



TOWN OF MEDWAY
Planning and Economic Development Board Rules & Regulations

Chapter 500
**ADAPTIVE USE OVERLAY DISTRICT
(AUOD)**

Rules & Regulations for the Review and Approval of
Adaptive Use Overlay District (AUOD) Plans
and Issuance of Adaptive Use Special Permits

Medway Planning and Economic Development Board

Andy Rodenhiser, Chairman

Robert K. Tucker, Vice-Chairman

Tom Gay, Clerk

Matthew J. Hayes, P.E.

Richard Di Iulio

Jessica Chabot, Associate Member

Adopted: July 26, 2005

Amended: July 14, 2020



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Chapter 500

ADAPTIVE USE OVERLAY DISTRICT (AUOD)

Rules and Regulations for Review and Approval of AUOD Plans and Issuance of Adaptive Use Special Permits

Adopted by the Medway Planning and Economic Development Board: July 14, 2020

ARTICLE I AUTHORITY

s. **501-1 ADOPTION** – The Planning and Economic Development Board (hereinafter referred to as the “Board”) hereby adopts these *Rules and Regulations* governing the review and approval of AUOD plans and the issuance of Adaptive Use Special Permits for AUOD developments pursuant to SECTION 5.6.2. of the Medway Zoning Bylaw.

s. **501-2 PURPOSE** – These *Rules and Regulations* provide for the procedural and substantive requirements of SECTION 5.6.2 Adaptive Use Overlay District of the Zoning Bylaw including the process for submission, review and processing of AUOD plans, issuance of Adaptive Use Special Permits, applicable site, open space, design and construction standards, and the corresponding fees. The purpose of these *Rules and Regulations* is to guide the applicant and their consultants, Town officials and Boards, and others involved in the preparation, processing and review of AUOD plans and issuance of Adaptive Use Special Permits.

ARTICLE II DEFINITIONS

s. **502-1 APPLICABILITY** – The terms used in these *Rules and Regulations* shall have the meaning as specified in the Zoning Bylaw, SECTION 2. DEFINITIONS in effect at the time the AUOD application is submitted, unless a contrary meaning is required by the context or is specifically prescribed.

ARTICLE III ADAPTIVE USE SPECIAL PERMIT APPLICATION

s. **503-1 GENERAL INFORMATION**

A. **General** – An AUOD development shall be permitted only upon the granting of an Adaptive Use Special Permit by the Board. An applicant shall apply for an Adaptive Use Special Permit by submitting an AUOD Plan and all other required information in accordance with the requirements set forth in these *Rules and Regulations*. The Board shall review an Adaptive Use Special Permit Application pursuant to the submission and procedural requirements set forth in these *Rules and Regulations* and shall review the AUOD Plan for conformance with all standards of SECTION 5.6.2. of the Zoning Bylaw. The application, submission, and procedural review process for an Adaptive Use Special Permit shall adhere to all minimum requirements specified herein. The exact content of an Adaptive Use Special Permit Application beyond the minimum requirements may vary depending on the exact use(s) and structure(s) proposed by the applicant.

- B. Coordination with Site Plan Approval** – As specified in SECTION, 5.6.2.H. , of the Zoning Bylaw, the uses and improvements that are the subject of an Approved Adaptive Use Special Permit shall be exempt from the Site Plan Approval requirements of SECTION 3.5, Site Plan Approval of the Zoning Bylaw. However, in reviewing Adaptive Use Special Permit applications, the Board will consider the impacts of features that are normally the subject of Site Plan Approval including but not limited to drainage, parking, lighting and landscaping. The Development Standards included in the *Site Plan Rules and Regulations* shall be adhered to to the extent feasible in light of the AUOD purposes of preserving the architectural integrity of the existing buildings and maintaining community character.
- C. Pre-Application Meeting** – A Pre-Application Meeting with the Board prior to submission of an Adaptive Use Special Permit Application is highly recommended. A Pre-Application Meeting will provide the applicant with the opportunity to present preliminary concepts for its AUOD project and gain informal feedback and input from the Board, other Town officials and interested citizens at an early stage of project planning. This meeting will also allow the Board and other involved officials to provide guidance to the applicant regarding the proposed project as well as the Adaptive Use Special Permit application and review process.
- D. Application Form** – The Board has prepared an application form for the Adaptive Use Special Permit that may be obtained from the Planning and Economic Development office or the Town’s web site at townofmedway.org. The form requests general information about the applicant and its agents, the location, size and nature of the proposed AUOD development site and a general description of the proposed AUOD development project.

