

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

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July 18, 2011

SITE PLAN DECISION MODIFICATION
Restaurant 45/45 Place - 45 Milford Street

At its 7-12-2011 meeting, the Medway Planning and Economic Development Board acted on the 6-29-2011 application of Mark Smith of Restaurant 45 to modify the previously approved site plan decision dated 4-26-2006 for Restaurant 45/45 Place at 45 Milford Street.

The proposed modification involves amending Condition G of the 4-26-2006 Site Plan Decision which specified that the new outdoor deck area at Restaurant 45 was to be used only as a waiting area with "no food or beverage service allowed." The applicant has requested that Condition G be deleted so that Restaurant 45's outdoor deck could be used for the serving and consumption of food and beverages.

The Building Inspector/Zoning Enforcement officer evaluated the proposal and provided a written determination dated June 28, 2011 that the proposed change to the site plan decision is minor in nature. This matter was included on the agenda for the 7-12-2011 meeting of the Planning and Economic Development Board. On 6-30-2011, a notification to abutters within 300' of 45 Milford Street was sent by first class mail to inform the abutters of the proposed change and the meeting date at which the Board would consider it.

At the 7-12-2011 meeting, the applicant's representative, Paul Yorkis of Patriot Real Estate, explained the proposed modification. The applicant proposes that the serving and consumption of food and beverages on the deck be authorized for up to 40 people. The added use of the deck area will not increase the overall permitted occupancy of the building. Per the site plan approved in the 4-26-2006 decision, the available on site parking for 110 vehicles corresponds to a restaurant occupancy not to exceed 213 people per the zoning bylaw. Restaurant personnel will manage the occupancy to ensure the 213 person capacity is not exceeded. If outdoor seating is in use, a commensurate reduction in indoor seating will be implemented. No additional lighting is proposed for the deck. No outdoor sound system will be added.

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No abutters attended the meeting. Fire Chief Paul Trufant and Building Commissioner John Emidy did attend and offered comments and answered questions. Mr. Emidy provided a written determination dated June 28, 2011 to authorize up to 40 occupants on the deck as long as the restaurant's overall allowed occupancy per the zoning bylaw (213 occupants) is maintained.

NOTE – On June 13, 2011, the Board of Selectmen approved a change in Restaurant 45's alcohol license to permit the serving of alcoholic beverages on the outdoor seating area.

Upon review of the information presented and in accordance with the Medway Zoning Bylaw, Section V. C. 10, c) as amended November 10, 2008, the Planning and Economic Development Board voted on July 12, 2011 to approve amending Condition G of the 4-26-2006 Site Plan Decision as follows:

G. Use of Outdoor Deck – The outdoor deck may be used to accommodate up to 40 occupants for the serving and consumption of food and beverages subject to the following limitations:

- no additional exterior lighting may be installed than what is shown on the previously approved site plan***
- no sound amplification system of any kind may be installed that would generate noise/music audible on the deck***

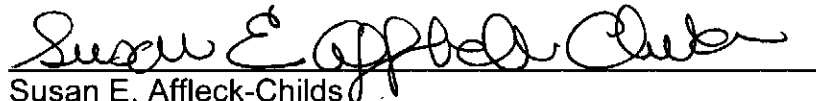
All other conditions of the 4-26-2006 site plan decision shall remain in force.

Appeal - Any person aggrieved by this Decision may appeal such to the court within twenty (20) days of the date the Decision is filed with the Town Clerk.

Approved by the Medway Planning and Economic Development Board

Andy Rodenhiser
Robert K. Tucker
Thomas A. Gay
Karyl Spiller-Walsh

ATTEST:



Susan E. Affleck-Childs
Planning and Economic Development Coordinator

COPIES TO: Bill Fisher, Board of Health
Melanie Phillips, Treasurer/Collector
John Emidy, Inspector of Buildings and Zoning Enforcement Officer
Paul Trufant, Fire Department
Jeff Watson, Police Department
Will Naser, Board of Assessors
Suzanne K. Kennedy, Town Administrator
Paul Yorkis, Patriot Real Estates
Mark Smith, Restaurant 45