

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
Matthew Hayes, P.E.
Richard Di Iulio*

August 11, 2015

Tri Valley Commons – 72 Main Street
MODIFICATION
SPECIAL PERMIT AND SITE PLAN DECISION
APPROVED with Conditions and Waivers

Decision Date: August 11, 2015
Name/Address of Applicant: Thurken Medway, LLC
P.O. Box 857
Newcastle, NH 03854
Name/Address of Owners: MECOBA Properties, Inc.
70 Main Street
Medway, MA 02053
Charles River Bank
70 Main Street
Medway, MA 02053
Engineer: Bohler Engineering
352 Turnpike Road
Southborough, MA 01772
Site Plan Dated: January 9, 2015, last revised July 14, 2015
Location: 72 Main Street
Medway, MA
Assessors' Reference: Map 40 – Parcel 51
Zoning District: Commercial I

Telephone: 508-533-3291 Fax: 508-321-4987
planningboard@townofmedway.org

I. BACKGROUND

A. Special Permit and Site Plan Approval – At its meeting on June 23, 2015, the Planning and Economic Development Board issued a special permit and site plan approval to Thurken Medway LLC to develop a 3 building shopping center at 72 Main Street. The associated revised site plan was endorsed by the Board on July 14, 2015. The decision and plan were recorded at the Norfolk County Registry of Deeds on July 22, 2015 in Book 3331 starting at page 333.

The originally proposed scope of work required a special permit from the Planning and Economic Development Board pursuant to the *Medway Zoning Bylaw* (dated June 3, 2015) Section 5.4 for the proposed shopping center and motor vehicle repair use. The proposed development also required *Major Site Plan Review* pursuant to Section 3.5.2 of the *Medway Zoning Bylaw*.

The approved development included the construction of three buildings:

- a 6,301 sq. ft. building for a retail tire and vehicle repair business (Building A)
- a 6,912 sq. ft. building to house a retail auto parts/supplies store (Building B)
- a 3,500 sq. ft. commercial building with as of right retail and service tenants to be determined (Building C)

and associated stormwater management facilities, parking, landscaping, lighting and site amenities.

B. Approval Not Required Plan – At its meeting on July 28, 2015, the Planning and Economic Development Board endorsed an Approval Not Required (ANR) *Plan of Land* for 70 and 72 Main Street. The plan was dated July 24, 2015 and was prepared by Guerriere and Halnon of Milford, MA. This plan showed the splitting off of an 11,559 sq. ft. parcel from the property at 70 Main Street to be added to the property at 72 Main Street to expand the size of the overall development parcel for Tri Valley Commons from 197,632 sq. ft. to 209,216 sq. ft. and to divide that area into 3 parcels. The endorsed ANR *Plan of Land* will be recorded at the Norfolk County Registry of Deeds in conjunction with the recording of the conveyance of land and the revised special permit and site plan.

II. DESCRIPTION of MODIFIED PROJECT – The applicant seeks a modification to the previously approved special permit and major site plan to make a series of changes to the Tri Valley Commons center at 72 Main Street. The changes are prompted by a change in tenant in Building A. The changes are as follows:

- increase the overall development parcel to 209,216 sq. ft.
- increase the footprint of Building A by 349 sq. ft. to a total of 6,650 sq. ft. plus a 750 sq. ft. area in the basement for storage
- increase the number of service bays for the vehicle repair/tire business in Building A from 7 to 8 which adjusts the orientation of 3 service bays and modifies the building's north and east elevations;
- include an outdoor used tire storage area with landscaped screening to be located adjacent to Building A at the back of the site;
- add two parking spaces and associated landscaped islands adjacent to Building A;

- modify the curbing material for the perimeter of the entire parking lot area from vertical granite to concrete; and
- add a sprinkler line to Building A.

The applicant still plans to develop the site in two phases on two separate parcels that will be conveyed to the applicant by the present owners. The first phase of construction pertains to Lot 1, an area of 64,257 sq. ft. and will include the construction of Building A, a 6,500 sq. ft. building footprint for a retail tire and vehicle repair business and Building B, a 6,912 sq. ft. building to house a retail auto parts/supplies store. The second phase pertains to Lot 2 with an area of 35,463 sq. ft. and will include the construction Building C, a 3,500 sq. ft. commercial building with as of right retail and service tenants to be determined and a portion of the stormwater management facilities to serve the shopping center. Lot 3 has an area of 109,496 sq. ft. and includes a large portion of the stormwater management facilities for the approved shopping center and land for possible future development. The applicant will have an easement from the owner of Lot 3 to allow for construction of the stormwater management facilities on Parcel 3.

