



Town of Medway  
**ZONING BOARD OF APPEALS**  
155 Village Street, Medway MA 02053  
(508) 321-4915

Eric Arbeene, Chair  
Brian White, Vice Chair  
Carol Gould, Clerk  
Rori Stumpf, Member  
Bridgette Kelly, Member

**Zoning Board of Appeals Meeting**  
**Wednesday, May 2, 2018 at 7:30 pm**  
**Sanford Hall**  
**155 Village St, Medway, MA**

**MINUTES OF MEETING**

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

**Also present:** Mackenzie Leahy, Administrative Assistant, Community & Economic Development

**1. Call to Order**

Chairman Arbeene called the meeting to order at 7:39 PM.

**2. Citizen Comments**

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

**4. Any other business that may properly come before the Board**

- Request for modification to Decision for 67 Village Street – Special Permit Kennel

The Applicant, Kent Leung, requested a modification to the special permit granted for 67 Village St. The applicant requested a number of items, such as a sleeping area, kitchenette, shower, and bathroom. The Board felt that it was unclear as to whether or not the applicant was requesting a sleeping area for himself and amenities for staff or whether the applicant was requesting an accessory dwelling unit.

Ms. Leahy clarified that a sleeping area may be allowed for staff, for a temporary period of time, especially for overnight staff, however, an accessory dwelling unit was not allowed without requesting a use variance.

The Board felt that a sleeping area would be incidental to the primary use, however, they needed a floor plan and more information to determine whether or not what the applicant was requesting could be allowed and whether or not they could grant the requested modification. The Board requested that the applicant return with that information at the next meeting.

**3. Public Hearings**

7:35 p.m.      30 Wellington Street – The Applicant, Sharon Dupiche-Carlita, seeks a Variance from Section 6.1 of the Zoning Bylaw to split the property into two lots. Where, under common ownership, the two lots are currently “merged” to meet the zoning requirements for frontage and area in

the VR Zoning District, the applicant requests to utilize these lots as separate parcels. The applicant seeks a variance from the required 120 feet of frontage to 100.00 ft. frontage for each of the two parcels. A variance is also sought from the minimum required 22,500 square feet of area for parcel 58-010 to 10,336 sq. ft. and for parcel 58-011 to 9,890 sq. ft.

The Applicant's representative Stephen Kenney reiterated a number of points that were previously made. Mr. Kenney also noted that the applicant had seven letters of support from a residents in the surrounding district. The Applicant's representative Paul DeSimone explained that the wetlands had been delineated and there was, in fact, sufficient uplands and room for a single family dwelling on the premises.

Mr. Arbeene was concerned that while a majority of the lots in that neighborhood were undersized and nonconforming, there is a bylaw requirement for 22,500 square feet and 150 feet of frontage for a reason. Mackenzie Leahy, Community & Economic Development, explained that although the zoning district required more area and frontage than what the applicant proposed, the dimensional requirements that are in place now date back to the 1950's and do not necessarily reflect the size of the lots in the neighborhood. Town Staff and the Planning and Economic Development Board had recognized that, which is why the Village Residential (VR) District was created. The VR District was intended to reduce a number of dimensional requirements from that of the Agricultural Residential II (AR-II) Zoning District in order to be more in line with the existing lots and to bring a significant number of the lots into conformity, however, residents felt that this had the potential to affect the character of the zoning district.

Brian Bernier, 8 Thayer Road, spoke in favor of the request.

Knox Rogers, 4 Stagecoach Way, spoke in favor of the request.

Rosemary Baumgartner, 11 Mann Street, spoke in opposition of the request.

The Applicant noted that she was not selling the property for commercial gain, she intended to stay in Medway. The Applicant also stated that she was willing to include some type of condition in regards to the type of house that could be built on the lot.

The Board requested that Ms. Leahy draft a decision for 30 Wellington Street to review at the May 16, 2018 meeting.

**By vote of 4 to 0 on a motion made by Brian White and seconded by Rori Stumpf, the Board continued the hearing for 30 Wellington Street to May 16, 2018.**

- 5 Buttercup Lane – **(Withdrawn with Prejudice)** The Applicants, Sandra & James Landry, seek a special permit under Section 5.4 Table 1 of the Zoning Bylaw for a kennel license.

Ms. Leahy explained that because the applicants had withdrawn with prejudice, the Board did not need to take any additional actions.

- 146-148 Village Street – The Applicant, Judith A. Malmberg, Trustee, seeks a special permit under Section 5.5 of the Zoning Bylaw to convert the existing first floor commercial salon unit to a one bedroom residential apartment unit.

The Applicant's Representative requested a few minor clarifications to the proposed conditions of the decision.

**By vote of 4 to 0, on a motion made by Brian White and seconded by Rori Stumpf, the Board granted the applicant, Judith A. Malmberg, Trustee and Richard P. Malmberg II Revocable Trust, a *SPECIAL PERMIT* under Nonconforming Uses & Structures section 5.5.D and 5.5.E of the Medway Zoning Bylaw for the property located at 146 – 148 Village Street (Parcel ID: 60-227), subject to *CONDITIONS*.**

#### **4. Any other business that may properly come before the Board**

- Request for Determination – 333 Village St – Nonconforming Uses & Structures

Ms. Leahy explained that the applicant wasn't able to make it that evening. The house was destroyed in a fire and the applicant was looking to rebuild. They had provided existing conditions. Ms. Leahy's understanding was that the applicant was looking to replace the existing home on a similar footprint, meeting the setbacks of the existing home, however they were proposing to increase the height from that of the existing structure to 31 feet, thought the bylaw allows for up to 35 feet.

By a vote of 5-0-0, the Board determined that that the proposed project changes, as specified in your application to the Board, 333 Village Street – Jeffrey DeRosa – Application for ZBA Finding, filed with the Town Clerk on May 1, 2018, and the exhibits referenced and attached thereto, would not result in an increase to the nonconforming nature and may be permitted through the building department without requiring a special permit, so long as the constructed dwelling maintains the existing setbacks and complies with all other zoning and dimensional requirements.

- Discussion of Zoning Board of Appeals Fees

Ms. Leahy provided an overview of what the application fees are supposed to cover, i.e. the time it takes to review the applications, attend site visits, meeting with applicants, etc... and has calculated the fees based on the different types of applications and the anticipated hours spent on the application applied to the hourly rate of an employee.

Ms. Leahy asked the Board to review the fees for discussion at the next meeting.

#### **5. Correspondence**

None.

#### **6. Approval of Minutes**

- a. April 4, 2018

By a vote of 5-0-0, on a motion by Mr. White and seconded by Mr. Stumpf, the Board approved the April 4, 2018 minutes as presented.

- b. April 18, 2018

By a vote of 5-0-0, on a motion by Ms. Kelly and seconded by Mr. Stumpf, the Board approved the April 18, 2018 minutes as presented.

#### **7. Upcoming Meetings**

- May 16, 2018
- June 6, 2018

No discussion.

#### **8. Adjournment**

***A motion to adjourn was made by Mr. Stumpf, seconded by Mr. White and approved unanimously. The Board adjourned at 9:19 p.m.***

Respectfully submitted,  
Mackenzie Leahy  
Administrative Assistant  
Community and Economic Development