

Board Members
Rori Stumpf,
Chairman
Brian White, Vice
Chair
Gibb Phenegar,



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, December 16, 2020 at 7:30 p.m.

Virtual Meeting

Meeting Minutes

Present: Rori Stumpf, Chairman; Brian White, Vice Chair; Gibb Phenegar, Member; Tom Emero, Member; Carol Gould, Associate Member

Also Present: Barbara Saint Andre, Director, Community and Economic Development
Stefany Ohannesian, Administrative Assistant, Community and Economic Development

Call to Order

Chairman Rori Stumpf called the meeting to order at 7:30 p.m. and read that this meeting is being broadcast and recorded by Medway Cable Access. Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, and the Governor's Orders imposing strict limitations on the number of people that may gather in one place, no in-person attendance of members of the public will be permitted at this meeting. Board members will be participating remotely. For public hearings, access via Zoom is provided for the required opportunity for public participation. Information for participating via Zoom is posted at the end of the ZBA Agenda on the town website. He then read instructions on how to participate in the meeting. All persons participated remotely in the meeting via Zoom. Mr. Stumpf introduced all Board members participating remotely in the meeting.

Public Hearing

24 Broad Acres Farm Road – The application is for the issuance of a **special permit** under Section 8.2 of the Zoning Bylaw to construct an Accessory Family Dwelling Unit ("AFDU") of more than 800 sq. ft. to the existing home on the property.

The applicant, Lori Mezoff, was present and explained her application, the AFDU will be for her parents who are aging and she'd like to have them come live with her. She is working with Todd Allen who has done other AFDU's in town, she would like to ensure that it complies with the Bylaw and is conforming. She is requesting two bedrooms due to her parents' medical reasons. Todd Allen of HIS Corporation stated that each unit he has done in this neighborhood has been different to meet the needs of each family. There is a well located in the back of the house and that is the reason they have had to design it as presented. They are requesting over 800 sq. feet and two bedrooms and have tried to make it look like a single family as best they could.

Mr. Stumpf noted that it does not create any non-conformities to the home or lot. Mr. Phenegar inquired about the space above the first floor, which Mr. Allen stated will just be attic space. Mr. Phenegar then inquired about the well and the setbacks, they will comply with all setbacks. Mr. Allen stated they looked at trying to slide the addition to the right but the current design is right up to the existing kitchen window, and if it is over any more it will obstruct the main kitchen window. He also

stated the basement space is needed to connect utilities. Ms. Gould inquired about the total square feet, which is 1136 square feet of livable space. Mr. Allen stated they are trying to keep the main floor in the AFDU lower than the main floor of the existing house because of wheel chair accessibility, but it does not need to be ADA compliant as it is residential and not commercial.

Brian McSweeney of 20 Broad Acres Farm Road inquired about the definition of gross floor area, Mr. Stumpf answered that it is the living space. Mr. McSweeney explained there are two other AFDU's in the neighborhood and one was around 800 square feet which is what the Bylaw requires and this exceeds that requirement. He also inquired about the definition of "reasonable". Mr. Stumpf explained the intent of the bylaw and that the Board has the discretion to exceed the required square footage if reasonable accommodation is needed.

The Board then discussed each of the AFDU criteria in depth. The Board reviewed and discussed each of the AFDU criteria. The Board collectively agreed it would be appropriate to allow the applicant to exceed 800 square feet and to have a second bedroom for the reasons stated. Mr. Stumpf inquired about the total square footage of the home including the AFDU, Ms. Mezoff stated that her house is one of the smaller ones in the neighborhood at around 4100 square feet and this would not look out of character. Mr. Stumpf confirmed that the Board members were all in agreement that they approve a second bedroom and don't believe the requested square footage is unreasonable.

With a motion made by Brian White, seconded by Gibb Phenegar, the Board finds that the Applicant has met all of the required Accessory Family Dwelling Unit decision criteria with a roll call vote of 5-0.

Carol Gould – Aye

Tom Emero – Aye

Brian White – Aye

Gibb Phenegar – Aye

Rori Stumpf – Aye

Motion to allow the AFDU to be more than 800 sq. feet and include a second bedroom, in accordance with the plans submitted, made by Brian White, seconded by Gibb Phenegar, passed with a roll call vote of 5-0.

