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**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*  
*Cranston (Chan) Rogers, P.E.*

June 28, 2011

**REVISED ADAPTIVE USE SPECIAL PERMIT DECISION**  
**Steinhoff Realty Trust for 146 Main Street**  
**APPROVED with Conditions & Waivers**

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

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

Plan Date: April 26, 2011

Project Location: 146 Main Street

Assessor's Reference: MAP 5, Parcel 5/264.

Zoning: Agricultural Residential II and Adaptive Use Overlay District

Purpose: Amend a previously approved AUOD Special Permit and Plan. The project development scope is substantially reduced to involve only the renovation of the existing 1,632 sq. ft. residential structure, the construction of a 250 sq. ft. addition, and associated parking and drainage. All space to be used for professional offices.

**NOTE – This is a replacement AUOD Special Permit**

This is a decision of the Medway Planning and Economic Development Board (hereinafter “Board”) on the May 18, 2011 petition of Steinhoff Realty Trust (hereafter “Applicant”) of 133 Main Street, Medway, MA 02053, to REVISE the previously approved Adaptive Use Overlay District (OSRD) Special Permit and Plan for property located at 146 Main Street owned by Steinhoff Realty Trust of Medway, MA. (hereinafter “Property”). The original AUOD Special Permit was secured pursuant to *SECTION V. USE REGULATIONS, Sub-Section W. Adaptive Use Overlay District* of the *Town of Medway Zoning Bylaw* and other relevant provisions of the *Zoning Bylaw*. The proposed revisions to the AUOD Special Permit and Plan for 146 Main Street are sought pursuant to Section 505-7 of the Medway Planning Board’s *Adaptive Use Overlay District Rules and Regulations*, adopted July 26, 2005.

This Decision includes the following sections:

- I. *Background*
- II. *REVISED Project Description*
- III. *Decision of the Board*
- IV. *Procedural History*
- V. *Findings*
- VI. *Waivers*
- VII. *Conditions, Limitations*
- VIII. *Appeal*

## **I. BACKGROUND**

The previous AUOD Special Permit for the subject property at 146 Main Street was authorized November 16, 2010 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 2-story, 7,045 sq. ft addition, and extensive site improvements including associated parking, drainage, lighting, landscaping and connections to Town water and sewer services. All space was to be used for professional offices.

The previously approved AUOD Special Permit for 146 Main Street was recorded at the Norfolk County Registry of Deeds on January 11, 2011 in Book 28493, page 361. The AUOD Plans were recorded in Plan Book 605, pages 28 – 47.

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

## **II. REVISED PROJECT DESCRIPTION**

The Petitioner seeks to revise the previously approved permit, plan and scope of work for the subject property at 146 Main Street

The Applicant proposes to substantially renovate/reconstruct the existing 1,632 foot structure as originally proposed while adding a modest 1-story addition at the northwest corner of the back of the building on the north façade. The approximately 250 sq. ft. addition would be used to house for 2 lavatories, a mop room and a computer server room. It would also serve as the primary and handicap

access to the building. The building would be used only for professional offices. The first floor would become headquarters for ValuTrack Corporation, presently located at 133 Main Street in Medway, MA. The existing 187 sq. ft, 1-story addition to the western part of the main building would remain and be renovated; the existing doors would be removed and replaced with windows so the space could function as a conference room. The parking lot would be reduced in size from 29 spaces to 8 spaces. There is no change proposed in the access or curb cut from Main Street from the previously approved plan. The drainage design will be modified but will comply with local and state regulations.

**III. DECISION OF THE BOARD** - After reviewing the application and information gathered during the public meetings when the proposed revision was considered, the Medway Planning and Economic Development Board, at a duly posted meeting on June 28, 2011, on a motion by Chan Rogers, seconded by Bob Tucker, voted 5 in favor and 0 against to grant a revised Adaptive Use Special Permit to Steinhoff Realty Trust for the subject property at 146 Main Street, Medway, MA. for the modified scope of work 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
Cranston Rogers	Grant
Robert K. Tucker	Grant
Thomas A. Gay	Grant

**IV. PROCEDURAL HISTORY**

On May 18, 2011, Steinhoff Realty Trust filed with the Board an application to revise a previously approved Adaptive Use Overlay District Special Permit and Plan for 146 Main Street. The application consisted of:

