



**TOWN OF MEDWAY**  
**Planning & Economic Development Board**  
155 Village Street  
Medway, Massachusetts 02053

*Andy Rodenhiser, Chairman*  
*Robert K. Tucker, Vice-Chairman*  
*Thomas A. Gay, Clerk*  
*Karyl Spiller-Walsh*  
*Matthew Hayes, P.E.*  
*Richard Di Iulio, Associate Member*

Corrected December 3, 2013

**MODIFICATION TO ADAPTIVE USE SPECIAL PERMIT DECISION**  
**Steinhoff Realty LLC for 146 Main Street**  
**APPROVED**

Name/Address of OwnerApplicant: Steinhoff Realty LLC  
133 Main Street  
Medway, MA 02053

Designer: The H.L. Turner Group  
27 Locke Road  
Concord, NH 03301

Project Location: 146 Main Street

Assessor's Reference: MAP 48, Parcel 10.

Zoning: Agricultural Residential II and Adaptive Use Overlay District

Purpose: Amend the previously approved REVISED AUOD Special Permit for 146 Main Street, Medway, MA to modify Condition #1 regarding the reconstruction of the sidewalk in front of 146 Main Street.

This is a decision of the Medway Planning and Economic Development Board (hereinafter “Board”) on the October 8, 2013 application of Steinhoff Realty LLC (hereafter “Applicant”) of 133 Main Street, Medway, MA 02053, to modify the previously approved REVISED Adaptive Use Overlay District (OSRD) Special Permit dated June 28, 2011 for property located at 146 Main Street owned by Steinhoff Realty LLC of Medway, MA. (hereinafter “Property”).

The proposed modification to the REVISED AUOD Special Permit for 146 Main Street is sought pursuant to Section 505-7 of the Medway Planning Board’s *Adaptive Use Overlay District Rules and Regulations*, adopted July 26, 2005.

## **I. BACKGROUND**

The REVISED AUOD Special Permit for the subject property at 146 Main Street was approved June 28, 2011 by the Medway Planning and Economic Development Board. The approved scope of work involved the substantial renovation/reconstruction of the existing 1,632 sq. ft residential structure on the site, the construction of a 250 sq. ft addition to house 2 lavatories, a mop room and a computer server room. The addition would also serve as the primary and handicap access to the building. The approved project also included site improvements including associated parking (8 spaces), drainage, lighting, landscaping and connections to Town water and sewer services. All space was to be used for professional offices.

The previously approved REVISED AUOD Special Permit for 146 Main Street was recorded at the Norfolk County Registry of Deeds on January 4, 2012 in Book 29523, pages 29- 42. The corresponding REVISED AUOD Plan was recorded in Plan Book 612, pages 7-21.

All documents associated with the previous special permit decisions and plans for 146 Main Street are hereby acknowledged and made part of the record for this proposed revised decision.

## **II. DESCRIPTION OF PROPOSED MODIFICATION**

The Petitioner seeks to modify the previously REVISED AUOD special permit for the subject property at 146 Main Street by amending Condition #1 pertaining to the reconstruction of the sidewalk in front of 146 Main Street. The applicant seeks to extend the deadline to June 28, 2016 for the sidewalk to be reconstructed. No other changes are proposed to the decision.

**III. DECISION OF THE BOARD** - After reviewing the application and information gathered during the public hearings when the proposed modification was considered, the Medway Planning and Economic Development Board, at a duly posted meeting held on November 26, 2013, on a motion by Robert Tucker, seconded by Thomas Gay, voted five in favor and none against to modify the REVISED Adaptive Use Special Permit for the subject property at 146 Main Street, Medway, MA. as represented in the application, as described at Board meetings and as shown on the revised plans, subject to the waivers, conditions, safeguards and limitations specified herein.

This special permit is general and runs with the land. It is the decision of this Board, as evidenced by its vote herein, that the aforesaid Property is a proper parcel to be developed under *SECTION V. USE REGULATIONS, Sub-Section W. Adaptive Use Overlay District of the Medway*

Zoning Bylaw (as amended June 6, 2005) in that it meets all the requisite site development standards and special permit criteria.

