

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, February 1, 2023, at 7:30 p.m.

Sanford Hall

Medway Town Hall

155 Village Street Medway, MA

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; Bridget Graziano, Conservation Agent (remote); 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.

3. Other Business

21 High Street – the application is for the issuance of a **special permit** under Section 3.4, Special Permits, and Section 5.4, Table 1: Schedule of Uses of the Zoning Bylaw to add an addition to the existing home, to create a two-family dwelling that has the exterior appearance of a single-family dwelling on the lot.

Michael Larkin of Medway Development LLC was present to discuss the application. Mr. Larkin stated there used to be a barn behind and attached to the existing home, which was demolished with approval from the town, and that they are currently rehabilitating the inside of the existing dwelling. Mr. Larkin stated he is proposing to add a 24 x 46 sq. ft. addition to the back of the existing dwelling. Mr. Larkin reviewed potential exterior design choices for the proposed addition and showed the plans for the project. Mr. White asked if there were any images of the property from the south, Mr. Larkin stated he does not have photos from that angle.

Mr. White expressed concern that the massing of the new rear addition seems significantly smaller on the plot plan than it does on the proposed elevations plan, he noted the renderings seem to be not to scale.

Bridget Graziano, Conservation Agent, was present to discuss an existing Enforcement Order put on the

property by the Conservation Commission Ms. Graziano explained that the Enforcement Order was issued when the property was expected to be developed as a multi-unit lot, and the conditions of the Order have not been met or followed up on. Ms. Graziano noted there are stockpiles of materials from other construction sites on the lot, which are outside of the Conservation Commission's jurisdiction, but may exceed the limits in the Land Disturbance bylaw depending on the location of the piles. There are wetlands on the property, but the proposed work for a 2-family dwelling is outside of the buffer zone, and therefore does not fall under the Conservation Commission's jurisdiction. Ms. Graziano noted that any work exceeding 20,000 square feet requires a Land Disturbance permit from the Conservation Commission. Ms. Graziano stated that the dirt piles are still currently present on the site, and she is concerned with the fill materials, and encouraged the ZBA to enforce some level of testing on these materials to determine if they are from an approved site. Ms. Graziano suggested drafting a new plan showing the limit of work for the project, location of fill material, all proposed impervious surface including parking spaces. The plan should also show grading to make sure there will be no runoff from the site to the roadway.

Mr. White asked if any work had been completed related to the Enforcement Order on the property, Ms. Graziano stated she has not been contacted by the property owner to check if any work has been completed. Mr. Larkin noted that the only item not addressed on the property was installing granite bounds to mark the wetland lines, and that he will contact Ms. Graziano for a site visit.

Mr. White stated he would like to see more information from the Applicant to decide. Mr. Phenegar agreed that more information was needed and stated he would like to see Ms. Graziano invited to the property for a site visit. Mr. Larkin asked if conservation needed to be brought into the conversation for the special permit application since all the proposed work will occur outside of the buffer zone. Mr. White stated it would be best to wrap up any outstanding issues with other Town Boards to ensure a smooth process for the application.

Mr. White stated he would like to see a more detailed plan with some indication as to where further development would occur in the future, as the Applicant is planning to further develop the lot. Mr. White stated a new plan should show potential phasing for the lot, just so the Board has an idea of what the general plans for the property are. Mr. White also stated they would like to see elevation plans for all sides of the proposed 2-family home. Ms. Saint Andre stated that if the Board grants a special permit for the property, that special permit would apply for the entire lot – if the Applicant then wishes to further develop the property, they will have to come back before the Board to modify the special permit. Mr. Barresi stated he would like to see existing and proposed impervious surfaces on the revised plans. Ms. Saint Andre stated there should be a landscaping plan as well. Mr. Barresi asked if the stone wall in front of the dwelling would remain, Mr. Larkin confirmed that it would.

