limited to not earlier than 7:00 a.m. nor later than 8:00 p.m. Monday – Saturday.
13. This Special Permit shall lapse unless exercised within two years of its recording.
14. No expansion, addition, nor any change of use(s) of any building or portion of the property at 149 Main Street shall be permitted without an amendment to or issuance of a new Adaptive Use Special Permit by the Planning Board.
15. Overnight parking of vehicles for The Maids shall not conflict with parking for the residents of the two apartments in the main building.
16. Any exterior lighting shall be focused onto the Property and will not have any spillage onto adjacent properties.

APPEAL – Appeals, if any, shall be pursuant to Section 17 of Chapter 40A, M.G.L., as amended, and shall be filed within twenty (20) days after the date of filing of this notice in the Office of the Town Clerk. After the appeals period has expired, the Applicant must obtain certified notice from the Town Clerk that no appeals have been made. Said notice must be filed with the Norfolk County Registry of Deeds with this special permit and the endorsed plan. A copy of said recording must be returned to the Town Clerk and the Planning Board to complete the file.

The Board hereby makes a detailed record of its findings and proceedings relative to this petition, sets forth its reasons for its findings and decision, incorporates by reference any plan or document received by it, and directs that this decision be filed in the office of the Town Clerk and be made a public record and that notice and copies of its decision be made forthwith to all parties or persons interested.

**IN ACCORDANCE WITH MASSACHUSETTS GENERAL LAW, CHAPTER 40A, SECTION 11,
NO VARIANCE, SPECIAL PERMIT OR CONSTRUCTIVE GRANT OF A VARIANCE
TAKES EFFECT UNTIL RECORDED AT THE REGISTRY OF DEEDS.**

MEDWAY PLANNING BOARD

I hereby certify that 20 days have elapsed from the date of this decision and that no appeal has been filed on this office.

Attest: _____
Town Clerk Date

cc: Robert Goodliffe, Sandelswood LLC
Town Administrator/Board of Selectmen
Board of Assessors
Board of Health
Board of Water/Sewer Commissioners
Building Commissioner/Zoning Enforcement Officer
Department of Public Services
Design Review Committee
Disability Commission
Fire Department
Historical Commission
Industrial Development Commission
Police Department
Zoning Board of Appeals

Board Members

Matthew J. Hayes, P.E., Chair
Robert Tucker, Vice Chair
Richard Di Iulio, Clerk
Jessica Chabot, Member
Sarah Raposa, A.I.C.P., Member
Thomas A. Gay, Associate
Member



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TOWN OF MEDWAY
COMMONWEALTH OF MASSACHUSETTS
PLANNING AND ECONOMIC
DEVELOPMENT BOARD

DRAFT – April 11, 2022

MODIFICATION

To Previously Approved Adaptive Use Overlay District (AUOD)
Site Plan and Permit for 149 Main Street
with Conditions and Waivers

Decision Date: April 12, 2022

Name & Address of Owner/Applicant:

Early Capital, LLC
153 Main Street
Medway, MA 02053

Project Location: 149 Main Street

Assessor's Reference: Map 48, Parcel 021

Zoning: Agricultural-Residential II and Adaptive Use Overlay District

Purpose: Amend the previously approved AUOD special permit and site plan.

Site Plan: *Adaptive Use Overlay District Modification Plan –
149 Main Street, Medway, MA*

Date: February 24, 2022, to be revised as specified herein

Engineer: David Faist, P.E.
CMG Engineering and Environmental Services
67 Hall Road
Sturbridge, MA 01560

INTRODUCTION — This is a decision of the Medway Planning and Economic Development Board (hereinafter “Board”) on the application of Early Capital LLC (hereinafter “Applicant”) of 153 Main Street, Medway, MA 02053, to MODIFY the previously approved AUOD Special Permit and Plan for property located at 149 Main Street, now owned by Early Capital LLC of Medway, MA (hereinafter “Property”).

This modification is sought pursuant to the Medway Zoning Bylaw, Section 5.6.2 Adaptive Use Overlay District and the Board’s *Adaptive Use Overlay District Rules and Regulations* dated _____.

BACKGROUND

Original Special Permit Date: March 7, 2006 issued to Sandalswood LLC (former property owner). That permit authorized the previous owner to convert the barn/garage accessory structure with a 1,328 sq. ft. footprint for use as a business office for a commercial cleaning service, with minor building enhancements, and site improvements including landscaping and parking.