s. 503-2 STANDARDS FOR AUOD PLAN PREPARATION

- A.** The AUOD Plan shall be prepared by a Professional Engineer (PE) or a Registered Land Surveyor (RLS) licensed to perform work in Massachusetts and certified by same with their seal stamp and signature. At the discretion of the Board, this requirement may be waived for projects whose impact on the site and abutting properties is minimal, in the Board’s opinion. Conversely, additional professionals, such as an architect and/or landscape architect, may be required in cases where the Board determines that the impact on the site and/or abutting properties is significant.
- B.** In cases where site changes are minimal, the Board may consider waiving the requirement for an AUOD plan of proposed improvements to be prepared by a Professional Engineer. Examples of minimal changes include proposals in which the architectural features of the existing building(s) are not altered, and site work is limited to repairs such as painting; replacement of siding, windows or roof; adding fencing or landscaping; increasing impervious surface by no more than one thousand square feet. At a minimum, however, an AUOD application shall include a plan, prepared by an RLS, of all existing conditions, including bearings and distances of lot lines, building locations, driveways and parking spaces, utilities, fences and walls, any other impervious surfaces, and significant landscape features.
- C.** The Board may also require that plans prepared by a Registered Architect, licensed to perform work in Massachusetts, be submitted in cases where the existing building(s) is being altered by increasing the footprint; relocating or adding windows or doors; adding

or removing porches, dormers or other architectural features; changing the roof style, etc. The Board, at its discretion, may also require that a plan, prepared by a professional landscape designer or Registered Landscape Architect, be submitted in cases where landscaping comprises a significant component of the character of the site or neighborhood or where significant buffers for abutting properties are required by the Board.

- D.** All plans submitted in support of the AUOD Application shall be clearly and legibly presented in black or blue ink. The plan illustrating site improvements shall be prepared in accordance with Rules and Regulations of the Registry of Deeds, Chapter 36, Section 13A, as amended, pertaining to plan size, materials, ink, lettering height, and related requirements.
- E.** The AUOD plan shall be at a scale of one-inch equals forty feet or such other scale as the Board may have accepted in advance to show details clearly and adequately.
- F.** All existing and proposed elevations shall refer to the North American Vertical Datum of 1988 (NAVD88).
- G.** Sheet sizes shall be twenty-four by thirty-six inches, including a three-quarter inch border on the top, bottom and right sides and a one and one-half inch border on the left side.

s. 503-3 TOWN CLERK SUBMITTAL REQUIREMENTS

- A.** The applicant shall file by delivery in hand, or registered or certified mail, the following:
 - (1) A copy of the Adaptive Use Special Permit Application filed on a form supplied by the Board.
 - (2) One set of the AUOD Plans in conformance with these *Rules and Regulations* and the requirements of the Zoning Bylaw, SECTION 5.6.2. Adaptive Use Overlay District.
 - (3) Project Narrative as described in s. 503-4, B. 12 of these *Rules and Regulations*.
- B.** The applicant shall secure a receipt from the Town Clerk and provide a copy of such to the Board. Said receipt shall include the date and time the application was filed with the Town Clerk.

s. 503-4 BOARD SUBMITTAL REQUIREMENTS

- A. Basic Information** – Any person or entity that submits an application and plan for an Adaptive Use Special Permit shall file with the Board all items required herein for the application to be “*duly submitted*” in accordance with these *Rules and Regulations*. Such submissions shall be made directly to the Board.
- B. Submittals** - The applicant shall file by delivery in hand, or registered or certified mail, the following items to constitute a complete Adaptive Use Special Permit Application:
 - (1) The original Adaptive Use Special Permit Application Form, properly executed, filed on a form supplied by the Board including the names, addresses, email and telephone numbers of the applicant, landowner if other than the applicant, and all agents such as architect, engineer and attorney;

