

TOWN OF MEDWAY
ZONING BOARD OF APPEALS
MINUTES OF MEETING JANUARY 7, 2015

The Chairman called the meeting to order at 7:37 p.m. with all five members present.

The board opened the hearing on the petition of the case of Sean and Alisha Weddeke. Andrej Thomas Starkis, Alisha Weddeke's father, spoke on their behalf as their attorney. Mr. Starkis presented a plot plan and aerial views of the location of the lot. Due to the presence of an isolated vegetated wetland on the lot and topography, the proposed shed cannot be put on another part of the lot. The petitioner presented evidence of other structures in the neighborhood that do not meet setback requirements.

Tom Hall, Canal Realty Trust, owns the lot behind the petitioner. Mr. Hall requested clarification of the petition. He questioned the need for 8' from his property line. Clarifying that they prove the other neighbors do not comply to setbacks, therefore this would not be out of conformity in the neighborhood. The proposed shed will be approximately 12' in height. The Chairman asked if Mr. Hall would like to make a statement to the board. Mr. Hall stated that the neighborhood is too congested and feels the shed will add to the congestion. The Chairman invited other comments from the public, hearing none Mr. Olsen motions to close the hearing, seconded by Mr. Kennedy. Hearing closed.

The Chairman suggests the board resume deliberations of John's Auto Body, located at #25 Jayar Road. The board unanimously agreed. Mr. Olsen abstained, since he was not present during the first hearing. Comments from the Planning and Economic Development Board were read into record. The PEDB recommends that the ZBA consult the Town Engineer, Steven Bouley, TetraTech. Mr. Cole suggested the ZBA keep the petition open and request a quote for a review of the plans as soon as possible. The date of deliberation will be based on when we receive the information back. The ZBA agrees to ask the petitioner to pay for the Engineering review. Mr. Biocchi moves to continue to a date to be determined based on the Engineer's review and the PEDB report. Seconded by Mr. Cole. No further discussion. Unanimous vote to close.

The Board then proceeded to a potential petition from Lori Davidson. Mr. Cole feels it is not a variance but a Special Permit. Ms. Davidson is considering converting a single family home located in ARII to a two family. At this time she is considering withdrawing her petition. It is agreed to hear the petition at the February 4, 2015 meeting.

The Board accepts and signed the written decision for Justin and Maureen Gervais. Ms. Gould abstained as she was not in attendance.

General business is concluded.

Board moves to deliberate the application of Sean and Alisha Weddeke. Mr. Biocchi states that the proposed area is very congested. Of 15 lots on plot, ten houses do not meet side, and rear setbacks. Mr. Cole also agreed with Mr. Biocchi that many of the lots do not meet setbacks. Petitioner states the grade area prevents relocating the shed. The shed will be set on blocks and not on a foundation. Although Mr. Hall continues to state opinions, the public meeting is closed and no further comments can be entered into record.

Mr. Olsen moves to find that the applicant demonstrated that the rear and side setbacks in the immediate neighborhood varied from the requirements of the Zoning By Law in particular several lots in the neighborhood had rear setbacks substantially less than the 8 feet requested by the applicants. Motion seconded by Mr. Biocchi. No further discussion. Move to find that the grant of the requested waivers of the rear and side setbacks would not be detrimental to the public good. Seconded by Mr. Olsen.

By unanimous consent, the Board granted a variance to Sean and Alisha Weddeke.

Mr. Cole moves that notwithstanding it is not strictly an application for a special permit, grant of the requested relief would not be inconsistent to the criteria for special permits set forth in Section IIIJ in the Zoning By-Law. Move to grant to the applicants, Sean and Alisha Weddeke of 91 Village Street a waiver, in according with the revision of Section VF7 of the Medway Zoning By Law, to construct an above ground 12'x 24' foot shed adjacent of the south and east corner of the lot, with reduction of the side setback to not less than 10 feet and reduction of the rear of not less than 9 feet. Seconded by Mr. Biocchi. No further discussion

A motion to adjourn was made by Mr. Olsen seconded by Mr. Kennedy and passed unanimously. Board adjourned at 9:06 p.m.

TOWN OF MEDWAY

ZONING BOARD OF APPEALS

MINUTES OF MEETING FEBRUARY 4, 2015

The Chairman called the meeting to order at 7:45 p.m. with all five members present.

David Cole, Chairman, Tony Biocchi, Craig Olsen, William Kennedy, and Carol Gould, Clerk.

Hearing no new petitions the Board decides to review general business. Decision of Weddeke reviewed and accepted. Discussion of two new petitions presented before the Board were approved and hearing date set for March 4, 2015.

The Board unanimously agrees to discuss John's Auto Body. Chairman read in the Engineers report from Mr. Reardon, the Engineer for Medway. Mr. Reardon expressed an objection that may have been answered in the report from the Applicant's engineer. It was concluded that Mr. Reardon may not have had the correct information before submitting his report. The Chairman instructed the Secretary to forward a copy of the Applicants engineers report to Mr. Reardon for review. Petition to be moved to March 4, 2015 meeting.

The Chairman motioned to adjourn seconded by Mr. Biocchi. Meeting adjourned at 8:28 p.m.

TOWN OF MEDWAY
ZONING BOARD OF APPEALS
MINUTES OF MEETING April 1, 2015

David Cole, Chairman called the meeting to order at 7.45 p.m. Attending Board members were Mr. Biocchi, Ms. Gould, Clerk, and Mr. Kennedy, with except of Mr. Olsen who was not present.

The Board proceeded by unanimous consent to commence to hear the application of Michelle Civetti of 51 Fisher Street, for a Special Permit for a kennel license to have four personal dogs, (pets only) on the property. A letter from Jack Mee, Building Commissioner regarding this petition was read into record. There was also a letter from Mr. Thomas Price, abutter living at 54 Fisher Street objecting to this request, which was also entered into the record. The Chairman, Mr. Cole, suggested that Ms. Civetti call Mr. Mee, Building Inspector in the a.m. for clarification on the other permits and landscape business allegation. There was no input from the public either for or against. A motion was made by Mr. Biocchi to close this hearing on Michelle Civetti, seconded by William Kennedy.

By unanimous consent, the Board then proceeded to hear the application of Maria Vicuna, DBA. MV Construction Co., Inc. of 7 Longmeadow Lane for a Special Permit to allow her to park four Commercial Vehicles on her property. The Chairman, Mr. Cole enquired about how to restrict or limit type of vehicle that can be parked there. Two employees come in the a.m. and park on the street to pick up the truck(s). The number of vans leaving the property depends on the work load for the day. Property is used for vehicle storage; they say they do not run the business out of the house. Bookkeeping and administrative work is done during the day within home. Storage of vehicles only, is what the request is for. If this is granted there would be conditions to discourage expansion of business and larger construction vehicles. Regarding the dumpster they said it was for personal use as renovations were being made at the home. Nature of a home business is not typically a construction business. No questions for or against from the public. Motion to close by Mr Biocchi and seconded by Mr. Kennedy.

By unanimous consent, the Board then proceeded to hear the application of Vander and Kathryn Barbosa, Flying Fur. The applicant was no in attendance. Chairman moved to continue the application to April 15, 2015, seconded by Mr. Biocchi. ZBA Secretary will reach out to the applicants in the morning.

Move to the continuance of Jason Roberts, 23 Village Street for a kennel license. Property is a multi family residence. Owner and tenant both need to be permitted to own dogs, a Permit is per premises and for all the dogs. The property is over an acre. It has fenced exterior area for the dogs, and indoor kennel that the dogs reside in. Total dogs on the premises: 6 are owned by the owner of property and 2 by the tenant. The tenant's 2 dogs are basically indoor dogs, and live in the apartment on the bottom of the home and the owner's 6 dogs live in the apartment on the second level. His dogs are primarily

outdoor dogs, with a structure that is heated and provisions for cleanliness. Mr. Heaton of 19 Village Street spoke in favor of the applicant. Mr. Biocchi moved to close the hearing and seconded by Mr. Kennedy. No further discussion. Hearing is closed.

By unanimous consent, the Board proceeded to General Business. Expense report for advertising was signed by the Board. Discussion of Tetra Tech change order for John's Auto Body. We had a previous agreement for the applicant to pay for the consultant fees. We did not get formal consent to pay new change fees for the consultant. The combined meeting did not happen. Instead, the experts will meet and come up with a decision and present to the ZBA for approval. John's Auto Body needs to put in writing that he agrees to continuation.

