

Board Members

Andy Rodenhiser, Chair

Robert Tucker, Vice Chair

Jessica Chabot, Associate
Member

Richard Di Iulio, Member

Matthew Hayes, P.E., Member



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TOWN OF MEDWAY
COMMONWEALTH OF MASSACHUSETTS
**PLANNING AND ECONOMIC
DEVELOPMENT BOARD**

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June 8, 2021

MULTI-FAMILY HOUSING SPECIAL PERMIT
316 Village Street
Approved with Conditions

Decision Date: June 8, 2021

Name of Applicant/Permittee: James Maloney

Address of Applicant: 15 Church Street
Hopkinton, MA 01748

Name/Address of Property Owner: James Maloney
15 Church Street
Hopkinton, MA 01748

Property Location: 316 Village Street

Assessors' Reference: Map 58, Parcel 204

Zoning District: Village Commercial District
Multi-Family Housing Overlay District



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I. PROJECT DESCRIPTION – The applicant proposes to convert the existing residential building at 316 Village Street into three, rental dwelling units. This entails making minor interior alterations to convert the main house into two dwelling units. The existing apartment above the attached garage, previously approved as an accessory family dwelling unit, will function without the accessory family dwelling unit designation. No other construction, changes to infrastructure, or other site improvements are planned. Nine off-street parking spaces are available. Access will be from the existing driveway from Village Street. The property is 0.76 acres in size. The house is vintage 1860. At the time of application, the applicant was the buyer on a purchase and sale agreement.

The proposed use requires a multi-family housing special permit pursuant to Sections 5.6.4 and 3.4 of the Town of Medway *Zoning Bylaw* (the “Bylaw”).

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”), at a meeting held on June 8, 2021, on a motion made by Robert Tucker and seconded by Matthew Hayes, *voted to approve with CONDITIONS a Multi-Family Housing Special Permit to James Maloney of Hopkinton, MA (hereafter referred to as the Applicant or the Permittee) for the use of 316 Village Street as a three unit, multi-family building.* The motion was approved by a vote of five in favor and none opposed.

Planning & Economic Development Board Member	Vote
Richard Di Iulio	AYE
Thomas Gay	AYE
Matthew Hayes	AYE
Andy Rodenhiser	AYE
Robert Tucker	AYE

III. PROCEDURAL HISTORY

- A. May 3, 2021 – Special permit application and associated materials filed with the Planning and Economic Development Board.
- B. May 6, 2021 – Special permit application and associated materials filed with the Town Clerk.
- C. May 6, 2021 - Public hearing notice filed with the Town Clerk and posted at the Town of Medway web site.
- D. May 6, 2021 - Public hearing notice mailed to abutters by certified sent mail.
- E. May 10, 2021 – Project information distributed to Town boards, committees and departments for review and comment.
- F. May 10 and 18, 2021 - Public hearing notice advertised in *Milford Daily News*.
- G. May 25, 2021 - Public hearing commenced. The public hearing was continued to June 8, 2021 when a decision was rendered and the hearing was closed.

IV. INDEX OF SPECIAL PERMIT DOCUMENTS

- A. The application materials for the proposed multi-family development at 316 Village Street included the following documents that were provided to the Board at the time the application was filed:
 - 1. Multi-Family Housing Special Permit application dated April 28, 2021.
 - 2. Project Description

