

Board Members  
Brian White, Chair  
Gibb Phenegar, Vice Chair  
Christina Oster, Clerk  
Tom Emero, Member  
Rori Stumpf, Member  
Carol Gould, Associate Member



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**TOWN OF MEDWAY**  
**COMMONWEALTH OF MASSACHUSETTS**  
**ZONING BOARD OF APPEALS**

**Wednesday, October 6, 2021 at 7:30 p.m.**  
**Sanford Hall**  
**155 Village Street Medway, MA**

**Meeting Minutes**

**Members Present:** Brian White, Chair; Gibb Phenegar, Vice Chair; Christina Oster, Clerk; Tom Emero, Member

**Members Participating Remotely:** Carol Gould, Associate Member

**Members Absent:** Rori Stumpf, Member

**Also Present:** Barbara Saint Andre, Director, Community and Economic Development  
Anna Rice, Administrative Assistant, Community and Economic Development

**Call to Order**

Mr. White called the meeting to order at 7:33 p.m. and read that this meeting is being broadcast and recorded by Medway Cable Access. Mr. White stated that Associate Member Carol Gould is participating remotely.

**Public Hearing**

***114 Main Street (Continuation from September 22, 2021)*** – The application is for the issuance of a **special permit** under Section 3.4 of the Zoning Bylaw and Section 5.4, Schedule of Uses, for outdoor display of merchandise by Ocean State Job Lot.

Mr. White designated Carol Gould, Associate Member, to sit in on this application.

Lisa Adelman, Corporate Counsel for Ocean State Job Lot, introduced herself and Jen Cole, the store Team Leader who manages Ocean State Job Lot at 114 Main Street; they both participated remotely via Zoom. Ms. Adelman gave an outline of the application, stating that Ocean State is requesting a special permit for outdoor displays, which will primarily hold flowers, plants, and seasonal items such as wreaths in the winter. Ms. Adelman noted that the plan that was sent to the Board earlier in the day more accurately reflects the dimensions of the displays. The location would be using metal racks for the displays, with a height just over 6 feet, width of 2 feet, and length just under 5 feet. The primary location would be along the entire length of the storefront, but leaving all fire exits clear. The width of the sidewalk between the building and the parking lot is 9 feet, and due to the display only coming 2 feet out from the building, there is enough room in front of the display as per the Zoning By-laws. The items will be kept on the display overnight, the store has never had an issue before with theft of items left outside

overnight. Ms. Adelman stated that there will be no other vendors, other than the Blue Rhino propane tank display that is already existing.

Gibb Phenegar noted that the sidewalk has 9 feet of width, and the shelving looks to be 1-1.5 feet deep, which meets the bylaw requirement of having 6 feet clearance on the sidewalk.

Tom Emero asked what the material of the overhang over the display is. Ms. Adelman stated that it is not a combustible material, as they already have the Blue Rhino display, which should have already gone through the process with the Fire Chief. Ms. Adelman noted that she was not able to get confirmation on this today but can look into it further and provide information to the Board.

Mr. White asked the applicant if they would agree to adding a condition regarding following standards set forward by the Fire Department. Tom Emero stated that even if this is not a written condition, the store should follow expectations from the Fire Chief no matter what.

The Board decided to deliberate the application. Mr. White read through the special permit requirements. One requirement is that the display is limited to store hours.

Ms. Cole stated that the items outside can be taken inside at night if needed, Barbara Saint Andre noted that one of the proposed Zoning Bylaw amendments for the November town meeting proposes taking out the limitation that requires outdoor displays to be brought inside after hours, and that the applicant may only have to do so for a short amount of time.

Mr. White stated and the members agreed that the application and proposed use meets the requirements of the special permit and Zoning Bylaw requirements, based on the application, testimony, and the information in the documents provided.

