

GENERAL APPLICATION FORM



TOWN OF MEDWAY ZONING BOARD OF APPEALS

155 Village Street
Medway MA 02053

Phone: 508-321-4915 | zoning@townofmedway.org
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): Shaw's Supermarkets Inc.	Application Request(s):
Property Owner(s): Charter Medway I, LLC	Appeal <input type="checkbox"/>
Site Address(es): 65 Main Street, Medway, MA 02053	Special Permit <input checked="" type="checkbox"/>
Parcel ID(s): #41 parcel 023	Variance <input type="checkbox"/>
Zoning District(s): CB	Determination/Finding <input type="checkbox"/>
	Extension <input type="checkbox"/>
	Modification <input type="checkbox"/>
	Comprehensive Permit <input type="checkbox"/>
Registry of Deeds Book & Page No. and Date or Land Court Certificate No. and Date of Current Title:	

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.

Applicant/Petitioner(s): Shaw's Supermarkets Inc.	Phone: 508-313-3604
	Email: amy.burke@albertsons.com
Address: 750 W. Center Street, W. Bridgewater, MA	
Attorney/Engineer/Representative(s): Andrea McCarthy	Phone: 508-254-2366
	Email: andreamccarthyaw@gmail.com
Address: P.O. Box 541, Falmouth, MA 02536	
Owner(s): Charter Medway I, LLC	Phone: 203-689-7000
	Email: psb@chartweb.com
Mailing Address: 309 Greenwich Avenue. Greenwich. CT 06830	

Please list name and address of other parties with financial interest in this property (use attachment if necessary):

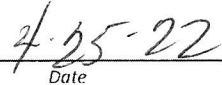
n/a

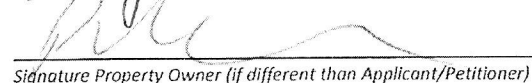
Please disclose any relationship, past or present, interested parties may have with members of the ZBA:

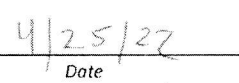
n/a

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


 Date


 Signature Property Owner (if different than Applicant/Petitioner)


 Date

GENERAL APPLICATION FORM

APPLICATION INFORMATION

		YES	NO
Applicable Section(s) of the Zoning Bylaw:	Requesting Waivers?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Bylaw Section 3.4.C	Does the proposed use conform to the current Zoning Bylaw?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Present Use of Property: Retail Shopping Center	Has the applicant applied for and/or been refused a building permit?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Proposed Use of Property: same, special permit for outdoor display	Is the property or are the buildings/ structures pre-existing nonconforming?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	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:	Is the property located in the Floodplain District?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Date Building was erected:	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? yes	Is the property located in a designated Historic District or is it designated as a Historic Landmark?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Describe Application Request: Shaw's Supermarkets, Inc. ("Shaw's") submits this application for a special permit to add an outdoor display area adjacent to leased space on the property known as 65 Main Street (the Property) located in the Commercial Business (CB) zoning district.</p> <p>The Property has been used as a retail shopping center for many years and continues to be used for that purpose. Shaw s is leasing the easternmost commercial building on the Property for use as a grocery store. As is customary for grocery stores, Shaw s seeks to add an outdoor display area. This area will be adjacent to the western end of the building on the Property as shown on the Site Plan. Shaw s seeks this special permit under Bylaw Section 3.4 for use of that area as an outdoor display as defined in Bylaw Section 2. Shaw s proposes up to 1,200 square feet of outdoor display area. Because there is no change to the building, the only question for the Board pertains to the use of this area of the Property that is now (and will remain) a paved lot and sidewalk. An outdoor display is allowed in the CB district as an accessory use to the grocery store by special permit provided the requirements of Bylaw Section 3.4.C are met. As set out in the special permit application each requirement in that section is met here, and the Board can find that the adverse effects of the proposed 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. Bylaw Section 3.4.C.</p>			

GENERAL APPLICATION FORM

FILL IN THE APPLICABLE DATA BELOW

Required Data	Bylaw Requirement	Existing	Proposed
A. Use			
B. Dwelling Units			
C. Lot Size			
D. Lot Frontage			
E. Front Setback			
F. Side Setback			
G. Side Setback			
H. Rear Setback			
I. Lot Coverage			
J. Height			
K. Parking Spaces			
L. Other			

<p>FOR TOWN HALL USE ONLY</p> <p><i>To be filled out by the Building Commissioner:</i></p>	
<p>_____</p> <p>Date Reviewed</p>	<p>_____</p> <p>Medway Building Commissioner</p>
<p><i>Comments:</i></p>	

After completing this form, please submit an electronic copy to zoning@townofmedway.org and 4 paper copies to the Community & Economic Development Department.



