

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, August 3, 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

Members Participating Remotely: Tom Emero, Member

Members Absent: Joe Barresi, Member

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. He stated that member Tom Emero is participating remotely via Zoom.

201 Village Street – The application is for the issuance of a **special permit** under Section 8.2 for an Accessory Family Dwelling Unit (AFDU) to be included in the existing dwelling.

Attorney Stephen Kenney was present representing the applicant to discuss the application. Attorney Kenney stated that the applicant had come before the Board in 2021 and was granted a special permit for a two-family home and a dimensional variance. Once the work had been done, the Building Inspector determined that the state Code requirements for a two-family home were not met, including fire code requirements. The applicant is now requesting the dwelling be considered an Accessory Family Dwelling Unit (AFDU), since it does meet the Code requirements for an AFDU, and the prospective buyer would prefer it as an AFDU. Attorney Kenney stated that this would better fit the area of town, and that the dwelling unit would meet the AFDU criteria as stated in the Zoning Bylaw. The AFDU will be located in the basement, with the principal single-family dwelling occupying the first and second floor. It was explained that the “L” shaped section of the basement shown on the left side of the basement Floor Plan is not part of the AFDU, because it is used for HVAC and similar uses for the entire building. As a result, the portion of the basement that constitutes the AFDU is less than 800 square feet.

Chair White noted that a special permit and variance was granted in 2021 to allow the applicant to create a two-family home. He felt it should be stated in this decision that the requirements for a two-family home are not met, and if a future resident wishes to create a two-family home at this property, they will have to go through the proper avenues to do so. Attorney Kenney agreed to such a condition being included in the decision.

The Board reviewed the special permit criteria for an AFDU under section 8.2 of the Zoning Bylaw and agreed the application met all the requirements.

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

**Tom Emero: Aye
Christina Oster: Aye
Gibb Phenegar: Aye
Brian White: Aye**

Chair White then reviewed each of the special permit criteria of Section 3.4, the members agreed all the criteria are met.

Motion to find that the Applicant has met all of the required special permit decision criteria, made by Gibb Phenegar, seconded by Christina Oster, passed by a roll call vote of: 4-0.

**Tom Emero: Aye
Christina Oster: Aye
Gibb Phenegar: Aye
Brian White: Aye**

Ms. Saint Andre noted the boiler plate conditions are the same as the ones in the 2021 special permit decision, with the addition of the conditions specifically for an AFDU. She noted that there were additional conditions in the 2021 decision. It was agreed to add a condition that the special permit does not allow the property to be used as a two family home without meeting the fire code requirements for a two family home. There were no objections from the applicant to any of the conditions.

Motion to grant the special permit request for 201 Village Street with conditions set forth, made by Gibb Phenegar, seconded by Christina Oster, passed by a roll call vote of: 4-0.

**Tom Emero: Aye
Christina Oster: Aye
Gibb Phenegar: Aye
Brian White: Aye**

Motion to close the public hearing for 201 Village 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.

**Tom Emero: Aye
Christina: Aye
Gibb Phenegar: Aye
Brian White: Aye**

3. Other Business

- Discussion and vote on Timber Crest request for surety reduction for Phase IW and for lot

releases for Phase 2W.

Mounir Tayara, the developer of the Timber Crest subdivision, was present to discuss the request. Ms. Saint Andre stated that during the subdivision construction process, the applicant posts surety to make sure the roadways, storm water, etc., will be completed, which allows the applicant to sell homes while the road is still incomplete. Since work in Phase 1W-A and 1W-B is being completed, the applicant is requesting a decrease in the surety for Phases IWA and 1W-B. Tetra Tech, the Town's contracted engineer, did an inspection and made a recommendation for how much the Board should retain for the surety.

Ms. Saint Andre explained that for Phase 2W, there is currently no surety agreement, and in order to release those lots, the Board needs to retain another surety and agreement from the developer. Tetra Tech did an inspection and provided an estimate for the amount. If accepted, the Board will enter in an agreement with the developer. Once we receive the money, the lots can be released, built on, and sold. Ms. Saint Andre also walked the site, and it looks good – houses have sold and are already occupied. Recommend going along with the recommendations from Tetra Tech. Mr. Tayara had no objection to the recommendations from Tetra Tech.

