



Town of Medway
ZONING BOARD OF APPEALS
155 Village Street, Medway MA 02053
(508) 321-4915

Rori Stumpf, Chair
Brian White, Vice Chair
Gibb Phenegar, Clerk
Christina Oster, Member
Tom Emero, Member
Carol Gould, Associate Member
Brian Cowan, Associate Member

Zoning Board of Appeals Meeting
Wednesday, December 18, 2019 at 7:30 p.m.
Sanford Hall
155 Village Street Medway, MA 02053
Meeting Minutes

Present: Rori Stumpf, Chairman; Brian White, Vice Chair (arrived at 7:33 p.m.); Gibb Phenegar, Clerk; Christina Oster, Member; Tom Emero, Member; Brian Cowan, Associate Member

Also Present: Barbara Saint Andre, Director, Community and Economic Development
Stefany Ohannesian, Administrative Assistant, Community and Economic Development
Steve Bouley, Tetra Tech, Inc.

Chairman Rori Stumpf called the meeting to order at 7:30 p.m. and read that the meeting was being broadcast and recorded by Medway Cable Access.

Mr. Stumpf started a discussion about one of the “Other Business” items, violations of granted ZBA decisions. He stated that when relief is granted, sometimes conditions are attached to the variance or special permit. He stated there have been certain situations where the applicant has violated the conditions of the permit, and Mr. Stumpf wanted to discuss what can be done to prevent the applicant from violating those conditions. Mr. Stumpf stated that he would like to add a “boiler plate” condition that if the applicant violates the conditions, they may not be able to exercise the relief that was granted. Mr. Phenegar agreed with Mr. Stumpf’s comments, and collectively the Board wants to ensure the condition is worded so that the applicant understands correctly. Mr. Emero inquired about who from the Town handles the enforcement, Ms. Saint Andre confirmed that it is the Building Commissioner. Ms. Saint Andre explained that one of the existing “boiler plate” conditions states that if the applicant fails to comply with the conditions, they may be in violation of the Zoning bylaw. Mr. Emero asked for clarification on what the Building Commissioner can do in a situation where conditions are being violated. Examples provided were that the Building Commissioner may not issue Certificates of Occupancy, or can issue cease and desist orders. Mr. Stumpf stated that conditions are not guidelines, they are requirements, and advised that the applicant is always entitled to apply for a modification if they want additional relief. Ms. Saint Andre suggested modifying the boiler plate condition, the Board agreed with this request.

New Business

Timber Crest Estates Final Plans Review and Request for Approval (continued from November 20, 2019) – Review of the submitted REVISED final plans and request of approval of the final plans for endorsement from the Board.

Mounir Tayara, the applicant, was present with his engineer, Jim Pavlik of Outback Engineering. Mr. Stumpf opened the discussion, and explained that this is the final review of the revised plans. Mr. Stumpf asked if Town staff had anything else to add, Ms. Saint Andre spoke about the note added on sheet 2 of volume 1 of the plans, included as recommended by Town Counsel. Mr. Stumpf asked about the Conservation Agent, Bridget Graziano's comments, Ms. Saint Andre clarified Ms. Graziano's comments and that there were only minor erosion control issues. Any issues related to the Order of Conditions are within the Conservation Commission's jurisdiction.

Mr. Tayara clarified that Ms. Graziano would like to have all the plans to coincide with the Zoning Board of Appeals ("ZBA") plans. Mr. Tayara explained that the Conservation Commission has not seen the revised ZBA plans yet. Mr. Tayara also stated that he would like to have one master set of plans due to the large size of the plans. They have not submitted the plans to the Conservation Commission yet, the applicant is waiting until after the ZBA plans are approved, then will be submitting them to the Conservation Commission for an amendment to the Order of Conditions. Ms. Saint Andre stated that what was asked of the applicant from the Conservation Commission in its comments has been done, i.e. removing the proposed driveways and homes from the plans.

Mr. Stumpf then discussed the comments from Deputy Fire Chief Fasolino. Mr. Tayara stated that Deputy Chief Fasolino's comments just reaffirmed all items that were agreed upon with the applicant at in-person meetings. Mr. Stumpf inquired about Department of Public Works ("DPW"), the Board did not receive any comments on the revised final plans from DPW to date. Mr. Pavlik stated he did have correspondence with DPW recently, with no further comments on the revised final plans. Mr. Stumpf then asked the Board members if they had any questions or comments, none of the Board members had anything further. Mr. Stumpf asked if any member of the public had any comments.

