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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.*

November 16, 2010

**ADAPTIVE USE SPECIAL PERMIT DECISION**  
**Steinhoff Realty Trust for 146 Main Street**  
**SPECIAL PERMIT – GRANTED**

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: June 11, 2010, last revised September 8, 2010

Project Location: 146 Main Street

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

Zoning: Agricultural Residential II and Adaptive Use Overlay District

Purpose: Substantially renovate the existing 1,632 sq. ft. residential structure on the property and construct a 2-story, 7,045 sq. ft. addition to the north of the existing structure, all space to be used for professional offices.

This is a decision of the Medway Planning and Economic Development Board (hereinafter “Board”) on the July 1, 2010 petition of Steinhoff Realty Trust (hereafter “Applicant”) of 133 Main Street, Medway, MA 02053, for an Adaptive Use Special Permit for property located at 146 Main Street presently owned by Steinhoff Realty Trust of Medway, MA. (hereinafter “Property”). The Special Permit is sought pursuant to *SECTION V. USE REGULATIONS, Sub-Section W. Adaptive Use Overlay District of the Town of Medway Zoning Bylaw (last amended November 19, 2007)* and other relevant provisions of the *Zoning Bylaw* in order to allow the Project as described below.

This Decision includes the following sections:

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

## **I. PROJECT DESCRIPTION**

The Petitioner seeks to modify the most recent previous single family residential use of the subject property at 146 Main Street. The Applicant is the current owner of the .7 acre parcel. The Applicant proposes to develop an 8,677 sq. ft. building through renovation and new construction, all to be used for professional offices. The project includes three components:

- renovation/reconstruction of the existing building
- construction of a new 2 story, 7,045 sq. ft addition
- extensive site improvements including drainage, parking, lighting, and landscaping and connections to Town water and sewer services.

The plan for the development of this property is shown on *Steinhoff Office Building, 146 Main Street, Medway, MA* prepared by the H.L. Turner Group of Concord, NH for Steinhoff Realty Trust. The plan was originally dated June 11, 2010 and was revised June 30, 2010. August 4, 2010 and September 8, 2010.

The applicant intends to develop this project as an energy neutral building (in general compliance with LEED standards) and will incorporate both solar and geothermal heating devices.

**II. DECISION OF THE BOARD** - After reviewing the application and information gathered during the public hearing process and considering all the evidence, the Medway Planning and Economic Development Board, at a duly posted meeting on November 16, 2010, on a motion by Chan Rogers seconded by Karyl Spiller-Walsh, voted 5 in favor and 0 against to grant an Adaptive Use Special Permit to Steinhoff Realty Trust for the subject property at 146 Main Street, Medway, MA. as represented in the hearing and shown on the 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.

Voting Planning & Economic Development Board Member

Grant/Not Grant

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

**III. PROCEDURAL HISTORY**

On July 1, 2010, Steinhoff Realty Trust filed an application for an Adaptive Use Special Permit with the Board and the Medway Town Clerk. The application consisted of:

- an Adaptive Use Overlay District Special Permit application dated July 1, 2010.
- an Adaptive Use Overlay District (AUOD) Plan titled Steinhoff Office Building dated June 11, 2010, revised June 30, 2010 prepared by The H.L. Turner Group, Inc of Concord, NH.
- a project narrative
- a drainage report dated Jun 11, 2010, revised June 30, 2010 from The H.L. Turner Group; and
- a certified abutters list.

Upon the Board's receipt of the Applicant's petition, a Public Hearing was scheduled to commence July 27, 2010 in the Sanford Room of Medway Town Hall, 155 Village Street, Medway, MA. Notice of the public hearing was posted with the Town Clerk at Medway Town Hall on July 1, 2010 and on the Town of Medway web site. The required legal advertisement was published in the *Milford Daily News* on July 13 and 19, 2010. Notice was also sent by registered mail to all parties of interest and abutters and the Planning Boards of all adjacent towns on July 6, 2010.

