

**Tuesday, February 14, 2023**  
**Medway Planning and Economic Development Board**  
**155 Village Street**  
**Medway, MA 02053**

<b>Member</b>	<b>Matt Hayes, Chair</b>	<b>Bob Tucker</b>	<b>Jessica Chabot</b>	<b>Sarah Raposa</b>	<b>Tom Gay Associate Member</b>
<b>Attendance</b>	<b>X</b>	<b>Absent with Notice</b>	<b>X</b>	<b>X</b>	<b>Zoom</b>

**PRESENT:**

Barbara J. Saint Andre, Director of Community and Economic Development (via Zoom)  
Susan E. Affleck-Childs, Community and Economic Development Coordinator  
Steve Bouley, Tetra Tech (via Zoom)

The meeting was called to order by Chair Hayes at 7:00 pm. It was noted that Associate Member Tom Gay was participating remotely via Zoom.

There were no Citizen Comments.

It is noted that the meeting started late as there were some technical difficulties with Zoom and Cable recording.

**Sanderson View Multi-Family Housing (16 Holliston Street) Public Hearing:**

The Board is in receipt of the following: (See Attached)

- Notice dated December 14, 2022 to continue the public hearing to February 14, 2023.
- Letter from Michael Larkin, Larkin Real Estate Group Inc. dated February 7, 2023 asking to withdraw the applications for a multi-family special permit and major site plan review without prejudice.

**On a motion made by Jessica Chabot, seconded by Sarah Raposa, the Board voted 3-0 to allow the withdrawal of the noted applications from Michael Larkin for the Sanderson View multi-family development without prejudice.**

**ANR Plan 86 Holliston Street:**

The Board is in receipt of the following: (See Attached)

- ANR (Approval not Required under Subdivision Control Law) Application and associated material submitted January 27, 2023
- ANR Plan dated December 7, 2022 by Guerriere and Halnon
- Email dated January 27, 2023 from Guerriere and Halnon
- ANR Plan review memo dated 2-9-23 by Susy Affleck – Childs.

The Board reviewed the ANR application and plan for 86 Holliston Street. The plan shows the division of the 5.84 acre property into two lots. Ms. Affleck-Childs reported that a revised ANR



plan had been submitted pursuant to her review comments dated February 8, 2023 and that all comments had been addressed. The revised plan is dated February 13, 2023.

**On a motion made by Sarah Raposa, seconded by Jessica Chabot, the Board voted unanimously to endorse the ANR plan dated February 13, 2023 for 86 Holliston Street.**

**ANR Plan 28 Pond Street:**

The Board is in receipt of the following: (See Attached)

- ANR application and associated materials submitted January 23, 2023
- ANR plan dated January 18, 2023 by Colonial Engineering
- Email memorandum dated January 24, 2023 from applicant Brandon Larkin
- ANR plan review memo dated 2-9-23 by Susy Affleck-Childs.
- Flintlocke Lane Definitive Subdivision Plan from 1987.

The Board reviewed the application and plan submitted for 28 Pond Street. The ANR plan for 28 Pond Street shows the division of the subject property (1.77 acres) into three lots. Ms. Affleck-Childs reported that a revised ANR plan had been submitted pursuant to her 2-9-23 review comments and that all comments had been addressed. The revised plan is dated February 10, 2023.

**On a motion made by Jessica Chabot, seconded by Sarah Raposa, the Board unanimously voted to endorse the ANR plan dated February 10, 2023 for 28 Pond Street.**

The Board will sign the two ANR plans at the end of the meeting.

**Medways Commons – Minor Site Plan for Chipotle & Starbucks**

The Board is in receipt of the following: (See Attached)

- Public Hearing notice dated 1-25-23
- Minor Site Plan Application dated 1-19-23
- Drive-Thru Special Permit Application dated 1-19-23
- Minor Site Plan for Chipotle & Starbucks/Medway Commons dated 1-32-23 prepared by Tighe & Bond
- Architectural elevations and renderings dated 2-3-23 prepared by Scott Griffin Architects
- Project Narrative
- Stormwater Statement dated 12-22-22 by Tighe and Bond
- Traffic Statement dated 12-22-22 by Tighe and Bond
- Email dated 12-16-22 from Building Commissioner Jon Ackley confirming the scope of proposed site improvements constituted minor site plan review
- Statement regarding project consistency with *Design Review Guidelines* prepared by Karen Johnson, Charter Realty.
- Request for Waiver from *Site Plan Rules and Regulations*.
- Email dated 1-26-23 from Derek Kwok, Health Agent
- Email dated 1-26-23 from Police Chief William Kingsbury
- Email dated 1-30-23 from Community and Economic Development Director Barbara Saint Andre
- Review memorandum dated 2-13-23 from the Medway Design Review Committee



Present on Zoom was Karen Johnson present representing Charter Realty & Development; John Lorden, Tighe and Bond Engineering; Greg Lucas, Tighe & Bond Engineering; and Tom Scott, AIA of Scott Griffin Architects.

The applicant proposes to divide and renovate the interior and exterior of the former McDonald's building at Medway Commons to accommodate two new restaurant tenants. The main tenant space will be occupied by Chipotle and includes on-site seating and an order ahead, drive-thru pick-up window. The tenant for the second restaurant space is not yet finalized. The building size will not change. There will also be no increase to the parking. Other site work includes the substantial redesign and rerouting of the Starbucks drive thru lane, a new dumpster enclosure at the northwest corner of the lot where Chipotle will be located, landscaping for the Chipotle outdoor seating area east of the subject building. Two-way traffic circulation is provided around the back of the Starbucks building, which also houses an Orange Theory Fitness location. One-way counterclockwise circulation exists around the former McDonald's building, matching circulation of the former restaurant's drive-thru operation. The vehicles for Starbucks drive-through will enter from the two-way driveway to the east of the building then loop around to access the Starbucks drive-through on the west side of the building and exit to the site's circulating roadway. There was a letter provided by the DRC. The applicant has met two times with the DRC. There was a recommendation for the removal of the excess dormer elements to simplify the building design with cleaner lines and allow a differentiation of the two tenant spaces. Landscaping will be added to include shrubs and perennials. There will also be benches and birch trees. There was a screen share of the internal circulation pattern. There was a monitoring of vehicle movement during the peak hours. There will be 40 parking spaces and discussions still need to be had with the other tenant since if all the exercise classes are full, the parking will be at 100% capacity. The goal is to not clog up the customer parking. Tetra Tech is currently reviewing the plan. There will be further review of the pavement markings. **The slides presented by the applicant are attached.**

**Continuation:**

**On a motion made by Sarah Raposa, seconded by Jessica Chabot, the Board voted to continue the hearing to February 28, 2023 at 7:00 pm.**

**7 Sanford Street – Multi Family Housing Special Permit Public Hearing:**

Member Sarah Raposa recused herself from this hearing as she is an abutter to the project. Member Tucker is absent.

Community and Economic Development Director Saint Andre noted that there are not enough members in the meeting room for a quorum so the hearing will need to be continued to a future date.

**Continuation:**

**On a motion made by Jess Chabot, seconded by Matt Hayes, the hearing was continued to February 28, 2023 at 7:00 pm.**

This will be Zoom meeting only.

NOTE – Member Sarah Raposa rejoined the meeting at the conclusion of this agenda item.



### **William Wallace Village (274 Village Street)**

The Board is in receipt of the following: **(See Attached)**

- Multi-family housing special permit and site plan decision dated January 28, 2020
- Email communications dated October 26, 2022, January 9, 2023, and February 9, 2023 from Building Commissioner Jon Ackley re requirements for issuance of a final certificate of occupancy.
- Tetra Tech site visit inspection report dated February 9, 2023

Applicant Greg Rucki and project engineer Dan Merrikin were present to discuss 274 Village Street. The applicant is requesting that they be able to secure an occupancy permit for the last dwelling unit. The Board is in receipt of emails from Building Commissioner Jonathan Ackley who declined to issue a Certificate of Occupancy due to the language in the decision and zoning bylaw requiring a certificate of site plan completion be issued by the PEDB before final occupancy permit is granted.

The site work is not fully completed. The Board is in receipt of a site visit report from February 9, 2023 from Tetra Tech. Consultant Bouley from Tetra Tech went to site and indicated that the project is substantially complete. The remaining work includes the topcoat of the roadway and landscaping. Surety in the amount of \$354,324 is in place as performance security. The applicant is not seeking a reduction in the surety amount. The Board was informed that the family who purchased the last dwelling unit has been waiting for over a year.

**On a motion made by Jessica Chabot, seconded by Sarah Raposa, the Board voted unanimously to send a letter to the Building Commissioner to indicate that the Board does not object to issuance of a temporary occupancy permit for the last unit.**

There was a question about the status of the irrigation well. This situation was resolved last Monday when this item was in front of the Board of Health. The BOH approved keeping the well in its current location. The applicant will submit a field change to the PEDB for the placement of the bollards as required by the BOH. It was noted that the last affordable housing payment must be paid before the closing on the final unit. The amount is \$7,744.00.

### **Zoning Board of Appeals Petitions:**

The Board is in receipt of the following **(See Attached)**:

- 119 Village Street Variance/Special Permit. The Board has no comments.
- 21 High Street 2-Family Special Permit – PH opened February 1, 2023 and was continued to March 1, 2023. The Board has no comments.

### **Construction Reports:**

The Board is in receipt of the following **(See Attached)**:

- 288 Village Street Project Engineer Progress Report dated January 25, 2023, by Norman Hill of Land Planning, Inc.
- Tetra Tech Bright Path Child Care Center Field Report dated January 11, 2023. The drainage in the parking area is finished and the playground equipment and fence are installed. A recommendation was made to add bollards at the intersection and a possible guard rail. Ms. Affleck-Childs will contact Ms. Johnson of Charter Real Estate to discuss this.



## **Continued Discussion – Zoning Bylaw Amendments for May 2023 Town Meeting:**

The Board is in receipt of the following (See Attached):

- New Draft amendment to Solar Installations
- Draft amendment to Central Business District
- Revised – Draft amendment to create an AR-III zone

### **Amendment to Solar Installation:**

The Board discussed the recommendation for an amendment to the solar installation section of the zoning bylaw which includes a reference to control of vegetation. It is noted that the MA Attorney General's office had disapproved similar language in bylaws adopted by other towns. It is recommended that the requirement in the Medway zoning bylaw needs to be removed.

### **Revised – Draft amendment to Central Business District:**

There was a suggestion to authorize the PEDB to lower the affordable component from 20% to 10% by special permit.

### **Revised – Draft amendment to create an AR-III Zone:**

The Board was made aware of a proposal to re-zone the following streets to a new AR-III zoning district: Beatrice Lane, Carol Lane, Douglas Street, Gorwin Drive, Karen Avenue, Lee Lane, Meryl Street, Richard Road, Robin Circle, Kenart Road and Koyview Place. For the dimensional regulations, there was a suggestion to set the maximum building height at 32 feet.

## **PEDB MEETING MINUTES:**

### **January 24, 2023**

On a motion made by Sarah Raposa, seconded by Jessica Chabot, the Board voted to approve the minutes of the January 24, 2023 PEDB meeting.

### **NEXT MEETING:**

- Tuesday, February 28, 2023

## **EXECUTIVE SESSION**

On a motion made by Sarah Raposa, seconded by Jessica Chabot, the Board voted by Roll Call vote to enter into executive session to review and/or authorize release of executive session minutes pursuant to G.L. c.30A., Section 21(a)(7) and not to return to open session.

### **Roll Call Vote:**

Matt Hayes	aye
Jessica Chabot	aye
Sarah Raposa	aye

The regular meeting was ended at 9:24 p.m.



Prepared by,  
Amy Sutherland  
Recording Secretary

Reviewed and edited by,  
Susan E. Affleck-Childs  
Planning and Economic Development Coordinator  
and  
Barbara Saint Andre  
Director of Community and Economic Development





**February 14, 2023**  
**Medway Planning & Economic Development Board**  
**Meeting**

**Sanderson View Public Hearing**

- Notice dated December 14, 2022, to continue the public hearing to February 14, 2023.
- Withdrawal Letter from Michael Larkin, Larkin Real Estate Group Inc., dated February 7, 2023.



## Board Members

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



Medway Town Hall  
155 Village Street  
Medway, MA 02053  
Phone (508) 533-3291  
Fax (508) 321-4987  
Email: [planningboard@townofmedway.org](mailto:planningboard@townofmedway.org)  
[www.townofmedway.org](http://www.townofmedway.org)

# TOWN OF MEDWAY

## COMMONWEALTH OF MASSACHUSETTS

## PLANNING AND ECONOMIC DEVELOPMENT BOARD

RECEIVED TOWN CLERK  
DEC 14 '22 PM3:44

## MEMORANDUM

December 14, 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 Sanderson View - Special Permit for Multi-family Housing and Major Site Plan Review for 16 Holliston Street**  
**Continuation Date – Tuesday, February 14, 2023 at 7:00 p.m.**

At its December 13, 2022 meeting, the Planning and Economic Development Board voted to continue the public hearing on the application of Larkin Real Estate Group, Inc. of Medfield, MA for approval of a Multi-Family Housing Special Permit and a major site plan entitled *Sanderson View* dated June 20, 2022, prepared by Colonial Engineering of Medway, MA for a proposed development project at 16 Holliston Street to the Board's meeting on Tuesday, February 14, 2023 at 7:00 p.m. at Medway Town Hall, 155 Village Street. The meeting will also be available via Zoom.

The applicant proposes to develop a 4-unit residential condominium at 16 Holliston Street in the Village Residential zoning district and multi-family housing overlay district. The 0.83 acre property (*Medway Assessors Map 60, Parcel 19*) is owned by Maurizio and Michele Santangelo of Medway, MA. As currently proposed, the development will retain the existing home at 16 Holliston Street and construct a new 7,038 sq. ft. triplex building for 3 townhouse style residential dwelling units. Thirteen off-street parking spaces will be provided – 6 new garaged spaces, 3 new driveway spaces, and 4 existing spaces for the existing house. Proposed access to the new triplex building will be from a single curb cut off Sanderson Street and will include a 122' long private driveway. Access to the existing building at 16 Holliston Street will be from Holliston.

The proposed site plan is entitled *Sanderson View Plan of Land* dated June 20, 2022, prepared by Colonial Engineering of Medway, MA. The architectural drawings and renderings are dated July 8, 2022 and were prepared by Damon McQuaid Architect.

Project information for Sanderson View is posted at the Planning and Economic Development web page at <https://www.townofmedway.org/planning-economic-development-board/pages/sanderson-view-multi-family-housing-development>.

The applicant intends to file a modified site and architectural plans, which will be posted on the Town website when received. We will notify you when that occurs and will ask you to review the revised plan and provide comments. Thanks.

cc: Michael Larkin



**Larkin Real Estate Group, Inc.**

**383 Main Street  
Medfield, MA 02052  
PH: (978) 658-0333**

E-mail: [michael@lawlarkin.com](mailto:michael@lawlarkin.com)

February 7, 2023

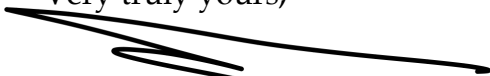
Medway Planning Board  
Attn: Matthew Hayes, Chair  
155 Village Street  
Medway, MA 02053

RE: Application: Multi Family Housing Special Permit and Major Site Plan Review  
Applicant: Larkin Real Estate Group, Inc.  
Property: 16 Holliston Street, Medway, MA

Dear Mr. Hayes:

After careful review of the Town's comments and after further internal review, the applicant requests to withdraw without prejudice this petition for the above reference Property.

Very truly yours,

A handwritten signature in black ink, appearing to read "Michael J. Larkin, Jr.", written over a horizontal line.

Michael J. Larkin, Jr., Manager  
Larkin Real Estate Group, Inc.





**February 14, 2023**

**Medway Planning & Economic Development Board  
Meeting**

**ANR Plan for 86 Holliston Street (to be  
known as for land split with new parcel  
to have a 68A Main Street address)**

- ANR application and associated materials submitted January 27, 2023
- ANR plan dated December 7, 2022 prepared by Guerriere and Halnon
- Email memorandum dated January 27, 2023 from Amanda Cavaliere of Guerriere and Halnon extending the time period for the Board to act on the ANR application to February 17, 2023.
- ANR plan review memo dated 2-9-23 by Susy Affleck-Childs. This was emailed to the applicant; no response or revised plan has been provided as of 2-10-23 at 11:45 am.





# Guerriere & Halnon, Inc.

ENGINEERING & LAND SURVEYING

[www.gandhengineering.com](http://www.gandhengineering.com)

**Est. 1972**

**Milford Office**  
333 West Street, P. O. Box 235  
Milford, MA 01757-0235  
(508) 473-6630/Fax (508) 473-8243

**Franklin Office**  
55 West Central Street  
Franklin, MA 02038-2101  
(508) 528-3221/Fax (508) 528-7921

**Whitinsville Office**  
1029 Providence Road  
Whitinsville, MA 01588-2121  
(508) 234-6834/Fax (508) 234-6723

F4516

January 27, 2023

Medway Planning Board  
155 Village Street  
Medway, MA 02053  
Attn: Matthew Hayes, Chairman

***RE: Approval Not Required (ANR/81P) – Milford Regional Medical Facility at 68A Main Street, Medway, MA  
(Formerly Permitted as 86 Holliston Street)***

Dear Members of the Board:

On behalf of the Applicant, Lobisser Companies, Guerriere & Halnon, Inc. has prepared an Approval Not Required (ANR/81P) plan and associated documents for the property to be designated as 68A Main Street (formerly permitted as 86 Holliston Street). The Site Plan entitled "*Site Plan 86 Holliston Street, Medway, Massachusetts, Final Revision: October 25, 2022*", was approved by the Planning & Economic Development Board on September 27, 2022 and an ANR plan is required prior to the issuance of a building permit.

The Applicant is proposing to divide the 5.84+/- acre lot owned by Freil Realty II, LLC into a 2.3+/- acre lot (Lot A2) and a 3.54+/- acre lot (Lot A1). Both lots are believed to meet all zoning requirements to maintain buildable status. Both lots are proposed to remain in current ownership. Lot A2 is proposed to be leased to Milford Whitinsville Regional Hospital in order to construct a 21,900+/- sf medical facility. The ANR/81P plan has been prepared in accordance with Town of Medway, Massachusetts Planning Board Rules and Regulations Chapter 100 – Land Subdivision Section 3.2 and the following documents are enclosed for your review and comment:

- (2) signed original ANR applications (Form A)
- (2) full size prints of ANR Plan
- Electronic version of ANR Plan (PDF emailed to Susan Affleck-Childs (1/27/2023))
- Application Filing Fee: \$250.00(Check# 2245)

Should you have any further questions or require additional information, please contact our office.

Sincerely,  
**Guerriere & Halnon, Inc.**

  
Amanda Cavaliere  
Franklin Office Manager

Attachments





**Planning & Economic Development Board - Town of Medway, MA**  
**LAND SUBDIVISION – FORM A**

***Application for Endorsement of Plan  
Believed Not to Require Subdivision Approval (ANR)***

**INSTRUCTIONS TO APPLICANT/OWNER**

This Application is made pursuant to the Medway *Subdivision Rules and Regulations*.  
Please complete this entire Application.

Submit two (2) signed originals of this ANR Application, two copies of the ANR Plan, an electronic version (PDF) of the ANR plan, two Project Explanations, and the appropriate ANR application/filing fee checks to the Medway Planning and Economic Development office, 155 Village ST, Medway, MA 02053.

The Applicant certifies that the information included in this Application is a true, complete and accurate representation of the facts regarding the property under consideration.

In submitting this application, the Applicant and Property Owner authorize the Planning & Economic Development Board and its agents to access the site during the plan review process.

The Town's Planning Consultant will review the Application, Project Explanation and ANR plan and provide a recommendation to the Planning & Economic Development Board.

A copy of that letter will be provided to you. Revisions to the plan may be needed.

**You or your duly authorized agent is expected to attend the Board meeting  
when the ANR Plan will be considered to answer any questions and/or submit such  
additional information as the Board may request.**

Your absence may result in a delay in the Board's review and decision.

January 27, 2023

**TO:** *The Planning & Economic Development Board of the Town of Medway, MA*

The undersigned, wishing to record the accompanying plan of property in the Town of Medway and believing that the plan does not constitute a subdivision within the meaning of the Subdivision Control Law, herewith submits this Application and ANR Plan to the Medway Planning and Economic Development Board and requests its determination and endorsement that the Board's approval under the Subdivision Control Law is not required.

***PROPERTY INFORMATION***

ANR Location Address(es): 68A Main Street

The land shown on the plan is shown on Medway Assessor's Map # 41 Parcel(s) # 8

Total Acreage of Land to be Divided: 5.84+/- acres

Subdivision Name (if applicable): NA

Medway Zoning District Classification: Central Business District

Frontage Requirement: NA Area Requirement: 10,000 sf



Is the road on which this property has its frontage a designated **Medway Scenic Road**? No

The owner's title to the land that is the subject matter of this application is derived under deed from: David L. Cassidy & Joanne M. Cassidy,  
Trustees of the Freil Realty Trust to Freil Realty II, LLC  
dated 09-02-2010 and recorded in Norfolk County Registry of Deeds,  
Book 27992 Page 300 or Land Court Certificate of Title Number \_\_\_\_\_,  
Land Court Case Number \_\_\_\_\_, registered in the Norfolk County Land Registry District  
Volume \_\_\_\_\_, Page \_\_\_\_\_.

### **ANR PLAN INFORMATION**

Plan Title: Plan of Land 68A Main Street Medway Massachusetts

Prepared by: Guerriere & Halnon, Inc.

P.E. or P.L.S registration #: 49611 Plan Date: December 7, 2022

### **APPLICANT INFORMATION**

Applicant's Name: Lobisser Companies

Address: 1 Charlesview Road

Hopedale, MA 01747

Telephone: 508-478-6235 Email: kevin@lobissercompanies.com

### **PROPERTY OWNER INFORMATION**

*(If different than the applicant or if the plan shows a land swap between two adjacent properties)*

Property Owner's Name: Freil Realty II LLC

Address: 86 Holliston Street

Medway, MA 02053

Telephone: 508-533-8939 Email: dcassidy518@gmail.com

### **ENGINEER or SURVEYOR INFORMATION**

Name: Guerriere & Halnon, Inc.

Address: 55 West Central Street

Franklin, MA 02038

Telephone: 508-528-3221 Email: rconstantine@gandhengineering.com

### **ATTORNEY INFORMATION**

Name: Greenwald & Greenwald, LLP

Address: 409 Fortune Boulevard

Milford, MA 01757

Telephone: 508-478-8611 Email: firm@gglaw409.com



## OFFICIAL REPRESENTATIVE INFORMATION

Name: Guerriere & Halnon, Inc.  
Address: 55 West Central Street  
Franklin, MA 02038  
Telephone: 508-528-3221 Email: acavaliere@gandhengineering.com

## PROJECT EXPLANATION

Provide a cover letter with a detailed explanation of how you propose to divide the land, what land transaction will occur, and what land reconfiguration will result from the endorsement and recording of this ANR Plan. See Cover Letter dated January 17, 2023 attached

## APPROVAL NOT REQUIRED JUSTIFICATION

The Applicant believes that the Board's approval under the Subdivision Control Law is not required for the following reasons: *(Check all that apply.)*

- ☐ 1. The accompanying plan does not show a division of land.
- ☒ 2. Every lot shown on the plan has frontage as required by the Medway Zoning Bylaw. The frontage required by the Zoning Bylaw is located on Main St. & Holliston St. (name of way(s), which is:
- ☒ a. A public way. Date of street acceptance: \*\*\*
- ☐ b. A way certified by the Town Clerk as being maintained and used as a public way. *(Attach Town Clerk's certification)*
- ☐ c. A way shown on a definitive subdivision plan entitled \_\_\_\_\_  
that was previously endorsed by the Planning and Economic Development Board on \_\_\_\_\_ and recorded at the Norfolk County Registry of Deeds on \_\_\_\_\_  
Provide detailed recording information: \_\_\_\_\_
- ☐ d. A private way in existence on the ground before 1952 when the Subdivision Control Law was adopted in the Town of Medway, which has, in the opinion of the Planning & Economic Development Board, adequate width, suitable grades, and adequate construction to provide vehicular access to the lot(s) for their intended purpose of \_\_\_\_\_ and to permit the installation of municipal services to serve the lot(s) and any buildings thereon.
- ☐ 3. The division of land shown on the accompanying plan is not a "subdivision" for the following reasons: \_\_\_\_\_

\*\*\*- (County Taking of  
Main Street November  
29, 1921 (1511-401))  
- (County Taking of  
Holliston Street  
January 24,  
1922 (1515-241))



## SIGNATURES

The undersigned, being the Applicant as defined under Chapter 41, Section 81P for endorsement of an Approval Not Required Plan, herewith submits this application and Approval Not Required Plan to the Medway Planning and Economic Development Board for review and endorsement.

I hereby certify, under the pains and penalties of perjury, that the information contained in this application is a true, complete and accurate representation of the facts regarding the property under consideration.

(If applicable, I hereby authorize Amanda Cavaliere to serve as my Agent/Official Representative to represent my interests before the Medway Planning & Economic Development Board with respect to this Approval Not Required Application.)

In submitting this application, I authorize the Board, its consultants and agents, and Town staff to access the site during the plan review process.

[Signature]  
Signature of Property Owner

1/25/23  
Date

[Signature] President  
Signature of Applicant (if other than Property Owner)

1/25/23  
Date

Amanda Cavaliere  
Signature of Agent/Official Representative

1/25/23  
Date

### ANR PLAN FILING FEE

\$250 plus \$100 per lot or parcel for a plan involving three (3) or more lots/parcels, not to exceed a maximum of \$750.

Please prepare two checks: one for \$100 and one for the balance.  
Each check should be made payable to: Town of Medway

Fee approved 11-2-06

### APPLICATION CHECKLIST – All items must be submitted

- X   2 signed original ANR applications (FORM A)
- X   2 full size prints of ANR plan
- X   Electronic version of ANR plan – A flash drive may be provided or a PDF of the plan may be emailed to: [planningboard@townofmedway.org](mailto:planningboard@townofmedway.org).
- X   2 copies of the Project Explanation
- X   Application/Filing Fee (2 checks) – Check with PEDB office for amounts.

\*\*\*\*\*

ANR Application/Filing Fee Paid:

Amount: \_\_\_\_\_ Check # \_\_\_\_\_

Amount: \_\_\_\_\_ Check # \_\_\_\_\_





VICINITY MAP

1"=500'

NOTES:

1. THE REMAINING LAND OF PARCEL A CONSISTS OF PARCEL A SHOWN IN PLAN BOOK 515 PAGE 721 EXCEPTING LOT A2, EXCEPTING A PORTION OF PARCEL #1 DESCRIBED IN DEED BOOK 21999 PAGE 160 AND EXCEPTING PARCEL 5 DESCRIBED DEED BOOK 33407 PAGE 214.
2. THIS SITE IS ZONED CENTRAL BUSINESS.
3. THIS SITE IS CLASSIFIED AS CHAPTER 61A LAND.
4. SEE DECLARATION OF EASEMENTS, COVENANTS, CONDITIONS AND RESTRICTIONS IN DEED BOOK 20488 PAGE 582.

ZONE: CB

MINIMUM LOT AREA	10,000 SF
MINIMUM LOT FRONTAGE	NA <sup>f</sup>
MINIMUM YARDS	
FRONT	10'
SIDE	10' / 25' <sup>e</sup>
REAR	25'
MAXIMUM LOT COVERAGE (BUILDINGS)	80%
MAXIMUM IMPERVIOUS COVERAGE	NA
MINIMUM OPEN SPACE	15%
<sup>e</sup> WHEN ABUTTING A RESIDENTIAL DISTRICT.	
<sup>f</sup> PROPERTIES IN THE CENTRAL BUSINESS DISTRICT THAT DO NOT HAVE FRONTAGE ON A PUBLIC STREET SHALL BE REQUIRED TO HAVE AN EASEMENT OF AT LEAST 30 FEET IN WIDTH PROVIDING ACCESS TO A PUBLIC STREET.	
ZONING INFORMATION OBTAINED FROM THE TOWN OF MEDWAY ZONING BYLAW AS AMENDED - MAY 9, 2022	

PLANNING BOARD ENDORSEMENT IS NOT A DETERMINATION AS TO CONFORMANCE WITH THE ZONING BYLAW.

APPROVAL UNDER THE SUBDIVISION CONTROL LAW NOT REQUIRED

MEDWAY PLANNING BOARD

DATE: \_\_\_\_\_

I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE REGISTER OF DEEDS.

THIS IS NOT A CERTIFICATION AS TO THE TITLE OR OWNERSHIP OF THE LAND SHOWN HEREON.



OWNER

FREIL REALTY II, LLC  
86 HOLLISTON STREET  
MEDWAY, MA 02093  
DEED BOOK 27992 PAGE 300  
PLAN BK. 515, PG. 721 OF 2003  
A.M. 41 LOT 8

APPLICANT

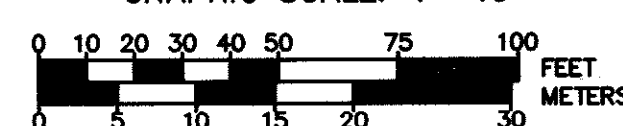
LOBISSER COMPANIES  
1 CHARLESVIEW ROAD  
HOPEDALE, MA 01747

PLAN OF LAND  
68A MAIN STREET  
MEDWAY  
MASSACHUSETTS

DECEMBER 7, 2022

DATE	REVISION DESCRIPTION
------	----------------------

GRAPHIC SCALE: 1"=40'



**Guerriere & Halnon, Inc.**  
ENGINEERING & LAND SURVEYING  
55 WEST CENTRAL ST. PH. (508) 528-3221  
FRANKLIN, MA 02038 FX. (508) 528-7921  
www.gandhengineering.com

SHEET 1 OF 1

JOB NO. F4516

CONSTRUCTION ON THIS LAND IS SUBJECT TO ANY EASEMENTS, RIGHTS-OF-WAY, RESTRICTIONS, RESERVATIONS, OR OTHER LIMITATIONS WHICH MAY BE REVEALED BY AN EXAMINATION OF THE TITLE.

G:\CD\Franklin\F4516\Copy of Old Project Drive\F4516\dwg\F4516-ANR-2022-12-07.dwg, [REC]



## Susan Affleck-Childs

---

**From:** Amanda Cavaliere <ACavaliere@gandhengineering.com>  
**Sent:** Friday, January 27, 2023 11:09 AM  
**To:** Susan Affleck-Childs  
**Cc:** Debbie Mastroianni; Kevin Lobisser  
**Subject:** [External] F4516 68A Main Street - Extension Request

Good morning Susy

On behalf of the Applicant, we respectfully request an extension of time to file the decision for the above referenced project to February 17<sup>th</sup>. Should you have any questions or require additional information, please contact our office.

Thank you for your consideration and have a great weekend.

*Amanda K. Cavaliere, Office Manager*



55 West Central Street  
Franklin, MA 02038  
Ph. 508.528.3221  
Fx. 508.528.7921  
Email: [acavaliere@gandhengineering.com](mailto:acavaliere@gandhengineering.com)  
Website: [www.gandhengineering.com](http://www.gandhengineering.com)



Susan E. Affleck-Childs

Planning and Economic  
Development Coordinator



Medway Town Hall  
155 Village Street  
Medway, MA 02053  
Phone (508) 533-3291  
Fax (508) 321-4987  
Email: sachilds@  
townofmedway.org  
www.townofmedway.org

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

**MEMORANDUM**

February 8, 2023

TO: Planning and Economic Development Board members  
FROM: Susy Affleck-Childs, Planning and Economic Development Coordinator  
RE: ANR Plan for 68A Main Street/86 Holliston Street

I have reviewed the *Plan of Land for 68A Main Street*, ANR application, and accompanying submittal letter dated January 27, 2023 filed by Amanda Cavaliere of Guerriere and Halnon on behalf of Lobisser Companies of Hopedale, MA. The plan is dated December 7, 2022 and was prepared by Guerriere and Halnon of Franklin, MA; the plan was stamped by Robert Constantine, PLS. The plan pertains to the property with the current address of 86 Holliston Street (Medway Assessor's Map 41, Parcel 008). It was reviewed for compliance with Section III, Procedure for Submission and Review of Plans Believed to Not Require (Subdivision) Approval of the *Medway Subdivision Rules and Regulations* dated April 26, 2005.

The property is owned by Freil Realty II, LLC of Medway, MA and is located in the Central Business (CB) zoning district. The plan shows the division of the 5.84+/- acre property as follows:

- Lot A1: 3.54 +/- acres with 484+/- linear feet of continuous frontage on Main and Holliston Street, existing public ways. Address to remain at 86 Holliston Street. NOTE – Area and frontage meet the minimum zoning requirements for the CB zone.
- Lot A2: 2.3+/- acres with 409.68 linear feet of continuous frontage on Main Street, an existing public way. Address for this lot will be 68A Main Street as determined by the Medway Assessor's office. NOTE – Area and frontage meet the minimum zoning requirements for the CB zone.

Property owner Friel Realty II, LLC plans to lease Lot A2 to Milford Whitinsville Regional Hospital for which Lobisser Companies will construct a 21,900+/- sq. ft. medical facility pursuant to the approved "Site Plan 86 Holliston Street, Medway, MA", final revision date October 25, 2022, endorsed by the Planning and Economic Development Board on October 25, 2022. The corresponding site plan decision dated September 27, 2022 included a condition that an ANR plan creating the new lot for the Milford Reginal Hospital medical facility be endorsed prior to the issuance of a building permit for the medical facility.

I have comments as follows:

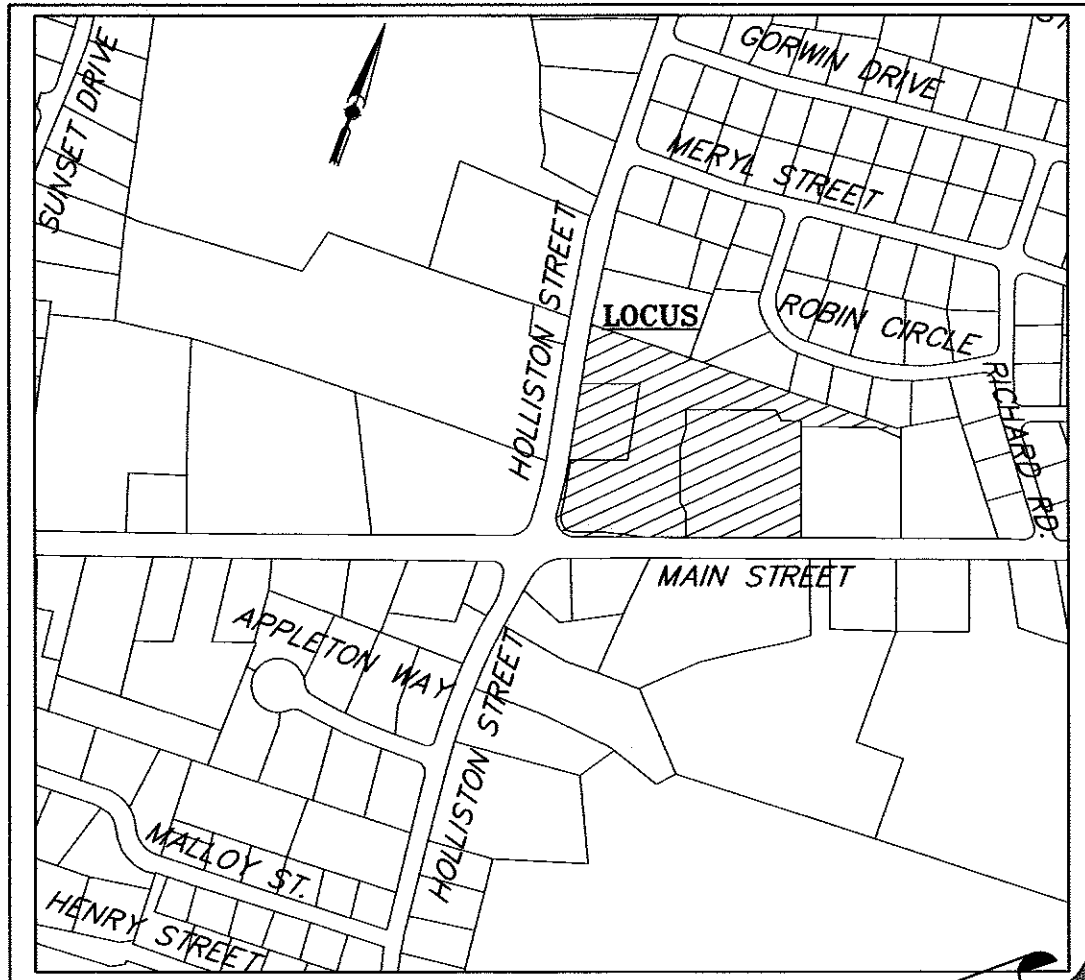
1. Please change the title of the "Plan of Land" in the title box to 86 Holliston Street as that is the actual, proper address of the subject property to be divided.



2. The address of the subject property and the Assessor's map and parcel number for the 86 Holliston Street property are not shown on the plan. Please revise the plan within the Lot A1 area to so indicate.
3. Please revise the plan to include an additional label "Zoning District – CB" to be positioned underneath the northern boundary line of the 86 Holliston Street property.
4. "Vital Access" to the two lots exists.
  - Lot A2 already includes a constructed driveway positioned within an approximately 60' wide access easement which serves the adjacent Walgreens on 68 Main Street (Medway Assessor's Map 41, Parcel 009) and will be used to access the new medical facility.
  - Holliston Street and Main Street provide adequate "on the ground" and paved access to Lot A1 although there are presently no curb cuts. Lot A1 may also be accessed via the above noted existing driveway and access easement on Lot A2.
5. The plan includes the standard disclaimer language that "Planning Board endorsement is not a determination as to conformance with the Zoning Bylaw."
6. All other details required to be shown on an ANR plan pursuant to Section 3.2 ANR Plan Contents of the *Medway Subdivision Rules and Regulations* have been included.

The proposed division of land does not constitute a "subdivision" and the Board's approval under the Subdivision Control Law is not required. The Applicant should submit a revised plan (with a new date) for review and action at the February 14, 2023 Planning and Economic Development Board meeting. I recommend the Board endorse the ANR plan with the above noted plan revisions.





VICINITY MAP  
1"=500'

- NOTES:
1. THE REMAINING LAND OF PARCEL A CONSISTS OF PARCEL A SHOWN IN PLAN BOOK 515 PAGE 721 EXCEPTING LOT A2, EXCEPTING A PORTION OF PARCEL #1 DESCRIBED IN DEED BOOK 21999 PAGE 160 AND EXCEPTING PARCEL 5 DESCRIBED DEED BOOK 33407 PAGE 214.
  2. THIS SITE IS ZONED CENTRAL BUSINESS.
  3. THIS SITE IS CLASSIFIED AS CHAPTER 61A LAND.
  4. SEE DECLARATION OF EASEMENTS, COVENANTS, CONDITIONS AND RESTRICTIONS IN DEED BOOK 20488 PAGE 582.

ZONE: CB	
MINIMUM LOT AREA	10,000 SF
MINIMUM LOT FRONTAGE	NA <sup>f</sup>
MINIMUM YARDS	
FRONT	10'
SIDE	10'/25'e
REAR	25'
MAXIMUM LOT COVERAGE (BUILDINGS)	80%
MAXIMUM IMPERVIOUS COVERAGE	NA <sup>f</sup>
MINIMUM OPEN SPACE	15%
<sup>e</sup> WHEN ABUTTING A RESIDENTIAL DISTRICT.	
<sup>f</sup> PROPERTIES IN THE CENTRAL BUSINESS DISTRICT THAT DO NOT HAVE FRONTAGE ON A PUBLIC STREET SHALL BE REQUIRED TO HAVE AN EASEMENT OF AT LEAST 30 FEET IN WIDTH PROVIDING ACCESS TO A PUBLIC STREET.	
ZONING INFORMATION OBTAINED FROM THE TOWN OF MEDWAY ZONING BYLAW AS AMENDED - MAY 9, 2022	

PLANNING BOARD ENDORSEMENT IS NOT A DETERMINATION AS TO CONFORMANCE WITH THE ZONING BYLAW.

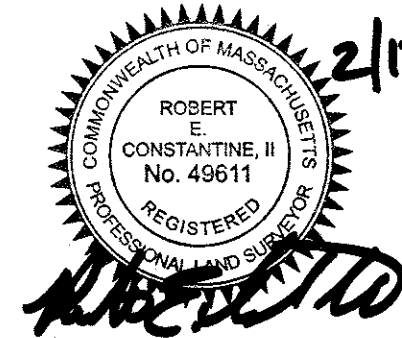
APPROVAL UNDER THE SUBDIVISION CONTROL LAW NOT REQUIRED

MEDWAY PLANNING BOARD

DATE: \_\_\_\_\_

I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE REGISTER OF DEEDS.

THIS IS NOT A CERTIFICATION AS TO THE TITLE OR OWNERSHIP OF THE LAND SHOWN HEREON.



OWNER

FREIL REALTY II, LLC  
86 HOLLISTON STREET  
MEDWAY, MA 02093  
DEED BOOK 27992 PAGE 300  
PLAN BK. 515, PG 721 OF 2003  
A.M. 41 LOT 8

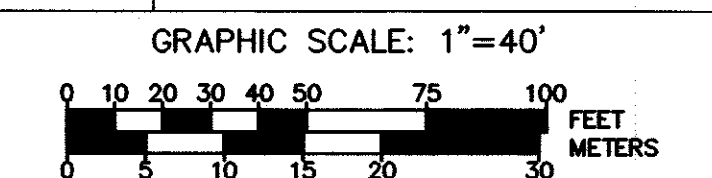
APPLICANT

LOBISSER COMPANIES  
1 CHARLESVIEW ROAD  
HOPEDALE, MA 01747

PLAN OF LAND  
86 HOLLISTON STREET  
MEDWAY  
MASSACHUSETTS

FEBRUARY 13, 2023

DATE	REVISION DESCRIPTION



**Guerriere & Halnon, Inc.**  
ENGINEERING & LAND SURVEYING  
55 WEST CENTRAL ST. PH. (508) 528-3221  
FRANKLIN, MA 02038 FX. (508) 528-7921  
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SHEET 1 OF 1 JOB NO. F4516

CONSTRUCTION ON THIS LAND IS SUBJECT TO ANY EASEMENTS, RIGHTS-OF-WAY, RESTRICTIONS, RESERVATIONS, OR OTHER LIMITATIONS WHICH MAY BE REVEALED BY AN EXAMINATION OF THE TITLE.