- (2) Three copies of the AUOD Plan in conformance with these *Rules and Regulations* and the requirements of the Zoning Bylaw, SECTION 5.6.2 - Adaptive Use Overlay District.
- (3) An AUOD Plan Filing Fee as established in s. 505-2 of these *Rules and Regulations* and an advance of the Plan Review Fee, both of which are specified in the Board's Fee and Bond Schedule.
- (4) A list of all abutters within three hundred feet of the site's property lines as appearing on the most recent tax list as certified by the Board of Assessors.
- (5) Three copies of a storm drainage report. At a minimum, this report must consist of a letter signed and stamped by a Professional Engineer discussing the existing drainage on the site and how the proposed drainage design will address the proposed site changes. The Board reserves the right to require higher levels of drainage information (*up to and including complete drainage system design and calculations*) depending on the extent of changes proposed and the sensitivity of the site and its abutting properties.
- (6) Copies of all relevant approvals received to date by the applicant from other Boards or commissions (*i.e. Determination of Applicability or Order of Conditions from the Conservation Commission; zoning variance from the Zoning Board of Appeals, etc.*)
- (7) Three sets of Layout/Floor plans with the uses of areas labeled and three sets of Elevation Drawings of the building(s) facades from all four directions. If no major changes are planned to the buildings, photographs may be substituted for elevation drawings.
- (8) Locus Map – A locus map of the project area showing the street configuration, major land uses, major natural features and zoning district boundaries within two thousand feet of the perimeter boundaries of the site, at a minimum scale of one-inch equals eight hundred feet.
- (9) Context Plan – A plan showing all property lines and buildings, as shown on the current Assessor's Maps, structures, freestanding signs, driveways and walkways on abutting properties at a minimum scale of one-inch equals one hundred feet.
- (10) Plot Plan, certified by a Registered Land Surveyor, indicating total land area boundaries, angles, and dimensions of the site and a north arrow.
- (11) AUOD Plan(s) or plan sets, at a minimum scale of one-inch equals forty feet, showing the following on-site conditions:
 - (a) Existing use(s) of land and existing buildings, if any;
 - (b) Proposed use(s) of land and proposed buildings;
 - (c) Dimensions of existing and proposed building(s) or other structures including height, setbacks from property line and total square footage of building area;

- (d) Design features of the buildings(s) and structures, including, as appropriate, elevations, materials, colors, etc.
 - (e) For non-residential buildings and for non-residential uses in any building, the total square footage of building area on each floor or the total square footage occupied on a given floor by non-residential uses;
 - (f) Locations and dimensions of any easements, public or private rights-of-way, or other burdens (existing or proposed);
 - (g) All parking and loading areas, including surface (at-grade) parking lots and parking structures, showing the number, location and dimension of parking and loading spaces, driveways, other access ways, sidewalks and the like;
 - (h) Other existing and proposed site features including, but not limited to, topography, walls, fences, signs, utilities, trash disposal facilities, landscaping, impervious surface and drainage facilities, and natural features (including wetlands).
- (12) Project Narrative – A written narrative describing the proposed AUOD development including the following information:
- (a) The architectural features of the existing building(s) on site, as well as any historic character of the site;
 - (b) The current and proposed uses of the site;
 - (c) The impacts of the proposed uses on the architectural and historic features of the building and site, with particular emphasis on how such features will be preserved and/or enhanced;
 - (d) Existing and proposed means of access and egress, including how pedestrian access will be accommodated and encouraged;
 - (e) Impacts of the proposed site changes and uses on abutting properties and the neighborhood in general in terms of landscaping, lighting, parking and drainage;
 - (f) A statement describing how the proposed project complies with the purposes and requirements of SECTION 5.6.2. Adaptive Use Overlay District of the Zoning Bylaw and the Decision Criteria specified.

