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Special Permit Statements Memo

October 2, 2026
Via Electronic Mail

Planning & Economic Development Board (PED)
Town of Medway
155 Village Street
Medway, MA 02053

Attention: Town of Medway | Planning & Economic Development Board

RE: Special Permit Statements Memo
117 Main Street
Medway, MA 02053
Bohler Project #MAA240482.00

Mixed-Use Development Special Permit

Medway Zoning Bylaw Section 10.3 – Central Business (CB) District

The Applicant respectfully requests a Special Permit pursuant to Section 10.3 of the Medway Zoning Bylaw to allow the construction and operation of a mixed-use development consisting of residential dwelling units and commercial space within the Central Business (CB) Zoning District. The proposed development has been carefully planned to support the goals of the CB District by creating a vibrant, pedestrian-oriented environment that integrates residential and commercial uses while enhancing the economic vitality and character of the Town Center.

Pursuant to Section 10.3.E.1 of the Zoning Bylaw, "[s]pecial permits under Section 10.3 are not subject to the special permit criteria under Section 3.4." The proposed project satisfies the Special Permit criteria Section 10.3 governing Mixed-Use Development, as set forth below.

The proposed use and site design represent the qualities of a traditional New England town center

Throughout the public hearing process, the Applicant has worked diligently to address comments from this Board and the Design Review Committee and to incorporate their recommendations. The current design incorporates variations in materials, rooflines, lateral planes, color and fenestration, all while reflecting traditional New England village aesthetics.

The proposed site design is environmentally sound and is readily accessible to and useable by pedestrians

The proposed site design clusters development at front of property adjacent to Main Street, facilitating pedestrian access and use, while enabling the Applicant to donate 5.7 acres of the project site to the Town.

The proposed site design reflects and advances the goals and objectives of the Medway Master Plan as updated.

One of the key goals of the 2022 Master Plan is to "Catalyze redevelopment of key properties on Main Street." The Applicant respectfully submits that the project before the Board significantly advances this goal of the Master Plan by expanding commercial use along Main Street and providing residential density sufficient to support both existing and proposed business uses in the neighborhood.

Adequate pedestrian and (where applicable) vehicular linkages within the site and connecting to abutting properties are provided.

The Applicant has incorporated walking paths, publicly accessible open spaces, pocket parks, and commercial amenities into the project. These amenities will complement public paths and open spaces in the proposed municipal complex directly opposite the project site on Main Street. Moreover, opportunities exist to install trails through the 5.7 acres of land to be donated to the Town, providing additional linkages for pedestrians.

Streets, driveways, sidewalks, landscaped areas and public services are laid out in a safe manner.

As set forth in the Transportation Impact Assessment submitted by the Applicant, and as confirmed by an independent peer review, streets, driveways and sidewalks are laid out in a safe and efficient manner. Landscaped areas and public services conform to all Town requirements and accepted engineering practices.

Any detrimental impacts of the use on abutting properties and/or residential neighborhoods have been adequately mitigated.

The project has been designed to protect residential abutters to the rear of the project site by concentrating development along Main Street and through the Applicant's agreement to donate 5.7 acres of land abutting Kelley Street and the adjoining residential neighborhood.

The site design incorporates the site's existing topography and protects natural features to the maximum extent feasible.

As described above, the project design utilizes the site's existing topography to reduce building massing and screen parking areas from public view along Main Street. Moreover, by concentrating development along Main Street, the project design protects existing natural features in the 5.7 acres of land to be donated to the Town.

Compliance with Section 10.3 Mixed-Use Development Objectives

The proposed project directly advances the objectives of Section 10.3 by integrating residential and commercial uses within a coordinated development that enhances the function and character of the Central Business District. Specifically, the project:

- Encourages economic development and investment within the Town Center;
- Supports existing and future businesses by increasing the local customer base;
- Expands housing opportunities in proximity to services, employment opportunities, and community amenities;
- Creates a pedestrian-friendly environment that promotes walking and reduces reliance on automobiles;
- Makes efficient use of existing municipal infrastructure and public services; and
- Strengthens the vitality, attractiveness, and long-term sustainability of the Central Business District.

