

Board Members  
Brian White, Chair  
Gibb Phenegar, Vice Chair  
Christina Oster, Clerk  
Joe Barresi, Member  
Tom Emero, Member



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

**Wednesday, December 21, 2022, at 7:30 p.m.**

**Sanford Hall**

**Medway Town Hall**

**155 Village Street Medway, MA**

**MINUTES**

**Members Present:** Brian White, Chair; Christina Oster, Clerk, Joe Barresi, Member; Tom Emero, Member

**Members Participating Remotely:** none

**Members Absent:** Gibb Phenegar, Vice Chair

**Also Present:** Barbara Saint Andre, Director, Community and Economic Development

**Call to Order**

Mr. White called the meeting to order at 7:30 p.m. and stated that this meeting is being recorded by Medway Cable Access.

**3. Other Business**

**10 Old Summer Street** – the application is for a **variance** under Section 6.1 Schedule of Dimensional and Density Regulations to install a pool which would not meeting the minimum setback requirements for AR-II as set out in the Zoning Bylaw.

The applicants, Chris Mikolazyk and Sally Cox, appeared at the public hearing. Mr. Mikolazyk stated that they are seeking a variance from the front setback to install an inground 18 foot x 36 foot vinyl pool. Because this is a corner lot, it makes the side yard subject to a front yard setback requirement. This is the only location where a pool can be built. Due to wetlands on the west side of house, the pool cannot be put there, and due to the septic system in the back yard, the pool cannot be built there. The pool installer will clearly mark the septic system area prior to construction. All debris from construction will be removed by the pool installer. They have also arranged to have the fence re-located to meet property line requirements. He stated that the public good would not be harmed by construction of a pool on a lot of over 22,000 square feet.

Mr. White noted the comments received from town staff, including the need to re-locate the fence outside of the right of way. He stated that the applicant should talk to the Police Chief regarding the fence. He asked if the applicant had arranged for an engineer to mark the septic system. Mr. Mikolazyk stated he spoke to one earlier today.

The Board reviewed the required findings for variance and agreed that all are met.

**With a motion made by Christina Oster, seconded by Tom Emero, the Board finds that the Applicant has met all the required Variance decision criteria.**

Ms. Saint Andre reviewed the Boiler Plate Conditions, as well as the conditions proposed by the Conservation Agent, Health Director, and Building Commissioner, with the Board and the applicant. The applicant had no objections to the proposed conditions.

**Motion to grant the variance request for 10 Old Summer Street with conditions set forth, by Joe Barresi, seconded by Christina Oster, passed by a vote of: 4-0.**

**Motion to close the public hearing for 10 Old Summer Street and to allow any one member of the Board to sign the decision by Joe Barresi, seconded by Christina Oster, passed by a vote of: 4-0.**

### **3. Other Business**

- Discussion and vote on Timber Crest request for surety reduction for Phase IW.

Mounir Tayara was present to discuss the request. Mr. Tayara stated they have almost fully completed the work on Phase 1W-A and 1W-B, the items that are left is the topcoat on the road, which they would like to complete after Phase 2 is near completion due to trucks coming in and out during the rest of the project. There is also signage and additional street painting that needs to be completed, as well as regular maintenance. The Board did not have any comments.

**Motion to approve the request for surety reduction for Phase IW-A from \$229,636.00 to \$118,000, and for Phase 1W-B from \$208,823.00 to \$103,427.00, made by Tom Emero, seconded by Christina Oster, passed by a vote of: 4-0**

- Review and approve the draft 2023 Zoning Board of Appeals meeting schedule.

**Motion to approve the 2023 Zoning Board of Appeals meeting schedule, made by Joe Barresi, seconded by Christina Oster, passed by a vote of: 4-0.**

- Discuss potential Zoning Bylaw amendments for May 2023 Town Meeting.

Ms. Saint Andre stated the Planning and Economic Development Board has a list of potential amendments, including Oak Grove, Zoning Districts, housekeeping, and more – she stated she can bring a more definite list to a future meeting as well. Mr. Barresi suggested potential changes for sidewalk displays to be by right instead of special permit to smooth the process, which can then be checked by the Building Commissioner.

### **4. Approval of Minutes**

- November 2, 2022

**Motion to approve the minutes for the November 2, 2022, meeting, as presented, made by Joe Barresi, seconded by Christina Oster, passed by a vote of 4-0.**

## 5. Upcoming Meetings

- January 4, 2022 – there are no applications for this meeting
- January 18, 2022 – there are no applications for this meeting, the deadline is December 27, 2022.

## 6. Adjournment

**Motion to adjourn the meeting at 7:57 p.m., made by Joe Barresi, seconded by Christina Oster, passed by a vote of 4-0.**

Respectfully submitted,

Anna Rice

Administrative Assistant, Community and Economic Development

Edited by

Barbara J. Saint Andre

Director, Community and Economic Development

### List of Documents Reviewed at Meeting (attached)

1. Plot Plan, 10 Old Summer Street
2. 10 Old Summer Street Draft Conditions