



TOWN OF MEDWAY
COMMONWEALTH OF MASSACHUSETTS
ZONING BOARD OF APPEALS

Medway Town Hall
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Board Members

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

Wednesday, February 5, 2020 at 7:30 p.m.

Sanford Hall

155 Village Street Medway, MA

Meeting Minutes

Present: Rori Stumpf, Chairman; Brian White, Vice Chair; Gibb Phenegar, Clerk; Christina Oster, Member; Tom Emero, Member; Brian Cowan, Associate Member

Also Present: Barbara J. Saint Andre, Director, Community and Economic Development

Call to Order

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

Other Business

15 West Street (Verizon Wireless) Extension Request – Request for consideration of a 6-month extension to the current Special Permit approved on February 28, 2018.

Attorney Michael Giaimo was present and represented the applicant. He explained that they have obtained their building permit and have been working with the Conservation Commission on the project therefore they are requesting a 6-month extension.

Motion to grant the extension of time for the special permit for 15 West Street to be extended to August 28, 2020 by: Brian White, second: Gibb Phenegar, passed by vote of 5-0.

Public Hearings

4 Quail Drive – 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") to the existing home, and to authorize the AFDU to exceed 800 sq. ft. under Section 8.2.C.8. to be approximately 1,287 total sq. ft.

Rick Catalano, the applicant was present, he introduced his family, and his carpenter, Mike Chaisson of Carpentry Solutions. He began with a presentation of the building of the house in Medway and how their family has grown in the town. He then gave an overview of the location of their home and how other homes in the neighborhood have a similar look to what he is proposing to do. The project consists of an approximate 24x24 addition while also using some of the existing home (formal living room upstairs and the basement of the existing home) as part of their accessory family dwelling unit making the unit approximately 1,287 sq. ft.

Mr. Stumpf then asked the Board members if they had any questions. Ms. Oster asked for clarification on how much square footage the proposed AFDU exceeds the allowed 800 sq. ft. Mr. Catalano explained it is around 400 sq. ft. more. Ms. Oster also asked how close the addition will be to the property line, it will be approximately 22 feet from the line, well outside the 15-foot setback requirement.

Mr. Phenegar clarified the scope of the addition and the existing home, that the addition will be only about 480 square feet, and the rest of the AFDU space will be within the existing dwelling. Ms. Oster inquired about the second curb cut, Mr. Catalano stated he has spoken with DPW regarding the curb cut already. Ms. Oster inquired about any conservation issues. Mr. Catalano stated that the Conservation Agent conducted a site visit and did not find any issues.

Rachel Peterson of 7 Quail Drive stated that her concerns are around water issues. She stated that many parcels in the neighborhood seem to have this issue with water, she is particularly concerned because this water issue is on the same side as the proposed addition. Mr. Catalano explained that they did have some drainage issues that they dealt with back around 1995. He also explained he has discussed with his contractor drainage options in regards to the new proposed driveway and addition.

Mike Chaisson, the applicant's carpenter explained that they did not feel as though an infiltration system was necessary but when they do the grading for the new driveway it will help to improve the water issue.

Mr. Stumpf explained why stormwater management is very important within the town. Ms. Saint Andre stated that there is a boiler plate condition used on most decisions to make it necessary to manage stormwater on site in various different ways as well as making sure that no runoff goes to the street or abutting properties. Mr. Stumpf read the boilerplate condition number 5 and asked if the applicant had any issue with the condition, the applicant did not.

Ms. Peterson expressed concerns around the second driveway and the location. She stated that it is located near the intersection where there is also a bus stop. She inquired if the driveway could be a single driveway or if the addition could be put in the back of the home and not on the side. Mr. Catalano explained that they had a few different options, but they decided to do the second driveway for privacy reasons and to maintain the look of the neighborhood. He explained that the bus stop is closer to the original driveway than the new proposed driveway.

Ms. Oster inquired about any abutter comments, it was explained there were two letters of support from abutters.