The Board moves to begin deliberation on Mr. Jason Roberts. This is a rare event for this board having a two family dwelling with both residents owning dogs. The 6 dogs are with 23A Village Street and 2 dogs with 23 Village Street.

Chairman, Cole moved to find that the grant of a Special Permit for a kennel license with the appropriate conditions for 23 and 23A Village would not be detrimental to the public good. Seconded by Mr. Biocchi, no further discussion. Unanimous. Chairman, Cole move to find that the grant of appropriately as afore said would not be contrary to any of the criteria for the grant of Special Permit of IIIJ of the by laws. Seconded by Mr. Biocchi. Unanimous. Special Permit granted residents of 23 and 23A Village a Special Permit for a kennel license subject to terms and conditions.

A motion to adjourn was made by Mr. Biocchi and seconded by Mr. Kennedy and passed unanimously. Board adjourned at 10:01 p.m.

TOWN OF MEDWAY
ZONING BOARD OF APPEALS
MINUTES OF MEETING APRIL 15, 2015

The meeting was opened by Mr. Cole, Chairman at 7:38 p.m. Ms. Gould and Mr. Kennedy were in attendance. The Chairman explained to the petitioners that they were waiting for the fourth member, who was on his way, and then while waiting decided to take care of some ZBA General Business.

General Business: expense report was signed and then the board reviewed four new applications. Chairman, Cole made a motion to accept all four and to hear them at the May 6th meeting; Mr. Kennedy seconds the motion. Expense report signed. At 8:10 p.m. Mr. Biocchi arrived.

The Board proceeded by unanimous consent to commence the hearing on the applicant of Mr. Richardson. The application should have been filed with the Planning Board instead of the ZBA and Mr. Richardson had the option to withdraw without prejudice and he did so with a written letter, and was entered into record. A motion from Mr. Cole, and second by Mr. Biocchi and passed unanimously.

The Board proceeded by unanimous consent to commence the hearing on the applicants, Vander and Kathryn Barbosa of Flying Fur. Also attending was Chris Courtemanche, VP of Operations, requesting a Special Permit for a pet grooming and dog day care facility only, located at 122 Main Street, Medway.

Previously known as Cumberland Farms, consisting of 1800 square feet of space. Outdoor space is located on the left side of the building abutting Pond St. An 8 foot privacy fence will be constructed for privacy and dog safety. Grooming dogs are only on premises for approximately 1 hour +/- . There are parking spaces for 15 cars. During operation hours 4-5 employees will be on the premises. Board questioned how many parking places for employees. Parking is available in the rear of the building for employees or the right side of building. Mr. Biocchi voiced concerns for flow of traffic and parking. Mr. Courtemanche, owner of Dominos and representative for Dufficy Enterprises, Inc., property owner, stated Dominos closes at 1:00 p.m. and is only carry out. Mr. Biocchi suggests a parking diagram which would help the Board. The Board has a standard for parking and all three businesses need to meet requirements. Mr. Biocchi suggested that to make this process more streamlined, would ask the applicant provide a parking diagram to

decide if the Board would need to grant a variance to meet the parking requirements. Hearing will need to be continued to a later date to give time to get the parking diagram and if they meet parking requirements. Discussion of comparison to the Cumberland Farm traffic and the proposed traffic. The applicant feels the traffic will be less dense. Mr. Biocchi also asks for a plot plan. The Applicant is adding to the front of the building the fenced area on the side of Elm Street. Drawing to the plot plan can suffice. Mr. Biocchi makes a motion to continue this petition to the May 6th meeting, Mr. Kennedy second. Passed unanimously.

The Board moved to deliberate on 7 Longmeadow Lane, Maia Vicuna. Mr. Cole spoke to the Building Inspector and he feels this is beyond home office. He justified that the business is running a right to say they cannot park a certain amount of commercial vehicles at one time. There was a complaint in the neighborhood and the building inspector investigated. The Special Permit AAIII, applicant is seeking more than 2 vehicles associated with a home based business. (Mr. Cole reads AAIII). If lot was larger, i.e. farm land, or area was more hidden it could be granted. This lot does not conform to criteria. Refuse relief and without special permit it defaults to the building inspector to enforce non-compliance.

Mr. Cole moves to find that the alleged home base business involves the parking of at least 4 commercial vehicles, and their associated ladders and similar equipment outdoors on the driveway of limited length in a manner in which leaves all vehicles visible from the street. Mr. Biocchi amends that as testified by applicant there are 4 commercial vehicles parked at the property. Mr. Biocchi second. Motion passed unanimously.

Mr. Biocchi moves to find as observation there is a fifth vehicle that is being used to store equipment, for the home based business. Mr. Cole seconds.

Mr. Cole moves to find that the applicant stated the home base business routinely involves the parking of at least 2 employees' private vehicles on the public way adjacent to the subject lot for extended periods of time. Second and passed unanimously.

Mr. Cole moves to find the request would be inconsistent with the Special permit criteria set forth in article 3J of the Zoning Board of Appeals By-Law. I move that in view of the foregoing findings the request for Special Permit be denied. Mr. Biocchi second

Relief for special permit is denied. Passed unanimously.

The Board moved to continue deliberations on Michelle Civetti, 51 Fisher Street, without speaking with the building inspector. The applicant had been asked to clarify home business with the building inspector. This will be continued to the May 6th meeting. Mr. Cole will speak to the building inspector.

A motion of changes to decision of Gary Doucette, motion accepted.

Moved by Mr. Biocchi and second by Mr. Kennedy that the minutes of April 1st be accepted. Passed unanimously.

Mr. Cole motioned to adjourn the meeting, Mr. Biocchi second, meeting adjourned at 9:23.

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

**MINUTES OF MEETING
May 6, 2015**

David Cole, Chairman called the meeting to order at 7.45 p.m. Attending Board members were Mr. Olsen and Ms. Gould, Clerk. Mr. Biocchi and Mr. Kennedy were not present.

General Business:

Stephanie Mercandetti, Director, Community & Economic Development, presented updates on John's Auto Body. Additional research needs to be done by the applicant's engineer. A Notice of Intent will be filed with Con Com so the applicant requested a continuance until June 17, 2015.

Ms. Mercandetti also update the board on Medway Shopping Plaza. The Design Review Committee is reviewing the plans at the request of the Board. Mr. Cole was asked to give his input.

It was brought to the attention of the Board the Mr. Biocchi's resignation is in effect as of this meeting, therefore without a quorum, the meeting cannot move forward.

Public Hearings:

Mr. Chairman opens the public hearing to explain to the applicants that their hearings will be continued without testimony to a meeting to be held on May 20, 2015.

A motion to adjourn at 8:07pm was made by Mr. Olsen and seconded by Mr. Cole and passed unanimously.

A motion to re open the meeting at 8:10pm was made by Mr. Cole and seconded by Mr. Olsen and passed unanimously.

Mr. Barbosa of Flying Fur was present to discuss his petition. Due to the resignation of a board member and another member having missed two hearings on the application, the petition needs to be re advertised as a new petition; therefore the hearing on the new application will be scheduled for June 3, 2015.

Adjournment

A motion to adjourn was made by Mr. Cole and seconded by Mr. Olsen and passed unanimously. Board adjourned at 8:18p.m.

Respectfully submitted,
Wendy Harrington
ZBA Secretary

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

**MINUTES OF MEETING
May 20, 2015**

David Cole, Chairman called the meeting to order at 7.45 p.m. Attending Board members were Mr. Olsen, Mr. Kennedy and Ms. Gould, Clerk.

General Business:

Public Hearings:

ROJEE

The Board, by unanimous consent, agreed to hear the application of Paul J. and Michael E. Rojee for relief from a two family residence to a three family residence. Speaking for Paul J. and Michael E. Rojee was Attorney Paul Kenney. Mr. Kenney spoke of the physical attributes of the property describing two units arranged one above another and a third unit. By not being able to rent out the pre-existing third unit a financial hardship is created for the Rojee's. Conversion to a three family would alleviate carrying costs of the property. There is sufficient parking for a three family residence. The slope and topography of the property is not common to other lots in the neighborhood, and since all three units are already in existence, no construction work is needed for conversion.

