

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, February 16, 2022, 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; Joe Barresi, Member; Tom Emero, Member

Members Participating Remotely: none

Members Absent: none

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 7:32 p.m. and stated that this meeting is being recorded by Medway Cable Access.

Public Hearing

6 Spring Street - The application is for a **modification** of the special permit granted September 22, 2021, to construct an Accessory Family Dwelling Unit to be included in a proposed addition to the existing dwelling; the modification is requested to reduce the dimensions of the addition.

The Applicants, Lesley and John Kinney, were present, and their designer, Annie Hurwitz, participated via Zoom. Ms. Kinney explained the application for a modification, stating that they are looking to reduce the dimensions of the project, by about 220 square feet. Ms. Hurwitz added that the plans are similar to the previously approved plans; they reduced the scope of the width of the addition, as well as adding a connector area between the principal dwelling unit and the AFDU, which will ease the construction and make it more cost effective. The decrease in dimension will also simplify the construction and make it more aesthetically pleasing. Ms. Hurwitz also stated that the setbacks and elevations are similar to what was approved.

Gibb Phenegar stated that he had no problem with the application, as the Applicants are requesting to reduce dimensions, rather than increase and encroach on any setbacks required. Brian White agreed, Christina Oster noted that Ms. Hurwitz did a great job with the design.

With a motion made by Gibb Phenegar, seconded by Christina Oster, the Board finds that the modification request meets the criteria of Section 8.2 AFDU and for a special permit under Section 3.4, passed by a vote of: 4-0.

Barbara Saint Andre explained the change in condition #6 on the approved Decision from September 2021. The current condition states that if there is any change in dimension, an applicant must come back to the Board for approval. The proposed condition would be as follows:

“The dimensions shall not be changed without Board approval, except that minor changes in dimension that do not increase the size of the addition or encroach on any required setback may be allowed by the Building Commissioner as field changes.”

The Board agreed that this condition should be changed for this application, and in all applications going forward.

Motion to accept the change to the condition, made by Gibb Phenegar, seconded by Christina Oster, passed by a vote of: 4-0.

Motion to grant the modification request for 6 Spring Street special permit granted on September 22, 2021, to reflect the adjusted dimensions as shown on “Kinney: Residence: Proposed first floor plan revised 1/20/2022,” prepare by A.E. Hurwitz Design. All other provisions and conditions set forth in this Board’s decision dated September 22, 2021, remain in full force and effect except as specifically modified by this Decision and are incorporated herein as if set forth in full, made by Gibb Phenegar, seconded by Christina Oster, passed by a vote of: 4-0.

Motion to close the public hearing for 6 Spring Street and allow any one Board member to sign the decision, by Gibb Phenegar, seconded by Christina Oster, passed by a vote of: 4-0.

21 Hooksett Circle – The application is for a **special permit** under Section 8.2 of the Zoning Bylaw to construct an Accessory Family Dwelling Unit (AFDU) as an addition on the back of the existing home.

The Applicants, Erica and Jeffery Morse, were present, and their contractor, Mike Chaisson, participated via Zoom. Ms. Morse explained the application, stating that they moved to Medway in 2017 with the intent to stay in town, and that her mother, who lives out of state, is going to permanently live with them to help take care of their son. Ms. Morse stated that they will be adding a single-car garage as well as an apartment that is 784 square feet, which will connect to the principal dwelling through an additional space to be added during construction. She noted that since the AFDU will be on the back of the principal dwelling unit, it will not be seen from the street, giving the appearance that has always been there. Ms. Morse also noted that there was a question from an abutter that they answered through email. The abutter stated that when they were constructing a pool in their own yard, their contractor discovered ledge, causing them to have to work around this. Ms. Morse stated that they have a plan in place if this were to happen during their construction, and that there will be no blasting.

Mr. Phenegar stated that he has no issue with the application, especially since the proposal is under 800 square feet, therefore meeting the requirements of constructing an AFDU under Section 8.2 of the Zoning Bylaw. Ms. Oster stated that the design is well done and noted that it is nice that it will not be visible from the street. Mr. White stated that he feels the application meets the criteria under Section 8.2 to construct an AFDU.

With a motion made by Gibb Phenegar, seconded by Christina Oster, the Board finds that the Applicant has met all the required Accessory Family Dwelling Unit decision criteria as listed in Section 8.2 of the Zoning Bylaw, passed by a vote of: 4-0.

Mr. White then read through each of the special permit criteria for Section 3.4.

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

Ms. Saint Andre reviewed the Boilerplate Conditions for an Accessory Family Dwelling Unit. The Applicants had no objections to the conditions. The Board had no additional conditions.

* Note: Joe Barresi, Member, joined the meeting at 7:50 p.m.

Motion to grant the special permit request for 21 Hooksett Street with conditions set forth, by Gibb Phenegar, seconded by Christina Oster, passed by a vote of: 4-0.

Motion to close the public hearing for 21 Hooksett Circle and allow any one Board member to sign the decision made by Gibb Phenegar, seconded by Christina Oster, passed by a vote of: 4-0.

1 High Street (continuation from February 2, 2022) – The application is for the issuance of a **variance** under Section 6.1 Schedule of Dimensional and Density Regulations for a 9,958 square foot lot where 10,000 square feet is required, and a **use variance** under Section 5.4 Schedule of Uses, to construct a two-family dwelling with the appearance of a single-family dwelling, which is not an allowed use in the VC district.

Mr. White stated that the Applicant requested the public hearing be continued to the March 16, 2022, meeting.

Motion to continue the public hearing for 1 High Street to March 16, 2022, at 7:30 p.m., by Gibb Phenegar, seconded by Christina Oster, passed by a vote of: 5-0.

Tom Emero and Joe Barresi both noted that they may not be able to attend the March 16th meeting but will update the Board as the date gets closer.

Other Business

- Review and approve the Board's Calendar Year 2021 Annual Report

Motion to approve the Calendar Year 2021 Annual Report made by Gibb Phenegar, seconded by Christina Oster, passed by a vote of: 5-0.

Approval of Minutes

- February 2, 2022

Motion to approve the minutes for February 2, 2022, as presented, made by Gibb Phenegar, seconded by Christina Oster, passed by a vote of: 5-0.

Upcoming Meetings

- March 2, 2022 – There will be no meeting on this date.
- March 16, 2022 – The public hearing for 1 High Street will continue to this date; more applications may be received prior to the February 18th deadline.

Adjournment

Motion to adjourn the meeting at 8:01 p.m. made by Gibb Phenegar, seconded by Christina Oster, passed by a vote of: 5-0.

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

1. "Certified Plot Plan 6 Spring Street, Medway, Massachusetts," dated July 16, 2021, latest revision dated January 26, 2022, showing proposed addition as requested by the modification, dated January 26, 2022 (the Plan).
2. Proposed First Floor Plan Revised (6 Spring Street), A.E. Hurwitz Design, dated January 20, 2022 (Architectural Plans).
3. Revised Proposed Elevations (6 Spring Street), A.E. Hurwitz Design, dated January 20, 2022 (Architectural Plans).
4. Floor plans for the Accessory Family Dwelling Unit (21 Hooksett Circle), undated.
5. "Proposed Addition Plan of Land in Medway, MA" for 21 Hooksett Circle, by Colonial Engineering, Inc., dated January 11, 2022.
6. Current and proposed elevations (21 Hooksett Circle), undated.