

**Town of Medway  
Zoning Board of Appeals Meeting  
Sanford Hall, Town Hall  
155 Village Street, Medway**

**MINUTES OF MEETING  
April 6, 2016**

David Cole, Chairman, called the meeting to order at 7:35p.m. Attending Board members were Ms. Gould, Clerk (arrived 7:45pm); Mr. Arbeene; Mr. Kennedy; and Mr. White.

**Citizen Comments**

There were no members of the public that wished to make comments.

**Any other business**

Ms. Mercandetti reviewed the proposed changes to the Accessory Family Dwelling Unit bylaw which included revisions requested by the Board.

***A motion to support and co-sponsor Article 28 before Town Meeting was made by Chairman Cole, seconded by Mr. White and passed 4-0-0.***

Ms. Mercandetti explained to the Board the request for an extension provided by the applicant to open the public hearing on the proposed Timber Crest Estates project on May 4<sup>th</sup> at 8:00pm.

***A motion to accept the stipulation for the extension by the applicant for Timber Crest Estates for the 40B comprehensive permit and set the hearing for the matter on May 4<sup>th</sup> at 8:00pm was made by Chairman Cole, seconded by Mr. Kennedy and passed 4-0-0.***

Ms. Mercandetti informed the Board that while she has received verbally the award of 40B technical assistance from MA Housing Partnership, the written notification has not yet been received. The acceptance of the technical assistance requires authorization for the Chairman to sign. This item will be on the next meeting agenda.

**Approval of Minutes**

***A motion to accept the Minutes of the February 17, 2016 meeting as written was made by Mr. White, seconded by Mr. Kennedy and passed 4-0-0.***

**Public Hearings**

**7:45PM - Public hearings for Steve Linnell for a Special Permit under Section 8.3 of the Zoning Bylaw to allow for a construction business to operate on the property; a Variance from Section 5.4 of the Zoning Bylaw to allow for an additional dwelling unit; and a Variance from Section 6.1 of the Zoning Bylaw to allow for a 10ft side setback where a minimum of 15ft is required for an existing deck on the property located at 180 Main Street, Medway, MA.**

The Board is in receipt of the following documents:

- Special Permit and Variance Applications stamped by the Town Clerk and Board of Appeals on March 14, 2016.
- Certified Plot Plan, dated March 10, 2016, prepared by Summit Engineering & Surveying, Inc.
- Elevations, Roof Framing and Foundation Plans, dated May 20, 2003, drawn by J.D.B., Company Unknown, provided by Mr. Steve Linnell.
- Hand drawn sketch noting distances to adjacent structures provided by Mr. Steve Linnell
- Letter from Building Commissioner Jack Mee, dated April 4, 2016
- Letter from Steve and Ellen Wettengel

The Board moved to hear the applications of Steve Linnell. The applicant, Steve Linnell, was present to discuss the requests with the Board.

Mr. Linnell declined the opportunity to provide an opening statement.

Chairman Cole discussed the present arrangement on the lot with the existing house facing Main Street, a garage in the northeast corner and another garage in the northwest corner. Chairman Cole explained that more than one dwelling per lot is prohibited unless authorized by another provision in the Zoning Bylaw and then inquired to what the deck was being attached to.

Mr. Linnell explained that he bought the house with the four units existing and one garage. He then built a second garage with the second floor for office and rec room. He never sought an occupancy permit.

Ms. Mercandetti clarified the two requests for variances for the Board.

Mr. Linnell stated that he is working with the Building Department on a number of items including utilities. He restated that the permit from the Building Department was to build a garage for storage with office and rec room above. He has been living on the second floor above the garage for seven years.

Chairman Cole doesn't have an issue with the deck but is concerned about the fifth dwelling unit. He reviewed the distance of adjacent structures as he noted that the Board takes into consideration the residential uses around the area.

DC – buildings well away from each other; nearest structure to the deck. Next building is sufficiently set back from the lot.

Chairman Cole noted that the Board has received a letter from the Building Commissioner, dated April 4, 2016, and a letter and photos from an abutter dated, April 5, 2016, and entered both into the record for the public hearing on the applications.