Date of AUOD Plan Endorsement: April 6, 2006

Recording Information: April 10, 2006; Book 23560, Page 230

Property Conveyed to Applicant: December 8, 2016

DESCRIPTION OF PROPOSED MODIFICATION - The Applicant proposes to add paving to the parking area at the back of the site toward Evergreen Street to fully accommodate 15 parking spaces, alter the curb cut at Evergreen Street to create a more definitive traffic pattern, and install supplemental landscaping along the property’s Main Street frontage along with landscape screening with 145 Main Street and perennial plantings around the existing office building, all as shown on *Adaptive Use Overlay District Modification Plan – 149 Main Street, Medway, MA* dated 2-24-22. Vehicular access to the site will continue to be from Evergreen Street.

VOTE OF THE BOARD - After reviewing the application and information gathered during the public hearing and review process, the Board, on April 12, 2022, on a motion made by _____ and seconded by _____, voted to _____ with WAIVERS and CONDITIONS a modification to the previously approved AUOD special permit and site plan for improvements at 149 Main Street, as shown on a site plan titled *Adaptive Use Overlay District Modification Plan – 149 Main Street, Medway, MA*, dated February 24, 2022 to be further revised as specified herein before endorsement and recording.

The motion was _____ by a vote of ____ in favor and ____ opposed.

Planning & Economic Development Board Member	Vote
Jessica Chabot	
Richard Di Iulio	
Matthew Hayes	
Sarah Raposa	

Robert Tucker

PROCEDURAL HISTORY

- A. March 1, 2022 – Modification application and associated materials filed with the Board. Documents filed with the Town Clerk on March 2, 2022.
- B. March 2, 2022 – Public hearing notice filed with Town Clerk and posted at the Town of Medway web site.
- C. March 2, 2022 – Project documents and information loaded to the Board's web page.
- D. March 3, 2022 – Abutter notice sent to abutters and parties of interest by certified sent mail.
- E. March 3, 2022 – Site plan information distributed to Town boards, committees and departments requesting review and comments
- F. March 7 and March 15, 2022 – Public hearing notice advertised in the *Milford Daily News*
- G. March 22, 2022 – Public hearing commenced. It was continued to April 12, 2022 when a decision was rendered and the hearing was closed. On March 23, 2022, a public hearing continuation notice was filed with the Town Clerk and distributed to Town staff, boards and committee.

INDEX OF SPECIAL PERMIT/SITE PLAN DOCUMENTS

- A. The application package for the proposed modification included the following documents, plan and information that were supplied to the Board on March 1, 2022
 - AUOD Modification Application dated 2-24-22
 - Letter/project narrative dated 2-24-22 from David Faist, P.E., project engineer
 - *Adaptive Use Overlay District Modification Plan – 149 Main Street, Medway, MA* dated 2-24-22 by CMG Engineering Services
 - Requests for waivers from *Site Plan Rules and Regulations*
 - Certified abutters' list from the Medway Assessor's office
- B. Other documentation submitted to the Board during the course of the public hearing:
 - Tetra Tech plan review letter dated 3-18-22
 - Emails dated 3-15-22 and 3-16-22 among Susy Affleck-Childs, Planning and Economic Development Coordinator; Stephanie Carlisle, Medway DPW Compliance Officer; and David Faist, Project Engineer.
 - The original AUOD Special Permit decision dated 3-7-2006.

TESTIMONY - During the course of its review, the Board heard verbal testimony from:

- Robert Lussier, CMG
- John and Christine Early, Applicants
- Steve Bouley, Tetra Tech

FINDINGS - Based on the evidence and testimony presented during the public hearing and the project's continued uses as authorized by the original AUOD special permit dated 3-7-2006, and the Conditions as included herein, the Board:

- A. Finds that the proposed modifications are "major" in nature as defined the Board's *AUOD Rules and Regulations*, Section 505-7 B. Revisions to Approved Adaptive Use Special Permit

and AUOD Plan, as amended July 14, 2020.