The overall design of the development reflects the traditional mixed-use development pattern envisioned by the Town and creates a cohesive, high-quality project that will serve as a positive addition to the community.

Fuel Station Special Permit

Medway Zoning Bylaw Section 10.2.A

The Applicant respectfully requests a Special Permit pursuant to Section 10.2.A of the Medway Zoning Bylaw to permit redevelopment of the existing fuel station on the project site. The proposed new fuel station has been designed to provide a convenient and safe service to residents, businesses, and the traveling public while remaining compatible with the surrounding area and consistent with the planning objectives of the Town of Medway.

As demonstrated below, the proposed fuel station satisfies design criteria of Table 9.4.C.1.B, as well as the Special Permit criteria of Section 3.4 of the Medway Zoning Bylaw and the specific intent and requirements associated with fuel station uses under Section 10.2.A.

Harmony with the Purpose and Intent of the Zoning Bylaw

The proposed fuel station is consistent with the purpose and intent of the Medway Zoning Bylaw and the objectives of the zoning district in which it is located. Fuel stations serve an important community function by providing access to vehicle fueling services for residents, local businesses, and visitors. The proposed use complements the existing commercial character of the area and supports the continued economic vitality of the surrounding business district. Section 10.2.A explicitly permits and contemplates redevelopment of existing fuel stations. The proposed redevelopment will represent a marked improvement as compared to the existing fuel station in every respect, including aesthetics, environmental protection, and traffic and pedestrian safety. Moreover, Town Meeting recently adopted amendments to the design criteria applicable fuel station redevelopment that specifically accommodate the proposed project design.

The development has been designed to replace an existing fueling station and integrate seamlessly with the surrounding land uses through high-quality architectural design, landscaping, lighting controls, and site planning measures. The project represents an appropriate commercial use that contributes to the availability of essential services while supporting orderly growth and development within the Town.

Appropriate Location and Compatibility with Adjacent Uses

The project site is well-suited for a fuel station due to its location along established transportation corridors and its proximity to existing commercial and service-oriented uses. The site provides convenient access for motorists while minimizing impacts on neighboring properties.

The proposed facility has been designed to ensure compatibility with surrounding development through careful attention to building placement, circulation patterns, screening, landscaping, and operational controls. Fuel dispensing areas, vehicular access points, and associated site features have been arranged to promote safe operation and minimize potential impacts on adjacent properties.

Traffic, Access, and Circulation

The proposed fuel station has been designed to provide safe and efficient vehicle circulation throughout the site. Adequate ingress and egress are provided to accommodate customer traffic while maintaining safe operation of adjacent roadways and intersections. Internal circulation patterns allow vehicles to access fuel dispensing areas, parking spaces, and any associated commercial uses without creating conflicts or congestion.

The project has been planned to avoid adverse impacts on public ways and will operate within the capacity of the surrounding transportation network. Appropriate sight distances, traffic controls, and site design features have been incorporated to promote safe vehicular and pedestrian movement.

Public Health, Safety, and Environmental Protection

The proposed fuel station will be designed, constructed, and operated in accordance with applicable federal, state, and local regulations governing fuel storage, dispensing, environmental protection, and public safety. Underground storage tanks, fuel distribution infrastructure, spill prevention measures, and emergency response systems will comply with current engineering and environmental standards.

The facility will incorporate modern fuel management technologies, leak detection systems, environmental safeguards, and stormwater management practices including emergency shutoff valves and upstream containment intended to protect groundwater, surface waters, and surrounding natural resources. The design and operation of the facility will prioritize public safety and environmental stewardship while minimizing the potential for adverse impacts.

Adequacy of Municipal Services and Facilities

The project will be served by existing municipal infrastructure and private utility services, including water, sewer, drainage, police, fire protection, and emergency response services. Sufficient provisions have been made for utility connections, site maintenance, refuse handling, snow storage, lighting, landscaping, and stormwater management.

The proposed development does not require the extension of significant new public infrastructure and represents an efficient use of available municipal services and facilities.