- an application to Modify an Adaptive Use Overlay District Special Permit and/or AUOD plan dated May 18, 2011.
- Steinhoff Office Building plans prepared by The H.L. Turner Group, Inc of Concord, NH.
  - ✓ Sheet C2 Site Plan - April 26, 2011
  - ✓ Sheet C2.2 Phase 1 - Site, Grading and Utility Plan - Date????
  - ✓ Sheet C2.3 Phase 1 – Site Layout and Landscaping Plan - DATE????
  - ✓ Sheet C2.4 Phase 1 – Site Lighting Plan – Date???
- The following additional sheets, all prepared by The H.L. Turner Group, Inc.
  - ✓ A1.1 First Floor Plan – April 28, 2011
  - ✓ A5.1 Elevation – East – April 25, 2011
  - ✓ A5.2 Elevation – North – April 25, 2011
  - ✓ A5.3 Elevation – South – May 3, 2011
  - ✓ A5.4 Elevation – West – May 3, 2011

- a project narrative describing the reduced scope of work prepared by Steinhoff Realty Trust, dated May 18, 2011

Upon receipt of the Applicant's petition, the Town's planning and building department staff and the Town's planning consultant reviewed the Board's *Adaptive Use Overlay District Rules and Regulations (July 26, 2005)*. Pursuant to Section 505-7 of the AUOD Rules and Regs, staff concluded that the scope of the proposed change constituted a Minor Revision to the previously approved AUOD special permit and plan because the scale of the project and associated site work were being substantially reduced.

The Board's review of the proposed revised AUOD plan was scheduled as an agenda item for the May 24, 2011 Board meeting. As the full contingent of the Board was not present on May 24<sup>th</sup>, it was decided to postpone discussion of the application. It was rescheduled as an agenda item at the Board's June 14, 2011 meeting. That agenda was posted with the Town Clerk and on the Town's web site on June 10, 2011. Present for the June 14 meeting were Board members Gay, Rodenhiser, Rogers, Spiller-Walsh and Tucker. The applicant reviewed the proposed changes with the Board and the Town's engineering and planning consultants. The Board voted unanimously to determine that the proposed revisions were Minor in nature. The Board continued the discussion to the June 28, 2011 meeting at which time the Board reviewed and voted on a new AUOD special permit.

Richard Steinhoff, the petitioner, was present at the June 14, 2011 meeting. Kirk Steinhoff, the petitioner's son, was present at both the June 14 and 28 meetings.

The Board carefully reviewed the various plan revision submittals and all associated materials and information. Throughout its deliberations, the Board has been mindful of the statements of the applicants and their representatives, and the comments of the general public, all as made at the public hearings on the previous application. 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 making its findings, conditions of approval and decision.

**V. FINDINGS** – On June 28, 2011, based on the evidence and testimony presented at the public meetings as documented in the application materials and the detailed record of this case, the Board, on a motion by Bob Tucker, seconded by Karyl Spiller-Walsh, voted 5 in favor and 0 against to make the following findings 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 Subject property, located at 146 Main Street, is located within the Adaptive Use Overlay District. The property has 165.95 feet of frontage on Main Street. *(This complies with the Zoning Bylaw requirement for a minimum of 50 feet of Main Street frontage for an adaptive use project.)*
2. The primary building existing on the parcel at the time of application was constructed in 1880. *(This complies with the Zoning Bylaw requirement for the site to have on it an existing building constructed before June 28, 2004.)*