C. Completeness Review

- (1) To ensure the Adaptive Use Special Permit Application contains all required information and to avoid the possibility of denial due to an incomplete application, the applicant is encouraged to review the application and plan documents with the Board or its designee prior to filing the application with the Town Clerk to determine if it meets all submission requirements. Once this completeness review is completed, the applicant may officially file the Adaptive Use Special Permit Application with the Town Clerk and the Board to commence the formal review process.

- (2) The Board may, within fourteen days of the date of receipt of an Adaptive Use Special Permit application, reject the application upon a determination that it does not satisfy the information/submission requirements of these *Rules and Regulations*. The Board shall provide the applicant with a written explanation as to the specific reason(s) for the determination of incompleteness with a citation of the specific provisions of these *Rules and Regulations* regarding the missing or incomplete information and the remedies required to make the application complete. The Board shall send a notice of its determination to the Town Clerk. The Adaptive Use Special Permit Filing Fee shall be retained by the Board and be applied to any future resubmission of the application. When brought into conformity with the content requirements of these *Rules and Regulations*, an Adaptive Use Special Permit application may be resubmitted for consideration by the Board without prejudice.

s. **503 - 5 USE OF OUTSIDE CONSULTANTS** - Upon receipt of an Adaptive Use Special Permit application, the Board may determine that the assistance of outside consultants is warranted due to the size, scale, or complexity of the proposed project or its potential impact on the Town and community. In hiring outside consultants, the Board may engage the services of engineers, planners, traffic consultants, lawyers, urban designers or other appropriate professionals who can assist the Board in analyzing the application and project to ensure compliance with all relevant laws, Bylaws and regulations. If the Board determines that such services are required, the applicant shall pay an *AUOD Plan Review Fee* as specified in s. 505 – 3 of these *Rules and Regulations*.

s. **503 – 6 REVIEW BY TOWN OFFICIALS**

A. Within ten business days of receipt of an Adaptive Use Special Permit application, the Board shall circulate the AUOD Plan, Application and Narrative to the following boards, commissions, and departments, inform them of the public hearing schedule and request their review and preparation of an advisory report to assist the Board in evaluating the project.

- (1) Building Commissioner
- (2) Conservation Commission
- (3) Fire Department
- (4) Police Department
- (5) Assessor's Office
- (6) Board of Health
- (7) Department of Public Works
- (8) Design Review Committee
- (9) Historical Commission
- (10) Others as determined to be appropriate depending on the nature of the project.

B. Said boards, commissions, and departments may submit an advisory report or recommendation to the Board at their discretion. If no report is submitted to the Board within thirty-five days of distribution, this shall be deemed lack of opposition thereto.

C. The advisory report may include an assessment of the project's impact on the community, the status of any meetings or actions the respective board or department has taken or is taking regarding the project and any recommended conditions or remedial measures to

avoid, accommodate or mitigate the expected impacts of the proposed development. All reports shall be entered into the public record during the public hearing.

- D. The Building Commissioner is requested to review the Adaptive Use Special Permit application and all associated submittals for compliance with the Zoning Bylaw and provide written communication to the Board, prior to the first public hearing date. Said communication may include, but not be limited to, the Building Commissioner's findings and any questions or concerns that could be clarified during the Adaptive Use Special Permit review process so as to avoid the need for subsequent modifications after special permit approval and plan endorsement.

s. **503 – 7 PUBLIC HEARING** – The Board shall conduct a public hearing in accordance with G.L. c. 40A, s. 11.

ARTICLE IV ADAPTIVE USE SPECIAL PERMIT DECISION

s. **504-1 TIMING** - The Board shall file a copy of its decision with the Town Clerk along with a detailed record of its decision within ninety days of the close of the public hearing and within fourteen days of its vote. A minimum of four affirmative votes is necessary to grant the special permit. A certified copy of the decision shall be provided to the applicant. The Board shall send a notice of the decision to all parties in interest.

s. **504-2 GENERAL REQUIREMENTS** - In making its decision, the Board must find that the parcel proposed for the Adaptive Use Special Permit has a minimum of fifty feet of frontage on Main Street within the boundaries of the Adaptive Use Overlay District.

s. **504-3. ALLOWABLE USES** - In approving an Adaptive Use Special Permit, the Board may provide for uses or combination of uses as set forth in SECTION 5.6.2. of the Zoning Bylaw. An Adaptive Use Special Permit may impose conditions, safeguards and limitations on the permitted use(s).

s. **504-4 SITE DEVELOPMENT STANDARDS** - The following site development standards shall apply to any Adaptive Use Special Permit development.

