

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, March 18, 2020 at 7:30 p.m.

Sanford Hall

155 Village Street Medway, MA

Meeting Minutes

Note: This meeting was held remotely via Zoom

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

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

Chairman Rori Stumpf called the meeting to order at 7:30 p.m. and read 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 this Agenda.

Public Hearings

14-16R Franklin Street Modification Request (continued from February 19, 2020) – The application is for a modification of the approved special permit and variance for a two family dwelling under Section 5.4 Table 1.C of the Zoning Bylaw, and Section 6.1 of the Zoning Bylaw, to change the location of the dwelling, modify the building plans, and allow tree removal within setbacks.

Dan Merrikin, the applicant's engineer, summarized discussions that he had had with the Town's Conservation Agent. He discussed the latest plan that he submitted earlier today, showing the proposed plantings, which he stated had been reviewed by the Conservation Agent. The plan shows three areas shaded in green are recommended by the Conservation Agent to be re-planted at a rate of 1 deciduous sapling for every 150 sq. ft., for a total of 21 saplings in addition to the plantings shown on the plan, which the applicant agrees to. He summarized some draft conditions that he had submitted on behalf of the applicant today. The conditions would allow the modification as shown on the plan, and allow the Conservation Commission to make determinations as to location of plantings within the wetlands 100-foot buffer zone and the stormwater system without the applicant needing to come back to the ZBA. He stated that Ms. Tatevosian has discussed this matter with her neighbors, and at least one would prefer not to have the trees planted in the setback near the neighbor's, so the proposed conditions would allow some of the trees to be planted in the interior of the lot instead.

The Board members collectively discussed the proposed plan and concluded that this has substantially satisfied all concerns of the Board. Bridget Graziano, Conservation Agent, confirmed that the plan was acceptable. Ms. Graziano had also submitted a proposed condition to address the plantings, which was reviewed and accepted by the Board. Mr. Merrikin's proposed conditions were also reviewed by Mr. Merrikin and the Board.

The Board then discussed the potential conditions.

The Board collectively decided on the following in regards to conditions. Conditions 1, 2, 3, and 4 in the original decision will be retained except as modified by this Decision. Conditions 5, 6 and 7 of the original decision are replaced with the following new conditions:

5. The site shall be constructed in substantial compliance with the plan prepared by Legacy Engineering LLC entitled "14 Franklin Street Plan of Land in Medway, MA", dated March 4, 2020 (the "Site Plan") (three sheets). Notwithstanding the provisions of Condition 1, it is recognized that the Conservation Commission may require certain changes to the Site Plan as discussed below. Such changes do not require further approval from the Board as discussed below.

6. Notwithstanding the provisions of Condition 1, it is recognized that the Conservation Commission may require changes to the proposed plantings within the 100-foot wetland buffer zone with respect to the type, size, and/or quantity of proposed plantings, or to the stormwater management system. Such changes do not require further approval by the Board, nor do the installation of additional plantings on the property beyond what is shown on the Site Plan and otherwise required herein.

7. In addition to the proposed plantings outside of the 100-foot wetland buffer zone shown on the Plan, the applicant shall plant approximately 21 (deciduous) saplings (6'-8') within the building setbacks area as depicted on the plans titled, "14 Franklin Street Proposed Plan of Land in Medway, MA" by Legacy Engineering, dated March 18, 2020 as Progress Print. The saplings shall be planted 10'-13' on center and shall be native species (not cultivars) to Massachusetts. The applicant shall submit a final planting plan depicting the location of the plantings and the species proposed for planting. This plan shall be submitted to Conservation and Building Departments for review and approval, prior to the issuance of a Building Permit. The Conservation Agent shall be authorized to approve the planting of some of these 21 saplings within the interior of the site.

8. The proposed two-family dwelling shall have substantially the same footprint and location as shown on the Site Plan. There is no limitation on the amount of interior living space of the structure.