No member of the public spoke for or against the application and there were no questions from the public.

A motion was made by Mr. Cole, seconded by Mr. Olsen and passed unanimously to close the hearing.

FAHEY

The Board then proceeded by unanimous consent to hear the application of Michael and Ann Fahey. Mr. Fahey appeared on his own behalf and sought a variance to keep chickens. Mr. Fahey explained that over 4 years ago he went to the town hall and asked about owning chickens. He was told that if they do not own roosters and have less than 10 chickens then they do not need a permit. Recently the building inspector and animal control officer brought it to the Fahey's attention that chickens are prohibited on a lot of less than 44,000 sq. ft.

Board members raised the issue that some hardship due to lot shape, topography or soil conditions must be proven to show need for a variance according to MGL Chapter 40A, so the question arises as to how owning chickens can be made to fit the criteria needed to grant a variance; just not having trouble with neighbors doesn't give a sufficient reason to grant a variance. Mr. Fahey stated that the nearby elementary school and pre-school children have used the chickens for educational purposes. Hence, the keeping of the chickens could arguably fall within the provision of Article V.F.1.c.4 of the Zoning By-Law, which permits "any other use determined by the Board of Appeals to be similar to one or more of the uses specifically authorized and not detrimental to a neighborhood", with the keeping of the chickens being held similar to the educational use permitted under Article V.F.1, first paragraph.

The Board opened the floor to public comments. Kathy Anderson of 208 Village Street, Medway spoke in favor of the chickens. They don't make noise and she sees beauty and educational value. She would like to see the Fahey's keep the chickens. Cindy Apgar also spoke in favor of the chickens, stating that they are contained within a fence therefore never on the street or loose; the chickens are clean, neat, no smell or noise.

Mr. Fahey suggests that educational consideration can be used to grant variance. Mr. Cole asked for written submissions from other neighbors that were not able to attend the hearing. Mr. Cole read into the record a letter from Health Agent Stephanie Bacon.

A motion was made by Mr. Cole to continue hearing to June 17th. Seconded by Mr. Olsen and passed unanimously.

POTHEAU

The Board then proceeded by unanimous consent to hear the application of the applicant of Robert Potheau.

Mr. Potheau requested relief to post two additional development signs at 4 Main Street, Medway. A special permit is needed for more than one development sign on one lot. The subject lot contains three separate buildings served by three separate driveways, and without separate development signs there is a risk of customers, and potentially emergency vehicles, entering the wrong driveway and needing to engage in dangerous maneuvers while correcting their errors; therefore; Mr. Potheau requests three signs for one lot. The driveway at 4 Main Street serves 8 businesses. A 2005 site plan was submitted. Both the Planning and Economic Development Board and the Design Review Committee have approved the proposed additional development signs.

Hearing no response from the general public ***Mr. Olsen made a motion to close the hearing, which was seconded by Ms. Gould and passed unanimously.***

DESMOND

The Board then proceeded unanimously to hear the applicant of John Desmond of Complete Builders. Antonio and Sarah Logon are owners of 20 Green Valley Road.

Applicants wish to construct an accessory family dwelling unit addition to the existing conforming structure, and to remove the existing porch. There are, wetlands in the rear of the property, and the addition does require the septic system to be moved.

The Board opened the floor to public comments. Mr. Phillip Giangarra of 24 Green Valley Road stated that has done a very similar addition and spoke in favor of the application.

Mr. Kennedy made a motion to close the hearing, which was seconded by Mr. Olsen and passed unanimously.

Mr. Chairman called for a recess 9:00, and called the Board back into session at 9:05.

Stephanie Mercandetti, Director, Community and Economic Development, spoke about progress in recruiting new Board members; a new member should be sworn in by June 3rd meeting.

The Board, by unanimous consent, moved to reopen deliberations on the application of Michelle Civetti. Since the Board determined that further information was needed from the Building Inspector, deliberations were postponed to June 17th. Mr. Olsen, having not been present during the hearing, will listen to the audio presentation before deliberations.

The Board then, by unanimous consent moved to deliberate the petition of John Desmond. Mr. Olsen felt the applicant met the requirements and setbacks. Project seems to be in harmony with the neighborhood. After some discussion, the Board determined the applicant meets the requirements and setback.

Mr. Cole moved to find that the applicant demonstrated the project is in compliance with the section V.L.3.c, d, e and g of the Zoning ByLaw, Sections a, b and f being matters left of the Building Inspector prior to issue of an occupancy permit. The motion was seconded by Mr. Olsen and passed unanimously. Mr. Cole further moved to find that the issue of the requested special permit would not cause substantial detriment to the public good. The motion was seconded by Mr. Olsen and passed unanimously.

Mr. Cole then moved to find that the grant of the requested special would not be contrary to the criteria for special permits set forth in Article IIIJ of the Zoning Bylaw. The motion was seconded by Mr. Olsen and passed unanimously. Mr. Cole then moved to grant to the applicant John Desmond a special permit for construction of accessory family dwelling at 20 Green Valley substantially in accordance with the plans provided with the application and initialed by the board. This motion was seconded by Mr. Kennedy and passed unanimously.

The Board then moved to deliberate the application of Robert Potheau. *Mr. Cole made a motion to find that the applicant demonstrated that the subject lot contains 3 separate buildings served by 3 separate driveways and that there is a need for separate signs for each driveway to avoid confusion by both the public and emergency services as to which drive they should access, which confusion has been shown to cause dangerous vehicle movements. Mr. Olsen seconded the motion, which was passed unanimously. Mr. Cole further moved to find that the grant of the special permit would not cause substantial detriment to the public good. Mr. Olsen seconded the motion, which was passed unanimously. Mr. Cole further moved that grant of the requested special permit would not be inconsistent with any of the criteria for special permits set forth in Article IIIJ of the Zoning ByLaw. This motion was seconded by Mr. Olsen and passed unanimously.*

Mr. Cole further moved to find that the applicant has demonstrated the need for additional development signs as necessary to facilitate safe ingress into the site. The motion was seconded by Mr. Olsen and passed unanimously.

Mr. Cole then moved to grant to the applicant, Robert Potheau, a special permit in accordance with Article V.R.8, Table 7 of the Zoning ByLaw for a second development sign at 4 Main Street, Medway substantial in accordance with the plan already approved by the Planning and Economic Development Board. The motion was seconded by Mr. Kennedy and passed unanimously.

The Board then, by unanimous consent, proceeded to deliberate the application of Paul J and Michael E. Rojee. *Mr. Cole moved to find that the applicant demonstrated that the subject premises were used as a three family residence for an extended period from approximately 1959-2011 and that the subject premises are still arranged as three separate apartments. The motion was seconded by Mr. Olsen and passed unanimously. Mr. Cole further moved to find that the applicant demonstrated that the subject premises are subject to circumstances relating to the shape, topography and soil condition which do not generally affect other land in the zoning district. The motion was seconded by Mr. Olsen and passed unanimously.*

Mr. Cole further moved to find that the applicant demonstrated that a literal enforcement of the Zoning ByLaw, namely maintaining the subject premises as a two family dwelling, would impose substantial financial hardship on the applicant. This motion was seconded by Mr. Olsen and passed unanimously.

Mr. Cole further moved to find that issue of the requested variance would not be substantially detrimental to the public good. This motion was seconded by Mr. Craig and passed unanimously. Mr. Cole then moved to grant to the applicants, Paul and Michael Rojee, a Variance in respect of 51 North Street, Medway for the

use of the premises as a three family residence, subject to the condition that at least nine (9) off street parking spaces be provided on the premises. Ms. Gould seconded this motion, which passed unanimously.

Adjournment

A motion to adjourn was made by Mr. Cole, seconded by Mr. Olsen and passed unanimously. The Board adjourned at 9:34p.m.

Respectfully submitted,
Wendy Harrington
ZBA Secretary

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

**MINUTES OF MEETING
June 3, 2015**

David Cole, Chairman called the meeting to order at 8:05 p.m. Attending Board members were Mr. Olsen, Mr. Arbeene and Ms. Gould, Clerk. Mr. Kennedy was not present.