Compliance with Fuel Station Special Permit Objectives

The proposed fuel station advances the objectives of Section 10.2.A by providing a necessary service in an appropriate location while incorporating modern design standards and operational practices that protect public health, safety, and welfare. The project:

- Provides a convenient fueling service for residents, businesses, and visitors.
- Supports economic activity and commercial vitality within the community.
- Features a site layout designed to promote safe traffic circulation and efficient operations.
- Incorporates appropriate landscaping, screening, lighting, and architectural elements that contribute positively to the character of the area.
- Utilizes modern environmental protection measures and fuel handling systems.
- Minimizes potential impacts on neighboring properties through thoughtful site planning and adherence to applicable regulatory requirements.

Parking Located in the Front or Side Yard

Medway Zoning Bylaw Section 10.2.D.2.C

The Applicant respectfully requests a Special Permit pursuant to Section 10.2.D.2.C of the Medway Zoning Bylaw to allow a portion of the proposed parking facilities to be located within the front and/or side yard area specific to be located within the side yards as created by the two lots with an ANR of the existing site. The requested relief is necessary to accommodate the proposed site layout and the Applicant's donation of approximately 5.7 acres of the project site, while achieving the broader planning, design, and operational objectives of the development. The parking arrangement has been carefully designed to provide safe and functional access while maintaining an attractive streetscape and minimizing impacts on surrounding properties.

As demonstrated below, the proposed parking configuration satisfies the Special Permit criteria of Section 3.4 of the Medway Zoning Bylaw and the specific intent of Section 10.2.D.2.C.

Harmony with the Purpose and Intent of the Zoning Bylaw

The requested Special Permit is consistent with the purpose and intent of the Medway Zoning Bylaw. The proposed parking layout supports the overall development plan by providing convenient and sufficient parking while minimizing impacts to streetscape and abutters. The location of parking areas has been thoughtfully planned to support the operational needs of the proposed mixed-use development and associated commercial uses while recognizing site constraints, access requirements, circulation patterns, and the relationship of the building to the surrounding roadway network.

The placement of parking within the side yard area allows the site to function efficiently while preserving opportunities for landscaping, pedestrian access, architectural enhancements, stormwater management features, and other site amenities that contribute positively to the overall character of the development.

Appropriate Location and Compatibility with the Surrounding Area

The proposed parking areas are located in a manner that is compatible with surrounding development patterns and consistent with the commercial character of the area. Given the site's configuration, topography, frontage, access points, and development program, the requested parking arrangement represents an appropriate design solution that balances functionality and aesthetics.

The parking areas will be integrated into the site through the use of topography, landscaping, screening, lighting controls, and site design features intended to soften visual impacts and maintain an attractive appearance from adjacent roadways and properties. The development has been designed to ensure that parking does not dominate the site or detract from the overall appearance of the project.

The proposed parking configuration will not create adverse impacts on neighboring properties and will not be detrimental or offensive to the surrounding neighborhood.

Traffic Circulation and Public Safety

The proposed parking layout provides safe and efficient vehicular circulation throughout the site. Parking areas have been designed to facilitate orderly vehicle movements while maintaining safe access to building entrances, drive aisles, and adjacent roadways. Adequate sight distances, internal circulation patterns, and pedestrian connections are provided to enhance safety for both vehicles and pedestrians.

The location of parking within the front or side yard areas allows for efficient site access and circulation, reducing unnecessary vehicle movements and supporting the safe operation of the development. Emergency vehicle access will be maintained throughout the site in accordance with applicable local requirements.

The proposed arrangement will not result in traffic congestion, unsafe conditions, or impairment of public safety.

Adequacy of Facilities and Site Design

The parking facilities have been designed to meet the anticipated needs of the proposed development while satisfying applicable dimensional, accessibility, and operational requirements. The parking areas will include appropriate pavement design, drainage infrastructure, landscaping, lighting, signage, and pedestrian connections to support a safe and functional site. Moreover, the parking design incorporates existing and proposed topography and landscaping to screen the proposed parking areas from view along Main Street.

The location of parking within the front or side yard areas allows the Applicant to donate to the Town approximately 5.7 acres of land behind the proposed development and to maximize the efficient use of the property while accommodating building placement, access requirements, utility infrastructure, stormwater management systems, and landscaping improvements. The resulting site plan provides an

integrated and well-balanced design that supports both the operational needs of the development and the goals of the Zoning Bylaw.