Motion that the Board approve the modification request for 14-16R Franklin Street with conditions set forth made by Brian White, seconded by Gibb Phenegar with a vote of 4-0 by Roll Call:

Gibb Phenegar – Aye

Rori Stumpf – Aye

Brian White – Aye

Tom Emero – Aye

Motion to close the public hearing for 14 – 16R Franklin Street made by Brian White, seconded by Gibb Phenegar with a vote of 4-0 by Roll Call:

Gibb Phenegar – Aye

Rori Stumpf – Aye
Brian White – Aye
Tom Emero – Aye

Motion to allow any one member of the Board to sign the decision made by Brian White, seconded by Gibb Phenegar with a vote of 4-0 by Roll Call:

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

1 Applegate Road - The 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.

Cary Orlandi and Karen Orlandi of Millbrook Modular Homes, representatives for the property owner Sheila Downer, were present and discussed the application which is for an in-law apartment to be added to the existing home for the applicant’s mother. Ms. Orlandi explained that water, sewer, gas and electric will be connected to the existing home, no undue traffic will be caused by this proposed addition and that the design of the home will have no impact on the neighborhood. Mr. Orlandi explained the proposed addition will be approximately 741 sq. feet and explained he spoke with Bridget Graziano and she did not have any additional comments to what she has provided the Board. Mr. Phenegar explained that Ms. Graziano’s one recommendation is to have the stormwater management comply and meet with new regulations (NOAA Atlas 14).

Mr. Stumpf had a concern around the front rendering of the home and if it will look out of place for the neighborhood. Mr. Emero stated that there are a lot of larger homes in the neighborhood therefore this home would not stand out too much.

Mr. Stumpf then went through the AFDU criteria. He had a concern about a designated parking spot for the unit (criteria #5). Ms. Orlandi explained that the intent is to use a spot in the existing driveway for the unit. The Board collectively decided there is enough room in the driveway for an additional car for the AFDU.

The Board collectively decided that the applicant has met all AFDU and special permit criteria. Ms. Saint Andre then reviewed the Board’s boilerplate conditions for the permit. There were no objections to the proposed conditions.

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 4-0 by Roll Call:

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

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 4-0 by Roll Call Vote:

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

Motion to grant the special permit request for 1 Applegate Road with conditions set forth, by Brian White seconded by Gibb Phenegar with a vote of 4-0 by Roll Call Vote:

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

Motion to close the public hearing for 1 Applegate Road made by Brian White seconded by Gibb Phenegar with a vote of 4-0 by Roll Call Vote:

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

Motion to allow any one member of the Board to sign the decision made by Brian White seconded by Gibb Phenegar with a vote of 4-0 by Roll Call Vote:

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

83 Lovering Street (continued from March 4, 2020)- The application is for the issuance of a **special permit** under Section 5.4, Table 1.C of the Zoning Bylaw to convert a single family home into a two-family house that has the exterior appearance of a single family dwelling on the lot.

Michael Larkin, manager of Medway Meadows LLC, the applicant was present remotely and requested a continuance to April 1, 2020, stating that he has spoken with David D’Amico, DPW Director, who stated he will forward his comments to the Board in regards to the water and sewer connection. The Board agreed with the applicants request to continue to April 1, 2020.

Motion to continue the hearing for 83 Lovering Street to April 1, 2020 at 7:30 p.m. at Sanford Hall made by Brian White seconded by Gibb Phenegar with a vote of 4-0 by Roll Call Vote:

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

Approval of Minutes

- March 4, 2020

There were no minutes ready for approval at this meeting.

Upcoming Meetings

- April 1, 2020
 - 83 Lovering Street – Two Family Special Permit – Continuance
 - 123 Holliston Street – Medway VFW – Special Permit Application
- April 15, 2020

Adjournment

Motion to adjourn the meeting at 8:11 p.m. made by Gibb Phenegar seconded by Brian White with a vote of 4-0 by Roll Call Vote:

Gibb Phenegar – Aye

Rori Stumpf – Aye

Brian White – Aye

Tom Emero – Aye

Respectfully submitted,

Stefany Ohannesian

Administrative Assistant

Community and Economic Development

Documents viewed at this meeting:

1. “Progress Print 2020-03-18 Sketch Plan” for 14 Franklin Street Plan of Land dated March 4, 2020, Owner and Applicant: Lynne Tatevosian, prepared by Legacy Engineering, Inc.
2. “Proposed Conditions” for 14-16R Franklin St. by Dan Merrikin, Legacy Engineering
3. “Exterior with Rendering In-Law Addition” Photo
4. “‘Site Plan’ Plan of Land for 1 Applegate Drive [sic]” dated 03/17/2020, prepared for Millbrook Homes 2255 Boston Providence Highway Walepole [sic], MA” prepared by Landmark Site Design, 1267 Glebe Street Taunton, MA 02780.