G:\CDP\Projects\F4516\COPY of Old Project Draw\F4516.dwg 2/13/2023 12:53:09 PM, [REC]





**February 14, 2023**  
**Medway Planning & Economic Development Board**  
**Meeting**

**ANR Plan for 28 Pond Street**

- ANR application and associated materials submitted January 23, 2023
- ANR plan dated January 18, 2023 by Colonial Engineering
- Email memorandum dated January 24, 2023 from applicant Brandon Larkin/Flintlock Development LLC extending the time period for the Board to act on the ANR application to February 17, 2023.
- ANR plan review memo dated 2-9-23 by Susy Affleck-Childs. This was emailed to the applicant; no response or revised plan has been provided as of 2-10-23 at 11:30 am.
- Flintlock Lane Definitive Subdivision Plan from 1987



RECEIVED

JAN 23 2023

Medway Planning and Economic  
Development Board

COLONIAL ENGINEERING INC.  
SURVEYING AND CONSULTING

11 AWL STREET  
MEDWAY, MA. 02053  
508-533-1644  
[colonial.eng@verizon.net](mailto:colonial.eng@verizon.net)

January 20, 2022

Medway Planning Board  
155 Village Street  
Town Hall  
Medway, Ma. 02053

Dear Board Members,

Please accept this Form A submission for 28 Pond Street. The total acreage is 1.776. There is an existing structure, shed and utilities on the property. We are subdividing the lot into 3 single family lots conforming to current zoning. If you have any questions do not hesitate to call.

Thank You

Paul DeSimone





RECEIVED TOWN CLERK  
JAN 24 '23 PM 3:07

**Planning & Economic Development Board - Town of Medway, MA**  
**RECEIVED LAND SUBDIVISION – FORM A**

JAN 23 2023

Medway Planning and Economic  
Development Board

**Application for Endorsement of Plan  
Believed Not to Require Subdivision Approval (ANR)**

**INSTRUCTIONS TO APPLICANT/OWNER**

This Application is made pursuant to the *Medway Subdivision Rules and Regulations*.  
Please complete this entire Application.

Submit two (2) signed originals of this ANR Application, two copies of the ANR Plan, an electronic version (PDF) of the ANR plan, two Project Explanations, and the appropriate ANR application/filing fee checks to the Medway Planning and Economic Development office, 155 Village ST, Medway, MA 02053.

The Applicant certifies that the information included in this Application is a true, complete and accurate representation of the facts regarding the property under consideration.

In submitting this application, the Applicant and Property Owner authorize the Planning & Economic Development Board and its agents to access the site during the plan review process.

The Town's Planning Consultant will review the Application, Project Explanation and ANR plan and provide a recommendation to the Planning & Economic Development Board.  
A copy of that letter will be provided to you. Revisions to the plan may be needed.

**You or your duly authorized agent is expected to attend the Board meeting when the ANR Plan will be considered to answer any questions and/or submit such additional information as the Board may request.**  
Your absence may result in a delay in the Board's review and decision.

JANUARY 18, \_\_\_\_\_, 2023

**TO:** *The Planning & Economic Development Board of the Town of Medway, MA*

The undersigned, wishing to record the accompanying plan of property in the Town of Medway and believing that the plan does not constitute a subdivision within the meaning of the Subdivision Control Law, herewith submits this Application and ANR Plan to the Medway Planning and Economic Development Board and requests its determination and endorsement that the Board's approval under the Subdivision Control Law is not required.

**PROPERTY INFORMATION**

ANR Location Address(es): 28 POND STREET

The land shown on the plan is shown on Medway Assessor's Map # 30 Parcel(s) # 084

Total Acreage of Land to be Divided: 1.77 ACRES

Subdivision Name (if applicable): \_\_\_\_\_

Medway Zoning District Classification: AR-II

Frontage Requirement: 150 Area Requirement: 22,500 SF.



Is the road on which this property has its frontage a designated **Medway Scenic Road**? NO

The owner's title to the land that is the subject matter of this application is derived under deed from: ESTATE OF JOSEPH P. SZYLKONIS SR. to FLINTLOCK DEVELOPMENT, LLC., dated NOVEMBER 30, 2022 and recorded in Norfolk County Registry of Deeds, Book 41008 Page 360 or Land Court Certificate of Title Number \_\_\_\_\_, Land Court Case Number \_\_\_\_\_, registered in the Norfolk County Land Registry District Volume \_\_\_\_\_, Page \_\_\_\_\_.

### **ANR PLAN INFORMATION**

Plan Title: PLAN OF LAND

Prepared by: ANTHINY M. DELLORCO

P.E. or P.L.S registration #: 34303 Plan Date: JANUARY 18, 2023

### **APPLICANT INFORMATION**

Applicant's Name: FLINTLOCK DEVELOPMENT, LLC.

Address: 57 FUBER AVENUE

NORTH ANDOVER, MA 01854

Telephone: 978-837-6677 Email: TURNPIKRE@YAHOO.COM

### **PROPERTY OWNER INFORMATION**

*(If different than the applicant or if the plan shows a land swap between two adjacent properties)*

Property Owner's Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Telephone: \_\_\_\_\_ Email: \_\_\_\_\_

### **ENGINEER or SURVEYOR INFORMATION**

Name: ANTHONY M. DELLORCO

Address: 11 AWL STREET

MEDWAY, MA 02053

Telephone: 508-533-1644 Email: COLONIAL.ENG@VERIZON.NET

### **ATTORNEY INFORMATION**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Telephone: \_\_\_\_\_ Email: \_\_\_\_\_



## OFFICIAL REPRESENTATIVE INFORMATION

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Email: \_\_\_\_\_

## PROJECT EXPLANATION

Provide a cover letter with a detailed explanation of how you propose to divide the land, what land transaction will occur, and what land reconfiguration will result from the endorsement and recording of this ANR Plan.

## APPROVAL NOT REQUIRED JUSTIFICATION

The Applicant believes that the Board's approval under the Subdivision Control Law is not required for the following reasons: *(Check all that apply.)*

- \_\_\_\_\_ 1. The accompanying plan does not show a division of land.
- X \_\_\_\_\_ 2. Every lot shown on the plan has frontage as required by the Medway Zoning Bylaw. The frontage required by the Zoning Bylaw is located on  
POND STREET & FLINLOCKE LANE \_\_\_\_\_ (name of way(s), which is:
- X \_\_\_\_\_ a. A public way. Date of street acceptance: MAY 14, 1990
- \_\_\_\_\_ b. A way certified by the Town Clerk as being maintained and used as a public way. *(Attach Town Clerk's certification)*
- X \_\_\_\_\_ c. A way shown on a definitive subdivision plan entitled \_\_\_\_\_  
FLINTLOCKE LANE DEFINITIVE SUBDIVISION  
that was previously endorsed by the Planning and Economic Development Board on \_\_\_\_\_ and recorded at the Norfolk County Registry of Deeds on \_\_\_\_\_  
Provide detailed recording information: \_\_\_\_\_
- \_\_\_\_\_ d. A private way in existence on the ground before 1952 when the Subdivision Control Law was adopted in the Town of Medway, which has, in the opinion of the Planning & Economic Development Board, adequate width, suitable grades, and adequate construction to provide vehicular access to the lot(s) for their intended purpose of \_\_\_\_\_ and to permit the installation of municipal services to serve the lot(s) and any buildings thereon.
- X \_\_\_\_\_ 3. The division of land shown on the accompanying plan is not a "subdivision" for the following reasons: NO NEW WAYS OR STREET PROPOSED




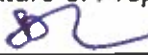
## SIGNATURES

The undersigned, being the Applicant as defined under Chapter 41, Section 81P for endorsement of an Approval Not Required Plan, herewith submits this application and Approval Not Required Plan to the Medway Planning and Economic Development Board for review and endorsement.

I hereby certify, under the pains and penalties of perjury, that the information contained in this application is a true, complete and accurate representation of the facts regarding the property under consideration.

(If applicable, I hereby authorize Brendan Larkin to serve as my Agent/Official Representative to represent my interests before the Medway Planning & Economic Development Board with respect to this Approval Not Required Application.)

In submitting this application, I authorize the Board, its consultants and agents, and Town staff to access the site during the plan review process.

 _____ Signature of Property Owner	_____ Date
 _____ Signature of Applicant (if other than Property Owner)	_____ Date
_____ Signature of Agent/Official Representative	_____ Date

### ANR PLAN FILING FEE

\$250 plus \$100 per lot or parcel for a plan involving three (3) or more lots/parcels, not to exceed a maximum of \$750.

Please prepare two checks: one for \$100 and one for the balance.  
Each check should be made payable to: Town of Medway

Fee approved 11-2-06

### APPLICATION CHECKLIST – All items must be submitted

<u>X</u>	2 signed original ANR applications (FORM A)
<u>X</u>	2 full size prints of ANR plan
<u>X</u>	Electronic version of ANR plan – A flash drive may be provided or a PDF of the plan may be emailed to: <a href="mailto:planningboard@townofmedway.org">planningboard@townofmedway.org</a> .
	2 copies of the Project Explanation
<u>X</u>	Application/Filing Fee (2 checks) – Check with PEDB office for amounts.

\*\*\*\*\*

ANR Application/Filing Fee Paid:

Amount: <u>\$ 100</u>	Check # <u>3504</u>
Amount: <u>\$ 450</u>	Check # <u>3505</u>



RECEIVED AND RECORDED  
NORFOLK COUNTY  
REGISTRY OF DEEDS  
DEDHAM, MA

CERTIFICATE

*William R. O'Donnell*  
WILLIAM R. O'DONNELL, REGISTER

N O T

A N MASSACHUSETTS STATE EXCISE TAX  
Norfolk Registry of Deeds  
Date: 01-06-2023 @ 03:14pm  
C O P Title: 534 Doc#: 1317  
Fee: \$2,052.00 Cons: \$450,000.00

### QUITCLAIM DEED

I, Dena Szytkonis, in my capacity as Personal Representative of the Estate of Joseph P. Szytkonis, Sr., with authority to convey under the will of said decedent, now of Medway, Massachusetts,

for consideration paid and in full consideration of Four Hundred and Fifty Thousand and no/100s (\$450,000.00) Dollars,

hereby grant to Flintlock Development, LLC, a Massachusetts limited liability company with an address of 57 Furber Ave, North Andover, MA 01854.

#### WITH QUITCLAIM COVENANTS,

The land in that part of Medway called West Medway and bounded and described as follows:

Beginning on the Easterly side of Pond Street at land now or formerly of Rosborough; thence running

Southeasterly 76 feet more or less to a point for a corner; thence

Easterly bounded northerly by land of said Rosborough, 276 feet, more or less, along a stone wall to another stone wall; thence in a Southerly direction along the last mentioned stone wall, 238 feet to a point for a corner; thence turning and running

Westerly 360 feet more or less to Pond Street; and thence

Northerly bounded Westerly by Pond Street, 266 feet more or less to the point of beginning.

Containing two acres more or less.

I, the Grantor named herein, do hereby voluntarily release all my rights of Homestead, if any, as set forth in M.G.L. Chapter 188 and state under the pains and penalties of perjury that there are no other person or persons entitled to any homestead rights.

For title see Deed recorded at  
Book 31251 Page 9.

Property Address: 28 Pond Street, Medway, MA



NOT  
Executed as a sealed document this 30<sup>th</sup> day of November 2022.  
OFFICIAL COPY

Dena Szytkonis  
COPY

Dena Szytkonis in her capacity as Personal Representative  
of the Estate of Joseph P. Szytkonis, Sr.

# COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss  
(County)

Date: 11/30/2022

On this 30<sup>th</sup> day of November, 2022, before me, the undersigned notary public, personally appeared Dena Szytkonis in her capacity as Personal Representative of the Estate of Joseph P. Szytkonis, Sr., and proved to me through satisfactory evidence of identification, which was MAR, to be the person whose name is signed on the preceding or attached document and swore and affirmed to me that the contents of the document are truthful and accurate to the best of her knowledge and who acknowledged to me that she signed it voluntarily for its stated purpose as Grantor.

Rebekah L. Jones  
Notary Public:  
My Commission Expires: 9/1/2028



**REBEKAH L. JONES**

Notary Public, Commonwealth of Massachusetts

My Commission Expires Sept. 1, 2028



# Unofficial Property Record Card - Medway, MA

## General Property Data

Parcel ID **30-084**  
 Prior Parcel ID **5-215-**  
 Property Owner **SZYLKONIS JOSEPH P**

Account Number **5-215**

Mailing Address **28 POND ST.**

Property Location **28 POND ST**  
 Property Use **ONE FAMILY**  
 Most Recent Sale Date **4/19/2013**

City **MEDWAY**  
 Mailing State **MA** Zip **02053**  
 Parcel Zoning **ARI**

Legal Reference **31251-9**  
 Grantor **SZYLKONIS JOSEPH & CATHERINE,**  
 Sale Price **100**  
 Land Area **2.000 acres**

## Current Property Assessment

Card 1 Value Building Value **183,800**

Xtra Features Value **2,300**

Land Value **248,900**

Total Value **435,000**

## Building Description

Building Style **RANCH**  
 # of Living Units **1**  
 Year Built **1957**  
 Building Grade **Average**  
 Building Condition **Average**  
 Finished Area (SF) **1822**  
 Number Rooms **7**  
 # of 3/4 Baths **0**

Foundation Type **WALKOUT BMT**  
 Frame Type **Wood**  
 Roof Structure **GABLE**  
 Roof Cover **ASPHALT SHNG**  
 Siding **VERT BRD**  
 Interior Walls **PLASTER**  
 # of Bedrooms **4**  
 # of 1/2 Baths **0**

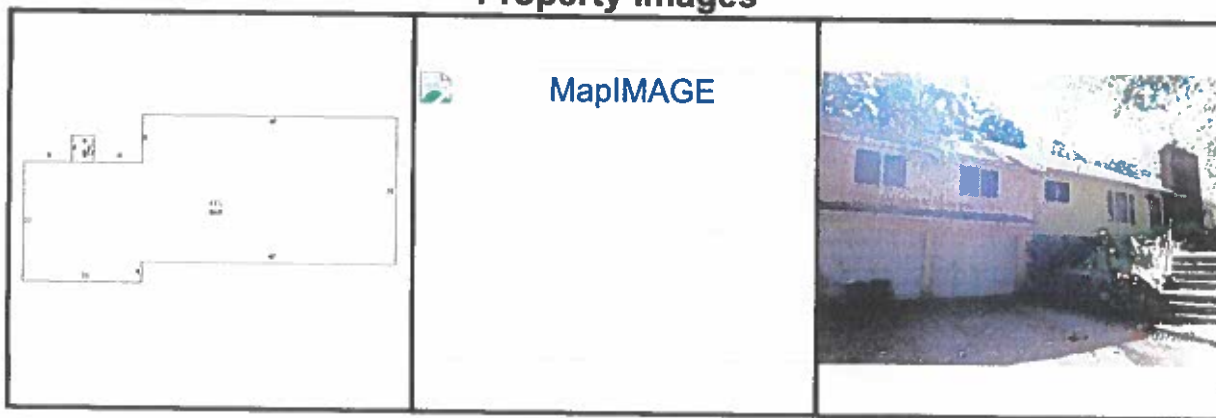
Flooring Type **Hardwood**  
 Basement Floor **Concrete**  
 Heating Type **FORCED H/W**  
 Heating Fuel **OIL**  
 Air Conditioning **0%**  
 # of Bsmt Garages **2**  
 # of Full Baths **1**  
 # of Other Fixtures **0**

## Legal Description

## Narrative Description of Property

This property contains 2.000 acres of land mainly classified as ONE FAMILY with a(n) RANCH style building, built about 1957, having VERT BRD exterior and ASPHALT SHNG roof cover, with 1 unit(s), 7 room(s), 4 bedroom(s), 1 bath(s), 0 half bath(s).

## Property Images



Disclaimer: This information is believed to be correct but is subject to change and is not warranted.



Inverse With Area      LOT 1A    L.S.F.= 21.26

Fri Dec 30 12:29:10 2022

CRD File> I:\(STEVE)\PROJECTS\MEDWAY\POND STREET\HSE#28\HSE. #28.crd

PntNo	Bearing	Distance	Northing	Easting	Description
30		5305.57	5163.91		
	N 54°51'27" E	25.10			
38		5320.02	5184.44		
	N 02°44'18" E	136.52			
37		5456.38	5190.96		
	N 11°14'36" W	84.93			
28		5539.68	5174.40		
	N 88°10'16" E	96.13			
29		5542.75	5270.48		
	S 10°29'53" E	238.18			
20		5308.55	5313.88		
	S 88°51'43" W	150.00			
30		5305.57	5163.91		

Closure Error Distance> 0.0000

Total Distance Inversed> 730.86

Area: 25,129 ,    0.5769 ACRES



Inverse With Area LOT 2A L.S.F. =19.03

Fri Dec 30 12:16:06 2022

CRD File> I:\(STEVE)\PROJECTS\MEDWAY\POND STREET\HSE#28\HSE. #28.crd

PntNo	Bearing	Distance	Northing	Easting	Description
30		5305.57	5163.91		
	S 88°51'43" W	187.73			
19		5301.84	4976.22		
	Radius: 5060.00	Chord: 41.65	Degree: 1°07'56"	Dir: Left	
	Length: 41.65	Delta: 0°28'18"	Tangent: 20.83		
	Chord BRG: N 05°50'22" W	Rad-In: S 84°23'38" W	Rad-Out: S 83°55'20" W		
	Radius PntNo: 3	N: 4807.54	E: -59.58		
4		5343.28	4971.98		
	N 06°04'40" W	64.23			
39		5407.15	4965.18		
	N 30°51'31" E	27.04			
40		5430.36	4979.05		
	S 89°57'57" E	108.59			
41		5430.30	5087.64		
	S 14°14'44" E	47.32			
42		5384.43	5099.28		
	S 83°17'15" E	43.96			
43		5379.29	5142.94		
	N 83°25'26" E	44.87			
44		5384.43	5187.52		
	S 02°44'18" W	64.49			
38		5320.02	5184.44		
	S 54°51'27" W	25.10			
30		5305.57	5163.91		
	Closure Error Distance>	0.0000			
	Total Distance Inversed>	654.99			

Area: 22,546 S.F. , 0.5176 ACRES



Inverse With Area LOT 3A L.S.F. = 21.97

Fri Dec 30 12:23:21 2022

CRD File> I:\(STEVE)\PROJECTS\MEDWAY\POND STREET\HSE#28\HSE. #28.crd

PntNo	Bearing	Distance	Northing	Easting	Description
39		5407.15	4965.18		
	N 06°04'40" W	150.00			
25		5556.31	4949.30		
	S 69°02'36" E	54.91			
26		5536.67	5000.57		
	N 89°25'44" E	99.74			
27		5537.66	5100.31		
	N 88°26'21" E	74.12			
28		5539.68	5174.40		
	S 11°14'36" E	84.93			
37		5456.38	5190.96		
	S 02°44'18" W	72.03			
44		5384.43	5187.52		
	S 83°25'26" W	44.87			
43		5379.29	5142.94		
	N 83°17'15" W	43.96			
42		5384.43	5099.28		
	N 14°14'44" W	47.32			
41		5430.30	5087.64		
	N 89°57'57" W	108.59			
40		5430.36	4979.05		
	S 30°51'31" W	27.04			
39		5407.15	4965.18		
Closure Error Distance> 0.0000					
Total Distance Inversed> 807.51					

Area: 29,682 S.F. , 0.6814 ACRES



**SITE**

N.T.S.

N/F  
 MARIAN H. ZYTKA

N/F  
KATHARINE M. & DORIS E.  
PIERCE

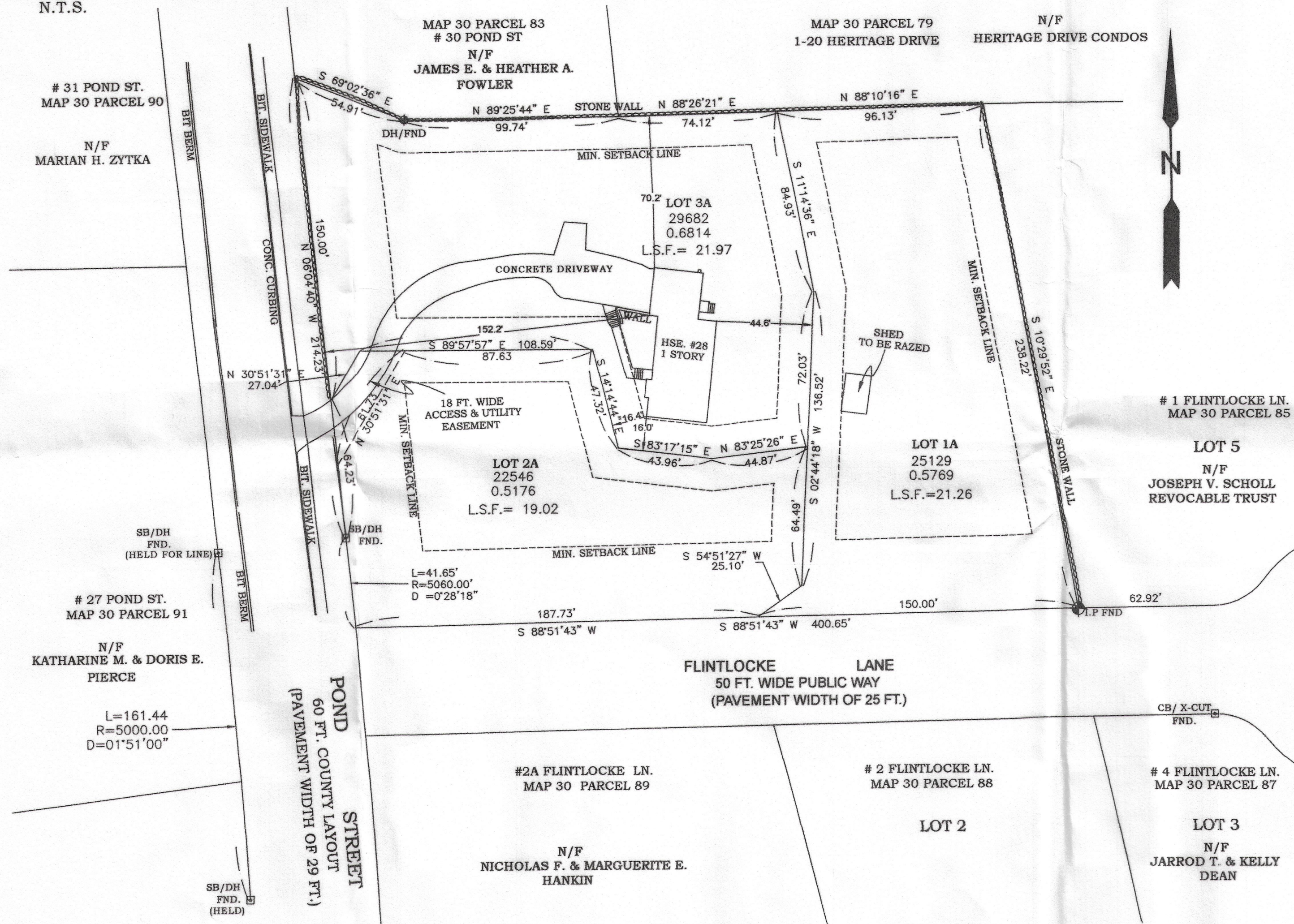
L=161.44  
R=5000.00  
D=01°51'00"

SB/DH  
FND.  
(HELD FOR LINE)

SB/DH/  
FND.  
(HELD)

DATE ENDORSED: \_\_\_\_\_

COMMONWEALTH OF MASSACHUSETTS  
ANTHONY  
M.  
DELLORCO  
No. 34303  
PROFESSIONAL  
LAND SURVEYOR



COLONIAL.ENG@VERIZON.NET



## Susan Affleck-Childs

---

**From:** Brendan Larkin <larkindevco@gmail.com>  
**Sent:** Tuesday, January 24, 2023 2:51 PM  
**To:** Susan Affleck-Childs; Patrick Larkin; Shell Larkin  
**Subject:** [External] Fwd: Fw: 28 Pond Street - ANR

You don't often get email from larkindevco@gmail.com. [Learn why this is important](#)

Dear Susan,

Please accept this email as authorization for the Planning Board to take more time to act on the ANR Plan for 28 Pond Street, Medway MA . till February 17, 2023.

Sincerely,

Brendan Larkin  
Manager  
Flintlock Development LLC  
57 Furber Ave,  
North Andover, MA 01845

On Tue, Jan 24, 2023 at 2:24 PM Patrick Larkin <[turnpikere@yahoo.com](mailto:turnpikere@yahoo.com)> wrote:

[Sent from Yahoo Mail on Android](#)

----- Forwarded Message -----

**From:** "Susan Affleck-Childs" <[sachilds@townofmedway.org](mailto:sachilds@townofmedway.org)>  
**To:** "Patrick Larkin" <[turnpikere@yahoo.com](mailto:turnpikere@yahoo.com)>  
**Sent:** Tue, Jan 24, 2023 at 1:24 PM  
**Subject:** 28 Pond Street - ANR

Hi Patrick,

When we talked yesterday, you indicated you would send me an email, by the end of 1-23-23, authorizing an extension of time for the Planning and Economic Development Board to act on the ANR plan to February 17, 2023.

Please forward that to me. I appreciate your cooperation.



Thanks.

Susan E. Affleck-Childs

Planning and Economic Development Coordinator

Town of Medway

155 Village Street

Medway, MA 02053

508-533-3291





Susan E. Affleck-Childs

Planning and Economic  
Development Coordinator



Medway Town Hall  
155 Village Street  
Medway, MA 02053  
Phone (508) 533-3291  
Fax (508) 321-4987  
Email: sachilds@  
townofmedway.org  
www.townofmedway.org

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

**MEMORANDUM**

February 8, 2023

TO: Planning and Economic Development Board members  
FROM: Susy Affleck-Childs, Planning and Economic Development Coordinator  
RE: ANR Plan for 28 Pond Street

I have reviewed the *Plan of Land* for 28 Pond Street, the ANR application, and accompanying submittal letter dated January 20, 2023 from by Paul DeSimone of Colonial Engineering, Inc. on behalf of property owner and applicant Flintlock Development LLC of North Andover, MA. The plan is dated January 18, 2023, was prepared by Colonial Engineering of Medway, MA, and was stamped by Anthony M. Dellorco, PLS. The plan pertains to the property with the current address of 28 Pond Street (Medway Assessor's Map 30, Parcel 084) and was reviewed for compliance with Section III, Procedure for Submission and Review of Plans Believed to Not Require (Subdivision) Approval of the *Medway Subdivision Rules and Regulations* dated April 26, 2005.

The subject property is 1.77+/- acres in size. It is located at the northeast corner of Pond Street and Flintlocke Lane in the Agricultural Residential II (AR-II) zoning district and includes an existing house constructed in 1984. The plan shows the division of the property into three lots as follows:

- Lot A1: 25,129 sq. ft. with 150 linear feet of continuous frontage on Flintlocke Lane, an existing public way. Address for this lot to be determined. NOTE – Area and frontage meet the minimum zoning requirements for the AR-II zone. Lot A1 includes an existing shed which the applicant plans to raze. Applicant is expected to construct a new house on this lot.
- Lot A2: 22,546 sq. ft. with 292+/- linear feet of continuous frontage on Flintlocke Lane and Pond Street, both existing public ways. Address for this lot to be determined. NOTE – Area and frontage meet the minimum zoning requirements for the AR-II zone. The plan shows an 18' wide and utility access easement on the northwest corner of Lot A2 to provide access to the existing house located on new Lot A3. Applicant is expected to construct a new house on this lot.
- Lot A3: 29,682 sq. ft. with 150 linear feet of continuous frontage on Pond Street, an existing public way. Lot A3 is where the existing house is located. NOTE – Area and frontage meet the minimum zoning requirements for the AR-II zone.



## **Background Information**

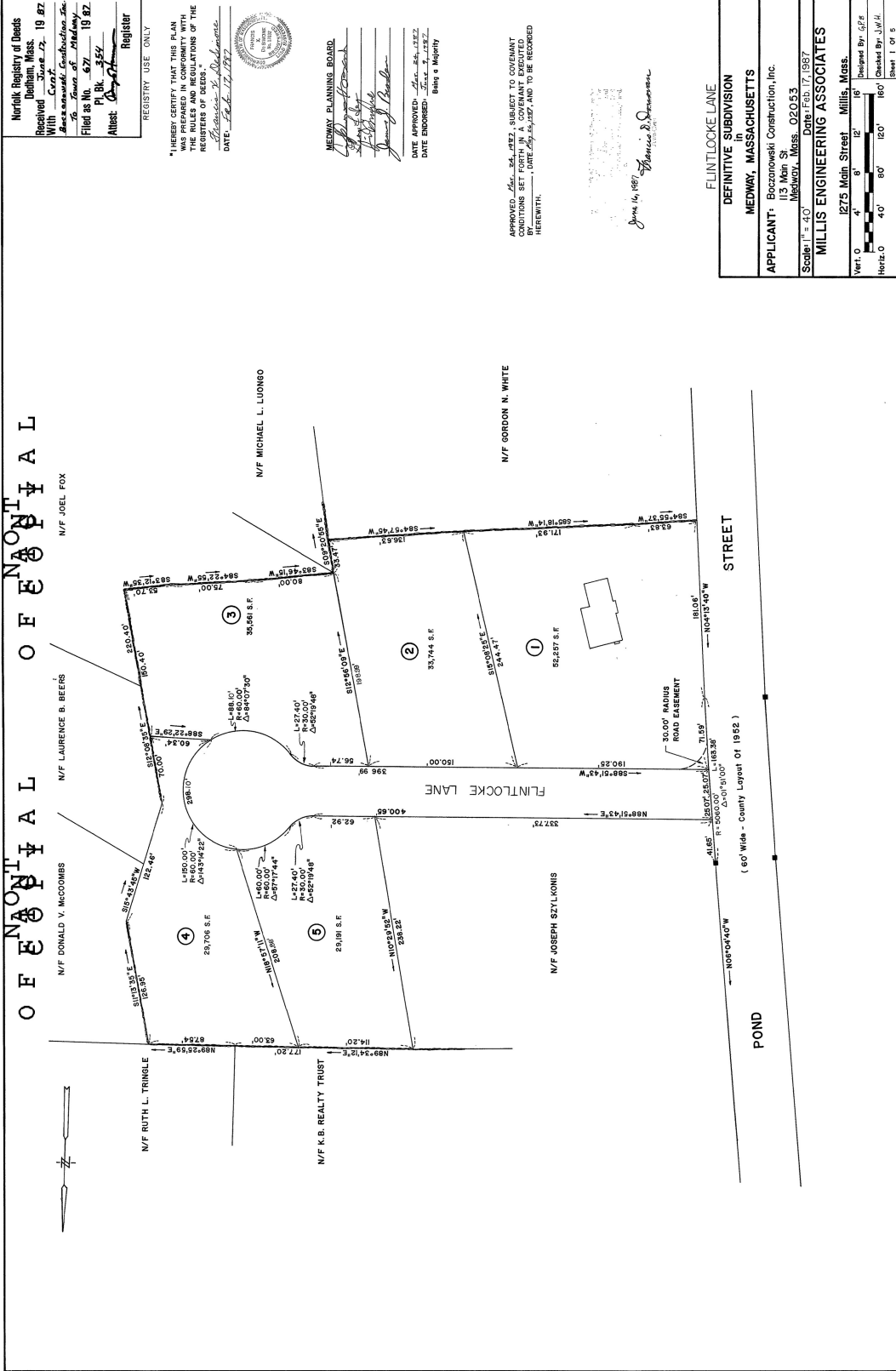
1. Flintlocke Lane was created by the *Flintlocke Lane Definitive Subdivision Plan* in 1987 for Boczanowski Construction of Medway, MA. That plan shows a 5 lot subdivision. The Flintlocke Lane subdivision was approved by the Planning Board in May 1987. The Certificate of Action is dated April 15, 1987 and was filed with the Town Clerk on April 22, 1987. It was not recorded.
2. The Flintlocke Lane Definitive Subdivision Plan was endorsed by the Planning Board in June 1987. It was recorded at the Registry of Deeds as Plan #671 in Plan Book 354 of 1987.
3. Although 28 Pond Street as presently configured and the proposed Lots 1A and 2A have frontage on Flintlocke Lane, the land comprising the subdivision did not include 28 Pond Street.
4. Flintlocke Lane was accepted as a public street on May 14, 1990.

## **I have comments on the ANR plan as follows:**

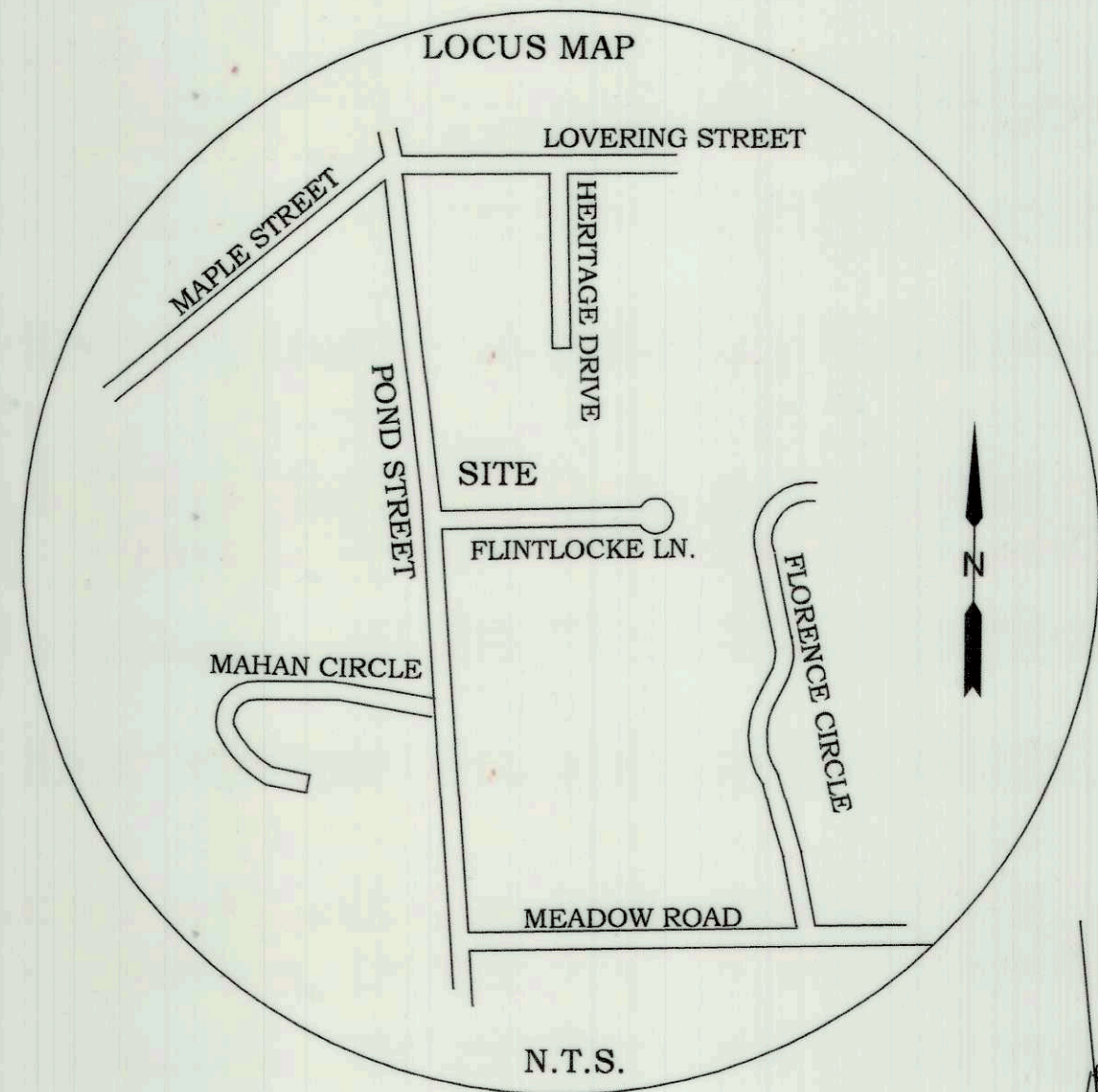
5. "Vital Access" to the three lots exists.
  - Lot 1A – Flintlocke Lane provides adequate "on the ground" and paved access to this proposed lot.
  - Lot 2A – Flintlocke Lane and Pond Street provide adequate "on the ground" paved access to this proposed lot.
  - Lot 3A - Pond Street provides adequate "on the ground" paved access to this proposed lot. As noted above, the plan shows Lot 3A will be accessed via the above noted existing driveway and access easement on Lot A2.
6. The plan does not include the required Locus Map. The plan shall be revised to do so.
7. The boundaries and area size of the proposed access and utility easement as shown on Lot 2A are not clearly specified. Please revise the plan to do so.
8. The plan includes the standard disclaimer language that Planning Board endorsement is not a determination as to conformance with the Zoning Bylaw.
9. All other details required to be shown on an ANR plan pursuant to Section 3.2 ANR Plan Contents of the *Medway Subdivision Rules and Regulations* have been included.
10. The future development of these parcels is likely subject to the Medway Stormwater Management and Land Disturbance Bylaw due to the expected extent of land disturbance. The applicant is advised to consult with the Conservation Commission and follow the required application procedures.

The proposed division of land at 28 Pond Street does not constitute a "subdivision" and the Board's approval under the Subdivision Control Law is not required. The Applicant should submit a revised plan (with a new date) for review and action at the February 14, 2023 Planning and Economic Development Board meeting. I recommend the Board endorse the ANR plan with the above noted plan revisions.









APPROVAL UNDER SUBDIVISION CONTROL  
LAW IS NOT REQUIRED.

DATE APPROVED: \_\_\_\_\_

TOWN OF MEDWAY PLANNING BOARD

DATE ENDORSED: \_\_\_\_\_

THE ABOVE ENDORSEMENT IS NOT A  
DETERMINATION BY THE PLANNING BOARD  
AS TO CONFORMANCE WITH ZONING REQUIREMENTS

LEGAL REFERENCES  
DEED BK. #31215 PG. 9  
DEED BK. #41008 PG. 359  
PLAN BK. 335 PLAN # 465 OF 1986  
PLAN BK. D4242 PG. 497 PLAN # 287 OF 1965  
PLAN BK. 354 PLAN # 671 OF 1987

ZONING REQUIREMENTS

ZONED AR-II  
NOT WITHIN THE G.P.D.

MIN. LOT AREA 22,500 S.F.  
MIN FRONTAGE 150 FT.

SETBACKS

FRONT 35 FT.  
SIDE 15 FT.  
REAR 15 FT.

MAX. STRUCTURE COVERAGE 30%  
MAX. IMPERVIOUS COVERAGE 40%

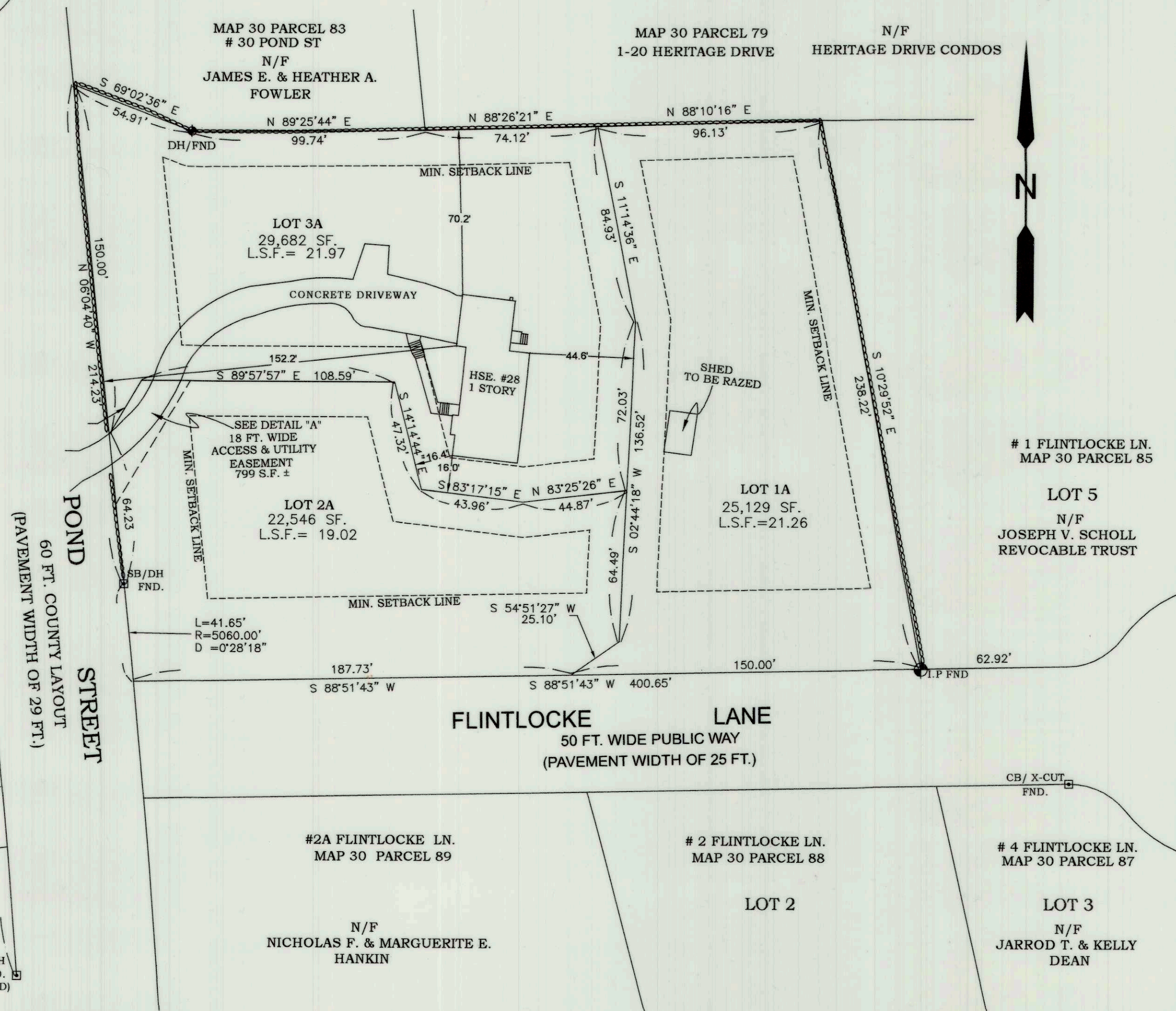
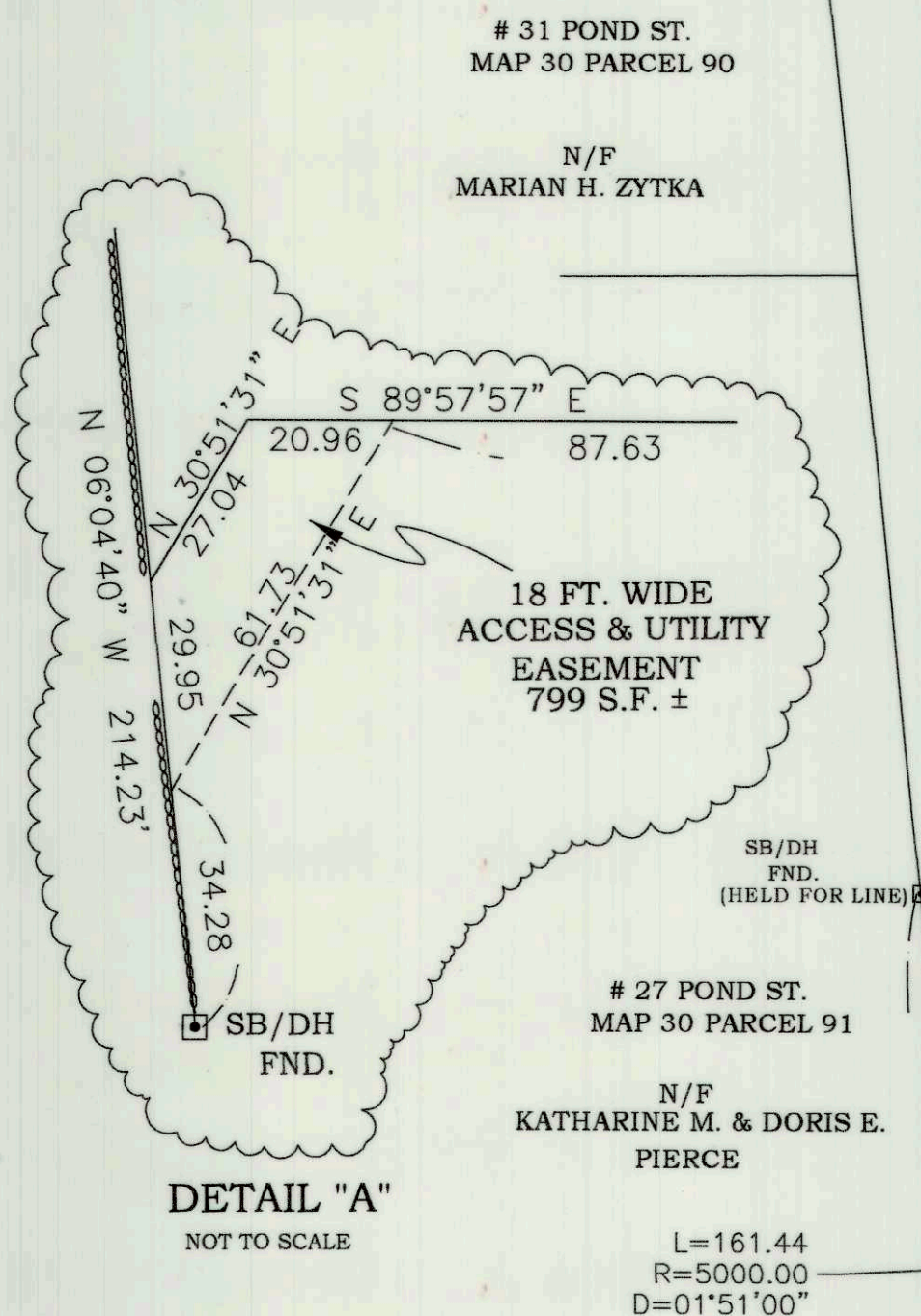
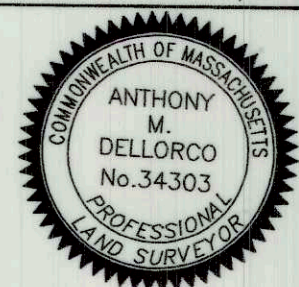
EXISTING COVERAGE

STRUCTURE LOT 3A 6.10%  
IMPERVIOUS LOT 3A 14.59%  
IMPERVIOUS LOT 2A 1.86%

I CERTIFY THAT THIS PLAN HAS BEEN  
PREPARED IN CONFORMITY WITH THE  
RULES AND REGULATIONS OF THE  
REGISTERS OF DEEDS OF THE  
COMMONWEALTH OF MASSACHUSETTS

*Anthony M. Dellorco*  
ANTHONY M. DELLORCO P.L.S.