Chairman Cole asked for any comments or questions from members of the public.

An abutter of 181 Main Street commented on the need for the 5<sup>th</sup> dwelling unit and stated that there is already four.

Mr. Kennedy asked if all the units were occupied. Mr. Linnell responded yes.

Steven Houde of 184 Main Street commented on the character of the neighborhood and being the Rabbit Hill district. He said that it is mainly single family homes with the exception of this property.

Mr. Linnell inquired about the provision relating to in-law apartments. Chairman Cole responded that such bylaw imposes a stringent requirement where there must be a familial relationship between the primary unit and the accessory family dwelling unit. This situation is not applicable.

***A motion to close the hearing on the application for the variances for 180 Main Street was made by Chairman Cole, seconded by Mr. Kennedy and passed 5-0-0.***

***A motion to hold deliberations on this application at the April 20, 2016 meeting was made by Mr. Arbeene, seconded by Mr. Cole and passed 5-0-0.***

Chairman Cole then discussed the application for the special permit for the home-based business. He mentioned the criteria in Section 8.3 of the Zoning Bylaw. He inquired which of the criteria Mr. Linnell is varying from that requires a special permit. As an example, the bylaw specifies no outside parking of more than two commercial vehicles. If the applicant wishes to park three commercial vehicles then a special permit would be required and the Board may specify conditions or limitations.

Mr. Linnell asked if he needed to refile. Chairman Cole responded no but the existing application provides inadequate information and fails to specify which criteria in Section 8.3 the applicant wishes to go beyond the basic requirements. The Board needs to be provided with this information and requested that the applicant provide those particular details.

Mr. Linnell said he feels he adequately meets the requirements of Section 8.3. Chairman Cole responded if that is the case then the applicant could withdraw if need be.

Mr. White asked the nature of the business. Mr. Linnell responded construction.

Mr. White suggested the applicant go through the requirements in Section 8.3.

Mr. Linnell felt that he does not go beyond the maximum square footage that would be allowed for a home-based business. He asked if the unheated tent is part of it.

Mr. Arbeene responded yes.

Mr. Kennedy asked what the garage is used for. Mr. Linnell responded that part of it is used as office and storage.

Mr. Arbeene asked the size of the building. Mr. White noted that the information provided shows it to be a 50 x 26' footprint which equates to 1300 square feet. Mr. Linnell said that his office is 10 x 10. Mr. Arbeene noted that the previously noted square footage doesn't include the outdoor storage.

Chairman Cole asked if the dumpster has been there for some time. Mr. Linnell said that he can remove the dumpster if necessary. Chairman Cole said that you are allowed to have them on occasion and in excess of residential use. They may also be allowed in connection with a special permit.

Mr. White questioned the number of commercial vehicles. Mr. Linnell said that he doesn't have that many vehicles or equipment nor employees.

Chairman Cole asked for public comments or questions concerning the application pertaining to the special permit.

Susan Atryzek of 179 Main Street stated that she sees so much coming and going from this property. It is loud. This is a historic district and the business feels commercial. She sees a lot of big trucks coming and going out of this property and finds it disruptive. She is opposed and does not see it as a home based business. She does not want to see it turned into a commercial area.

Martha White of 5 Mechanic Street has lived in the area for 18 years. The neighborhood was very quiet but has observed over last 10 years an increase in traffic. There is more noise and light pollution. She also sees the dumpster and outdoor storage. She feels it is more of a commercial operation.

***A motion to continue the public hearing on the special permit application for 180 Main Street to May 18, 2016 at 8:15pm was made by Mr. White, seconded by Mr. Arbeene and passed 5-0-0.***

#### **Appointments**

There were no appointments this evening.

#### **Correspondence**

The Board is in receipt of a letter from Citizen's Housing and Planning Association, Inc. regarding an update on Fox Run Farms.

#### **Adjournment**

***A motion to adjourn was made by Mr. Arbeene and seconded by Mr. Kennedy and passed unanimously. The Board adjourned at 8:45p.m.***

Respectfully submitted,  
Stephanie Mercandetti  
Director, Community and Economic Development