Lauren Aleesi of 6 Quail Drive expressed concerns about trees that would need to be removed for the proposed addition. Mr. Catalano explained that they would only need to take down two trees for protection of the addition to any falling limbs. Mr. Chaisson explained they will be leaving 8-10 feet of trees. Mr. Stumpf explained a potential condition to preserve the trees, and asked if the applicant would agree to a condition that only two trees would be removed. Mr. Chaisson was reluctant to agree to that condition. There was a discussion around the side setback in relation to the proposed addition. Mr. Emero stated that no other boards or departments have made any recommendations regarding removal of trees on the property and he does not feel that the Board should impose any conditions or take the role away from other boards or departments. Mr. Emero does not feel as though restrictions should be imposed. Mr. Stumpf stated that the Board can impose conditions if they feel as though it is necessary. Ms. Oster agrees with Mr. Stumpf to make sure the trees remain. Mr. Phenegar stated that, according to the proposed plan, there is about 10 feet off the property line that looks as though it will not be touched for the construction. Mr. Catalano explained there is also a buffer on the abutting property as well, therefore making the buffer close to 25 feet. Mr. Phenegar felt this could be a compromise and he will prepare wording of a proposed condition for the Board's consideration.

Mr. Stumpf reminded the applicant of the requirements of an accessory family dwelling unit certification with the town, Mr. Catalano agreed he is aware of the process with the building department.

The Board then discussed the Accessory Family Dwelling Unit criteria and collectively agreed that the applicant has met all criteria.

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 vote of 5-0.

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

The Board then discussed the Special Permit criteria and collectively agreed that the applicant has met all special permit criteria.

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 with a vote of 5-0.

Ms. Saint Andre then read through and explained the potential conditions of approval listed below.

Potential conditions upon approval:

1. Smoke detectors and carbon monoxide detectors must be installed in accordance with the

Massachusetts Fire and Building Codes.

2. This special permit is subject to all subsequent conditions that may be imposed by other Town departments, boards, agencies, or commissions. Any changes to the special permit that may be required by the decisions of other Town boards, agencies or commissions shall be submitted to the Board for review as a new request.

3. Any work or use that deviates from this Decision may be a violation of the Medway Zoning Bylaw. All conditions imposed by this Decision are mandatory, and any violation of a condition imposed by this decision may be a violation of the Medway Zoning Bylaw. Ms. Saint Andre explained the balance of this condition outlines the enforcement mechanisms for violations.

4. As provided in Section 3.4.E of the Zoning Bylaw, special permits shall lapse within two years. Ms. Saint Andre explained that this condition just re-iterates what is in the bylaw provision, and an extension can be requested if needed.

5. This condition was previously read in full by the Chair.

6. The AFDU shall be built in compliance with the documents submitted to the Board as listed in Section V of this Decision, provided, however, that the Building Commissioner may approve minor changes in the course of construction that are of such a nature as are usually approved as “field changes” that do not require further review by the Board. The dimensions shall not be changed without Board approval.

7. Transfer of Ownership. If the new owner(s) desires to continue to exercise the special permit, they must, within 30 days of the conveyance, submit a notarized letter to the Building Commissioner stating that they will occupy one of the dwelling units on the premises as their primary residence, except for bona fide temporary absences, and that the accessory family dwelling unit is to be occupied by one of the parties specified in Section 8.2.C.6.b. of the Zoning Bylaw.

Mr. Phenegar proposed the following additional condition:

8. No trees or vegetation shall be disturbed or removed within 10 feet of the property line on the south side of the property bordering 6 Quail Drive.

Motion to grant the special permit request for 4 Quail Drive with conditions as set forth, by Brian White, seconded by Gibb Phenegar, passed with a vote of 5-0.

Motion to close the hearing for 4 Quail Drive made by Brian White, seconded by Gibb Phenegar passed with a vote of 5-0.

Motion to allow any one member of the Board to sign the decision made by Brian White, seconded by Gibb Phenegar passed with a vote of 5-0

79 Lovering Street - application is for **modification** of the special permit granted October 16,

2019 to construct a two-family dwelling; the modification is requested to reflect adjusted lot lines as shown on a plan endorsed by the Planning and Economic Development Board on 11/26/19 and to include a walk out basement in the rear of the units instead of bulkheads.

Michael Larkin was present and discussed the modification request. There are two modifications requested. The first requests a change in the lot lines. He stated that after the special permit was approved back in October of 2019, they went before the Planning and Economic Development Board to adjust the lot lines by essentially squaring off a piece of the land that borders 81 Lovering Street. The second relates to the building plans. He stated the square footage of the building plans is not changed, but due to the land sloping in the back of the structure, it would be best to add a walk out basement instead of having a bulkhead.