3. The proposed use of the Property for offices for business and professional uses is allowed pursuant to *SECTION V, USE REGULATIONS, Sub-Section W. Adaptive Use Overlay District, 3. b)* of the *Medway Zoning Bylaw (as last amended November 19, 2007)*. Overall, the subject parcel is in a portion of Main Street in which residential, professional and commercial uses historically and presently co-exist.
4. The Project preserves the overall residential character of the buildings along this stretch of Main Street/Route 109 as the original building is being maintained/renovated and the small addition is designed in complementary fashion. The change in use of the existing vacant and deteriorated residential structure to an office for professional businesses will establish a new economic viability for the existing structure.
5. The Project as proposed includes improvements to the existing historic residential building which has gone into extreme disrepair over recent years and does not presently enhance Main Street as a building of its age and character should. Planned work includes replacement of the siding, gutters and woodwork to maintain and enhance the structure's original architectural integrity and installation of modern services. The Medway Design Review Committee provided significant input to the overall building and site design plans. The Board finds the design of the small addition is compatible with the existing structure and the residential character of the adjacent properties. The combination of the building improvements and landscaping plan enhances the aesthetic appeal of the primary building and the site. The impact of the project on Main Street's visual character is positive.
6. A professional landscape plan has been prepared. Extensive landscaping is planned to enhance the existing structure and its new addition. The proposed landscaping serves as a buffer zone to adjacent residential properties on the east, north and west of the subject parcel.
7. The site is adequate for the proposed use for professional offices.
8. *Parking* – The applicant has proposed to provide 8 off-street parking spaces. All proposed parking is shown to be at the rear (north) and side (east) of the building. The proposed parking layout shows the required 50 feet between the first parking space and the edge of roadway pavement on Main Street. One (1) handicap accessible space is labeled on the plan. The Board finds that the provision of 8 parking spaces is adequate for the proposed uses of the site and the 2,000 sq. ft. size of the renovated building and new addition @ one space per 300 sq. ft of gross floor space.
9. *Lighting* – As presented, the parking lot lighting plan is residential in character as the light posts are 10' in height. A photometric analysis has been conducted and shows that lighting is adequate for the parking areas but results in 0 foot-candles at the property lines.
10. *Vehicular Access* - Provisions for traffic are adequate based on the Property's proposed use. Sole vehicular access to this site shall be provided from Main Street. Although no new curb cuts are being added, the existing 12' wide curb cut is being expanded to 24' (2 lanes – one in and one out). The Board finds this enlargement is necessary to ensure safe access into and egress from the property.
11. *Pedestrian and Bicycle Access* – The proposed provisions for pedestrian and bicycle accesses are adequate based on the building, site and planned use and the provisions of Condition #6 herein. The property already has an existing sidewalk across the Main Street frontage. However, the sidewalk

has experienced heaving and cracking and could benefit from improvement. It is anticipated but cannot be guaranteed that new Main Street sidewalks and curbing will be installed by fiscal year 2014 as part of the Route 109 Reconstruction project. The applicant's plans for 146 Main Street also show the construction of a new sidewalk from the front door of the building on the south façade to the existing Main Street sidewalk. In addition, a sidewalk will be installed alongside (west) of the entrance driveway up to the main entrance of the building at the north façade of the building.

12. *Provision of Utilities* - The provisions in the Project for utilities, including sewerage disposal, water supply and stormwater management are adequate. The original stormwater management design was reviewed by Tetra Tech Rizzo, the Town's consulting engineer. The Project provides for adequate on-site retention and treatment of stormwater in compliance with Massachusetts' Stormwater Management Policy and the Board's *Subdivision Rules and Regulations*. The sewer and water connections were reviewed by the Medway Department of Public Services and determined to be adequate.

13. The proposed Project complies with the purposes of *SECTION V. USE REGULATIONS, Sub-Section W. Adaptive Use Overlay District of the Medway Zoning Bylaw (as amended June 6, 2005)*. The Project implements certain goals of the Medway Master Plan including encouragement of economic development, protecting small town character, and preserving historic sites.

**V. WAIVERS** – The Board, on November 16, 2010, on a motion by Chan Rogers, seconded by Bob Tucker, voted 5 in favor and 0 against to grant a series of waivers as specified in the first special permit decision. On June 28, 2011, the Board, on a motion by Bob Tucker, seconded by Chan Rogers, voted to affirm the granting of those same waivers as specified below with only very minor changes to reflect the reduced scope of work.

**The applicant has requested waivers from the following sections of the *Site Plan Rules and Regulations*:**

1. Section 204-4 B requires a scale 1 inch = 40 feet. The applicant requests a scale of 1" = 20' to improve site drawing clarity and a finer resolution.

*The Board grants the waiver because 1"=20' provides greater detail and a finer resolution.*

2. Section 204-4 D requires use of the North American Vertical Datum (NGVD) of 1988. The applicant requests the use of NGVD 1929 in order to match the recent survey of Main Street completed by the Norfolk County Engineers.

*The Board grants the waiver because matching the survey done by Norfolk County Engineers makes sense and will eliminate confusion in the future.*

3. Section 204-5.B.4 requires existing topography to be shown at 2-foot intervals. The applicant requests that topography at 1-foot intervals be allowed to improve site drawing clarity and a finer resolution.

*The Board grants the waiver because 1-foot contours provide greater detail and a finer resolution.*

4. Section 204-5.C.1 requires that existing conditions be shown within 100 feet of the subject property. The applicant requests that this be waived, at least as it pertains to manmade features because providing this information would require an extensive survey effort and would not add to the project or to any greater understanding of the project.