Carol Gould – Aye

Tom Emero – Aye

Brian White – Aye

Gibb Phenegar – Aye

Rori Stumpf – Aye

Mr. Stumpf and the members then discussed the special permit criteria. Mr. Phenegar stated that he believes the applicant has met all special permit criteria and the Board collectively agreed.

With a motion made by Brian White, seconded by Gibb Phenegar, the Board finds that the Applicant has met all of the required special permit decision criteria by a roll call vote of 5-0.

Carol Gould – Aye

Tom Emero – Aye

Brian White – Aye

Gibb Phenegar – Aye

Rori Stumpf – Aye

Ms. Saint Andre went over the boiler plate conditions for an AFDU which consists of 10 conditions. The Board collectively decided to impose these conditions.

Motion to grant the special permit request for 24 Broad Acres Farm Road with conditions set forth, by: Brian White, seconded by Gibb Phenegar, passed with a roll call vote of 5-0.

Carol Gould – Aye

Tom Emero – Aye

Brian White – Aye

Gibb Phenegar – Aye

Rori Stumpf – Aye

Motion to close the public hearing for 24 Broad Acres Farm Road and to allow any one member of the Board to sign the decision by: Brian White, seconded by Gibb Phenegar, passed by a roll call vote of 5-0.

Carol Gould – Aye

Tom Emero – Aye

Brian White – Aye

Gibb Phenegar – Aye

Rori Stumpf – Aye

35 Milford Street (Parcel A-1) – The application is for the issuance of a **special permit** under Section 3.4, Special Permits, and Section 5.4, Table 1: Schedule of Uses of the Zoning Bylaw to construct a two-family house that has the exterior appearance of a single-family dwelling on the lot.

35 Milford Street (Parcel A-2) – The application is for the issuance of a **special permit** under Section 3.4, Special Permits, and Section 5.4, Table 1: Schedule of Uses of the Zoning Bylaw to construct a two-family house that has the exterior appearance of a single-family dwelling on the lot.

Mr. Stumpf stated he is going to open both hearings 35 Milford Street Parcel A-1 and A-2 to discuss together, then have separate discussions on potential decisions at the end. The applicant, Cameron Bagherpour, was present, and stated that attorney Michael Larkin would make the presentation. Attorney Larkin was present and explained the property is under contract between the current owners and the applicant. He stated the property contains a Cape style home built in the 1920's that is in poor condition and not worth saving. The intent is to build two, two-family dwellings on the property that is newly split into two lots with an ANR plan from the Planning and Economic Development Board (PEDB). (ANR plan - Book and page 698-32).

He continued that they conducted soil testing for the septic system. The applicant has also met with the Historical Commission and the Commission deemed this building not historical, which allows it to be demolished. He stated that he and his brother Patrick are working with Mr. Bagherpour to develop this property. They are requesting no waivers and each structure will meet all setbacks, and each lot will have a single driveway. He then discussed the proposed square footage of the buildings to be on each lot, which will be 44 feet by 37 feet, gross floor area about 2900 square feet. He stated the design is a colonial style house and they plan to do something similar to the house on Lovering Street that they built. He stated this is more of a transitional area of town between commercial and historic residential and they can move into a different style of home for that area.

Mr. Larkin then went over the special permit criteria, which he believes are met for these applications. He stated that by building a smaller style home they would be more affordable for people either coming to Medway or wanting to stay in Medway. He then went over how far each home is setback from the street; one will be setback 40 feet further than the other, and the buildings will be different in color. They do not intend to have access to Parcel A-2 from Knollwood Road, so the line of trees there will be kept to a great extent.