- A. Each lot subject to an Adaptive Use Special Permit shall have a building or buildings located on it that was constructed prior to June 28, 2004.
- B. Each Adaptive Use project shall include restoration, renovation or improvement of the primary existing building(s) to maintain, restore or enhance its original architectural integrity. Construction of an addition to an existing building or construction of a new building on the premises may be permitted provided that it is designed to be compatible with other building(s) on the lot and maintain the overall residential character of the Adaptive Use Overlay District.
- C. Unless determined by the Board to be not feasible, all parking shall be to the rear and side of the building and not in the front yard. Parking areas shall be screened from the public way and abutting properties by structures and/or landscaping. Adequate provisions for on-site retention and treatment of stormwater shall be included. Parking areas shall include provisions for current or future shared and/or linked parking with adjacent properties when such linking can be accomplished without significant degradation of the character of the neighborhood.

- D. Lighting shall be architecturally compatible with the building and character of the neighborhood and shall be designed to ensure that no glare is produced on abutting properties or the public way.
- E. No new curb cuts shall be added, and no existing curb cut shall be expanded, unless the Board finds that such changes are necessary to ensure safe access to the property.
- F. Significant pedestrian and bicycle access (including bicycle parking) shall be provided.
- G. All developments shall include a landscape plan that maintains or enhances the residential character of the property. The landscape plan shall also provide, in the opinion of the Board, a buffer zone (including one or more of shrubs, trees, grass and fencing) appropriate for the proposed use along any property boundaries with an adjacent residential use, as well as screening for parking, loading and refuse storage facilities.
- H. For every three hundred square feet of gross floor space, at least one off-street parking space shall be provided, unless the Board finds that a lesser number is adequate based on-site characteristics and the proposed use (s).
- I. For every residential unit in a building with one or more residences or mixed commercial and residential uses, at least two off-street parking spaces shall be provided, unless the Board finds that a lesser number is adequate based on-site characteristics and the proposed use(s).

The Board may also consider the Development Standards of the *Site Plan Rules and Regulations* for matters not specifically covered by these Adaptive Use Site Development Standards. Design and construction details not covered by either these *Rules and Regulations* or the *Site Plan Rules and Regulations* shall follow accepted engineering, construction and landscape architectural practice.

s. **504-5 SPECIAL PERMIT STANDARDS AND CRITERIA** - To approve an Adaptive Use Special Permit, the Board must make findings pursuant to SECTION 5.6.2., I, Decision Criteria of the Zoning Bylaw.

ARTICLE V. ADMINISTRATION

s. **505-1 VARIATION** - Strict compliance with the requirements of these *Rules and Regulations* may be waived when, in the judgment of the Board, such action is in the public interest and is not inconsistent with SECTION 5.6.2. of the Zoning Bylaw.

s. **502 -2 CONSTRUCTION OBSERVATION** - When an Adaptive Use Special Permit and AUOD Plan are approved by the Board, the Board may determine that the assistance of outside consultants is warranted to observe and inspect the construction due to the size, scale or complexity of the approved plan with any terms or conditions or because of its impact on the Town and the community. In hiring outside consultants, the Board may engage the services of engineers or other appropriate professionals who can assist the Board in the inspection of the Adaptive Use project. The assistance of these consultants may include but not be limited to pre-construction meetings, monitoring or inspecting a project during construction or implementation, preparation of bond estimates and reductions, review of as-built plans and other related professional services. The cost for such services shall be borne by the applicant.

s. **502 - 3 AUOD FEES** – The Board shall adopt a Fee and Surety Schedule, which shall specify the amount of the filing, plan review, construction observation, other applicable fees, and minimum surety amounts for AUOD projects.

