

Board Members  
Brian White, Chair  
Gibb Phenegar, Vice Chair  
Christina Oster, Clerk  
Tom Emero, Member  
Rori Stumpf, Member  
Carol Gould, Associate 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 7, 2021 at 7:30 p.m.**

**Sanford Hall**

**155 Village Street Medway, MA**

#### **Meeting Minutes**

**Members Present:** Brian White, Chair; Gibb Phenegar, Vice Chair; Tom Emero, Member; Christina Oster, Clerk

**Members Absent:** Rori Stumpf, Member; Carol Gould, Associate Member

**Also Present:** Barbara Saint Andre, Director, Community and Economic Development  
Morgan Harris, Administrative Assistant, Community and Economic Development

#### **Call to Order**

Mr. White called the meeting to order at 7:30 p.m. and read that this meeting is being broadcast and recorded by Medway Cable Access.

#### **Public Hearing**

**160 Main Street** - The application is for the issuance of a **special permit** under Section 3.4 of the Zoning Bylaw and Section 5.4, Schedule of Uses, for a Kennel License for up to 10 dogs.

The Applicant, Shirley McDaniel, was present and explained the application. She currently has a kennel special permit for six dogs that was issued in 2001. When previously applying in 2001, Ms. McDaniel had asked for a ten-dog license. The Board limited her to six dogs, but stated that if everything went well, she could come back before the Board to add additional dogs to her license. Mr. White stated that based on the previous decision and the favorable comments from the Animal Control Officer this seemed to be a simple case. Mr. White read through the special permit criteria and stated that all the criteria from the previous special permit stand. The members agreed that all the criteria are met.

The Board reviewed the conditions listed in the existing special permit with Ms. McDaniel to determine if the conditions should be included in this special permit. Ms. McDaniel stated that some of the conditions in the 2001 special permit are no longer applicable, because that special permit was for a doggie daycare, but she does not provide this service anymore. She also stated that dogs will occasionally stay over. She also clarified that the condition in the 2001 special permit of having no retail sales referred to the sale of supplies, not dogs, since she occasionally breeds and sells puppies. Based on her statements, the Board agreed to add certain of the conditions of the 2001 special permit to this permit. The Board then reviewed with the applicant which of the Board's boiler plate conditions are applicable.

Ms. Saint Andre brought up an email from the Director of the Department of Public Works, which had suggested a stockade fence be installed to block the view from Choate Park, which lies to the north and west of the property. Ms. McDaniel stated that although the dogs can occasionally be noisy, she always makes sure to control the barking. She also stated that in the summer, the yard is blocked by growth, and in the winter, there are not as many people in the park. The Board agreed that the fence is fine as-is.

**Motion to grant the special permit for a kennel license for up to ten dogs with the conditions as discussed made by Gibb Phenegar, seconded Christina Oster, passed by a vote of: 4-0**

**Motion to close the public hearing for 160 Main Street and to allow any member of the Board to sign the decision made by Gibb Phenegar, seconded Christina Oster, passed by a vote of: 4-0**

### **Other Business**

**Annual re-organization of the Board: Election of Chair, Vice-Chair, and Clerk**

**Nomination of Brian White for Chair made by Tom Emero, seconded Gibb Phenegar, passed by a vote of: 3-1, with Brian White dissenting**

**Nomination of Gibb Phenegar for Vice Chair made by himself, seconded Tom Emero, passed by a vote of: 4-0**

**Nomination of Christina Oster for Clerk made by herself, seconded Tom Emero, passed by a vote of: 4-0**

### **Discussion of AFDU criteria and potential zoning bylaw changes**

Ms. Saint Andre explained that at a recent Town Meeting, residents voted to add criteria for detached Accessory Family Dwelling Units to the Zoning Bylaw. She also noted that size requirements for AFDUs had been questioned recently. Mr. Phenegar stated that he had concerns regarding AFDU creep. The bylaw states that ADFUs cannot be more than 800 square feet, but Mr. Phenegar recalled that the Board has approved ADFUs that are close to 2,000 square feet. He noted that this may not need to be a bylaw change, but how the Board interprets the requirements. Ms. Saint Andre explained that the criteria are currently somewhat subjective, and the Board could suggest changes to tighten the guidelines if it wanted less to be open to interpretation. Mr. White stated that AFDUs have turned from mainly caretaking to multigenerational living and agreed that there is a huge opportunity for size creep to happen. He also agreed that applicants should thoroughly explain their need if size exceptions are to be made. There was also discussion over whether AFDUs could potentially hinder home sales because the space is not something everyone would want. Mr. Emero did not believe this was a problem and likened an AFDU to other home features a buyer may not have use for. The Board would be interested in seeing options for tighter guidelines.

## **Discuss potential changes to ZBA regulations**

The Board discussed the current rules and regulations as they are written and proposed changes. Ms. Saint Andre pointed out three areas of proposed substantive changes. The first is to limit the scope of waivers of the regulations that the Board can grant. The current waiver language allows waivers of most sections of the regulations, she is proposing that only waivers of the application requirements be allowed. In practice, this is the only section that lends itself to the waiver process. The second area is the provision for Determination/Finding. She believes the original intent of an application for a Determination/Finding related to nonconforming structures and uses. Any other zoning interpretations are to be made by the Zoning Enforcement Officer. To remedy this, the Determination/Finding form will potentially be changed to a Special Permit for Nonconforming Uses and Structures form. The third was the section on cost of collection, which is not needed because the applicant must pay any fees before the scheduled hearing. In addition to these three proposed changes, a number of minor edits and clarifications are proposed. The potential changes will be discussed further at the next meeting.

