

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, March 15, 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; Clerk; Joe Barresi, Member; Tom Emero, Member

Members Participating Remotely: Christina Oster, Clerk

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 7:33 p.m. and stated that this meeting is being recorded by Medway Cable Access. Mr. White stated that Christina Oster, Clerk, was participating remotely.

Public hearings

21 High Street (continued from February 1, 2023) – 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.

The Applicant has requested that the public hearing be continued to April 5, 2023.

Motion to continue the public hearing for 21 High Street to April 5, 2023, at 7:30 p.m., made by Gibb Phenegar, seconded by Gibb Phenegar, passed by a roll call vote: 5-0.

Joe Barresi – Aye

Tom Emero – Aye

Christina Oster – Aye

Gibb Phenegar – Aye

Brian White – Aye

3. Other Business (item taken out of order)

- Glen Brook request for finding of insubstantial modification of comprehensive permit.

The Board did not have any comments on the request for finding of insubstantial modification of the

comprehensive permit to add Electric Vehicle Charging stations in the parking lot.

With a motion made by Gibb Phenegar, seconded by Tom Emero, the Board finds that the proposed modification is an insubstantial modification by a roll call vote: 5-0.

Joe Barresi – Aye

Tom Emero – Aye

Christina Oster – Aye

Gibb Phenegar – Aye

Brian White - Aye

Public Hearing: 7 Sanford Street – The application is for the issuance of a **variance and/or special permit** under Section 5.4, Table 1: Schedule of Uses and Section 5.5 of the Zoning Bylaw to convert the use of the existing barn and adjoining area into 4 dwelling units, on a lot that already has 2 dwelling units in the existing home.

Danielle Justo, Esq., was present to discuss the application. The owners of the property were present in the audience, and Brian Donahue, the architect for the project, was present via Zoom. Attorney Justo explained that the applicant, 7 Sanford St., LLC, intends to maintain the original home's two units, and convert the barn and adjoining area into 4 additional dwelling units, for a total of 6 dwelling units. The structure is currently a two-family dwelling on a 0.53-acre lot in the Village Commercial district, as well as the Multifamily Housing Overlay District. Attorney Justo stated they have also presented to the Planning and Economic Development Board (PEDB) on February 28, 2023. They are also on the Historical Commission's agenda for March 22, 2023 and have already presented to the Design Review Committee.

Attorney Justo stated the applicant is asking for relief from the 30,000 sq. ft. minimum lot size requirement for multifamily housing under Section 5.6.4.C.5 of the MHOD bylaw. She stated that a hardship exists because the property is bounded by four streets, making it extremely difficult to do any work to expand the size of the lot. She also noted the extensive slope of the lot, and the placement of the existing buildings as a hardship. She noted that the proposed use will not be a substantial detriment, and is in keeping with the intent of the bylaw. The applicant is also seeking a determination under Section 5.5.D for a change in a pre-existing nonconforming use from two-family use to multifamily use of up to six units. The MHOD Bylaw states that for lots under one acre, the density for a multifamily building "shall not exceed its relative portion of an acre of Land Available for Development," limiting the site, which has only 0.53-acre, to no more than 4 dwelling units. Attorney Justo stated they believe the lot and home structure both predate zoning, but there are no town assessor records prior to 1982.

Mr. Donahue went through the existing conditions and the proposed plans for the project. Mr. Donahue showed the topographic map of the existing conditions and explained that the plan is to keep the existing footprint of the building and square off the adjoining area between the home and the barn. He stated that the existing building is 2.5 stories, with the highest point of the structure being 30 feet from the grade. Mr. Donahue showed the site plan for the proposed addition, as well as the proposed driveways with a total of 15 parking spaces on the lot, 5 spaces on the western side of the building and 8 spaces on the eastern side plus the garage. Mr. Donahue showed the landscaping plan for the lot, which includes a proposed 4- to 5-foot-tall hedge along the eastern side of the lot, to prevent headlights in the driveway from shining into Mansion Street and the dwellings across the road. Mr. Donahue reviewed the

floor plan for the 6 units, including a shared trash room, and individual storage spaces for each unit. Mr. Donahue explained that they are proposing to raise the pitch of the roof to make the top floor livable, as it is currently an attic – he stated that he has discussed this with John Ackley, Building Commissioner. Mr. Donahue also showed the architectural renderings, as well as the surveyed plot plan – he stated the proposed addition is 270 sq. ft., making the proposed lot coverage 17.7% with 61.9% open space.