General Business:

None

Public Hearings:

BARBOSA

By unanimous consent, the Board agreed to hear the application of Vander and Kathryn Barbosa, seeking a special (kennel) permit for Flying Fur Pet Grooming and Dare Care located at 122 Main Street, Medway. Mr. Barbosa appeared on his own behalf and noted there are 30 parking spaces on the property. The applicant proposes to build a fenced in area to the left side of building; this fenced area is 35 ft. back from the lot line and thus meets the setback requirements. This outdoor space includes 75 sq. ft. per medium dog. Mr. Barbosa explained there will be ample employees on premises in the event one would need to leave in order to take a dog to a veterinarian. Flying Fur has never had trouble with the animal control officer or received customer complaints. Parking appears to be ample for traffic flow.

There were no questions or comments from the public. *A motion to close the hearing was moved by Mr. Olsen, seconded by Mr. Cole and passed unanimously.*

ALLEN

The Board then proceeded, by unanimous consent, to hear the application of Todd and Lori Allen seeking modification of an existing special permit to expand the retail space by 2096 sq. ft. Mr. Cole explained he had a potential conflict; his wife was previously a sub-tenant or licensee of the tenant wishing to occupy the new retail space. Mr. Cole did not believe these facts required him to recuse himself but would do so if any person present wished him to do so. There being no objection stated, Mr. Cole continued to participate in the hearing. Mr. Allen appeared on his own behalf and explained that the condition in the Written Opinion of the Zoning Board of Appeals granting a Special Permit dated September 9, 2014 that the space designated for retail use "shall not exceed 1,600 sq. ft." is causing a problem for the retail tenant. The antiques dealer that currently occupies the first floor would like to expand the retail space to the second floor. A second tenant, whose primary business is to make embroidered goods, wants to be able to sell examples of the products; the proposed space for this use would be the first floor of the back unit. Board members expressed concerns that, although an antique store may not generate large amounts of traffic, a future use change to a high traffic type of business might cause problems.

There were no questions or comments from the public. *A motion was made by Mr. Olsen, seconded by Mr. Arbeene and passed unanimously to close the hearing.*

PERKINS

The Board then proceeded by unanimous consent to hear the application of Kevin and Deborah Perkins seeking a variance to own chickens on a lot less than one acre. The applicants stated that the chickens do not cause a problem since they have installed new fencing and containment. Also, they do not own a rooster. Board members expressed concerns as to how owning chickens can be related to the statutory factors of lot shape, topography and soil condition in order to grant a variance. Mr. Cole then read into the record two letters from neighbors, one in favor and one against.

There were no questions or comments from the public. *A motion was made by Mr. Olsen, seconded by Mr. Arbeene and passed unanimously to close the hearing.*

Mr. Chairman then asks for a 5-minute recess at 8:55 p.m., and called the meeting back into order at 8:59 p.m..

DELIBERATIONS

BARBOSA

The Board proceeded, by unanimous consent, to deliberate on application of Vander and Kathryn Barbosa of Flying Fur.

After some discussion among the Board members, it was decided that the applicant proved there is adequate parking for the business. The applicant has had no negative reports from the animal control officer, customers or neighbors. *Mr. Cole moved to find that the applicant demonstrated they have previously conducted a dog daycare and grooming business for a number of years in Medway. Mr. Olsen seconded and the motion passed unanimously.*

Mr. Cole moved to find that the applicant demonstrated that the subject premises provide sufficient facilities, both indoor and outdoor, to accommodate 28 dogs for day care and an additional 3 to 5 dogs for grooming purposes. Mr. Olsen seconded and the motion passed unanimously. Mr. Cole further moved to find that the applicant demonstrated that the subject premises are sufficiently spaced from adjacent residences that noise from dogs in the outside run should not pose substantial problems. Mr. Olsen seconded and the motion passed unanimously.

Mr. Olsen moved to find that that the applicant sufficiently demonstrated that they meet the Special Permit criteria in Article IIIJ of the Zoning By-Law; that the Grant of a suitably conditioned Special permit would not be a substantial detriment to the public good; and that the existing parking is adequate for the proposed use. Mr. Cole seconded and the motion passed unanimously.

Mr. Cole then moved and Mr. Olsen seconded, a motion, which passed unanimously to grant to the applicants Vander and Kathryn Barbosa a kennel permit for 122 Main Street, Medway subject to the following terms and conditions:

- 1. There shall not be more than 35 dogs on the premises at any time.*
- 2. Hours of operation shall be 7 a.m. to 7:30 Monday through Friday, 8 a.m. to 4:30 p.m. on Saturday and closed on Sunday; no dog shall be permitted on the premises outside those hours.*
- 3. An outdoor run shall be provided substantially as per plans submitted, and shall have a fence not less than 8 ft. in height.*
- 4. At any time when more than 4 dogs are present on the premises, at least 2 employees shall be present on the premises*

5. *Not more than 10 dogs shall be present in the outdoor run at any time, and when any dogs are present in the outdoor run, at least one employee shall also be present in the outdoor run.*

Special Permit Granted.

ALLEN

The Board then proceeded by unanimous consent to deliberate on the application of Todd Lori Allen. Mr. Cole moved that the Board re-adopt all the findings of fact set out in its previous Decision of September 6, 2014. Mr. Olsen seconded and the motion passed unanimously.

Mr. Cole moved to find that in view of the fact that the traffic factors discussed in the previous Decision are still a concern; the proposed use of a substantial additional area for retail purposes by an antiques business does not raise significant traffic concerns, but the use of a similar area for retail purposes by a different retail use might raise addition traffic concerns. Mr. Olsen seconded and the motion passed unanimously. Mr. Cole further moved to modify the existing Special Permit granted to Todd and Lori Allen for use of the premises at 135 Main Street, Medway for retail office and storage space by rendering such use subject to the condition that the space designated for retail use shall not exceed 3,696 square feet provided at least 2,000 square feet of that retail space shall be occupied by a retail antiques business. Mr. Olsen seconded and the motion passed unanimously. Special Permit Granted.

PERKINS

The Board then decided unanimously to postpone deliberation of the application of Kevin and Deborah Perkins to the June 17, 2015 meeting.

Adjournment

A motion to adjourn was made by Mr. Cole and seconded by Mr. Olsen and passed unanimously. Board adjourned at 10:10p.m.

Respectfully submitted,
Wendy Harrington
ZBA Secretary

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

**MINUTES OF MEETING
June 17, 2015**

David Cole, Chairman called the meeting to order at 7:48 p.m. Attending Board members were Mr. Arbeene, Mr. Kennedy and Ms. Gould, Clerk. At 8:00 p.m., Mr. Olsen joined the meeting via phone to participate remotely due to geographic distance.

General Business:

Board members reviewed and signed the decisions for Paul and Michael Rojee, Robert Potheau, John Desmond and Flying Fur, Inc.

The Board then agreed to review the Zoning Board of Appeals Rules and Regulations. *A motion to adopt the Zoning Board of Appeals Rules and Regulations as presented was made by Mr. Cole, seconded by Mr. Kennedy and passed unanimously.*

Stephanie Mercandetti, Director of Community and Economic Development, detailed some changes to the Board of Appeals application including a checklist to aid the public in completing the application. These changes will be presented at the next meeting.

Ms. Mercandetti then spoke about a potential 40B comprehensive permit proposal and the available technical assistance through the Massachusetts Housing Partnership. She explained the program guidelines and has prepared the application which requires the signatures from the Board of Selectmen and Zoning Board of Appeals.

A motion to have the Board approve the Chapter 40B Technical Review Assistance Application as presented and authorize the Chairman to sign was made by Mr. Cole, seconded by Mr. Arbeene and passed unanimously.

Public Hearings:

SOLARI

By unanimous consent, the Board proceeded to hear the application of Mr. John Solari of John's Auto Body. Mr. Solari and Mr. Daniel Driscoll of Faist Engineering appeared before the Board. Mr. Driscoll states that project have been approved as redevelopment by the Conservation Commission who will most likely be issuing an order of conditions. The Board does not want to impose any conditions that may conflict with the Conservation Commission's decision. The Board would like to see the decision of the Conservation Commission. Conditions would include the manner of storage of hazardous wastes and warning signage. Mr. Cole suggests the

Board keep the hearing open without the need for more testimony from the applicant. Mr. Cole requested that the Administrative Board Secretary reach out to the Conservation Agent for a copy of their decision and conditions. The Board then would move to deliberations once it is received. Mr. Cole asked if there were members of the public who wish to make a statement or ask questions. There were no questions or comments from the public.