No changes in access to the development from Main ST/Route 109 are proposed.

The proposed revised *Tri Valley Commons Site Development Plan* is dated January 9, 2015, last revised July 14, 2015 and was prepared by Bohler Engineering of Southborough, MA. Building elevations were prepared by Landry Architects of Salem, NH.

III. PROCEDURAL HISTORY

- A. July 20, 2015 - Special permit and site plan modification application filed with the Medway Planning and Economic Development Board and the Medway Town Clerk.
- B. July 22, 2015 – Public hearing notice was filed with the Town Clerk and posted at the Town of Medway web site.
- C. July 29, 2015 – Proposed site plan modification distributed to Town boards, committees and departments for review and comment.
- D. July 31, 2015 - Public hearing notice mailed to abutters by certified sent mail.
- E. August 3, 2015 - Applicant meets with the Design Review Committee.
- F. July 28 and August 3, 2015 - Public hearing notice advertised in *Milford Daily News*.
- G. August 11, 2015 – Public hearing was opened and closed.

All members voting on this decision were present at all sessions of the public hearing.

IV. INDEX OF DOCUMENTS – The plans, reports, correspondence and documents specified below are contained in the Board’s project files for Tri Valley Commons and are hereby incorporated into this Decision by reference.

- A. Application Materials
 - Site Plan & Special Permit Modification application dated July 17, 2015

- Supporting memorandum dated July 20, 2015 from John Kucich, P.E., of Bohler Engineering regarding the impact of the proposed changes on the previously approved stormwater management system.
 - Site Development Plans, Tri Valley Commons (16 sheets) dated January 9, 2015 last revised July 14, 2015 prepared by Bohler Engineering, Southborough, MA
 - Existing Conditions Plan, Tri Valley Commons (1 sheet) dated May 20, 2014 prepared by Guerriere and Halnon, Milford, MA
 - Proposed Exterior Elevations for Tri Valley Commons (3 sheets), Retail Buildings A, B, and C, dated April 1, 2015, last revised July 15, 2015 prepared by Landry Architects, Portsmouth, NH;
 - Master Signage Plan, dated March 2, 2015, last revised July 17, 2015 prepared by Landry Architects, Portsmouth, NH;
 - Request for waiver from *Site Plan Rules and Regulations*, dated July 21, 2015
 - Email memorandum dated July 17, 2015 from Building Commissioner Jack Mee verifying that the scope of proposed changes constitutes a Substantial Modification to the previously approved site plan and decision.
- B. Town’s Consultants Review Letters & Other Written Communication
- Plan review letter dated August 4, 2015 from Gino Carlucci, PGC Associates
- C. Supplemental Materials
- Approval Not Required *Plan of Land* dated July 24, 2015 prepared by Guerriere and Halnon of Milford, MA
- D. Written Communications from Town Staff, Boards/Committees
- Review comments from the Medway Design Review Committee dated 8-6-15
- E. Draft Decision
- Draft decision dated August 11, 2015, prepared by Susan Affleck-Childs, Planning and Economic Development Coordinator
- V. TESTIMONY** – The following individuals provided testimony or comments during the course of the public hearing. Those comments are reflected in the minutes of the Planning and Economic Development Board meetings during which the public hearing was held.

Professional Consultants’ Testimony during Public Hearings on behalf of the applicant:

- John Kucich, P.E., Bohler Engineering – Project engineer
- Richard Landry, Landry Associates – Project architect
- Richard Cornetta of Cornetta, Ficco & Simmler PC – Attorney for the applicant

Professional Consultants’ Testimony during Public Hearings on behalf of the Medway Planning and Economic Development Board:

- Sean Reardon, PE, Tetra Tech – Town of Medway Consulting Engineer
- Gino Carlucci, AICP, PGC Associates – Town of Medway Consulting Planner

Citizen and Abutter Testimony at Public Hearings – None

Other Testimony at Public Hearings – None

VI. FINDINGS - At its August 11, 2015 meeting, the Planning and Economic Development Board, on a motion made by Robert Tucker and seconded by Richard Di Iulio, voted to affirm the previously approved FINDINGS as included in the June 23, 2015 special permit/site plan decision for Tri Valley Commons. The Board also finds that the proposed modifications to the decision and site plan do not detract from the previously approved Findings. The motion was approved unanimously.