By a motion made by Brian White, seconded by Gibb Phenegar, the Board voted to grant the modification request for the 79 Lovering Street special permit granted on October 16, 2019, to reflect adjusted lot lines as shown on “Plan of Land in Medway” dated October 2, 2019, revised November 22, 2019, Owner: Medway Meadows LLC, prepared by Colonial Engineering, Inc. 11 Awl Street Medway, MA 02053, endorsed by the Planning and Economic Development Board on November 26, 2019, and to include a walk out basement in the rear of the units instead of bulkheads as shown on “Lovering Street Duplex” Exterior Elevations dated November 20, 2019, prepared by Damon McQuaid Architect, 49 Brookview Terrace Lunenburg, MA 01462. All other provisions and conditions set forth in this Board’s decision dated October 16, 2019, remain in full force and effect except as specifically modified by this Decision and are incorporated herein as if set forth in full, passed with a vote of 5-0.

Motion to allow any one member of the Board to sign the decision made by Brian White, seconded by Gibb Phenegar, passed with a vote of 5-0.

Motion to close the hearing for 79 Lovering Street modification request made by Brian White seconded by Gibb Phenegar, passed with a vote of 5-0.

New Business

Glen Brook Way Comprehensive Permit – The applicant seeks a determination that proposed modifications to the previously approved comprehensive permit are insubstantial. Requested modifications are to identify requirements for separate construction of Phases 1 and 2, potential waiver or partial waiver of Town fees, as well as other minor changes in the permit.

Jennifer Van Campen of Metro West Collaborative Development was present and discussed the current status of the Glen Brook Way Comprehensive Permit and the requested modifications. She explained that they have two Phases of the project and would like to ensure that everyone is in agreement of each condition of the Comprehensive Permit taking place twice due to having two phases. Secondly, she explained there was an error in the bedroom count, this will be corrected, resulting in 4 fewer bedrooms than indicated in the original decision. She is also requesting that 6 parking spaces for Phase 2 be constructed during Phase 1 to accommodate needs of additional parking for construction vehicles, etc. In addition to those changes, the proposed modified permit also incorporates the insubstantial changes from the last modification

request from April 2019 into the decision.

Ms. Van Campen then discussed the request to waive a portion of the fees of the project including water, sewer and building permit fees. The amount of fees was left open at the original hearing, the applicant would like to resolve it now that DHCD has approved funding and construction will be starting soon. They would like to cap the fees at \$100,000 for each phase of the project.

Mr. Phenegar clarified what the applicant is requesting. Mr. Emero asked if the Board had the authority to reduce the fee amounts. Mr. Stumpf pointed out that the Town is funding a portion of this project, and the Board does have the authority to waive town fees due to the project being a Comprehensive Permit.

Ms. Saint Andre stated that it is not uncommon for Comprehensive Permit applicants to ask for certain fee waivers and this request is modest compared to others in the past.

The Board collectively decided that the modification request is insubstantial.

Motion to find that the request for modifications to the Glen Brook Way comprehensive permit approved August 16, 2018, as set forth in the letter from Metro West Collaborative Development, Inc. dated January 22, 2020, and shown in the redlined version of the approved Comprehensive Permit submitted therewith, and as clarified in the letter from Metro West Collaborative Development, Inc. dated January 30, 2020, constitute insubstantial changes, made by Brian White, seconded by Gibb Phenegar, passed by a vote of 5-0.

- Consideration of Proposed Change Order from Tetra Tech Inc. for Glen Book Way

Motion to approve the proposed change order from Tetra Tech, Inc. for Glen Brook Way Phase 1 final review made by Brian White, seconded by Gibb Phenegar, passed with a vote of 5-0.

Other Business

- Discuss draft 2019 Zoning Board Annual Report

With a motion made by Brian White, seconded by Gibb Phenegar, the Board accepted the draft Annual Report passed with a vote of 5-0.

Approval of Minutes

- January 15, 2020

Motion to approve the minutes for January 15, 2020 as presented, made by Brian White, seconded by Gibb Phenegar, passed with vote of 5-0.

8. Upcoming Meetings

- February 19, 2020 – 14-16R Franklin St. Continuation
- March 4, 2020 – Modification Request for property at 123 Main Street was received today and may be scheduled for March 4th.

9. Adjournment

Motion to adjourn the meeting at 8:36 p.m. made by Brian White, seconded by Gibb Phenegar, passed with a vote of 5-0.

Respectfully Submitted,

Stefany Ohannesian,
Administrative Assistant
Community and Economic Development

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