

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



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TOWN OF MEDWAY

COMMONWEALTH OF MASSACHUSETTS

ZONING BOARD OF APPEALS

Wednesday, January 5, 2022 at 7:30 p.m.
Sanford Hall
155 Village Street Medway, MA

Meeting Minutes

Members Present: Brian White, Chair; Gibb Phenegar, Vice Chair; Joe Barresi, Member; Tom Emero, Member

Members Participating Remotely: none

Members Absent: Christina Oster, Clerk

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 7:30 p.m. and stated that this meeting is being recorded by Medway Cable Access.

Public Hearing

12 Walker Street – The application is for the issuance of a **special permit** under Sections 3.4 and 5.4 to construct a two-family dwelling with the appearance of a single-family dwelling.

The applicant, Daniel Lewis, and engineer Jim Pavlik were present to explain the application. Jim Pavlik, also one of the landowners, explained that this is a special permit request for the construction of a two-family dwelling on a 30,000 square foot, and that they meet all the requirements set by the Zoning Bylaw. The lot is located on Walker Street, off Village Street, at the corner of Pearl Street in the AR-II zoning district. Mr. Pavlik explained that it is roughly 400-500 feet from the Charles River. The lots on Pearl Street are vacant land, and behind the property is a former gravel pit that is also vacant. The area of the lot to be disturbed will be 19,700 square feet, which is less than the 20,000 square foot threshold that would require a permit under the Town's Land Disturbance By-law. Mr. Pavlik stated that stormwater will be managed on site by means of roof drains for the two units, and the installation of two rain gardens near the front of the lot. The details for the construction of the rain gardens is shown on the Plans, along with details as to planting species and locations. The lot is currently a hill, which will be leveled off while keeping some of the elevation

Mr. White noted that the Department of Public Works (DPW) will require two separate sewer lines for the dwelling, one for each unit, which is not currently indicated on the plan. Mr. Pavlik stated that the applicant will adjust for this to comply with DPW's requirements. Mr. White also noted that the Conservation Agent would like to verify that the land disturbance remains under 20,000 square feet once

the lot is marked.

Mr. Phenegar asked what the square footage of the building is, Mr. Pavlik stated that the units are around 1,900 square feet each, putting the whole building at under 4,000 square feet.

Mr. Barresi asked if one of the driveways could come in from Pearl Street rather than having both on Walker Street, Mr. Pavlik noted that Pearl Street is not a public way, and therefore is not accessible for this project. Mr. Barresi asked if the rest of the utilities will be separate along with the sewer lines, Mr. Pavlik stated that all the utilities will be separately metered based on each unit.

Mr. White asked if there were any questions or comments from Town Boards, there were none.

Mr. White asked if there were any questions or comments from members of the public. Tyrone Pinkham of 10 Walker Street asked if there is a plan to put up a fence between the new construction and his property. Mr. Pavlik stated that they have not proposed anything yet, but there will be a 15 to 25 foot tree buffer left between the properties. Mr. Barresi noted that when the limit of clearing is staked out the neighbors will be able to see the scope of the work before construction begins.

Bill Conlon of 5 Walker Street noted that there is a rainwater divert next to the street, and that rainwater comes down Walker Street to Pearl Street. Mr. Pavlik stated that there is no plan to change any of these items, as the lot is a bit further down. Mr. Conlon voiced concern over ground water not being able to seep into the ground after the driveways are put in, Mr. Pavlik noted that the pipe does not end on the lot and continues down Walker Street. Mr. Pavlik also noted that there is a catch basin in front of 10 Walker Street. Mr. Pavlik stated that the lot is currently elevated above the road, so there is no runoff from the street to the property, and although they will be leveling the lot, it will still have a slight elevation from the road, preventing run off onto the property, and continuing the current conditions. Mr. Barresi also noted that there will be rain gardens at the front of the property. Mr. White noted that all these stormwater conditions will be managed through the decision as to not impact the surrounding lots or sewer lines.

Mr. Conlon asked if the two driveways to be added to the property would affect the road, Mr. White noted that there is no requirement for a traffic study for a project this side, and that based on experience, this addition of driveways will most likely not affect the traffic.

