



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  
Carol Gould, Member

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**Zoning Board of Appeals Meeting**  
**Wednesday, July 3, 2019 at 7:00 pm**  
**Sanford Hall**  
**155 Village Street Medway, MA 02053**  
**Meeting Minutes**

**Present:** Rori Stumpf (Chairman), Brian White (Vice Chair), Carol Gould (Clerk) Gibb Phenegar (Member)

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

**Absent:** Christina Oster, with notice

Chairman Rori Stumpf called the meeting to order at 7:00 p.m. and stated that the meeting was being broadcast on Medway Cable Access.

**Public Hearings**

**14-16R Franklin Street** – application is for the issuance of a **special permit** under Section 5.4 Table 1.C of the Zoning Bylaw to construct a two-family house that has the exterior appearance of a single family dwelling on the lot, and for a **variance** from Section 6.1 of the Zoning Bylaw for frontage relief to allow 89.31 feet of frontage where 150 feet is required.

Ms. Tatevosian was present and began by talking about the previous variance that was granted to this property in June 2018. She explained that she bought the property in February 2019 and stated that, based on the needs of her family, she would like to build a two family home on the property.

Mr. Stumpf asked about the plans being proposed for this property. Ms. Tatevosian stated that she has an appointment with an architect scheduled to prepare plans. She discussed the location of the garage of the new construction. The board members questioned the size of the home on the lot. She states she would meet all the required setbacks to build a 3,500 sq. ft. home.

Mr. White stated that the new home would be out of character for the neighborhood and he discussed the scale. Mr. Stumpf stated that his concern is with protecting the abutters and making sure this proposed two-family will fit in with the neighborhood. Mr. Phenegar stated that he is hesitant because there are no plans that are drawn to scale, therefore he cannot vision what it will actually look like. The Board reiterated that 3,500 sq. ft. of home is very large for that area and the neighborhood. The Board members request the applicant provide

architectural plans to give them a better idea of what the proposed home will look like on the property to scale.

Paul Santosusso, 2 Franklin Creek Lane stated that his house abuts the property and is 3,000 sq ft. and that the house next to him is 3,400 sq. feet which also abuts the property.

Joe Tunney, 16 Franklin Street stated that his concern is that their property abuts two sides of the property and would like to buy some land from her.

There was a discussion among the Board whether to vote on the application or continue the hearing. They decided to continue the hearing to give the applicant a chance to submit plans shown to scale

**Motion to continue the hearing for 14 – 16R Franklin Street to August 7, 2019 at 7:30 pm at Sanford Hall made by Brian White, seconded by Gibb Phenegar passed with a unanimous vote of 4-0.**

**19 Broad Acres Farm Road** – 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.

Gary and Denise Legee, owners of the property, were present and discussed their AFDU special permit application. They explained that the AFDU will be for Denise’s mother.

Todd Allen, contractor from HIS Corporation of Medway was present and talked about the structure and where the addition would be going on the existing home.

Mr. Phenegar said he drove by the home and stated that what is being proposed would not be out of character for the neighborhood. Mr. Legee stated that there is another AFDU in the neighborhood as well.

Mr. Stumpf reminded him that the town performs reviews every two years on the AFDU to ensure it is being used correctly.

Mr. Stumpf then reviewed the criteria in the zoning bylaw for an AFDU special permit and stated that he believes that all criteria for a AFDU special permit are met for this application and the Board agreed to grant the special permit.

**By 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 unanimous vote of 4-0.**

The Board then reviewed the general criteria for a special permit under Section 3.4:

**By a motion made by Brian White, seconded by Gibb Phenegar, the Board finds that the Applicant has met all of the required special permit criteria under Section 3.4, passed with a unanimous vote of 4-0.**

The Board then discussed conditions to be imposed on the special permit. Ms. Saint Andre read five proposed conditions which are essentially boilerplate:

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.
4. Upon receipt of a written request by the applicant filed at least 30 days prior to the date of expiration, the Board may grant an extension for good cause. The request shall state the reasons for the extension and also the length of time requested. If no request for extension is filed and approved, the special permit shall lapse two years from the date of Decision, unless action is taken, or as may be otherwise specified herein, and may be reestablished only after a new filing, hearing, and decision. See Section 3.4.E of the Zoning Bylaw.
5. The Applicant shall install roof drains on the new dwelling unit and existing home (if the existing home does not already have them) to be infiltrated into the ground using a type of infiltration unit, such as but not limited to dry well, subsurface infiltrators, etc. Gutters and downspouts are not allowed to be placed in a manner to allow discharge of stormwater to the street.

In addition, Ms. Saint Andre stated that a condition should be included as condition 6 that the AFDU will comply with the plans, in particular the new garage area will be accessible to both units. The Board agreed, and she stated that she would draft the appropriate language for this condition to be included in the decision.

**Motion to approve conditions 1-6 as presented was made by Brian White and seconded by Gibb Phenegar passed with a unanimous vote of 4-0.**

**Motion to allow any one member of the Board to sign the decision made by Brian White seconded by Gibb Phenegar passed with a unanimous vote of 4-0**

Kathleen Burns, 18 Broad Street came before the Board with concerns about the three family residence that is located at 20 Broad Street. She stated her concerns about the density of the proposed development for this lot. Mr. Stumpf stated that there is no application pending before the Board for this property.

**Annual re-organization:** Election of Chair, Vice-Chair, and Clerk of the Board

Mr. Stumpf stated he would like to remain as the Chairman.

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

Mr. White would like to be re-elected as Vice Chair.

Motion made by Gibb Phenegar seconded by Rori Stumpf to re-elect Brian White as Vice Chair, passed with a unanimous vote of 4-0.

Mr. Phenegar stated he would like to be elected as Clerk.

Motion made by Rori Stumpf seconded by Brian White to elect Gibb Phenegar as Clerk passed with a unanimous vote of 4-0.

**No other business was brought before the Board**

**No correspondence was brought before the Board**

### **Approval of Minutes**

**Motion made by Brian White seconded by Gibb Phenegar to approve the minutes from June 19, 2019 as is passed with a unanimous 4-0 vote.**

### **Upcoming Meetings**

- July 17, 2019
  - 39 Main Street Comprehensive Permit Application Continued Review
  - 7 Wellington Street Variance – Continuation
  - 4 West Street Special Permit Application

**Motion to adjourn the meeting at 7:42 pm made by Brian White seconded by Gibb Phenegar passed with a unanimous vote of 4-0.**

Respectfully Submitted,

Stefany Ohannesian  
Administrative Assistant  
Community and Economic Development

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