VII. VOTES OF THE BOARD

A. SPECIAL PERMIT - After reviewing the application and information gathered during the public hearing and review process including the plans, reports and correspondence provided by the applicant, consultants and various Town departments, the Medway Planning and Economic Development Board, at its meeting held on August 11, 2015 on a motion made by Robert Tucker and seconded by Richard Di Iulio, voted to approve a modification to the special use permit for 72 Main Street to allow for the construction of a three building shopping center including an eight bay vehicle repair service garage in Building A at 72 Main Street, pursuant to the Medway Zoning Bylaw Section 5.4 subject to the following Conditions. The motion was approved unanimously.

<u>Planning & Economic Development Board Member</u>	<u>Vote</u>
Richard Di Iulio	Yes
Matthew Hayes	Yes
Andy Rodenhiser	Yes
Robert Tucker	Yes

B. SITE PLAN - After reviewing the application and information gathered during the public hearing and review process including the plans, reports and correspondence provided by the applicant, consultants and various Town departments, the Medway Planning and Economic Development Board, at its meeting held on August 11, 2015, on a motion made by Robert Tucker and seconded by Richard Di Iulio, voted to approve a substantial modification to the previously approved site plan for the Tri Valley Commons shopping center including the construction of landscaping, stormwater drainage facilities, driveways, parking and site amenities at 72 Main Street as shown on the Tri Valley Commons Site Plan, dated January 9, 2015, last revised July 14, 2015, prepared by Bohler Engineering of Southborough, MA and Landry Architects of Salem, NH, subject to the following Waivers and Conditions including further plan revisions as specified herein. The motion was approved unanimously.

<u>Planning & Economic Development Board Member</u>	<u>Vote</u>
Richard Di Iulio	Yes
Matthew Hayes	Yes
Andy Rodenhiser	Yes
Robert Tucker	Yes

VIII. WAIVERS - The Planning and Economic Development Board acted on the request for an additional waiver from the *Rules and Regulations for the Submission and Approval of Site Plans, as amended December 3, 2002*. The Board's action and reasons for acting on the waiver request are specified. The waiver is subject to the *Special and General Conditions of Approval*, which follow this section.

CONSTRUCTION STANDARDS – Site Plan Rules and Regulations

205 – 6, H. Vertical Granite Curb – The perimeter of the parking area shall be bound with vertical granite curb.

EXPLANATION – *The applicant seeks a waiver from this regulation to allow for the use of concrete curbing on the perimeter of the parking area within the site. Granite curbing will continue to be used for approximately 60 linear feet on each side of the driveway from the Main Street right-of-way into the site. The change to concrete curbing for the rest of the site will save approximately \$50,000, and will not detract from the aesthetic appeal of the site. Further, the entry area at Main Street will have the granite curbing which will hold up best for roadway maintenance and snow removal. Concrete curbing is commonly used in the community and is considered to be an acceptable alternative to granite.*

BOARD ACTION – The Medway Planning and Economic Development Board, at its meeting held on August 11, 2015, on a motion made by Robert Tucker and seconded by Richard Di Iulio, voted to grant the waiver from Section 205-6 H. Vertical Granting Curb of the *Site Plan Rules and Regulations* to allow for the use of concrete curbing the site except for approximately 60 linear feet on each side of the driveway from Main Street which will have vertical granite curbing. The motion was approved unanimously.

NOTE – All previously approved Requests for Waivers remain in effect.

IX. SPECIFIC CONDITIONS – At its August 11, 2015 meeting, the Planning and Economic Development Board, on a motion made by Robert Tucker and seconded by Richard Di Iulio, voted to approve the following SPECIFIC CONDITIONS included herein. The motion was approved unanimously.