DATE: FEBRUARY 10, 2023



0 40' 80' 120'





**February 14, 2023**  
**Medway Planning & Economic Development Board**  
**Meeting**

**Medway Commons – Chipotle and**  
**Starbucks Site Plan and Drive-Thru**  
**Special Permit**

- Public Hearing Notice dated 1-25-23
- Minor site plan and drive-thru special permit applications dated 1-19-2023, received 1-20-2023
- Project narrative prepared by Karen Johnson, Charter Realty and Development
- *Minor Site Plan for Chipotle & Starbucks/Medway Commons*, dated 1-31-2023 prepared by Tighe & Bond
- Request for Waiver from *Site Plan Rules and Regulations*
- Architectural elevations and renderings dated 2-3-2023 prepared by Scott Griffin Architects
- Statement re: project consistency with *Medway Design Review Guidelines*, prepared by Karen Johnson, Charter Realty and Development



- Emailed dated 12-16-2022 from Building Commissioner Jon Ackley confirming the scope of proposed work constituted minor site plan review
- Traffic statement dated 12-22-22 by Tighe and Bond
- Stormwater statement dated 12-22-22 by Tighe and Bond
- Susy Affleck-Childs' email dated 1-26-23 to Town staff requesting review comments
- Email note dated 1-26-23 from Derek Kwok, Health Agent
- Email note dated 1-26-23 from Police Chief William Kingsbury
- Email dated 1-30-23 from Community and Economic Development Director Barbara Saint Andre

## **NOTES**

1. The PED office received the plan review funds on 2-8-23. Tetra Tech will proceed to review the plan and provide a review letter for discussion at the project's second public hearing (2-28-23?).
2. The Applicant met with the Design Review Committee on 2-6-23. A review letter from the DRC is forthcoming.



### Board Members

Matthew J. Hayes, P.E., Chair

Robert Tucker, Vice Chair

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

Jessica Chabot, Member

Thomas A. Gay, Associate  
Member



Medway Town Hall  
155 Village Street  
Medway, MA 02053  
Phone (508) 533-3291  
Fax (508) 321-4987  
Email: [planningboard@townofmedway.org](mailto:planningboard@townofmedway.org)  
[www.townofmedway.org](http://www.townofmedway.org)

## TOWN OF MEDWAY

### COMMONWEALTH OF MASSACHUSETTS

## PLANNING AND ECONOMIC DEVELOPMENT BOARD

January 25, 2023

### NOTICE of PUBLIC HEARING

#### Minor Site Plan and Drive-Thru Special Permit Medway Commons – 67B and 67C Main Street

Pursuant to the *Medway Zoning Bylaw*, SECTIONS 3.5 Site Plan Review and 5.4 Schedule of Uses, and the provisions of Massachusetts General Laws, Chapter 40A, notice is given that the ***Medway Planning and Economic Development Board will conduct a public hearing on Tuesday, February 14, 2023 at 7:15 p.m.*** to consider the application of Charter Realty and Development Corporation of Greenwich, CT for approval of a drive-thru special permit and a minor site plan for building renovations and site improvements to the former McDonalds building at Medway Commons at 67B and 67C Main Street and for the reconfiguration of the Starbucks drive-thru lane. The hearing will take place at Medway Town Hall, 155 Village Street. It will also be available via Zoom.

The property is located in the Central Business District. The 7.1 +/- acre property (*Medway Assessors Map 41, Parcels 23-067B and 23-067C*) and is owned by Hidden Acres Realty Trust of Medway, MA with a ground lease to Charter Medway II, LLC of Greenwich, CT. The site is bounded on the north by Main ST (Route 109), and on the east, south and west by other land owned by Hidden Acres Realty Trust and leased to Charter Medway I and II, LLC of Greenwich, CT.

The applicant proposes to divide and renovate the interior and exterior of the former McDonald's building to accommodate two new restaurant tenants. The main tenant space will be occupied by Chipotle and includes on-site seating and an order ahead, drive-thru pick-up window. The tenant for the second restaurant space is not yet finalized. The building size will not change. There is no increase in parking. Site work includes a substantial redesign and re-routing of the Starbucks drive-thru lane, a new dumpster enclosure at the northwest corner of the lot where Chipotle will be located, for the Chipotle outdoor seating area, additional crosswalks and sidewalks, and construction of a right-turn lane in the driveway area south of the subject building to provide better access to the businesses located in the southern portion of



Medway Commons. The improvements are shown on “Minor Site Plan for Chipotle & Starbucks – Medway Commons, 67C Main Street, Medway, MA” dated December 22, 2023, prepared by Tighe & Bond of Portsmouth, NH.

The application, site plan and associated materials are on file with the Medway Town Clerk and the Community and Economic Development office at Medway Town Hall, 155 Village Street, Medway, MA and may be inspected during regular Town Hall office hours. Project information is also posted at the Planning and Economic Development web page at: <https://www.townofmedway.org/planning-economic-development-board/pages/medway-commons-minor-site-plan-chipotle-starbucks>

Pursuant to Chapter 107 of the Acts of 2022, the hearing will be conducted in person, and as a courtesy, via remote means (ZOOM) in accordance with applicable law. While the option for remote attendance and/or participation is being provided as a courtesy to the public and board members, the meeting and hearing will not be suspended or terminated if technological problems interrupt the virtual broadcast, unless required by law.

The Board encourages public participation in the hearing. The ZOOM access instructions will be included on the agenda for the February 14, 2023 which will be posted at least 48 hours prior to the meeting at: <https://www.townofmedway.org/node/926/agenda/2021>. Members of the public may also watch the meeting on Medway Cable Access - channel 11 on Comcast Cable, channel 35 on Verizon Cable, or on Medway Cable’s Facebook page @medwaycable.

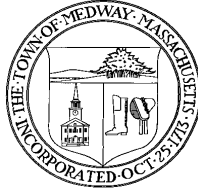
Interested persons or parties are invited to review the application and plan, participate in the public hearing, and express their views. Written comments are encouraged and may be forwarded to [planningboard@townofmedway.org](mailto:planningboard@townofmedway.org). All comments will be entered into the record during the public hearing. Please direct any questions to the Planning and Economic Development office at 508-533-3291 or [planningboard@townofmedway.org](mailto:planningboard@townofmedway.org).

Matthew J. Hayes, P.E.  
Chairman

To be published in the *Milford Daily News*:

- Monday, January 31, 2023
- Tuesday, February 7, 2023





**Planning & Economic Development Board - Town of Medway, MA**  
**SITE PLAN REVIEW**

***Application for Minor Site Plan Approval***

**INSTRUCTIONS TO APPLICANT/OWNER**

This Application is made pursuant to the *Medway Zoning Bylaw* and the Board's *Rules and Regulations for the Submission and Review of Site Plans*

The Town's Planning and Engineering Consultants will review the Application and the proposed Site Plan and provide review letters to the Planning and Economic Development Board.

A copy of those review letters will be provided to you in advance of the meeting.

You and/or your duly authorized Agent/Official Representative are expected to attend the Board meetings at which your Application will be considered to answer any questions and/or submit such additional information as the Board may request.

Your absence at hearings may result in a delay in the Board's review of the site plan.

\_\_\_\_\_, 20\_\_\_\_

**APPLICANT INFORMATION**

Applicant's Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

\_\_\_\_\_

Name of Primary Contact: \_\_\_\_\_

Telephone: \_\_\_\_\_  
Office: \_\_\_\_\_ Cell: \_\_\_\_\_

Email address: \_\_\_\_\_

☐ Please check here if the Applicant is the equitable owner (*purchaser on a purchase and sales agreement.*)

**MINOR SITE PLAN INFORMATION**

Development Name: \_\_\_\_\_

Plan Title: \_\_\_\_\_

Plan Date: \_\_\_\_\_

Prepared by:  
Name: \_\_\_\_\_

Firm: \_\_\_\_\_

Phone #: \_\_\_\_\_

Email: \_\_\_\_\_



## PROPERTY INFORMATION

Location Address: \_\_\_\_\_

The land shown on the plan is shown on Medway Assessor's Map # \_\_\_\_\_ as Parcel # \_\_\_\_\_

Total Acreage of Land Area: \_\_\_\_\_

General Description of Property: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Medway Zoning District Classification: \_\_\_\_\_

Current Use of Property: \_\_\_\_\_

\_\_\_\_\_

Length of Existing Frontage: \_\_\_\_\_ On what street? \_\_\_\_\_

Setbacks for Existing Structure (if applicable)

Front: \_\_\_\_\_ Side: \_\_\_\_\_

Back: \_\_\_\_\_ Side: \_\_\_\_\_

Scenic Road

Does any portion of this property have frontage on a Medway Scenic Road?

\_\_\_\_ Yes \_\_\_\_ No If yes, please name street: \_\_\_\_\_

Historic District

Is any portion of this property located within a Medway National Register Historic District?

\_\_\_\_ Yes - Rabbit Hill \_\_\_\_ Yes - Medway Village

Wetlands

Is any portion of the property within a Wetland Resource Area? \_\_\_\_ Yes \_\_\_\_ No

Groundwater Protection

Is any portion of the property within a Groundwater Protection District? \_\_\_\_ Yes \_\_\_\_ No

Flood Plain

Is any portion of the property within a Designated Flood Plain? \_\_\_\_ Yes \_\_\_\_ No

## PROPOSED DEVELOPMENT PROJECT INFORMATION

Development Name: \_\_\_\_\_

Minor Site Plan Review applies to the following. Please check all that apply.

\_\_\_\_ a. New construction or any alteration, reconstruction, renovation, and/or change in use of any multi-family, commercial, industrial, institutional, or municipal building use which is not subject to Major Site Plan Review but which involves one or more of the following:

\_\_\_\_ i. the addition of 1,000 to 2,4999 sq. ft. of gross floor area; or

\_\_\_\_ ii. the addition of ten or more but less than twenty new parking spaces



- \_\_\_\_\_ b. The redesign, alteration, expansion or modification of an existing parking area involving the addition of ten or more but less than twenty new parking spaces
- \_\_\_\_\_ c. The redesign of the layout/configuration of an existing parking area of twenty to thirty-nine parking spaces
- \_\_\_\_\_ d. Any use or structure or expansion thereof exempt under Massachusetts G.L. c. 40A, § 3 only to the extent allowed by law.
- \_\_\_\_\_ e. Removal, disturbance, and/or alteration of 10,000 to 19,999 square feet of impervious surface.

**SPECIAL PERMIT** - Will this project also require a variance or special permit from the *Zoning Board of Appeals*?

\_\_\_\_\_ Yes      \_\_\_\_\_ No

Explanation: \_\_\_\_\_

\_\_\_\_\_

**SPECIAL PERMIT** – Will this project also require a special permit from the *Planning and Economic Development Board*?

\_\_\_\_\_ Yes      \_\_\_\_\_ No

Explanation: \_\_\_\_\_

\_\_\_\_\_

### **PROPERTY OWNER INFORMATION (if not applicant)**

Property Owner's Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

\_\_\_\_\_

Primary Contact: \_\_\_\_\_

Telephone:

Office: \_\_\_\_\_ Cell: \_\_\_\_\_

Email address: \_\_\_\_\_

The owner's title to the land that is the subject matter of this application is derived under deed from: \_\_\_\_\_ to \_\_\_\_\_ dated \_\_\_\_\_ and recorded in Norfolk County Registry of Deeds, Book \_\_\_\_\_ Page \_\_\_\_\_ or Land Court Certificate of Title Number \_\_\_\_\_, Land Court Case Number \_\_\_\_\_, registered in the Norfolk County Land Registry District Volume \_\_\_\_\_, Page \_\_\_\_\_.

### **CONSULTANT INFORMATION**

ENGINEER: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

\_\_\_\_\_

Primary Contact: \_\_\_\_\_

Telephone:

Office: \_\_\_\_\_ Cell: \_\_\_\_\_



Email address: \_\_\_\_\_

Registered P.E. License #: \_\_\_\_\_

**SURVEYOR:** \_\_\_\_\_

Mailing Address: \_\_\_\_\_

\_\_\_\_\_

Primary Contact: \_\_\_\_\_

Telephone: \_\_\_\_\_

Office: \_\_\_\_\_ Cell: \_\_\_\_\_

Email Address: \_\_\_\_\_

Registered P.L.S. License #: \_\_\_\_\_

**ARCHITECT:** \_\_\_\_\_

Mailing Address: \_\_\_\_\_

\_\_\_\_\_

Primary Contact: \_\_\_\_\_

Telephone: \_\_\_\_\_

Office: \_\_\_\_\_ Cell: \_\_\_\_\_

Email address: \_\_\_\_\_

Registered Architect License #: \_\_\_\_\_

**LANDSCAPE ARCHITECT/DESIGNER:** \_\_\_\_\_

Mailing Address: \_\_\_\_\_

\_\_\_\_\_

Primary Contact: \_\_\_\_\_

Telephone: \_\_\_\_\_

Office: \_\_\_\_\_ Cell: \_\_\_\_\_

Email address: \_\_\_\_\_

Registered Landscape Architect License #: \_\_\_\_\_

**ATTORNEY:** \_\_\_\_\_

Mailing Address: \_\_\_\_\_

\_\_\_\_\_

Primary Contact: \_\_\_\_\_

Telephone: \_\_\_\_\_

Office: \_\_\_\_\_ Cell: \_\_\_\_\_

Email address: \_\_\_\_\_



## DESIGNATED REPRESENTATIVE INFORMATION

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Telephone: \_\_\_\_\_  
Office: \_\_\_\_\_ Cell: \_\_\_\_\_

Email address: \_\_\_\_\_

## SIGNATURES

The undersigned, being the Applicant for approval of a Minor Site Plan Project, herewith submits this application and Site Plan to the Medway Planning and Economic Development Board for review and approval. I hereby certify, under the pains and penalties of perjury, that the information contained in this application is a true, complete and accurate representation of the facts regarding the property and proposed development under consideration.

If applicable, I hereby authorize \_\_\_\_\_ to serve as my Designated Representative to represent my interests before the Medway Planning & Economic Development Board with respect to this application.

In submitting this application, I authorize the Board, its consultants and agents, Town staff, and members of the Design Review Committee to access the site during the plan review process.

I understand that pursuant to MGL 53G, the Medway Planning and Economic Development Board may retain outside professional consultants to review this application and that I am responsible for the costs associated with such reviews.


I understand that the Planning and Economic Development Board, its agents, staff, consultants, and other Town staff and committees may request additional information which I am responsible for providing to assist them in reviewing the proposed development.

  
\_\_\_\_\_  
Signature of Property Owner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Applicant (if other than Property Owner)

\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Signature of Agent/Official Representative

\_\_\_\_\_  
Date

### **MINOR SITE PLAN FEES**

#### ***Application/Filing Fee***

\$350 plus \$ .25/sq. ft. of gross floor area

(Gross floor area includes the existing building and proposed addition if any, and/or any proposed new building)

#### ***Advance on Plan Review Fee***

\$500 deposit.

***Submit 2 separate checks each made payable to: Town of Medway***



## **MINOR SITE PLAN** **APPLICATION CHECKLIST**

- \_\_\_\_\_ Minor Site Plan Application (2 signed originals – one for Town Clerk and one for Planning and Economic Development Board)
- \_\_\_\_\_ Three (3) full size (24" x 36") copies of the Site Plan prepared in accordance with Sections 204-4 and 204-5 of the *Medway Site Plan Rules and Regulations* – one for the Town Clerk and two for the Planning and Economic Development Board.
- \_\_\_\_\_ One (1) ledger size (11" x 17") copy of the Site Plan for the Planning and Economic Development Board
- \_\_\_\_\_ Electronic version of the Site Plan and ALL associated application documents. Provide disk or flash drive or email.
- \_\_\_\_\_ Certified Abutters List and labels from the Medway Assessor's office – for 300 feet around the subject property
- \_\_\_\_\_ One (1) copy of a *Project Description* as described in Section 204 - 3, 6) of the *Medway Site Plan Rules and Regulations*. This description should also include a narrative on how the proposed project meets the requirements of the *Medway Zoning Bylaw* for parking (Section 7.1.1) and outdoor lighting (Section 7.1.2)
- \_\_\_\_\_ Request for Waivers from the *Medway Site Plan Rules and Regulations*. Use Form Q.
- \_\_\_\_\_ Two (2) copies of a *Stormwater Drainage Evaluation*
- \_\_\_\_\_ Two (2) copies of a traffic study, depending on the size and scope of the proposed development project.
- \_\_\_\_\_ One (1) copy of all relevant approvals received to date from other Town boards/committees/departments
- \_\_\_\_\_ Proof of present or pending ownership of all land within the proposed development site.
- \_\_\_\_\_ Minor Site Plan Filing Fee – Payable to Town of Medway
- \_\_\_\_\_ Advance of Plan Review Fee – Payable to Town of Medway





**Planning & Economic Development Board - Town of Medway, MA  
SPECIAL PERMITS**

**Application for Special Permit Approval**

**INSTRUCTIONS TO APPLICANT/OWNER**

*This Application is made pursuant to the Medway Zoning Bylaw. Certain special permits are issued by the Planning and Economic Development Board instead of the Zoning Board of Appeals.*

*The Town's Engineering Consultant may review the Application and associated submittals and provide review letters to the Planning and Economic Development Board.*

*A copy of those review letters will be provided to you in advance of the meeting.*

*You and/or your duly authorized Agent/Official Representative are expected to attend the Board meeting at which your Application will be considered to answer any questions and/or submit such additional information as the Board may request.*

*Your absence may result in a delay the Board's review of the special permit application.*

01.19.2023, 2023

**APPLICANT INFORMATION**

Applicant's Name: Charter Realty & Development Corp.

Mailing Address: 309 Greenwich Avenue  
Greenwich, CT 06830

Name of Primary Contact: Karen Johnson

Telephone: Office: 671.431.1091 Cell: 203.605.9175

Email address: karen@charterrealty.com

☐ Please check here if the Applicant is the equitable owner (*purchaser on a purchase and sales agreement.*)

**PROPERTY INFORMATION**

Location Address: 67B & 67C Main Street

The land shown on the plan is shown on Medway Assessor's Map # 41 as Parcel # 23-067B&C

Size of Development Parcel(s): 7.1 acres

Development Name: Medway Commons

General Description of Property: Parcels are part of a grocery anchored shopping center constructed in 2004. There are five lots that make up Medway Commons and access and parking is shared via a REA.

Medway Zoning District Classification: CB



## TYPE OF SPECIAL PERMIT

Check all that apply:

- ☐ Auto body shop
- ☐ Assisted living residence facility
- ☐ Car wash
- ☐ Central Business District Development Standards (Section 10)
- ☐ Construction equipment/machinery sales, leasing or rentals
- ☒ Drive-thru facility
- ☐ Electric vehicle charging station with digital advertising
- ☐ Hotel
- ☐ Infill Dwelling Unit (Section 8.1)
- ☐ Lodge or club
- ☐ Mixed-Use Development or Mixed-Use Building in the Central Business District (Section 10.3)
- ☐ Motel
- ☐ Outdoor display
- ☐ Shopping center or multi-tenant development
- ☐ Reduced Parking (Section 7.1.1.J.)
- ☐ Retail store larger than 20,000 sq. ft.
- ☐ Vehicle fuel station with repair services
- ☐ Vehicle fuel station with car wash
- ☐ Vehicle fuel station with convenience store
- ☐ Vehicle repair
- ☐ Veterinary Hospital
- ☐ Other special permit uses, normally reviewed by the Zoning Board of Appeals, such as but not limited to a Groundwater Protection District Special Permit and a Flood Plain Special Permit, but which are reviewed instead by the Planning and Economic Development Board when the project also requires site plan review (Section 3.4 H)

PLEASE SPECIFY: \_\_\_\_\_

NOTE – There are separate application forms for the following special permits:

- Open Space Residential Development (OSRD)
- Adult Retirement Community Planned Unit Development (ARCPUD)
- Multi-Family Housing Overlay District (MHOD)
- Adaptive Use Overlay District (AUOD).
- Marijuana Facilities and Establishments (medical and adult recreational)
- Affordable Housing
- Oak Grove

Do not use this application form for the above noted types of developments. Please contact the Planning and Economic Development Board office.

## PROPERTY OWNER INFORMATION (if not applicant)

Property Owner's Name: Hidden Acres Realty Trust c/o Charter Medway II, LLC

Mailing Address: 309 Greenwich Avenue  
Greenwich, CT 06830

Primary Contact: Karen Johnson

Telephone: Office: 617.431.1091 Cell: 203.605.9175

Email address: karen@charterrealty.com



### DESIGNATED REPRESENTATIVE INFORMATION

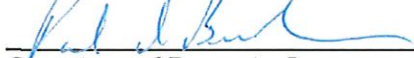
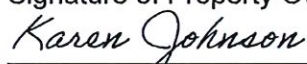
Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Telephone: \_\_\_\_\_  
Office: \_\_\_\_\_ Cell: \_\_\_\_\_  
Email address: \_\_\_\_\_  
Relationship to Applicant: \_\_\_\_\_

### SIGNATURES

The undersigned, being the Applicant, herewith submits this application for a special permit(s) to the Medway Planning and Economic Development Board for review and action. I hereby certify, under the pains and penalties of perjury, that the information contained in this application is a true, complete and accurate representation of the facts regarding the property under consideration.

(If applicable, I hereby authorize Karen Johnson to serve as my Agent/Designated Representative to represent my interests before the Planning & Economic Development Board with respect to this application.)

In submitting this application, I authorize the Board, its consultants and agents, Town staff, and members of the Design Review Committee and other Town boards and committees to access the site during the special permit review process.

	Paul Brandes	01.19.2023
Signature of Property Owner	(printed name)	Date
Signature of Property Owner	(printed name)	Date
		
Signature of Applicant (if other than Property Owner)	printed name)	Date
	Karen Johnson	1/19/23
Signature of Agent/Designated Representative	(printed name)	Date

### **SPECIAL PERMIT APPLICATION/FILING FEES**

*There is no separate special permit application filing fee when a project also requires site plan review. If there is no requirement for site plan review, the special permit application filing fee is \$350.00.*

*Make check payable to: Town of Medway*



### **SPECIAL PERMIT APPLICATION CHECKLIST**

*The following items shall be submitted with the application.  
In most cases, the applicant shall also simultaneously file a corresponding application  
for Site Plan Review and Approval with all required submittals.*

- ☒ Special Permit Application (2 signed originals) – one for the Town Clerk and one for the Planning and Economic Development Board
- ☒ Project Description
- ☒ Detailed narrative on how the proposed project meets the special permit criteria included in the Medway Zoning Bylaw, SECTION 3.4 Special Permit Criteria AND any specific approval criteria included in the particular section(s) of the Zoning Bylaw for which a special permit is sought.
- ☒ Any additional information required by the specific section of the Zoning Bylaw for the requested type of special permit or as directed by Town staff.
- ☒ List of abutters, and abutters to abutters within 300' of the property as prepared by the Medway Board of Assessors.
- ☒ Electronic version of all documents, either emailed or provided on a flash drive.

Updated 7-28-22



## **Project Narrative**

### **McDonald's Conversion/Starbucks's Site Modifications**

#### **Medway Commons**

#### **Charter Realty & Development Corp.**

Medway Commons is an existing grocery-anchored shopping originally developed by Charter Realty & Development Corp. ("Charter") in 2022. Retail trends have evolved, and the tenant mix here must also evolve. McDonald's restaurant was constructed as part of the original development and operated by a franchisee. McDonald's subsequently operated this location as a corporate store before ultimately deciding to close this location in 2019. Charter now has an opportunity for a reuse of the McDonald's building and proposes to divide the space to accommodate two new tenants. The main tenant space will be occupied by Chipotle and include an app pick-up window. We are in discussions with a second tenant but as of this submission, we do not have an executed lease. As part of this redevelopment, Charter also proposes a reconfiguration of the Starbucks drive-through lane to better address current operating objectives. A right-turn lane is also proposed to facilitate access to the southern portion of the site and minimize internal conflicts adjacent to the open space area.

#### **1) current and proposed uses –**

Medway Commons is an existing grocery anchored shopping center with a variety of retail, restaurant and service uses. The proposed use of McDonald's will continue to be restaurant tenants.

#### **2) description of proposed site improvements including paving, stormwater management, landscaping, sidewalks, refuse storage and disposal facilities, site amenities, fencing, lighting, water and sewer service, open space, etc.**

The redesign of the Starbucks drive through represents the majority of the site plan modifications. A new dumpster enclosure is proposed at the northwest corner of the McDonald's lot. Additional landscaping will enhance the proposed outdoor seating area for Chipotle. Additional crosswalks and sidewalks are proposed as depicted on the site plan. Please refer to the Stormwater Summary Memo prepared by Tighe & Bond for stormwater management notes.

#### **3) description of proposed building construction, renovation, façade improvements, and/or demolition including the size of the proposed building(s) or additions;**

Building size will not change, modifications are described in detail in the attached Statement of Consistency with The Town of Medway Design Review Committee Guidelines.



**4) projected water and sewer demand**

No changes to current demand.

**5) expected number of employees and/or occupants;**

12-15 employees for both restaurants.

**6) proposed hours of operation;**

Expected 10 am- 10 pm operating 7 days per week.

**7) existing and proposed means of vehicular and pedestrian access and egress;**

No change to current access points, see entry location on plan for proposed 2<sup>nd</sup> tenant.

**8) number of parking spaces required and how this number was determined;**

No change to current spaces provided.

**9) calculation of proposed lot coverage and impervious surface;**

The proposed increase of 1,191 square feet does not change the proposed lot coverage for the entire property of Medway Commons.

**10) timetable for project completion;**

6 months from construction start which is anticipated to be 2 months following approvals.

**11) proposed on and off-site mitigation measures;**

This is a proposal to re-tenant existing spaces within an existing shopping center that has operated for the last 18 years without any issues. There are no proposed mitigation measures.

**12) list of other required local, state and federal permits and the status of each;**

Town Building and health permits.

**13) any other information the Applicant believes will assist the Board in reviewing and understanding the site plan application.**



## **Consistency with applicable provisions of Section 10**

Below are relevant sections applying only to changes proposed as part of the activity proposed under Minor Site Plan Review.

### ***D. Parking Requirements.***

2. Applicability. *The parking requirements in Section 7.1.1 shall apply to the Central Business District with the following adjustments:*

- a. Off-Street Parking Requirements. *In the Central Business District (CB) the minimum number of off-street parking spaces required by use on Table 3 in Section 7.1.1.D. shall be interpreted to be both the minimum and the maximum amount of parking spaces required. A reduction of parking may be allowed by special permit under Section 7.1.1.J. Additional off-street parking spaces shall require a waiver from the PEDB and the applicant shall demonstrate sufficiently that additional parking is necessary.*

THE PROPOSED PLAN PROVIDES FOR NO CHANGE IN THE TOTAL SPACES PROVIDED.

## **Consistency with applicable provisions of Section 3.4 C.**

The request for a special permit is for the app pick-up window in relatively the same location as the McDonald's drive through window and lane.

*1. The proposed site is an appropriate location for the proposed use.*

THE SITE WAS CONSTRUCTED FOR A DRIVE THOUGH RESTAURANT AND WAS USED AS ONE FOR ALMOST 20 YEARS.

*2. Adequate and appropriate facilities will be provided for the operation of the proposed use.*

A PICKUP WINDOW WILL BE CONSTRUCTED FOR THE RENOVATED SPACE.

*3. The proposed use as developed will not create a hazard to abutters, vehicles, pedestrians or the environment.*

THE DRIVE THROUGH LANE HAS OPERATED AS A HIGHER VOLUME USE FOR ALMOST 20 YEARS WITHOUT INCIDENT.

*4. The proposed use will not cause undue traffic congestion or conflicts in the immediate area.*

THE TRAFFIC STATEMENT PREPARED BY TIGHE & BOND INDICATES A NET DECREASE IN VEHICLE TRIPS FOR THE MORNING PEAK HOUR, WHICH IS ESPECIALLY BENEFICIAL TO OVERALL SITE OPERATIONS.

*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.*



NO CHANGE TO CURRENT OPERATIONS THAT MAY IMPACT ANY ADJOINING PROPERTIES.

*6. The proposed use as developed will not adversely affect the surrounding neighborhood or significantly alter the character of the zoning district.*

THE LOCATION OF THE APP PICKUP WINDOW IS LOCATED IN THE CENTER OF THE PROPERTY AND THERE ARE NO IMPACTS TO SURROUNDING NEIGHBORHOOD.

7. The proposed use is in harmony with the general purpose and intent of this Zoning Bylaw.

THE USE IS PERMITTED AND DUE TO THE NATURE OF AN APP PICK-UP WINDOW ONLY, THERE IS LESS IMPACT THAN THE PRIOR DRIVE THOUGH USE.

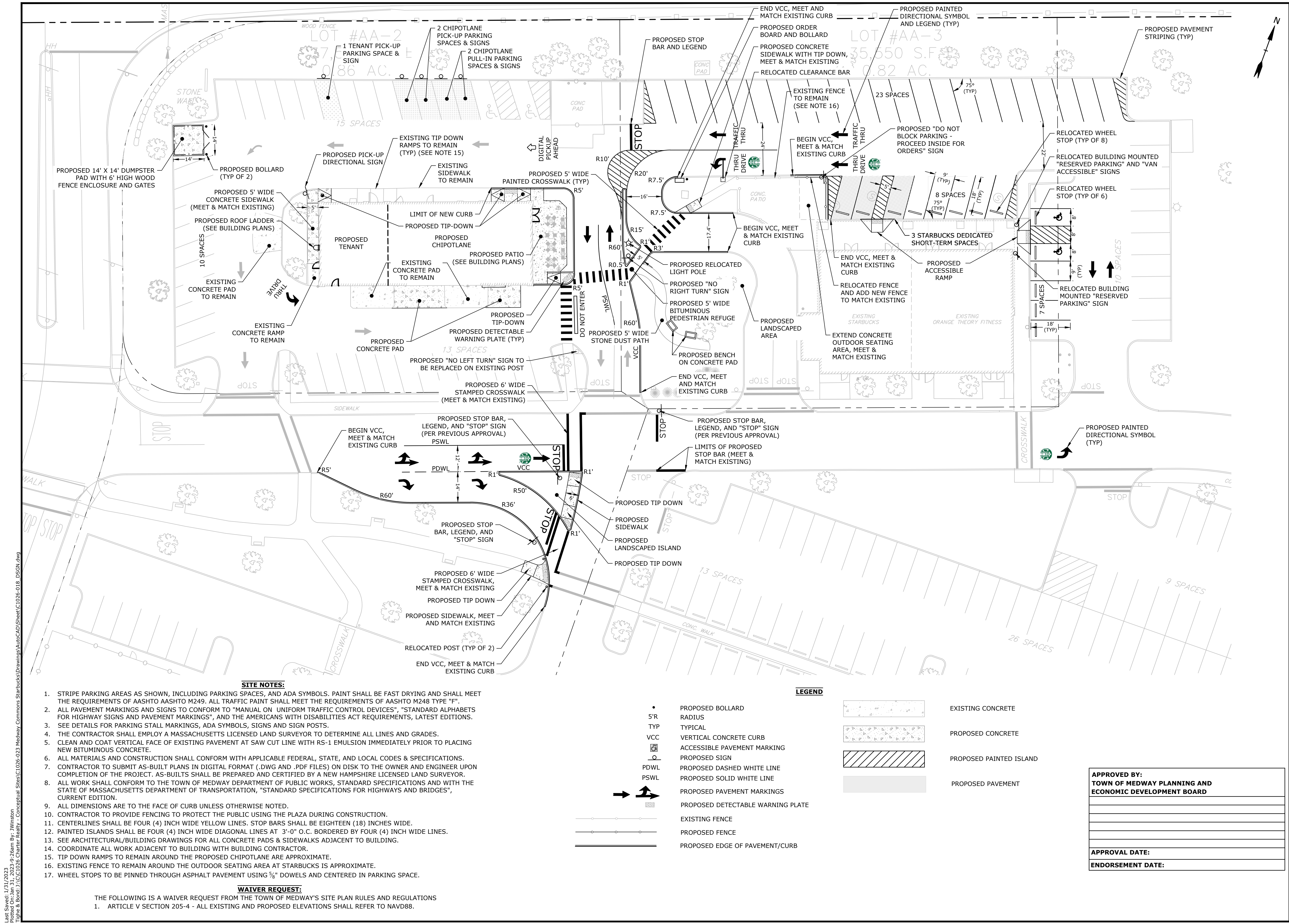
8. The proposed use is consistent with the goals of the Medway Master Plan.

THE USE PROVIDES FOR A REUSE OF AN EXISTING COMMERCIAL BUILDING.

9. The proposed use will not be detrimental to the public good.

THE PROPOSED USE WILL NOT BE DETRIMENTAL TO THE PUBLIC GOOD.





Tighe&Bond

0 20' 40'

GRAPHIC SCALE

MINOR SITE PLAN FOR

Chipotle & Starbucks

Medway Commons

67C Main Street

Medway,

Massachusetts

Charter Realty & Development Corp.

APPROVED BY:

TOWN OF MEDWAY PLANNING AND ECONOMIC DEVELOPMENT BOARD

APPROVAL DATE:

ENDORSEMENT DATE:

1	1/31/2023	REVISE PER LEASE PLAN
MARK	DATE	DESCRIPTION
PROJECT NO:		C1026-023
DATE:		DECEMBER 22, 2022
FILE:		C1026-018_DSGN.DWG
DRAWN BY:		JRW
CHECKED:		JPL
APPROVED:		
SITE PLAN		
SCALE:		AS SHOWN
C-102		

**SITE NOTES:**

1. STRIPE PARKING AREAS AS SHOWN, INCLUDING PARKING SPACES, AND ADA SYMBOLS. PAINT SHALL BE FAST DRYING AND SHALL MEET THE REQUIREMENTS OF AASHTO M249. ALL TRAFFIC PAINT SHALL MEET THE REQUIREMENTS OF AASHTO M248 TYPE "F".
2. ALL PAVEMENT MARKINGS AND SIGNS TO CONFORM TO "MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES", "STANDARD ALPHABETS FOR HIGHWAY SIGNS AND PAVEMENT MARKINGS", AND THE AMERICANS WITH DISABILITIES ACT REQUIREMENTS, LATEST EDITIONS.
3. SEE DETAILS FOR PARKING STALL MARKINGS, ADA SYMBOLS, SIGNS AND SIGN POSTS.
4. THE CONTRACTOR SHALL EMPLOY A MASSACHUSETTS LICENSED LAND SURVEYOR TO DETERMINE ALL LINES AND GRADES.
5. CLEAN AND COAT VERTICAL FACE OF EXISTING PAVEMENT AT SAW CUT LINE WITH RS-1 EMULSION IMMEDIATELY PRIOR TO PLACING NEW BITUMINOUS CONCRETE.
6. ALL MATERIALS AND CONSTRUCTION SHALL CONFORM WITH APPLICABLE FEDERAL, STATE, AND LOCAL CODES & SPECIFICATIONS.
7. CONTRACTOR TO SUBMIT AS-BUILT PLANS IN DIGITAL FORMAT (.DWG AND .PDF FILES) ON DISK TO THE OWNER AND ENGINEER UPON COMPLETION OF THE PROJECT. AS-BUILTS SHALL BE PREPARED AND CERTIFIED BY A NEW HAMPSHIRE LICENSED LAND SURVEYOR.
8. ALL WORK SHALL CONFORM TO THE TOWN OF MEDWAY DEPARTMENT OF PUBLIC WORKS, STANDARD SPECIFICATIONS AND WITH THE STATE OF MASSACHUSETTS DEPARTMENT OF TRANSPORTATION, "STANDARD SPECIFICATIONS FOR HIGHWAYS AND BRIDGES", CURRENT EDITION.
9. ALL DIMENSIONS ARE TO THE FACE OF CURB UNLESS OTHERWISE NOTED.
10. CONTRACTOR TO PROVIDE FENCING TO PROTECT THE PUBLIC USING THE PLAZA DURING CONSTRUCTION.
11. CENTERLINES SHALL BE FOUR (4) INCH WIDE YELLOW LINES. STOP BARS SHALL BE EIGHTEEN (18) INCHES WIDE.
12. PAINTED ISLANDS SHALL BE FOUR (4) INCH WIDE DIAGONAL LINES AT 3'-0" O.C. BORDERED BY FOUR (4) INCH WIDE LINES.
13. SEE ARCHITECTURAL/BUILDING DRAWINGS FOR ALL CONCRETE PADS & SIDEWALKS ADJACENT TO BUILDING.
14. COORDINATE ALL WORK ADJACENT TO BUILDING WITH BUILDING CONTRACTOR.
15. TIP DOWN RAMPS TO REMAIN AROUND THE PROPOSED CHIPOTLANE ARE APPROXIMATE.
16. EXISTING FENCE TO REMAIN AROUND THE OUTDOOR SEATING AREA AT STARBUCKS IS APPROXIMATE.
17. WHEEL STOPS TO BE PINNED THROUGH ASPHALT PAVEMENT USING 5/8" DOWELS AND CENTERED IN PARKING SPACE.