3. Certified Abutters List from Medway Assessor's office dated April 28, 2021
 4. Purchase and Sale Agreement for 316 Village Street dated April 20, 2021
 5. Medway ZBA decision dated September 21, 2011 regarding the use of the property for an accessory family dwelling unit
 6. Hand drawn floor plan showing division of main building into two dwelling units
- B. During the course of the Board's review, a variety of other materials were submitted to the Board by the Applicant:
1. Mortgage Inspection plan dated October 15, 2019 by Reney, Moran, & Tivnan, Registered Land Surveyors, Worcester, MA
 2. Hand drawn plot plan showing driveway, garages and parking spaces.
 3. Quitclaim deed dated May 27, 2021 conveying 316 Village Street from Elizabeth and Brian Curran and Stephen and Bonney Gray to James Maloney. Deed recorded 6-8-2021 in Book 39490, Pages 56 – 60.
- C. Other documentation submitted to the Board during the course of the public hearing:
1. Collection of property photos compiled from online sources
 2. Review comments dated May 21, 2021 from Susy Affleck-Childs, Planning and Economic Development Coordinator
- V. **TESTIMONY** – The first night of the public hearing, pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, and the Governor's Orders imposing strict limitations on the number of people that may gather in one place, was held via ZOOM online meeting platform. All persons participated remotely. The second night of the public hearing on June 8, 2021 was held in person.

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

- James Maloney, applicant

Abutter Testimony During the Public Hearing

- Adam Rosa, 312 Village Street – verbal and written testimony
- Jane Norris, 314 Village Street – verbal and written testimony

VI. **FINDINGS** - The Board, at its meeting on June 8, 2021, on a motion made by Robert Tucker and seconded by Richard Di Iulio, voted to approve the following **FINDINGS** regarding the Special Permit for the proposed multi-family development at 316 Village Street. The motion was approved by a vote of five in favor and none opposed.

A. MULTIFAMILY HOUSING SPECIAL PERMIT FINDINGS - The Board makes the following findings in relation to this development's compliance with Section 5.6.4 Multifamily Housing of the Bylaw.

Applicability

1. Location - The property is located within the Multi-Family Overlay District and the proposal is for the preservation of an existing house which the Bylaw encourages. Thus the property is eligible for a multi-family special permit.

2. Traffic capacity – Village Street is an east-west through street and has sufficient capacity to handle the traffic from the three units that are proposed. The three units do not rise to the level of triggering the requirement for preparation of a traffic study.
3. Parcel size and frontage - The site has 107.25' of frontage on Village Street, more than the minimum 50' requirement for a multi-family development. The property is 0.76 acres in size and exceeds the minimum lot size of 10,000 sq. ft. for the Village Commercial Zoning District.

Dimensional Requirements

4. The dimensional requirements of the underlying Village Commercial zoning district apply to the project, as set forth in Table 2 of Section 6 of the *Zoning Bylaw*. The provided 2019 mortgage inspection plan does not specify the front, rear and side setbacks but upon analysis of that plan, it is evident that the building meets the minimum 20' front setback, and 10' side and rear setback requirements of the Village Commercial district.
5. The *Bylaw* requires that the building height not exceed 40'. We cannot determine what the building height is. However, the Board finds that the intent of the Bylaw's height limitation language pertains to the height of proposed new construction, not to the height of an existing structure.

Density

6. Density – The Bylaw specifies that the maximum possible density shall not exceed eight dwelling units per whole acre. For a lot under one acre in size such as this one, the density of a multi-family building shall not exceed its relative portion of an acre. As the property is 0.76 acres, the maximum possible number of units that could be approved is six. The applicant is proposing three dwelling units. Therefore, the project meets the allowed density.

Special Regulations

7. Affordable Housing - The project does not need to comply with the Town's Affordable Housing Requirement as the quantity of multi-family residential units (3) does not trigger its applicability.
8. Open Space – The Bylaw prescribes that there shall be open space or yard area equal to at least 15% of the parcel's total area. Although the 2019 mortgage inspection plan does not specify an amount of open space, it is evident from that plan that more than 15% of the site is yard area.
9. Parking – The Bylaw requires at least 2 parking spaces per unit. There are nine existing parking spaces, 3 in the garage and 6 outside.
10. Town water and sewer service - The project will be served by Town water and sewer service presently located in Village Street.
11. Historic Property – The Medway Assessor's records indicate the existing building is vintage 1860. The vintage building will be retained under this Special Permit.
12. Site Plan – A site plan has not been provided as no new site improvements are proposed.