- B. Affirms FINDINGS 1 – 7 included in the 3-7-2006 AUOD special permit decision for 149 Main Street.
- C. Finds that the proposed modified AUOD plan for 149 Main Street meets the special permit decision criteria included in the *Zoning Bylaw*, Section 3.4 as follows:
 - 1. The proposed site is an appropriate location for the proposed use.
 - 2. Adequate and appropriate facilities will be provided for the operation of the proposed use.
 - 3. The proposed use as developed will not create a hazard to abutters, vehicles, pedestrians or the environment.
 - 4. The proposed use will not cause undue traffic congestion or conflicts in the immediate area.
 - 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.
 - 6. The proposed use as developed will not adversely affect the surrounding neighborhood or significantly alter the character of the zoning district.
 - 7. The proposed use is in harmony with the general purpose and intent of this Zoning Bylaw.
 - 8. The proposed use is consistent with the goals of the Medway Master Plan.
 - 9. The proposed use will not be detrimental to the public good.
- D. Finds that although the Property has frontage on Evergreen Street, a Medway Scenic Road, the proposed modified plan does not include any construction work that would result in the removal of trees or the destruction of stone walls within the Evergreen Street right of way.

CONDITIONS - The Conditions included in this Decision shall assure that the Board's approval of the site plan modification is consistent with the *Zoning Bylaw*, Section 5.6.2 Adaptive Use Overlay District and that the comments of Town officials and Board members have been adequately addressed. The Board's approval is subject to the following Conditions:

- A. Consistent with the previous decision, the primary existing structure facing Main Street may continue to be used for a maximum of two (2) residential dwelling units. No other use of this building is permitted.
- B. The accessory barn building may continue to be used as a business office for a commercial cleaning business, currently known as The Maids. No other use is permitted in any part of the converted/barn accessory structure.
- C. Plan Endorsement - Within one-hundred and twenty days after the Board has filed its *Decision* with the Town Clerk, the modified site plan for 149 Main Street, presently dated 2-24-22, shall be further revised to reflect all Conditions and required revisions as specified herein and shall be submitted to the Board to review for compliance with the Board's *Decision*. (*Said plan is hereinafter referred to as the Plan of Record*). Upon approval, the Permittee shall provide the revised Plan in its final form to the Board for its endorsement prior to recording at the Norfolk County Registry of Deeds along with this decision. All plan sheets shall be bound together in a complete set. Prior to plan endorsement, the Permittee

- shall also provide the Board with a Certificate of No Appeal from the Town Clerk's office
- D. Plan Revisions – Prior to plan endorsement, the Applicant shall make the following changes to *Adaptive Use Overlay District Modification Plan – 149 Main Street, Medway, MA* dated 2-24-22.
1. Show the location of 2 drywells (sub-surface infiltrators) (SIZE???) one to each side of the roof (which building?) to reduce stormwater runoff from the site out to Evergreen Street
 2. Show the limits of paving adjacent to the southern portion of the office building.
 3. Remove the existing dumpster located on the adjacent property to the west (151 Main Street) and adjust the fencing for the modified dumpster enclosure area.
 4. The gravel areas on the plan shall be shown with hatching or some other characteristic manner to distinguish the gravel area from paved areas.
 4. Include a detail for the fencing located on top of the retaining wall.
 5. Revise sheet L1 to add raised planter boxes at the head of the three parking stalls located adjacent to the southern portion of the office building.
 6. Recommend installing a railing and short fence on the retaining wall for fall protection.
 7. Add some landscaping to the bump out area at the southeast corner of the site at Evergreen Street.
 8. Show hatched stripes for the undersized parking space at the southwestern end of the main building and add a No Parking sign to discourage parking in that area.
 9. Specify areas where loam and seeding is to be done
 10. Include a revised plan date.
 11. Designate snow storage areas
- E. Recording of Plan and Decision – This decision, further revised and endorsed site plan, and certificate of no appeal shall be recorded at the Norfolk County Registry of Deeds within 30 days after the Board endorses the plan. Proof of such recording shall be provided to the Board within 15 days of recording.
- F. Parking
1. The property shall maintain 15 on-site parking spaces as a permanent condition of this permit.
 2. Parking spaces shall be striped.
 3. The Permittee shall require that all tenants of the premises park on-site; no parking on Evergreen Street is permitted.
 4. Overnight parking for the vehicles for the cleaning business shall not conflict with parking for the residents of the two apartments in the main building on the premises.
 5. Anything re: parking for electric vehicles?
- G. Landscape Maintenance - The site's landscaping shall be maintained in good condition throughout the life of the facility and to the same extent as shown on the *Plan of Record*. Any shrubs, trees, bushes or other landscaping features shown on the Plan that die shall be replaced by the following spring.