Attorney Justo stated the proposed changes would not be detrimental to the neighborhood as the footprint of the building will not be much larger, they will be providing off-street parking, and there will be no additional egresses to the parking areas to the streets; the driveways will remain where they currently are.

Ms. Oster asked if the water and sewer lines would be upgraded for the project, Mr. Donahue stated there is a civil engineer working on the project doing the drainage system for the site, and they will be locating the utilities and working with the DPW to make sure that water and sewer are adequate for the number of units.

Mr. Phenegar asked if the proposed ridge line is lower than the existing house, Mr. Donahue said it is. Mr. Phenegar noted that the roof will be raised 8 feet to accommodate for an additional floor and asked if the total ridge line would remain the same – Mr. Donahue confirmed that it would remain the same. Mr. White noted there is no note on the plan that gives the height for both sides of the structure and asked if any part of the new building will be taller than the old building – Mr. Donahue confirmed that it is lower. Mr. Phenegar stated he agrees that the pitch of the existing home and the existing barn should not be even, as shown on the plans.

Mr. Phenegar stated he would like to see the storm water plans for the property, Attorney Justo stated that Mr. Donahue is working with the project civil engineer to gather that information to bring to the PEDB, Mr. Donahue stated that test pits are to be done this week to check soil conditions and groundwater issues, and are planning on doing a full drainage calculation. Mr. Donahue stated the Applicant is in favor of controlling the storm water as rainwater currently goes into the lower level of the barn. Mr. Donahue stated the storm water calculations can be forwarded to the ZBA.

Mr. White stated the Board's options for reviewing the application, stating the ZBA could grant a variance and send the project back to the PEDB, grant a variance and complete the site plan as a Board, or deny the application. Mr. White confirmed that the applicant is presenting this project with the intention of bringing it back to the PEDB. Attorney Justo stated they are looking for a determination for a non-conforming use, and a variance from the 30,000 sq. ft. requirement for multifamily housing.

Mr. White asked if the project must go back to the PEDB. Ms. Saint Andre stated that to go the PEDB, the applicant will need a variance from the ZBA for the dimensional requirements, and in addition to that, they will need a variance for 6 units, as 4 units is the maximum density. Ms. Saint Andre stated with those two variances, the applicant could go back to the PEDB under the Multifamily Housing Overlay District and continue the special permit application. Ms. Saint Andre stated the other option would be for the ZBA to grant the variance and grant a special permit under Section 5.5 for a non-conforming use and take on the site plan as a Board.

Mr. Emero asked how the applicant would like to proceed, Attorney Justo stated they would like to request a variance for the dimensional regulations and a special permit for the non-conforming use and return to the PEDB for the site plan work. Mr. Phenegar stated he believes the ZBA should take this route, as the PEDB has already put work into the site plan process. Mr. Emero stated he believes the ZBA should proceed as the applicant has requested. Ms. Saint Andre noted that the Board could approve the variances and make it a condition in the decision that the Applicant must go back to the PEDB for a multifamily special permit.

The Board discussed the possibility on deciding under Section 5.5.D. Ms. Saint Andre stated that normally in the Multifamily Housing Overlay District, the PEDB would make the determination on how many dwelling units can be on the lot, and that Attorney Justo is asking the ZBA to make that determination. Mr. Barresi suggested the Board grant the variances and grant a maximum of 6 units but allow the PEDB have the final say. Mr. White stated that if the ZBA allows 6 units, it removes the possibility of the PEDB lowered that number. Ms. Saint Andre stated the ZBA could grant a variance from the density requirements and have the PEDB do the special permit – Mr. Phenegar stated he would prefer this route as it gives the PEDB more control since they have been working on the project. Mr. Emero noted that he was impressed by the plans and thinks the proposal would be good for the area.