Mr. Barresi asked if the Applicant had all the information from the Conservation Commission, Mr. Larkin confirmed they have the information and will be moving forward with next steps. Ms. Saint Andre noted that a Notice of Intent is not necessary for this application as all the work is outside of the Conservation Commission's jurisdiction, but the Enforcement Order still stands. Mr. Barresi and Mr. White stated they would like to see the Applicant comply with the Enforcement Order from the Conservation Commission. Ms. Saint Andre noted that members of the Zoning Board could conduct a site visit at the property if desired.

Caren Carew, 18 High Street, asked if the work for this application was just for the front corner of the lot, and if phase 2 is being proposed. Mr. White clarified that the only application for this hearing is for a 2-family dwelling, and no further proposals have been submitted. Ms. Carew asked if there was a reason the dwelling already has two mailboxes and asked about the frontage of the lot as the lot lines are shaped oddly. Mr. White stated that the structure was built in the 1880s so it is likely a pre-existing non-conforming structure, and the frontage should not be affected by new construction behind the existing dwelling. Ms. Carew stated that the neighboring lot, 19A High Street, had to have the lot lines changed to meet the 30' frontage requirement for a new build. She stated to meet the frontage requirements, they had to cut at a diagonal in front of the 21 High Street parcel, as shown on the plot plan.

Ms. Saint Andre pointed out the lot line shaping at the east corner of the lot as shown on the plot plan, Mr. Larkin stated that change in lot line was made in 2018 and was approved by the Town before he owned the parcel. Ms. Saint Andre stated that would mean there is a 15' setback created in 2018, which may be nonconforming. Ms. Saint Andre stated if this is the case, they may need a variance, which will be investigated before a decision is made.

Ms. Carew asked if the historic stone wall would remain, Mr. Larkin confirmed that it would. Ms. Carew noted that the original barn could not be seen from the road, is wondering if the new structure will be able to be seen from the street, behind the original dwelling. Mr. White stated that Mr. Larkin confirmed in an email that the height of the building would not be increased.

Ms. Carew shared that originally the Applicant had proposed two or three multi-unit structures, which would be dense, and asked that if the lot continues to be developed would the additional density be consider when planning for the second phase of the project. Mr. White stated the Board can only review the special permit application that has been submitted to them, and that now, the Zoning Board does not have further control, and a future application would likely go to the Planning and Economic Development Board.

Mohamed Shamog, 19A High Street, asked if there were any plans for landscaping or vegetation, specifically in the back of the property, which his property abuts. Mr. Larkin stated he will create a landscape plan and will work with Mr. Shamog to make sure any concerns are addressed.

Ms. Saint Andre noted there was an email from Nolan Lynch, Superintendent of Highway, regarding additional curb cuts; Mr. Larkin stated there is no plan for additional curb cuts with this application.

Motion to continue the public hearing for 21 High Street to March 1, 2023, at 7:30 p.m., made by Gibb Phenegar, seconded by Tom Emero, passed by a vote of 4-0.

Ms. Saint Andre noted materials for the continuation should be submitted a week before the hearing.

3. Other Business

- 39 Main Street – Ms. Saint Andre stated one of the conditions of the comprehensive permit for 39 Main

Street was to submit a letter certifying that the portion of the project has been constructed in compliance with the Final Plans in all material respects, which has been submitted to the Board for Phase I.

4. Approval of Minutes

- December 21, 2022

Motion to approve the minutes from December 21, 2022, as presented, made by Gibb Phenegar, seconded by Tom Emero, passed 3-0.

5. Upcoming Meetings

- February 15 – 119 Village Street

6. Adjournment

Motion to adjourn the meeting at 8:43 p.m., made by Gibb Phenegar, seconded by Tom Emero, passed by a vote of 4-0.

Respectfully submitted,

Anna Rice

Administrative Assistant, Community and Economic Development

List of Documents Reviewed at Meeting (attached)

1. Plot plan for 21 High Street titled “Proposed Addition Plan of Land” by Colonial Engineering, Inc., dated February 1, 2023.
2. 21 High Street Assessor’s Card Plan.
3. 21 High Street Pre-demolition pictures.
4. 21 High Street Existing condition photos.
5. Proposed Elevations plan by Philippe Thibault Architect, LLC, undated.
6. 21 High Street Sample Elevation Renderings.