Decision Criteria

13. Meets the purposes of the Multi-Family Housing section of the *Zoning Bylaw* (Section 5.6.4) - *The project meets the following purposes of the Multifamily Housing section of the Bylaw: (1) provide a diversity of housing types in the form of apartment units; (2) promote pedestrian oriented development as the subject property is located within an older, walkable neighborhood; and (3) encourage the preservation of older and architecturally significant properties.*
14. Consistent with the *Medway Housing Production Plan (HPP)* - *The proposed development meets the HPP's implementation strategy of encouraging the use of the Multi-Family Housing special permit provisions of the Zoning Bylaw and providing additional options for multi-family housing.*
15. Impact on abutting properties and adjacent neighborhoods –*Two abutting property owners of single-family residences provided testimony opposing issuance of the multi-family special permit. However, the Board finds that the subject property is within a neighborhood of single family, multi-family buildings, and commercial uses. The appearance of the building will not be changed and will appear as a single family home. The conversion of the property to multi-family use does not alter the character of the neighborhood.*
16. Variety of housing stock - *The development increases the variety of housing stock in the community by adding a total of three apartments to the town's predominantly detached single-family housing supply.*
17. Designed to be reflective of or compatible with the character of the surrounding neighborhood - *The surrounding neighborhood includes a mix of housing types including single family, two-family and multi-family residences. This proposal is for the re-use of the existing building; no new construction is planned where the building design might not be compatible with the character of the neighborhood. The proposal is both reflective of and compatible with the character of the surrounding neighborhood. Further, the proposed residential use is more in keeping with adjacent properties than commercial uses which are allowed by right in the Village Commercial district.*

B. GENERAL SPECIAL PERMIT DECISION CRITERIA FINDINGS – Unless otherwise specified herein, special permits shall be granted by the special permit granting authority only upon its written determination that the adverse effects of the proposed multifamily housing use will not outweigh its beneficial impacts to the town or the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site.

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 specific factors that may be set forth in other sections of the *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 multi-family development within the Multi-Family Housing Overlay District as approved by Town Meeting. The surrounding neighborhood includes a mixture of single family, two-family, and multi-family dwellings. Therefore, the proposed use is in an appropriate location.*

2. Adequate and appropriate facilities will be provided for the operation of the proposed use. *As documented in the submitted materials, adequate and appropriate facilities will be provided for the operation of the proposed uses. The project will be serviced by Town water and sewer systems. Private electric and gas utilities will be provided. There is no increase in impervious surface area that would necessitate new stormwater management facilities.*
3. The proposed use as developed will not create a hazard to abutters, vehicles, pedestrians or the environment. *Town officials were provided an opportunity to comment on the proposed development and no review comments were received. The Board has not received any testimony that the proposed use of the property for 3 residential units will 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. *Village Street has the capacity to handle the traffic from the 3 residential units. As conditioned herein, the development is not permitted to have additional resident parking on Village Street.*
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. *There are no changes planned to the site that would result in detriments to the adjoining properties. There is no expanded footprint that would necessitate stormwater management facilities. Household refuse will be disposed of by individual waste containers for each household. There will be no detrimental impact on abutters due to odors, dust, noise, vibration, refuse materials or other undesirable environmental impacts.*
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 within the Multi-Family Housing Overlay District. The surrounding neighborhood includes other multi-family buildings and thus this development will not alter the character of the neighborhood.*
7. The proposed use is in harmony with the general purpose and intent of the Zoning Bylaw. *The Multi-Family Housing provisions of the Bylaw were specifically established to encourage this type of use subject to certain conditions to limit adverse impacts. The proposed use is in harmony with the general purpose and intent of the Bylaw.*
8. The proposed use is consistent with the goals of the Medway Master Plan. *The proposed use is consistent with the Master Plan goals of identifying housing needs and implementing projects to meet those needs such as increasing housing diversity.*
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 development has reasonable and appropriate density in a suitable location, and will not be detrimental to the public good.*

For all of the above reasons, the Board finds that the beneficial impacts of the proposed 3-unit apartment development at 316 Village Street outweigh the effects of the proposed use on the Town and neighborhood.