Karyl Spiller-Walsh of 168 Holliston Street stated that her property will be very affected by the re-grading of Holliston Street and asked for clarification regarding the redesign plan. Her concerns are about the proposed curbing affecting an already existing stone wall. Mr. Tayara stated that the plans are the best engineered plans, Steve Bouley from Tetra Tech agreed. Mr. Stumpf recommended that if any issues arise during the construction process to bring it to the attention of DPW. Mr. Stumpf stated that the plans are viewable at the Town Hall and Ms. Saint Andre stated the redesign plans were emailed to Ms. Spiller-Walsh. Mr. Tayara expressed that all of the work proposed to be done on Holliston Street is in the Town right of way. Mr. Pavlik confirmed her questions about the proposed curbing and re-grading of the road in front of her property, there will be fill between the curb and the stone wall. Mr. Pavlik also stated that a street opening permit from DPW is necessary for this proposed work, there will be close monitoring of the construction.

David Johnson of 163 Holliston Street asked if the proposed curb at his driveway can be lowered to a reveal of 3 inches for the length of the radius at the driveway opening and transition the curb to grade at the end of the curb run. Mr. Tayara explained that he is willing to do that, and that they are going to work with him along the process and during construction. Mr. Johnson wanted this shown on the plans, in the event the project is sold to another party. It was explained that the applicant is looking to have the plans approved tonight, and therefore is reluctant to incur further delay to change the plans, but does agree to what Mr. Johnson requests, and the minutes of the ZBA will reflect this.

Mr. Stumpf inquired about the proposed trail and where it is on the plans, Mr. Pavlik explained the location to the Board, the trail can be found in Volume 1 on sheets 24 and 25.

At this point there was no further discussion regarding the final plans.

Move that the Board determines that the proposed Final Plans as modified are consistent with the conditions set forth in the granted comprehensive permit made by Brian White, seconded by Gibb Phenegar, passed with a vote of 5-0.

Move that the Board approve the Final Plans entitled “Timber Crest Estates & Kingsbury Village, A Proposed Residential Development in Medway, Massachusetts, Final Plans” Volume I consisting of Sheets 1 through 61, and Volume II consisting of Sheets 1 through 21, dated November 26, 2019, and also including the following documents:

- Architectural Plans, Timber Crest Estates and Kingsbury Village, dated August 6, 2019 (plans dates June 11, 2019)
- Order of Conditions DEP File #216-914, issued March 5, 2019 (Timber Crest Estates Project)
- Order of Conditions DEP File #216-919, issued December 18, 2018 (11, 13, 15, 17 Fairway Lane)
- Kleinfelder Additional Timber Crest Water Model Memo dated June 12, 2019
- NStar Electric License Agreement to construct road easement, updated 2019
- 13 Fairway Lane Full Drainage Report dated March 15, 2018
- Final Drainage Report for Timber Crest Estates and Kingsbury Village dated August 6, 2019
- Stormwater Pollution Prevention Plan dated August 6, 2019
- Long Term Stormwater Operation and Maintenance Plan dated August 6, 2019
- Sewer Lift Stations Standard Operating Guideline dated August 6, 2019
- Enbridge-Algonquin Gas Consent Letter to construct Timber Crest Road in gas easement dated January 15, 2019
- Revised sheet number 2 of Volume 1 submitted December 17, 2019

Made by Brian White seconded by Gibb Phenegar passed with a vote of 5-0.

Move to authorize the Clerk of the Board to endorse the Final Plans as approved, made by Brian White, seconded by Gibb Phenegar, passed with a vote of 5-0.

Mr. Tayara then discussed the covenant and the Mylar plans as well, they will need to be signed and recorded at the Norfolk County Registry of Deeds. Mr. Tayara also discussed a property on Fern Path that still needs to be obtained.

Mr. Tayara then discussed their plans for construction, their intent is to start with applying for a demolition permit for the house on Holliston Street as well as setting up erosion control and clearing on Ohlson Circle.

Ms. Saint Andre discussed the signing of the Mylar plans and that the covenant needs to be approved prior to signing the plans.

Approval of Minutes

- November 20, 2019

Motion to approve the minutes for November 20, 2019 as presented made by Brian White, seconded by Gibb Phenegar, vote passed 5-0.

Upcoming Meetings

- January 15, 2020
- February 5, 2020

Other Business

- Discuss potential Zoning By-law amendments for 2020 annual town meeting

Ms. Saint Andre discussed potential zoning amendments that the ZBA stated at a past meeting it may want to bring to Spring Town meeting. One possible amendment would be adding some additional standards and guidelines for two family dwelling special permits. The other amendment possibility would be in regards to massing of structures. The Board agreed that those two potential amendments would be great to move forward with.

Adjournment

Motion to adjourn the meeting at 8:28 p.m. made by Brian White, seconded by Gibb Phenegar, vote passed 5-0.

Respectfully submitted,

Stefany Ohannesian
Administrative Assistant
Community and Economic Development