**WAIVER REQUEST:**

THE FOLLOWING IS A WAIVER REQUEST FROM THE TOWN OF MEDWAY'S SITE PLAN RULES AND REGULATIONS

1. ARTICLE V SECTION 205-4 - ALL EXISTING AND PROPOSED ELEVATIONS SHALL REFER TO NAVD88.

**LEGEND**

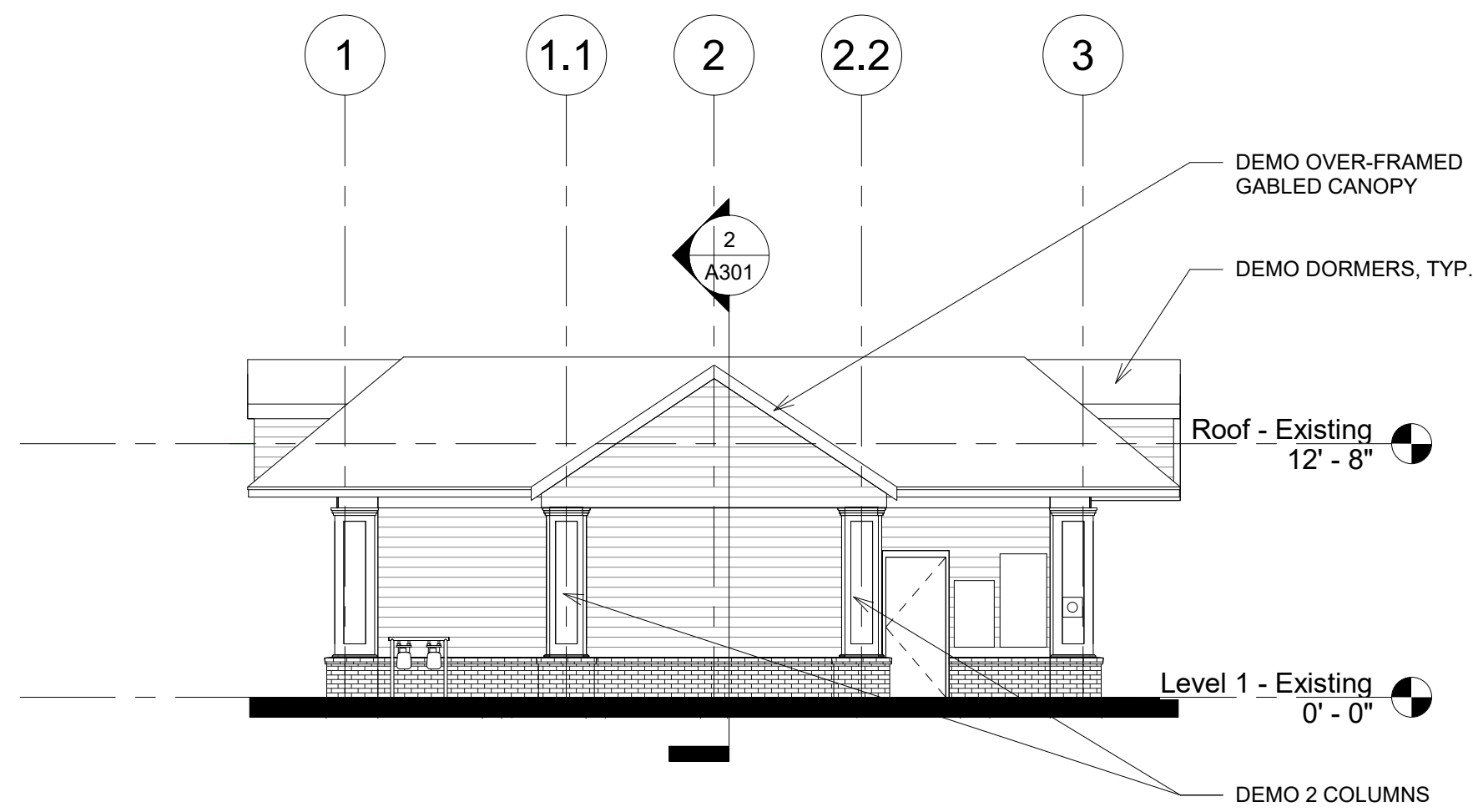
•	PROPOSED BOLLARD		EXISTING CONCRETE
5'R	RADIUS		
TYP	TYPICAL		
VCC	VERTICAL CONCRETE CURB		PROPOSED CONCRETE
	ACCESSIBLE PAVEMENT MARKING		
	PROPOSED SIGN		PROPOSED PAINTED ISLAND
	PROPOSED DASHED WHITE LINE		
	PROPOSED SOLID WHITE LINE		
	PROPOSED PAVEMENT MARKINGS		PROPOSED PAVEMENT
	PROPOSED DETECTABLE WARNING PLATE		
	EXISTING FENCE		
	PROPOSED FENCE		
	PROPOSED EDGE OF PAVEMENT/CURB		



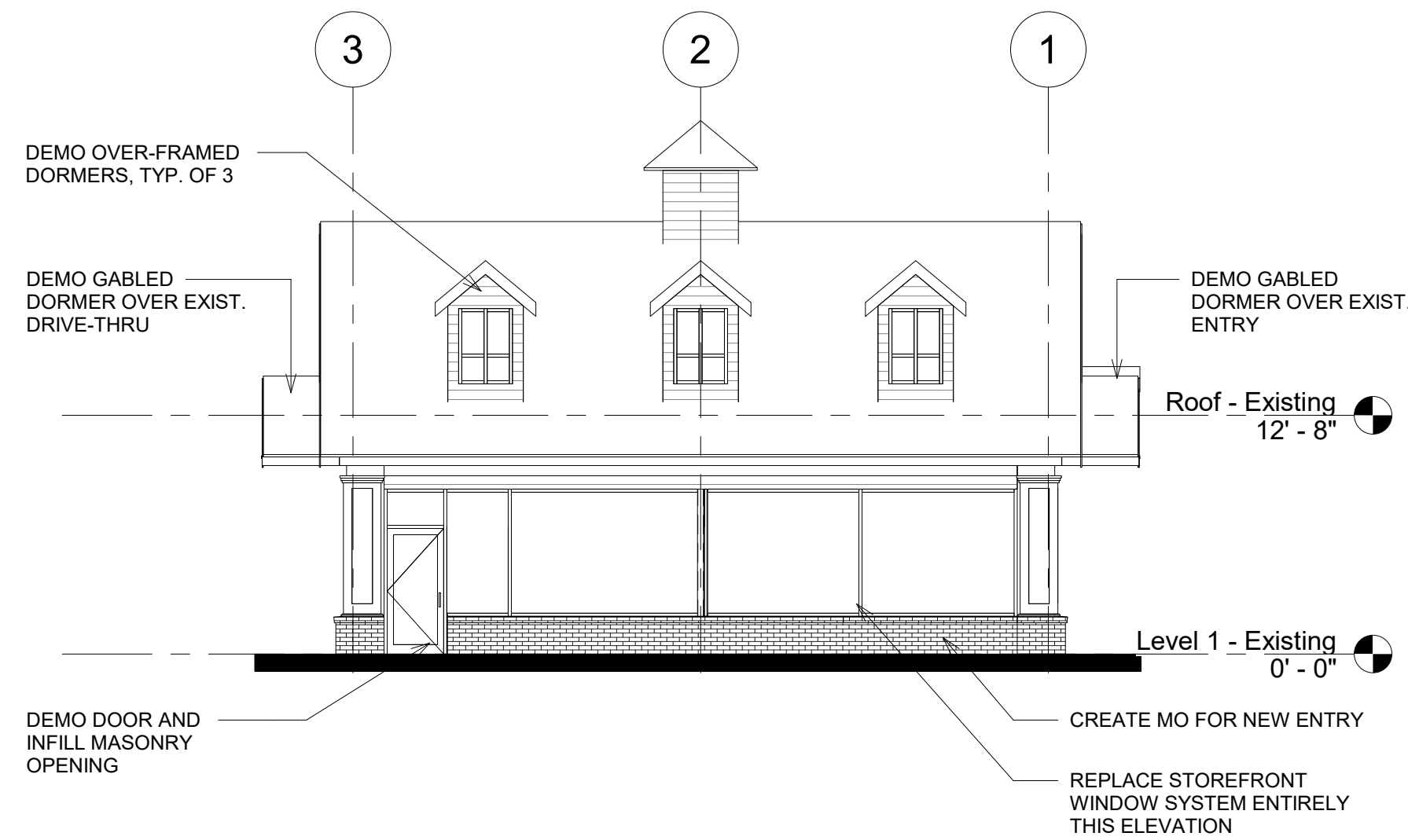
**Medway Planning and Economic Development Board**  
**Request for Waiver from Site Plan Rules and Regulations**  
 Complete 1 form for each waiver request

<b>Project Name</b>	Chipotle & Starbucks
<b>Property Location</b>	Medway Commons
<b>Type of Permit</b>	Minor Site Plan Review
Identify the number and title of the relevant section of the <i>Site Plan Rules and Regulations</i> from which a waiver is sought.	Article V Section 205-4
Summarize the text of the relevant section of the <i>Rules and Regulations</i> from which a waiver is requested.	All existing and proposed elevations shall refer to NAVD88
What aspect of the <i>Rule and Regulation</i> do you propose be waived?	To not have plans refer to NAVD88
What do you propose as an alternative to the standard?	Plans refer to NGVD29
Explanation/justification for the waiver request. How does the particular rule/regulation not apply to the site or situation under review?	The original survey and as-built plans for the entire center were completed in NGVD29 in 2003 and 2004. There is no impact to site design, construction, or floodplain by using a different vertical datum.
Explanation/justification. How would approval of this waiver request not be significantly detrimental to achieving the purposes of site plan review?	There is no impact to site design, construction, or floodplain by using a different vertical datum.
Explanation/justification. How would approval of this waiver request result in a superior design or provide a clear and significant improvement to the quality of this development?	There is no impact to site design, construction, or floodplain by using a different vertical datum.
What is the impact on the development if this waiver request is denied?	The project would be stalled unnecessarily in order to revise the plans to a different vertical datum.
What mitigation measures do you propose to offset not complying with the particular Rule/Regulation?	None
Waiver Request Prepared By:	John P Lorden, PE (Tighe & Bond)
Date:	December 22, 2022
<b>Questions?? - Please contact the Medway PEDB office at 508-533-3291.</b>	

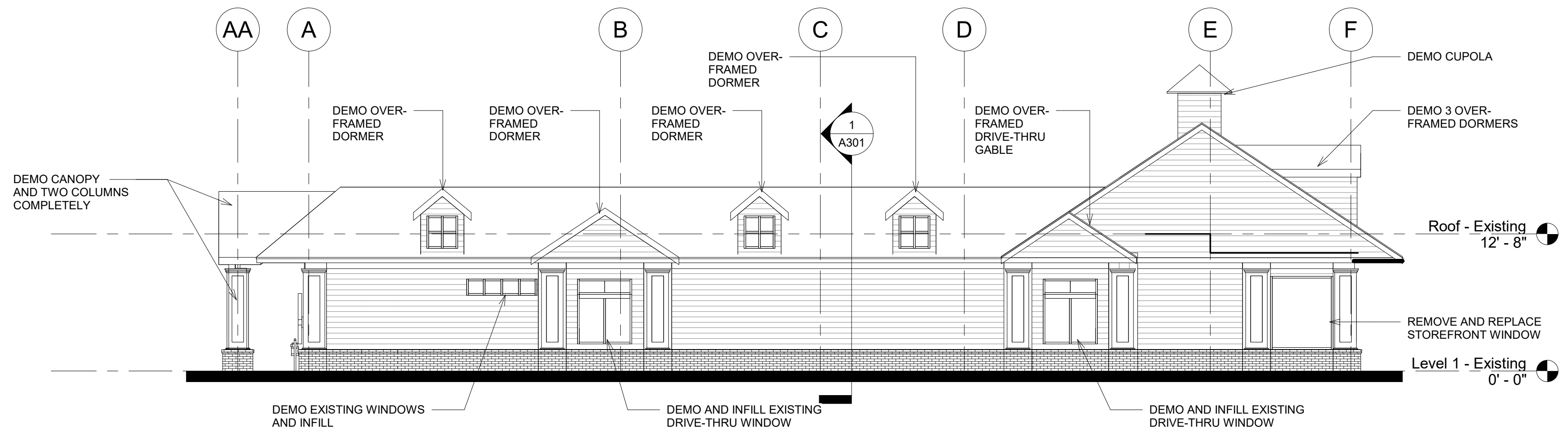




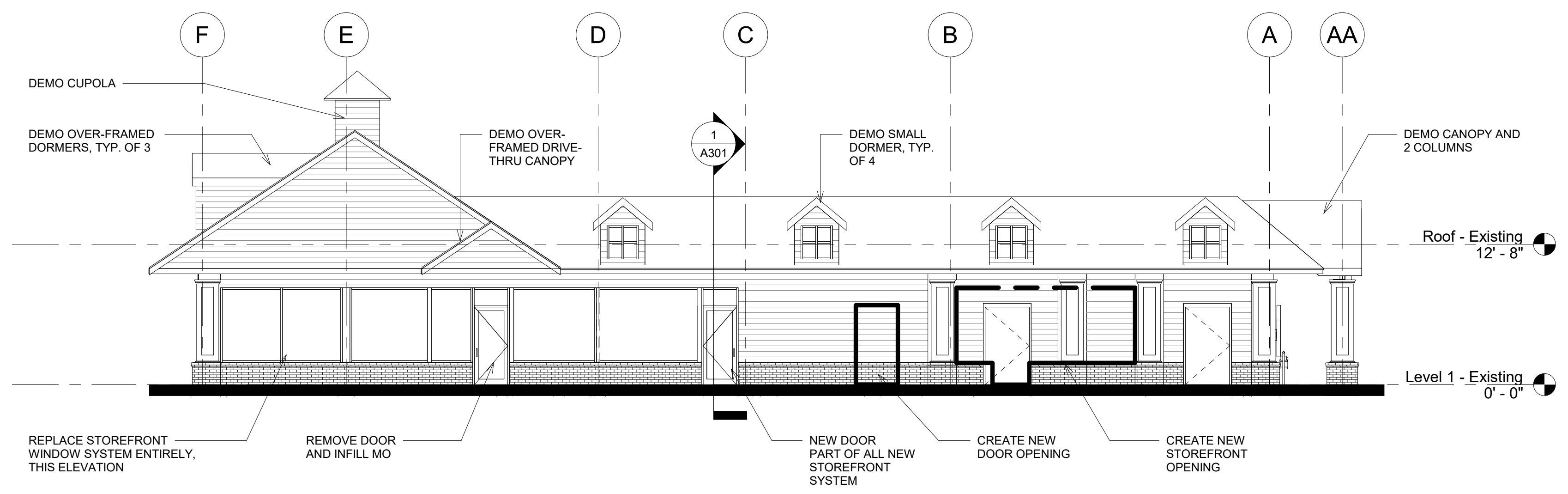
④ Existing/Demo West  
1/8" = 1'-0"



③ Existing/Demo East  
1/8" = 1'-0"



② Existing/Demo South  
1/8" = 1'-0"



① Existing/Demo North  
1/8" = 1'-0"

#	Description	Date

STAMP

**Scott Griffin**  
ARCHITECTS  
880 Main Street, Fifth Floor  
Waltham, Massachusetts 02451  
Phone (781) 893-7400 Fax (781) 893-7350

**CHARTER**  
REALTY & DEVELOPMENT

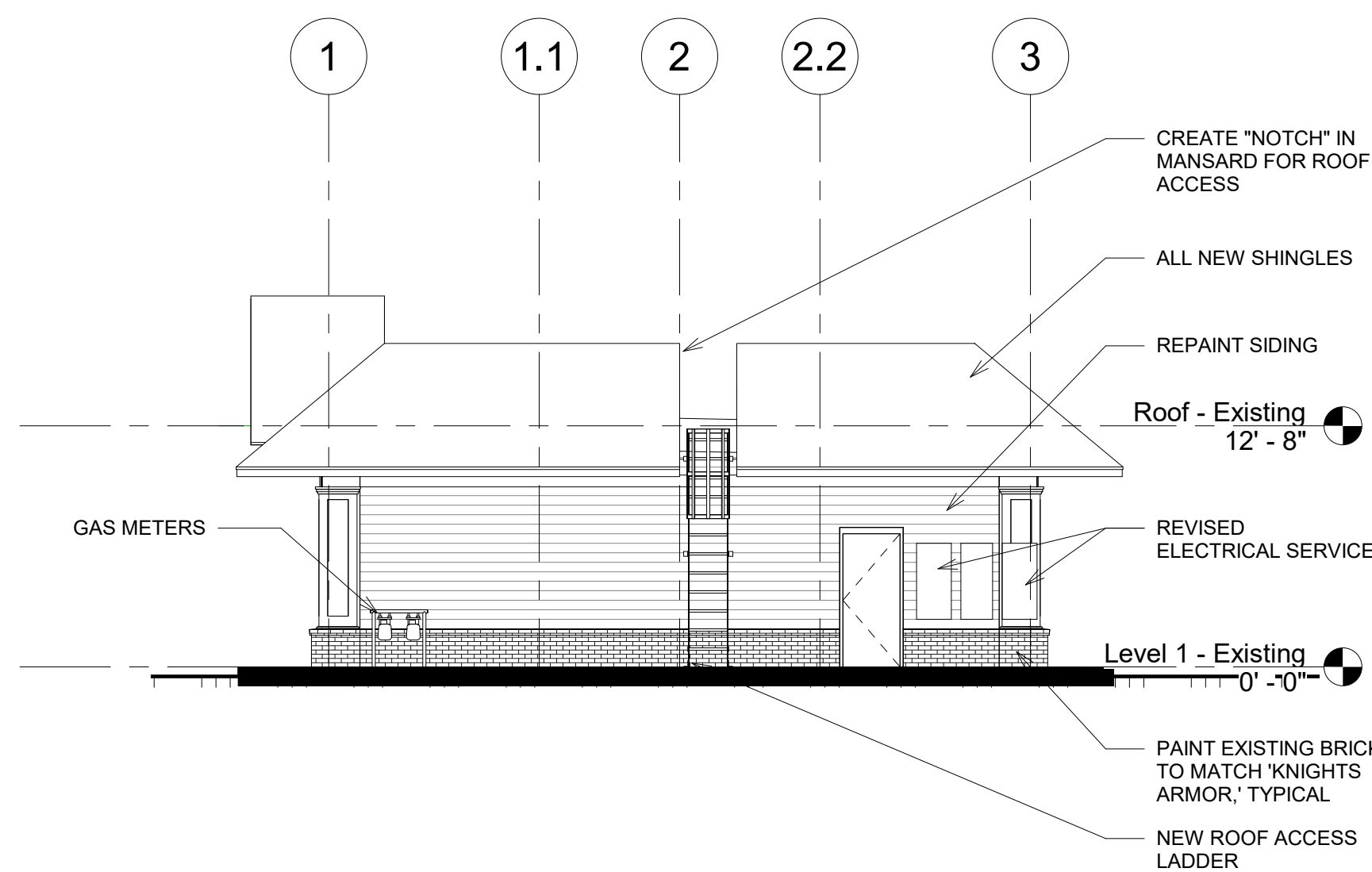
**MACDONALDS  
REDEVELOPMENT**  
  
MEDWAY COMMONS  
MEDWAY, MA

**EXISTING  
ELEVATIONS**

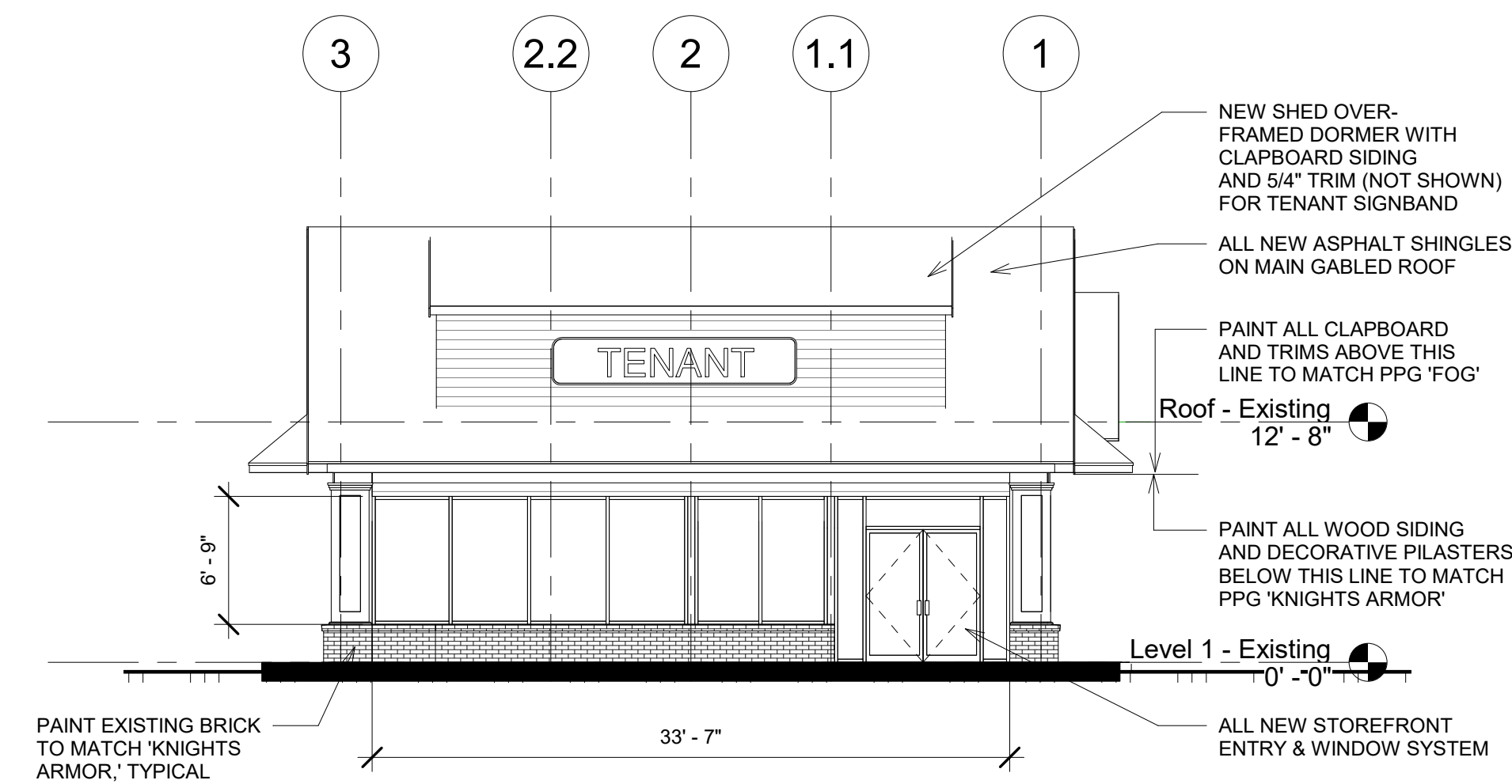
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DRAWN BY	JN
CHECKED BY	TS
PROJECT NUMBER	22099.00
SCALE	1/8" = 1'-0"

**A201**

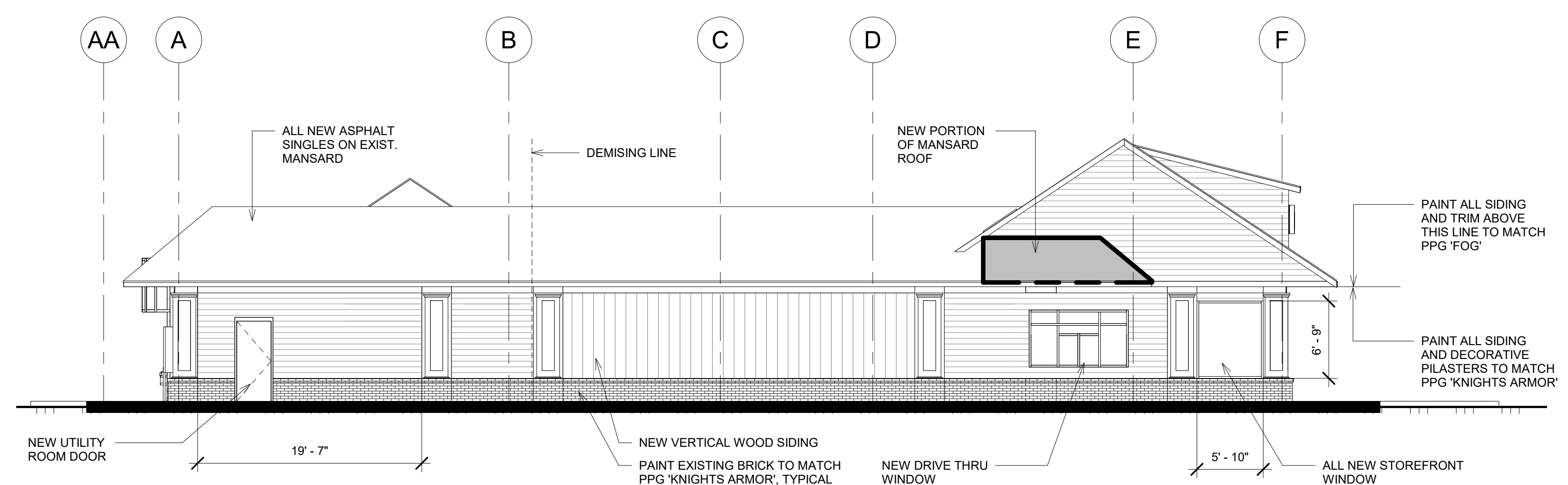




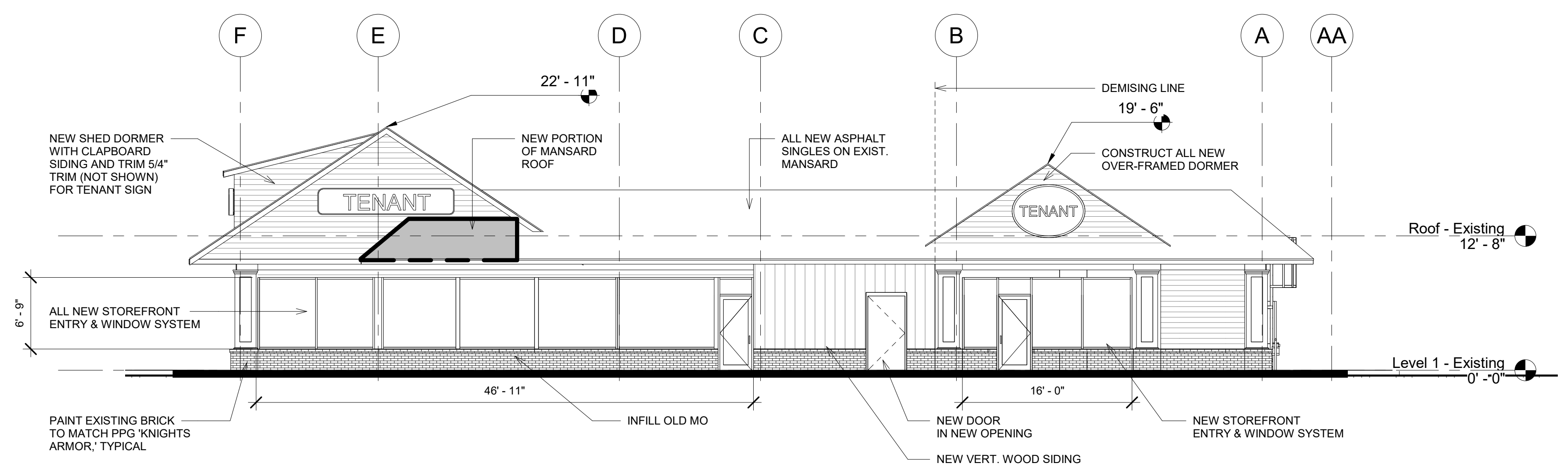
④ Proposed West  
1/8" = 1'-0"



③ Proposed East  
1/8" = 1'-0"



② Proposed South  
1/8" = 1'-0"



① Proposed North  
1/8" = 1'-0"

#	Description	Date

STAMP

**Scott Griffin**  
ARCHITECTS  
880 Main Street, Fifth Floor  
Waltham, Massachusetts 02451  
Phone (781) 893-7400 Fax (781) 893-7350

**CHARTER**  
REALTY & DEVELOPMENT

**MACDONALDS  
REDEVELOPMENT**  
  
MEDWAY COMMONS  
MEDWAY, MA

**PROPOSED  
ELEVATIONS**

DATE	02/03/2023
DRAWN BY	JN
CHECKED BY	TS
PROJECT NUMBER	22099.00
SCALE	1/8" = 1'-0"

**A202**





④ WEST ELEVATION  
1/8" SCALE



③ EAST ELEVATION  
1/8" SCALE



② SOUTH ELEVATION  
1/8" SCALE



① NORTH ELEVATION  
1/8" SCALE

Revision Schedule		
#	Description	Date

STAMP

Scott Griffin ARCHITECTS

880 Main Street, Fifth Floor  
Waltham, Massachusetts 02451  
Phone (781) 893-7400 Fax (781) 893-7350

CHARTER

REALTY & DEVELOPMENT

MACDONALDS REDEVELOPMENT

MEDWAY COMMONS  
MEDWAY, MA

PROPOSED ELEVATIONS COLORED

DATE	02/03/2023
DRAWN BY	JN
CHECKED BY	TS
PROJECT NUMBER	22099.00
SCALE	1/8" SCALE





Revision Schedule		
#	Description	Date

STAMP



880 Main Street, Fifth Floor  
Waltham, Massachusetts 02451  
Phone (781) 893-7400 Fax (781) 893-7350



CHARTER  
REALTY & DEVELOPMENT

MACDONALDS  
REDEVELOPMENT

MEDWAY COMMONS  
MEDWAY, MA

3D PERSPECTIVES

DATE	02/03/2023
DRAWN BY	JN
CHECKED BY	TS
PROJECT NUMBER	22098.00
SCALE	

A204



## STATEMENT OF CONSISTENCY

### THE TOWN OF MEDWAY DESIGN REVIEW COMMITTEE GUIDELINES

#### PROPOSED REUSE OF FORMER MCDONALD'S MEDWAY COMMONS

#### *D. Architectural Guidelines*

*The following guidelines outline the architectural design elements that should be viewed as a baseline for well-designed architecture in the Town of Medway.*

RE-USE OF THE FORMER MCDONALD'S FOCUSES ON MAINTAINING THE EXISTING BUILDING AND UPDATING VARIOUS BUILDING AND ROOF ELEMENTS TO ACCOMMODATE 2 NEW TENANTS TO MEDWAY COMMONS.

##### **1. Building Massing**

*Building massing should be designed to reduce the overall perceived scale and provide simple and evocative forms that reinforce both a sense of a New England village and a sense of a human-scaled environment.*

**a) Strengthen Prominence of Building Entry** – *Building massing should reinforce the purpose and readability of the building. For example, building massing should emphasize and highlight the location of the primary building entrance.*

BUILDING MASSING IS ESSENTIALLY THE SAME – NEW STOREFRONT FOR TENANT 1 AND THE ENHANCED SHED ROOF ELEMENT HIGHLIGHT THIS ENTRANCE. A NEW GABLE ELEMENT IS ADDED TO HIGHLIGHT THE ENTRANCE FOR TENANT 2.

**b) Visually Reduce Larger Building Scale** – *Large building masses should be broken down through variations in roof lines, bays, setbacks, upper-level stepbacks, horizontal or vertical articulation, or other types of architectural detailing as described in Façade Composition and Components. Overall building form should be appropriate to the scale of the building and not become overly complicated.*

EXISTING FAÇADE PILASTERS ARE MAINTAINED IN ORDER TO PROVIDE THE HORIZONTAL ARTICULATION. THE MANSARD ROOF LINE AND PROMINENT GABLES ARE BEING MAINTAINED.

**c) Simplify Smaller Buildings** – *Smaller building masses should remain simple and not overly complicated.*

THE REMOVAL OF THE EXCESS DORMER ELEMENTS SIMPLIFY THE BUILDING DESIGN WITH CLEANER LINES AND ALLOW A DIFFERENTIATION OF THE TWO TENANT SPACES.

**d) Reinforce Corners and Gateways** – *Sites located at a prominent corner, intersection, or gateway should have building features and orientation that recognize the corner or gateway and respond to it with a suitable building form. Examples of prominent corner detailing, additional building height, or other building forms that provide a visual anchor.*

THE ADDITION OF THE GABLE FOR TENANT 2 PROVIDES A PROMINENT CORNER FEATURE FOR THIS EXISTING BUILDING.

**e) Integrate Historic Structures** – *Existing historic structures should be integrated into any new development plan. New buildings and additions should complement and reflect the style of existing older*



structures. Historic buildings should be considered for restoration, sensitive rehabilitation, preservation or adaptive reuse as may be appropriate to the historic structure and nature of its reuse. Refer to the Secretary of the Interior's Standards for Rehabilitation.

NOT APPLICABLE

*f) **Integrate Accessibility Features** – Accessibility ramps, lifts or other access requirements should be integrated into the design of the building entry at the building exterior and interior. Accessibility components should be a purposeful part of the building entry design.*

ACCESSIBLE RAMPS ARE SHOWN AROUND ENTRY LOCATIONS ON THE SITE PLAN.

## **2. Façade Composition and Components**

*Composition of building façades should include architectural features and building components that reduce the scale of large building masses, reinforce the character of the building to reflect a New England village style, and provide detail and articulation of the overall building, particularly in areas with pedestrian traffic.*

THE EXISTING FAÇADE ELEMENTS THAT ADD DETAIL AND ARTICULATION TO THE FAÇADE WILL BE MAINTAINED.

*a) **Emphasize Façade Rhythm and Patterns** – A building façade should be broken into vertical and horizontal parts that reinforce a rhythm and pattern. Vertically, a building should be seen to have a base, middle and top. Horizontally, the building should be broken down into sections that correspond to and indicate bays of the structural system.*

THE CEDAR SIDING AND BRICK WILL BE MAINTAINED AND ENHANCED WITH VERTICAL SIDING TO PROVIDE VISUAL INTEREST.

*b) **Avoid Long and Blank Façades** – Building façades should be differentiated at intervals typically not less than 50 feet or less by a change in material, a variation in the plane of the wall, decorative components, or functional element such as entryway or portico. Sections of continuous, uninterrupted, or blank building façades typically should not exceed 50 feet.*

WE HAVE MAINTAINED THE DECORATIVE PILASTERS ON THE EXTERIOR OF THE BUILDING TO BREAK UP THE FAÇADE AND PROVIDE VISUAL INTEREST. ON THE LONG ELEVATIONS, NORTH AND SOUTH, WE HAVE ADDED VERTICAL NATURAL CEDAR SIDING TO PROVIDE HUMAN SCALE, AND TO USE THE BEAUTY OF NATURAL WOOD TO HELP DEFINE THE EXTENT OF EACH TENANT SPACE. EACH AREA OF THE FAÇADE THAT IS DEFINED BY A PARTICULAR MATERIAL IS LESS THAN 50-FEET.

*c) **Emphasize Primary Façade Height** – The principal façade should not be less than typically about 20 feet in height with an articulation of the base, middle and top.*

THE EXISTING MANSARD ROOF PEAKS AT 17-FEET. THE EXISTING MAIN GABLE RISES TO OVER 23-FEET, AND A NEW SECONDARY GABLED DORMER RISES TO OVER 19-FEET. THERE IS A 2-FOOT BRICK WALL BASE AROUND THE BUILDING, DECORATIVE PILASTERS, STOREFRONT, AND A VARIETY OF SIDINGS THAT RISE TO THE BOTTOM OF THE SURROUNDING MANSARD AT 10-FEET TO CREATE A BASE, MIDDLE, AND TOP.

*d) **Encourage Neutral Building Identity** – Building design and architectural features should reflect a New England village character and should not overprioritize franchise features or identity. Signage, colors, awnings and other design features should be used to communicate brand and franchise identity. The building form, roof form and façade design should not be overly specific to a franchise or brand.*

THE RE-USE OF THE FORMER MCDONALD'S BUILDING WILL HAVE SIGNAGE TO INDICATE THE FUTURE TENANTS. THE REDESIGN FOCUSES ON UPGRADING THE EXISTING BUILDING AND HIGHLIGHTING THE TWO TENANT NATURE OF THE RE-USE.

*e) **Use Human-scaled Façade Features** – Awnings, canopies or other elements that break-down the overall scale of the building façade and provide protection and visual interest at building entries are*



*encouraged. Refer to Sign Regulations and design guidelines for specific sign, material and lighting requirements.*

THE VERTICAL AND HORIZONTAL ARTICULATION OF THE BUILDING INVITES PEDESTRIANS TO THE MAIN ENTRY POINTS AND PROVIDES A HUMAN SCALE. THE BUILDING IMPROVEMENTS ENHANCE THIS EXPERIENCE WITH NEW STOREFRONTS AND MATERIAL CHANGES.

*f) **Design Façade for Signage** – The façade design and architectural detailing should provide a purposeful place for signage, if signage is intended to be a part of the façade. An extended parapet, entablature, or sign band should be designed and integrated into the façade layout with appropriate spacing for both the height and width of anticipated signage. Refer to Sign Regulations for specific sign, material and lighting requirements.*

A NEW SHED ROOF DESIGN AND GABLE PROVIDE FOR SCALE APPROPRIATE FAÇADE SIGNAGE.

*g) **Integrate Utilitarian Components into the Façade Design** – All functional, utilitarian, or mechanical components of the building façade should be integrated into the façade or screened so as to be part of the composition of the overall building design. Mechanical vents, service rooms, utilitarian and staging areas, and similar portions of buildings should be hidden to match other materials and colors of the façade. Utilitarian aspects should also be screened by the site and building landscape.*

THE EXISTING MANSARD ROOF CURRENTLY SCREENS ROOFTOP MECHANICAL EQUIPMENT.

### **3. Building Roof Forms**

*Building roof form has a significant impact on the character and style of the architecture. Building roof forms should be both authentic to the type of building they are part of and strive to reinforce a sense of New England village character and scale.*

THE EXISTING GABLE AND MANSARD ROOF DESIGN WILL BE MAINTAINED AND THE PROPOSED ELEMENTS WILL ALSO CARRY OVER NEW ENGLAND VILLAGE CHARACTER.

*a) **Reinforce New England Village Character** – Traditional steeply-pitched roof forms are encouraged in order to reinforce a New England sense of place and assist in managing snow loads. Roof slopes should be in the range of 8:12 to 12:12 (vertical: horizontal). Roof styles may include gable, hip, half-hip, mansard, gambrel, saltbox, and shed.*

THE EXISTING ROOF LINES WILL BE MAINTAINED AND NEW ARCHITECTURAL ELEMENTS INCORPORATE THE GABLE AND SHED ROOF STYLES.

*b) **Reinforce a Human-scale to Buildings** – Large uninterrupted roof forms should be avoided and articulated with roof gables, dormers, chimneys or other roof forms that provide variety and interest to the overall building form.*

WITH THE EXCEPTION OF THE EXISTING MANSARD ROOF ALONG THE SOUTH ELEVATION, THE ROOF IS GENERALLY BROKEN UP INTO ELEMENTS THAT ARE LESS THAN 50-FEET IN LENGTH, TO PRESENT A HUMAN SCALE, PROVIDE VISUAL INTEREST, AND TO ACCENT ACTIVATED PORTIONS OF THE FAÇADE AND ENTRIES. A 73-FOOT LONG STRETCH OF SIMPLE ROOF ALONG THE SOUTH ELEVATION IS ACCENTUATED BY VARIATIONS IN THE FAÇADE BELOW. THE DESIGN TEAM FELT THAT ACCENTUATING THE ROOFLINE ALONG THIS PORTION OF THE BUILDING WITH DECORATIVE ROOF ELEMENTS WOULD BE INAPPROPRIATE, SINCE THE DRIVE LANE FOR THE DRIVE-THROUGH IS A SINGLE BUILDING ELEMENT THAT SHOULD ONLY BE ENHANCED BY VARIATIONS IN ROOF AS A PUNCTUATION AT THE DRIVE-THROUGH WINDOW AND AT THE MAIN GABLED ROOF, WHICH MARKS THE DINING ROOM.

*c) **Integrate and Screen Utilities** – Mechanical equipment on rooftops should be screened from visibility of pedestrians standing at grade on surrounding walkways by means of walls, decorative grilles, or roof parapets. Screening features should be a part of the building composition and design and use materials*



*that complement the overall roof and façade design. Other utilities, such as solar panels should be integrated into the design of the roof.*

THE EXISTING ROOF LINES PROVIDE ADEQUATE SCREENING FOR MECHANICAL EQUIPMENT.

#### **4. Building Lighting**

*Building lighting should be used to highlight and emphasize functional and decorative aspects of the building massing and facades. Building lighting should be energy efficient and designed to be minimized and focused on key components of the building. Lighting design must comply with the lighting requirements of the Zoning Bylaw.*

*a) **Define Hierarchy of Lighting** – Building entries should be a primary focus of building lighting to reinforce safety, security and convenience for access to the building. Lighting to highlight building features, key architectural elements, accents or*

THE BUILDING PERIMETER WILL BE DOWNLIT FROM LIGHT FIXTURES IN THE MANSARD SOFFIT.

THESE WILL ILLUMINATE THE WALKWAY, HIGHLIGHT ENTRANCES AND EXITS, AND PROVIDE SECURITY LIGHTING ALL AROUND THE BUILDING. THE DINING PATIO AT THE EAST END OF THE BUILDING WILL BE HIGHLIGHTED WITH FREE-STANDING PATIO LIGHT FIXTURES. SIGN PORTIONS OF THE FAÇADE WILL BE ILLUMINATED.



## Susan Affleck-Childs

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**From:** Jonathan Ackley  
**Sent:** Friday, December 16, 2022 8:09 AM  
**To:** Karen Johnson  
**Cc:** Susan Affleck-Childs; Barbara Saint Andre  
**Subject:** RE: [External] Medway Commons

Karen,

I have reviewed your request for determination along with the conceptual site plan. I agree with your initial assessment that these alterations do constitute a "redesign of the layout or configuration of an existing parking areas of twenty to thirty-nine parking spaces" and therefore, would require Minor Site Plan Review.

Please let me know if you have any questions.  
Regards,

### Jonathan Ackley

Building Commissioner  
Town of Medway Building Dept.  
155 Village Street, Medway MA  
508-533-3253  
[www.TownofMedway.org](http://www.TownofMedway.org)

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**From:** Karen Johnson <karen@charterrealty.com>  
**Sent:** Thursday, December 15, 2022 11:22 AM  
**To:** Jonathan Ackley <jackley@townofmedway.org>  
**Cc:** Susan Affleck-Childs <sachilds@townofmedway.org>; Barbara Saint Andre <bsaintandre@townofmedway.org>  
**Subject:** [External] Medway Commons

Jon,

Please see attached request for determination for minor site plan review.

I am available to review if you have any questions.