TOWN OF MEDWAY
ZONING BOARD OF APPEALS

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Medway MA 02053

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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.

<p>1. The proposed site is an appropriate location for the proposed use: The Property has been used as a retail store location for decades. The location of an outdoor display adjacent to the western end of the building will allow for the existing pedestrian and vehicular traffic circulation to be unimpeded. The sidewalk is twelve feet and the proposed outdoor display is up against the building in a no traffic area, and would not impede pedestrian traffic as it would only take up six feet or less.</p>
<p>2. Adequate and appropriate facilities will be provided for the operation of the proposed use: The grocery store will have staff who move items to and from this outdoor display area, which is for merchandising purposes. The underutilized parking spaces on the western end of the building can be used for temporary loading of any larger items, thus avoiding any hazards that might be created by loading and unloading in the fire lane that runs in front of the retail building.</p>
<p>3. The proposed use as developed will not create a hazard to abutters, vehicles, pedestrians, or the environment: This use will not create a hazard to abutters, vehicles, pedestrians or the environment. The area is a paved parking lot and concrete sidewalk. There will be no impact on abutters. The existing retail shopping center is located on Main Street with other commercial uses and ample parking. The property is commercial in nature and features extensive parking lots and sidewalks. The display area will not have separate hours from those of the retail operation and the merchandise will be securely stored after hours. In order to comply with fire code requirements, the lane in front of the retail storefronts must be kept clear of any vehicles and objects. The outdoor display would not impede fire trucks from safely and easily circulating the building, if necessary.</p>
<p>4. The proposed use will not cause undue traffic congestion or conflicts in the immediate area: As noted above, the display would be on the sidewalk, traffic circulation should be unaffected. The goal of placing a display area in this location is to keep the main channel for vehicular traffic that runs along the front of the retail buildings open and given the size of the sidewalk, pedestrian traffic will not be impeded.</p>
<p>5. The proposed use will not be detrimental to the adjoining properties due to lighting, flooding, odors, dust, noise, vibration, refuse materials, or other undesirable visual, site, or operational attributes of the proposed use: The proposed use will not change the lighting plan for the Property. There will be no change to the pervious surface area, and so flooding will be unaffected. There will be no notable increase in odors, dust, noise, vibration, or refuse associated with the use of this display area. An outdoor retail display is visually consistent with the mix of retail uses on site. There will not be any detriment to the site that arises from this use. The display area will at all times be part of the grocery store operation and will not have a meaningfully different impact than the use of the Property as a grocery store.</p>
<p>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 as an outdoor display area is customary for grocery store retail uses and is consistent with the retail use of the Property. The impact on the neighborhood in terms of traffic will not be different than that of the existing retail use of the Property. There are no other neighborhood impacts that will arise from this use. The outdoor display will not significantly alter the character of the CB zoning district.</p>

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

The zoning bylaw contemplates commercial and business activity in the CB zoning district. The definition of "outdoor display" contemplates that the display of materials may be allowed as an accessory use provided the display is not on "any parking, delivery or loading areas, fire lanes, drive aisles, or sidewalks where less than 6 feet of sidewalk width remains for pedestrian access." The focus appears to be on preventing any negative impacts to pedestrian and vehicular safety, and not on what will be displayed. However, an outdoor display of goods sold by a grocery store is typical and customary. The location proposed will avoid the creation of hazards. The use is harmonious with the general purpose and intent of the Zoning Bylaw.

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

The display area will allow further use of this commercial section of Town without any detriment. Fully utilizing this commercial area on Main Street is consistent with the Master Plan goals of economic development in existing commercial areas. Shaw 's is a large company based in West Bridgewater, Massachusetts with locations in New Hampshire, Maine, Massachusetts, Rhode Island, and Vermont. Having stable and growing companies like Shaw 's in Medway is consistent with the Master Plan. One of the draws to this particular retail location in Medway is the possibility of having an outdoor display area.

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

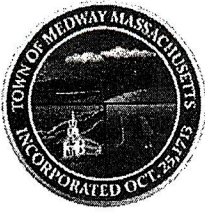
The proposed use will not be detrimental to the public good.

For the reasons stated, the proposed use will not be detrimental to the public good. This outdoor display area will not create problems with site circulation, and should provide a benefit to both customers and staff. The display area will feature typical seasonal grocery store items such as plants, produce and other grocery merchandise. Such an outdoor display is a reasonable accessory use to the existing retail use of the Property. For the foregoing reasons, the Board should issue a special permit to Shaw 's for an extension of the retail on the outdoor display area as shown.