On July 6, 2010, a memo from the Board soliciting comments on the application and plan was distributed to the Board of Selectmen/Town Administrator, Assessors, Conservation Commission, Department of Public Services, Design Review Committee, Historical Commission, Inspector of Buildings, Fire Department and Police Department. The memo indicated that the public hearing was scheduled to begin on July 27<sup>th</sup> and requested review comments by that date. Review letters were received from the Economic Development Committee and the Design Review Committee.

The plans and all associated application materials were reviewed against the Medway Zoning Bylaw, SECTION V. USE REGULATIONS, Sub-Section W. Adaptive Use Overlay District, the Medway Site Plan Rules and Regulations, the Medway Subdivision Rules and Regulations, the Water/Sewer Department Rules and Regulations and good engineering practices. Tetra Tech Rizzo, the Town's Consulting Engineer provided review memos dated 6/24/10, 7/22/10, 8/5/10 and 8/25/10. PGC Associates, the Town's Consulting Planner, also provided review letters dated 7/22/10 and 8/26/10. As review letters were issued, the plans were modified to address the identified concerns and deficiencies which resulted in revised plans dated August 4, 2010 and September 8, 2010.

The public hearing commenced on July 27th and was continued to August 24, 2010 when the hearing was closed. Present for both public hearing sessions were members Andy Rodenhiser, Karyl Spiller-Walsh, Cranston Rogers and Tom Gay. Member Bob Tucker missed the July 27<sup>th</sup> hearing but was present for the August 24<sup>th</sup> hearing. Mr. Tucker did provide a Mullin's Rule certification that he had viewed a videotape of the July 27<sup>th</sup> hearing. Also present were Dave Pellegri of Tetra Tech Rizzo, the Town's Consulting Engineer and Gino Carlucci, the Town's Consulting Planner

Richard Steinhoff, the petitioner, was present at both sessions of the public hearing. Jim Spaulding of The H.L. Turner Group, attended the 7/27/10 session. Abutters and residents of the adjacent neighborhood attended the public hearing; they asked questions and provided opinions about the proposed development:

- Tom and Judith Giovangelo, 144 Main Street
- Ted and Elizabeth Lambert, 7 Temple Street
- Robert and Diane Piacentini, 9 Temple Street
- Vallishayee Rashmi, 25 Temple Street
- Tara Werlich, 155 Main Street
- Nancy Hamm, 10 Temple Street

The Board carefully reviewed the various plan 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. 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.

#### **IV. SUPPLEMENTAL MATERIALS**

##### **Documents**

- Review Memorandum dated August 26, 2010 from the Medway Design Review Committee
- Letter of support dated August 23, 2010 from the Medway Economic Development Committee
- Response letter dated July 1, 2010 from The H.L. Turner Group, Inc. in response to the Tetra Tech Rizzo review dated 6/24/10.
- Response letter dated August 10, 2010 from The H.L. Turner Group, Inc. in response to the Tetra Tech Rizzo review dated 7/22/10 and the PGC review dated 7/22/10.
- Written communication received July 27, 2010 from Richard Steinhoff regarding the status of small wind power generation on the site.
- Request for waivers from Richard Steinhoff received August 17, 2010.

##### **Plans**

- Revised plans Steinhoff Office Building dated August 4, 2010 by The H.L. Turner Group, Inc.
- Revised Landscape Plan by Carolyn Cooney & Associates.
- Revised Lighting Plan dated September 8, 2010

**V. FINDINGS** – On November 16, 2010, 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 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, 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 addition is designed in a highly 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 has provided significant input to the overall building and site design, working diligently to achieve a design for the new office structure that is substantively residential in character and compatible with the existing structure's architecture. The design of the addition as it has evolved is now 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 29 off-street parking spaces. All proposed parking is shown to be at the rear and side of the building. The proposed parking layout has been

adjusted to ensure that there is the required 50 feet between the first parking space and the edge of roadway pavement on Main Street. The applicant has adjusted the layout to include 14 “compact car” spaces along the eastern edge of the parking lot which have reduced dimensional requirements. Visitor and handicap accessible spaces are labeled on the plan. The Board finds that the provision of 29 parking spaces is adequate for the proposed uses of the site and the 8,677 sq. ft. size of the building @ one space per 300 sq. ft of gross floor space.