Karen

**Karen Johnson, AICP**  
Charter Realty & Development Corp.  
1666 Massachusetts Avenue, Suite 6A  
Lexington, MA 02420  
617 431-1091  
[karen@charterrealty.com](mailto:karen@charterrealty.com)

Charter Realty & Development Corp.  
309 Greenwich Avenue  
Greenwich, CT 06830  
203.689.7000  
[www.charterrealty.com](http://www.charterrealty.com)







C1026-023  
December 22, 2022

Karen Johnson, AICP  
Charter Realty & Development  
1666 Massachusetts Ave – Suite 6A  
Lexington, Massachusetts 02420

Re: **Traffic Statement – Starbucks & Chipotle Modifications  
Medway Commons – 65 Main Street, Medway, Massachusetts**

Dear Karen:

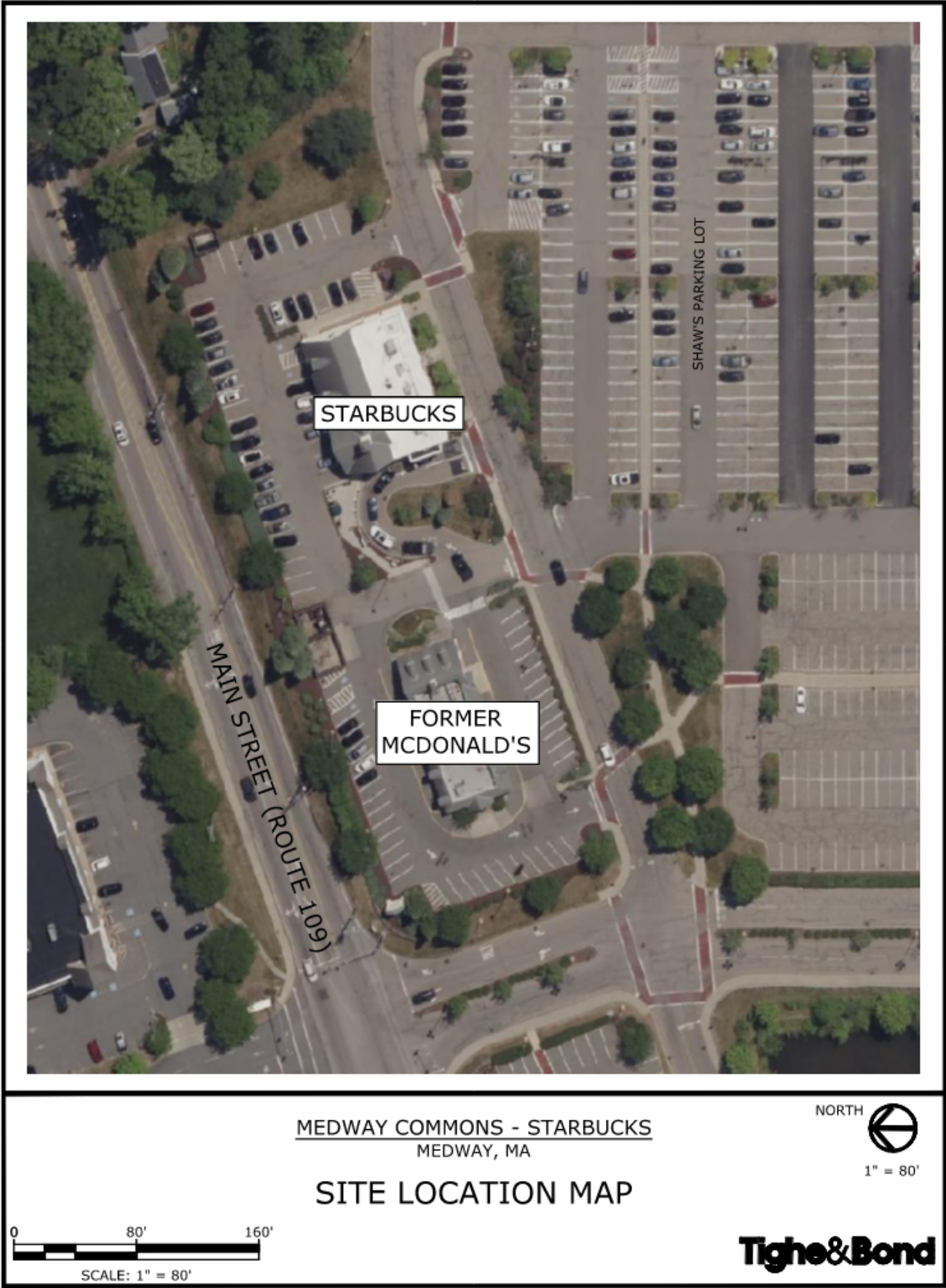
On behalf of Charter Realty & Development, Tighe & Bond has prepared this traffic impact statement to review the potential impact of modifications to the existing Medway Commons retail plaza located at 65 Main Street in Medway. This statement is provided to identify the net traffic decrease created by the redevelopment of the former McDonald's restaurant site as a Chipotle and an as yet unknown restaurant tenant, and to provide analysis of existing demand at the Starbucks site to remain and identify the positive impact of proposed Starbucks drive-through lane improvements.

## Existing Conditions

The Medway Commons shopping center includes a Shaw's grocery store, a CVS pharmacy, a childcare center currently under construction, and a mix of retail, restaurant, and service uses. The plaza is served by a single access driveway intersecting Main Street (Route 109) at a four-way intersection under traffic signal control, with a driveway serving a Walgreens pharmacy opposite the Medway Commons driveway. The Starbucks and former McDonald's restaurant parcels are at the northeastern edge of the plaza, bordered by a site circulating drive to the south and Main Street (Route 109) to the north. No direct access is provided to Main Street from the Starbucks or former McDonald's parcels. Four driveways intersect the two parcels and the site circulating driveway, from west to east: a one-way exit driveway to the west of the former McDonald's building; a two-way driveway between the McDonald's and Starbucks buildings; a two-lane exit driveway from the Starbucks drive-through window; and a two-way driveway to the east of the Starbucks building. The site circulating driveway continues to the east beyond the eastern Starbucks driveway to the western edge of the Shaw's building, providing access to Shaw's frontage driveway and rear loading area.

Two-way circulation is provided around the Starbucks building, which also houses an Orangetheory Fitness location. One-way counterclockwise circulation exists around the former McDonald's building, matching circulation of the former restaurant's drive-through operation. Starbucks drive-through vehicles enter from the two-way driveway between the two buildings, then loop around to access the Starbucks drive-through on the west side of the building and exit to the site circulating roadway.







## Trip Generation

To determine the potential impact of the proposed re-use of the McDonald's site for other restaurant uses, trips generated by the prior and proposed uses were estimated using the Institute of Transportation Engineers (ITE) Trip Generation, 11<sup>th</sup> Edition, 2021. Land-Use Codes (LUC) 930 – Fast Casual Restaurant, 933 – Fast Food Restaurant without Drive-Through Window, and 934 – Fast Food Restaurant with Drive-Through Window, were considered for the prior and proposed trips of the McDonald's site.

Trips generated for the former 3,749 square foot (sf) McDonald's use were estimated using LUC 934, Fast Food Restaurant with Drive-Through Window. As previously noted, the redevelopment of the former McDonald's building includes a Chipotle and an as yet-unnamed additional restaurant tenant. The Chipotle will promote the brand's Chipotlane concept, where customers can place their order through the Chipotle website or mobile app, then pick it up at a window without leaving their car. This differs from the typical Chipotle site, which does not offer a drive-through/pick-up window and requires the customer to go inside to either order at a counter or pick up from a designated pick-up area for website and mobile orders. While the Chipotlane concept retains the ability to order and eat inside, it is primarily marketed towards pick-up orders. LUC 930, Fast Casual Restaurant, is best aligned with the typical Chipotle operation; however, the introduction of a drive-through lane requires consideration of LUC 934 as well. A comparison of these two LUCs for the proposed 2,530 sf Chipotle reveals that LUC 934 has a greater rate of expected trips for both the overall day and for the weekday afternoon peak hour; as such, LUC 934 has been utilized to generate trips for the proposed use in order to present the most conservative assumption.

The remaining 1,219 sf is anticipated to be a restaurant use with walk-in, counter order service, but will not have a drive-through or pick-up window. LUC 933, Fast Food Restaurant without Drive-Through Window, is most appropriate for this anticipated use. Both proposed uses of the former McDonald's site are not anticipated to be open during weekday morning hours, so no trips are predicted for the weekday morning peak hour for the proposed uses.

As shown in Table 1, the former McDonald's use would be expected to generate approximately 167 trips in the weekday morning peak hour, 124 trips in the weekday afternoon peak hour, and 1,753 trips on a typical weekday. The redevelopment of the site as a Chipotle and additional restaurant tenant results in a reduction of all 167 trips (85 entering, 82 exiting) in the weekday morning peak hour, no change in the weekday afternoon peak hour, and an overall decrease of 21 weekday trips. The actual change in overall weekday trips will likely be greater than predicted, since the two proposed restaurant uses do not operate during the typical morning peak hour. Most importantly, they do not operate at the same time as the typical peak demand at the adjacent Starbucks site.



**TABLE 1**  
Site-Generated Traffic Summary

<b>Existing - 3,749 SF McDonalds</b>			<b>LUC 934</b>
<b>Peak Hour Period</b>	<b>Enter</b>	<b>Exit</b>	<b>Total</b>
Weekday Morning	85	82	167
Weekday Afternoon	64	60	124
Weekday	877	876	1,753
<b>Proposed - 2,530 SF Chipotle</b>			<b>LUC 934</b>
<b>Peak Hour Period</b>	<b>Enter</b>	<b>Exit</b>	<b>Total</b>
Weekday Morning	0	0	0
Weekday Afternoon	44	40	84
Weekday	592	591	1,183
<b>Proposed - 1,219 SF Fast Food without Drive-Through</b>			<b>LUC 933</b>
<b>Peak Hour Period</b>	<b>Enter</b>	<b>Exit</b>	<b>Total</b>
Weekday Morning	0	0	0
Weekday Afternoon	20	20	40
Weekday	275	274	549
<b>Net Vehicular Trips</b>			
<b>Peak Hour Period</b>	<b>Enter</b>	<b>Exit</b>	<b>Total</b>
<b>Weekday Morning</b>	<b>-85</b>	<b>-82</b>	<b>-167</b>
<b>Weekday Afternoon</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Weekday</b>	<b>-10</b>	<b>-11</b>	<b>-21</b>

**Source:**

Land Use -

Land Use -

Institute of Transportation Engineers,  
Trip Generation, 11th Edition, 2021  
934 [Fast Food Restaurant with Drive-Through Window]  
933 [Fast Food Restaurant without Drive-Through Window]

## Starbucks Drive-Through Operation

An important consideration of the proposed redevelopment of the McDonald's site is its interaction with the Starbucks site, and more specifically with Starbucks drive-through operation. Tighe & Bond conducted on-site observations of the existing Starbucks drive-through operation on a typical Friday and Saturday. Observations were conducted from 7:00 AM to 11:00 AM on Friday, October 21<sup>st</sup>, 2022 and from 8:00 AM to 12:00 PM on Saturday,



October 22<sup>nd</sup>, 2022. Observation days and times were chosen to align with the busiest days and times as identified by local Starbucks management.

During observations, cones were present across the two-way driveway between the McDonald's and Starbucks building. This requires Starbucks patrons to enter at the eastern driveway, travel along the northern side of the Starbucks building, continue along the northern side of the former McDonald's in a counterclockwise direction, and cross the two-way driveway to access the Starbucks drive-through, or enter the existing queue, if present. The existing drive-through has a storage capacity of six vehicles. When the queue exceeds six vehicles, it extends across the blocked driveway and along the McDonald's building, generally in the area of the former McDonald's drive-through. It is understood that during high demand periods prior to the McDonald's closure, Starbucks drive-through vehicles would queue through the driveway to the main site circulation driveway outside of the Starbucks and McDonald's parking area. The current configuration eliminates conflicts between drive-through vehicles and entering vehicles and takes advantage of the currently vacant McDonald's site.

Queue observations were conducted based on 15-minute intervals, with a typical and maximum queue observed for each interval. Observations revealed a typical queue ranging between two and ten vehicles on Friday, and between three and eight vehicles on Saturday. Maximum queues exceeding six vehicles were observed from 7:15 to 9:30 AM and from 10:15 to 10:30 AM on Friday, with overall maximum queues during the observed intervals ranging from four to thirteen vehicles. Maximum queues exceeding six vehicles were observed from 8:15 AM to 12:00 PM on Saturday, with maximum queues during the observed intervals ranging from five to nine vehicles.

## Proposed Site Modifications

The proposed redevelopment of the former McDonald's building generally retains the layout of the former site, with counterclockwise circulation in the parking lot and a drive-through/pick-up window at the southeast corner of the building. This configuration allows a drive-through lane to be maintained around three sides of the building while still allowing adequate room for entering vehicles and parking maneuvers while customers are potentially queued.

Site plans currently under development envision a modification to the Starbucks site to provide a similar configuration of counterclockwise circulation. One-way circulation is proposed along the north side of the building, with angle parking proposed similar to what exists to support one-way, counterclockwise operation at the Chipotle building. The Starbucks drive-through entry is modified so that vehicles will enter from the driveway to the east of the building, circulate counter-clockwise and enter the drive through from the northwest corner of the building. While the two-way driveway is maintained between the Starbucks and Chipotle buildings, the one-way configuration around both buildings restricts entry to the Starbucks parking area from this driveway. The counter-clockwise circulation and drive-through queueing of both buildings would be similar. The proposed modifications to the Starbucks drive-through create queueing space for ten vehicles before impacting existing or proposed parking, unlike current operation, additional queueing will potentially impact Starbucks operation, but not impede operations for Chipotle or the other restaurant tenant.

## Conclusion

Based on the trip generation estimates presented herein, the proposed redevelopment of the former McDonald's restaurant site will result in a net decrease in vehicle trips over the prior McDonald's use; specifically, in the weekday morning peak hour as the proposed restaurant uses do not typically offer service during the weekday morning peak period from 7:00 AM to



9:00 AM. This is especially beneficial to overall site operations, as there will be little to no demand for the Chipotle site at the same time as the typical peak demand at the adjacent Starbucks site.

For the Starbucks site, observations on a typical Friday and Saturday revealed average queues between two and ten vehicles, with a maximum queue reaching 13 vehicles between 7:30 and 7:45 AM on Friday. Existing queueing is accommodated by blocking the two-way driveway between the two sites and allowing vehicles to queue along the former McDonald's building. Proposed site modifications to the Starbucks site support vehicle circulation around the Starbucks building and queueing along the north side of the building, with available space to support a ten-vehicle queue before impacting parking. This proposed available storage contains the average queue based on existing site observations. Queues exceeding ten vehicles may impact Starbucks parking but will not impact the Chipotle site due to proposed circulation modifications.

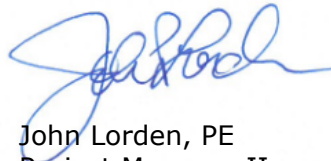
In summary, proposed redevelopment results in a net decrease of trips over prior McDonald's operations, with no impact to operation on area roadways. Starbucks drive-through modifications effectively accommodate existing observed queues on-site, while eliminating potential conflicts in operation between the Starbucks and proposed Chipotle sites.

Sincerely,

**TIGHE & BOND, INC.**



Greg E. Lucas, PE, PTOE, RSP1  
Senior Project Manager



John Lorden, PE  
Project Manager II

J:\C\C1026 Charter Realty - Conceptual Sites\C1026-023 Medway Commons Starbucks\Reports\Traffic Statement\2022-12-22 Medway Commons Traffic Statement.docx



## Chipotle & Starbucks – Stormwater Summary Memo

**To:** Karen Johnson, Charter Realty & Development Corp.  
**FROM:** John Lorden, PE, Tighe & Bond  
**DATE:** December 22, 2022

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Tighe & Bond is submitting this memorandum to summarize the proposed stormwater management impacts to the Medway Commons project located in Medway, Massachusetts as part of the Chipotle & Starbucks site improvements.

Site related impacts include building renovations to the existing McDonald's building for a portion of the footprint dedicated to Chipotle and the remaining footprint to another future tenant. In addition, the Starbucks drive thru pattern will be revised to relocate the drive-thru lane as well as add landscaping, walkways, and an additional patio space where parking currently exists. Additional changes to the Medway Commons complex include the addition of a turning lane for dedicated right turn traffic. This lane is provided to alleviate congestion at the intersection and aligned to remove current hazardous vehicle maneuvering.

With the above-mentioned revisions, the net increase to impervious throughout the site is 1,191 sf. This increase is spread across areas that drain to five (5) different catchbasins, thus having a negligible impact to drainage flows.

Drainage patterns are expected to remain the same as there are minimal grade revisions. There are no changes to the existing closed drainage system and no new stormwater connections or outfall discharges proposed.

The proposed project will not have any negative impact on the existing stormwater drainage system.



## Susan Affleck-Childs

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**From:** Susan Affleck-Childs  
**Sent:** Thursday, January 26, 2023 10:11 AM  
**To:** Michael Boynton; Allison Potter; Barbara Saint Andre; Joanne Russo; Marie Shutt; Jonathan Ackley; Christopher Park; Bridget Graziano; Peter Pelletier; Sean Harrington; Barry Smith; Nolan Lynch; Stephanie Carlisle; Jeff Watson; William Kingsbury; Derek Kwok  
**Cc:** Anna Rice; Sandy Johnston  
**Subject:** Development Applications - 7 Sanford Street and Medway Commons (Chipotle and Starbucks Site Plan)

Good morning,

The Planning and Economic Development Board has received two applications for which it will begin public hearings during its meeting on February 14, 2023.

### **7 Sanford Street Multi-Family Housing Special Permit**

Project information and application documents available at: <https://www.townofmedway.org/planning-economic-development-board/pages/7-sanford-street-multi-family-housing-special-permit>

### **Medway Commons – Chipotle and Starbucks Site Plan and Drive-Thru Special Permit**

Project information and application documents available at: <https://www.townofmedway.org/planning-economic-development-board/pages/medway-commons-minor-site-plan-chipotle-starbucks>

Please review the project information and provide any comments to me by February 3, 2023. All comments will be shared with the Board, provided to the applicants, and entered into the record during the public hearing.

Thanks for your help.

Susan E. Affleck-Childs  
Planning and Economic Development Coordinator  
Town of Medway  
155 Village Street  
Medway, MA 02053  
508-533-3291





## Susan Affleck-Childs

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**From:** Derek Kwok  
**Sent:** Thursday, January 26, 2023 12:42 PM  
**To:** Susan Affleck-Childs  
**Subject:** RE: Development Applications - 7 Sanford Street and Medway Commons (Chipotle and Starbucks Site Plan)

Hi Susy,

**7 Sanford St-** I do not have any major comments or issues so long as this property is connected to town sewer and water. Both are available for this property. If the owner wishes to put an irrigation well in, then this needs to be reviewed and permitted by the Board of Health.

**Medway Commons-** I do not have any comments for the revision of Starbucks' drive thru. I do have comments for adding Chipotle and the other food establishment. Both need to be permitted with the Board of Health. Also, both need to complete a food establishment plan review. This should be completed well in advance of seeking a permit or any activities in constructing either establishment.

Best,  
Derek Kwok, REHS/RS  
Health Director  
Board of Health  
Town of Medway  
155 Village Street  
Medway, MA 02053  
P: 508.321.4923

---

**From:** Susan Affleck-Childs <sachilds@townofmedway.org>  
**Sent:** Thursday, January 26, 2023 10:11 AM  
**To:** Michael Boynton <mboynton@townofmedway.org>; Allison Potter <apotter@townofmedway.org>; Barbara Saint Andre <bsaintandre@townofmedway.org>; Joanne Russo <jrusso@townofmedway.org>; Marie Shutt <mshutt@townofmedway.org>; Jonathan Ackley <jackley@townofmedway.org>; Christopher Park <cpark@townofmedway.org>; Bridget Graziano <bgraziano@townofmedway.org>; Peter Pelletier <ppelletier@townofmedway.org>; Sean Harrington <sharrington@townofmedway.org>; Barry Smith <bsmith@townofmedway.org>; Nolan Lynch <nlynch@townofmedway.org>; Stephanie Carlisle <scarlisle@townofmedway.org>; Jeff Watson <jwatson@medwaypolice.com>; William Kingsbury <wkingsbury@medwaypolice.com>; Derek Kwok <dkwok@townofmedway.org>  
**Cc:** Anna Rice <arice@townofmedway.org>; Sandy Johnston <sjohnston@townofmedway.org>  
**Subject:** Development Applications - 7 Sanford Street and Medway Commons (Chipotle and Starbucks Site Plan)

Good morning,

The Planning and Economic Development Board has received two applications for which it will begin public hearings during its meeting on February 14, 2023.

### **7 Sanford Street Multi-Family Housing Special Permit**

Project information and application documents available at: <https://www.townofmedway.org/planning-economic-development-board/pages/7-sanford-street-multi-family-housing-special-permit>



## **Medway Commons – Chipotle and Starbucks Site Plan and Drive-Thru Special Permit**

Project information and application documents available at: <https://www.townofmedway.org/planning-economic-development-board/pages/medway-commons-minor-site-plan-chipotle-starbucks>

Please review the project information and provide any comments to me by February 3, 2023. All comments will be shared with the Board, provided to the applicants, and entered into the record during the public hearing.

Thanks for your help.

Susan E. Affleck-Childs  
Planning and Economic Development Coordinator  
Town of Medway  
155 Village Street  
Medway, MA 02053  
508-533-3291





## Susan Affleck-Childs

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**From:** Chief William Kingsbury <WKingsbury@medwaypolice.com>  
**Sent:** Thursday, January 26, 2023 12:34 PM  
**To:** Susan Affleck-Childs  
**Subject:** RE: [External] RE: Development Applications - 7 Sanford Street and Medway Commons (Chipotle and Starbucks Site Plan)

Got it thank you-My only concern right now is the Starbuck's drive-thru line back up impacting their walk in traffic's ability to get in and out of the parking spaces right out front. I'll read through everything and see what it looks like.

No worries RE: 7 Sanford Street.

Thanks again.

---

**From:** Susan Affleck-Childs <sachilds@townofmedway.org>  
**Sent:** Thursday, January 26, 2023 12:25 PM  
**To:** Chief William Kingsbury <WKingsbury@medwaypolice.com>  
**Subject:** RE: [External] RE: Development Applications - 7 Sanford Street and Medway Commons (Chipotle and Starbucks Site Plan)

It is all set. Go ahead and check now.

---

**From:** Chief William Kingsbury <[WKingsbury@medwaypolice.com](mailto:WKingsbury@medwaypolice.com)>  
**Sent:** Thursday, January 26, 2023 12:24 PM  
**To:** Susan Affleck-Childs <[sachilds@townofmedway.org](mailto:sachilds@townofmedway.org)>  
**Subject:** RE: [External] RE: Development Applications - 7 Sanford Street and Medway Commons (Chipotle and Starbucks Site Plan)

Thank you!

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**From:** Susan Affleck-Childs <[sachilds@townofmedway.org](mailto:sachilds@townofmedway.org)>  
**Sent:** Thursday, January 26, 2023 12:20 PM  
**To:** Chief William Kingsbury <[WKingsbury@medwaypolice.com](mailto:WKingsbury@medwaypolice.com)>  
**Subject:** RE: [External] RE: Development Applications - 7 Sanford Street and Medway Commons (Chipotle and Starbucks Site Plan)

Hi Chief,

Anna is fixing that now. Check again in a few minutes.

Thanks.

Susy

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**From:** Chief William Kingsbury <[WKingsbury@medwaypolice.com](mailto:WKingsbury@medwaypolice.com)>  
**Sent:** Thursday, January 26, 2023 11:05 AM  
**To:** Susan Affleck-Childs <[sachilds@townofmedway.org](mailto:sachilds@townofmedway.org)>  
**Subject:** [External] RE: Development Applications - 7 Sanford Street and Medway Commons (Chipotle and Starbucks Site Plan)



Hi Suzy,

Do you have a link to the actual site plan for the McDonald's site plan? I saw the application but didn't see the drawings in the packet.

Thank you!

Chief

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**From:** Susan Affleck-Childs <[sachilds@townofmedway.org](mailto:sachilds@townofmedway.org)>

**Sent:** Thursday, January 26, 2023 10:11 AM

**To:** Michael Boynton <[mboynton@townofmedway.org](mailto:mboynton@townofmedway.org)>; Allison Potter <[apotter@townofmedway.org](mailto:apotter@townofmedway.org)>; Barbara Saint Andre <[bsaintandre@townofmedway.org](mailto:bsaintandre@townofmedway.org)>; Joanne Russo <[jrusso@townofmedway.org](mailto:jrusso@townofmedway.org)>; Marie Shutt <[mshutt@townofmedway.org](mailto:mshutt@townofmedway.org)>; Jonathan Ackley <[jackley@townofmedway.org](mailto:jackley@townofmedway.org)>; Christopher Park <[cpark@townofmedway.org](mailto:cpark@townofmedway.org)>; Bridget Graziano <[bgraziano@townofmedway.org](mailto:bgraziano@townofmedway.org)>; Peter Pelletier <[ppelletier@townofmedway.org](mailto:ppelletier@townofmedway.org)>; Sean Harrington <[sharrington@townofmedway.org](mailto:sharrington@townofmedway.org)>; Barry Smith <[bsmith@townofmedway.org](mailto:bsmith@townofmedway.org)>; Nolan Lynch <[nlynch@townofmedway.org](mailto:nlynch@townofmedway.org)>; Stephanie Carlisle <[scarlisle@townofmedway.org](mailto:scarlisle@townofmedway.org)>; Lt. Jeffrey Watson <[JWatson@medwaypolice.com](mailto:JWatson@medwaypolice.com)>; Chief William Kingsbury <[WKingsbury@medwaypolice.com](mailto:WKingsbury@medwaypolice.com)>; Derek Kwok <[dkwok@townofmedway.org](mailto:dkwok@townofmedway.org)>

**Cc:** Anna Rice <[arice@townofmedway.org](mailto:arice@townofmedway.org)>; Sandy Johnston <[sjohnston@townofmedway.org](mailto:sjohnston@townofmedway.org)>

**Subject:** Development Applications - 7 Sanford Street and Medway Commons (Chipotle and Starbucks Site Plan)

Good morning,

The Planning and Economic Development Board has received two applications for which it will begin public hearings during its meeting on February 14, 2023.

**7 Sanford Street Multi-Family Housing Special Permit**

Project information and application documents available at: <https://www.townofmedway.org/planning-economic-development-board/pages/7-sanford-street-multi-family-housing-special-permit>

**Medway Commons – Chipotle and Starbucks Site Plan and Drive-Thru Special Permit**

Project information and application documents available at: <https://www.townofmedway.org/planning-economic-development-board/pages/medway-commons-minor-site-plan-chipotle-starbucks>

Please review the project information and provide any comments to me by February 3, 2023. All comments will be shared with the Board, provided to the applicants, and entered into the record during the public hearing.

Thanks for your help.

Susan E. Affleck-Childs  
Planning and Economic Development Coordinator  
Town of Medway  
155 Village Street  
Medway, MA 02053  
508-533-3291





## Susan Affleck-Childs

---

**From:** Barbara Saint Andre  
**Sent:** Monday, January 30, 2023 10:48 AM  
**To:** Susan Affleck-Childs  
**Cc:** Lt. Jeffrey Watson; Bouley, Steven; William Kingsbury  
**Subject:** RE: Development Applications - Medway Commons Site Plan application

I remain concerned regarding the proposed changes to the existing internal roadway shown on sheet C-102. Specifically, it shows a proposed right hand turn lane for traffic traveling eastbound toward the Starbucks entrance. This right hand turn lane termination point does not allow vehicles to access the first row of parking for Shaw's. When I mentioned this at the pre-application meeting, the response from the owner's representative was that the first row of Shaw's parking is used primarily by employees and very few customers. I parked at the Shaw's parking lot and observed the traffic on a random morning, and the most customer cars entering and leaving the parking lot used the first row of parking. Thus, I do not believe that the proposed configuration will work as intended, as customers that want to park in the first parking row will either continue to the stop sign and turn right, then left into the parking spaces, or take the right hand turn lane and then turn left and then right into the parking area. (I also note that two trees are being removed for this right turn lane, I do not see replacement trees for these on the landscape plan C-104.)

I realize my observations are not a scientific study, but in addition to my observations, it seems logical that customers who are accessing Shaw's from that direction would park in the first parking area.

Overall, the new traffic and parking configuration for the internal roadways, Starbucks and Chipotle sites should be carefully examined. (The plans erroneously refer to the proposed tenant as Chipotlane, this should be corrected.)

**Barbara J. Saint Andre**  
**Director, Community and Economic Development**  
**Town of Medway**  
**155 Village Street**  
**Medway, MA 02053**  
**(508) 321-4918**

---

**From:** Susan Affleck-Childs <sachilds@townofmedway.org>  
**Sent:** Thursday, January 26, 2023 10:11 AM  
**To:** Michael Boynton <mboynton@townofmedway.org>; Allison Potter <apotter@townofmedway.org>; Barbara Saint Andre <bsaintandre@townofmedway.org>; Joanne Russo <jrusso@townofmedway.org>; Marie Shutt <mshutt@townofmedway.org>; Jonathan Ackley <jackley@townofmedway.org>; Christopher Park <cpark@townofmedway.org>; Bridget Graziano <bgraziano@townofmedway.org>; Peter Pelletier <ppelletier@townofmedway.org>; Sean Harrington <sharrington@townofmedway.org>; Barry Smith <bsmith@townofmedway.org>; Nolan Lynch <nlynch@townofmedway.org>; Stephanie Carlisle <scarlisle@townofmedway.org>; Jeff Watson <jwatson@medwaypolice.com>; William Kingsbury <wkingsbury@medwaypolice.com>; Derek Kwok <dkwok@townofmedway.org>  
**Cc:** Anna Rice <arice@townofmedway.org>; Sandy Johnston <sjohnston@townofmedway.org>  
**Subject:** Development Applications - 7 Sanford Street and Medway Commons (Chipotle and Starbucks Site Plan)

Good morning,

The Planning and Economic Development Board has received two applications for which it will begin public hearings during its meeting on February 14, 2023.



## **7 Sanford Street Multi-Family Housing Special Permit**

Project information and application documents available at: <https://www.townofmedway.org/planning-economic-development-board/pages/7-sanford-street-multi-family-housing-special-permit>

## **Medway Commons – Chipotle and Starbucks Site Plan and Drive-Thru Special Permit**

Project information and application documents available at: <https://www.townofmedway.org/planning-economic-development-board/pages/medway-commons-minor-site-plan-chipotle-starbucks>

Please review the project information and provide any comments to me by February 3, 2023. All comments will be shared with the Board, provided to the applicants, and entered into the record during the public hearing.

Thanks for your help.

Susan E. Affleck-Childs  
Planning and Economic Development Coordinator  
Town of Medway  
155 Village Street  
Medway, MA 02053  
508-533-3291





## Board Members

Matt Buckley, Chair  
Janine Clifford, Vice Chair  
Jamie Ahlstedt, Member  
Susan Alessandri, Member  
Jessica Chabot, Member  
Thomas Gay, PEDB  
Representative



Medway Town Hall  
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Medway, MA 02053  
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[www.townofmedway.org](http://www.townofmedway.org)

# TOWN OF MEDWAY

## COMMONWEALTH OF MASSACHUSETTS

### DESIGN REVIEW COMMITTEE

February 14, 2023

To: Medway Planning & Economic Development Board  
From: Design Review Committee  
Re: Medway Commons Chipotle & Starbucks Site Plan

Dear Members of the Medway Planning and Economic Development Board,

The Medway Design Review Committee [DRC] is pleased to provide a comment letter for the updated designs for the proposed restaurants to replace the previous McDonald's building (Chipotle and TBD Tenant) and a site plan for reworking the Starbucks drive-thru. We understand the PEDB will begin the public hearing on this project on February 14<sup>th</sup>.

On February 6<sup>th</sup>, 2023, the DRC met with representatives of the project (Karen Johnson of Charter Realty, John Lorden, P.E., of Tighe and Bond Engineering, and Tom Scott, AIA of Scott Griffin Architects via Zoom. At this meeting, the DRC reviewed an updated site plan, elevations, and renderings that addressed the recommendations provided by the DRC during a previous pre-application meeting.

Those updates included the following:

- The building materials (materials, colors identified in elevations)
- Updated storefront and entrances to each tenant. Addition of gabled roof at second tenant entrance to give more street presence and accentuate corner entrance for TBD tenant
- Signage to upgrade the building and identify new businesses clearly from street views and plaza.
- Updates to the roof line to not exceed existing roof height and include opening for roof ladder access on west facade
- Landscaping plans to include screen of proposed/existing utility area at west facade
- Dumpster area will be screened
- Photo-real elevations of views from the traffic signage at Route 109/Medway Commons.

Below are new or remaining comments for consideration discussed with the applicant:

- **Dumpster Fence** - Dumpster area should be screened with natural colored, non-glossy wood fence. The enclosure height should be higher than the dumpster.
- **West Facade** – The proposed and existing utilities, back of house door/entry, and roof ladder are all located on the west facing façade of the building. Previously this view was mostly screened by the previous restaurant's drive thru signage, landscaping, and lattice screening. A cut out at the roof line has been added to access the rooftop equipment from the building exterior for maintenance as to not impact the two businesses when access to the roof is required. The



Committee spent some time reviewing options to screen this façade more fully as more utility equipment has been added as well as the service door being used for employees of the TBD tenant to take out trash, breaks, loading, etc. While the landscaping plan includes replacing some deciduous trees with larger evergreens, we feel this façade would benefit from further screening with additional landscaping and installation of a natural colored fence between the landscaping and the sidewalk to the employee service door. This would also assist in screening the roof access ladder discussed below.

- **Roof Access Ladder** - The proposed cut out at the roof line on the west facing façade is for access through the mansard to the flat roof beyond for serving of HVAC equipment. This cut creates an awkward gap at the roof line. The Committee discussed this and proposed a solid gate or wall to close the gap at the top of the roof and give illusion that the mansard roof continues. There was also some discussion about the cage around the top of the ladder (required for loss prevention) and use of a lockable gate at the ladder to prevent access by unauthorized persons. The Committee encouraged the applicant to consider the design of both and possibly incorporate both functions into a lockable shroud to further conceal the roof ladder.
- **Signage** - It was understood that signage would not be submitted for review at this time and therefore, will be submitted for review by the DRC on a future date when the sign permit is being sought. Consideration of the provided façade designs currently show “placeholder” wall signs on the east & north building facades. The Committee suggested that a sign on the west façade roof soffit for the TBD tenant could help bring more presence to the second business at the corner and further aid in screening needed at that façade.

It was a pleasure to review this proposed development. It will be a great reuse of the existing site, encourage new business and gathering spaces for the Medway community, and improve the traffic pattern for the existing Starbucks. The project appears to make good consideration of the local aesthetic and incorporates many design elements above and beyond the standards to maintain Medway’s community building vernacular.

Very truly yours,

A handwritten signature in black ink, appearing to read "Matt Buckley". The signature is fluid and cursive, with the first name "Matt" and last name "Buckley" clearly distinguishable.

Matt Buckley  
Chair





**February 14, 2023**  
**Medway Planning & Economic Development Board**  
**Meeting**

**William Wallace Village**  
**Discussion on Final Occupancy Permit**

DTRT, LLC, the Permittee for the William Wallace Village (WWV) multi-family development at 274 Village Street, wishes to secure an occupancy permit for the last (12<sup>th</sup>) dwelling unit. Attorney Cameron Merrill, on behalf of the Permittee, has requested an opportunity to speak with the Board.

General Condition L. Project Completion of the WWV decision (attached, see page 29) addresses issuance of the occupancy permit for the 12<sup>th</sup> dwelling unit. It specifies that the Permittee shall request a Certificate of Site Plan Completion from the Board. This includes providing an as-built plan and a written certification from a Professional Engineer that the building and site work have been completed in substantial compliance with the approved and endorsed site plan.

The Permittee's request for the final occupancy permit has been declined as the work is not completed and the above noted requirements of the decision have not been satisfied. On October 26, 2022, Building Commissioner Jonathan Ackley declined to issue a Certificate of Occupancy for the 12<sup>th</sup> unit due to the language in the decision. (See attached email to Larry Rucki.) Mr. Ackley confirmed his denial determination in an email to Attorney Merrill on January 9, 2023 (see attached email trail among attorney Merrill, Susy Affleck-Childs, and Jonathan Ackley between January 5-9, 2023) and again to Permittee Greg Rucki on February 10, 2023 in response to Mr. Rucki's email dated February 9, 2023 (see attached).

The site work is not fully completed. Tetra Tech conducted a site visit and inspection on February 6, 2023 (see attached TT report dated February 9, 2023) which outlines the remaining work. Nor has the Permittee submitted a final as-built plan and project engineer's certification to the PEDB office. However,



project engineer Dan Merrikin has regularly provided monthly construction status reports as required by the Decision.

I also note that the WWV decision (page 20) specifies the Permittee to provide the final of 11 affordable housing payments in lieu of construction (\$7,744) to the Medway Affordable Housing Trust before a building permit is issued for the last market rate unit. Such payment has not been made, nor has Town staff notified the Permittee that such payment is owed. However, the Board should certainly require that this payment be received before an occupancy permit is issued for the 12<sup>th</sup> dwelling unit.

NOTE – The Permittee has provided \$354,324 in cash performance security. The Agreement for Deposit of Money to secure Performance was executed in October of 2021. The Permittee has not requested any bond reductions since then.





**TOWN OF MEDWAY**  
COMMONWEALTH OF MASSACHUSETTS

**PLANNING AND ECONOMIC  
DEVELOPMENT BOARD**

Medway Town Hall  
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Medway, MA 02053  
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[www.townofmedway.org](http://www.townofmedway.org)

**Board Members**

Andy Rodenhiser, Chair

Robert Tucker, Vice  
Chair

Thomas Gay, Clerk

Matthew Hayes, P.E.,  
Member

Richard Di Iulio,  
Member

**Staff**

Susan Affleck-Childs,  
Planning and Economic  
Development  
Coordinator

**MULTI-FAMILY HOUSING SPECIAL PERMIT  
and SITE PLAN DECISION  
William Wallace Village  
274 & a portion of 276 Village Street  
APPROVED with Waivers and Conditions**

**Decision Date:** January 28, 2020

**Name of Applicant/Permittee:** DTRT, LLC

**Address of Applicant:** DTRT, LLC  
PO Box 95  
Truro, MA 02666

**Name/Address of Property Owners:**

DTRT, LLC  
PO Box 95  
Truro, MA 02666

Keith and Judith Spinney  
276 Village Street  
Medway, MA 02053

**Engineer:** Daniel Merrikin, P.E.  
Legacy Engineering, LLC  
730 Main Street  
Millis, MA 02054

**Site Plan:** William Wallace Village  
Dated July 1, 2019, last revised December 27, 2019 by  
Legacy Engineering of Millis, MA

**Location:** 274 and a portion of 276 Village Street

**Assessors' Reference:** Map 55, Parcel 55 and a portion of Parcel 54

**Zoning District:** Agricultural Residential II  
Multi-Family Housing Overlay District

RECEIVED

JAN 29 2020

TOWN CLERK





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

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**Staff**

Susan Affleck-Childs,  
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and SITE PLAN DECISION  
William Wallace Village  
274 & a portion of 276 Village Street  
APPROVED with Waivers and Conditions**

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PO Box 95  
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**Name/Address of Property Owners:**  
DTRT, LLC  
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Keith and Judith Spinney  
276 Village Street  
Medway, MA 02053

**Engineer:** Daniel Merrikin, P.E.  
Legacy Engineering, LLC  
730 Main Street  
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**Site Plan:** William Wallace Village  
Dated July 1, 2019, last revised December 27, 2019 by  
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**Location:** 274 and a portion of 276 Village Street

**Assessors' Reference:** Map 55, Parcel 55 and a portion of Parcel 54

**Zoning District:** Agricultural Residential II  
Multi-Family Housing Overlay District



**I. PROJECT DESCRIPTION** – The Applicant proposes to develop a 12-unit residential condominium community at 274 Village Street and a small portion of 276 Village Street which is to be conveyed to the Applicant. The combined area of the site is 158,077 sq. ft. The project includes construction of one 3-unit building, four duplex buildings and the renovation of the existing single family house; the units will range in size from 2 – 4 bedrooms. One dwelling unit shall be available for sale to a low or moderate income household and comply with the requirements for inclusion on the Subsidized Housing Inventory (“SHI”) compiled by the Massachusetts Department of Housing and Community Development (“DHCD”) pursuant to Massachusetts General Laws, Chapter 40B, §§20-23 (the “affordable housing units”).

Access to the development will be from Village Street via a permanent, private roadway to be known as Sterling Circle. A total of 52 parking spaces will be provided (2 in the garage and 2 in the driveway for each of the 12 units plus 4 spots for visitors and guests). The existing gym building at 274 Village Street will be demolished. Sub-surface stormwater management facilities will be installed on site as will landscaping and lighting. Connections will be made to the existing Town sewer and water services on Village Street.

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”) and site plan review and approval pursuant to Section 3.5 of the *Bylaw*.

The property includes resources under the jurisdiction of the Medway Conservation Commission and is subject to the provisions of Article XXVII of the Medway General Bylaws, Stormwater Management and Land Disturbance.

**II. VOTE OF THE BOARD** – After reviewing the application and information gathered during the public hearing and review process, the Medway Planning and Economic Development Board (the “Board”), on January 28, 2020, on a motion made by Matthew Hayes and seconded by Tom Gay, *voted to grant with CONDITIONS a Multi-Family Housing Special Permit to DTRT, LLC of Truro, MA (hereafter referred to as the Applicant or the Permittee) and to approve with WAIVERS and CONDITIONS as specified herein, a site plan for the construction of a twelve unit, condominium development and associated site improvements on the property at 274 and a portion of 276 Main Street as shown on the plan titled William Wallace Village dated July 1, 2019, last revised December 27, 2019 to be further revised as specified herein before endorsement and recording.*

The motion was approved by a vote of four in favor and one opposed.

<b>Planning &amp; Economic Development Board Member</b>	<b>Vote</b>
Richard Di Iulio	Yes
Matthew Hayes	Yes
Thomas A. Gay	Yes
Andy Rodenhiser	Yes
Robert Tucker	No

### **III. PROCEDURAL HISTORY**

- A. July 1, 2019 – Special permit and site plan applications and associated materials filed with the Board and the Medway Town Clerk



- B. July 2, 2019 – Public hearing notice filed with the Town Clerk and posted at the Town of Medway web site.
- C. July 8, 2019 - Public hearing notice mailed to abutters by certified sent mail.
- D. July 9, 2019 – Site plan information distributed to Town boards, committees and departments for review and comment.
- E. July 8, 2019 and July 16, 2019 - Public hearing notice advertised in *Milford Daily News*.
- F. July 23, 2019 - Public hearing commenced. The public hearing was continued to August 27, September 10, September 24, October 22, November 5, and December 3, 2019 and to January 14 and January 28, 2020 when the hearing was closed and a decision rendered.

#### **IV. INDEX OF SITE PLAN/SPECIAL PERMIT DOCUMENTS**

- A. The special permit application for the proposed William Wallace Village condominium development included the following plans, studies and information that were provided to the Board at the time the application was filed:
  - 1. Multifamily Housing Special Permit application dated July 1, 2019 with Special Permit Narrative prepared by Daniel Merrikin, P.E., Legacy Engineering, LLC of Millis, MA.
  - 2. Major Site Plan application dated July 1, 2019 with Site Narrative prepared by Daniel Merrikin, P.E., Legacy Engineering, LLC of Millis, MA.
  - 3. *William Wallace Village site plan*, dated July 1, 2019 prepared by Daniel Merrikin, P.E., Legacy Engineering, LLC of Millis, MA.
  - 4. Certified Abutters List from Medway Assessor's office dated May 29, 2019
  - 5. *Development Impact Statement* for William Wallace Village, dated June 25, 2019, prepared by Legacy Engineering, LLC.
  - 6. Requests for Waivers from *Site Plan Rules and Regulations* dated June 25, 2019, prepared by Legacy Engineering, LLC.
  - 7. Quit Claim deed dated March 31, 2019 conveying 274 Village Street from McKenna/Dowley to DTRT, LLC.
  - 8. *Stormwater Report* for William Wallace Village, dated June 25, 2019, prepared by Legacy Engineering, LLC.
  - 9. Building architectural plans including elevations and floor plan, undated, unattributed, received July 1, 2019.
- B. During the course of the Board's review, revised plans and a variety of other materials were submitted to the Board by the Applicant and its representatives:
  - 1. *William Wallace Village site plan*, revised September 4, 2019, prepared by Daniel Merrikin, P.E. Legacy Engineering, LLC.
  - 2. *William Wallace Village site plan*, revised October 7, 2019, prepared by Daniel Merrikin, P.E., Legacy Engineering LLC.
  - 3. *William Wallace Village site plan*, revised October 22, 2019, prepared by Daniel Merrikin, P.E., Legacy Engineering LLC.