*The Board grants the waiver because it has a clear understanding of the context of the project and its impact on its surroundings. In this instance, the additional surveying effort required to comply will not add materially to the Board's understanding of the project*

5. Section 204-5.D.4 requires site grading to be shown at 2-foot intervals. The applicant requests that site grading at 1-foot intervals be allowed to improve site drawing clarity and a finer resolution.

*The Board grants the waiver because site grading at 1-foot intervals provides greater detail and a finer resolution.*

6. Section 204-5.D.6 requires that site utilities be shown on the plan. The applicant requests that the electric, cable, fire alarm and telephone service at the entrance to the building not be shown because the utility companies will connect to the building.

*The Board grants the waiver because the utility companies will have some discretion as to the location of these utilities. However, the location of these utilities shall be shown on the as-built plan (See Condition 15 B (2)).*

7. Section 205-6.G.3.a requires parking spaces to be 10' x 20'. The applicant requests spaces to be 9' x 18' for regular spaces. This will allow for a safer parking lot by providing a full 50 feet between the street pavement and the first parking space.

*The Board grants the waiver because the proposed 9' x 18' size of the regular spaces is a standard size that reduces impervious surface. The reduced size conforms to that allowed by the Zoning Bylaw, and the smaller spaces reduce impervious surface while maintaining the required number of spaces and allowing a 50-foot distance between the street pavement and the first space resulting in a safer lot.*

8. Section 205-6 H requires vertical granite curb along the perimeter of parking lots. The applicant requests that the vertical granite curbing be required only on the building side of the parking lot and no curbing on the remainder in order to facilitate site drainage and provide a softer, more aesthetically beneficial design.

*The Board grants the waiver in order to allow the low impact design drainage system and to soften the aesthetic look of the parking lot in a residential district.*

**The Board finds that a waiver is needed from the following section of the Site Plan Rules and Regulations:**

9. Section 205-3, D. 3 requires that existing pedestrian ways shall be maintained and improved.

*The Board finds that the existing sidewalk at 146 Main Street is deteriorated showing evidence of cracking and heaving. However, the Board grants this waiver as provisions for improvements to the sidewalk are included in Condition #6.*

**The applicant has requested a waiver from the following section of the *Subdivision Rules and Regulations***

10. Standard Detail CD-12 requires a 7” curb reveal. The applicant requests a 6” curb reveal to facilitate compliance with ADA and Architectural Access Board regulations pertaining to slopes due to the distance between the building and parking areas.

*The Board grants the waiver since a 6” reveal is the Massachusetts Department of Transportation standard and using it will allow compliance with the AAB slope requirements.*

**The applicant has requested a waiver from the following sections of the *Adaptive Use Overlay District Rules and Regulations***

11. Section V. W. 5. e. of the Zoning Bylaw requires that no curb cut be added and no existing curb cut be expanded unless the Planning Board finds that such changes are necessary to ensure safe access to the property.

*The Board grants the waiver because the planned use of the property as an office building for professional businesses necessitate that the curb cut be expanded in order to ensure safe access to the property.*

**VII. CONDITIONS/SAFEGUARDS/LIMITATIONS OF APPROVAL**

1. *Scope of project* - The property shall not be altered or used except for the renovation of the existing building, the construction of an addition not to 250 sq. ft. on the north façade for entrance, lavatories and a computer server room and the associated site improvements.
2. *Uses* - The entire space shall be used for professional office space. No other use of this building/site is permitted. Any other uses will require the filing of a new AUOD special permit application.
3. *Plan Endorsement* - The Medway Planning & Economic Development Board shall endorse its approval of the Adaptive Use Special Permit on all sheets of the Steinhoff Office Building plan for 146 Main Street. Within 30 days after the Board files this Special Permit decision with the Town Clerk, the Applicant shall submit a final and complete AUOD plan reflecting all required revisions for the Board’s review prior to endorsement.

The endorsed Adaptive Use Overlay District (AUOD) Plan is considered part of the Special Permit and shall be recorded therewith. ***Prior to Board endorsement, the Steinhoff Office Building plan for 146 Main Street shall be revised as follows:***

- A. Title Sheet including an index to all sheets in the plan set and a reference that the plan is subject to an Adaptive Use Overlay District Special Permit to be recorded with the plan.
- B. A signature block with 5 lines for each member of the Planning and Economic Development Board shall be included on all sheets in the plan set.



- C. All references to Phase I construction shall be deleted from the notes, titles and any other text on all plan sheets associated with this project.
  
