

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



Medway Town Hall  
155 Village Street  
Medway, MA 02053  
Telephone (508) 321-4890  
zoning@townofmedway.org

# TOWN OF MEDWAY

## COMMONWEALTH OF MASSACHUSETTS

### ZONING BOARD OF APPEALS

**Wednesday, December 6, 2023, at 7:30 p.m.**  
**Sanford Hall**  
**155 Village Street**  
**Meeting Minutes**

**Members Present:** Brian White, Chair; Gibb Phenegar, Vice Chair; Christina Oster, Clerk; Joe Barresi; Tom Emero present via Zoom

**Members Absent:** N/A

**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, and that member Tom Emero is participating remotely.

#### **Public hearings**

Mr. White re-opened the public hearing by reading the following public hearing notice:

**305 Village Street (continued from November 15, 2023)** – The application is for the issuance of a **special permit** under Section 5.5 D requesting an extension or change of a pre-existing nonconforming use to allow a contractor's yard in addition to the pre-existing vehicle storage and office space.

Attorney Steve Kenney was present representing Sam Ferrimy, the owner of the property. He submitted an updated site plan to the Board. He explained that this property has a pre-existing nonconforming use, which the Board issued a previous decision on. The owner has leased it to a landscaping company and is asking the Board to extend the nonconforming use to accommodate this business. The contractor does perform snow plowing. He stated there will be no composting, mulch or fueling, no washing of vehicles in the back. He stated that they may need a special permit for the cargo container, and administrative site plan review if the Board approves this petition. They also will need an Order of Conditions from the Conservation Commission, but wanted to apply to the ZBA first.

Mr. Gibb stated that the business has been operating for five months with a cease-and-desist order. Vehicles are starting up at 6:30 a.m., and snow plowing could mean vehicles starting up at all hours of the night. He is concerned this could have a major impact on the surrounding houses. Attorney Kenney stated that they will abide by the 7:00 a.m. to 7:00 p.m. hours for the business if ordered by the Board. Mr. Gibb also noted concerns about spillage near Chicken Brook when trucks come back with materials, the materials being washed off the trucks by rain and going into the ground and into the river.

Mr. White noted that the Board's 2021 decision allowed vehicle storage and office use, which means titled vehicles, not equipment or machinery. He wants Conservation Commission to weigh in first.

Mr. Emero noted that there have not been any complaints from the neighbors about the noise, and there is an autobody shop across the street. Mr. Ferrimy stated that the hours vary, they usually start around 7:00 a.m. He also runs his business from the site. Mr. Barresi agree that he wants to have the Conservation Commission rule on this. Attorney Kenney was concerned about pursuing the Conservation Commission hearing due to the expense, if the Board would not be willing to grant relief. Mr. White stated that protection of the environment is uppermost. Mr. Emero stated that the Board is not bound by any preliminary statements.

The Board would like the petitioner to abide by Conservation Commission orders before moving forward. Dan O’Driscoll, the applicant’s engineer, weighed in stating Conservation piece could possibly be in place by March, 2024. Mr. White would like to continue voting until a later date. Mr. Phenegar suggested continuing to March 26, 2024, ZBA meeting.

**With a motion made by Gibb Phenegar, seconded by Christina Oster, the Board voted by roll call vote 5-0 to continue the public hearing to March, 20, 2024 at 7:30 p.m.**

Gibb Phenegar	Aye
Christina Oster	Aye
Tom Emero	Aye
Joe Barressi	Aye
Brian White	Aye

**3. Other Business:** Review of meeting schedule for 2024

**4. Approval of Minutes**

- November 15, 2023

**Motion to approve the minutes for November 15, 2023, as presented, made by Gibb Phenegar, seconded by Christina Oster, passed by a vote of: 5-0.**

Gibb Phenegar	Aye
Christina Oster	Aye
Tom Emero	Aye
Joe Barressi	Aye
Brian White	Aye

**5. Upcoming Meetings**

- December 20
- January 3

**6. Adjournment**

**Motion to adjourn the meeting at 8:30 p.m. made by Gibb Phenegar, seconded by Christina Oster, passed by a vote of: 5-0.**

Gibb Phenegar	Aye
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<b>Christina Oster</b>	<b>Aye</b>
<b>Tom Emero</b>	<b>Aye</b>
<b>Joe Barressi</b>	<b>Aye</b>
<b>Brian White</b>	<b>Aye</b>

Respectfully submitted,  
Barbara J. Saint Andre  
Director, Community and Economic Development

List of Documents Reviewed at Meeting

1. "Existing Conditions Plan, 305 Village Street, Medway Massachusetts", dated November 10, 2023 prepared by O'Driscoll Land Surveying, Inc