A. Adaptive Use Special Permit Filing Fee – A non-refundable Adaptive Use Special Permit Filing Fee shall be remitted to the Board at the time the Adaptive Use Special Permit application and AUOD Plan are submitted to the Board.

B. AUOD Plan Review Fee

- (1) Pursuant to MGL Chapter 44, section 53G, an AUOD Plan Review Fee shall be established by the Board for review of the AUOD Plan based on an itemized budget estimate prepared by an outside consultant(s). This fee shall be the reasonable costs to be incurred by the Board to assist in the review of the proposed project. The AUOD Plan Review Fee shall not be a fixed amount but will vary with the costs incurred by the Board.
- (2) The applicant shall remit the AUOD Plan Review Fee to the Board upon receipt of notice and invoice of the estimated AUOD Plan Review Fee and prior to the public hearing. Failure of the applicant to pay the AUOD Plan Review Fee shall be grounds for the Board to reject the plan, withhold plan approval and endorsement, and deny the AUOD Special Permit.
- (3) Should the services of outside consultants be required after the initial AUOD Plan Review Fee has been expended, the applicant shall be required to pay additional fees for the subsequent review of resubmitted and/or revised documents. A new estimate for additional review services shall be remitted to the applicant. Failure of the applicant to pay the necessary additional AUOD Plan Review Fee shall be grounds for the Board to reject the plan, withhold plan approval and endorsement, and deny the AUOD Special Permit.

C. AUOD Construction Observation/Inspection Fee

- (1) If the Board determines that construction observation services are required, the applicant shall pay an AUOD Construction Observation Fee to the Town as a condition of AUOD plan endorsement.
- (2) This fee shall be the reasonable costs to be incurred by the Board to observe and inspect the construction of the proposed project and shall be based on an estimate provided by an outside consultant. The AUOD Construction Observation Fee shall not be a fixed amount but will vary with the costs incurred by the Board.
- (3) Should the services of outside consultants be required after the initial AUOD Construction Observation Fee has been expended, the applicant shall be required to pay an additional fee for the subsequent observation of construction. The Board will keep the developer apprized of the status of the account and invoice as needed. Failure of the applicant to pay necessary additional AUOD Construction Observation Fees shall be grounds for the Board to direct its outside consultant to halt all construction observation services. This may constitute a zoning violation subject to enforcement by the Building Commissioner.

D. Other Costs and Expenses – All expenses for advertising, publication of notices, postage and mailings, recording and filing of documents and all other expenses in connection with an AUOD project including without limitation sampling and/or testing required by the Board or its agents shall be borne solely by the applicant.

E. Payment of Fees

- (1) Fees paid by the applicant shall be by check made payable to the Town of Medway and submitted to the Board. When the AUOD Plan Review Fee and the Construction Observation/Inspection Fee are received by the Board pursuant to this section, they shall be deposited with the Town Treasurer who shall establish a special account for this purpose. Expenditures from this special account may be made at the direction of the Board, by majority vote, without further appropriation. Expenditures from the special account shall be made only for services rendered in connection with a specific AUOD project or projects for which a fee has been or will be collected from the applicant. Accrued interest may also be spent for this purpose.
- (2) At the completion of the project, any excess amount in the account, including interest, attributable to a specific project shall be repaid to the applicant or the applicant's successor in interest. A final report of said account shall be made available to the applicant or the applicant's successor in interest. For the purpose of this regulation, any person or entity claiming to be an applicant's successor in interest shall provide the Board with documentation establishing such succession in interest.

s. **505 –4 APPEAL**

A. Selection of Outside Consultant – Any applicant may make an administrative appeal of the Board's selection of the outside consultant (*for plan review or construction observation services*) to the Medway Board of Selectmen. Such appeal must be made in writing and may be taken only within twenty days after the Board has mailed or hand-delivered notice to the applicant of the consultant's selection. The grounds for such an appeal shall be limited to claims that the consultant selected has a conflict of interest or does not possess the minimum, required qualifications. The minimum qualifications shall either consist of an educational degree in, or related to, the field at issue or three or more years of practice in the field at issue or a related field. The required time limit for the Board's action upon an application shall be extended by the duration of the administrative appeal. In the event that the Board of Selectmen makes no decision within one month following the filing of the appeal, the consultant selection made by the Board shall stand.

