

**Town of Medway  
Zoning Board of Appeals Meeting  
Sanford Hall  
Town Hall  
155 Village St, Medway MA**

**MINUTES OF MEETING**

**July 5, 2017**

**Present:** Chair Eric Arbeene; Clerk, Carol Gould; Members: Brian White, Rori Stumpf, Bridgette Kelly.

**Also present:** Mackenzie Leahy, Administrative Assistant, Community & Economic Development  
Steve Bouley, Tetra Tech

Chairman Arbeene called the meeting to order at 7:33 PM.

**Citizen Comments:**

There were no members of the public that wished to make comments on items other than those already on the agenda.

**Reorganization of the Board:**

Ms. Leahy gave a summary of the previous board positions and positions that would need voting.

***A motion to nominate Eric Arbeene for Chair was made by Mr. Stumpf, seconded by Mr. White. The motion passed 4-0-1, with Eric Arbeene abstaining.***

**Public Hearings:**

**7:35 P.M. – The Applicant, Russ Santoro, seeks an Extension of a Special Permit granted on December 7, 2011 for construction of a two-family dwelling on a lot which was subdivided at 272 Village Street. (Request to Withdraw Application without Prejudice to be made at Hearing)**

Ms. Leahy explained that the applicant was requesting to withdraw the application, because under the Permit Extension Act of 2012, Mr. Santoro's permit was automatically extended within needing to request an extension from the Board.

Abutter, Wayne Brundage, 268 Village Street stated that he was concerned with the overall ongoing "mess" of the project.

***A motion was made to accept the request to withdraw the application by Mr. White, seconded by Mr. Stumpf, and approved unanimously.***

**- The Applicants, Sharon Knight & Daniel Macias, seek a Special Permit under Section 5.4 to allow for an indoor playground and café, "Tumble Beans Café & Play," with respect to 114D Main Street.**

The Applicants provided an overview of the proposed use. Ms. Knight stated that the Applicants would like to provide enrichment classes for the community, support for parents, and a place for parents to congregate. The Applicants would focus on self-directed play for children. Ms. Knight explained that there is a climbing structure with tunnels and ball pits, but the Applicants were also focused on imaginative play—the design incorporated a “pretend” grocery store, build area, vets office, as well as a sensory room. The sensory room allow children with special needs a place to calm down with music and an environment that the kids could control if the other spaces were too loud. The Applicants were focusing on the 0 – 7 age range, but they recognized that siblings would most likely be attending as well. The normal business hours would be 9 am – 5 pm, on the weekdays, and 9 am – 1 pm on the weekends with private events in the afternoons and evenings. The space was about 4,600 sq. ft.

The business was not a chain. The Applicants had a son and had moved to the area less than a year ago—they felt there weren’t many opportunities to meet other parents in the area and had decided to start their own business.

The Applicants explained that the plans were schematic and didn’t show the full existing space, but there were at least two existing means of egress.

The Applicants were proposing a café with espresso and kid-friendly sandwiches, salads, and other similar food items, but there would not be a full commercial kitchen. Parties would be catered by outside local vendors.

The original schematic plans provided to the Board did not show the maintenance storage areas, but there would be space near the second means of egress, not shown on the plans. There was no office proposed, but party room would double as an office space when needed.

The Applicants’ representative, Joseph Kupstas, explained that there would be a code review of the space once the use was permitted and the plans would be reflected to show those changes. There was an old drop ceiling that Remodelwerks had planned to take down, which would require sprinkler reconfiguration. Remodelwerks is accustomed to tenant fit outs, but this would be their first kid-playground fit out. Remodelwerks would work with the Town after permitting for the code review so that someone liable could stand behind the project and the construction would be controlled construction.

The Applicants would be utilizing the existing parking to the rear of the building and in the front of the shopping center and they would be adding signage to direct individuals to the facility and to warn individuals of children.

The Applicants may consider events for older children in the evenings after school hours and potentially hosting events, such as paint nights, as well.

The business would have memberships, however, the membership would not be pay-per-class, members could attend at any time. There would be three tiers of memberships. There would also be single visit “drop-in” play rates, but there would be no drop-offs of children.

The play areas were designed for multiple age ranges.

Mr. White expressed that the Applicants may wish to speak to the Building Department regarding total occupancy and what number would change the use type to “assembly,” which requires more stringent fire codes and also suggested including additional electric outlets for parents to use while they are waiting for their children.