- 3. This approval is conditioned on project completion in full compliance with the Steinhoff Office Building plan for 146 Main Street will be endorsed by the Planning and Economic Development Board.
  
- 4. *Parking* – The Project shall include at least 8 parking spaces, which shall be a permanent condition of this permit.
  
- 5. *Lighting* must comply with the Medway Zoning Bylaw, SECTION V. B. 7 Exterior Lighting Regulations. The exterior parking lot lights shall be turned off by 9:30 p.m.
  
- 6. *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 can meet this obligation in one of two ways:
  - A. By replacing as part of this development project, the existing sidewalk along the entire frontage of the property with a 5' wide, fully ADA/AAB compliant concrete sidewalk. If this option is selected, the project plans need to be revised to include this sidewalk construction before the Board endorses the plan.
  
  - or/
  
  - B. By depositing in a joint savings account with the Town of Medway, before an occupancy permit is issued, an amount equal to what the Town's cost would be (\$6,938) to replace the entire length of sidewalk in front of 146 Main Street as estimated by Tetra Tech Rizzo, the Town's Consulting Engineer based on Mass Highway pricing. The Board will authorize the release of the funds held in the account with any interest accrued to Steinhoff Realty Trust 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 2 years of the date of this decision, said contract has not been executed, the Board will transfer the funds to the Medway Sidewalk Special Account. Any interest earned on the joint savings account shall accrue to Steinhoff Realty Trust.
  
- 7. *Fees* - Prior to plan endorsement by the Board, the Applicant shall pay:
  - A. the balance of any outstanding plan review fees owed to the Town for review of the plans by the Town's engineering, planning or other consultants; and

- B. 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 Applicant's failure to pay these fees in their entirety shall be reason for the Planning Board to withhold plan endorsement.

- 8. The applicant shall make no further site improvements/changes that would alter the site's drainage patterns or characteristics as indicated on the plan approved by the Board.
- 9. Collection of garbage and trash shall be the responsibility of the applicant subject to Board of Health *Rules and Regulations*.
- 10. The hours of operation for professional offices in this building shall be limited such that there will be no customer access to the building after 9:30 p.m.
- 11. This Special Permit shall lapse unless exercised within two years of its recording.
- 12. No expansion, addition, or any change of use(s) of any building or portion of the property at 146 Main Street shall be permitted without an amendment to or issuance of a new Adaptive Use Special Permit by the Board.
- 13. Inclusion of a design for the free-standing development sign as shown in the plan set does not constitute approval of the sign by the Town of Medway Building Department.
- 14. *Wind Turbines* - The original Steinhoff Office Building plan from 2010 showed possible locations of wind turbines as the applicant expects to install small wind electric generation turbines on this property in the future. The revised plans do not. The Board's approval of this permit and the plan does NOT constitute an approval of either the future use or location of such small wind system turbines on this property. After the building is constructed and if the applicant wishes to install wind turbines, the applicant is required to apply to the Zoning Board of Appeals for a special permit to install small wind energy generation devices on this property. At that time, those plans shall be reviewed by the Medway Design Review Committee.
- 15. *Construction Inspection*
  - A. Duly authorized agents of the Town of Medway including but not limited to members of the Planning and Economic Development Board and its agents, staff or consultants shall have the right to enter upon the property at any time to inspect the site to ensure compliance with the terms and conditions of this Special Permit.
  - B. The Department of Public Services 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.
  - C. The applicant shall have a professional engineer licensed in the Commonwealth of Massachusetts conduct progress inspections 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 Planning Board within 5 days of inspection.

- D. In the event the applicant seeks an occupancy permit before all site work is satisfactorily completed (see Condition 18 B. herein), the Applicant shall establish a construction inspection account with the Medway Planning & Economic Development Board. The Applicant shall pay a construction inspection fee to the Town of Medway in an amount to be determined by the Board based on an estimate prepared by the Town's Consulting Engineer. The funds may be used at the Board's discretion to retain professional outside consultants to inspect the site, identify what site plan work remains to be completed, prepare a bond estimate, 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 Completion* (see Condition 17 herein). Depending on the scope of professional outside consultant assistance that the Board may need, the Applicant shall be required to provide supplemental payments to the project's construction inspection account, upon invoice. Any funds remaining in the applicant's construction inspection account after the *Certificate of Completion* is issued shall be returned to the applicant.