B. Appeal of Special Permit Decision - Any person aggrieved by an Adaptive Use Special Permit decision of the Board may file an appeal to the Court of the Commonwealth by bringing an action within twenty days of the date the Board filed its decision with the Town Clerk.

s. **505 – 5 PERFORMANCE GUARANTEE**

- A. **General Information** – In situations it deems appropriate, the Board may require that a performance guarantee be posted with the Town of Medway to secure faithful and satisfactory construction of the proposed improvements.
- B. **Cash Surety**– If the Adaptive Use Special Permit includes a requirement for a performance guarantee, a deposit of funds shall be made with the Town of Medway. Prior to Board’s endorsement of the AUOD Plan, the account shall be established
- C. **Amount** - The Board shall set the amount of the guarantee, which shall be in the form of a cash surety. The amount shall reflect the estimated cost to the Town of Medway to complete the work or remediate environmental concerns caused by construction activities should the applicant fail to do so.
- D. **Surety Release** – Upon submission of the as-built plan (*s. 505-6 C*) and execution of the Certificate of Completion (*s. 505-6 D*), the Board shall vote to release the applicant from the performance obligation.

s. **505 –6 PROJECT COMPLETION**

- A. AUOD special permits are subject to the lapse provisions of SECTION 3.4.E of the Zoning Bylaw.
- B. The applicant shall construct the improvements in compliance with the Adaptive Use Special Permit and approved AUOD Plan. An applicant may make limited on-site changes based on unforeseen conditions, situations or emergencies. Prior to undertaking any on-site alteration, the applicant shall submit a letter to the Board detailing the proposed changes and the reasons therefore. The Board shall make a determination of minor or major revision pursuant to *s. 505-7* of these *Rules and Regulations*.
- C. **As-Built Plans**
 - (1) The applicant shall file with the Board an original of the “as-built” plan of the completed site work and an electronic file in a format to be specified by the Town of Medway. The “as-built” plans shall show all improvements on the site, including driveways and parking areas, walkways, utilities, drainage facilities, landscaping, fencing and lighting as constructed on the site.
 - (2) The “as-built” plans shall be drawn with a minimum lettering height of one-eighth inch (Registry of Deeds standards) and to a one-inch equals forty feet scale or other approved scale.
 - (3) The “as-built” plans will contain the following:
 - (a) graphical scale;
 - (b) property lines and all easements;
 - (c) reference to the approved Adaptive Use Special Permit and AUOD Plan including all plan recording data;
 - (d) locus map;
 - (e) curb type/limits, sidewalks, pedestrian ramps and driveways;
 - (f) all monumentation, including vertical benchmarks;

- (g) all utilities (water, water services and valves, sanitary sewers, storm drains, manholes, catch basins, electric/telephone/cable TV, gas and fire alarm system) in plan view. A Symbol Key shall be provided along with appropriate labels.
- (h) water, sanitary sewer and drainage shown on the profile, noting inverts, rims, pipe type and sizes; and
- (i) centerline stationing with the starting and ending of the layout clearly noted.

D. Certificate of Completion – Upon completion of all required improvements as specified in the Adaptive Use Special Permit and AUOD Plan, the applicant's registered Professional Engineer shall submit a Certificate of Completion to the Board verifying that the improvements were constructed in accordance with the AUOD Plan. The Board, or its agent, shall conduct a final inspection of the site within twenty-one days of receipt of the Certificate of Completion. If all work has been completed to the Board's satisfaction, the Board shall sign the Certificate of Completion at the next regularly scheduled Board meeting and file such Certificate with the Town Clerk and the Inspector of Buildings. If the Board does not sign a Certificate of Completion, a complete list of work yet to be completed on or off-site in compliance with the Adaptive Use Special Permit and AUOD Plan shall be provided to the applicant.

s. 505 – 7 REVISIONS TO APPROVED ADAPTIVE USE SPECIAL PERMIT AND AUOD PLAN

A. Minor Revisions - Subsequent to an Adaptive Use Special Permit granted by the Board, minor revisions in the AUOD Plan and/or Permit may be made from time to time in accordance with applicable law, ordinances, and regulations but the use(s) or development approved under the Adaptive Use Special Permit shall otherwise be in accordance with the plan referred to, and such conditions as may be included, in the decision of the Board.

