

**Town of Medway
Zoning Board of Appeals Meeting
School Committee Presentation Room
Medway Middle School
45 Holliston St, Medway MA**

MINUTES OF MEETING

April 19, 2017

Present: Chairman David Cole; Clerk Carol Gould; Committee Members: Eric Arbeene, William Kennedy; Associate Member Rori Stumpf.

Also present: Mackenzie Leahy, Administrative Assistant, Community & Economic Development

Stephanie Mercandetti, Director, Community & Economic Development

Sean Reardon, Tetra Tech, Peer Review Consultant; Ezra Glenn, Consultant

Chairman Cole called the meeting to order at 7:33 PM.

Citizen Comments:

There were no members of the public that wished to make comments on items other than those already on the agenda.

Any other business that may properly come before the Board:

Approval of payment invoice from Tetra Tech for Timber Crest peer review services

A motion to approve \$108.68 for a Tetra Tech invoice for Timber Crest peer review was made by Chairman Cole, seconded by Mr. White, and approved unanimously.

Approval of Change Order from Tetra Tech for Timber Crest peer review services

A motion to approve a change order of \$6,000.00 for Tetra Tech Timber Crest peer review services was made by Chairman Cole, seconded by Mr. White, and approved unanimously.

Public Hearings:

7:35 P.M. – The Applicant, Rikki Saksik, seeks a Special Permit under Section 8.2 for an Accessory Family Dwelling Unit intended to be 24 feet by 24 feet, with respect to property located at 7 Azalea Drive, Assessor Parcel ID 37-007.

The Applicant, Rikki Saksik, appeared before the Board to discuss the request for a Special Permit under Section 8.2 to allow for an Accessory Family Dwelling Unit. Dave Martino, Ms. Saksik's builder, was also present.

Ms. Saksik stated that she hoped that the Board would look favorably upon her request. She has an adult child with special needs and would like her son to live close by.

Chairman Cole summarized the request which was for an Accessory Family Dwelling Unit, intended to be twenty four feet by twenty four feet (24 ft. x 24 ft.) over an existing two-car garage. Ms. Saksik said that was correct.

Chairman Cole stated that it appeared that there was a spare bed on the plans. Mr. Arbeene asked where the bed would be within the unit, as only a single bed is allowed and it did not appear to be marked on the plans. Ms. Saksik explained that the spare bed was intended to be a reading area above the bed. Mr. Arbeene asked if it would be similar to a loft. Ms. Saksik responded that it would be.

Chairman Cole explained that granting of a Special Permit for an accessory family dwelling unit does not grant permission to use the unit as a two-family dwelling and the accessory family dwelling unit could not be used as an independent apartment. Ms. Saksik stated that she understood. Chairman Cole further explained that should Ms. Saksik's son move out of the unit, the unit must either be occupied as noted in Section 8.2. C. 6. B or cease to be used.

Chairman Cole stated that he understood that the two exits with the single set of stairs at the rear of the garage met the Building Code.

Mackenzie Leahy, Administrative Assistant for Community and Economic Development, stated that the Board had received comments from the Medway Fire Chief, but those were the only comments received by the Board for the application.

Chairman Cole summarized the comments and asked if the smoke detectors would be interconnected with the current home system, assuming that a one hour fire separation wall would not be constructed. Mr. Martino stated that the Accessory Family Dwelling Unit smoke detectors would be connected to the main house.

Chairman Cole stated that it appeared that there was no deviation from the setbacks in the AR-I district, as the unit was to be constructed above the existing garage.

Ms. Gould asked if the house had septic or sewer. Ms. Saksik stated that the home was on Town Sewer.

Chairman Cole inquired if there were members of the public that wish to comment on the application. Jeanette Verdolino of 5 Azalea Drive stated that Ms. Saksik was a wonderful neighbor and gave general support of the application.

During deliberations, Mr. Stumpf stated that he was supportive of the request as he could find no reason not to be and that there would be no detriment to the neighborhood. Mr. Arbeene concurred with Mr. Stumpf's sentiment.

Chairman Cole stated that the request exemplified the intent of having Section 8.2 of the Medway Zoning Bylaw, and the intent of an accessory family dwelling unit.

Chairman Cole also noted that the existing two-car garage and driveway should suffice for the requirement of a designated parking location for a vehicle of the accessory family dwelling unit.

Deliberations were completed later that evening after completion of the public hearings.

The Board found that the applicant demonstrated that the proposed Accessory Family Dwelling Unit met the requirements of Section 8.2 C. Basic Requirements by a motion made by Chairman Cole, seconded by Mr. White, and approved unanimously.

The Board found that grant of the requested Special Permit would not be inconsistent with any of the criteria set forth in Section 3.4. C. Decision Criteria by a motion made by Chairman Cole, seconded by Mr. White, and approved unanimously.

The Board found that grant of the requested Special Permit would not have a detrimental effect to the surrounding neighborhood by a motion made by Chairman Cole, seconded by Mr. White, and approved unanimously.