Protection of Public Health, Safety, and Welfare

The proposed parking arrangement will not adversely affect public health, safety, or welfare. The parking facilities will be designed and maintained in accordance with applicable engineering, accessibility, and safety standards. Site lighting will be designed to provide adequate visibility while minimizing off-site glare, and landscaping features will help improve the visual character of the development.

The requested Special Permit represents a practical and reasonable site planning solution that enables the development to function efficiently while protecting neighboring properties and the public interest.

Compliance with Section 10.2.D.2.C

The placement of parking within the front and/or side yard area is warranted due to the unique characteristics of the site and the overall design objectives of the project. The proposed arrangement:

- Provides adequate parking to support the proposed residential and commercial uses.
- Promotes safe and efficient vehicular and pedestrian circulation.
- Allows for a coordinated and functional site layout.
- Maintains appropriate building placement and site organization.
- Incorporates topography, landscaping and screening measures that reduce visual impacts from parking areas.
- Supports the economic viability and long-term success of the proposed development.
- Preserves the character of the surrounding area while meeting the practical needs of the site.

The requested relief will result in a superior overall development plan compared to a strictly compliant parking layout and will advance the purposes of the Zoning Bylaw without creating adverse impacts on adjacent properties or the public welfare.

Outdoor Amenity Space Special Permit

Medway Zoning Bylaw Section 10.2.F.4

The Applicant respectfully requests a Special Permit pursuant to Section 10.2.F.4 of the Medway Zoning Bylaw to permit outdoor amenity spaces associated with the proposed mixed-use development, including but not limited to a dog park, outdoor pool area, 9/11 memorial area, gathering spaces, landscaped open space, seating areas, and related recreational and passive-use amenities. The proposed amenity spaces have been designed to enhance the quality of life for residents and visitors, foster community interaction, provide recreational opportunities, and create an attractive and engaging environment that complements the overall development.

As demonstrated below, the proposed outdoor amenity spaces satisfy the Special Permit criteria established in Section 3.4 of the Medway Zoning Bylaw and the specific objectives of Section 10.2.F.4.

Harmony with the Purpose and Intent of the Zoning Bylaw

The proposed outdoor amenity spaces are consistent with the purpose and intent of the Medway Zoning Bylaw by creating a development that promotes community interaction, recreational opportunities, and high-quality site design. The amenity areas have been incorporated as an integral component of the

overall project and are intended to enhance the livability, attractiveness, and long-term sustainability of the development.

The proposed dog park, pool area, memorial space, and additional outdoor gathering areas provide a diverse range of active and passive recreational opportunities for residents and visitors while supporting the Town's goals of encouraging well-designed mixed-use development. These amenities contribute to an attractive and vibrant environment and enhance the overall character of the site and surrounding area.

Appropriate Location and Compatibility with the Surrounding Area

The proposed outdoor amenity spaces are appropriately dispersed throughout the project and have been designed to function as complementary site features that enhance the overall development without adversely affecting neighboring properties. The location and design of each amenity have been carefully considered to ensure compatibility with adjacent uses, pedestrian circulation patterns, building orientation, and overall site operations.

Landscaping, screening, setbacks, and site design features have been incorporated to provide appropriate separation between recreational activities and adjacent properties where necessary. The amenity areas are designed to blend naturally with the project and create an attractive visual environment that enhances the appearance of the development and contributes positively to the surrounding neighborhood.

The proposed amenities will not create excessive noise, visual impacts, or other conditions that would be detrimental or offensive to neighboring properties or the broader community.

Enhancement of Community and Resident Experience

The proposed outdoor amenity spaces provide significant public and private benefits by creating opportunities for recreation, relaxation, community engagement, and outdoor activity.

The dog park provides a dedicated area for pet recreation and social interaction among residents. The pool area offers recreational opportunities that enhance residential quality of life and promote healthy outdoor activity. The proposed 9/11 memorial area creates a meaningful place of reflection and remembrance that contributes to the civic character of the development and provides a space for community gathering and commemoration.

Additional publicly-accessible outdoor seating, landscaped open spaces, walking areas, and gathering spaces further enhance the development by creating opportunities for social interaction and passive recreation. Collectively, these amenities contribute to a cohesive and attractive environment that serves a broad range of users and age groups.