VII. CONDITIONS - The *Special and General Conditions* included in this Decision shall assure that the Board's approval of this site plan complies with the *Bylaw*, Section 3.4

(Special Permits) and Section 5.6.4 (Multi-Family Housing), and that concerns of abutters and other town residents which were provided during the public hearing process have been considered. The Board's issuance of a special permit is subject to the following conditions:

SPECIFIC CONDITIONS OF APPROVAL

- A. Notwithstanding any future amendment of the *Bylaw*, G.L. c.40A, or any other legislative act:
1. The maximum number of dwelling units to be developed under this special permit shall be three.
 2. The tract of land on which this multi-family development will be located shall not be altered or used except:
 - a) as granted by this special permit;
 - b) in accordance with subsequent approved plans or amendments to this special permit.
 3. The tract of land and buildings comprising 316 Village Street shall not be used, sold, transferred or leased except in conformity with this special permit and shall not be further divided.
 4. This decision incorporates a hand drawn floor plan showing the division of main building into two dwelling units and a hand drawn plot plan showing the driveway, garages and parking spaces. (Drawings prepared by applicant James Maloney and are not to scale.)
- B. **Recording of Decision**
1. No building permit shall be issued before this special permit decision with attachments is recorded at the Norfolk County Registry of Deeds.
 2. The Permittee or its assigns or successors shall provide the Board with a receipt from the Norfolk County Registry of Deeds indicating that the specified documents have been duly recorded or supply another alternative verification that such recording has occurred.
- C. **Open Space/Yard Area** - At least 15% of the site shall be retained as open space and/or yard area in perpetuity. This is an ongoing obligation of the owner of 316 Village Street. This area shall be unpaved but may be landscaped or left natural, with the balance being trees, shrubs and grass suitable for the site. This area may include a play area or other communal recreational space.
- D. **Parking** – The project includes nine off-street parking spaces. Regular on-street parking of the occupants of the dwelling units on Village Street is prohibited.
- E. **Water Use and Conservation**
1. The development is relying on the Town's public water system and the Town is being held to its Water Management Act Permit with the MA Department of Environmental Protection. The Permittee shall incorporate the following water conservation measures for any renovation of the units:
 - a. rain-gauge controlled irrigation systems
 - b. low flow household fixtures
 - c. water efficient appliances (dishwashers, washer/dryers, toilets, etc.)

2. The Permittee shall not use Town water for irrigation of the site's lawn and landscaping. A private well may be installed pursuant to application and receipt of necessary permits from the Board of Health.
- F. **Fire Protection** – This project is subject to local, state and federal fire codes as implemented through the Massachusetts state building code.
- G. **Modifications** - A change of the property to condominium ownership will require a modification to the special permit.

GENERAL CONDITIONS OF APPROVAL

- A. The term “Applicant” and “Permittee” as used in this decision and permit refers to the owner, any successor in interest, title or successor in control of the property referenced in the applications, supporting documents and this decision and permit. The Board shall be notified in writing within 30 days of all transfers of title of any portion of the property that take place prior to issuance of a Certificate of Site Plan Completion.
- B. **Other Permits** – This permit does not relieve the Permittee from its responsibility to obtain, pay and comply with all other required federal, state and Town permits. The contractor for the Permittee or assigns shall obtain, pay and comply with all other required Town permits.
- C. **Restrictions on Construction Activities** – During construction, all local, state and federal laws shall be followed regarding noise, vibration, dust and blocking of Town roads. The Permittee and its contractors shall at all times use all reasonable means to minimize inconvenience to abutters and residents in the general area. The following specific restrictions on construction activity shall apply.
1. 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 any loose gravel/dirt is removed from the roadways and 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 Permittee shall be responsible for all clean-up of the roadway which shall occur as soon as possible and in any event within twelve (12) hours of its occurrence.
 2. The Permittee is responsible for having the contractor clean-up the construction site and the adjacent properties onto which construction debris may fall on a daily basis.
 3. **Construction Traffic/Parking** – During construction, adequate provisions shall be made on-site for the parking, storing, and stacking of construction materials and vehicles. 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 or interfere with the safe movement of persons and vehicles on adjacent properties or roadways.