Motion to approve the Agreement for Deposit of Money, for Timber Crest Estates Phase 2W, and to approve the release of lots 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, and 57 from the amended covenant (Registry book 37846 page 169) conditioned upon receipt of the amount of \$569,720.00 surety and fully executed Agreement from the applicant, made by Gibb Phenegar, seconded by Christina Oster, passed by a roll call vote of: 4-0.

Tom Emero: Aye

Christina Oster: Aye

Gibb Phenegar: Aye

Brian White: Aye

Motion to approve the request for surety reduction for Phase 1W-A from \$342,114.00 to \$229,636.00 and for Phase 1W-B from \$245,633.00 to \$208,823.00, made by Gibb Phenegar, seconded by Christina Oster, passed by a roll call vote of: 4-0.

Tom Emero: Aye

Christina Oster: Aye

Gibb Phenegar: Aye

Brian White: Aye

- Discussion on potential Zoning Bylaw Amendments for the 2022 Fall Town Meeting.

Ms. Saint Andre explained that the town staff have discussed reapportioning some of the special permit duties between the Zoning Board and the Planning and Economic Development Board (PEDB). She stated that the ZBA typically does residential applications, while the PEDB does commercial, but some uses require special permits from different boards depending on the zone.

Ms. Saint Andre reviewed the proposed changes to the Zoning Bylaw Schedule of Uses:

- Infill Dwelling Units should be overseen by the ZBA
- Assisted living residence facilities are residential, and therefore should be overseen by the ZBA
- Retail stores and shopping centers should be overseen by the PEDB, regardless of zone
- Veterinary hospitals should be overseen by the ZBA

- Electric Vehicle charging stations should be overseen by the ZBA, because the PEDB has a lot of applications, ZBA does not have as many. Though we do not see many applications for EV charging stations, this may increase and the ZBA can take some workload off the PEDB

Mr. Phenegar agreed with the proposed changes and noted that some more work should be done regarding the in-fill unit requirements in the Zoning Bylaw. Mr. White and Ms. Oster also agreed with the recommended changes. Mr. Phenegar also mentioned the idea of re-zoning areas of town such as Brentwood and across from the Middle School where the houses are built on smaller lots, to make the zoning more closely match the existing lot sizes.

- Discussion on Medway Master Plan draft report.

Ms. Saint Andre stated that the Medway Master Plan committee is wrapping up its work on the Master Plan, and this is the last chance for Board members, as well as members of the public, to submit their comments, questions, or concerns to the committee before the Plan is finalized.

- Board organization – Election of Chair, Vice-Chair, and Clerk.

Motion to nominate Brian White as Chair made by Gibb Phenegar, seconded by Christina Oster, passed by a roll call vote of 4-0.

Tom Emero: Aye

Christina Oster: Aye

Gibb Phenegar: Aye

Brian White: Aye.

Motion to nominate Gibb Phenegar as Vice Chair made by Brian White, seconded by Christina Oster, passed by a roll call vote of 4-0.

Tom Emero: Aye

Christina Oster: Aye

Gibb Phenegar: Aye

Brian White: Aye

Motion to nominate Christina Oster as Clerk made by Brian White, seconded by Christina Oster, passed by a roll call vote of 4-0.

Tom Emero: Aye

Christina Oster: Aye

Gibb Phenegar: Aye

Brian White: Aye

4. Approval of Minutes

- July 6, 2022

Motion to approve the minutes from July 6, 2022, as presented, made by Gibb Phenegar, seconded by Christina Oster, passed by a roll call vote of: 4-0.

Tom Emero: Aye

Christina Oster: Aye

Gibb Phenegar: Aye

Brian White: Aye

5. Upcoming Meetings

- August 17th – nothing yet, though we may see a discussion come in from one of the projects in Town.
- September 7th – likely will see a modification request come in from 33 Milford Street.

6. Adjournment

Motion to adjourn the meeting at 8:05 p.m. made by Gibb Phenegar, seconded by Christina Oster, passed unanimously.

Respectfully submitted,

Anna Rice

Administrative Assistant, Community and Economic Development

Edited by

Barbara J. Saint Andre

Director, Community and Economic Development

Documents Reviewed at Meeting

1. Proposed Changes to Table of Uses