<u>Voting Planning &amp; Economic Development Board Member</u>	<u>Grant/Not Grant</u>
Karyl Spiller-Walsh	Grant
Andy Rodenhiser	Grant
Matthew Hayes	Grant
Robert K. Tucker	Grant
Thomas A. Gay	Grant

#### **IV. PROCEDURAL HISTORY**

On October 11, 2013, Steinhoff Realty LLC filed with the Board an application to modify the previously approved REVISED Adaptive Use Overlay District Special Permit for 146 Main Street. Because the proposed modification pertained to a specific condition of the previously approved REVISED Adaptive Use Overlay District Special Permit, it automatically is considered to be a major revision requiring a public hearing.

The Board's review of the proposed revised AUOD special permit was scheduled for a public hearing on November 12, 2013. The public hearing was advertised in the *Milford Daily News* on October 29 and November 4, 2013. The public hearing notice was posted with the Medway Town Clerk on October 11, 2013. The notice to abutters was mailed by certified sent mail on October 17, 2013.

Richard Steinhoff was present at the November 12, 2013 public hearing. Kirk Steinhoff was present at both the November 12 and November 26, 2013 public hearings. No other parties attended the public hearing.

The public hearing was opened on November 12, 2013 and was continued to November 26, 2013 when it was closed.

The Board carefully reviewed the revision submittals and all associated materials and information. The Board carefully analyzed the general purposes of the Adaptive Use Overlay District provision of the *Zoning Bylaw* and its specific requirements and standards as well as the requirements of Section 9 of Chapter 40A, M.G.L. specifically relating to Special Permits in makings its findings, conditions of approval and decision.

**V. FINDINGS** – On November 26, 2013, based on the evidence and testimony presented at the public hearings as documented in the application materials and the detailed record of this case, the Board, on a motion by Robert Tucker and seconded by Thomas Gay, voted five in favor and zero against to make the following finding regarding this application in accordance with *SECTION V. Sub-Section W. Adaptive Use Overlay District of the Town of Medway Zoning Bylaw (last amended November 19, 2007)*.

1. The proposed modification to the previously approved REVISED AUOD Special Permit decision is reasonable in that the Route 109 Reconstruction project has been placed on the Mass Department of Transportation TIP list for construction in FY16 and the applicant has

already posted \$6,938 in performance security with the Town of Medway for the sidewalk reconstruction work.

**VI. APPROVED MODIFICATION**

*CONDITION #1 of the previously approved REVISED AUOD Special Permit decision is hereby deleted and replaced as follows:*

1. *Main Street Sidewalk* – Dependent on federal and state funds, the Town plans to undertake a Route 109 Reconstruction Project that will include improvements in the right-of-way at 146 Main Street (approximately 166 linear feet). However, as federal and state construction funding has not yet been specifically authorized, there is no guarantee that the Route 109 Reconstruction Project will take place. The Board must hold the applicant responsible for the current sidewalk condition in the instance that the Route 109 Reconstruction Project does not occur.

The applicant has chosen to meet this obligation by depositing \$6,938 in an account with the Town of Medway in lieu of constructing the sidewalk in front of 146 Main Street. The Board will authorize the release of the funds held in the account with any interest accrued to Steinhoff Realty LLC within 30 days after the Town of Medway has executed a Mass Transportation Improvement Program (TIP) contract with the Massachusetts Department of Transportation for the purpose of constructing Route 109/Main Street including the area in front of 146 Main Street. If, after June 28, 2016, said contract has not been executed, the Board may transfer the funds to the Medway Sidewalk Special Account.

2. All other conditions of approval specified in the REVISED AUOD Special Permit for 146 Main Street remain in force.

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




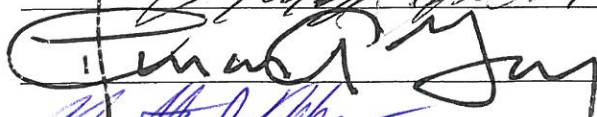

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The Board hereby makes a detailed record of its findings and proceedings relative to this petition, sets forth its reasons for its findings and decision, incorporates by reference any plan or document received by it, and directs that this decision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

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

ADAPTIVE USE SPECIAL PERMIT – MODIFIED  
146 Main Street – Medway, MA  
Steinhoff Realty LLC  
November 26, 2013

**MEDWAY PLANNING & ECONOMIC DEVELOPMENT BOARD**

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

Attest: \_\_\_\_\_  
Town Clerk

\_\_\_\_\_  
Date

cc: Richard Steinhoff, Steinhoff Realty LLC  
Kirk Steinhoff, Steinhoff Realty LLC