Mr. Stumpf then inquired if Board members had comments or questions. Mr. Emero inquired if they have any rights to use Knollwood Road. Mr. Larkin explained they do not intend to use Knollwood Road at all, nor do they have the rights to do so. Ms. Gould inquired about needing two curb cuts. Mr. White additionally noted they would need to go through a rock wall for one of the driveways. Mr. Larkin stated the intent to recreate the disturbed rock wall along another part of the road. Mr. Stumpf stated that there are no other multifamily homes in the area, and this is near the Rabbit Hill Historic district which has some older homes in it. It was mentioned that there are some homes being renovated in the area. Mr. Larkin explained that there is a Cumberland Farms and Dunkin Donuts within 300 feet of this property. Mr. White stated that the Knollwood Road area serves as the dividing line between the commercial buildings and the neighborhood, and explained the scale of these proposed two-family homes are too much for the neighborhood. Mr. Phenegar agreed and does not think these are fitting for the area. There is a discussion about the area and where the neighborhood is located in relation to the businesses, some newer rebuilds in the neighborhood, what is appropriate for this property, and how far back from the street the buildings are. Mr. Larkin stated they intend to do a lot of landscaping to shade the proposed dwellings from the street. Mr. Emero inquired about having one access for both lots, Mr. Larkin stated they would have to confirm. Ms. Saint Andre clarified that common driveways are not allowed and they would need a variance for this to be allowed for this project. Mr. White inquired if they looked at the PEDB letter and the recommended style home. Mr. Larkin explained they did and that the driveway for that type of building as depicted in the PEDB example would take up a lot of space and landscaping.

David D'Amico, Medway DPW Director explained the comments he submitted to the Board, he stated each of the four units would need to apply for individual water connection permits. DPW will only allow one curb cut per lot that is limited to 25 feet wide, by obtaining a street opening permit. He explained more about the sidewalk comments. Milford Street is set to have a sidewalk constructed as part of the Medway sidewalk plan up to the Cumberland Farms sidewalk; there will be a board walk where the guard rail is on Milford Street. The PEDB requires a sidewalk for projects it reviews, or if they do not put a sidewalk in, they would be asked to contribute to a sidewalk fund, so he is making the same request here. It was stated that this is not a requirement but a recommendation. Mr. D'Amico then discussed stormwater requirements set forth by the Town. Due to EPA requirements for phosphorous removal, the Town requests that applicants put in infiltration basins on new developments and along the sidewalks on the street for roof drains and the driveway. Mr. Stumpf inquired if the basins are visible, Mr. D'Amico confirmed they are in the ground.

Andy Rodenhiser, Chair of the PEDB was present and stated that the PEDB did not realize at the time the applicant intended to apply for two two-family duplexes and thought it would only be two single family homes. The PEDB had concerns about access and driveways. He stated they provided a letter in opposition and recommended some conditions to be considered in the decisions. Mr. D'Amico stated that the applicant should have the driveway for Parcel A-2 come from Knollwood Road. The issue is the applicant does not have access rights to Knollwood Road. Mr. White stated that he would like Ms. Saint

Andre to elaborate on the email about Town Counsel's opinion that a subdivision modification is required due to the ANR splitting the lot. Ms. Saint Andre stated that the applicant asked for a determination from Building Commissioner Jack Mee regarding whether the subdivision plan would need to be modified to allow this, it was then that Town Counsel was asked for an opinion. Ms. Saint Andre stated that the applicant may need to modify the subdivision plan and potentially need an Order of Conditions from the Conservation Commission in order for these projects to be completed, but that the ZBA could make a decision without these other approvals being obtained first. She also stated that theoretically if the applicant were to apply for a building permit and if denied they do have the right to appeal that Building Commissioner's decision to the ZBA.

Mr. Stumpf then invited the public to speak.

Pam Bellino of 2 Knollwood Road stated that she is impacted by this application. She stated currently they are screened from Cumberland Farms and traffic in the area. She stated that the current home is a low profile house and the new structure will be much higher and closer to Knollwood Road, she also has concerns around clearing of the lot for the proposed septic. Mr. Stumpf clarified that her concerns are primarily around screening of the new structure.

Craig Tornifoglio of 1 Knollwood Road is an abutter to proposed lot A-2. He stated that where they are proposing to construct the new home is all ledge. He inquired if there would be blasting involved to put in the proposed septic system. He has concerns on blasting and that water runoff will be generated from that potential disturbance of land and will run down Knollwood Road. Mr. Stumpf clarified that all his concerns would be addressed when building permits would be applied for. Mr. Tornifoglio then inquired about the frontage and how they are using Knollwood Road for frontage. Ms. Saint Andre stated the definition of a street and Mr. Rodenhiser stated that they met the criteria for an ANR plan.