Public Health, Safety, and Welfare

The proposed amenity spaces have been designed with consideration for public safety, accessibility, and long-term maintenance. All amenities will be constructed in compliance with applicable building codes, accessibility standards, health regulations, and safety requirements.

The pool facilities will be designed and operated in accordance with all applicable state and local regulations governing public or semi-public pools, including requirements related to fencing, access control, safety equipment, and maintenance. The dog park will incorporate appropriate enclosure features and operational measures to ensure safe use by residents and visitors. The memorial and gathering areas will be designed to provide safe pedestrian access and appropriate lighting while preserving the character and intent of the spaces.

The proposed amenities will not adversely affect public health, safety, or welfare and will instead provide substantial recreational and community benefits.

Adequacy of Facilities and Site Design

The project provides sufficient land area and site infrastructure to accommodate the proposed amenity spaces without compromising parking, circulation, stormwater management, utility infrastructure, or other necessary site functions. The amenities have been integrated into the overall site plan in a manner that promotes efficient site organization and enhances the overall development.

Landscaping, lighting, pedestrian connections, drainage systems, seating, and related improvements will be provided as necessary to support the safe and functional operation of the amenity areas. The resulting site design creates a balanced and well-coordinated development that successfully integrates recreational, civic, and open-space elements into the overall project.

Compliance with Section 10.2.F.4

The proposed outdoor amenity spaces advance the intent and objectives of Section 10.2.F.4 by providing high-quality recreational, social, and community-oriented facilities that serve residents and visitors while contributing to the overall attractiveness and functionality of the development. Specifically, the proposed amenities:

- Enhance the overall quality and character of the mixed-use development.
- Provide opportunities for active and passive recreation.
- Promote resident interaction and community engagement.
- Create meaningful and attractive open-space areas.
- Incorporate amenities serving a variety of users and interests.
- Improve the visual appearance of the site through integrated landscaping and site design.
- Support the long-term desirability and success of the development.
- Contribute positively to the character and vitality of the Central Business District.

The proposed dog park, pool area, 9/11 memorial area, and associated outdoor amenities represent a thoughtful and beneficial use of outdoor space that is fully consistent with the purposes of the Zoning Bylaw and the objectives of the Special Permit process.

Drive-Through Facilities for Restaurant and Bank Uses

Medway Zoning Bylaw Table 1 – Schedule of Uses

The Applicant respectfully requests a Special Permit pursuant to Table 1, Schedule of Uses of the Medway Zoning Bylaw to permit drive-through facilities associated with the proposed restaurant and bank uses within the mixed-use development. The proposed drive-through facilities have been carefully designed to provide convenient customer access while ensuring compatibility with surrounding land uses, maintaining safe traffic operations, and supporting the overall goals of the development and the Town of Medway.

As demonstrated below, the proposed drive-through facilities satisfy the Special Permit criteria set forth in Section 3.4 of the Medway Zoning Bylaw and support the intent of the Schedule of Uses by providing an appropriate location and design for these uses.

Harmony with the Purpose and Intent of the Zoning Bylaw

The proposed drive-through facilities are consistent with the purpose and intent of the Medway Zoning Bylaw by supporting commercial activity and providing convenient services to residents, employees,

visitors, and patrons of the development. The restaurant and bank uses represent established commercial services that are commonly supported by drive-through operations to accommodate customer needs and improve efficiency.

The proposed drive-through facilities are integrated into the overall site plan in a manner that complements the mixed-use nature of the development. Building placement, circulation patterns, landscaping, and site design features have been carefully coordinated to ensure that the drive-through components function as an accessory element of the overall project rather than a dominant site feature. The development promotes economic activity, supports local employment opportunities, and enhances the range of services available within the community.

Appropriate Location and Compatibility with the Surrounding Area

The project site is located within an area suitable for commercial uses and is served by existing transportation infrastructure designed to accommodate customer traffic. The proposed restaurant and bank uses are appropriate for the site and are compatible with the surrounding commercial and mixed-use development pattern.

