

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, May 4, 2022, 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;
Anna Rice, Administrative Assistant, Community and Economic Development

Call to Order

Mr. White called the meeting to order at 7:40 p.m. and stated that this meeting is being recorded by Medway Cable Access.

46 Granite Street – The application is an **appeal** under M.G.L. chapter 40A section 8 seeking to reverse an order issued March 8, 2022, by the Code Compliance Officer, finding that the property is being used as a contractor's yard, which is a prohibited use in the zoning district.

Mr. White stated that the applicant has requested to withdraw the application without prejudice.

Motion to approve the request to withdraw without prejudice, by Gibb Phenegar, seconded by Joe Barresi, passed by a vote of: 4-0.

Public Hearings

1 High Street (Continuation from February 2, 2022) – The application is for the issuance of a **variance** under Section 6.1 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.

Attorney Stephen Kenney, the applicant's representative, was present and introduced the applicants, who were also present, and explained the application. He handed out copies of the architectural plans, the landscape plan, previously submitted, and copies of the plot plan that now had the engineer's stamp. He stated that at the first night of the public hearing, the Board had requested that plans be put together that would show what the builder would be proposing to build on the lot. Mr. Kenney explained that they are seeking an area variance for the size of the lot, as well as a variance to allow a two-family

dwelling in this location, as this is not permitted in the zoning district under the Zoning By-Law.

Mr. Kenney stated that he believes the proposal is something the Town would appreciate in this district, as it fits within the setbacks and would be a welcome addition to the corner lot. Mr. Kenney also mentioned the landscaping plan that was presented to the Board.

Mr. Phenegar stated that the two-family dwelling will enhance the area of town and help fulfill the need for multi-family housing in town. Mr. White asked if any members of the public wished to speak, there were none.

Ms. Saint Andre noted that the landscaping must not include any invasive species. She mentioned there is a state list of invasive species, also the Conservation Commission has requirements if there is land under its jurisdiction, but this property is not subject to Conservation Commission jurisdiction. Board members agreed a prohibition on planting invasive species based on the state list will be added to the conditions of the decision.

Mr. White read through each of the variance criteria. The members agreed that the lot has an unusual shape due to the acute angle where Village Street and High Street intersect. With respect to hardship, the members noted that the lot is not buildable without the dimensional variance, and the variance is de minimis. Further, the members found for variance criteria 3 and 4 that the two-family dwelling will improve the lot and the area, and stated that a two-family dwelling is appropriate in this neighborhood as the neighborhood includes multi-family dwellings and businesses.

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

Ms. Saint Andre read through the boiler plate conditions and noted the additional condition regarding no invasive plantings. There were no objections from the applicant.

Motion to grant the variance and use variance as set forth in the application for 1 High Street with conditions set forth, by Gibb Phenegar, seconded by Joe Barresi, by a vote of: 4-0

Motion to close the public hearing for 1 High Street and allow any one member of the Board to sign the decision, by Gibb Phenegar, seconded by Joe Barresi, by a vote of: 4-0

14 Franklin Street – The application seeks a **modification** of the frontage variance and special permit granted on August 7, 2019, which allows the construction of a two-family dwelling; the modification is requested to change the shape of the lot by creating a non-buildable Parcel A with about 5,359 sq. ft. along the northern boundary of the lot.

Lynne Tatevosian, the applicant, was present to explain the application. Ms. Tatevosian stated that she is applying for a modification to split the lot and create a Parcel A, as shown on the plans, a non-buildable lot, and will be giving Parcel A to her neighbor so they can extend their backyard. Ms. Saint Andre noted that if the modification is approved, Ms. Tatevosian will have to apply to the Planning and Economic Development Board for Approval Not Required (ANR) to split the lot.

Ms. Saint Andre explained that the prior decisions for 14 Franklin Street are based on the plans that were previously submitted, so a modification is necessary to make sure there are no issues further down the line. Ms. Saint Andre noted that the minimum area for a two-family dwelling in this zone is 30,000

square feet, and if Parcel A is created, the original lot will still meet that area requirement.

With a motion made by Gibb Phenegar, seconded by Joe Barresi, the Board finds that the modification meets all the required special permit and variance criteria by a vote of: 4-0

Motion to grant the modification of the variance and special permit as set forth in the application with conditions set forth, all other provisions and conditions set forth in this Board's decision dated August 7, 2019, as modified by this Board's decision dated March 18, 2020, remain in full force and effect except as specifically modified by this Decision and are incorporated herein as set forth in full, made by Gibb Phenegar, seconded by Joe Barresi, by a vote of: 4-0

Motion to close the public hearing for 14 Franklin Street and allow any one member of the Board to sign the decision, by Gibb Phenegar, seconded by Joe Barresi, by a vote of: 4-0

3. Other Business

4. Approval of Minutes

- April 20, 2022

Motion to approve the minutes for April 20, 2022, as presented made by Gibb Phenegar, seconded by Joe Barresi, passed by a vote of: 4-0

5. Upcoming Meetings

- May 18, 2022 – 65 Main Street (Shaw's) Special Permit application for an outdoor display of merchandise.
- June 1, 2022

6. Adjournment

Motion to adjourn at 8:03 p.m. made by Gibb Phenegar, seconded by Joe Barresi, by a vote of: 4-0

Respectfully submitted,

Anna Rice

Administrative Assistant, Community and Economic Development

Edited by,

Barbara J. Saint Andre, Director, Community and Economic Development