There was a discussion around sight distance safety of the area and high traffic volume on Milford Street. Mr. Rodenhiser discussed sight distance and if the applicant has done any research on that. Mr. Rodenhiser stated that there is a standard in regard to sight distance that would need to be met and impact of the area. Ms. Saint Andre suggested that if the only issue is the driveway then they can ask the applicant to apply for a variance for a common driveway. Mr. Stumpf stated that his issue is with the scope of the dwellings proposed, that they are not appropriate for the neighborhood. Mr. Phenegar stated that this is not the right area for these dwellings and that this would alter the character of the neighborhood. Mr. Larkin stated that he felt that they are keeping within the style of the neighborhood with a two car garage but stated that overall it is the same kind of concept. Mr. Rodenhiser stated that when the PEDB reviewed the Cumberland Farms the Board recognized the concerns and made some requests, one being the speed signs in the area by Cumberland Farms, in regards to safety and traffic in that area of Knollwood Road.

Mr. Larkin stated that no matter what they are going to do there they would still be two driveways even if they did two single family homes. He asked if the Board would like one single family home and one two family home. Mr. Stumpf and Mr. Phenegar both stated they would not be in favor of that idea. Mr. Phenegar stated he does not think that the proposal has the appearance of a single family home as required, and it is not the right area for this and it is totally out of character. Mr. White agreed and stated that there are a variety of houses in the area but none look like this proposal. Mr. Larkin asked to have a moment to discuss with the applicant on what they would like to do further. Upon returning Mr. Larkin requested that they continue the hearings to give them an opportunity to regroup.

Motion to continue the public hearings for 35 Milford Street Parcel A-1 and 35 Milford Street Parcel A-2 to January 20, 2021 at 7:30 p.m. made by Brian White, seconded by Gibb Phenegar, passed with a roll call vote of 5-0.

Carol Gould – Aye

Tom Emero – Aye

Brian White – Aye

Gibb Phenegar – Aye

Rori Stumpf – Aye

Approval of Minutes

- December 2, 2020

Motion to approve the minutes for December 2, 2020 as presented made by Brian White, seconded by Gibb Phenegar, passed by a roll call vote of 5-0.

Carol Gould – Aye

Tom Emero – Aye

Brian White – Aye

Gibb Phenegar – Aye

Rori Stumpf – Aye

Upcoming Meetings

- January 6, 2021 - Canceled
- January 20, 2021 – 35 Milford A-1 and A-2 Two-Family Special Permit applications

Adjournment

Motion to adjourn the meeting at 9:17 p.m. made by Brian White, seconded by Gibb Phenegar, passed by a roll call vote of 5-0

Carol Gould – Aye

Tom Emero – Aye

Brian White – Aye

Gibb Phenegar – Aye

Rori Stumpf – Aye

Respectfully submitted,

Stefany Ohannesian

Administrative Assistant

Community and Economic Development

Edited by

Barbara J. Saint Andre

Director, Community and Economic Development

****Included is the attachment of Chat section of the Zoom Meeting**

From Michael Larkin to Me: (Direct Message)

07:31 PM

Stefany I will be speaking for the 35 Milford Street property also

From Me to Michael Larkin: (Direct Message)

07:32 PM

great! I can put anything on the screen you'd like just let me know I have all application materials

From Brian McSweeney to Everyone:

07:41 PM

Mr.Chairman please clarify the definition of "gross floor area" for the benefit of everyone attending this meeting ... thank you.

no hand raise ...

From Craig to Everyone:

08:17 PM

That lot 2 is lot 4 on Knollwood rd

Knollwood Rd is an association.

From Rori Stumpf to Everyone:

08:29 PM

Pam Bellino, I see your raised hand, will give you the floor soon

From Craig to Everyone:

08:40 PM

With proposed septic, That area is ledge, Are you blasting or raising elevation? Concerned about run off

NO!!!!

Craig, you will have the opportunity to speak when the Chairman opens to the public for comment

Please raise you hand to speak when the time is right

From Michael Larkin to Me: (Direct Message)

Stef - can you unmute me

thx

From Me to Michael Larkin: (Direct Message)

no problem!

From Rori Stumpf to Everyone:

Craig, would you like to say something?

From Craig to Everyone:

can you hear me?

From Choate to Everyone:

Blanca Marroquin Choate,
resident of 3 Knollwood Rd. I
share my neighbors
concerns and in addition am