9. *Lighting* – As initially presented, the parking lot lighting plan was not residential character as it included 14’ tall light posts. As shown on revised plan dated September 8, 2010, the light posts were reduced to 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”. 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 and the site. 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 to the existing Main Street sidewalk. In addition, a sidewalk will be installed alongside the entrance driveway up to the main entrance of the new addition on the east façade of the building. A bicycle rack to accommodate 5 bicycles is also provided.

12. *Provision of Utilities* - The provisions in the Project for utilities, including sewerage disposal, water supply and stormwater management are adequate. The 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 the following waivers as specified.

**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 and 8' x 18' for compact 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 compact spaces conform to those 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 significantly expanded use of the property and its use as an office building necessitate that the curb cut be expanded in order to ensure safe access to the property.*

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

1. The property shall not be altered or used except for a maximum of 8,677 sq. ft. of professional office space. No other use of this building is permitted. Any other uses will require the filing of a new special permit application.



2. *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 AUOD plan reflecting all required revisions for the Board's 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 – Update index to include all sheets in the plan set.
  - B. Title Sheet – Remove list of abutters
  - C. Title Sheet – Add reference that the plan is also subject to an Adaptive Use Overlay District Special Permit to be recorded with the plan.
  - D. Sheet C2.1 Site Lighting Plan shall be revised. Light fixtures shall not be more than 10 feet tall so to achieve a more residential character. Also, details of the lighting fixtures shall be added to the plans.
  - E. Sheet L1 Landscape Plan shall be revised to specify the installation of evergreen plantings at the base of the free-standing building development sign.
  - F. The signature block for Selectmen shall be removed and a signature with 5 lines for each member of the Planning and Economic Development Board shall be added to all sheets in the plan set.
3. This approval is conditioned on project completion in full compliance with the Steinhoff Office Building plan for 146 Main Street, as last revised September 8, 2010, as may be further revised as a condition of this permit.
  4. *Parking* – The Project shall include at least 29 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 domestic 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 on Sheet A5.2 does not constitute approval of the sign by the Town of Medway Building Department.

- 14 *Wind Turbines* - The Steinhoff Office Building plan shows possible locations of wind turbines as the applicant expects to install small wind electric generation turbines on this property in the future. 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 location testing is completed, 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 and shall review such plans with the Medway Design Review Committee at that time.
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.

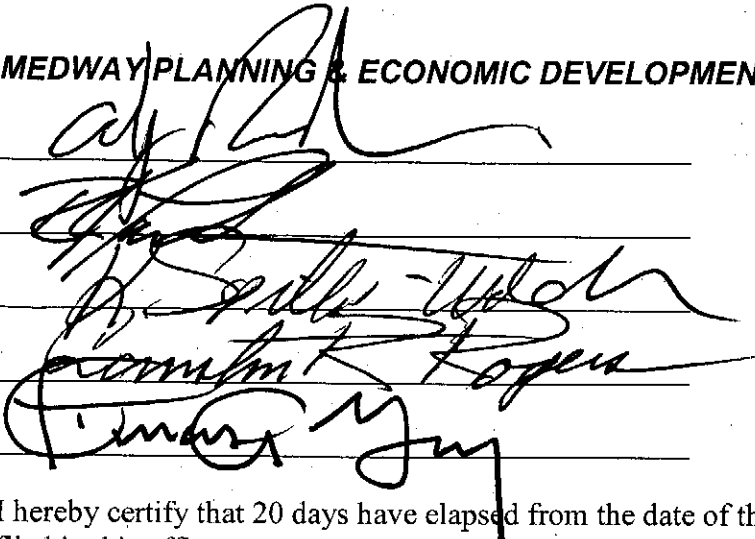
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The Board hereby makes a detailed record of its findings and proceedings relative to this petition, sets forth its reasons for its findings and decision, incorporates by reference any plan or document received by it, and directs that this decision 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.**

ADAPTIVE USE SPECIAL PERMIT  
146 Main Street - Medway, MA  
Steinhoff Realty Trust  
November 16, 2010

**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