The Board Granted to the Applicant, Rikki Saksik of 7 Azalea Drive, a Special Permit pursuant to Section 8.2 of the Medway Zoning Bylaw for an Accessory Family Dwelling Unit subject to the conditions that the Accessory Family Dwelling Unit shall be constructed substantially in accordance with the plans provided and subject to conditions set forth in Section 8.2 D. 2, by a motion made by Chairman Cole, seconded by Mr. White, and approved unanimously.

Public Hearings:

8:00 P.M. – The Applicant, Timber Crest LLC, seeks a Comprehensive Permit under MGL c. 40B, Sections 20-23 as amended, to allow construction of a 157 unit development to be called “Timber Crest Estates” containing 25% affordable units on 170.36 acres which is comprised of the properties located at 143 Holliston Street, 153R Holliston Street, 177A Holliston Street, 21R Fairway Lane, 13 Ohlson Circle, 102 Winthrop Street, 11 Woodland Road, 0R Woodland Road, and 165 Holliston Street, Medway, MA.

Ms. Mercandetti gave an update on the application since the previous hearing. Ms. Mercandetti asked Chief Lynch, Fire Department, to give an update regarding the settlement that the Applicant and the chief were able to come to regarding water hydrant pressure, emergency access, roadway lengths, and sprinklered homes.

The fire department is understaffed and Chief Lynch would actually prefer sprinklered homes over an emergency access with the given length of the roadway on the eastern side of the development. The fire hydrant water flow will need to be at least 1000 gallons per minute to satisfy required fire flow. If it can't be met, they would need to install a booster pump.

The Board stated the Kleinfelder study shows that the report needs to satisfy the Fire Chief's needs and the Town's safety needs.

The Board's staff provided the Board with a summary of public comments and board comments that they had heard through the course of the hearing with a document of suggestions that the Board could review. Attorney Agostino felt that many of the items in the document had already been reviewed and also felt that those items had been sorted out and that there was no further discussion needed. Ms. Mercandetti suggested that the applicant at least comment on how the some of the bullet points had been satisfied in the revised plans and proposed conditions of approval to come full circle. Attorney Agostino stated that they felt that they had discussed the concerns and done as much as they could to address those concerns.

Mr. Kennedy asked what the distance was between 21 Fairway Lane and lot 74. Mr. Tayara said approximately 57 feet. Chairman Cole asked about lots 85 and 86 as well as 100 and 101. Mr. Tayara stated that there was no issue with the residents and that they had an agreement with the residents above lots 100 and 101.

Ms. Gould asked that Town Staff go through the document and believed it was still relevant. Ms. Leahy went through the document.

The Board discussed the limit of work and why, in some places, the limit of work didn't match the 15 foot no touch for the wetlands. Mr. Tayara stated that some properties need additional backyard area for safety and other purposes and those would be exceptions to the proposed 15 foot no touch.

Ms. Mercandetti also pointed out the lots that staff suggested as shared driveways. The applicant agreed that shared driveways might be preferable to have less of an impact on the wetlands.

Ms. Leahy asked if the drainage could be redesigned to have all drainage on individual parcels rather than on to include easements on home lots. Attorney Agostino stated that would require a major redesign and is not possible for the project to move forward.

Ms. Leahy proposed to the Board that lots 1 and 2 and lots 86 and 87 to be combined to better maintain the setbacks and feel along the existing roadways and to provide additional buffer for the existing residents, as well as 71 be eliminated and combined with the bus shelter. Mr. Stumpf stated that he felt that to that extent, he believes 74 and 75 should also be eliminated for additional buffering from Fairway Lane. The applicant felt that elimination of those lots was not as easy as staff and the Board was making it out to be.

Chairman Cole asked to hold the public hearing over until May 3, 2017 to ensure that public has time to comment. Mr. White stated that he would prefer to have some technical support for the Board.

Public Comment:

Sean McEavoy, 31 Fairway Lane, was concerned with the applicant's disposition of the lots below Fairway Lane and the elimination of a lot to be used as determined by the HOA. Mr. McEavoy stated that it is not the Board, Dahlheimer, or neighborhood's problem if the applicant has concerns about what may or may happen in the conservation commission process. In general, given the burden that the properties at the entry at Fairway Lane are bearing, a 50 foot buffer for the properties would be an appropriate mitigation to the increase in traffic and noise.

A motion to continue the hearing to 7:35 pm on April 19, 2017 was made by Mr. Cole, seconded by Mr. White and approved unanimously.

Approval of Minutes:

Minutes for February 15, 2017, March 15, 2017 and April 12, 2017 minutes were prepared.

Minutes for April 12, 2017 were tabled along with the other minutes that were not prepared.

A motion to approve the February 15, 2017 minutes was made by Mr. White, seconded by Ms. Gould, and approved unanimously.

A motion to approve the March 15, 2017 minutes was made by Mr. Arbeene, seconded by Mr. White, and approved unanimously.

Correspondence:

The Board is anticipating a new 40B application for a project called "Glen Brook Way."

Upcoming Meetings:

No further discussion.

Adjournment

A motion to adjourn was made by Mr. White, seconded by Mr. Arbeene and approved unanimously. The Board adjourned at 9:45 p.m.

Respectfully submitted,

Mackenzie Leahy
Administrative Assistant
Community and Economic Development