

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



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TOWN OF MEDWAY

COMMONWEALTH OF MASSACHUSETTS

ZONING BOARD OF APPEALS

Wednesday, July 15, 2020 at 7:30 p.m.
Virtual Meeting
Meeting Minutes

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

Also Present: Barbara 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 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 March 15, 2020 Order 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.

Public Hearings

14 Phillips Street - The application is for the issuance of a **special permit** under Section 5.5.E. **and/or variance** from Section 6.1 of the Zoning Bylaw to demolish the existing, nonconforming garage and replace it with a new garage of similar dimensions (24' x 32') within the side setback of the property.

Kerry Graves, the applicant, was present and discussed her petition. She stated they bought this home in 2012. The prior owner had been granted a special permit by the Zoning Board of Appeals in 2011 to demolish the current garage and build a new one five feet from the lot line. After they purchased the home, other life events took place and they were not able to update the garage as previously planned. She also stated that they did try and go through their insurance company to repair the garage but that the money from the claim would not cover the necessary repairs. They are proposing to replace the garage structure, further in from the lot line (3.5 feet) and proposing to build it slightly larger. The lot is narrow and they don't want to cut off access to the back door. The height of the barn would be 20 feet.

Mr. Stumpf inquired about plans of the proposed structure. Ms. Graves stated they did not have architectural plans yet. Mr. Stumpf also inquired about the 3.5 foot and 5-foot setback line, and asked for clarification on what they are proposing to do. The current garage is 1.5 feet from the lot line.

He then invited the Board members for comment. Mr. Phenegar inquired why they cannot place it at the 10-foot setback line. Ms. Graves stated that the driveway would need to be curved and it would be very close to the dwelling, which would impact the rear entrance of the home which is their primary entrance and exit. She also stated they would like to potentially put a patio in the backyard which would not be doable if the proposed garage is placed within the setbacks. She stated the proposed garage will be similar to other garages in the neighborhood. The extra height will be used for a loft to be used for storage.

Ms. Gould inquired about the photos provided of the current garage and its condition. She asked if the Building Commissioner has seen it or condemned it. Ms. Graves stated that he has not been out, and it does not have a foundation. Ms. Stumpf stated he drove by the property, and the existing structure is right on the lot line of the abutting property. He questioned why they cannot build the lot in accordance with the by-law and current dimensional requirements. Ms. Graves stated that in order to move it back the problem would be that the structure would be closer to Chicken Brook. Mr. Stumpf stated that if he was a neighbor, he would feel as though the new structure would be very imposing. Additionally, although there is abutter support, the Board follows the current regulations. Mr. Phenegar stated that he would be very hesitant to approve something that would be built within the setback. Mr. Emero questioned if the applicant wanted to rebuild the garage the same exact size and location, or if the applicant wanted to build the structure larger and in a different location, which would be allowed. He stated he would have an issue with the increase of the non-conforming nature of the structure.

Mr. Stumpf stated that when trying to visualize the proposed structure, it is substantially larger and more imposing on the neighbors. Ms. Graves stated that their intent is to keep the look of the neighborhood and have more storage. She is open to reducing the height if that is what the Board would like. Mr. Phenegar stated that doing a quick calculation, the proposed structure would be almost twice as large as the existing one.

Ms. Saint Andre stated that there are a few options for the applicant. One would be that, if the Board were leaning towards a denial, to allow the applicant to withdraw without prejudice and come back and reapply with different plans; or to continue the hearing, the applicant would take the feedback from the Board and try to compromise. The last option would be to have the Board discuss, go through all criteria and vote tonight. Ms. Graves discussed abutter support and if that is something the Board would want more of. Mr. Stumpf stated that he does take negative abutter feedback into account rather than positive support, although both are encouraged. Ms. Graves also clarified the other issues that have been raised, i.e. the size of the proposed structure and location being within the setback. Mr. Stumpf stated the Board would like more information on what the garage would look like.

Mr. Emero stated that his concern is that the current structure is non-conforming, and he would have an issue with the proposed structure increasing the non-conformity. He stated that, if the structure is away from the lot line, he would be in favor. Ms. Graves asked for clarification on what they would like, and Mr. Stumpf stated that they would like an idea on footprint and height. Ms. Graves asked about the

height regulation, which is 35 feet. Mr. Stumpf stated that they need to determine if the structure will be more detrimental to the neighborhood, and he would like to see that the structure is not dramatically imposing on the neighbors. The Board then decided to continue the hearing to August 5, 2020.

Motion to continue the hearing for 14 Phillips Street to August 5, 2020 at 7:30 p.m. made by Brian White, seconded by Gibb Phenegar passed with a roll call vote of 5-0.

**Tom Emero – Aye
Carol Gould – Aye
Gibb Phenegar – Aye
Brian White – Aye
Rori Stumpf – Aye**

Reorganization of the Board

Mr. Phenegar stated he would like to stay on as Clerk.

Motion made by Brian White, seconded by Gibb Phenegar to re-elect Gibb Phenegar as Clerk of the Board passed with a roll call vote of 4-0.

**Tom Emero – Aye
Gibb Phenegar – Aye
Brian White – Aye
Rori Stumpf – Aye**

Mr. White stated he would like to stay on as Vice Chair.

Motion made by Brian White, seconded by Gibb Phenegar to re-elect Brian White as Vice - Chair of the Board passed with a roll call vote of 4-0.

**Tom Emero – Aye
Gibb Phenegar – Aye
Brian White – Aye
Rori Stumpf – Aye**

Mr. Stumpf stated that he would like to remain as Chair.

Motion made by Brian White, seconded by Gibb Phenegar to re-elect Rori Stumpf as Chairman of the Board passed with a roll call vote of 4-0.

**Tom Emero – Aye
Gibb Phenegar – Aye
Brian White – Aye
Rori Stumpf – Aye**

Approval of Minutes

- June 17, 2020

Motion to approve the minutes for June 17, 2020 as presented made by Brian White seconded by Gibb Phenegar passed with a roll call vote of 4-0.

Tom Emero – Aye

Gibb Phenegar – Aye

Brian White – Aye

Rori Stumpf – Aye

Upcoming Meetings

- August 5, 2020 –
 - 72A Fisher Street Modification of Variance Request
 - 14 Phillips Street Continuation
- August 19, 2020

Mr. Phenegar brought up potentially going back to using the Dropbox as people have been having difficulty accessing One Drive. Mr. White mentioned certain security settings for the One Drive can be adjusted in order for everyone to access it easier. He also suggested that an email with the link to One Drive and with the Zoom information be sent together as a calendar invite.

Adjournment

Motion to adjourn the meeting at 8:11 p.m. made by Brian White, seconded by Gibb Phenegar passed with a roll call vote of 5-0.

Tom Emero – Aye

Carol Gould – Aye

Gibb Phenegar – Aye

Brian White – 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