A motion to continue the public hearing to July 1, 2015 at 7:45p.m. was made by Mr. Cole, seconded by Mr. Kennedy and passed unanimously.

FAHEY

The Board, by unanimous consent, agreed to open the continued application of Michael and Ann Fahey. Mr. Fahey appeared before the Board and read a written response on prior questions raised into the record. Mr. Cole then asked if members of the public wished to comment. Mr. Brian Richer of 4 Lovers Lane spoke in favor of the petition. Ms. Kathleen Anderson of 206 Village Street also spoke in favor. Mr. Fahey stated there were more emails in support that were sent to the Board's email address. The Administrative Board Secretary said that she had not received any emails and will look into the matter. Mr. Cole responded that the Board will keep the hearing open until all written submissions are received.

A motion to continue the public hearing to July 1, 2015 at 8:00p.m. was made by Mr. Cole, seconded by Mr. Kennedy and passed unanimously.

Deliberations:

CIVETTI

The Board then proceeded, by unanimous consent, to deliberate the application of Michelle Civetti. Mr. Olsen informed the Board that he was not able to watch the video of the hearing on Medway Cable and file the certification form with the Town Clerk. Ms. Mercandetti mentioned that Medway Cable server had been down with issues which have since been resolved but not of the videos have been reloaded. The Board decided to postpone deliberations until June 24, 2015.

ALLEN

A motion was made to re-open deliberations on the application of Todd and Lori Allen by Mr. Cole, seconded by Mr. Olsen and passed unanimously. Mr. Cole wanted to amend wording in the decision.

A motion was made by Mr. Cole to add that the following, "if at least 2,000 square feet of space is not occupied by a retail antiques business then the permitted retail space shall revert to 1,600 square feet." Mr. Olsen seconded the motion and the amendment passed unanimously.

PERKINS

The Board then decided unanimously to postpone deliberation of the application of Kevin and Deborah Perkins to the July 1, 2015 meeting.

Adjournment

A motion to adjourn was made by Mr. Cole and seconded by Mr. Arbeene and passed unanimously. Board adjourned at 8:57p.m.

Respectfully submitted,
Wendy Harrington
Administrative Board Secretary

**Town of Medway
Zoning Board of Appeals Meeting
Town Administrator's Conference Room, Town Hall
155 Village Street, Medway**

**MINUTES OF MEETING
June 24, 2015**

David Cole, Chairman called the meeting to order at 7:38 p.m. Attending Board members were Ms. Gould, Clerk, Mr. Olsen, Mr. Arbeene, and Mr. Kennedy.

Deliberations

CIVETTI

The Board proceeded, by unanimous consent, to deliberate the application of Michelle Civetti. Mr. Cole stated he had spoken with the Building Inspector regarding another home business on the premises. The Building Inspector feels the existing landscape business would not affect the kennel permit. The Board established that the premises has 5 acres and is sufficient for 4 dogs. Mr. Cole entered into the record letters from two neighbors who were both in opposition to the petition.

Mr. Cole moved to find that the subject lot is approximately 5 acres and is well screened by woodlands from adjacent lots. Mr. Olsen seconded and the motion passed 4-0-0.

Mr. Cole moved to find that the applicant testified that there had been no complaints to the animal control officer regarding the dogs on the subject lot. Mr. Kennedy seconded and the motion passed 4-0-0.

Mr. Cole moved to find that the grant of the requested special permit would not be inconsistent with any of the criteria for a special permit under Section III.J of the Zoning Bylaw. Mr. Kennedy seconded and the motion passed 4-0-0.

Mr. Cole moved to find that the grant of the special permit would not be substantially detrimental to public good. Mr. Kennedy seconded and the motion passed 4-0-0.

Mr. Cole then moved and Mr. Kennedy seconded, a motion, which passed 4-0-0 to grant to the applicant, Michelle Civetti, a kennel permit for 51 Fisher Street, Medway subject to the following terms and conditions:

- 1. There shall not be more than 4 dogs on premises.*
- 2. All dogs more than 1 year old shall be spayed and neutered.*
- 3. No commercial activity shall be permitted in connection with the kennel permit.*

Special Permit Granted.

Mr. Arbeene did not participate in voting as he was not a member of the Board during the time of the public hearing.

Approval of Minutes

A motion to accept the minutes of the May 6, 2015 meeting as written was made by Mr. Cole and seconded by Mr. Olsen. Voted 3-0-2 (Mr. Kennedy and Mr. Arbeene abstain; Mr. Kennedy was not present for the meeting and Mr. Arbeene was not a member of the Board at the time.)

A motion to accept the minutes of the May 20, 2015 meeting as written was made by Mr. Olsen and seconded by Mr. Kennedy. Voted 4-0-1 (Mr. Arbeene abstains; Mr. Arbeene was not member of the Board at the time.)

A motion to accept the minutes of the June 3, 2015 meeting as written was made by Mr. Cole and seconded by Mr. Olsen. Voted 4-0-1 (Mr. Kennedy abstains; Mr. Kennedy was not present for the meeting.)

General Business

The Board reviewed the changes to the Board of Appeals application. *A motion was made to adopt the revised application for the Board of Appeals by Mr. Cole and seconded by Mr. Arbeene and passed unanimously.*

Adjournment

A motion to adjourn was made by Mr. Cole and seconded by Mr. Arbeene and passed unanimously. Board adjourned at 8:29p.m.

Respectfully submitted,
Wendy Harrington
Administrative Board Secretary

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

**MINUTES OF MEETING
July 1, 2015**

David Cole, Chairman, called the meeting to order at 7:45 p.m. Attending Board members were Mr. Arbeene, Mr. Kennedy, Mr. Olsen and Ms. Gould, Clerk.

General Business:

Board members reviewed and signed the decisions for Michelle Civetti of 51 Fisher Street.

Stephanie Mercandetti, Director of Community and Economic Development, informed the Board that Town Counsel is available on Wednesday, July 29th for the planned workshop meeting.

Public Hearings:

SOLARI

By unanimous consent, the Board proceeded to hear the application of Mr. John Solari of John's Auto Body. The applicant was not present. The Board had kept the hearing open for the purpose of receiving the Order of Conditions from the Medway Conservation Commission. Mr. Cole noted that the decision is quite lengthy so it will not be read but accepted into the record. Two members of the Board still needed to watch the prior hearings from the meetings they missed and file the Mullins Certifications with the Town Clerk. Medway Cable will have the videos ready and accessible for the two members. Mr. Cole proposes that the Board closes the hearing this evening and postpone deliberations until the July 8, 2015 meeting. Mr. Cole asked if there were any members of the public that wish to comment. No comments from the public were made.

A motion to close the public hearing was made by Mr. Cole, seconded by Mr. Kennedy and passed unanimously.

FAHEY

The Board, by unanimous consent, agreed to open the continued application of Michael and Ann Fahey. The applicants were not present. The Board had kept the hearing open to receive the multiple emails that were sent to the Board. All Board members have read them and the emails will be entered into the record.

A motion to close the public hearing was made by Mr. Cole, seconded by Mr. Kennedy and passed unanimously.

Deliberations:

FAHEY

The Board then proceeded, by unanimous consent, to deliberate the application of Michael and Anh Fahey. The Board makes reference to the letter and additional testimony submitted by Mr. Fahey. Members searched for a connection to tie into the criteria for a variance. The Medway Zoning Bylaw specifically prohibits poultry on less than one acre in the ARII zoning district. The Board agreed that precedence will be set by this decision.

Mr. Fahey testified that he would take the appropriate actions to have the Bylaw amended at the upcoming Town Meeting. The Board discussed if there were temporary measures that could be taken to allow for the time to amend the Bylaw, but as of yet they were not aware of any steps taken towards preparation of an article for the Town Meeting warrant. The Board understands that there are many other town residents in the same situation and this decision will affect all. The Faheys have had chickens for 4 years and testified they will petition to amend the bylaw. No one has been to the Planning and Economic Development Board for such a discussion. Mr. Fahey is presumed to be aware of the steps needed to be taken to appear on the town meeting.

