

Board Members
Brian White, Chair
Gibb Phenegar, Vice Chair
Christina Oster, Clerk
Joe Barresi, Member
Tom Emero, Member



Medway Town Hall
155 Village Street
Medway, MA 02053
Telephone (508) 321-4890
zoning@townofmedway.org

TOWN OF MEDWAY
COMMONWEALTH OF MASSACHUSETTS
ZONING BOARD OF APPEALS

Wednesday, July 6, 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; Christina Oster, Clerk; Tom Emero, Member; Joe Barresi, 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 7:30 p.m. and stated that this meeting is being recorded by Medway Cable Access.

98 Main Street – The application from **Rocky's Ace Hardware** is for the issuance of a **special permit** under Section 3.4 of the Zoning Bylaw for outdoor display of merchandise at its premises, located in the Central Business District.

Kevin Bradley, Manager of Store Support for Rocky's Ace Hardware, was present to explain the application. Mr. Bradley explained that the depth of the sidewalk is 9 ft 5 in deep, and the columns in front of the store are 7 ft 10 in from the windows. Mr. Bradley measured the merchandise that will be displayed in front of the store and depicted those measurements on the drawing. The merchandise in front of the store will be for display only and will not be the complete stock of items. Mr. White stated that inside of the columns there needs to be 6 feet of clearance. Mr. Bradley stated that he does not think they will encroach on the 6-foot requirement, and likely will not need to apply for a variance. Mr. Phenegar noted that the displays will have to be located between the columns to maintain the 6 foot clearance requirement, which can be added to the conditions of the decision.

Ms. Saint Andre reminded the applicant that the display of goods must not be items from other stores, is limited to the hours that the business is open, and that the display should not be in the parking lot, fire lane, loading areas, drive aisles, etc.

The Board reviewed the special permit criteria under section 3.4 of the Zoning Bylaw and agreed the application met all the requirements.

With a motion made by Tom Emero, 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 read through the boiler plate conditions and noted the addition to condition number 6 regarding the required 6 feet of clearance behind the columns at the store front. There were no objections from the applicant.

Motion to grant the special permit request for 98 Main Street with conditions set forth, made by Tom Emero, seconded by Gibb Phenegar, passed by a vote of: 4-0.

Motion to close the public hearing for 98 Main Street and 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

- Glen Brook Way – Review of Phase II Final Plans and consider request for modification of the Glen Brook Way comprehensive permit.

Derek Hansen, Project Manager; Caitlin Madden, Executive Director; and Paul Haverty, Metro West's Attorney, were present to discuss the final plans and request for modification. Attorney Haverty explained that the applicant is seeking a modification of the comprehensive permit, which includes adding generators, which is required by Massachusetts law, and changing the curbing to Cape Cod berm to reduce construction costs. The modification also includes minor changes that have been included in the final plans, including responses to the Conservation Agent Bridget Graziano, and Director of Community and Economic Development Barbara Saint Andre. Tetra Tech, the Town's engineering firm, has reviewed the proposed final plans, and has not indicated any significant deviations from the previously approved plans. Attorney Haverty explained that though these changes are not specifically listed in the examples for an insubstantial modification, he believes they are insubstantial and do not require a public hearing.

Mr. Phenegar asked where the Cape Cod Berm will be located; Mr. Hansen pointed out the area on the west side of the site. Mr. Phenegar asked where the generators will be located, Mr. Hansen indicated one will be placed behind Building D, and one will be placed in front of Building E. Mr. Hansen stated the generators will run on natural gas.

Glenn Trindade stated that the changes being put forward are minor, and he is in support of trying to cut construction costs. He noted that the project will still meet safety requirements and is in support of the final plans. He pointed out the need for this project and the financial support it has received from the Town and the Affordable Housing Trust.

Steven Brody, 39 West Street, expressed concerns regarding the lighting at the Glen Brook Way Development. Mr. Brody stated he did his own photometric rendering, which he passed out to the Board members, and which shows there will be light trespass onto his property as a direct abutter, as well as into the road. He also questioned the number of trees that would be provided along his property line. Mr. Barresi asked what an acceptable light level would be, Mr. Brody stated that he would like it to be .01.

Mr. White stated the Board is only able to determine whether the requested modification to the comprehensive permit is substantial or insubstantial. Mr. Brody stated that he believes the requested changes are substantial. Mr. White stated that any belief that the development is not following requirements set in the comprehensive permit should be brought to the attention of Jack Mee, Building Commissioner and Zoning Enforcement Officer.

Mr. Brody stated the addition of the generators seems to be a substantial change and requested that the generator closest to his property be located. Mr. Phenegar stated that the generators likely need to be in specific locations due to requirements for electrical connections, and since they are required by law, the change is insubstantial.

Mr. Barresi noted that Mr. Brody has brought up concerns regarding lighting, trees, and generators, and asked if he has any other concerns. Mr. Brody stated the plan that has been created has not been approved. Mr. White stated that that part of the comprehensive permit process only goes through the Zoning Board of Appeals, but Mr. Brody's specific concerns at the moment need to be addressed through Jack Mee. Mr. White noted that there is no action he can take on these concerns in his role as Chair of the Zoning Board of Appeals.

The Board did not have any further questions regarding the request for modification.

Motion to approve the Glen Brook Way Phase II Final Plans as presented, made by Gibb Phenegar, seconded by Christina Oster, passed by a vote of: 5-0.

Motion to find that the request for modification of the Glen Brook Way comprehensive permit is insubstantial, made by Gibb Phenegar, seconded by Christina Oster, passed by a vote of: 5-0.

4. Approval of Minutes

- May 18, 2022

Motion to approve the minutes from May 18, 2022, as presented, made by Gibb Phenegar, seconded by Christina Oster, passed by a vote of: 5-0.

5. Upcoming Meetings

- August 3rd – 201 Village Street, Special Permit for AFDU

6. Adjournment

Motion to adjourn the meeting at 8:30 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

Documents Reviewed at the Meeting

1. Medway MA Rocky's Ace Hardware sidewalk display drawing
2. Photometric drawing submitted by Village Limited, 39 West Street