This approval is subject to the following *Specific Conditions/Limitations*:

A. **Plan Revisions** – Subsequent to the expiration of the 20 day appeal period and within sixty days after the Board has filed its MODIFICATION Decision with the Town Clerk, the Tri Valley Commons site plan dated January 9, 2015, last revised July 14, 2015 shall be further revised to reflect all Conditions and required revisions, including those as specified below, and submitted to the Board for review and approval. The revised site plan by Bohler Engineering shall be combined with the final Architectural Elevations and Master Signage Plan by Landry Architects and bound together to constitute the full and official Tri Valley Commons Site Plan. *(Said plan is hereinafter referred to as the Plan)*. Upon approval, the Applicant shall provide a Mylar set of the revised Plan in its final form to the Board for signature/endorsement.

1. Cover Sheet

- a. The additional waiver from the *Site Plan Rules and Regulations* that has been granted as specified herein shall be listed on the cover sheet of the Plan presented for endorsement.
 - b. The cover sheet shall prominently display a final plan revision date in the upper central portion of the sheet.
2. All sheets included in the final Plan set shall include an endorsement signature block for the Planning and Economic Development Board.
 3. Outdoor Storage Container for Used Tires
 - a. The outdoor storage container shall be a Conex type portable storage container with an enclosed top.
 - b. The height of the clapboard wall to screen the outside storage area for used tires shall be 12' high.
 - c. The gate for the outdoor storage area shall be made of PVC/white fencing to match the regular trash enclosures. The gate shall be 8' tall.
 4. A sprinkler line to service Building A shall be shown on the plan.
 5. All references to Goodyear on the site plan shall be removed.
 6. The Phasing Plan/Sheet 5 shall be revised regarding the construction of the stormwater drainage system. During Phase I, the entire drainage system shall not be constructed. As an interim configuration, the surface flow of water on Parcel C will be directed by surface grades to outlet points in the direction of the detention basin. Any interim finishes shall be constructed in a manner that ensures stormwater runoff will be directed to stormwater controls as intended for the completed project (Phase II) and as described in the Drainage Report.
 7. All relevant sheets of the modified site plan shall illustrate the new lot lines as depicted on the Approval Not Required (ANR) Plan of Land dated July 24, 2015 by Guerriere and Halnon and endorsed by the PEDB on July 28, 2015.
- B. **Used Tire Storage** – All used tire storage shall be contained inside the outdoor tire storage container, in the area within the enclosure around the container, or inside Building A and shall not be visible from outside the storage area. No outdoor storage of used tires outside of the storage area is permitted.
- C. **Drainage Easement** - Prior to the Board's endorsement of the revised Tri Valley Commons plan, the applicant shall secure and provide to the Board an easement from the owner of Lot 3 authorizing the applicant to construct and use stormwater management facilities located on Lot 3 as shown on the Approval Not Required (ANR) Plan of Land dated July 24, 2015, endorsed by the Board on July 28, 2015.
- D. All other Specific Conditions noted in the previously approved special permit decision dated June 23, 2015 shall remain in effect except for Item R which is hereby modified as follows:


- R. **Use of Premises** – Pursuant to the special permit for vehicle repair use, the vehicle repair use allowed on the premises in Building A is limited to eight (8) service/garage bays.

X. GENERAL CONDITIONS OF APPROVAL - All other General Conditions noted in the previously approved special permit decision shall remain in effect.

XI. APPEAL - Appeals if any, from this Decision shall be made to the court within twenty days of the date the Decision is filed with the Town Clerk.

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Medway Planning & Economic Development Board:

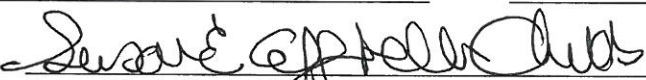
AYE: 

NAY: _____







ATTEST: 
Susan E. Affleck-Clubs
Planning & Economic Development Coordinator

8-11-2015
Date

- COPIES TO:** Stephanie Bacon, Health Agent
Michael Boynton, Town Administrator
Matt Buckley, Design Review Committee
Tom Holder, Department of Public Services
Bridget Graziano, Conservation Agent
Donna Greenwood, Assessor
Jeff Lynch, Fire Chief
Jack Mee, Inspector of Buildings and Zoning Enforcement Officer
Stephanie Mercandetti, Director of Community and Economic Development
Melanie Phillips, Treasurer/Collector
Jeff Watson, Police Department
Gino Carlucci, PGC Associates
Steven Bouley, Tetra Tech
Richard Landry, applicant
Richard Cornetta, attorney for the applicant
John Kucich, engineer for applicant