4. *Noise* - Construction noise shall not exceed the noise standards as specified in the Medway General Bylaws and the *Bylaw*, 7.3 Environmental Standards.
- D. *Snow Storage and Removal* - On-site snow storage shall not encroach upon nor prohibit the use of any parking spaces required by the *Bylaw* or this permit.
- E. *Construction Standards* - All construction shall be completed in full compliance with all 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 as applicable.
- F. *Conflicts* – If there is a conflict between this Decision and the *Bylaw*, the *Bylaw* shall apply.

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 Applicant, and notice will be mailed to all parties in interest as provided in G.L. c. 40A §15.

Any person aggrieved by the decision of the Board may appeal to the appropriate court pursuant to Massachusetts General Laws, Chapter 40A, §17, and 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 Applicant. A copy of the recorded Decision, and notification by the Applicant of the recording, shall be furnished to the Board.

###

Medway Planning and Economic Development Board
316 Village Street MULTI-FAMILY SPECIAL PERMIT

Approved by the Medway Planning & Economic Development Board: _____

Signatures:

_____	Printed Name _____
_____	Printed Name _____
_____	Printed Name _____
_____	Printed Name _____
_____	Printed Name _____

Copies to:

- Michael Boynton, Town Administrator
- David D’Amico, Department of Public Works
- Mike Fasolino, Deputy Fire Chief
- Donna Greenwood, Assessor
- Beth Hallal, Health Agent
- Jeff Lynch, Fire Chief
- Jack Mee, Building Commissioner and Zoning Enforcement Officer
- Pete Pelletier, Department of Public Works
- Erika Robertson, Building Department Compliance Officer
- Joanne Russo, Treasurer/Collector
- Barbara Saint Andre, Director of Community and Economic Development
- Jeff Watson, Police Department
- James Maloney
- Brian and Elizabeth Curran
- Stephen and Bonny Gray

Medway Planning and Economic Development Board
316 Village Street MULTI-FAMILY SPECIAL PERMIT

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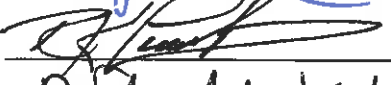
Signatures:



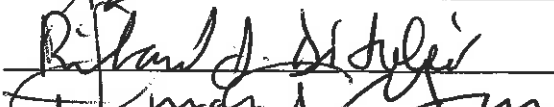
Printed Name Matthew J. Hayes



Printed Name Andy Rodenhiser



Printed Name ROBERT TUCKER



Printed Name RICHARD J. DiTULIO



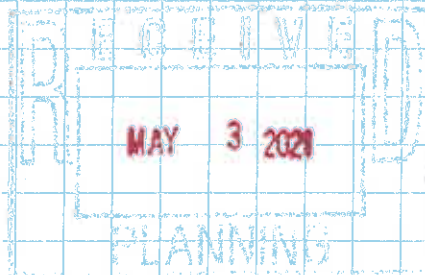
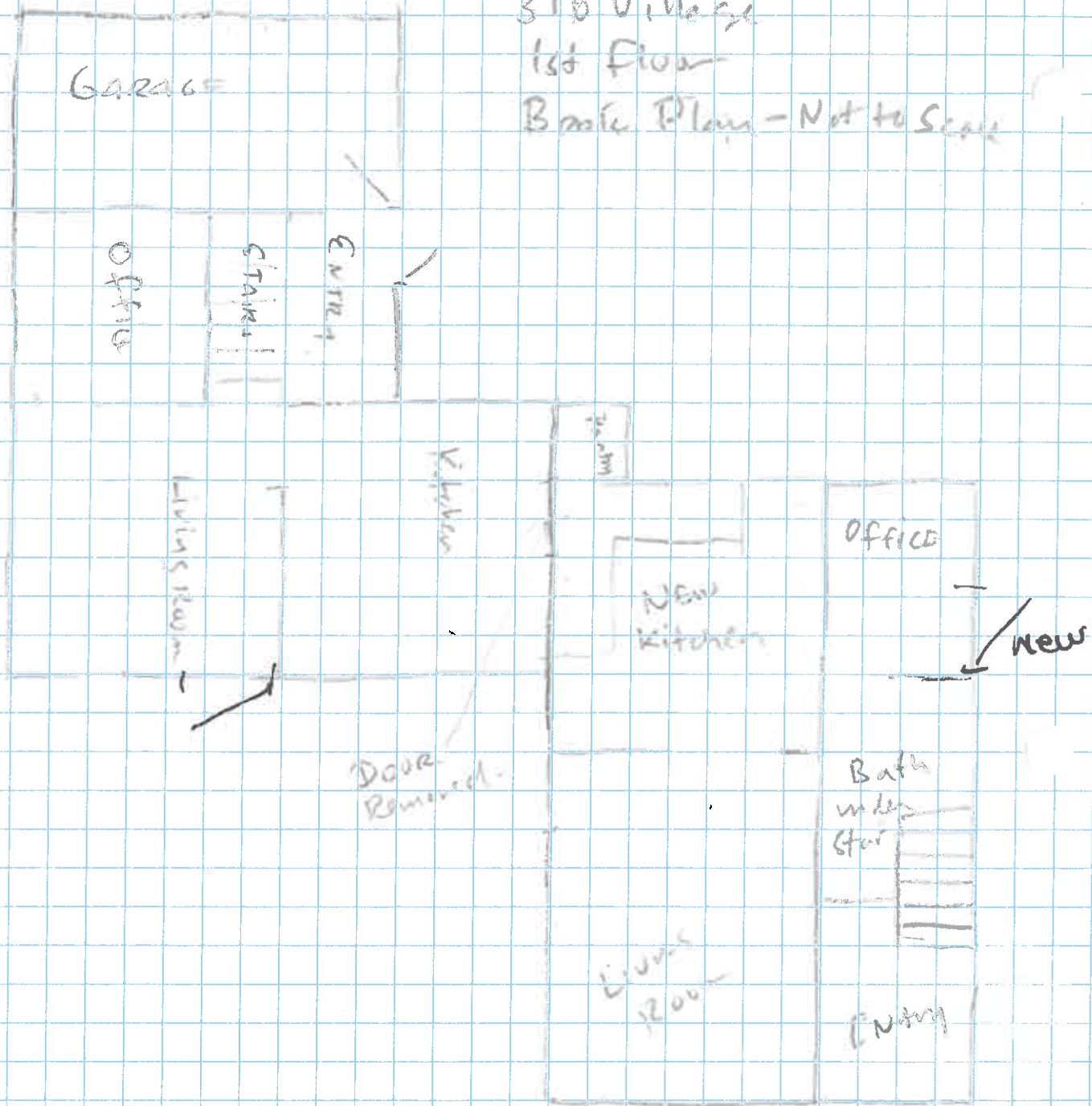
THOMAS A. GRAY