- (1) If revisions to an approved AUOD Plan and/or Permit are requested by the applicant, the applicant shall provide written notification to the Board in advance of such revision including an explanation as to the need for the change. Proposed revisions, which in the opinion of the Board are minor in nature, must be reviewed and may be approved by a majority of the Board without a public hearing. Such revisions shall not be effective until approved by vote of the Board.
- (2) The Board will notify the Town Clerk of any approved minor revisions to an approved AUOD Plan and/or Permit.

B. Major Revisions - Subsequent to an Adaptive Use Special Permit granted by the Board, major revisions in the AUOD Plan and/or Permit may be made from time to time in accordance with applicable law, ordinances, and regulations but the use(s) or development approved under the Adaptive Use Special Permit shall otherwise be in accordance with the plan referred to, and such conditions as may be included, in the decision of the Board.

- (1) If revisions to an approved AUOD Plan and/or Permit are requested by the applicant, the applicant shall provide written notification to the Board in advance of such revision including an explanation as to the need for the change. Proposed

revisions, which in the opinion of the Board, are major in nature, must be reviewed and may be approved by a majority of the Board with a public hearing. Such revisions shall not be effective until approved by vote of the Board.

- (2) The Board shall determine whether the proposed revisions are major. Major revisions may include but are not limited to any significant change in the size, type, or location of buildings, access and exit curb cuts, overall parking layout, buffer strips or screening, overall appearance of the building, including building material or fenestration, or the type or intensity of use, or in the conditions specifically addressed in the decision of the Board.
- (3) The Board shall order that an application for a Revised Adaptive Use Special Permit and AUOD Plan be filed and that additional plan reviews and a new public hearing will be held in the same manner as set forth herein.
- (4) The Board will notify the Town Clerk of any proposed major revisions to an approved AUOD Plan.

C. Revision Fees

- (1) Whenever additional reviews by the Board, its staff or consultants are necessary due to plan revisions, the applicant shall be billed for all costs incurred including but not limited to additional AUOD Filing and Plan Review Fees and any other expenses including but not limited to advertising and mailing costs.
- (2) If the revisions affect only specific limited aspects of the site, the Board may reduce the scope of the required review and waive a portion of the additional AUOD Filing and Plan Review Fees.

s. 505 – 8 **PENALTIES** – Any applicant, individual, property owner or business entity that violates or permits a violation of these *Rules and Regulations* shall be subject to enforcement pursuant to SECTION 3 of the Zoning Bylaw.

s. 505 – 9 **AMENDMENTS** –These *Rules and Regulations* may be amended from time to time by the Board. A public hearing shall be held with appropriate notice with the Town Clerk, the Town’s web page, and once in a newspaper of general circulation at least seven days before the date of the public hearing.

s. 505 – 10 **VALIDITY** – If, in any respect, any provision of these *Rules and Regulations* in whole or in part, shall prove to be invalid for any reason, such invalidity shall only affect the part of such provision which shall be held invalid and in all other respects these *Rules and Regulations* shall stand.

These *Adaptive Use Overlay District Rules and Regulations* were initially adopted by a vote of the Medway Planning Board on July 26, 2005. Amendments were approved by the Planning and Economic Development Board on July 14, 2020.

Attest:

Susan E. Affleck-Childs
Planning and Economic Development Coordinator
July 15, 2020

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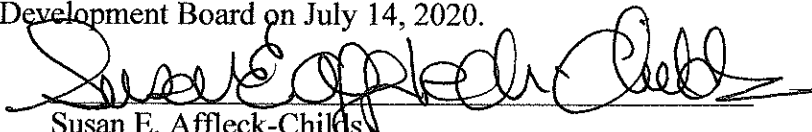
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