The drive-through lanes have been designed to minimize visibility from public roadways and adjacent properties wherever practicable through building placement, landscaping, screening, and site design elements. Vehicle stacking lanes are located to avoid interference with pedestrian circulation, parking areas, and internal site movements.

The proposed facilities will not generate impacts that are detrimental or offensive to neighboring properties. Noise, lighting, traffic circulation, and operational characteristics associated with the drive-through facilities are expected to be typical for commercial uses of this nature and are appropriately addressed through the site design.

Traffic Circulation and Site Operations

The proposed drive-through facilities have been designed to provide safe and efficient vehicle circulation while minimizing impacts on the surrounding roadway network. Adequate stacking capacity has been incorporated to accommodate anticipated demand and prevent vehicle queues from extending into public streets, internal drive aisles, parking areas, or adjoining properties.

The circulation system has been designed to separate drive-through traffic from primary pedestrian routes and general parking lot circulation to the greatest extent practicable. Vehicle movements throughout the site are well-organized and provide for safe ingress, egress, and internal operation.

The proposed design promotes efficient customer access while maintaining acceptable levels of service and preserving the safe operation of public roadways and on-site circulation systems.

Public Health, Safety, and Welfare

The proposed drive-through facilities will not adversely affect public health, safety, or welfare. The design incorporates appropriate sight distances, traffic controls, pedestrian accommodations, lighting, landscaping, and circulation features to create a safe environment for motorists, pedestrians, employees, and patrons.

Restaurant operations will comply with all applicable health regulations and operational requirements, while banking facilities will operate in accordance with applicable industry standards and security requirements. The project has been designed to accommodate emergency vehicle access and maintain compliance with fire, police, and public safety requirements.

Adequacy of Facilities and Infrastructure

The project provides sufficient site area, parking, circulation systems, utility infrastructure, and operational facilities to accommodate the proposed drive-through uses. Vehicle stacking lanes, parking facilities, pedestrian connections, landscaping areas, lighting systems, and stormwater management facilities have been incorporated into the overall design in a coordinated and efficient manner.

The drive-through facilities do not require significant additional public infrastructure improvements and are supported by existing municipal services and transportation networks. The proposed design allows the development to function effectively while maintaining a high-quality site layout and overall appearance.

Compliance with the Intent of the Schedule of Uses

The proposed drive-through facilities for the restaurant and bank uses satisfy the intent of the Special Permit process by demonstrating that the uses can operate safely and effectively at the proposed location and in a manner that is compatible with the surrounding area. Specifically, the proposal:

- Provides convenient access to essential food service and banking operations.
- Supports commercial activity and economic development within the Town.
- Incorporates adequate vehicle stacking and circulation capacity.
- Maintains safe pedestrian and vehicular movement throughout the site.
- Minimizes potential impacts on adjoining properties through careful site planning and landscaping.
- Utilizes building placement and site design techniques that integrate drive-through operations into the overall development.
- Enhances the range of services available to residents, businesses, and visitors.
- Promotes the successful long-term operation of the mixed-use development.

The proposed drive-through facilities represent a reasonable and appropriate component of the overall project and are consistent with the goals and objectives of the Medway Zoning Bylaw.

Affordable Units Special Permit

Medway Zoning Bylaw Section 10.3D.6

The Applicant seeks a special permit to reduce the required inclusionary housing percentage from 15% to 10%. The Development Agreement between the Applicant and the Select Board explicitly contemplates the Applicant's request for this relief, in light of the significant financial, design and land-donation commitments to which the Applicant agreed. The Applicant submits that this request satisfies the criteria for such relief set forth in Section 10.3.D.6:

- The project provides other community benefits:
  - More than $3.5 million in public benefit payments to the Town, in addition to water and sewer connection fees, building permit fees, and substantial increases in annual tax revenue.
  - Donation of 5.7 acres of land, and a corresponding reduction in previously proposed density.
  - Revitalization and redevelopment of an underutilized site directly across Main Street from the proposed Municipal Complex.
- The project includes substantial street-facing commercial development along Main Street.
- The Applicant has made substantial (and costly) concessions regarding building design.

Upon your review of the above, please do not hesitate to contact me directly with any questions.

Sincerely,

BOHLER ENGINEERING MA, LLC



Timothy Hayes, P.E.