The Board decided to discuss the two variances, Attorney Justo also asked for review of the determination under Section 5.5.D. The board reviewed the variance criteria in the Zoning Bylaw, and agreed the application meets the criteria.

Motion to find that the applicant meets the variance criteria under Section 5.4, made by Gibb Phenegar, seconded by Tom Emero, passed by a roll call vote: 5-0.

Joe Barresi – Aye

Tom Emero – Aye

Christina Oster – Aye

Gibb Phenegar – Aye

Brian White - Aye

The Board discussed whether the applicant had established a legally pre-existing, nonconforming use of the site.

Motion to find that the applicant has established a legally pre-existing, non-conforming use of the premises, as a two-family dwelling, made by Gibb Phenegar, seconded by Tom Emero, passed by a roll call vote: 5-0.

Joe Barresi – Aye

Tom Emero – Aye

Christina Oster – Aye

Gibb Phenegar – Aye

Brian White - Aye

The Board reviewed whether the change in the nonconforming use would be substantially more

detrimental to the neighborhood under Section 5.5.D.

Motion to find that the proposed change in use from a 2-family dwelling to a 6-unit dwelling will not be substantially more detrimental to the neighborhood, made by Gibb Phenegar, seconded by Tom Emero, passed by a roll call vote: 5-0.

Joe Barresi – Aye

Tom Emero – Aye

Christina Oster – Aye

Gibb Phenegar – Aye

Brian White – Aye

Ms. Saint Andre reviewed the Boiler Plate Conditions for the decision, the Board and the Applicant agreed on adding a condition stating the special permit and variances are subject to obtaining site plan approval and a multifamily special permit from the Planning and Economic Development Board.

Motion to grant the applicant a variance and special permit, with conditions, made by Gibb Phenegar, seconded by Tom Emero, passed by a roll call vote: 5-0.

Joe Barresi – Aye

Tom Emero – Aye

Christina Oster – Aye

Gibb Phenegar – Aye

Brian White - Aye

Motion to close the public hearing for 7 Sanford Street and allow any one member of the Board to sign the decision, made by Gibb Phenegar, seconded by Tom Emero, passed by a roll call vote: 5-0.

Joe Barresi – Aye

Tom Emero – Aye

Christina Oster – Aye

Gibb Phenegar – Aye

Brian White – Aye

3. Other Business

- Conflict of Interest training reminder.

4. Approval of Minutes

- March 1, 2023

Motion to approve the minutes for March 1, 2023, as presented made by Gibb Phenegar, seconded by Tom Emero, passed by a roll call vote: 5-0.

Joe Barresi – Aye

Tom Emero – Aye

Christina Oster – Aye

Gibb Phenegar – Aye

Brian White - Aye

5. Upcoming Meetings

- April 5th
 - 21 High Street Continuation
 - 67C Main Street (Supreme Pizza) sign variance
- April 19th

6. Adjournment

Motion to adjourn the meeting at 8:56 p.m. made by Gibb Phenegar, seconded by Tom Emero, adjournment declared by Chair.

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

- Plans Showing Existing Conditions for 7 Sanford Street, by D. O'Brien Land Surveying, dated 2/10/2023.
- Photos of the existing structure.
- 7 Sanford Street Landscaping Plan by Hawk Design, Inc., dated 2/23/2023.
- Plan set titled "Apartment Renovations," by Donahue Architects, Inc.:
 - Existing elevations dated 1/23/2023.
 - Site Plan dated 2/23/2023.
 - Lower floor plan dated 10/7/2022.
 - Level 2 floor plan dated 10/7/2022.
 - Level 3 floor plan dated 7/20/2022.
 - South & North Elevations dated 10/7/2022.
 - East and West Elevations dated 10/7/2022.
 - Rendered views dated 10/7/2022.