## **Approval of Minutes**

- June 16, 2021

**Motion to approve the minutes for June 16, 2021 as presented made by Gibb Phenegar, seconded Christina Oster, passed by a vote of: 4-0**

## **Upcoming Meetings**

- August 4, 2021

## **Adjournment**

**Motion to adjourn the meeting at 8:07 p.m. made by Gibb Phenegar, seconded Tom Emero, passed by a vote of: 4-0**

Items viewed at this meeting:

- 160 Main Street Plot Plan

Respectfully submitted,

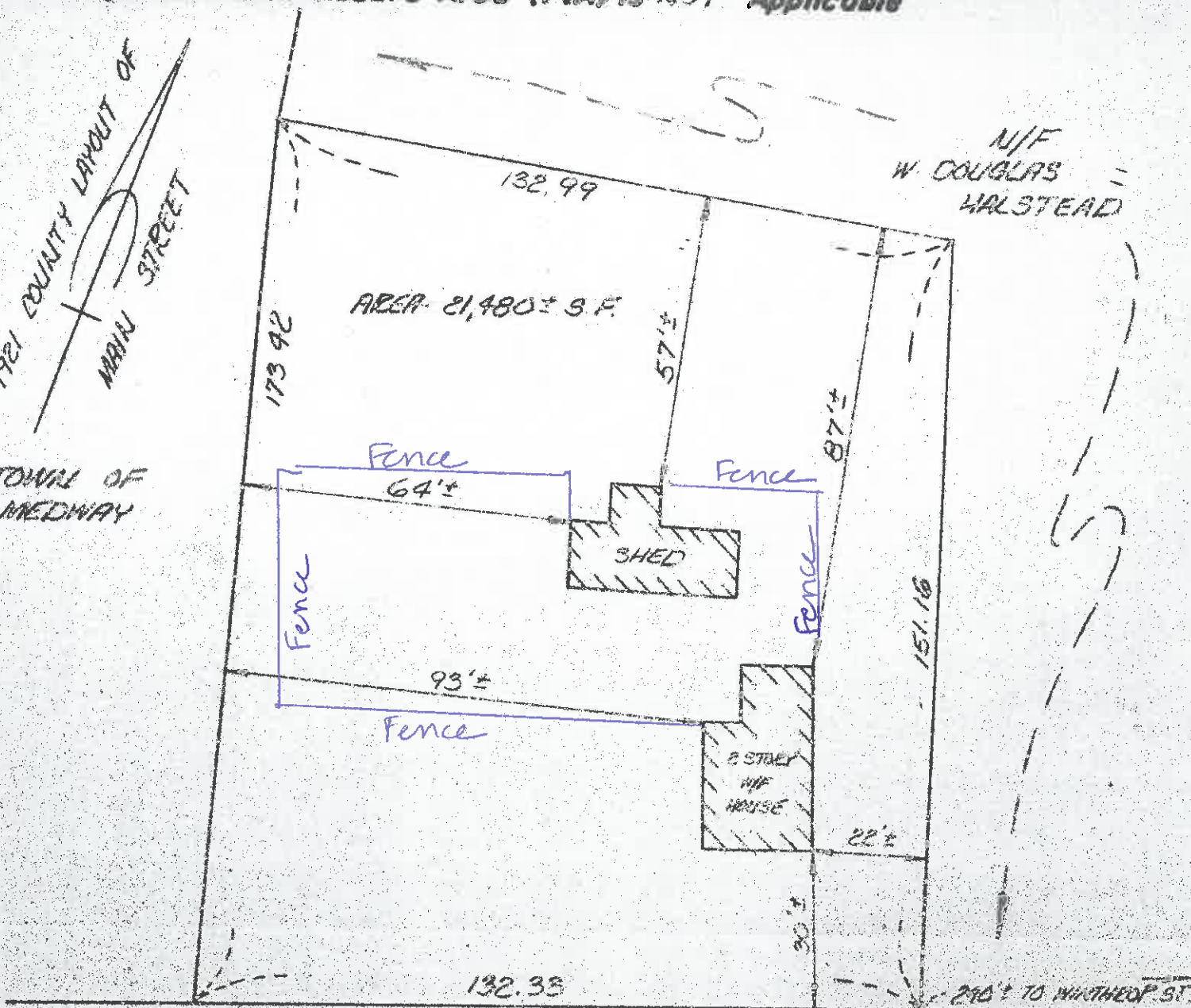
Morgan Harris  
Administrative Assistant  
Community and Economic Development

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

NOT A RECORD PLAN - Offsets are not for the reproduction of property lines  
Special Flood Hazard Area (FIA) is NOT Applicable

6-3/43

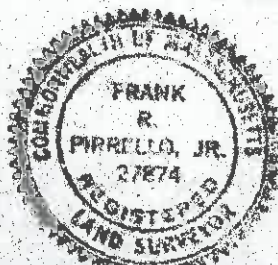
1921 COUNTY LAYOUT OF  
MAIN STREET  
TOWN OF  
MEDWAY



MAIN (PUBLIC-60' WIDE) STREET

PREPARED FOR: SHIRLEY MCDANIEL  
160 MAIN STREET  
MEDWAY, MA.

"I certify that the HOUSE is located  
on the lot as shown and its location is  
in accordance with the applicable  
zoning by laws of the Town of  
MEDWAY Mass. when constructed."



Frank R. Pirrello, Jr.  
Registered Land Surveyor

PLOT PLAN OF LAND IN  
MEDWAY, MASS.

SCALE: 30 feet to an inch  
DATE: NOVEMBER 9, 1984

GUERRIERE AND HALNON INC  
ENGINEERING AND LAND SURVEYING  
MILFORD - WHITINSVILLE - FRANKLIN

6-3/43