H. Ongoing Stormwater Maintenance – The Permittee shall:

1. Clean the drywells of sediment annually or when no more than 50% of the structure is full, whichever comes first.
2. Regularly sweep the parking lot to remove debris, salt and sand
3. Not use fertilizers or other chemicals on site that could end up in stormwater discharge off site.
4. Any other measures?

I. Plan Compliance

1. The Permittee shall construct all improvements in compliance with the endorsed site plan and modifications thereto.
2. The Board or its agent(s) may 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 3.1. F. of the *Bylaw* (non-criminal disposition) and violations or non-compliance are subject to the appropriate fine.

J. Construction Oversight

1. The Permittee shall retain its own professional engineer licensed in the Commonwealth of Massachusetts to conduct progress inspections of the construction of the endorsed site plan. Inspections shall occur at least on a monthly basis and shall start immediately once any work begins on the property. The Permittee's engineer shall prepare a written report of each inspection, including photographs and construction schedule, and provide a copy to the Board within five days of inspection. The Board may provide a template for such monthly reports.
2. Tetra Tech to do inspections?

K. Project Completion

1. This approval shall lapse after 2 years of the grant thereof if substantial use has not sooner commenced except for good cause. The approved site plan shall be completed by the Permittee or its assignees within 3 years of the date of plan endorsement. Upon receipt of a written request by the Permittee filed at least thirty days prior to the date of expiration, the Board may grant an extension for good cause. The Permittee's 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. *Certificate of Completion* - The Permittee shall request a *Certificate of Completion* from the Board. The *Certificate* serves as the Board's confirmation that, in its opinion, the completed work conforms to the approved site plan and any Conditions and modifications thereto.
 - a) Before issuing such Certificate, a Board member or the Board's Agent shall conduct a final inspection of the site and prepare a punch list to identify any remaining work to be completed. The Board may consult with its consulting engineer and various Town staff and boards or committees to determine whether the project is complete.

- b) To secure a *Certificate of Completion*, the Permittee shall complete or provide the following items to the satisfaction of the Board:
 - i. receipts to document cleaning of the stormwater system
 - ii. a signed statement from the Permittee committing to the ongoing maintenance of the stormwater management facilities and replacement of landscaping.
 - iii. removal of erosion controls
 - iv. full stabilization of the site
 - v. a written certification from a Professional Engineer registered in the Commonwealth of Massachusetts that all building and site work has been completed in substantial compliance with this permit, the *Plan of Record* and any modifications thereto; and
 - vi. an electronic version of an As-Built Plan, prepared by a registered Professional Land Surveyor or Engineer registered in the Commonwealth of Massachusetts, to the Board for its review and approval. The As-Built Plan shall show actual as-built locations and conditions of all site work shown on the endorsed site plan and any modifications thereto.

L. Modifications

- 1. The Applicant shall make no further site changes that would alter the site's drainage patterns or characteristics without review and approval by the Board.
- 2. No expansion, addition, nor any change of use(s) of any building or portion of the property at 149 Main Street shall be permitted without a modification to the AUOD special permit or issuance of a new Adaptive Use Overlay District special permit by the Board.

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 this 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.

APPROVED by the Medway Planning & Economic Development Board: April 12, 2022

Jessica Chabot

Richard Di Iulio

Matthew J. Hayes

Sarah Raposa

Robert K. Tucker

COPIES TO: Michael Boynton, Town Manager
Stephanie Carlisle, DPW Compliance Officer
Michael Fasolino, Deputy Fire Chief
Bridget Graziano, Conservation Agent
Donna Greenwood, Assessor
Beth Hallal, Health Agent
Jeff Lynch, Fire Chief
Jack Mee, Building Commissioner and Zoning Enforcement Officer
Joanne Russo, Treasurer/Collector
Barbara Saint Andre, Director of Community and Economic Development
Jeff Watson, Police Department
Robert Lussier, CMG Engineering
John and Christine Early
Steven Bouley, Tetra Tech