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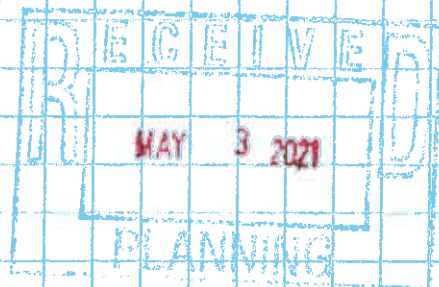
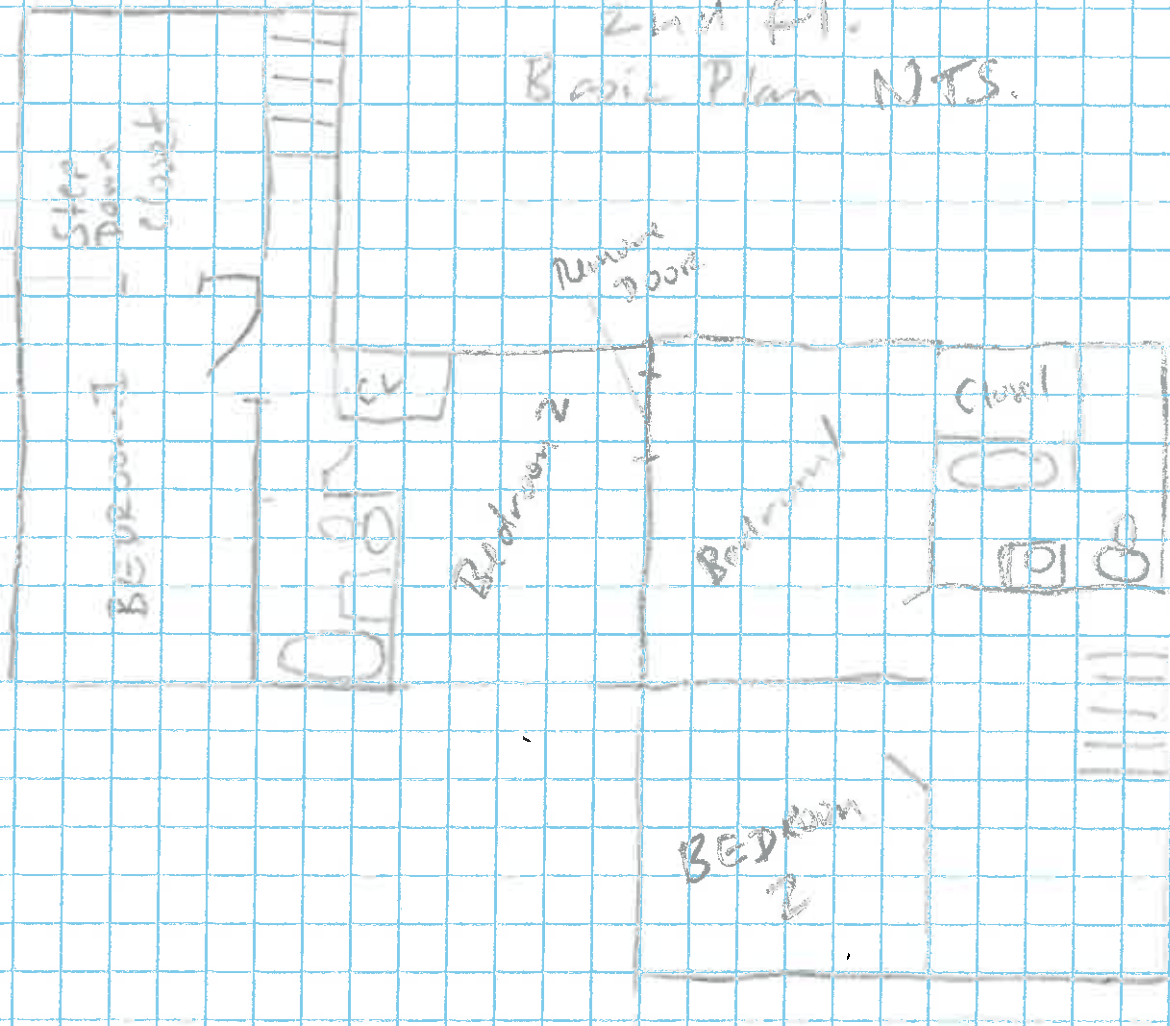
316 Village

1st Floor

Book Plan - Not to Scale



316 Village
2nd Fl.
Basic Plan NTS.



316 Village St
3rd FL
Basic Plan