Mr. Conlon asked if the trees being removed needed to be approved due to Walker Street being a scenic road. Ms. Saint Andre noted that on a scenic road, a tree in the public way cannot be removed or a stone wall altered without permission from the Planning and Economic Development Board. Mr. Pavlik noted that there are no trees within the layout or public way, they are all contained to the lot. Mr. Pinkham asked how far back the structure will be from the road, Mr. Pavlik stated it is about 50 feet.

Ms. Saint Andre noted that DPW will require separate water and sewer connections for each unit, which will be added to the conditions. She also mentioned that prior to any clearing on the property, the limit of disturbance should be marked and checked by the Conservation Agent to ensure it is within the 20,000 square foot limit, which will also be a condition.

Ms. Saint Andre also noted that stormwater must be kept on the site.

Mr. White asked the applicants if they had any objections to putting up a fence between the properties of 10 and 12 Walker, and Mr. Lewis stated he had no objection. Mr. Pinkham agreed that he would like a fence between the properties. Mr. White noted it will be added to the conditions.

The Board reviewed and discussed the Special Permit Criteria for a two-family dwelling with the appearance of a single-family dwelling under Section 3.4.

With a motion made by Gibb Phenegar, seconded by Tom Emero, the Board finds that the Applicant has met all the required special permit criteria by a vote of: 4-0

The Board discussed conditions of approval. Ms. Saint Andre read through the boilerplate conditions. Mr. White noted that the northerly fence should end and begin anywhere within 20 feet of the eastern and western lot lines.

Motion to grant the special permit request for 12 Walker Street with conditions set forth, by Gibb Phenegar, seconded by Tom Emero, passed by a vote of: 4-0

Motion to close the public hearing for 12 Walker Street and allow any one Board member to sign the decision, by Gibb Phenegar, seconded by Tom Emero, passed by a vote of: 4-0

Other Business

- **Discussion on Memo from Carol Pratt, Joanna Russo, and Donna Greenwood to PEDB and ZBA dated 12/3/2021**

Ms. Saint Andre explained the memo relates to the creation of small, separate lots for drainage when approving subdivisions. She noted that it mostly will affect the Planning and Economic Development Board, as it relates to subdivisions, but can also affect the Zoning Board if there is a comprehensive permit application that is a subdivision, such as Timber Crest. The Town is required to tax all parcels, including these small parcels, and once the developer is finished selling off the lots, the taxes often are no longer paid. If the Town accepts the streets in the subdivision, the Town will also accept the drainage parcels, and then there is not an issue with the taxes. If not, the Town then has to go through a long and expensive foreclosure action. The Board discussed possibilities to resolve the issues relating to the affected parcels, as well as how to prevent the issue from happening at the beginning of the project planning process.

- **Discussion on potential Zoning Bylaw Amendments to be considered at the annual Town meeting in May.**

The Board does not currently have any suggestions for Zoning Bylaw amendments.

The Board decided to continue meeting in person and having Zoom as an option for members and participants, so long as there is a quorum in person.

Approval of Minutes

- December 1, 2021

Motion to approve the minutes for December 1, 2021, as presented made by Gibb Phenegar, seconded by Tom Emero, passed by a vote of: 4-0

Upcoming Meetings

- January 19, 2022 – There are no applications for January 19, 2022.
- February 2, 2022 – There will be a variance application for 1 High Street.

Adjournment

The Chair adjourned the meeting at 8:31 p.m., the action is non debatable.

Respectfully submitted,

Anna Rice
Administrative Assistant
Community and Economic Development

List of Documents Reviewed at Meeting

1. Existing Conditions Plan on 12 Walker Street, dated November 12, 2021.
2. Grading & Utilities Plan dated November 12, 2021.
3. Landscape Plan for 12 Walker Street dated November 12, 2021
4. Architectural Plans for 12 Walker Street, undated.
5. Memo regarding PEDB-ZBA Development Planning from Carol Pratt, Finance Director; Donna Greenwood, Principal Assessor; and Joanne Russo, Treasurer/Collector, dated December 3, 2021.