Mr. Cole moved to find that the applicants failed to demonstrate circumstances relating to soil condition, shape, and topography of the subject lot, which especially affects such land but not affecting generally the zoning district which it is located, sufficient to overcome the specific prohibition written in Section V.F.1 of the Medway Zoning By-Law that livestock and poultry are prohibited on premises having a total land area of less than 44,000 square feet. Mr. Olsen seconded and the motion passed 3-1-0 (Mr. Kennedy dissenting).

In view of the foregoing finding, Mr. Cole moved that the Zoning Board of Appeals hereby denies the request for a Variance from Section V.F.1 to Michael and Anh Fahey for 208 Village Street, Medway to allow for poultry on land having a total area less than 44,000 square feet. Mr. Olsen seconded and the motion passed 3-1-0 (Mr. Kennedy dissenting).

Variance Denied.

PERKINS

The Board then proceeded, by unanimous consent, to deliberate the application of Kevan and Deborah Perkins. A similar discussion was held amongst Board members with respect to the application, the Town's Zoning Bylaw and the criteria for a variance.

Mr. Cole moved to find that the applicants failed to demonstrate circumstances relating to soil condition, shape, and topography of the subject lot, which especially affects such land but not affecting generally the zoning district which it is located, sufficient to overcome the specific prohibition written in Section V.F.1 of the Medway Zoning By-Law that livestock and poultry are prohibited on premises having a total land area of less than 44,000 square feet. Mr. Olsen seconded and the motion passed unanimously.

In view of the foregoing finding, Mr. Cole moved that the Zoning Board of Appeals hereby denies the request for a Variance from Section V.F.1 to Kevan and Deborah Perkins for 396 Village Street, Medway to allow for poultry on land having a total area less than 44,000 square feet. Mr. Olsen seconded and the motion passed unanimously.

Variance Denied.

Correspondence:

The Board received correspondence from Attorney Bethany Bartlett for Medway Shopping Center that the review with the Design Review Committee has concluded and to schedule a hearing to return to the Board. Mr. Cole stated that the Board will need the revised plan and comments from the Design Review Committee.

A motion to continue the public hearing to July 22, 2015 at 7:30p.m. was made by Mr. Cole, seconded by Mr. Olsen and passed unanimously.

Adjournment

A motion to adjourn was made by Mr. Cole and seconded by Mr. Olsen and passed unanimously. Board adjourned at 8:49p.m.

Respectfully submitted,
Wendy Harrington
Administrative Board Secretary

**Town of Medway
Zoning Board of Appeals Meeting
Town Administrator's Conference Room, Town Hall
155 Village Street, Medway**

**MINUTES OF MEETING
July 8, 2015**

David Cole, Chairman called the meeting to order at 7:30 p.m. Attending Board members were Mr. Olsen, Mr. Kennedy and Ms. Gould, Clerk (7:40 p.m.). Mr. Arbeene was not present.

Deliberations

SOLARI

The Board proceeded, by unanimous consent, to deliberate the application of John Solari of John's Auto Body. John Solari was not present for this meeting. The Board reviewed the decision of the Medway Conservation Commission. It was determined that the storage of oil is a permitted use.

Mr. Cole moved to find that the applicant demonstrated that the project is in compliance with the requirements and standards set forth in Section V.V. and will in no way, during construction or thereafter, adversely affect the existing or potential quality or quantity of water that is available in the Groundwater Protection District, and is designed to avoid substantial disturbance of the soils, topography, drainage, vegetation, and other water-related natural characteristics of the site to be developed. Mr. Olsen seconded and the motion passed unanimously.

Mr. Cole moved to find that the grant of the requested special permit would not cause substantial detriment to public good. Mr. Olsen seconded and the motion passed unanimously.

Mr. Cole moved to find that the grant of the requested special permit would not be inconsistent with criteria set forth in Section III.J of the Zoning By-law. Mr. Olsen seconded and the motion passed unanimously.

Mr. Cole moved a motion which was seconded by Mr. Olsen and passed unanimously to grant to the applicant, John Solari, a special permit under Sections V.V.6.c) 3) and 5) and III.J for construction of a 5,000 square foot accessory building for the existing auto body repair business at 25 Jayar Road, Medway, MA 02053, in accordance with the plans provided at application and initialed by the Board, and the revised plans, with a revision date of 6/8/15, submitted and reviewed at the June 17, 2015 hearing, subject to the following terms and conditions:

- 1. Building and associated facility shall be constructed in accordance with the plans submitted.*
- 2. Total amount of oil stored on site at one time shall not exceed 270 gallons.*
- 3. All oil shall be stored in free standing containers at a single location within the building with secondary containment adequate to contain a spill the size of the container's total storage capacity.*
- 4. Signs shall be provided on the building as to the location of the storage.*
- 5. Applicant shall restore approximately 1,100 square feet of the 25' of wetlands buffer zone currently occupied by the gravel and reclaim asphalt parking area.*
- 6. The Applicant shall comply with the Order of Conditions issued by the Medway Conservation Commission.*

Special Permit Granted.

Adjournment

A motion to adjourn was made by Mr. Cole and seconded by Mr. Olsen and passed unanimously. Board adjourned at 8:15p.m.

Respectfully submitted,
Wendy Harrington
Administrative Board Secretary

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

**MINUTES OF MEETING
July 22, 2015**

David Cole, Chairman called the meeting to order at 7:42 p.m. Attending Board members were Ms. Gould, Clerk, Mr. Arbeene, Mr. Kennedy, and Mr. Olsen.

Citizen Comments:

There no members of the public that wished to make comments.

Public Hearings:

Continued public hearing for Paul LaPerriere of Medway Realty LLC for a Variance from the Sign Regulations for a proposed new pylon sign, located at Medway Shopping Center 98, 108, and 114 Main Street, Medway, MA

By unanimous consent, the Board agreed to commence the hearing on the application of Paul LaPerriere of Medway Realty LLC, seeking a variance for new pylon signs located at 998, 108, and 114 Main Street, Medway. The applicant and his attorney, Ms. Bethany Bartlett of Sherin and Lodgen LLP, were present.

The applicant provided the Board with completely revised plans following a series of meetings with the Design Review Committee. Ms. Sherin explained the discussion with the Design Review Committee and the options reviewed. She further described the differences between the previous submission discussed with the Board last fall and the revisions now being presented. They were able to reduce the sign surface area and eliminate the need for relief with respect to the height of the sign. The applicant was able to decrease the scale of the signage but still be able to provide adequate and visible signage for all tenants in the shopping center. Instead of the multi-colored, columnar signs previously proposed, the applicant now proposed two double-sided signs in the form of curved fieldstone walls not more than about 10 feet in height and carrying arrays of replaceable monochrome “tiles” identifying the individual businesses, the total sign area being just over 270 square feet. Ms. Sherin stated how the new signs will be incorporated into the redevelopment of the site and noted the locations of the signage.

The Design Review Committee provided a second comment letter to the Board which was entered into the record. Board members generally commented favorably upon the revised design but expressed some concern that the limited 12 inch depth of the individual tiles might present difficulties in reading for passing drivers, and that the design of the signs would permit somewhat deeper tiles of about 15 inches without substantial changes to the overall appearance of the signs. The Board inquired about the tenant listing on each sign and the effects the proposed signs would have on visibility and safety.

Mr. Cole then asked if there were members of the public that wish to comment on the application. There were no members of the public that spoke in favor or in opposition.

The Board proceeded, by unanimous consent, to deliberate on the application of Paul LaPerriere of Medway Realty LLC.

After some discussion among the Board members, it was decided that the revised plans presented were a great improvement over what is there now, and that the new pylon signs would be more readable advertising all the tenants in the plaza. Members took no objection to the variance request.

Mr. Cole moved to find that circumstances exist relating to the number of tenants on the subject lots and the large setback of the existing buildings from the right of way which apply to the subject lots but which do not generally apply to other lots in the Zoning District, thus justifying some relief from the provisions of the sign regulations of the Medway Zoning By-Law. Mr. Kennedy seconded and the motion passed 4-0-0.

Mr. Cole moved to find that the number of tenants on the subject lots are sufficiently great that providing signing for all tenants on a single sign is impractical and accordingly dividing the signage between two discrete signs is advisable. Mr. Olsen seconded and the motion passed 4-0-0.