**With a motion made by Christina Oster, seconded by Gibb Phenegar, the Board finds that the Applicant has met all of the required special permit decision criteria by a roll call vote of: 5-0**

**Carol Gould – Aye**

**Tom Emero – Aye**

**Christina Oster – Aye**

**Gibb Phenegar – Aye**

**Brian White – Aye**

The Board then reviewed the Proposed Conditions with the Applicants.

Ms. Saint Andre read through the proposed conditions, stating that the first four are Boiler Plate Conditions. The remaining proposed conditions were recommended by the Planning and Economic Development Board.

Mr. Emero stated that the Blue Rhino display outside of the store does not meet the requirements of

proposed condition #5, and this may have to addressed at a later date.

Mr. Emero noted that the term “business signage” in proposed condition #10 is broad, the Board agreed to change the verbiage to “No additional signage beyond pricing and product information.” Ms. Cole confirmed that the signs on the outdoor display will state only the product name and the prices.

The Board decided to add an 11<sup>th</sup> condition that states that the display is subject to the approval of the fire department, which requires the roof be of a noncombustible material, or the store must have a fire protection plan in place. The applicant’s representatives had no objections to the conditions as discussed.

**Motion to grant the special permit request for 114 Main Street with the conditions set forth, made by Gibb Phenegar, seconded by Christina Oster, passed by a roll call vote of: 5-0**

**Gibb Phenegar – Aye**

**Christina Oster – Aye**

**Tom Emero – Aye**

**Carol Gould - Aye**

**Brian White – Aye**

**Motion to close the public hearing for 114 Main Street and to allow any one Board member to sign the decision made by Gibb Phenegar, seconded by Christina Oster, passed by a roll call vote of: 5-0**

**Gibb Phenegar – Aye**

**Christina Oster – Aye**

**Tom Emero – Aye**

**Carol Gould - Aye**

**Brian White – Aye**

#### **Other Business**

- Discussion and vote: Proposed changes to Zoning Board of Appeals regulations and fee schedule.

The Board discussed the proposed changes to the Zoning Board of Appeals regulations and fee schedule. Ms. Saint Andre noted that the only change in the fee schedule is to eliminate the fee for the determination/finding because we are eliminating the act of determination/finding. None of the fees are changing other than that. Ms. Saint Andre noted that she added the waiver language back into the regulations as requested by the Board members at the prior meeting. Mr. White noted that the reference to orthoimagery was removed, which relates to GIS, and it was decided that it should be put back into the regulations.

**Motion to approve the Town of Medway Zoning Board of Appeals Rules and Regulations with the amendment of fee schedule and orthoimagery made by Gibb Phenegar, seconded by Christina Oster, passed by a roll call vote of: 4-0.**

**Gibb Phenegar – Aye**

**Christina Oster – Aye**

**Tom Emero – Aye**

**Brian White - Aye**

- Discussion: Proposed zoning by-law amendments for November 15, 2021, Town Meeting

The Board discussed the proposed Zoning By-law amendments for the November 15, 2021, Town Meeting. Ms. Saint Andre went over the details of each proposed amendment.

### **Approval of Minutes**

- September 22, 2021

**Motion to approve the minutes for September 22, 2021, as presented made by Gibb seconded Tina passed by a roll call vote of: 4-0**

**Gibb Phenegar – Aye**

**Christina Oster – Aye**

**Tom Emero – Aye**

**Brian White – Aye**

### **Upcoming Meetings**

- October 20, 2021
- November 3, 2021

### **Adjournment**

**Motion to adjourn the meeting at 8:17 p.m. made by Gibb Phenegar, seconded by Christina Oster, passed by a vote of: 4-0**

Items viewed at this meeting:

- Plot Plan for 114 Main Street
- Proposed conditions for 114 Main Street
- Proposed changes to Zoning Board of Appeals Regulations
- Proposed changes to Zoning Board of Appeals fee schedule

Respectfully submitted,

Anna Rice

Administrative Assistant

Community and Economic Development

Edited by

Barbara J. Saint Andre

Director, Community and Economic Development