Signature of Applicant/Petitioner or Representative

4/22/22

Date



TOWN OF MEDWAY
COMMONWEALTH OF MASSACHUSETTS
ZONING BOARD OF APPEALS

Medway Town Hall
155 Village Street
Medway, MA 02053
Phone (508) 321-4890
Email: zoning@townofmedway.org
www.townofmedway.org

Representative Authorization Form

Board Members

Brian White, Chair
Gibb Phenegar, Vice Chair
Christina Oster, Clerk
Joe Barresi, Member
Tom Emero, Member
Carol Gould, Associate
Member

I, Paul Brandes certify that I am the owner
of the property and I am aware of and authorize the submission of
this application being submitted by my representative
Andrea McCarthy.
All information submitted is accurate to my knowledge.

Charter Medway 1, LLC
Property Owner Name


65 Main Street, Medway, MA 02053
Property Address

203-689-7000
Telephone Number

#41 parcel 023
Parcel ID

psb@chartweb.com
Email Address

CB
Zoning District


Property Owner Signature

4/25/22
Date

Please Note: This form must be returned to the Zoning Board of Appeals when submitting the application if being completed by a representative or it will be incomplete until this form is completed.

TREASURER/COLLECTOR CERTIFICATION



TOWN OF MEDWAY ZONING BOARD OF APPEALS

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Medway MA 02053

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TO BE COMPLETED BY THE APPLICANT

Applicant/Petitioner(s):

Shaw's Supermarkets, Inc.

Property Owner(s):

Charter Medway I, LLC

Site Address(es):

65 Main Street, Medway, MA 02053

Parcel ID(s):

Medway Assessor ' s Map #41 Parcel #023

Registry of Deeds Book & Page No. and Date or Land Court Certificate No. and Date of Current Title:

Signature of Applicant/Petitioner or Representative

Date

FOR TOWN HALL USE ONLY

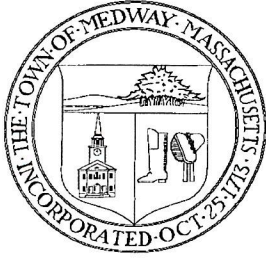
To be filled out by the Treasurer/Collector:

Date Reviewed

Medway Treasurer/Collector

Tax Delinquent: Y N

Comments:



TOWN OF MEDWAY
BOARD OF ASSESSORS
155 VILLAGE STREET
MEDWAY, MA 02053
PHONE: 508-533-3203 FAX: 508-321-4981
www.townofmedway.org

REQUEST FOR ABUTTERS

Date of Request: 4/22/22

Property owner: Charter Medway I, LLC

Property location: 67 Main Street Medway, MA 02053

Parcel (property) ID(S): #41-023

Please specify: 100', 300' or 500' from subject parcel: 300'

THIS LIST IS REQUESTED FOR:

- ☐ Planning & Economic Development Board
- ☒ Zoning Board of Appeals
- ☐ Conservation Commission
- ☐ Historical Commission

REQUESTER INFORMATION:

Name: Amy Burke Email address: amy.burke@albertsons.com

Address: 750 W. Center Street

West Bridgewater, MA 02379

Phone: 508-313-3604

**Please Return to MEDWAY ZBA
Community and Economic Development Department**

THERE IS A FEE OF \$15.00 PER PARCEL DUE AT THE TIME OF REQUEST. THE LIST IS VALID FOR 90 DATE OF CERTIFICATION DATE. THE BOARD OF ASSESSORS RESERVES 10 WORKING DAYS TO PROVIDE ALL CERTIFIED LISTS OF ABUTTERS. ***IF YOU WISH TO HAVE THE LISTS MAILED BACK TO YOU, YOU MUST PROVIDE A SELF ADDRESSED STAMPED ENVELOPE LARGE ENOUGH FOR THREE SETS OF LABELS.***

#1 LEFT SIDE

DISPLAY

25 FT X 5 FEET

Bottle Room

DISPLAY

10 FT X 5 FT

ENTRANCE

↑
11 FT
↓

SIDEWALK

↑
11 FT
↓

PARKING LOT

PARKING LOT

#2 RIGHT SIDE

ENTRANCE

DISPLAY

20 FT X 5 FT

Sprinkler Room

SIDEWALK

SIDEWALK

11 FT

PARKING LOT

PARKING LOT

EXIT DOORS






D101
D104

A

MED - 1

shaw's

WARD SCHOOL MIDDLE SCHOOL DEVELOPMENT		102	101
105	104		Liquor World