Mr. Cole moved to find that the location of the subject lots along Route 109, a heavily traveled right of way, renders it necessary to give careful consideration to readability of signs by drivers passing the subject lots and that sufficient readability cannot be achieved within the area limitations imposed with the sign regulations of the Medway Zoning By-Law. Mr. Kennedy seconded and the motion passed 4-0-0.

Mr. Cole moved to find that the grant of the requested relief would not be substantially detrimental to the public good. Mr. Olsen seconded and the motion passed 4-0-0.

Mr. Cole then moved and Mr. Olsen seconded, a motion, which passed 4-0-0 to grant to the applicant, Paul LaPerriere of Medway Realty, LLC, a Variance under Section V.R.8 Table 2 and 11.a) of the Medway Zoning By-Law to replace the existing pylon signs for Medway Shopping Center at 98, 108 and 114 Main Street, Medway; in accordance with the revised plans dated July 13, 2015, submitted and reviewed at the July 22, 2015 hearing and initialed by the Board, subject to the following terms and conditions:

- 1. Pylon signs shall be constructed substantially in accordance with the plans provided; in particular there shall be two pylon signs at locations indicated as Sign A and Sign B on the plans.*
- 2. The total area of signage shall not exceed 340 square feet and the total area for two signs of the name of the plaza shall together not exceed 40 square feet.*
- 3. Only external illumination of the signs shall be permitted.*

Variance Granted.

Mr. Arbeene did not participate in voting as he was not a member of the Board at the time of the initial public hearing.

Adjournment

A motion to adjourn was made by Mr. Olsen and seconded by Mr. Arbeene and passed unanimously. Board adjourned at 9:18p.m.

Respectfully submitted,
Stephanie Mercandetti
Director, Community and Economic Development

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

**MINUTES OF MEETING
July 29, 2015**

David Cole, Chairman, called the meeting to order at 7:34 p.m. Attending Board members were Mr. Arbeene, Mr. Kennedy, Mr. Olsen and Ms. Gould, Clerk.

Town Counsel Barbara Saint André presented a detailed overview of the MGL c.40B Comprehensive Permit Process which included procedures, definitions, guidelines and timelines that the Zoning Board of Appeals must follow.

The workshop was followed by questions and answers which clarified procedures.

General Business:

Board members were asked to come to Town Hall to sign the Medway Realty LLC decision once the final draft is available.

Stephanie Mercandetti, Director of Community and Economic Development, informed the Board of a possible application for a Variance. Depending on the receipt of the application, a public hearing will more than likely be scheduled for September 2, 2015.

The next meeting is scheduled for August 19, 2015. Members were informed that a Zoning Bylaw discussion would take place with Susy Affleck-Childs, Planning & Economic Development Coordinator, and Andy Rodenhiser, Chairman of the Planning and Economic Development Board.

Adjournment

A motion to adjourn was made by Mr. Kennedy and seconded by Mr. Olsen and passed unanimously. Board adjourned at 8:44p.m.

Respectfully submitted,
Wendy Harrington
Administrative Board Secretary

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

**MINUTES OF MEETING
August 19, 2015**

David Cole, Chairman, called the meeting to order at 7:41 p.m. Attending Board members were Mr. Arbeene, Mr. Olsen and Ms. Gould, Clerk.

General Business:

A motion to accept the Minutes of the June 17, 2015 meeting as written was made by Mr. Arbeene, seconded by Mr. Olsen and passed unanimously.

A motion to accept the Minutes of the June 24, 2015 meeting as written was made by Mr. Arbeene, seconded by Mr. Olsen and passed unanimously.

A motion to accept the Minutes of the July 8, 2015 meeting, as amended was made by Mr. Cole, seconded by Mr. Olsen and passed 3-0-1. Mr. Arbeene abstained, as he was not present for the July 8, 2015 meeting.

A motion to accept the Minutes of the July 22, 2015 meeting as written was made by Mr. Cole seconded by Mr. Olsen and passed unanimously.

Stephanie Mercandetti, Director of Community and Economic Development, Susy Affleck-Childs, Planning & Economic Development Coordinator and Andy Rodenhiser, Chairman, Planning & Economic Development Board, were in attendance for a discussion on the recent Medway Zoning By-law Recodification and future amendment ideas.

Ms. Affleck-Childs explained the process through which the Zoning By-law had been updated through a consultant hired by the Town of Medway. The consultant identified areas that needed attention since the last recodification that took place in 1975.

Ms. Affleck-Childs reviewed the new By-law organization and some of the changes that took place.

Board members made suggestions on changes on areas where they thought it would be beneficial to see some revisions or clarification such as the by-laws pertaining to dogs/kennels, poultry/chickens, non-conforming structures, home-based businesses, accessory dwellings and sign regulations.

Ms. Affleck-Childs suggested additional discussions on any issues that arise should take place.

Ms. Mercandetti informed the Board that a Variance Application for 9 Cider Mill Road was received and the hearing will take place on September 2, 2015 and handed out all documents as they pertain to the application.

Adjournment

A motion to adjourn was made by Mr. Arbeene and seconded by Mr. Olsen and passed unanimously. Board adjourned at 9:05p.m.

Respectfully submitted,
Wendy Harrington
Administrative Board Secretary

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

**MINUTES OF MEETING
September 2, 2015**

David Cole, Chairman, called the meeting to order at 7:41 p.m. Attending Board members were Mr. Arbeene, Ms. Gould, Clerk and Mr. White. Mr. Olsen and Mr. Kennedy were not present.

Citizen Comments

There were no members of the public that wished to make comments.

General Business

The Board welcomed Brian White as a new associate member.

Public Hearings

Public hearing for Richard and Deborah Carlson for a Variance from Section 6.1. Table 2 of the Zoning Bylaw to allow for a 5ft side setback where a minimum of 15ft is required for placement of a shed on the property, located at 9 Cider Mill Road, Medway, MA

The Board moved to hear the application of Richard and Deborah Carlson, who were both present for the hearing. Mr. Carlson explained his request for dimensional relief from the side setback requirements. The Medway Conservation Agent visited the property and suggested the shed be moved towards the front of the lot in order to avoid wetlands. Mr. Carlson testified that there isn't another area on the lot to place the shed. The Board questioned the applicant on the distance from the neighbor's home and the criteria for a variance. The angle of the subject lot and view from the neighbor's home was taken into consideration. The Board viewed pictures and a satellite map of the area. Chairman Cole read into record a letter from a neighbor supporting the location of the proposed shed.

Chairman Cole asked if there were members of the public that wish to comment on the application. There were no members of the public that spoke in favor or in opposition.

A motion to close the public hearing was made by Mr. Arbeene, seconded by Mr. White, and passed unanimously.

The Board then proceeded, by unanimous consent, to deliberate on the application of Richard and Deborah Carlson.

Chairman Cole noted the criteria for a Variance relating to shape, topography and soil conditions. The location of the existing building, driveway, pool, septic system and slope of the

lot were considered and would affect the placement of the shed. The Board concluded that the proposed location of the shed appears to be the only place where it can be built.

Chairman Cole moved to find that the applicants established that the topography of the lot includes a steep downward slope towards the rear of the lot and the presence of wetlands renders this portion of the lot inadvisable for placement of a shed. Mr. Arbeene seconded and the motion passed 4-0-0.

Chairman Cole moved to find that the presence of an in-ground pool precludes the proposed shed from being placed in the rear behind the existing house. Mr. Arbeene seconded and the motion passed 4-0-0.

Chairman Cole moved to find that the presence of an extensive septic system between the existing house and the front lot line precludes the shed from being located in this area. Mr. White seconded and the motion passed 4-0-0.

Chairman Cole moved to find that the location of the shed proposed by the applicants is the only practical location on the subject lot and in relation to existing site constraints. Mr. White seconded and the motion passed 4-0-0.

Chairman Cole moved to find that in view of the foregoing findings, the applicants established that the lot is subject to circumstances relating to shape and topography especially affecting such lot but not generally affecting the zoning district in which the subject lot is located and that a literal enforcement of the provisions of this Bylaw would involve substantial hardship and that the desired relief may be granted without substantial detriment to the public good.

Chairman Cole then moved to grant to the applicants, Richard and Deborah Carlson, a Variance from Section 6.1 Table 2 of the Medway Zoning Bylaw to vary the side setback on the south side of the lot for the placement of a 10' x 10' shed on property located at 9 Cider Mill Road in accordance with the plans submitted. Mr. White seconded and the motion passed 4-0-0.