The Board expressed their support for this type of space in Medway for the children.

Ms. Leahy recommended to the Board that the Applicants meet with some Town staff and departments to vet out some of the potential issues prior to issuance of a permit rather than the Applicants needing to come back for a modification to the permit or to find that safety and code issues not being adequately addressed. The Board followed Ms. Leahy’s recommendation and continued the hearing in order for the Applicants to hold a meeting with staff.

***A motion to continue the hearing to 7:35 on August 2, 2017 was made by Mr. White, seconded by Mr. Stumpf, and approved unanimously.***

**- The Applicants, Alan Moles & Brenda Murrell, seek a Variance from Section 6.1 to allow for a deck that is 9 feet away from the property line; a 6 foot variance from the required 15 foot side setback, with respect to the property located at 106 Oakland Street.**

The Applicants provided an overview of their variance request. The applicants were requesting a variance for only a portion of the deck. The applicants had not realized that they needed a permit because it was a floating deck less than 24 inches off the ground. The Applicants received a building permit and had final approval from the Building Department when they were told that they would need to apply for a variance. The building inspector had gone out and reviewed the deck without a plot plan and was not reviewing for compliance with the zoning bylaw, only building code. After the Zoning Enforcement Officer, Jack Mee, reviewed the permit, he required the Applicants to either relocate or alter the deck to comply with the setbacks or to apply to the Board for a Variance.

The Board stated that they didn’t know exactly where the deck was on the property because they didn’t have an adequate plot plan. The Board also asked what the consequence would be to shorten the deck on one side. The applicants stated that they would incur financial losses and it would change the look of the deck.

Mr. Stumpf read correspondence from an abutter at 1 Main Street, Alisha Purdue, into record and asked if the applicant contacted the building department after than discussion. The applicants said the discussion never happened.

Alisha Purdue spoke in opposition of the requested variance.

***A motion to continue the hearing to 7:35 on August 2, 2017 was made by Mr. White, seconded by Mr. Stumpf, and approved unanimously.***

**8:00 P.M. – The Applicant, Metro West Collaborative Development, Inc., seeks a Comprehensive Permit under MGL. 40B, Section 20-23 as amended, to allow for construction of a 48 unit rental development to be called “Glen Brook Way,” of which all units would be considered affordable, on 3.17 acres, comprised of the properties**

located at 0 Glen Brook Way, 1 Glen Brook Way, 3 Glen Brook Way, and 33 West Street. [*Focus areas: Site Design, Stormwater/Wetlands, Landscaping/Open Space, Screening/Buffering, Water/Sewer, Waivers, Architecture/Elevations, Lighting & Site Amenities*]

The applicant and representatives gave an overview of the project as given at the previous hearing. Mr. Altobello explained that they revised the layout to make circulation one way, and revised the stormwater system to comply with the 10 Stormwater Management Standards and provided a groundwater mounding analysis.

Mr. Altobello provided a response letter for every comment letter received to date.

Ms. Leahy stated that she had spoken to Barry Smith, DPS, regarding some of Tetra Tech's comments and they have all been addressed or satisfied.

The Board expressed their appreciation for providing all the information that is requested.

The Board still expressed a concern for the proposed parking spaces.

Public Comment:

Glen Trindade (BOS), Ann Sherry (Affordable Housing), Bob Tucker (PEDB), Doug Havens (Affordable Housing), Matt Buckley (DRC) attended and spoke to their support of the proposed development and the ongoing communication and support of the Town.

The Board discussed how a draft decision would be put together.

***A motion to continue the hearing to 8:00 pm on August 2, 2017 was made by Mr. White, seconded by Mr. Stumpf and approved unanimously.***

**Any other business that may properly come before the Board:**

Approval of Invoice from Tetra Tech for Peer Review services of Glen Brook Way

***A motion to approve the invoice of Tetra Tech for \$ 1,175.00 was made by Mr. White, seconded by Mr. Stumpf, and approved unanimously.***

**Approval of Minutes:**

Tabled.

**Upcoming Meetings:**

No discussion.

**Correspondence:**

None.

**Adjournment**

***A motion to adjourn was made by Mr. White, seconded by Ms. Kelly and approved unanimously. The Board adjourned at 9:35 p.m.***

Respectfully submitted,

Mackenzie Leahy  
Administrative Assistant  
Community and Economic Development