16. *During Construction*

- A. The applicant shall take all measures necessary to ensure that no excessive dust leaves the premises during construction.
- B. 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 loose gravel/dirt 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 Applicant shall be responsible for all clean-up of the roadway within twenty-four (24) hours of its occurrence.
- C. All erosion and siltation control measures shall be installed and observed by the Board's consulting engineer or the Conservation Commission prior to the start of construction, and maintained in good repair throughout the construction period.
- D. *Construction Time* - Construction work at the site and in the building shall commence no earlier than 7 a.m. and shall cease no later than 7 p.m. No construction shall take place on Sundays or legal holidays.
- E. *Construction Traffic/Parking* – All parking for construction vehicles and construction related traffic shall be maintained on the subject property. No parking of construction and construction related vehicles shall take place on nearby public or private ways.

17. *Project Completion*

- A. This permit shall lapse after two years of the grant thereof if substantial use has not commenced except for good cause. The approved work shall be completed by the

applicant or its assignees within two years of the date of plan endorsement. Upon receipt of a written request by the applicant filed at least thirty (30) days prior to the date of expiration of this permit, 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 special permit shall lapse and may be reestablished only after a new filing, hearing and decision.

- B. Prior to issuance of a final occupancy permit, the Applicant must secure a **Certificate of Completion** from the Board and provide the **Certificate** to the Inspector of Buildings. 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 the **Certificate** of Completion, the applicant shall:
- 1) 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 strict compliance with the approved and endorsed plan, and any modifications thereto; and
  - 2) Submit six (6) copies 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 work shown on the original plan and any modifications thereto, as well as the location of all underground utilities. The final As-Built Plan shall also be provided to the Town in an electronic format as may be specified by the Board of Assessors.

18. *Plan Compliance*

- A. The Applicant shall construct all improvements in compliance with the approved and endorsed plan and any modifications thereto.
- B. No occupancy permit shall be granted until the Board has provided a written communication to the Inspector of Buildings that the project, as constructed, conforms to the approved AUOD plan and that any conditions including construction of any required on and off-site improvements, have been completed to the Board’s satisfaction OR unless suitable security/performance guarantee has been provided to the Town of Medway, in a form and amount to the Board’s satisfaction, to cover the cost of all remaining work.
- C. 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.
- D. The Conditions of Approval are enforceable under Section. V. C. 12 of the *Medway Zoning Bylaw* (non-criminal disposition) and violations or non-compliance are subject

to the appropriate fine. Any work that deviates from the approved plan and permit shall be a violation of the Zoning Bylaw.

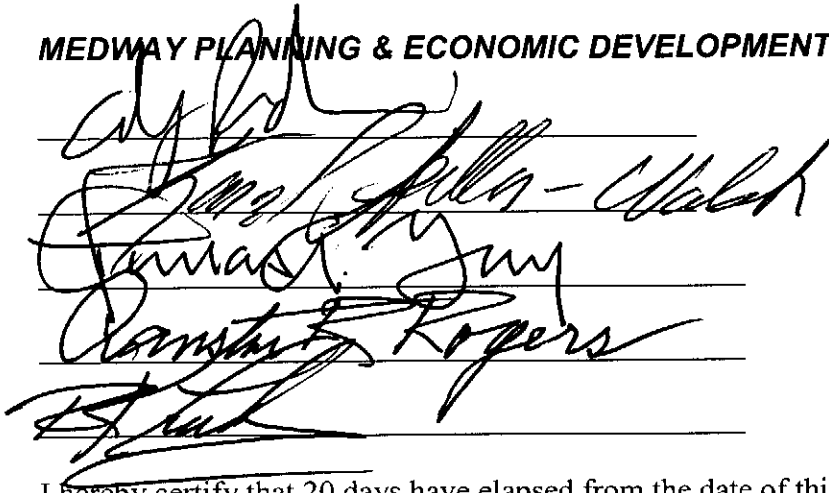
**VIII. APPEAL** – Appeals, if any, shall be pursuant to Section 17 of Chapter 40A, M.G.L., as amended, and shall be filed within twenty (20) days after the date of filing of this notice in the Office of the Town Clerk. After the appeals period has expired, the Applicant must obtain certified notice 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.**

**MEDWAY PLANNING & ECONOMIC DEVELOPMENT BOARD**

  
\_\_\_\_\_

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 Trust
- Town Administrator/Board of Selectmen
- Board of Assessors
- Building Commissioner/Zoning Enforcement Officer
- Department of Public Services
- Design Review Committee
- Economic Development Committee
- Fire Department
- Historical Commission
- Police Department
- Zoning Board of Appeals