4. *William Wallace Village* revised concept plan/progress print dated November 26, 2019, prepared by Daniel Merrikin, P.E., Legacy Engineering, LLC.
5. *William Wallace Village* site plan, revised December 27, 2019, prepared by Daniel Merrikin, P.E., Legacy Engineering, LLC.
6. *Stormwater Report* for William Wallace Village, revised September 4, 2019, prepared by Legacy Engineering, LLC.
7. *Stormwater Report* for William Wallace Village, revised October 7, 2019 prepared by Legacy Engineering, LLC.
8. *Stormwater Report* for William Wallace Village, revised October 22, 2019 prepared by Legacy Engineering, LLC.
9. *Stormwater Report* for William Wallace Village, revised December 27, 2019 prepared by Legacy Engineering, LLC.
10. *Landscape Plan for William Wallace Village*, dated August 9, 2019, prepared by Cosmos Associates, Landscape Architects and Site Planners, Natick, MA.
11. *Landscape Plan for William Wallace Village*, revised September 11, 2019, prepared by Cosmos Associates, Landscape Architects and Site Planners, Natick, MA.
12. *Landscape Plan for William Wallace Village*, revised November 2, 2019, prepared by Cosmos Associates, Landscape Architects and Site Planners, Natick MA.
13. *Landscape Plan for William Wallace Village*, revised January 8, 2020 prepared by Cosmos Associates, Landscape Architects and Site Planners, Natick MA.
14. Email communication dated July 29, 2019 from Daniel Merrikin, P.E., Legacy Engineering LLC. regarding the applicability of the *Scenic Road Rules and Regulations* to the subject site.
15. Response letters dated September 5, 2019, October 7, and October 22, 2019 from Daniel Merrikin, P.E., Legacy Engineering LLC. to the plan review letters from Tetra Tech and PGC Associates.
16. Revised architectural plans including elevations, floor plans and renderings, undated, unattributed, received September 23, 2019.
17. Revised architectural plans including elevations, floor plans and renderings, undated, unattributed, received November 27, 2019.
18. Revised architectural plans including elevations, floor plans and renderings, undated, unattributed, received December 10 and 11, 2019.
19. Revised architectural plans including elevations, floor plans and renderings, undated, unattributed, received January 8, 2020
20. Resubmission letters dated October 23, 2019 and December 27, 2019 from Daniel Merrikin, P.E., Legacy Engineering LLC. with revised site plan.
21. Additional Requests for Waivers from *Site Plan Rules and Regulations* dated September 2 and September 4, 2019, prepared by Legacy Engineering, LLC.
22. Sewer Calculations dated August 21, 2019 prepared by Daniel Merrikin, P.E., Legacy Engineering, LLC.



23. William Wallace Village *Fire Circulation Plan of Land* dated September 4, 2019 prepared by Legacy Engineering, LLC.
  24. Email communication dated October 17, 2019 from applicant Larry Rucki
  25. Letter dated November 4, 2019 from Daniel Merrikin, P.E., Legacy Engineering summarizing proposed additional site landscaping
  26. DRAFT waiver pursuant to M.G.L. c 40A, §6 regarding compliance with changes to the *Bylaw* approved November 18, 2019.
  27. Email from Larry Rucki dated January 4, 2020 requesting the Board's authorization to allow construction on one duplex building while the infrastructure is being installed.
  28. Letter dated January 14, 2020 from Daniel Merrikin, P.E., Legacy Engineering summarizing proposed site landscaping pursuant to the revised site plan dated December 27, 2019 with 12 units.
- C. Other documentation submitted to the Board during the course of the public hearing:
1. PGC Associates plan review letters dated August 1, 2019 and September 23, 2019
  2. Tetra Tech plan review letters dated July 31, 2019 and September 15, 2019
  3. ANR Plan of Land dated July 15, 2019, revised July 19, 2019, prepared by Colonial Engineering, Inc. of Medway, MA, endorsed by PEDB on July 30, 2019. The ANR plan shows the splitting off a 5,858 sq. ft. portion of 276 Village Street to be conveyed by owners Keith and Judith Spinney to DTTRT, LLC and the splitting off a 2,924 sq. ft. portion of 274 Village Street to be conveyed by DTTRT, LLC to Keith and Judith Spinney.
  4. Design Review Committee comment memorandum dated September 10, 2019
  5. Design Review Committee comment memorandum dated October 21, 2019.
  6. Review comment letter dated July 11, 2019 from Medway Police Safety Officer Sergeant Jeffrey Watson.
  7. William Wallace Village site plan mark-ups from DPW Director Dave D'Amico dated July 11, 2019
  8. Memorandum from Community and Economic Development Director Barbara Saint Andre dated August 1, 2019 regarding definition of a multi-family development.
  9. Email from Fire Chief Jeff Lynch dated October 18, 2019
  10. Email from DPW Water and Sewer Superintendent Barry Smith dated October 22, 2019 re: sewer connection
  11. Order of Conditions and Land Disturbance Permit dated October 28, 2019 issued by the Medway Conservation Commission
  12. Amended Order of Conditions and Land Disturbance Permit dated January 28, 2020 issued by the Medway Conservation Commission
  13. Email dated 11-5-2019 from Steve Bouley, P.E., Tetra Tech, dated 11-5-2019.
  14. Email from dated 11-5-2019 from DPW Director Dave D'Amico re: sewage treatment capacity



15. Project review letter from Matthew Buckley, Design Review Committee Chairman dated January 21, 2010.
16. Sales price information for townhouse type units in Medway from December 2017 – May 2019, by Medway Assessors' office, compiled 1-14-2020.

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

- Steve Bouley, P.E. of Tetra Tech, Inc., the Town's Consulting Engineer – Commentary provided throughout the public hearing process.
- Gino Carlucci, PGC Associates, the Town's Consulting Planner – Commentary provided throughout the public hearing process.
- Daniel Merrikin, P.E., Legacy Engineering, LLC, engineer for the Applicant – Commentary provided throughout the public hearing process
- Larry Rucki, Applicant
- Abutter James Rucki, 1 Bedelia Lane
- Abutter Wayne Brundage, 268 Village Street
- Abutter Scott Peterson, 6 Forest Road
- Abutter Patricia Muratori, 8 Forest Road

**VI. FINDINGS** - The Board, at its meeting on January 14, 2020, on a motion made by Matthew Hayes and seconded by Richard Di Iulio, voted to approve the following **FINDINGS** regarding the site plan and special permit applications for the proposed William Wallace Village located at 274 and a portion of 276 Village Street. The motion was approved by a vote of four in favor (Di Iulio, Gay, Hayes and Rodenhiser) and one opposed (Tucker).

**MULTIFAMILY HOUSING SPECIAL PERMIT** - 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 site is within the Multifamily Housing Overlay District (Section 5.6.4) and thus eligible for the multifamily housing proposal.*
- 2) Traffic capacity - *Village Street is a major artery within the town and has sufficient capacity to handle the traffic from the 12 units that are proposed. The 12 units do not rise to the level of triggering the requirement of a traffic study.*
- 3) Parcel size & frontage – *Following the land swap proposed for Parcels A and B, the site will consist of 3.62 acres, which exceeds the minimum area requirement of 22,500 square feet. The site has more than 50 feet of frontage on Village Street, so it meets the frontage requirement of Section 5.6.4.B (1) of the Bylaw.*

Dimensional

- 4) Dimension adjustments – *The dimensional requirements of the underling AR-II zoning district apply to the project, as set forth in Table 2 of Section 6 of the Bylaw. The plan shows a front building setback of 73.6 feet from Village Street. The minimum front setback for the AR-II district is 35 feet. The plan shows a side setback of 16' where the minimum required is 15'. The plan shows a rear setback of 36.2 feet*



*where a 15' minimum is required. The plans indicate that the project complies with maximum building coverage requirements (15% provided vs. 30% maximum allowed) and the maximum impervious surface standards (35% provided vs. 40% allowed).*

- 5) Building Height - *As noted on the plans, the height of the six buildings will be approximately 26 feet, less than the maximum 40 feet allowed.*

#### Density

- 6) Density - *The maximum density for multifamily projects is 8 units per whole acre. With 3.62 acres, the site could include a maximum possible 24 dwelling units. With 12 units, the project is well under the allowed maximum.*

#### Special Regulations

- 7) Affordable housing - *At 12 units, 10% (or 1.2 units) must be affordable in accordance with Section 8.6.C. of the Bylaw. The Applicant has decided to provide one affordable housing unit on site and make a cash payment to the Medway Affordable Housing Trust in an amount equal to 20% of the median sales price of Medway market-rate homes comparable in type, size and number of bedrooms over a period of eighteen months prior to the date of application (December 2017 – May 2019). That median sales price is \$425,919. The 20% payment amount = \$85,184.*
- 8) Open Space - *A minimum of 15% of the parcel must be open space or yard area. This requirement is met with 51% open space provided.*
- 9) Parking spaces - *Two off-street spaces per unit (24 spaces) are the minimum required per Section 5.6.4 E. 3 of the Bylaw and 52 off-street parking spaces are provided (4 per unit plus 4 visitor spaces).*
- 10) Town water and sewer service - *The project will be served by Town water and sewer.*
- 11) Number of units - *The number of units proposed (12) is less than the 36 unit maximum possible allowed under the Bylaw.*
- 12) Historic Properties - *Existing buildings on the site will be razed but they are not designated as "historically significant buildings" by the Medway Historical Commission.*

#### Decision Criteria

- 13) Meets purposes of Multi-family Housing section of the Bylaw (Section 5.6.4) and the Site Plan Rules and Regulations - *The project meets the following purposes of the Multifamily Housing section of the Bylaw: (1) It provides a diversity of housing types in the form of townhouse style units, and (2) increases the number of affordable housing units in the community. It also meets the purpose of the Site Plan Rules and Regulations. The plans have been reviewed by Town officials, the Consulting Engineer and Consulting Planner to ensure that the health, safety and welfare of Town residents is protected. Impacts on traffic, parking, drainage, environmental quality, community economics and community character were considered.*
- 14) Consistent with the Medway Housing Production Plan - *The project is consistent with Medway's Housing Production Plan in that it includes one new affordable housing unit. The development also meets the implementation strategies of*



*encouraging the use of the Multifamily Housing special permit provision of the Bylaw and providing additional options for duplexes and multifamily housing.*

- 15) Impact on abutting properties and adjacent neighborhoods - *The impact on abutting properties and adjacent neighborhoods has been addressed through vegetative screening, elimination of a possible driveway connecting William Wallace Village to the adjacent property on Bedelia Lane, provision of plentiful, on-site guest parking, and the aesthetics of the buildings.*
- 16) Variety of housing stock - *The development increases the variety of housing stock in the community by providing four duplex buildings, and one 3-unit building.*
- 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, multi-family, and a complex of independent living cottages and assisted living units currently under construction. Therefore, the proposed development is compatible with the surrounding neighborhood.*

**SPECIAL PERMIT DECISION CRITERIA** – 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 *Bylaw*. In making its determination, the special permit granting authority, in addition to any to any specific factors that may be set forth in other sections of the *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 property abuts an existing multi-family building to the west (Anderson Village), a two-family building and private way to the east, and an abandoned railroad bed to the north. The proposed use is a multifamily development within the Multi-Family Housing Overlay District as approved by Town Meeting. 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 plans and associated materials, and conditioned herein, adequate and appropriate facilities will be provided for the operation of the proposed uses. Town officials, the Town's Consulting Engineer and Consulting Planner have all reviewed the proposed facilities. The project will be serviced by Town water and sewer systems. Private electric and gas utilities will be provided. And the stormwater management system has been designed in accordance with the applicable regulations.*
- 3) The proposed use as developed will not create a hazard to abutters, vehicles, pedestrians or the environment. *The proposed use adds 11 residential units off a major through street and it is estimated that the development will generate less traffic than the most recent previous use of the Property as a gym. The entrance to the site has more than adequate sight distance and does not create a hazard to abutters, vehicles, or pedestrians. Suitable sidewalk facilities exist on Village Street and within the new development. The proposed stormwater management system has been*



*reviewed by the Town's Consulting Engineer and will not present a hazard to 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 12 residential units. The development is expected to generate less traffic than the most recent previous gym use. The entrance has been designed for maximum sight distance so the development will not cause undue traffic congestion or conflicts.*
- 5) The proposed use will not be detrimental to the adjoining properties due to lighting, flooding, odors, dust, noise, vibration, refuse materials or other undesirable visual, site or operational attributes of the proposed use. *The Applicant has provided documentation reviewed by the Town's Consulting Engineer and the Conservation Commission that its stormwater management plan is adequate to prevent flooding. The development will utilize residential style driveway lanterns instead of traditional parking lot lighting. The plans also document that there is no light trespass. Household refuse will be disposed of by curb-side pickup along the private roadway by private collection service. There will be no detrimental impact on abutters due to odors, dust, noise, vibration, refuse materials or other undesirable 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. It is adjacent to a two-family building and multifamily development (Anderson Village) and is nearby an independent and assisted living development currently under construction (Salmon Willows) and thus 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 Overlay District was established to accommodate 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 and the number of affordable housing units.*
- 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 impact. The proposed development has reasonable and appropriate density in a suitable location.*

*For all of the above reasons, the Board finds that the beneficial impacts of the proposed William Wallace Village outweigh the effects of the proposed use on the Town and neighborhood.*

**SITE PLAN RULES AND REGULATIONS FINDINGS** – The Board shall determine whether the proposed development is in conformance with the standards and criteria set forth in the *Site Plan Rules and Regulations*, unless specifically waived. In making its decision, the Board makes the following findings in accordance with Section 204-8 of the



*Site Plan Rules and Regulations, as amended December 3, 2002, and Section 3.5 of the Bylaw:*

- 1) Has internal circulation, queuing and egress been designed such that traffic safety is protected, access via minor streets servicing residential areas is minimized, and traffic backing up into the public way is minimized? *The plan has been thoroughly reviewed by Town officials, the Consulting Engineer and Consulting Planner. No access from minor streets is necessary or available, there is no backing onto a public way, and Village Street is adequate to safely handle the additional traffic from the 11 new housing units.*
- 2) Does the site plan show designs that minimize any departure from the character, materials, and scale of buildings in the vicinity as viewed from public ways and places? *The proposed buildings are residential and their scale and materials are suitable for the site and use. The design has been reviewed by the Design Review Committee and is acceptable for its location. The buildings are located well off Village Street and are mostly not visible from the public way. There are no distinguishing buildings in the vicinity with which the proposed buildings would conflict in terms of character, materials and scale.*
- 3) Is reasonable use made of building location, grading and vegetation to reduce the visible intrusion of structures, parking areas, outside storage or other outdoor service areas (e.g. waste removal) from public views or from (nearby) premises residentially used and zoned. *The buildings are mostly set back off Village Street and are a residential use so there is no outside storage, large intrusive parking lots, or dumpsters. Appropriate vegetation is proposed to screen the development from abutting residences.*
- 4) Is adequate access to each structure for fire and service equipment provided? *The proposed structures are accessible from the driveways and are located relatively close to the street. The Fire Chief has reviewed the plans and not identified any access issues. All buildings will have sprinklers installed.*
- 5) Will the design and construction minimize, to the extent reasonably possible, the following environmental impacts?
  - a) the volume of cut and fill;
  - b) the number of trees to be removed with particular care taken with mature trees and root systems;
  - c) the visual prominence of man-made elements not necessary for safety;
  - d) the removal of existing stone walls;
  - e) the visibility of building sites from existing streets;
  - f) the impacts on waterways and environmental resource areas;
  - g) soil pollution and erosion;
  - h) noise.

*The proposed stormwater drainage system has been reviewed by the Town's Consulting Engineer and the Conservation Commission. Appropriate soil pollution and erosion controls have been incorporated into the plan. No extraordinary noise will be generated by the residential neighborhood. Visibility is limited from Village Street. No stone walls are being removed. The subject site was previously disturbed so the impact on the environment is minimal.*



- 6) Is pedestrian and vehicular safety both on the site and egressing from it maximized? *The proposed use adds 11 residential units off a major street. The entrance to the site has adequate sight distance and does not create a hazard to abutters, vehicle, or pedestrians. There is sidewalk along the north side of Village Street adjacent to the subject property. Within the site are 690 linear feet of sidewalk.*
- 7) Does the design and will the construction incorporate, to the maximum extent possible, the visual prominence of natural and historic features of the site? *There are no visually prominent natural or historic features on site.*
- 8) Does the lighting of structures and parking area avoid glare on adjoining properties and minimize light pollution within the town? *The lighting plan was reviewed by the Board's Consulting Planner and Engineer. The planned site lighting is residential in scale and minimizes light pollution. There is no light spillage off site.*
- 9) Is the proposed limit of work area reasonable and does it protect sensitive environmental and/or cultural resources? *The site plan as designed should not cause substantial or irrevocable damage to the environment, which damage could be avoided or ameliorated through an alternative development plan or mitigation measures. The limit of work is reasonable and it protects sensitive environmental resources. The stormwater management system reduces impacts on the sensitive environmental resources.*

**VII. WAIVERS** – At its January 14, 2020 meeting, the Board, on a motion made by Thomas Gay and seconded by Matthew Hayes, voted to grant waivers from the following provisions of the *Rules and Regulations for the Submission and Approval of Site Plans, as amended December 3, 2002*. The Board's action and reasons for granting each waiver request are listed below. All waivers are subject to the *Special and General Conditions of Approval*, which follow this section. The motion was approved by a vote of four in favor (Di Iulio, Gay, Hayes and Rodenhiser) and one opposed (Tucker).

#### **SITE PLAN SUBMITTAL REQUIREMENTS/PLAN CONTENTS**

- 1) **Section 204 – 3.A. 7. A. Traffic Impact Assessment** - A full *Traffic Impact Assessment* is needed if the project involves one or more of the following characteristics:
  - (a) proposes an additional thirty (30) or more parking spaces;
  - (b) contains frontage or proposes access on a public way.

*The Applicant has requested a waiver from this requirement due to the relatively small size of this proposed development (12 units). Instead, the Applicant has provided a general traffic overview as part of the project narrative submitted with the applications. The traffic overview was prepared by project engineer Daniel Merrikin, P.E. of Legacy Engineering and reviewed by Tetra Tech, the Town's Consulting Engineer, which does not believe that a full traffic impact assessment is merited. The development's proposed access and egress is on a straight portion of Village Street that offers more than 1,000 feet of sight distance to the west and more than 500 feet to the east. The estimated traffic generation from the proposed development (5.86 trips per day per dwelling unit) is less than the estimated traffic generated by the most recent active use of the Property for a gym and one*



*single family home. The location is served by a sidewalk on the north side of Village Street, the same side as the proposed development, and provides safe pedestrian access to and from the site. For the foregoing reasons, the Board approves this waiver request.*

- 2) **Section 204 – 3 A. 7. B. Environmental Impact Assessment** - An *Environmental Impact Assessment* is needed if the project involves one or more of the following characteristics:
- (a) proposes an additional thirty (30) or more parking spaces;
  - (b) proposes a building footprint of fifteen thousand (15,000) square feet or greater;
  - (c) proposes to disturb thirty thousand (30,000) square feet of land or greater.

*The Applicant has requested a waiver from this requirement. Due to the presence of wetlands on the property, a Notice of Intent has been filed with the Medway Conservation Commission and the Massachusetts Department of Environmental Protection for site work in the buffer zone of the wetland resources. The Applicant has also filed an application for a Land Disturbance Permit with the Conservation Commission. The site is already disturbed due to its most recent past uses as a single family dwelling and a gym with paved parking at the front of the site. The site had formerly been used for poultry farming and there are a number of abandoned concrete slabs from previously demolished buildings; these will be removed. Given the highly disturbed nature of the site, it does not contain substantive undisturbed animal habitats nor are there any endangered species on the site. Movement of wildlife will not be impeded by the development as there are no large parking areas and the landscaping will include native trees, grasses and bushes. For the foregoing reasons, the Board approves this waiver request.*

- 3) **Section 204-5 C. 3. Existing Landscape Inventory** – An *Existing Landscape Inventory* shall be prepared by a Professional Landscape Architect licensed in the Commonwealth of Massachusetts. This inventory shall include a “mapped” overview of existing landscape features and structures and a general inventory of major plant species including the specific identification of existing trees with a diameter of one (1) foot or greater at four (4) feet above grade.

*The Applicant has requested a waiver from this requirement because all trees need to be removed from the site to accommodate the proposed development. Locating the trees on site would be an unnecessary additional expense as there will be no opportunity to retain the existing trees in the interior of the site given the scope of the proposed development. Undertaking this task provides no added value. For the foregoing reasons, the Board approves this waiver request.*

## **SITE PLAN DEVELOPMENT STANDARDS**

- 1) **Section 205-3 B. 2 Internal Site Driveways** - No part of any driveway shall be located within fifteen (15) feet of a side property line.

*The Applicant has requested a waiver from this requirement as it pertains to the location of the main roadway into the development from Village Street. It borders, in part, the eastern boundary of 276 Village Street. The location of the proposed roadway is where the current driveway to the site has been located for many*



years, an existing condition. Moving the driveway 15 feet easterly would eliminate the driveways in front of seven of the residential units, resulting in an inferior site design with parking located on portion of the property facing Village Street. The affected abutter at 276 Village Street (and co-applicant) is satisfied with the driveway location and overall site design as it reflects a land swap with the Applicant and an associated easement over the roadway that will give the abutter access to the rear portion of their property. **The Board approves this waiver request as being consistent with the purpose and intent of the Site Plan Rules and Regulations which will have no significant detriment to the achievement of any of the purposes of Site Plan Review and Approval.**

- 2) **Section 205-6 Parking G. 3. a) Parking Spaces/Stalls -** Car parking spaces/stalls shall be ten (10) feet by twenty (20) feet

*The Applicant has requested a waiver from this requirement seeking authorization for 9' x 18' parking spaces which is consistent with the parking space size provisions of the Bylaw. The Board approves this waiver request as being consistent with the purpose and intent of the Site Plan Rules and Regulations which will have no significant detriment to the achievement of any of the purposes of Site Plan Review and Approval.*

- 3) **Section 205-6 Parking H. Curbing –** The perimeter of the parking area shall be bounded with vertical granite curb or similar type of edge treatment to delineate the parking lot.

*The Applicant has requested a waiver from this requirement and proposes to use Cape Cod berm in lieu of vertical granite curbing on the perimeter of the parking areas. The curbing elsewhere on the property will be Cape Cod berm. Granite curbing shall be retained for use at the roundings of the entrance and exits to the site. The Board approves this waiver request as being consistent with the purpose and intent of the Site Plan Rules and Regulations which will have no significant detriment to the achievement of any of the purposes of Site Plan Review and Approval.*

- 4) **Section 205-9. F. Landscaping - Tree Replacement –** The total diameter of all trees over ten (10) inches in diameter that are removed from the site shall be replaced with trees that equal the total breast height diameter of the removed trees. The replacement trees may be placed on or off site as recommended by the Board.

*The Applicant has requested a waiver from this standard due to the extensive land clearance which is needed for the site, the consequent extent of tree removal, and the demands of meeting this standard. A general tree inventory performed by Legacy Engineering LLC found that 45 existing trees over 10" in diameter at breast height need to be cleared; the approximate total diameter of those 45 trees is 620". Based on the revised landscape plan dated January 8, 2020, 112 new deciduous trees (ornamental and clump style) and evergreen trees are planned for an estimated total of 253 caliper inches of replacement trees. In addition, 165 shrubs in the common areas are planned throughout the site along with 240 shrub plantings and 333 perennial plants, ornamental grasses and groundcover plantings around building foundations. The Board approves this waiver request*



***as being consistent with the purpose and intent of the Site Plan Rules and Regulations which will have no significant detriment to the achievement of any of the purposes of Site Plan Review and Approval.***

**VIII. 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), is consistent with *Site Plan Rules and Regulations*, that the comments of various Town boards and public officials have been adequately addressed, and that concerns of abutters and other town residents which were aired during the public hearing process have been carefully considered. The Board's issuance of a special permit and site plan approval 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 twelve (one unit in the existing building and eleven new units).
  - 2. The tract(s) 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) substantially as shown on the site plan entitled *William Wallace Village* dated July 1, 2019, last revised December 27, 2019, to be modified as referenced herein; and
    - c) in accordance with subsequent approved plans or amendments to this special permit.
  - 3. The tracts of land and buildings comprising William Wallace Village shall not be used, sold, transferred or leased except in conformity with this special permit and shall not be further divided.
- B. **Plan Endorsement** - Within sixty (60) days after the Board has filed its *Decision* with the Town Clerk, the site plan set for William Wallace Village dated July 1, 2019, last revised December 27, 2019, prepared by Daniel Merrikin, P.E, of Legacy Engineering LLC. including a landscaping plan by Cosmos Associates and architectural drawings including building elevations, floor plans and renderings, shall be further revised to reflect all Conditions and required revisions as specified herein, including those as follows, 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*). Upon approval, the Applicant 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.
- C. **Cover Sheet Revisions** – Prior to plan endorsement, the cover sheet of the December 27, 2019 site plan shall be revised as follows:
  - 1. Include the list of APPROVED Requests for Waivers



2. Add reference to the architectural elevations, floor plans and renderings to the Legend
  3. Include a new plan revision date
  4. Add language that the development is subject to a performance security Covenant to be executed by the Board and recorded with the special permit and plan.
  5. Add a reference to the Long Term Stormwater Operations and Maintenance Plan to the Legend
- D. ***Other Plan Revisions*** – Prior to plan endorsement, the following plan revisions shall be made to the December 27, 2019 Site Plan.
1. Change all references to “driveway” on all sheets of the plan to “Sterling Circle”
  2. Show the access easement across Sterling Circle for the benefit of Keith and Judith Spinney of 276 Village Street; approximately 25’ wide and 230’ long.
  3. Change “Bedelia Way” to “Bedelia Lane” on all applicable plan sheets.
  4. Denote the elimination of the driveway for Keith and Judith Spinney of 276 Village Street that presently exists on what will become Sterling Circle.
  5. Add information to specify the color and type of the Versa-Lok blocks for the retaining wall to run along approximately 80’ along the western edge of Sterling Circle, both to be approved by the Design Review Committee.
  6. Change the detail for the type of fencing planned for installation adjacent to the 276 Village Street property from a stockade style to be vinyl with a natural, non-glossy wood tone.
  7. Revise information on the building siding color palette pursuant to the October 21, 2019 DRC memorandum, said revised color palette to be approved by the Design Review Committee.
  8. Per the recommendation of the Design Review Committee, the building elevations shall be revised to show consistently square columns on the building units’ front porches/entryways and side porches and the gas stove-bump out on the south façade of unit #1 shall be removed. The building elevation drawings shall also indicate that Clopay Gallery garage doors shall be used on all garages. The plans shall also be dated and attributed to the designer.
  9. A sheet shall be added to the plan set to document the property’s Long Term Stormwater Operations and Maintenance Plan.
  10. Street addresses, as assigned by the Assessor’s office, shall be added to the plan set in addition to the existing unit numbers.
  11. Incorporate the details as specified in the January 21, 2020 review memo from the Medway Design Review Committee. .
- E. ***Other Documentation*** - Prior to plan endorsement, the Applicant shall provide the following additional documentation to the Board:
1. Revised color palette for building siding as recommended by the Design Review Committee in its October 21, 2019 letter, to be approved by the Design Review Committee



2. Proposed color and type of Versa-Lok stones for retaining wall along western edge of Sterling Circle, to be approved by the Design Review Committee.
3. Copy of the deed conveying the portion of 276 Village Street from Keith B. and Judith M. Spinney, shown as Parcel A on the ANR Plan, to the Permittee and a copy of the deed conveying the portion of 274 Village Street from the Permittee to Keith B. and Judith M. Spinney, shown as Parcel B on the ANR Plan. NOTE - Said deeds are to be recorded prior to recording this Decision and endorsed plan.
4. Copy of the access easement across Sterling Circle from the Permittee for the benefit of Keith and Judith Spinney of 276 Village Street in a form suitable for recording at the Registry of Deeds or Land Court, as may be applicable.
5. Copy of the Performance Security Covenant to be executed by the Permittee and the Board in a form acceptable to the Board and suitable for recording at the Registry of Deeds or Land Court, as may be applicable, for review, comment, amendment and approval by Town Counsel.
6. Copy of the Restrictive Covenant from the William Wallace Estates Condominium Association (Bedelia Lane) for an approximately 10' wide by 180' long, permanent "no cut zone" along the western edge of the adjacent William Wallace Estates (Bedelia Lane) property behind Units 4-7 of the William Wallace Village property, in a form suitable for recording at the Registry of Deeds or Land Court, as may be applicable, for review, comment, amendment and approval by Town Counsel.
7. Copy of the stormwater and sewer easements from the William Wallace Estates Condominium Association (Bedelia Lane) for the benefit of the Permittee and assigns, in a form suitable for recording at the Registry of Deeds or Land Court, as may be applicable, for review, comment, amendment and approval by Town Counsel.
8. Copy of the Long Term Stormwater Management Operations & Maintenance Plan prepared by Legacy Engineering.
9. Copy of a sample deed to be used to convey each dwelling unit for review, comment, amendment and approval by Town Counsel. The deed shall clearly state that the William Wallace Village Condominium Trust shall own and be responsible for the maintenance and upkeep of development's private roadway (Sterling Circle), the stormwater management system, and all other infrastructure.
10. Written communication from the owners of 1 and 3 Bedelia Lane agreeing, in principle, to the granting of stormwater and sewer easements on the William Wallace Estates Condominium property (Bedelia Lane) and the establishment of a restrictive covenant for a 10' no cut zone along the western edge of the William Wallace Estates Condominium property (Bedelia Lane) in the area behind units 4-7 of William Wallace Village.

F. ***Recording of Plans and Documents***

1. The Plan of Record associated with this special permit is titled: *William Wallace Village*, dated July 1, 2019, last revised December 27, 2019 to be further revised as specified herein, prepared by Daniel Merrikin, P.E., Legacy Engineering, LLC. of Millis, MA with additional sheets



provided by other building, design and landscape architectural consultants.

2. No construction shall begin on the site and no building permit for any of the new units shall be issued before the following documents are recorded at the Norfolk County Registry of Deeds:
  - a) This special permit decision with the Plan of Record endorsed by the Board
  - b) Performance Security Covenant with the Board
3. The following documents which shall be in compliance with the conditions of this decision shall be recorded at the Norfolk County Registry of Deeds prior to the issuance of the first occupancy permit for the development.
  - a) William Wallace Village Condominium Master Deed
  - b) Declaration of Trust of William Wallace Village Condominium Association
  - c) Access easement on Sterling Circle granted by the Permittee to Keith and Judith Spinney of 276 Village Street to allow access to the rear of the 276 Village Street property.
  - d) A stormwater and sewer easement through the adjacent William Wallace Estates Condominium (Bedelia Lane) property granted to the Permittee from the William Wallace Estates (Bedelia Lane) Condominium Association.
  - e) A restrictive covenant by the William Wallace Estates Condominium Association (Bedelia Lane) for a 10' wide by approximately 180' long "no cut zone" zone along the western edge of the adjacent William Wallace Estates condominium property (Bedelia Lane) behind Units 4-7 of the William Wallace Village property.
4. The following documents which shall be in compliance with the conditions of this decision shall also be recorded at the Norfolk County Registry of Deeds.
  - a) If and to the extent approved by DHCD, an affordable housing deed rider in compliance with the requirements of the Massachusetts Department of Housing and Community Development's Local Initiative Program.
  - b) Executed Affordable Housing Regulatory Agreement with DHCD, if and to the extent approved by DHCD.
5. Within thirty days of recording, the Permittee or its assigns or successors shall provide the Board with a receipt from the Norfolk County Registry of Deeds indicating that the specified documents have been duly recorded, or supply another alternative verification that such recording has occurred.

**G. *Open Space/Yard Area***

1. 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 William Wallace Village Condominium Association. 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, subject to plan modification requirements. The no-cut zone on western edge of the adjacent William Wallace Estates Condominium property (Bedelia Lane) shall not be included in the minimum required 15% open space area.

2. The Permittee has agreed to convey an easement of that portion of the railroad right of way (Medway Assessors Map 51, Parcel 26) that is north of and adjacent to the William Wallace Village property, to whatever extent the land is under ownership of the Permittee or its successors, to the Medway Conservation Commission pursuant to G.L. c. 40 for conservation and passive recreation purposes.

**H. *Ownership/Maintenance of Common Areas***

1. Sterling Circle, the stormwater drainage facilities, and all other infrastructure shall be owned and maintained by the William Wallace Village Condominium Trust. It is the intent of the Board that these facilities will not be accepted by the Town of Medway.
2. The Board requires that the following aspects of the development shall be and shall remain forever private, and that the Town of Medway shall not have, now or ever, any legal responsibility for operation or maintenance of same:
  - a) Sterling Circle and parking areas
  - b) Stormwater management facilities
  - c) Sidewalks
  - d) Snowplowing/sanding
  - e) Landscaping
  - f) Street lights

**I. *Building Permits***

1. For the First Building - The Board authorizes the Permittee to apply for a building permit to begin construction of the first building (Units 1 & 2) prior to installation of the base coat of paving (binder course) on the development's roadway, Sterling Circle. One of the units will be used as a model home for the development.
2. For the Remaining Buildings - Before the Board will authorize a building permit for the second structure, the following items, at a minimum must be installed and inspected and approved by the Board:
  - a) Roadway and parking area gravel sub-base (excluding unit driveways)
  - b) Roadway and parking area binder course (excluding unit driveways)
  - c) Drainage system completed to the proposed outfall with frame and grates set to binder grade, as well as stormwater basins, swales, infiltrations systems or any other stormwater management facilities.
  - d) As-built plan of each stormwater basin and forebay and all critical elevations and details of the associated structures, pipes and headwalls.
  - e) Street name signs in a size and form as specified by the Medway Department of Public Works, and all regulatory signs as specified on the approved Plan.
  - f) Stop line pavement markings.



- g) Provisions for fire prevention and protection. Private water main/service to be constructed, installed and functional.
- J. **Buffer** – The Applicant has agreed to work with the adjacent William Wallace Estates Condominium Association (Bedelia Lane) to the east to establish a permanent 10' wide by approximately 180' long “no cut zone” along a portion of the western edge of the William Wallace Estates Condominium property (Bedelia Lane) behind Units 4-7 of the William Wallace Village property. Prior to plan endorsement, the Permittee shall provide a suitable easement or comparable restriction to the Board for review.
- K. **Patios** – To not increase stormwater runoff, all patios to be constructed in the development shall be fabricated with pervious paving materials as patio surface areas are not included in the impervious coverage calculations for stormwater.
- L. **Sidewalk Construction** – Any damage to the sidewalk on the north side of Village Street along the subject site's frontage resulting from site infrastructure and building construction work, shall be repaired or replaced to the satisfaction of the Medway Department of Public Works before the occupancy permit is issued for the 6<sup>th</sup> condominium unit.
- M. **Easements**
  - 1. The Applicant has agreed to grant an access easement across the William Wallace roadway to Keith and Judith Spinney of 276 Village Street to provide access to the rear of the 276 Village Street property.
  - 2. The William Wallace Estates Condominium Association (Bedelia Lane) will grant an easement(s) to the Permittee and his assigns for stormwater and sewer access through a portion of the adjacent William Wallace Estates Condominium property (Bedelia Lane)
- N. The Declaration of Trust for the William Wallace Village Condominium shall include the following language: *“The construction and operation of the condominium is authorized by a Multi-family Housing Special Permit and Site Plan approval granted by the Medway Planning and Economic Development Board on January 28, 2020, a copy of which is available for inspection at the Town Clerk's office and which is recorded at the Norfolk County Registry of Deeds.*
- O. **Affordable Housing**
  - 1. In accordance with the *Bylaw*, Section 8.6 Affordable Housing, 1.2 dwelling units within William Wallace Village shall be “Affordable” and comply with the requirements for inclusion on the Town's Subsidized Housing Inventory as maintained by the MA Department of Housing and Community Development (DHCD). All provisions of Section 8.6 shall apply to William Wallace Village. To fulfill its affordable housing responsibilities under the *Bylaw*, the Permittee shall provide one affordable housing unit on site and make a cash payment to the Medway Affordable Housing Trust in an amount equal to 20% of the median sales price of Medway market-rate homes comparable in type, size and number of bedrooms over a period of eighteen months prior to the date of application



(December 2017 – May 2019). Based on data provided by the Medway Assessor's office, that median sales price is \$425,919. The 20% payment amount = \$85,184. The payment schedule shall be as follows: 1/11 of that amount (\$7,744) shall be paid at or prior to the closing on the sale of each market rate unit except that the total amount shall be paid in full before the Town issues a building permit for the last market rate unit.

2. Within 180 days after the Decision and Plan are recorded at the Norfolk County Registry of Deeds, the Permittee shall apply to DHCD's Local Initiative Program (LIP) for inclusion of the proposed Affordable Housing Unit as Local Action Unit on the Town's Subsidized Housing Inventory and thereafter shall diligently pursue DHCD approval of the LIP/Local Action Unit Application. Prior to submitting the LIP Application to DHCD, the Permittee shall meet with the Medway Board of Selectmen and the Medway Affordable Housing Committee and Trust for purposes of securing their support for the LIP/LAU application including the proposed marketing plan and local preference guidelines.
3. The Affordable Housing Unit shall be subject to a perpetual affordable housing deed rider, in a form acceptable to DHCD, to be recorded at the Norfolk County Registry of Deeds with the deed for the affordable housing unit as required by LIP. The Affordable Housing Unit shall be sold and resold in accordance with the provisions of the affordable housing deed rider.
4. One Affordable Housing Unit shall to be located within the development as required by DHCD for approval of the project's LIP application. The location of the affordable housing unit shall comply with the provisions of Section 8.6 Affordable Housing of the *Bylaw*, F. Location and Comparability of Affordable Housing Units. The Applicant has proposed condominium unit #11 as the Affordable Housing Unit. The unit location must be approved by DHCD. Upon direction by DHCD or request of the Permittee (*without effect to the Subsidized Housing Inventory eligibility*), the Board shall permit a change in the location of the Affordable Housing Unit. In the event that DHCD does not approve of the project's eligibility under the Subsidized Housing Inventory, the Permittee shall work diligently with the Town to take any action necessary to ensure the unit is included on the Town's Subsidized Housing Inventory.
5. Affordable Housing Regulatory Agreement – If and to the extent that DHCD approves the Affordable Housing Unit pursuant to 760 CMR 56.04(7) and 56.05 (10)(b), the Permittee shall prepare or cause to be prepared and submit to DHCD, before an occupancy permit is issued for the first dwelling unit, an Affordable Housing Regulatory Agreement to be executed by the Town of Medway, the Permittee (DTRT, LLC or its successors/assigns) and the Massachusetts DHCD. After such submittal to DHCD, the Permittee shall diligently pursue DHCD approval of the Regulatory Agreement. Upon execution, the Regulatory Agreement shall be recorded at the Norfolk County Registry of Deeds. To the extent approved by DHCD, the Affordable Housing Unit shall be subject to the



Regulatory Agreement and shall be sold and resold in accordance with its provisions.

6. The Permittee shall select and compensate a Lottery Agent to prepare the LIP/Local Action unit application and Regulatory Agreement, and manage the marketing and initial sale of the Affordable Housing Unit. Any such Lottery Agent must meet DHCD's experience requirements so that the Affordable Housing Unit may be counted on the Town's Subsidized Housing Inventory. The Permittee and/or the William Wallace Village Condominium Trust shall identify such Lottery Agent to the Board and any changes thereto.
7. DHCD shall oversee the initial sale of the Affordable Housing Unit pursuant to the LIP/LAU program in conjunction with the selected Lottery Agent.
8. The ongoing Monitoring Agent for the affordable unit shall be DHCD. The Board hereby names the Town of Medway Affordable Housing Trust, if approved by DHCD, as an additional Monitoring Agent for the sale and resale of the Affordable Housing Unit.
9. The William Wallace Village Condominium Master Deed and all legal documents related to the Affordable Housing Units shall include language to specify:
  - a) the unit number of the designated Affordable Housing Unit;
  - b) that the Affordable Housing Unit shall be sold to income eligible persons or households that meet the income restrictions;
  - c) that the local preference criteria for the sale and re-sale of the Affordable Housing Unit shall be in accordance with the Massachusetts Department of Housing and Community Local Initiative Program or other applicable state housing program
  - d) that the Affordable Housing Unit is eligible for inclusion on the Town's Subsidized Housing Inventory;
  - e) that the Affordable Housing Unit is subject to a use restriction; and
  - f) that the Affordable Housing Unit shall not be encumbered for any financing purposes beyond the original mortgage amount without the express advance written permission of the Monitoring Agent.
10. Timing of construction of affordable units
  - a) No building permit for units other than Units 1 and 2 shall be issued until the Board of Selectmen has approved the Affordable Housing Regulatory Agreement and the Permittee has submitted it to DHCD.
  - b) The building permit for the 7<sup>th</sup> dwelling unit shall not be issued until the Affordable Housing Regulatory Agreement is approved by DHCD and recorded with the Norfolk County Registry of Deeds.
  - c) The building permit for the 8<sup>th</sup> market rate unit shall not be issued before the building permit for the affordable dwelling unit is issued.
  - d) The occupancy permit for the 10<sup>th</sup> market rate unit shall not be issued before the affordable unit is determined to be occupiable by



the Building Commissioner.

