

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, April 5, 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; Tom Emero, Member

Members Participating Remotely: none

Members Absent: Joe Barresi, Member

Also Present: Barbara Saint Andre, Director, 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 hearings

67C Main Street – Supreme Pizza – The application is for the issuance of a **variance** under Section 7.2.5 to install a wall sign at Supreme Pizza which will exceed the limit of square footage allowed by the Zoning Bylaw.

The applicant, Charbel Tabet, was present to discuss the application and explained that they are requesting a variance for the size of the sign, as the existing sign for the old location of the restaurant is 18 sq. ft., but the Zoning Bylaw permits the new location to have a 16 sq. ft. sign.

Mr. Phenegar clarified that this was the same sign from the previous location, just being moved down to the new unit. Mr. White asked how long the sign was at the previous location, the applicant estimated it was there for about 15 years. Mr. White stated there were no notes from the Town that there were no prior issues with the sign while it was at the old location. The cost of a new sign would be \$8,000 to \$10,000, which the members agreed would be a hardship. The Board had no further comments.

The Board reviewed the variance criteria set forth in Section 6.1 of the Zoning Bylaw:

1. Whether there are circumstances relating to the soil conditions, shape, or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located.
2. As a result of which, a literal enforcement of the provisions of the Zoning Bylaw would involve substantial hardship, financial or otherwise, to the application, and
3. Desirable relief may be granted without substantial detriment to the public good, and

4. Desirable relief may be granted without nullifying or substantially derogating from the intent or purpose of the Zoning Bylaw.

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

Motion to grant the variance request to Supreme Pizza for 67C Main 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 67C Main Street and to allow any one member of the Board to sign the decision, by Gibb Phenegar, seconded by Christina Oster, passed by a vote of: 4-0.

21 High Street (continued from March 15, 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.

Christina Oster, Clerk, filed a Mullins Certificate for the February 1, 2023, Public Hearing: Certification Pursuant to G.L. c. 39, Section 23D of Participation in a session of an adjudicatory hearing where the undersigned member (Christina Oster) missed a single hearing session.

Michael Larkin of Medway Development, LLC was present to further discuss the application. Mr. Larkin explained the updated plans, which included elevations showing the size of the proposed addition compared to the existing structure. Mr. White stated the new rendering was useful, and that he would like to see a more detailed landscaping plan with plantings to mask the parking area, as he does not want the property to stand out from the neighborhood, especially since there will be more cars on this property compared to the surrounding single-family homes. Mr. Larkin stated he can work with Ms. Graziano to determine the plantings in the front, as well as clean up the back of the site. Ms. Graziano recommended native species. Mr. White stated he would like to see a marker line showing the peaks of the structure on the elevation sheets.

Mr. Phenegar stated he likes the design, and he believes it is appropriate for the area, and agrees with Mr. White on screening the parking area. Ms. Oster also agreed.

Ms. Graziano reminded the Board that the enforcement order on the property is still outstanding and suggested that the Board condition that the applicant comply with the enforcement order. Mr. White agreed. Ms. Graziano stated the fill on the property has been tested in 2020 and suggested that if the fill is going to stay on the property, they may want to do further testing. Mr. White suggested adding a condition that if any additional fill is brought on to the property it should be tested further.

Ms. Saint Andre asked Mr. Larkin if he has spoken with Mr. Shamog at 19A High Street, Mr. Larkin stated he has not yet, but will. He also stated the landscaping will be regraded and turned into grass area, as well as screened if needed. Ms. Saint Andre asked if the mounds of fill will be kept there, Mr. Larkin stated the whole site will be regraded. Mr. Larkin stated there are no current plans to remove the fill

from the site, they will use it to regrade and spread it around, and hydroseed the area. Ms. Saint Andre asked how the runoff from the driveway will be controlled, Mr. Larkin stated there will be two drywells added to the property, as shown on the plans. Ms. Graziano stated any of the new parking area must drain into the existing property or some sort of stormwater drainage system, but the MS4 permit would be required if any water would drain to High Street. Mr. White stated one of the Board's conditions is that all water must remain on site. Ms. Graziano suggested adding a condition that none of the fill shall be moved to Conservation Commission jurisdiction with approval from the Commission. Ms. Graziano suggested the land surveyor for the project stake the 100-foot buffer zone from the wetland and keep all work away from that area.

The Board reviewed each of the Special Permit Criteria for a two-family dwelling with the appearance of a single-family dwelling under Section 3.4, and agreed that, with the conditions that had been discussed, the proposal meets the criteria:

1. The proposed site is an appropriate location for the proposed use.
2. Adequate and appropriate facilities will be provided for the operation of the proposed use.
3. The proposed use as developed will not create hazards to abutters, vehicles, pedestrians, or the environment.
4. The proposed use will not cause undue traffic congestion or conflicts in the immediate area.
5. The proposed use will not be detrimental to the adjoining properties due to lighting, flooding, odors, dust, noise, vibration, refuse materials, or other undesirable visual, site or operational attributes of the proposed use.
6. The proposed use as developed will not adversely affect the surrounding neighborhood or significantly alter the character of the zoning district.
7. The proposed use is in harmony with the general purpose and intent of this Zoning Bylaw.
8. The proposed use is consistent with the goals of the Medway Master Plan.
9. The proposed use will not be detrimental to the public good.

With a motion made by Gibb Phenegar, seconded by Christina Oster, the Board finds that the adverse effect of the proposed use will not outweigh its beneficial impact to the town or the neighborhood, in view of the characteristics of the site, and of the proposal in relation to the site, by a vote of 4-0.

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.

The Board then considered conditions to be placed on the special permit. Ms. Saint Andre showed the Board's boilerplate conditions, and specific conditions for this application, on the screen and reviewed each one for the applicant and Board members. There were no objections to the conditions.

Motion to grant the special permit request for 21 High 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 High Street and to allow any one member of the Board to sign the decision made by Gibb Phenegar, seconded by Christina Oster, passed by a vote of 4-0.

3. Other Business

4. Approval of Minutes

- March 15, 2023

Motion to approve the minutes for March 15, 2023, as presented, made by Gibb Phenegar, seconded by Christina Oster, passed by a vote of: 4-0.

5. Upcoming Meetings

- April 19th
- May 3rd

6. Adjournment

Motion to adjourn the meeting at 8:20 p.m. made by Gibb Phenegar, seconded by Christina Oster, passed by a vote of 4-0.

Respectfully submitted,

Anna Rice

Administrative Assistant, Community and Economic Development

List of Documents Reviewed at Meeting

- Latest site plan for 21 High St.
- New renderings received
- Draft conditions