11. Comparability of construction of affordable housing units
  - a) The Permittee shall construct the affordable housing units to be indistinguishable from other units in the development from the exterior including the provision of garages and parking spaces. The units shall be equivalent to the market-rate units in terms of design, quality of construction and workmanship, mechanical, plumbing, heating and cooling systems, roofing, insulation, windows and energy efficiency.
  - b) The affordable housing units shall contain complete living facilities and include an equivalent quantity of cabinets, countertops, appliances, lighting, kitchen and bathroom plumbing fixtures, closets, and washer/dryer hookups, and heating and air conditioning equipment to those provided for market rate units. The affordable units shall contain good quality and highly durable interior finishes, flooring, lighting and plumbing fixtures that are consistent with contemporary standards for new housing and installed with equivalent workmanship to the market rate units.
  - c) Product and system warranties for the affordable housing units shall be equivalent to those supplied for market rate units.
- P. **Fire Protection** – In lieu of providing a secondary access to the site, the Applicant has agreed to install sprinklers in all 12 of the dwelling units on the property in accordance with the Fire Chief's request/approval.
- Q. **Underground Utilities** - All electric, telephone, cable TV, and other utilities shall be located underground.
- R. **Water Conservation** – 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 construction of the development:
  1. private well water for landscape irrigation
  2. rain-gauge controlled irrigation systems
  3. low flow household fixtures
  4. water efficient appliances (dishwashers, washer/dryers, toilets, etc.)
- S. **Addresses** – The addresses for the William Wallace Village units shall be as determined by the Medway Assessor's office upon consultation with the Medway Fire and Police Departments.
- T. **Development Signage** – Any future development signage for this project shall comply with the sign regulations of the *Bylaw* and is subject to review by the Design Review Committee.
- U. **Stormwater Management**
  1. Until transferred to the William Wallace Village Condominium Trust, the Permittee shall be responsible for keeping the constructed stormwater drainage system in a clean and well-functioning condition, and shall do nothing which would alter the drainage patterns or characteristics as



indicated on the Plan approved herein without the express written approval of the Board.

2. The stormwater drainage system, water and sewer systems shall be maintained by the Permittee, its successors and assigns, and the William Wallace Village Condominium Trust and shall not be dedicated to the Town. It is the intent of the Board and the Applicant that these systems shall not be accepted by the Town.
  3. The Permittee and its successors and assigns shall maintain the stormwater management system in accordance with the long term operation and maintenance plan included with the stormwater/drainage report submitted with the application, as revised.
  4. In the event a management company is engaged by the condominium association, the stormwater maintenance and operation plan shall be incorporated by reference in the management contract.
  5. In the event that the Permittee, its successors and assigns, its agent, and the William Wallace Village Condominium Trust fail to maintain the stormwater management system in accordance with the applicable guidelines for operation and maintenance, the Town may conduct such maintenance or repairs as the Town determines in its sole discretion are reasonably necessary, and the Applicant hereby consents to allow the Town and its agents, employees and contractors entry onto the Property to implement the measures set forth in such guidelines. In the event the Town conducts such maintenance or repairs, the Permittee shall promptly reimburse the Town for all reasonable expenses associated therewith; if the Permittee fails to so reimburse the Town, the Town may place a lien on the site or any unit therein to secure such payment.
- V. **Order of Conditions** – As a component of this development, the Permittee shall comply fully with the Amended Order of Conditions issued by the Medway Conservation Commission on January 28, 2020 and the associated Land Disturbance Permit.
- W. **Design Review** – The Permittee shall comply with the provisions of the Design Review Committee’s review memo dated January 21, 2020.

## **GENERAL CONDITIONS OF APPROVAL**

- A. **Fees** - Prior to plan endorsement by the Board, the Permittee shall pay:
1. the balance of any outstanding plan review fees owed to the Town for review of the site plan by the Town’s engineering, planning or other consultants; and
  2. any construction inspection fee that may be required by the Board; and
  3. any other outstanding expenses or obligations due the Town of Medway pertaining to this property, including real estate and personal property taxes and business licenses.



The Permittee's failure to pay these fees in their entirety shall be reason for the Board to withhold plan endorsement.

- 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. ***Construction Time*** - Construction work at the site and in the building and the operation of construction equipment including truck/vehicular and machine start-up and movement and construction deliveries shall commence no earlier than 7 a.m. and shall cease no later than 6 p.m. Monday – Saturday. No construction shall take place on Sundays and federal and state legal holidays without the advance approval of the Building Commissioner. These rules do not apply to interior construction work such as painting, installation of drywall, flooring, etc.
  2. The Permittee shall take all measures necessary to ensure that no excessive dust leaves the premises during construction including use of water spray to wet down dusty surfaces.
  3. 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.
  4. 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.
  5. All erosion and siltation control measures shall be installed by the Permittee prior to the start of construction and observed by the Board's consulting engineer and maintained in good repair throughout the construction period.
  6. ***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.



7. *Noise* - Construction noise shall not exceed the noise standards as specified in the Medway General Bylaws and the *Bylaw*, SECTION V. USE REGULATIONS, Sub-Section B. Area Standards, Paragraph 2. b). as may be amended.

D. ***Landscape Maintenance***

1. 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 endorsed Plan. Any shrubs, trees, bushes or other landscaping features shown on the Plan that die shall be replaced by the following spring.
2. Within 60 days after two years after the last occupancy permit is issued, the Town's Consulting Engineer or the Building Commissioner shall conduct an initial inspection of the landscaping to determine whether and which landscape items need replacement or removal and provide a report to the Board. At any time subsequent to this initial inspection, the Town's Consulting Engineer or the Building Commissioner may conduct further inspections of the landscaping to determine whether and which landscaping items need replacement or removal and provide a report to the Board. The Board may seek enforcement remedies with the Building Commissioner/Zoning Enforcement Officer to ensure that the comprehensive landscaping plan is maintained.

E. ***Snow Storage and Removal***

1. On-site snow storage shall not encroach upon nor prohibit the use of any parking spaces required by the *Bylaw*.
2. Accumulated snow which exceeds the capacity of the designated snow storage areas on-site shall be removed from the premises within 24 hours after the conclusion of the storm event.

F. ***Right to Enter Property*** – Board members, its staff, consultants or other designated agents of the Town shall have the right to enter upon the common areas of the William Wallace Village Condominium to inspect the site at any time, to ensure continued compliance with the terms and conditions of this special permit and the endorsed plan.

G. ***Construction Oversight***

1. Construction Account
  - a) Inspection of infrastructure and utility construction, installation of site amenities including landscaping, and the review of legal documents by Town Counsel is required. Prior to plan endorsement, the Permittee shall establish a construction account with the Board. The funds may be used at the Board's discretion to retain professional outside consultants to perform the items listed above as well as the following other tasks - inspect the site during construction/installation, identify what site plan work remains to be completed, prepare bond estimates, conduct other reasonable inspections until the site work is completed and determined to be



- satisfactory, review as-built plans, and advise the Board as it prepares to issue a *Certificate of Site Plan Completion*).
- b) Prior to plan endorsement, the Permittee shall pay an advance toward the cost of these services to the Town of Medway. The advance amount shall be determined by the Board based on an estimate provided by the Town's Consulting Engineer.
  - c) Depending on the scope of professional outside consultant assistance that the Board may need, the Permittee shall provide supplemental payments to the project's construction inspection account, upon invoice from the Board.
  - d) Any funds remaining in the Permittee's construction inspection account after the *Certificate of Site Plan Completion* is issued shall be returned to the Permittee.
2. The Department of Public Works will conduct inspections for any construction work occurring in the Town's right-of way in conjunction with the Town of Medway Street Opening/Roadway Access Permit and the sewer and water connection permits.
  3. The Permittee shall have a professional engineer licensed in the Commonwealth of Massachusetts conduct progress inspections of the construction of the approved site improvements. Inspections shall occur at least on a monthly basis. The engineer shall prepare a written report of each inspection and provide a copy to the Board within 5 days of inspection. Failure of the Permittee to provide these reports may be reason to withhold building or occupancy permits.

**H. *On-Site Field Changes***

1. During construction, the Permittee may be authorized to make limited, minor, on-site field changes to the approved plan based on unforeseen site or job conditions, situations, or emergencies necessitated by field conditions or due to practical considerations. These field changes shall not alter items which may affect the site's compliance with this decision and the *Bylaw* nor conflict with a specific condition of the decision. Field changes shall not substantially alter the intent, layout or design of the endorsed site plan.
2. Prior to undertaking such field changes, the Permittee and/or contractor shall discuss the possible field changes with the Town's Consulting Engineer and submit a letter and drawings to the Planning and Economic Development Coordinator and the Building Commissioner describing the proposed changes and what conditions, situations, or emergencies necessitate such changes. In accordance with Section 3.5.2.C of the *Bylaw*, the Building Commissioner may determine that the field change is insubstantial, authorize the change, and so notify the Board. Otherwise, the Board shall review the proposed field changes at a public meeting and determine whether the proposed field changes are reasonable and acceptable based on the unforeseen conditions, situations, or emergencies and whether other options are feasible or more suitable. A written



authorization of field change will be provided. Any approved field change shall be reflected in the as-built plan to be provided at project completion.

**I. Plan Modification**

1. Proposed modifications (not including on-site field changes) to the endorsed plan shall be subject to review by the Board.
2. This Site Plan Approval is subject to all subsequent conditions that may be imposed by other Town departments, boards, agencies or commissions. Any changes to the site plan that may be required by the decisions of other Town boards, agencies or commissions shall be submitted to the Board for review as site plan modifications.
3. Any work that deviates from an approved site plan shall be a violation of the *Bylaw*, unless the Permittee requests approval of a plan modification and such approval is provided in writing by the Board.
4. The request for a *Modification* to a previously approved plan shall be subject to the same application and review process including a public hearing including the payment of plan modification filing fee and plan review fee and all costs associated with another public hearing including legal notice advertising. The Board shall issue its *Modification Decision*, file such with the Town Clerk, and provide copies to the Building Commissioner, other Town officials and the Permittee. Any modifications approved by the Board shall be made a permanent part of the approved site plan project documents and shall be shown on the final as-built plan.

**J. Plan Compliance**

1. The Permittee shall construct all improvements in compliance with the approved and endorsed plan and any modifications thereto.
2. The Board or its agent(s) shall 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.

**K. Performance Security**

1. *Covenant* - Prior to plan endorsement, the Permittee shall sign a *Covenant*, on a form provided by the Board, to be reviewed and approved by Town Counsel, to secure construction of the roadway and all related infrastructure and installation of utilities and services, sidewalks and site amenities as specified in the approved Plan. Reference to the *Covenant* shall be noted on the cover sheet of the Approved Plan. The *Covenant* shall specify that no unit except Units 1 and 2 may be occupied or conveyed until such services are completed or an alternative form of security is provided. The *Covenant* shall specify that the roadway and parking area (excluding unit driveways) and all infrastructure including the stormwater management system shall be constructed and all utilities



and services shall be installed to the satisfaction of the Board within three years of the date of plan endorsement. The Covenant shall be recorded at the Norfolk County Registry of Deeds at the same time the Decision and Plan are recorded.

2. *Alternative Performance Security*

- a) At such time as the Permittee wishes to secure a building permit for the second building within the development, or secure an occupancy permit for any dwelling unit, the security provided by the *Covenant* shall be replaced by one of the types of performance guarantees set forth in M.G.L. Ch. 41, Section 81U, which method or combination of methods may be selected and from time to time varied by the Permittee, in a sufficient amount, source and form acceptable to the Board, the Treasurer/Collector and Town Counsel. The performance guarantee shall be accompanied by an agreement which shall define the obligations of the Permittee and the performance guarantee company including:
  - 1) the date by which the Permittee shall complete construction
  - 2) a statement that the agreement does not expire until released in full by the Board
  - 3) procedures for collection upon default.
- b) *Amount* - The amount of the performance guarantee shall be equal to 100% of the amount that would be required for the Town of Medway to complete construction of the roadway and installation of stormwater management facilities, utilities, services, pedestrian facilities and all site amenities as specified in the Decision and Plan that remain unfinished at the time the performance guarantee estimate is prepared if the Permittee failed to do so. The security amount shall be approved by the Board based on an estimate provided by the Town's Consulting Engineer based on the latest weighted average bid prices issued by the Mass Department of Transportation. The estimate shall reflect the cost for the Town to complete the work as a public works project which may necessitate additional engineering, inspection, legal and administrative services, staff time and public bidding procedures. The estimate shall also include the cost to maintain the roadway and infrastructure in the event the Permittee fails to adequately perform such. In determining the amount, the Board shall be guided by the following formula in setting the sum: estimate of the Town's Consulting Engineer of the cost to complete the work plus a 30% contingency. A performance security agreement shall be executed by the Permittee, the Board and the selected surety.

3. *Adjustment of Performance Guarantee* – At the Permittee's written request, the amount of the performance guarantee may be reduced from time to time over the course of the construction project by vote of the Board upon the partial completion of the roadway and infrastructure improvements as defined herein. In order to establish the amount to adjust



the performance guarantee, the Town's Consulting Engineer shall prepare an estimate of the current cost for the Town to complete all work as specified on the approved Plan that remains unfinished at the time the estimate is submitted to the Board. The estimate shall be based on unit prices in the latest Weighted Average Bid Prices issued by the Mass Department of Transportation. The estimate shall reflect the cost for the Town to complete the work as a public works project, which may necessitate additional engineering, inspection, legal and administrative fees, staff time and public bidding procedures. The estimate shall also include the cost to maintain the roadway and infrastructure in the event the Permittee fails to adequately perform such. In determining the amount of the adjustment of the performance guarantee, the Board shall be guided by the following formula to determine the reduction amount: the estimate of the Town's Consulting Engineer of the cost to complete the work; plus a 30% contingency. The Board may authorize up to three reductions in the amount of performance security however, the Board shall not reduce the performance security below \$40,000.

4. *Final Release of Performance Security* - Final release of performance security is contingent on project completion.

L. ***Project Completion***

1. Special permit approval shall lapse after two years of the grant thereof if substantial use has not commenced except for good cause. The approved site plan shall be completed by the Permittee or its assignees within three years of the date of plan endorsement. Upon receipt of a written request by the Permittee filed at least thirty (30) days prior to the date of expiration, the Board may grant an extension for good cause. The request shall state the reasons for the extension and also the length of time requested. 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. Prior to issuance of the occupancy permit for the twelfth dwelling unit, the Permittee shall request a ***Certificate of Site Plan Completion*** from the Board. The ***Certificate*** serves as the Board's confirmation that the completed work conforms to the approved site plan and any conditions and modifications thereto, including the construction of any required on and off-site improvements. The ***Certificate*** also serves to release any security/performance guarantee that has been provided to the Town of Medway. To secure a ***Certificate*** of Site Plan Completion, the Permittee shall:
  - a) provide the Board with 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 the approved and endorsed site plan, and any modifications thereto; and
  - b) submit 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 buildings and site work shown on the original site plan and any modifications thereto. The final As-Built Plan shall also be provided to the Town in CAD/GIS file format per MASS GIS specifications.

- M. **Construction Standards** - All construction shall be completed in full compliance with all applicable 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.
- N. **Conflicts** – If there is a conflict between the site plan and the Decision's Conditions of Approval, the Decision shall rule. If there is a conflict between this Decision and/or site plan and the *Bylaw*, the *Bylaw* shall apply.

## **IX. 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, which shall be filed within twenty days after the filing of this decision in the office of the Medway Town Clerk.

In accordance with G.L. c. 40A, §11, no special permit shall take effect until a copy of the Decision is recorded in the Norfolk County Registry of Deeds, and indexed in the grantor index under the name of the owner of record, or is recorded and noted on the owner's certificate of title, bearing the certification of the Town Clerk that twenty days have elapsed after the Decision has been filed in the office of the Town Clerk and no appeal has been filed within said twenty day period, or that an appeal has been filed. The person exercising rights under a duly appealed special permit does so at risk that a court will reverse the permit and that any construction performed under the permit may be ordered undone. The fee for recording or registering shall be paid by the 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  
SITE PLAN and SPECIAL PERMIT DECISION  
William Wallace Village – 274 and a portion of 276 Village Street**

Approved by the Medway Planning & Economic Development Board: \_\_\_\_\_

**AYE:**

**NAY:**

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\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**ATTEST:**

\_\_\_\_\_  
Susan E. Affleck-Childs  
Planning & Economic Development Coordinator

\_\_\_\_\_  
Date

**COPIES TO:** Michael Boynton, Town Administrator  
David D'Amico, Department of Public Works  
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  
Larry Rucki  
Dan Merrikin, Legacy Engineering  
Steven Bouley, Tetra Tech  
Gino Carlucci, PGC Associates



**Medway Planning and Economic Development Board  
SITE PLAN and MULTI-FAMILY SPECIAL PERMIT DECISION  
William Wallace Village – 274 and a portion of 276 Village Street**

Approved by the Medway Planning & Economic Development Board: January 28, 2020

**AYE:**

cdy fah  
Barbara D. DiStasio  
Janet J. Lynch  
Mark J. Lynch

**NAY:**

[Signature]

**ATTEST:**

Susan E. Affleck-Childs  
Susan E. Affleck-Childs  
Planning & Economic Development Coordinator

January 28, 2020  
Date

**COPIES TO:** Michael Boynton, Town Administrator  
David D'Amico, Department of Public Works  
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  
Larry Rucki  
Dan Merrikin, Legacy Engineering  
Steven Bouley, Tetra Tech  
Gino Carlucci, PGC Associates



## Susan Affleck-Childs

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**From:** Jonathan Ackley  
**Sent:** Wednesday, October 26, 2022 9:56 AM  
**To:** Lrucki51@gmail.com  
**Cc:** Derek Kwok; Barbara Saint Andre; Susan Affleck-Childs; Rindo Barese  
**Subject:** William Wallace Village - Final Occupancy

Larry,

In response to your question relating to the issuance of the final Occupancy Certificate for this development, please see the following conditions listed in the Special Permit Decision:

### **L. Project Completion**

*2. Prior to issuance of the occupancy permit for the twelfth dwelling unit, the Permittee shall request a **Certificate of Site Plan Completion** from the Board. The **Certificate** serves as the Board's confirmation that the completed work conforms to the approved site plan and any conditions and modifications thereto, including the construction of any required on and off-site improvements. The Certificate also serves to release any security/performance guarantee that has been provided to the Town of Medway. To secure a **Certificate of Site Plan Completion**, the Permittee shall:*

*a) provide the Board with 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 the approved and endorsed site plan, and any modifications thereto; and*

*b) submit 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 buildings and site work shown on the original site plan and any modifications thereto. The final As-Built Plan shall also be provided to the Town in CAD/GIS file format per MASS GIS specifications.*

In summary, once the above conditions are met and the Certificate of Site Plan Completion has been issued, and all building code compliance has been verified, the final Certificate of Occupancy can be issued by this office.

Please contact me if you have additional questions on this matter.

Sincerely,

### **Jonathan Ackley**

Building Commissioner  
Town of Medway Building Dept.  
155 Village Street, Medway MA  
508-533-3253  
[www.TownofMedway.org](http://www.TownofMedway.org)



## Susan Affleck-Childs

---

**From:** Jonathan Ackley  
**Sent:** Monday, January 9, 2023 2:26 PM  
**To:** Cameron Merrill; Susan Affleck-Childs  
**Subject:** RE: [External] William Wallace Village

Cameron,

I cannot speak to the timing of the Occupancy Certificate issuance for Medway Commons.

My position as it relates to the Occupancy Certificate issuance for William Wallace Village remains unchanged and is based on the conditions set forth in the site plan/special permit decision for this project and the Medway Zoning Bylaw.

Thanks.

### Jonathan Ackley

Building Commissioner  
Town of Medway Building Dept.  
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**From:** Cameron Merrill <[cmerrill@merrillmcgeary.com](mailto:cmerrill@merrillmcgeary.com)>  
**Sent:** Monday, January 9, 2023 1:03 PM  
**To:** Jonathan Ackley <[jackley@townofmedway.org](mailto:jackley@townofmedway.org)>; Susan Affleck-Childs <[sachilds@townofmedway.org](mailto:sachilds@townofmedway.org)>  
**Subject:** RE: [External] William Wallace Village

OK great, does this inform you as to the Town of Medway's history of issuing final CO's before the Certificate of Site Completion is issued and change your position relative to William Wallace?

Cameron S. Merrill, Esq.



p: (617) 523-1760

---

**From:** Jonathan Ackley <[jackley@townofmedway.org](mailto:jackley@townofmedway.org)>  
**Sent:** Monday, January 9, 2023 1:00 PM  
**To:** Cameron Merrill <[cmerrill@merrillmcgeary.com](mailto:cmerrill@merrillmcgeary.com)>; Susan Affleck-Childs <[sachilds@townofmedway.org](mailto:sachilds@townofmedway.org)>  
**Subject:** RE: [External] William Wallace Village

Cameron,

Thank you for pointing out my typo. June 10, 2020 was the date of issuance as listed on the Certificate.

Regards,



## Jonathan Ackley

Building Commissioner  
Town of Medway Building Dept.  
155 Village Street, Medway MA  
508-533-3253  
[www.TownofMedway.org](http://www.TownofMedway.org)

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**From:** Cameron Merrill <[cmerrill@merrillmcgeary.com](mailto:cmerrill@merrillmcgeary.com)>  
**Sent:** Monday, January 9, 2023 12:35 PM  
**To:** Jonathan Ackley <[jackley@townofmedway.org](mailto:jackley@townofmedway.org)>; Susan Affleck-Childs <[sachilds@townofmedway.org](mailto:sachilds@townofmedway.org)>  
**Subject:** [External] William Wallace Village

Thank you very much for preparing and sending the records. Removing Stefany and Kelly as I don't think this follow up email applies to them.

According to Commissioner Ackley's follow up email to me, I see the final CO for Medway Greens actually issued on **June 10, 2020**, not June 10, 2022 as indicated in the body of email below. I pasted the CO below. The attached Cert of Completion was issued on **January 12, 2021**. I might be misunderstanding the record, my apologies if that is the case.

If this is the case, however, it confirms that for the Medway Greens project the final CO was issued approximately 6 months prior to the issuance of the Cert of Completion. Medway Greens' decision has a similar provision which the Town has recently argued requires it to withhold the final CO until the Cert of Cite Completion is issued.

I suspect if we expand our records request to other projects we will find others where the final CO was issued prior to the Cert of Completion.

Does this information change your position relative to the final CO for William Wallace where there is a \$350k cash performance guarantee?

I am heading to Court for a 2:00PM hearing, but happy to jump on a call later if that would help.

2 MECHANIC ST 3

**The Commonwealth of Massachusetts**  
**Town of Medway**  
*In accordance with the Massachusetts State Building Code, Section 120.0, this*  
**CERTIFICATE OF USE AND OCCUPANCY**

is issued to: **Mark Heavner**

Work Description: **Unit #3 - Construct 2100 sq. ft. condo unit with 3 bedrooms, 2-1/2 baths and 1 car garage under**

I Certify that I have inspected the premises known as PARCEL 47-036-C007 located at **2 MECHANIC ST 3** in the **Town of Medway**, County of **Norfolk**, Commonwealth of Massachusetts. The building is her with the Basic Code and for the purpose stated below.



**Jack Mee**

Building Commissioner

Issue Date: **June 10, 2020**

Conditions:

Type of Construction: 5B

Uses: R3

Code Edition: 9th Edition

***The building official shall be notified of any changes in the above information.***



Cameron S. Merrill, Esq.



p: (617) 523-1760

---

**From:** Jonathan Ackley <[jackley@townofmedway.org](mailto:jackley@townofmedway.org)>

**Sent:** Monday, January 9, 2023 11:18 AM

**To:** Stefany Ohannesian <[sohannesian@townofmedway.org](mailto:sohannesian@townofmedway.org)>; Cameron Merrill <[cmerrill@merrillmcgeary.com](mailto:cmerrill@merrillmcgeary.com)>

**Cc:** Susan Affleck-Childs <[sachilds@townofmedway.org](mailto:sachilds@townofmedway.org)>; Kelly OBrien <[kobrien@townofmedway.org](mailto:kobrien@townofmedway.org)>

**Subject:** RE: [External] Records Request

Mr. Merrill,

Please see the attached Occupancy Certificate for 2 Mechanic Street, Unit #3, issued 6-10-2022. This was the final certificate issued for the Medway Greens project.

The Occupancy Certificate for 5 Balsam Way, which is the last unit in Evergreen Village, has not been issued.

No Occupancy Certificates have been issued for 288 Village Street.

Please let me know if you have any additional questions on this matter.

Regards,

**Jonathan Ackley**

Building Commissioner

Town of Medway Building Dept.

155 Village Street, Medway MA

508-533-3253

[www.TownofMedway.org](http://www.TownofMedway.org)

---

**From:** Stefany Ohannesian <[sohannesian@townofmedway.org](mailto:sohannesian@townofmedway.org)>

**Sent:** Thursday, January 5, 2023 10:10 AM

**To:** Cameron Merrill <[cmerrill@merrillmcgeary.com](mailto:cmerrill@merrillmcgeary.com)>

**Cc:** Jonathan Ackley <[jackley@townofmedway.org](mailto:jackley@townofmedway.org)>; Susan Affleck-Childs <[sachilds@townofmedway.org](mailto:sachilds@townofmedway.org)>; Kelly OBrien <[kobrien@townofmedway.org](mailto:kobrien@townofmedway.org)>

**Subject:** RE: [External] Records Request

Hello Mr. Merrill,

I am cc'ing the Building Dept. and Planning and Economic Development Coordinator to assist in your requests, please note we have 10 days to respond. If additional information is needed or they have an questions they will reach out.

Susy, Jon and Kelly please cc me in your responses to show fulfillment.

Thank you!

**Stefany Ohannesian**

**Town Clerk**



**Town of Medway**  
**155 Village Street**  
**Medway, MA 02053**  
**(508) 533-3204**

---

**From:** Cameron Merrill <[cmerrill@merrillmcgeary.com](mailto:cmerrill@merrillmcgeary.com)>  
**Sent:** Thursday, January 5, 2023 9:57 AM  
**To:** Public Records request <[PublicRecords@townofmedway.org](mailto:PublicRecords@townofmedway.org)>  
**Subject:** [External] Records Request

Some people who received this message don't often get email from [cmerrill@merrillmcgeary.com](mailto:cmerrill@merrillmcgeary.com). [Learn why this is important](#)

Good morning,

I was hoping you could provide me with a few records on recent developments in Medway, or alternatively point me to where I can find these records on the website. I looked in each project link, but the documents are not posted, only the application documents and in some cases the decision and plan.

Specifically, for each project, I am requesting an email to me with:

1. The final Certificate of Occupancy issued. In other words, the last CO issued for the project.
2. The Certificate of Site Plan Completion for each project.

Medway Greens  
176 & 178 Main Street  
Medway, MA 02053

Evergreen Village  
22 Evergreen Street  
Balsam Way  
Medway, MA 02053

288 Village Street  
Medway, MA 02053

In total, my expectation is there will be 6 documents provided which should all be readily available in the Building/Planning Department's files.

Thank you very much, please do not hesitate to call if you have any questions or concerns.

Cameron



Cameron S. Merrill, Esq.  
Merrill & McGeary  
100 State Street, Suite 200  
Boston, MA 02109

p: (617) 523-1760  
f: (617) 523-4893



[cmerrill@merrillmcgeary.com](mailto:cmerrill@merrillmcgeary.com)

[www.merrillmcgeary.com](http://www.merrillmcgeary.com)

If the Federal Fair Debt Collection Practices Act applies then, to the extent it applies, Merrill & McGeary, Attorneys at Law, is acting as a debt collector for the creditor named above to collect the debt referenced above. Any information obtained will be used for that purpose. A debtor has the right to seek advice of legal counsel. Please call 617-523-1760 from 9:00AM - 5:00PM, Monday through Friday if you would like to discuss this matter.

CONFIDENTIALITY NOTICE:

This e-mail and the documents accompanying this transmission contain confidential information belonging to the sender which is legally privileged. The information is intended only for the use of the individuals or entities named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this e-mailed information is strictly prohibited. If you have received this e-mail in error, please immediately notify the sender by e-mail at the address above. The transmission is to be deleted and any items that may have been printed are to be destroyed. Thank you for your compliance.



## Susan Affleck-Childs

---

**From:** Cameron Merrill <[cmerrill@merrillmcgeary.com](mailto:cmerrill@merrillmcgeary.com)>  
**Sent:** Thursday, January 12, 2023 4:11 PM  
**To:** Susan Affleck-Childs  
**Subject:** RE: [External] William Wallace Village

Thank you for speaking with me today. As discussed, please schedule this matter for discussion at the 1/24 meeting. Please let me know if you need anything else from me in the interim.

Thanks,

Cameron S. Merrill, Esq.



p: (617) 523-1760

---

**From:** Susan Affleck-Childs <[sachilds@townofmedway.org](mailto:sachilds@townofmedway.org)>  
**Sent:** Tuesday, January 10, 2023 5:53 PM  
**To:** Cameron Merrill <[cmerrill@merrillmcgeary.com](mailto:cmerrill@merrillmcgeary.com)>  
**Subject:** RE: [External] William Wallace Village

Hi,

Sorry, just couldn't do this today. Preparing for a PB meeting tonight.

Is there a time tomorrow that would work for you?

Susan E. Affleck-Childs  
Planning and Economic Development Coordinator  
Town of Medway  
155 Village Street  
Medway, MA 02053  
508-533-3291



---

**From:** Cameron Merrill <[cmerrill@merrillmcgeary.com](mailto:cmerrill@merrillmcgeary.com)>  
**Sent:** Monday, January 9, 2023 4:55 PM  
**To:** Susan Affleck-Childs <[sachilds@townofmedway.org](mailto:sachilds@townofmedway.org)>  
**Subject:** FW: [External] William Wallace Village

Good afternoon, Susan:

Do you have a few minutes to discuss this matter? I am in the office all day tomorrow.



I believe there is something I must be missing here or not fully appreciating. Site work in New England cant be performed in the Winter. The position that final CO's won't be issued until the site completion certificates are issued in Medway would be extremely prejudicial to developers. It looks like Medway has been using the same provision in its Decisions for quite a while. Greg and Lynne have a projected closing date at the end of January/early February for the final unit. This will delay their closing into the late Spring/Summer, if not cause them to lose the deal etc.

It may be this is something which needs to be brought before the PB or ZBA and I wanted to discuss with you prior to taking that next step.

Thanks,

Cameron

Cameron S. Merrill, Esq.



p: (617) 523-1760

---

**From:** Jonathan Ackley <[jackley@townofmedway.org](mailto:jackley@townofmedway.org)>  
**Sent:** Monday, January 9, 2023 2:37 PM  
**To:** Cameron Merrill <[cmerrill@merrillmcgeary.com](mailto:cmerrill@merrillmcgeary.com)>  
**Subject:** RE: [External] William Wallace Village

I meant Medway Greens...still trying to learn all these development names.

Thanks.

### Jonathan Ackley

Building Commissioner  
Town of Medway Building Dept.  
155 Village Street, Medway MA  
508-533-3253  
[www.TownofMedway.org](http://www.TownofMedway.org)

---

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Building Commissioner  
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**Subject:** RE: [External] William Wallace Village

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Cameron S. Merrill, Esq.



p: (617) 523-1760

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Regards,

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Building Commissioner  
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**Subject:** [External] William Wallace Village

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I am heading to Court for a 2:00PM hearing, but happy to jump on a call later if that would help.

2 MECHANIC ST 3

**The Commonwealth of Massachusetts**  
**Town of Medway**  
*In accordance with the Massachusetts State Building Code, Section 120.0, this*  
**CERTIFICATE OF USE AND OCCUPANCY**

is issued to: **Mark Heavner**  
Work Description: Unit #3 - Construct 2100 sq. ft. condo unit with 3 bedrooms, 2-1/2 baths and 1 car garage under  
I Certify that I have inspected the premises known as PARCEL 47-036-C007 located at 2 MECHANIC ST 3 in the Town of Medway, County of Norfolk, Commonwealth of Massachusetts. The building is herewith the Basic Code and for the purpose stated below.

  
**Jack Mee**  
\_\_\_\_\_  
Building Commissioner

Issue Date: June 10, 2020

Conditions:

Type of Construction: 5B  
Uses: R3  
Code Edition: 9th Edition

***The building official shall be notified of any changes in the above information.***

Cameron S. Merrill, Esq.



p: (617) 523-1760

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Mr. Merrill,

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Regards,

**Jonathan Ackley**

Building Commissioner  
Town of Medway Building Dept.  
155 Village Street, Medway MA  
508-533-3253  
[www.TownofMedway.org](http://www.TownofMedway.org)

---

**From:** Stefany Ohannesian <[sohannesian@townofmedway.org](mailto:sohannesian@townofmedway.org)>  
**Sent:** Thursday, January 5, 2023 10:10 AM  
**To:** Cameron Merrill <[cmerrill@merrillmcgeary.com](mailto:cmerrill@merrillmcgeary.com)>  
**Cc:** Jonathan Ackley <[jackley@townofmedway.org](mailto:jackley@townofmedway.org)>; Susan Affleck-Childs <[sachilds@townofmedway.org](mailto:sachilds@townofmedway.org)>; Kelly OBrien <[kobrien@townofmedway.org](mailto:kobrien@townofmedway.org)>  
**Subject:** RE: [External] Records Request

Hello Mr. Merrill,

I am cc'ing the Building Dept. and Planning and Economic Development Coordinator to assist in your requests, please note we have 10 days to respond. If additional information is needed or they have an questions they will reach out.

Susy, Jon and Kelly please cc me in your responses to show fulfillment.

Thank you!

**Stefany Ohannesian**  
**Town Clerk**  
**Town of Medway**  
**155 Village Street**  
**Medway, MA 02053**  
**(508) 533-3204**

---

**From:** Cameron Merrill <[cmerrill@merrillmcgeary.com](mailto:cmerrill@merrillmcgeary.com)>  
**Sent:** Thursday, January 5, 2023 9:57 AM  
**To:** Public Records request <[PublicRecords@townofmedway.org](mailto:PublicRecords@townofmedway.org)>  
**Subject:** [External] Records Request

Some people who received this message don't often get email from [cmerrill@merrillmcgeary.com](mailto:cmerrill@merrillmcgeary.com). [Learn why this is important](#)

Good morning,

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1. The final Certificate of Occupancy issued. In other words, the last CO issued for the project.
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Medway Greens  
176 & 178 Main Street  
Medway, MA 02053

Evergreen Village  
22 Evergreen Street  
Balsam Way  
Medway, MA 02053

288 Village Street  
Medway, MA 02053

In total, my expectation is there will be 6 documents provided which should all be readily available in the Building/Planning Department's files.

Thank you very much, please do not hesitate to call if you have any questions or concerns.

Cameron



Cameron S. Merrill, Esq.  
Merrill & McGeary  
100 State Street, Suite 200  
Boston, MA 02109

p: (617) 523-1760  
f: (617) 523-4893  
[cmerrill@merrillmcgeary.com](mailto:cmerrill@merrillmcgeary.com)  
[www.merrillmcgeary.com](http://www.merrillmcgeary.com)

If the Federal Fair Debt Collection Practices Act applies then, to the extent it applies, Merrill & McGeary, Attorneys at Law, is acting as a debt collector for the creditor named above to collect the debt referenced above. Any information obtained will be used for that purpose. A debtor has the right to seek advice of legal counsel. Please call 617-523-1760 from 9:00AM - 5:00PM, Monday through Friday if you would like to discuss this matter.

CONFIDENTIALITY NOTICE:

This e-mail and the documents accompanying this transmission contain confidential information belonging to the sender which is legally privileged. The information is intended only for the use of the individuals or entities named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this e-mailed information is strictly prohibited. If you have received this e-mail in error, please immediately notify the sender by e-mail at the address above. The transmission is to be deleted and any items that may have been printed are to be destroyed. Thank you for your compliance.



## Susan Affleck-Childs

---

**From:** Gregory Rucki <dtrtlc100@gmail.com>  
**Sent:** Thursday, February 9, 2023 10:14 PM  
**To:** Jonathan Ackley  
**Cc:** Daniel Merrikin; Lynne Hultin; Susan Affleck-Childs  
**Subject:** [External] CO / Temporary CO request - 14 Sterling Cir.

Hi Jonathan. I briefly introduced myself to you last week, I, along with my sister Lynne, are the owners of WWV and principles in DTRT. I have taken over managing the project going forward from Larry,

It was suggested to me that I should formally request of the Medway Building Department a CO / Temporary CO for 14 Sterling Cir.

I will be at the planning board on Tues night to discuss the progress and outstanding items needed be completed toward a certificate of completion.

The unit is under agreement with a family currently in temporary housing waiting to move in as soon as a CO is granted. Additionally, this unit is tying up working capital that is needed to complete the remaining items necessary for a certificate of completion.

I currently have a \$354,000 cash performance guarantee on deposit with the Town - with all items capable of being completed before spring have been completed with the remaining large items being landscaping, paving, and the installation of 330 linear feet of fencing.

I have not, and do not intend, to apply for a reduction to the bond until all items are completed. This will protect both the town and DTRT interest. However, this is not possible without the proceeds from 14 Sterling being available to DTRT.

I just wanted to give you as much of an update as to where we are on the project and I believe will be the items up for discussion with the board.

Thank you for your consideration of my request and please reach out to me if you have any questions or concerns.

Regards  
Greg



## Susan Affleck-Childs

---

**From:** Jonathan Ackley  
**Sent:** Friday, February 10, 2023 9:30 AM  
**To:** Gregory Rucki  
**Cc:** Daniel Merrikin; Lynne Hultin; Susan Affleck-Childs; Barbara Saint Andre  
**Subject:** RE: [External] CO / Temporary CO request - 14 Sterling Cir.

Hi Greg,

Thank you for providing an update to the status of the project.

At this time, I must deny your request for a Temporary or Permanent Certificate of Occupancy for 14 Sterling Circle. Occupancy of the final unit in this development is restricted per **Special Permit Decision Condition L.2** and **Medway Zoning Bylaw 3.1.C** and **3.5.2.B**.

Regarding a Temporary Certificate of Occupancy, the Special Permit Condition and Zoning Bylaw sections listed above apply to occupancy of the unit and therefore a Temporary Certificate of Occupancy would still be restricted the same as a permanent Certificate of Occupancy.

If you are aggrieved by this determination, you may file an appeal with the Zoning Board of Appeals within thirty (30) days of receipt in accordance with G.L. c. 40A, §§ 8 and 15.

Please let me know if you have any additional questions on this matter.

Regards,

### Jonathan Ackley

Building Commissioner  
Town of Medway Building Dept.  
155 Village Street, Medway MA  
508-533-3253  
[www.TownofMedway.org](http://www.TownofMedway.org)

---

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**Sent:** Thursday, February 9, 2023 10:14 PM  
**To:** Jonathan Ackley <jackley@townofmedway.org>  
**Cc:** Daniel Merrikin <dan@legacy-ce.com>; Lynne Hultin <lrhultin@gmail.com>; Susan Affleck-Childs <sachilds@townofmedway.org>  
**Subject:** [External] CO / Temporary CO request - 14 Sterling Cir.

You don't often get email from [dtrtlc100@gmail.com](mailto:dtrtlc100@gmail.com). [Learn why this is important](#)

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Regards  
Greg




---

**To:** Susan Affleck-Childs – Medway Planning and Economic Development Board (PEDB) Coordinator

---

**Cc:** Bridget Graziano – Medway Conservation Agent  
Gregory Rucki – Developer

---

**From:** Steven M. Bouley, P.E.   
Tucker D. Paradee, E.I.T.

---

**Date:** August 19, 2021  
(revised February 9, 2023)

---

**Subject:** 274 Village Street Bond List

---

On August 6, 2021 at the request of the Medway PEDB, Tetra Tech (TT) conducted a punch list inspection of the William Wallace Village Project located at 274 Village Street in Medway, MA. A Bond List and Estimate were generated of outstanding items which have not yet been completed, are deficient in quality or outstanding administrative items which remain to be submitted.

The inspection was conducted using the following documents:

- A plan (Plans) set titled "William Wallace Village, Medway, MA, Site Plan", dated March 24, 2020, prepared by Legacy Engineering LLC.
- A Site Plan Decision titled "Multi-Family Housing Special Permit and Site Plan Decision" dated January 28, 2020.

TT 9/9/21 Update: TT visited the site for an inspection to update the Bond List. Items ~~stricken~~ have been completed to date. Items shown in black remain outstanding and/or have been updated.

TT 9/27/21 Update: TT visited the site for an inspection to update the Bond List. Items ~~stricken~~ have been completed to date. Items shown in black remain outstanding and/or have been updated. Items stricken in previous correspondence have been removed to consolidate the list for ease of review.

TT 2/9/23 Update: TT visited the site on February 6, 2023 with Bridget Graziano (Conservation Agent), Gregory Rucki (Developer) and Dan Merrikin (Engineer of Record) for an inspection to update the Bond List and observe overall construction progress at the site. The site was generally in a good and clean condition with landscaping and final site clean-up anticipated to occur Spring 2023.

Items ~~stricken~~ have been completed to date. Items shown in black remain outstanding and/or have been updated. Items stricken in previous correspondence have been removed to consolidate the list for ease of review.

#### Outstanding Minimum Infrastructure Items (Pursuant to Section VIII.I of the Decision)

These items are not included in the bond estimate as they must be completed prior to implementation of bonding for the Project.

~~8. Provide as-built information for the Drainage System for review. The plan can be provided in draft form to confirm critical elevations and basin topography are consistent with the approved plans. Final as-builts will be required at the completion of the Project.~~

- **TT 2/9/23 Update: Interim drainage as-built was submitted on September 28, 2021 and was reviewed. In our opinion, this item is resolved.**

#### Items to be Completed

10. Install binder and top course for proposed sidewalk.

- **TT 2/9/23 Update: Sidewalk binder course has been installed, top course remains.**

~~11. Adjust all drain and utility castings to finish elevation.~~

12. Install top course for proposed roadway and parking area.

13. Install stop lines and directional arrows (top course).



~~14. Install proposed granite block wall adjacent to Village Street.~~

15. Install vinyl privacy fence, landscaping and loam and seed.

- **TT 2/9/23 Update: The Developer noted an anticipated field change for the fence as the abutter wanted a shorter fence. Developer stated this will be submitted to the PEDB for discussion. Additionally, landscaping and final clean-up anticipated to be completed Spring 2023.**

~~16. Install post lights at each unit and around common areas.~~

### **Inspection/Maintenance**

17. Provide snow plowing throughout the paved area of the Project. Assume one (1) year of plowing.

18. Perform street sweeping in the Spring and Fall. Assume one (1) year of street sweeping.

19. Clean stormwater infrastructure. Assume two (2) cleanings of stormwater structures per year for one (1) year.

20. Mow and clean debris within common areas of the development and stormwater basins. Assume four (4) cleanings per year for one (1) year.

21. Perform erosion control maintenance. Assume two (2) new silt sacks for each catch basin per year for one (1) year.

22. Remove erosion controls within limit of work as directed by Medway Conservation Commission.

### **Administrative**

23. Provide documentation from the engineer of record that the subsurface infiltration basin has been constructed according to the endorsed Plans and whether it is functioning properly.

- **TT 2/9/23 Update: The engineer of record submitted an email on September 28, 2021 which included the drainage as-built and a message noting satisfaction with the installation of the system. We recommend the PEDB confirm whether this is sufficient or if a memo/letter is required for the record.**

24. Provide final as-built plans of the Project.

### **Regulatory Administrative (Other Boards/Commissions)**

~~25. Install granite markers along the 25' wetland buffer. (Conservation Commission)~~

### **Utilities**

~~26. Finalize installation of electrical conduit and wiring.~~

### **Additional Items**

27. Install overflow device on the roof drain at the rear of Unit #20.

28. Clean leaf litter and debris from rip-rap stormwater outfalls and mitigate for erosion observed at Infiltration Basin #2 outfall location.

29. Issuance of an occupancy permit for the 12<sup>th</sup> (final) unit requires *Certificate of Site Plan Completion* consistent with Condition L.2 of the Decision. It does not appear the requirements of this condition have been met as the project remains under construction and a final as-built has not been provided. We recommend the Board discuss this item at the next hearing.

These comments are offered as guides for use during the Town's review. In addition to this list, we recommend the Applicant conduct their own evaluation of the site to ensure all items included on the approved documents are completed to the satisfaction of the engineer of record for the Project. If you have any questions or comments, please feel free to contact us at (508) 786-2200.





**February 14, 2023**  
**Medway Planning & Economic Development Board**  
**Meeting**

**ZBA Petitions**

- 119 Village Street Variance/Special Permit –  
February 15, 2023
- 21 High Street 2-family Special Permit- opened  
February 1, 2023, continued to March 1, 2023.



**GENERAL APPLICATION FORM****TOWN OF MEDWAY****ZONING BOARD OF APPEALS**

155 Village Street  
Medway MA 02053

Phone: 508-321-4915 | [zoning@townofmedway.org](mailto:zoning@townofmedway.org)  
[www.townofmedway.org/zoning-board-appeal](http://www.townofmedway.org/zoning-board-appeal)

**NOTE: THE APPLICATION WILL NOT BE CONSIDERED "COMPLETE" UNLESS ALL NECESSARY DOCUMENTS, FEES, & WAIVER REQUESTS ARE SUBMITTED. A GENERAL APPLICATION FORM MUST BE COMPLETED FOR ALL APPLICATIONS.**

**TO BE COMPLETED BY THE APPLICANT**

Applicant/Petitioner(s):	Application Request(s):
Elaine Ohnemus/Borek Block Realty, LLC	
Property Owner(s): Elaine Ohnemus/Borek Block Realty, LLC	Appeal <input type="checkbox"/>
	Special Permit <input type="checkbox"/>
Site Address(es): 119 Village Street Medway, MA 02053	Variance <input checked="" type="checkbox"/>
	Determination/Finding <input checked="" type="checkbox"/>
	Extension <input type="checkbox"/>
	Modification <input type="checkbox"/>
Parcel ID(s): 600850000	Comprehensive Permit <input type="checkbox"/>
Zoning District(s): VC	
Registry of Deeds Book & Page No. and Date or Land Court Certificate No. and Date of Current Title: <b>10771-714 12/28/94</b>	

TOWN CLERK STAMP

**TO BE COMPLETED BY STAFF:**

Check No.:  
Date of Complete Submittal:  
Comments:



# GENERAL APPLICATION FORM

## APPLICANT/PETITIONER INFORMATION

The owner(s) of the land must be included as an applicant, even if not the proponent. Persons or entities other than the owner may also serve as co-applicants in addition to the owner(s), however, in each instance, such person shall provide sufficient written evidence of authority to act on behalf of the owner(s). For legal entities such as corporations, LLCs, etc., list the type and legal status of ownership, the name of the trustees/officer members, their affiliation, and contact information. Please provide attachment for information if necessary.

<b>Applicant/Petitioner(s):</b> Elaine Ohnemus/Borek Block Realty, LLC		<b>Phone:</b> 508-269-4324
		<b>Email:</b> eaohnemus@gmail.com
<b>Address:</b> 49 Holliston Street Medway, MA 02053		
<b>Attorney/Engineer/Representative(s):</b>		<b>Phone:</b>
		<b>Email:</b>
<b>Address:</b>		
<b>Owner(s):</b> Elaine Ohnemus/ Borek Block Realty, LLC		<b>Phone:</b> 508-269-4324
		<b>Email:</b> eaohnemus@gmail.com
<b>Mailing Address:</b> 49 Holliston Street Medway, MA 02053		

Please list name and address of other parties with financial interest in this property (use attachment if necessary):  
None

Please disclose any relationship, past or present, interested parties may have with members of the ZBA:  
None

I hereby certify that the information on this application and plans submitted herewith are correct, and that the application complies with all applicable provisions of Statutes, Regulations, and Bylaws to the best of my knowledge, and that all testimony to be given by me during the Zoning Board of Appeals public hearing associated with this application are true to the best of my knowledge and belief.

Elaine A Ohnemus  
Signature of Applicant/Petitioner or Representative

1/19/2023  
Date

\_\_\_\_\_  
Signature Property Owner (if different than Applicant/Petitioner)

\_\_\_\_\_  
Date



APPLICATION INFORMATION

		YES	NO
Applicable Section(s) of the Zoning Bylaw:	Requesting Waivers?	<input type="checkbox"/>	<input type="checkbox"/>
<b>Section 5.1A</b>	Does the proposed use conform to the current Zoning Bylaw?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Present Use of Property: Storage	Has the applicant applied for and/or been refused a building permit?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Is the property or are the buildings/ structures pre-existing nonconforming?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Proposed Use of Property: 2 bedroom apartment	Is the proposal subject to approval by the BOH or BOS?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Is the proposal subject to approval by the Conservation Commission?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Date Lot was created: Existing lot	Is the property located in the Floodplain District?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Date Building was erected: 6/28/2005	Is the property located in the Groundwater Protection District?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Does the property meet the intent of the Design Review Guidelines?	Is the property located in a designated Historic District or is it designated as a Historic Landmark?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><b>Describe Application Request:</b>                      I would like to change the use of the existing building from a storage/garage to a 2 bedroom apartment. The driveway, parking lot, water, sewer, gas, and electric are currently in place. A buffer already exists between my property and the condos next door.</p>			



# GENERAL APPLICATION FORM

FILL IN THE APPLICABLE DATA BELOW

Required Data	Bylaw Requirement	Existing	Proposed
A. Use		Storage	2 bedroom apt
B. Dwelling Units	1	5	6
C. Lot Size	10,000	0.7 acres	0.7 acres
D. Lot Frontage	50 ft	145.2	145.2
E. Front Setback	20	14	14
F. Side Setback	10	25	25
G. Side Setback	10	15	15
H. Rear Setback	10	75	75
I. Lot Coverage	80%		
J. Height	40'		
K. Parking Spaces		12	12
L. Other			

## FOR TOWN HALL USE ONLY

To be filled out by the Building Commissioner:

Date Reviewed

Medway Building Commissioner

Comments:

After completing this form, please submit an electronic copy to [zoning@townofmedway.org](mailto:zoning@townofmedway.org) and 4 paper copies to the Community & Economic Development Department.





# TOWN OF MEDWAY

## ZONING BOARD OF APPEALS

155 Village Street  
Medway MA 02053

Phone: 508-321-4915 | [zoning@townofmedway.org](mailto:zoning@townofmedway.org)  
[www.townofmedway.org/zoning-board-appeal](http://www.townofmedway.org/zoning-board-appeal)

**NOTE: THE APPLICATION WILL NOT BE CONSIDERED "COMPLETE" UNLESS ALL NECESSARY DOCUMENTS, FEES, & WAIVER REQUESTS ARE SUBMITTED. A GENERAL APPLICATION FORM MUST BE COMPLETED FOR ALL APPLICATIONS.**

### TO BE COMPLETED BY THE APPLICANT

Please provide evidence regarding how the Variance Criteria, outlined below, is met. All Variance Criteria must be met to be considered. Provide attachments if necessary.

1. What circumstances exist relating to the shape, topography, or soil conditions of the subject property which do not generally affect other land in the zoning district? (See MGL c. 40A Section 10)

The property has an odd shape and has 3 existing buildings on it. There will be no change to the shape, topography, or soil of this property. I am only asking to change the use. The driveway, parking lot, and yard already exist.

2. What substantial hardship, financial or otherwise, is caused by the circumstances listed above when the literal enforcement of Medway Zoning Bylaw is applied? (See MGL c. 40A Section 10) (Cannot be *personal hardship*)

This building would be put to good use as a 2 bedroom apartment, instead of an empty building. This variance is not detrimental to the town or my neighbors. It would only change the status of this existing building.

3. State why desirable relief may be granted without substantial detriment to the public good.

The variance requested is the minimal variance that will make possible the reasonable use of the land and the building.

4. State why relief may be granted without nullifying or substantially derogating from the intent or purpose of the Zoning Bylaw.

The property is currently rental property and I am requesting to change the use of the existing building from storage to a 2 bedroom apartment.

*Elaine A Obrenus*

Signature of Applicant/Petitioner or Representative

1/19/2023

Date



DETERMINATION/FINDING FORM  
Under Zoning Bylaw Section 5.5



TOWN OF MEDWAY  
ZONING BOARD OF APPEALS

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Medway MA 02053

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TOWN CLERK STAMP



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TO BE COMPLETED BY THE APPLICANT

Identify the particular respect or respects in which the existing structure(s) do not conform to the requirements of the Zoning Bylaw:

I WOULD LIKE TO CHANGE THE PROPERTY FROM 5 UNITS TO 6 UNITS. I OWN 0.7 ACRES OF LAND.

Describe the proposed alterations or additions to the existing structure(s):

THE INTERIOR OF THE BUILDING WOULD BE CHANGED FROM A STORAGE AREA TO A 2 BEDROOM APARTMENT

Explain how the proposed alteration(s) or addition(s) will not substantially more detrimental to the neighborhood:

1. NO CHANGE TO SURROUNDINGS
2. NO CHANGE TO TRAFFIC.
3. DOES NOT CREATE A NUISANCE.
4. DOES NOT IMPAIR PROPERTY VALUES OF NEIGHBORHOOD
5. DOES NOT IMPAIR HEALTH, SAFETY, WELFARE OF TOWN
6. NO PUBLIC EXPENDITURES.
7. NO HAZARD TO ADJACENTS.

*Elaine A. Brennan*

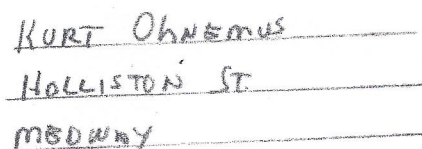
Signature of Applicant/Petitioner or Representative

11/19/2023

Date



DATE: 12-8-77  
SCALE 1:30'



John R. Lincoln

JOB NO. 74-9527

**PREDATES CURRENT ZONING.**



4:09

5G



Michael Dickson,

This email is to inform you that the Town of Medway has chosen to deny your application for a Residential Building Permit. Please contact the Building Department at [\(508\) 533-3253](tel:5085333253) for further details.

**Reason for Denial:**

- The conversion of the existing garage located at [119 Village Street](#) to a dwelling unit is not permitted per Medway Zoning Bylaw, Section 5.1.A.

If you are aggrieved by this determination, you may file an appeal with the Zoning Board of Appeals within thirty (30) days of receipt in accordance with G.L. c. 40A, secs. 8 and 15.

Sincerely,

Jonathan Ackley

Building Commissioner

[508 533 3253](tel:5085333253)

[jackley@townofmedway.org](mailto:jackley@townofmedway.org)



Reply to All



Mail



Search



Calendar



























## Susan Affleck-Childs

---

**From:** Anna Rice  
**Sent:** Wednesday, January 11, 2023 11:47 AM  
**To:** Allison Potter; Barry Smith; Bridget Graziano; Carol Pratt; Doug Havens; Jeff Lynch; Joanne Russo; 'Matt Buckley'; Susan Affleck-Childs; Barbara Saint Andre; Liz Langley; Michael Boynton; Peter Pelletier; Stefany Ohannesian; hayes7000@msn.com; William Kingsbury; Craig Vinton; Nolan Lynch; Derek Kwok; Jonathan Ackley; Christopher Park; Marie Shutt  
**Subject:** REQUEST FOR COMMENTS: 21 High Street  
**Attachments:** 21 High St - Public Hearing Notice - Abutters.pdf; 21 High St - Full Application Package.pdf

To:	Department of Public Works	Planning & Economic Development Board
	Fire Department	Board of Health
	Police Department	Conservation Commission
	Building Department	Design Review Committee
	Treasurer/Collector	Town Manager
	Assessing Department	Affordable Housing Committee

### 21 High Street –

Attached please find the Zoning Board of Appeals Notice of Public Hearing for 21 High Street, Assessor's Parcel: 57-062. The application is for the issuance of a **special permit** under Section 3.4, Special Permits, and Section 5.4, Table 1: Schedule of Uses of the Zoning Bylaw to add an addition to the existing home, to create a two-family dwelling that has the exterior appearance of a single-family dwelling on the lot.

The opening of the hearing is scheduled for Wednesday, February 1<sup>st</sup>, at 7:30 pm.

**The ZBA is requesting comments from your Department/Board.** Please send any comments you may have by **11:00 am Wednesday, January 25<sup>th</sup>, 2022** to be included for discussion at the hearing.

The Application and related materials are attached but can also be found on the website at <https://www.townofmedway.org/zoning-board-appeals/pages/21-high-street-2-family-special-permit>

Thank you!

**Anna Rice**  
**Administrative Assistant**  
**Community & Economic Development**  
**Town of Medway**  
**155 Village Street**  
**Medway, MA 02053**  
**508.321.4915**



## GENERAL APPLICATION FORM



### TOWN OF MEDWAY

#### ZONING BOARD OF APPEALS

155 Village Street  
Medway MA 02053

Phone: 508-321-4915 | [zoning@townofmedway.org](mailto:zoning@townofmedway.org)  
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#### TO BE COMPLETED BY THE APPLICANT

Applicant/Petitioner(s):	Application Request(s):
Medway Development LLC	
Property Owner(s):	
Medway Development LLC	Appeal <input type="checkbox"/>
	Special Permit <input checked="" type="checkbox"/>
Site Address(es):	Variance <input type="checkbox"/>
21 High Street, Medway	Determination/Finding <input type="checkbox"/>
	Extension <input type="checkbox"/>
	Modification <input type="checkbox"/>
Parcel ID(s):	Comprehensive Permit <input type="checkbox"/>
57-062	
Zoning District(s):	
AR-II	
Registry of Deeds Book & Page No. and Date or Land Court Certificate No. and Date of Current Title: Norfolk Registry of Deeds - Book 36435, Page 252 - recorded November 15, 2018	

TOWN CLERK STAMP

#### TO BE COMPLETED BY STAFF:

Check No.:  
Date of Complete Submittal:  
Comments:



## GENERAL APPLICATION FORM

## APPLICANT/PETITIONER INFORMATION

*The owner(s) of the land must be included as an applicant, even if not the proponent. Persons or entities other than the owner may also serve as co-applicants in addition to the owner(s), however, in each instance, such person shall provide sufficient written evidence of authority to act on behalf of the owner(s). For legal entities such as corporations, LLCs, etc., list the type and legal status of ownership, the name of the trustees/officer members, their affiliation, and contact information. Please provide attachment for information if necessary.*

<b>Applicant/Petitioner(s):</b> Medway Development LLC c/o Michael Larkin, Mgr.	Phone: 978-658-0333
	Email: michael@lawlarkin.com
Address:  P.O. Box 129 Medfield, MA 02052	
<b>Attorney/Engineer/Representative(s):</b> Michael Larkin, Esq	Phone: 978-658-0333
	Email: michael@lawlarkin.com
Address:  383 Main Street, Medfield, MA 02052	
<b>Owner(s):</b> Medway Development LLC c/o Michael Larkin, Mgr.	Phone: 978-658-0333
	Email: michael@lawlarkin.com
Mailing Address:  P.O. Box 129 Medfield, MA 02052	

Please list name and address of other parties with financial interest in this property (use attachment if necessary):

Michael Larkin, Patrick Larkin and Fred Santucci

Please disclose any relationship, past or present, interested parties may have with members of the ZBA:

None

I hereby certify that the information on this application and plans submitted herewith are correct, and that the application complies with all applicable provisions of Statutes, Regulations, and Bylaws to the best of my knowledge, and that all testimony to be given by me during the Zoning Board of Appeals public hearing associated with this application are true to the best of my knowledge and belief.

Signature of Applicant/Petitioner or Representative

1-4-2023

Date

Signature Property Owner (if different than Applicant/Petitioner)

Date



# GENERAL APPLICATION FORM

## APPLICATION INFORMATION

		YES	NO
<b>Applicable Section(s) of the Zoning Bylaw:</b>	<b>Requesting Waivers?</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>3.4 Special Permits and 5.4 Table of Uses</b>	<b>Does the proposed use conform to the current Zoning Bylaw?</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Present Use of Property:</b> Single Family Dwelling	<b>Has the applicant applied for and/or been refused a building permit?</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Proposed Use of Property:</b> Two family/duplex Dwelling	<b>Is the property or are the buildings/ structures pre-existing nonconforming?</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Date Lot was created:</b> 2018	<b>Is the proposal subject to approval by the BOH or BOS?</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Date Building was erected:</b> Existing building - 1880	<b>Is the proposal subject to approval by the Conservation Commission?</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Does the property meet the intent of the Design Review Guidelines?</b>  Yes	<b>Is the property located in the Floodplain District?</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	<b>Is the property located in the Groundwater Protection District?</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	<b>Is the property located in a designated Historic District or is it designated as a Historic Landmark?</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Describe Application Request:</b>  <p>Applicant is requesting a Special Permit under Section 3.4 from Section 5.4, Table 1, Section C for zoning district AR-II of the Medway Zoning ByLaws to allow for a two family dwelling/duplex, providing the dwelling shall have the appearance of a single family dwelling.</p>			



## FILL IN THE APPLICABLE DATA BELOW

Required Data	Bylaw Requirement	Existing	Proposed
A. Use		Single Family	Two Family
B. Dwelling Units	Two Family	Single Family	Two Family
C. Lot Size	30,000 s.f.	164,221 s.f.	164,221 s.f.
D. Lot Frontage	150 ft	> 150 ft	> 150 ft
E. Front Setback	35 ft	23 ft	23 ft
F. Side Setback	15 ft	> 15 ft	> 15ft
G. Side Setback	15 ft	> 15 ft	> 15 ft
H. Rear Setback	15 ft	> 15 ft	> 15 ft
I. Lot Coverage	30%	< 30%	< 10%
J. Height	35 ft	< 35 ft	35 ft
K. Parking Spaces	n/a	n/a	n/a
L. Other			

## FOR TOWN HALL USE ONLY

To be filled out by the Building Commissioner:

Date Reviewed

Medway Building Commissioner

Comments:

After completing this form, please submit an electronic copy to [zoning@townofmedway.org](mailto:zoning@townofmedway.org)  
and 4 paper copies to the Community & Economic Development Department.





## TOWN OF MEDWAY

## ZONING BOARD OF APPEALS

155 Village Street  
Medway MA 02053

Phone: 508-321-4915 | [zoning@townofmedway.org](mailto:zoning@townofmedway.org)  
[www.townofmedway.org/zoning-board-appeal](http://www.townofmedway.org/zoning-board-appeal)

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## TO BE COMPLETED BY THE APPLICANT

*Please provide evidence regarding how the Special Permit Decision Criteria, outlined below, is met. Please write "N/A" if you believe any of the Criteria is Not Applicable. Provide attachments if necessary.*

**1. The proposed site is an appropriate location for the proposed use:**

The proposed two family dwelling is located in the Agricultural Residential II District, which allows for two family dwellings under certain conditions which this application shall meet.

**2. Adequate and appropriate facilities will be provided for the operation of the proposed use:**

N/A

**3. The proposed use as developed will not create a hazard to abutters, vehicles, pedestrians, or the environment:**

The property exceeds the requirements for area to construct a two family dwelling. This will allow for construction of the dwelling that best suits the property, while keeping out of the conservation resource area.

**4. The proposed use will not cause undue traffic congestion or conflicts in the immediate area:**

The proposed two family dwelling is located in the Agricultural Residential II District, which allows for two family dwellings under certain conditions which this application shall meet. The proposed two family dwelling will have only one driveway entrance/exit and the dwelling will have the appearance of a single family.

**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:**

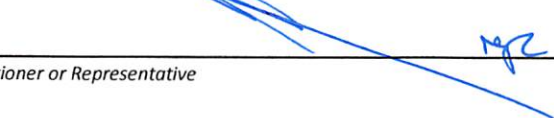
N/A

**6. The proposed use as developed will not adversely affect the surrounding neighborhood or significantly alter the character of the zoning district:**

The proposed two family dwelling shall be appropriately located in a residential district AR-II.



<p><b>7. The proposed use is in harmony with the general purpose and intent of this Zoning Bylaw:</b>  The property has more than adequate area for the AR II zoning district and the lot and proposed dwelling meets all dimensional requirements to construct a two family dwelling. The parcel has more than 50% uplands. The proposed two family dwelling will have only one driveway entrance/exit and the dwelling will have the appearance of a single family.</p>
<p><b>8. The proposed use is consistent with the goals of the Medway Master Plan:</b>  The proposed two family dwelling will be appropriately located in a residential AR II district and shall be consistent with the goals of the Medway Master Plan</p>
<p><b>9. The proposed use will not be detrimental to the public good:</b>  The property is located in the AR II district which allows for two family dwellings and as such shall not be detrimental to the public good.</p>

	1-4-2023
Signature of Applicant/Petitioner or Representative	Date



# Unofficial Property Record Card - Medway, MA

## General Property Data

Parcel ID **57-062**  
 Prior Parcel ID **2A -188-**  
 Property Owner **MEDWAY DEVELOPMENT LLC**

Account Number **2A-188**

Mailing Address **383 MAIN ST**

Property Location **21 HIGH ST**

Property Use **ONE FAMILY**

Most Recent Sale Date **11/15/2018**

Legal Reference **36435-252**

Grantor **BYRNES,JAMES**

City **MEDFIELD**

Mailing State **MA** Zip **02052**

Sale Price **525,000**

Parcel Zoning **ARII**

Land Area **3.770 acres**

## Current Property Assessment

Card 1 Value Building Value **147,900**

Xtra Features  
Value **14,600**

Land Value **238,200**

Total Value **400,700**

## Building Description

Building Style **OLD STYLE**  
 # of Living Units **1**  
 Year Built **1880**  
 Building Grade **Average**  
 Building Condition **Average**  
 Finished Area (SF) **1767.15**  
 Number Rooms **5**  
 # of 3/4 Baths **0**

Foundation Type **BRICK/STONE**  
 Frame Type **Wood**  
 Roof Structure **GABLE**  
 Roof Cover **ASPHALT SHNG**  
 Siding **Vinyl**  
 Interior Walls **PLASTER**  
 # of Bedrooms **2**  
 # of 1/2 Baths **1**

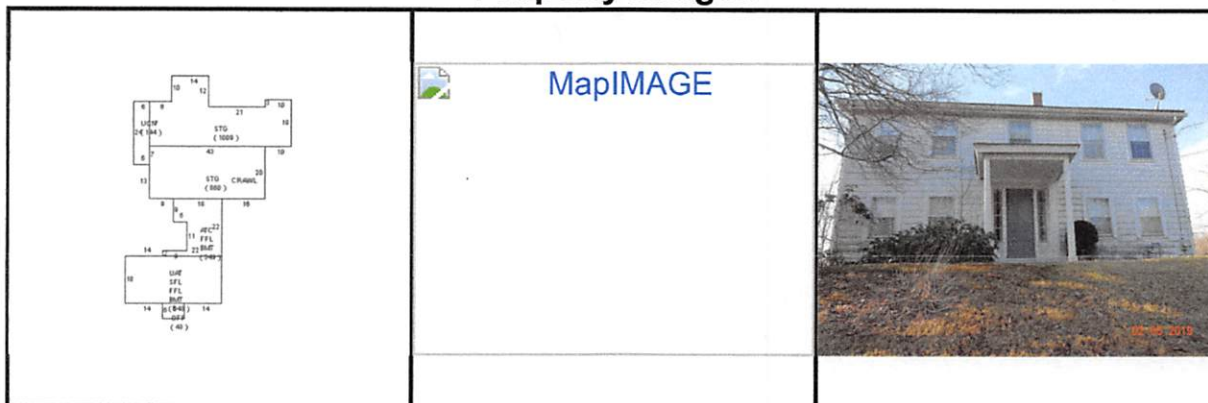
Flooring Type **Hardwood**  
 Basement Floor **Concrete**  
 Heating Type **STEAM**  
 Heating Fuel **GAS**  
 Air Conditioning **0%**  
 # of Bsmt Garages **0**  
 # of Full Baths **1**  
 # of Other Fixtures **0**

## Legal Description

## Narrative Description of Property

This property contains 3.770 acres of land mainly classified as ONE FAMILY with a(n) OLD STYLE style building, built about 1880 , having Vinyl exterior and ASPHALT SHNG roof cover, with 1 unit(s), 5 room(s), 2 bedroom(s), 1 bath(s), 1 half bath(s).

## Property Images



Disclaimer: This information is believed to be correct but is subject to change and is not warranted.

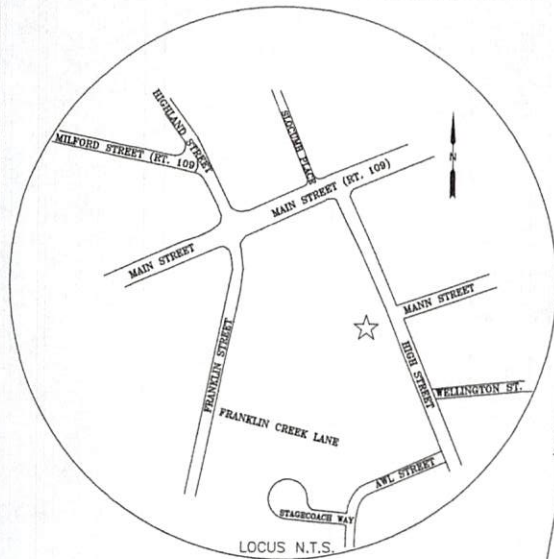


PROPOSED ADDITION  
PLAN OF LAND  
IN  
**MEDWAY, MA.**

SCALE: 1"=40' JANUARY 3, 2023

OWNER: Medway Development LLC  
383 Main Street  
Medfield, Ma. 02052

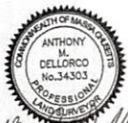
COLONIAL ENGINEERING INC.  
11 AWL STREET MEDWAY, MA.  
508-533-1644



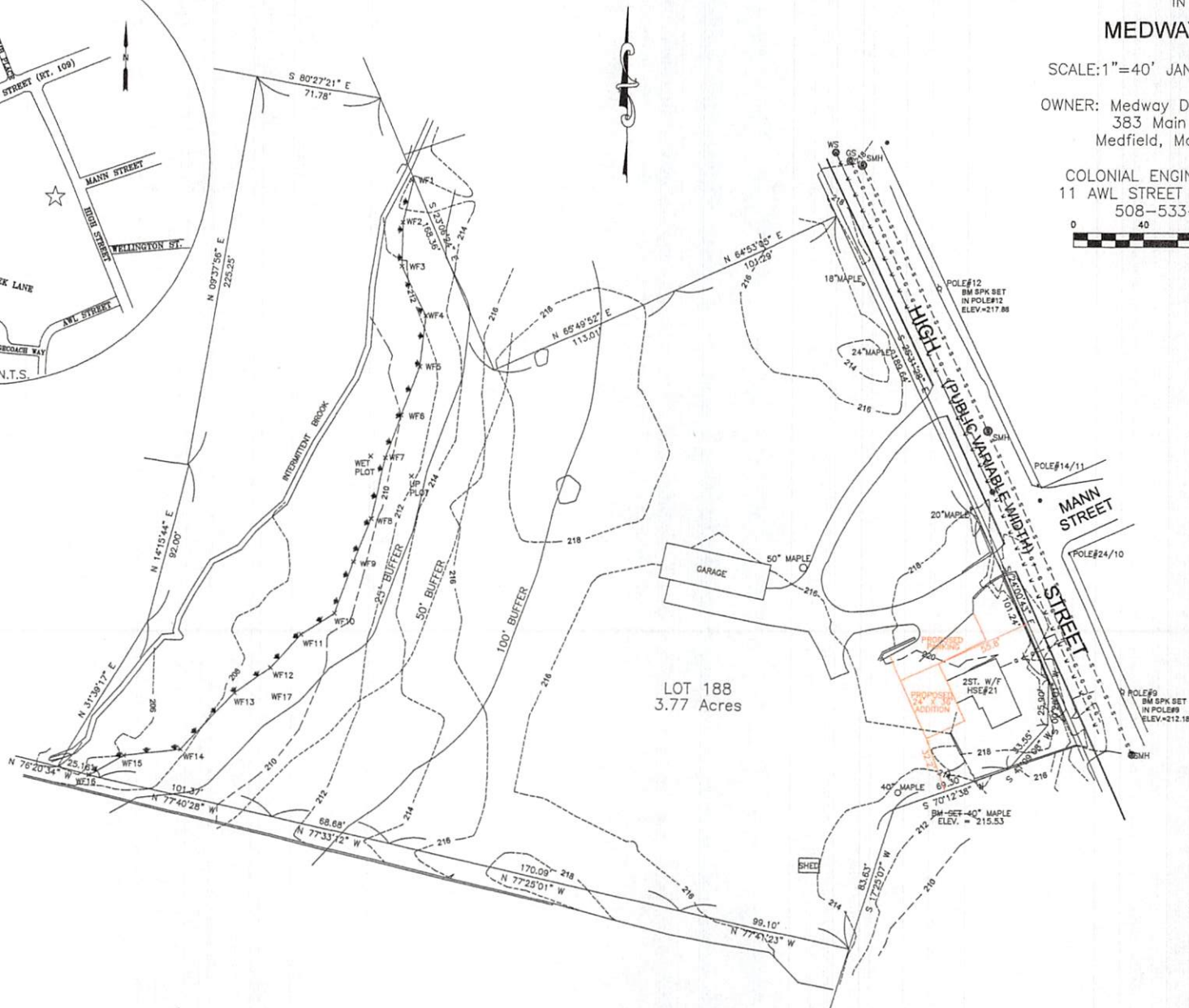
ZONE AR II  
AREA 22,500 S.F.  
FRONTAGE 150.00  
SETBACK 35'  
SIDEYARD 15'  
REARYARD 15'  
BUILDING LOT COVERAGE 30%  
IMPERVIOUS LOT COVERAGE 40%  
NOT WITHIN THE G.P.D.

PROPOSED LOT COVERAGE  
BUILDING COVERAGE 1.79%  
IMPERVIOUS COVERAGE 5.37%

I CERTIFY THAT THE PROPOSED  
ADDITION SHOWN ON THIS PLAN  
CONFORMS TO THE ZONING  
BY-LAWS OF THE TOWN OF MEDWAY  
MA. AND DOES NOT LIE WITHIN THE  
FLOOD PLAIN.



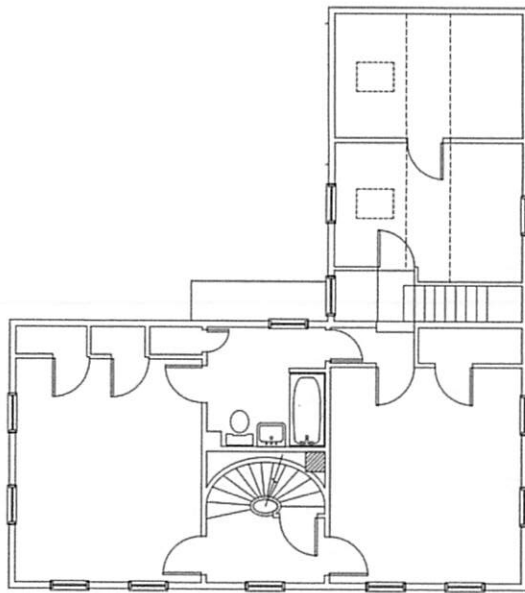
*Anthony M. Dellorco*





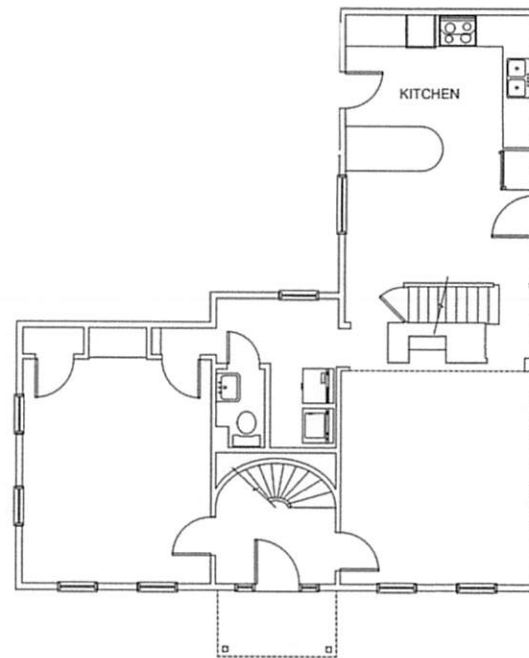






Existing Second Floor Plan  
SCALE: 1/4" = 1'-0"

2  
A1.0



Existing First Floor Plan  
SCALE: 1/4" = 1'-0"

1  
A1.0

PHILIPPE  
THIBAUT  
ARCHITECT, LLC  
303 MAIN STREET - MEDFORD, MA 02155  
TEL: 617.251.1111  
WWW.PHTHIBAUT.COM

PTALC 2019  
These drawings are used as a guide only. The Architect is not responsible for any errors or omissions in the drawings or for any consequences of their use. The user assumes all liability for the use of these drawings.

RENOVATIONS  
21 HIGH STREET  
MEDWAY, MA

Prepared for: MEDWAY DEVELOPMENT, LLC  
303 MAIN STREET - MEDFORD, MA 02155  
EXISTING FLOOR PLANS

Revisions	
no.	date
1	20 MAR 2019
2	1/4" = 1'-0"
3	19-06
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sheet no.  
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**February 14, 2023**  
**Medway Planning & Economic Development Board**  
**Meeting**

**Construction Reports**

- 288 Village Street Project Engineer Progress Report dated January 25, 2023, by Normal Hill of Land Planning, Inc.
- Bright Path Child Care Center Field Report dated January 11, 2023, by Tetra Tech.



## **Project Engineer's Construction Progress Report**

Project Name: Multi Family Building  
Project Location: 288 Village Street, Medway  
Date of Report: January 25, 2023  
Professional Engineer: Norman G. Hill, PE 31887  
Land Planning, Inc.

### **Observations:**

Siltation Barrier is in place and is being maintained  
No siltation was observed leaving the site  
Site is mostly at subgrade and driveway has base course of pavement  
Building is weather tight, interior work is continuing  
Drywall is being installed in the building  
Gas service has been connected to the building  
Front walk has been installed  
Air conditioner pads have been installed  
Land Planning, Inc. has no recommendations at this time.

### **Anticipated Future Work:**

Interior building construction to continue  
Final site grading, rain garden, finish paving in spring when weather permits  
Electric service connection



## Photos











I hereby attest that the observed construction is being conducted in substantial compliance with the plan approved and endorsed by the Medway Planning and Economic Development Board.

Certified by:   
Norman G. Hill, PE 31887

1-25-23  
Date



# FIELD REPORT

PROJECT Bright Path Child Care Center	DATE 01/11/2023	REPORT NO. 04
LOCATION 67C Main St., Medway, MA	TT PROJECT NO. 143-21583-22019	TT INSPECTOR Tucker Paradee, EIT
CONTRACTOR TD Construction (Contractor)	WEATHER A.M. CLEAR P.M.	TEMPERATURE A.M. 25° - 35° (F) P.M.

## SECTION A: FIELD OBSERVATIONS

1. Firm/frozen ground surface throughout the site. Silt sacks remain in existing catch basins adjacent to the site and appear to be in good condition. Construction fencing surrounds the active work zone with a gated entrance located on the eastern side. Construction material is stockpiled along the eastern limit of work, just inside the construction fencing.
2. Fence contractors have completed installing fence posts for the proposed play spaces. Installation for the proposed perimeter fencing has begun in the southernmost limit of work, adjacent to the western side of the existing building.
3. Proposed artificial turf has been installed at the southernmost limit of work, adjacent to the western side of the existing building.
4. Stormwater drainage for the proposed parking area has been completed, along with the proposed underdrain for the play space. Contractor to replace existing catch basin grate with drain manhole cover located near the existing vegetation.
5. Gravel subbase for the proposed parking area has been installed and roughly graded in accordance with the endorsed plans.
6. Electrical conduit has been installed for the existing light pole in the northeastern corner of the site. Existing double light fixture to be replaced with triple light fixture.
7. Interior construction is ongoing within the existing building.

## SECTION B: SCHEDULE

1. TT will maintain communication with the developer and perform site inspections on an as-need basis.

## SECTION C: NEW ACTION ITEMS

1. N/A

## SECTION D: OUTSTANDING ACTION ITEMS

1. N/A

CONTRACTOR'S FORCE AND EQUIPMENT				WORK DONE BY OTHERS	
LABOR		EQUIPMENT		DEPT./COMPANY	WORK DESC.
Sup't		Excavator			
Foreman	1	Loader			
Laborers	5	Bulldozer			
Drivers		Tri-Axle Dump Truck		<b>OFFICIAL VISITORS TO JOB</b>	
Operators		Trailer Dump Truck			
Surveyors		Asphalt Paver		NAME	DEPT.
Masons		Roller (static) [vibratory]			
Police Detail		Concrete Truck			





**February 14, 2023**

**Medway Planning & Economic Development Board  
Meeting**

**Continued Discussion – Zoning Bylaw  
Amendments for May 2023 Town  
Meeting**

- NEW - Draft amendment to Solar Installations
- REVISED – Draft amendment to Central Business District re: Affordable Housing
- REVISED – Draft amendment to create an AR-III zoning district



**May 8, 2023 Town Meeting**  
**Solar Installations**  
**Draft – February 13, 2023**

Article \_\_\_\_ (Zoning Amendments - Solar) To see if the Town will vote to amend the Zoning Bylaw Section 8.11 Solar Electric Installations, by deleting the following section 8.11.G.3 in its entirety:

“3. Control of Vegetation – Herbicides or pesticides may not be used to control vegetation or animals at a Ground-Mounted Solar Electric Installation.”

Or act in any manner related thereto.



May 8, 2023 Annual Town Meeting  
Article \_\_\_\_ (Zoning Amendments – Central Business District)

**REVISED 2-13-23 (added last sentence)**

To see if the Town will vote to amend the Zoning Bylaw by amending Section 10, Central Business District, Section 10.3.D.6 as follows:

6. Affordability Requirements. The provisions of Section 8.6. Affordable Housing shall apply to Mixed-Use Developments; however, for a proposed development where the percentage of affordable units required under Section 8.6 exceeds 10%, the Planning and Economic Development Board may by special permit provide for a lower percentage of affordable units than required by Section 8.6, but in no event less than 10%, if the Planning and Economic Development Board finds that the special permit would be in the best interests of the Town, provides additional design or other community benefits beyond the minimum requirements of the zoning bylaw, and is consistent with the purposes of the Central Business District. The Decision Criteria in Section 3.4.C do not apply to special permit applications under this Section.

Or act in any manner relating thereto.



Article \_\_\_\_ (Zoning Amendments – AR-III)  
DRAFT – January 26, 2023

To see if the Town will vote to amend the Zoning Bylaw as follows:

Amend Section 4.1.A by adding: “3. Agricultural Residential III (AR-III)”, and renumbering Village Residential accordingly to 4.

Amend Table 1, Schedule of Uses, by adding changing the column labeled “AR-II” to read “AR-II and AR-III”.

Amend Section 6.1 Table 2: Dimensional and Density Regulations, by inserting a new column labeled “AR-III”, as follows:

	TABLE 2. DIMENSIONAL AND DENSITY REGULATIONS										
Requirement	AR-I	AR-II	AR-III	VR	CB*	VC	NC	BI	EI	ER	WI
Minimum Lot Area (Sq. Ft.)	44,000	22,500 30,000 <sup>a, b</sup>	10,000	22,500 30,000 <sup>a, b</sup>	10,000	10,000	20,000	20,000	20,000	20,000	40,000
Minimum Lot Frontage (Ft.) <i>(Amended 5-10-21)</i>	180'	150'	85'	150'	NA <sup>f</sup>	50'	50'	75'	100'	150'	100'
Minimum Setbacks (Ft) <sup>c</sup>											
Front	35'	35'	25'	20' <sup>d</sup>	10'	20' <sup>d</sup>	35'	25'	30'	30'	30'
Side	15'	15'	15'	10' <sup>d</sup>	10' 25' <sup>e</sup>	10' <sup>d</sup>	15'	15'	20'	20'	20'
Rear	15'	15'	15'	10' <sup>d</sup>	25'	10' <sup>d</sup>	15'	15'	30'	30'	30'
Maximum Building Height (Ft.)	35'	35'	35'	35'	40'	40'	40'	40'	60'	40'	60'
Maximum Lot Coverage (Pct. of lot) (Primary and accessory buildings and structures) – <i>Amended 5-8-17</i>	25%	30%	30%	30%	80%	80%	40%	40%	NA	NA	NA
Maximum Impervious Coverage (Pct. of lot)	35%	40%	40%	40%	NA	NA	80%	80%	80%	80%	80%
Minimum Open Space (Pct. of lot)	NA	NA	NA	NA	15%	NA	20%	20%	20%	20%	20%

Amend Section 8.11, Solar Installations, Section 8.11.C.3 and Section 5.6.4, Multi-Family Housing, Section 8.6.4.B.1 by adding “AR-III” after “AR-II”

And by amending the Zoning Map to re-zone the following to AR-III:  
Beatrice Lane, Carol Lane, Douglas Street, Gorwin Drive, Karen Avenue, Lee Lane, Meryl Street, Richard Road, Robin Circle, Kenart Road, Koyview Place,

As shown on the attached zoning map amendment.

Or act in any manner related thereto.





**February 14, 2023**

**Medway Planning & Economic Development Board  
Meeting**

**EXECUTIVE SESSION – Executive Session  
Meeting Minutes**

Motion – I move the PEDB go into executive session to review and/or authorize release executive session minutes pursuant to G.L. c. 30A, §21(a)(7) and to not return to open session.

**Log of PEDB Executive Session Minutes (Updated 2-13-23)**

**ES minutes needing approval and consideration for release**

- June 24, 2014 re: Maritime Housing -123 Main ST ANR lawsuit
- January 24, 2023 re: Executive Session Minutes

**Previously approved ES minutes to be considered for release**

- June 9, 2015 re: Maritime Housing – 123 Main ST ANR lawsuit
- December 8, 2015 re: Maritime Housing – 123 Main ST ANR lawsuit
- October 9, 2018 re: Authorization to Release previously approved Executive Session Minutes

NOTE – Minutes voted for release are still reviewed by Town personnel to determine whether publication is appropriate due to attorney client privilege.