Variance Granted.

Fall Town Meeting

The Board moved to discuss possible Zoning Bylaw amendments to be submitted for the Fall Town Meeting warrant. Ms. Mercandetti stated that Fall Town Meeting is set for Monday, November 16, 2015.

A motion to accept the Minutes of the July 1, 2015 meeting as written was made by Chairman Cole, seconded by Mr. Arbeene and passed 3-0-1. Mr. White abstained as he had not been appointed to the Board at the time.

A motion to accept the Minutes of the July 29, 2015 meeting as written was made by Chairman Cole, seconded by Mr. Arbeene and passed 3-0-1. Mr. White abstained and noted while present for the meeting, he had not yet been appointed to the Board.

A motion to accept the Minutes of the August 19, 2015 meeting was made by Chairman Cole, seconded by Mr. Arbeene and passed 3-0-1. Mr. White abstained as he was not present for the meeting.

The next meeting is scheduled for October 7, 2015, two applications have been received but further information has been requested before the hearings.

Adjournment

A motion to adjourn was made by Mr. Arbeene and seconded by Mr. White and passed unanimously. Board adjourned at 8:42p.m.

Respectfully submitted,
Wendy Harrington
Administrative Board Secretary

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

**MINUTES OF MEETING
October 7, 2015**

David Cole, Chairman, called the meeting to order at 7:40 p.m. Attending Board members were Ms. Gould, Clerk, Mr. Arbeene, Mr. Kennedy, and Mr. White. Mr. Olsen was not present.

Citizen Comments

There were no members of the public that wished to make comments.

General Business

Ms. Mercandetti presented an overview of a Sign Bylaw Task Force of which its members will be appointed by the Planning and Economic Development Board. This seven-member task force will review the sign regulations and recommend changes. The task force includes a representative from this Board. Ms. Gould volunteered to represent the Board and Chairman Cole will serve as an alternate.

Ms. Mercandetti gave a brief summary of some minor revisions to the Board's Rules and Regulations. The primary change is to clarify submission requirements required for comprehensive permit applications. Approval of these revisions will be at the next meeting.

Public Hearings

Public hearing for William Blenkhorn for a Variance from Section 6.1. Table 2 of the Zoning Bylaw to allow for a 4ft side setback where a minimum of 15ft is required for an existing shed on the property located at 15 High Street, Medway, MA

The Board moved to hear the application of Mr. William Blenkhorn. Mr. Blenkhorn was present and explained his request for dimensional relief.

Mr. Blenkhorn stated that while applying for a building permit to add a deck he was made aware that his existing shed, of 10 years, needed a variance. The shed is located on the most relatively flat part of yard. The property on the other side is a business separated by a wooded barrier. Mr. Blenkhorn presented pictures to show the distance of the shed to the next building. The Board explained the criteria an applicant must meet to receive a variance and asked questions relating to the pictures and location of the shed.

Ms. Mercandetti noted that the Conservation Agent has reviewed the application and plans and has no issues with the request.

Chairman Cole asked for public comments or questions. A neighbor asked about the shed and trash in yard. Mr. Blenkhorn noted that there is a second shed across the street from his neighbor which conforms to the Medway Zoning Bylaw. The shed in question for this application is located on the other side of the property.

A motion to close the public hearing was made by Mr. Kennedy, seconded by Mr. Arbeene and passed unanimously.

Public hearing for Michael Fasolino for a Special Permit under Section 5.5 of the Zoning Bylaw to construct a second floor addition and renovations on the property located at 27 Summer Street, Medway, MA

The Board moved to hear the application of Michael Fasolino who was present for the hearing. Mr. Fasolino explained his request and the proposed renovations to the property. The Board inquired about the expansion of the house. Mr. Fasolino responded that he seeks to renovate the abandoned home and add a second floor. There will be no change in footprint of the building. The Board asked how long the house has been vacant. Mr. Fasolino noted that the house had been vacant for 2-3 years. He provided pictures of a similar home to show what it would look like finished. No further discussion from the Board.

Ms. Mercandetti mentioned that the Conservation Agent has reviewed the application and plans and noted that there were no wetlands issues. Chairman Cole asked for any public comment. No comments in favor or in opposition of the application were made.

A motion to close the public hearing was made by Chairman Cole, seconded by Mr. Arbeene and passed unanimously.

Deliberations

15 High Street

The Board proceeded, by unanimous consent, to deliberate on the application of William Blenkhorn.

Chairman Cole said the applicant established that there was nowhere else on the lot to put the shed. The Board members agreed. It was also noted that the abutting property is a business and they have not voiced concern.

Chairman Cole moved to find that the applicant established circumstances relating to the topography of the subject lot especially affecting the lot but not affecting generally the zoning district in which the lot is located which would cause a literal enforcement of the provisions of this Bylaw to involve substantial hardship to the applicant, and that the topography of the lot renders it extremely difficult to locate the shed in any other place than the present location. Mr. Arbeene seconded and the motion passed 5-0-0.

Chairman Cole moved to find that the applicant established that the nearest building on the opposite side of the relevant side lot line was in excess of 30 feet from this side lot line and that

accordingly desirable relief may be granted without substantial detriment to public good and without nullifying or substantially derogating from the intent or purpose of this bylaw. Mr. Arbeene seconded and the motion passed 5-0-0.

Chairman Cole moved to grant to the applicant, William Blenkhorn, a Variance under Section 6.1 Table 2 of the Medway Zoning Bylaw to permit the shed adjacent to northern side lot line of the subject lot to remain in its present location with a reduction in the side setback requirement from 15 feet to 4 feet on property located at 15 High Street in accordance with the plans submitted. Mr. Arbeene seconded and the motion passed 5-0-0.

Variance Granted.

27 Summer Street

The Board then proceeded, by unanimous consent, to deliberate on the application of Michael Fasolino.

Chairman Cole stated that while the house footprint stayed the same, the overall footprint would actually be smaller since the existing deck would be removed. The Board discussed whether the proposed renovations increased the nonconforming nature of the single family home. The Board agreed that it did not.

Chairman Cole moved to find that the proposed alterations at 27 Summer Street do not increase the nonconforming nature of the structure. Mr. Arbeene seconded and the motion passed 5-0-0.

Chairman Cole further moved that in view of the foregoing finding, the Board finds that a Special Permit is not required and that consequently the criteria for a Special Permit under Section 3.4.C. are not relevant with respect to the application of Michael Fasolino to construct a second floor addition and renovations on property located at 27 Summer Street.

The next meeting is scheduled for November 4, 2015 and there will be hearings on two applications.

Adjournment

A motion to adjourn was made by Mr. Arbeene and seconded by Mr. Kennedy and passed unanimously. Board adjourned at 8:39p.m.

Respectfully submitted,
Wendy Harrington
Administrative Board Secretary

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

**MINUTES OF MEETING
November 4, 2015**

David Cole, Chairman, called the meeting to order at 7:35 p.m. Attending Board members were Mr. Arbeene, Mr. Kennedy, and Mr. White. Mr. Olsen and Ms. Gould were not present.

Citizen Comments

There were no members of the public that wished to make comments.

General Business

Ms. Mercandetti stated that there were two new applications submitted to the Zoning Board of Appeals. Both applications will be heard on December 2, 2015.

Public Hearings

Public hearing for the Estate of Barbara Ashman, Karen Arbour Personal Representative, for a Variance from Section 6.1. Table 2 of the Zoning Bylaw to allow for lot frontage having 9 feet less than the minimum lot frontage of 150ft required for the property located at 33 West Street, Medway, MA.

The Board moved to hear the application of the Estate of Barbara Ashman. Attorney Barry Queen was present on behalf of the applicant.

Attorney explained the request for a variance from the Board. He was contacted by Ms. Karen Arbour about selling the property as the owner, Barbara Ashman, is now deceased. Ms. Arbour is Ms. Ashman's daughter and lives in Florida. While reviewing the property information, he found that the frontage did not meet the minimum requirement and realized it was 141ft due to an approval of a subdivision which he believed was mistakenly included this property. This resulted in the property being nonconforming to which a variance is required to make it compliant with zoning. Attorney Queen read an excerpt from the Planning and Economic Development Board's Subdivision Rules and Regulations.

The Board questioned whether there was an existing house on the property and for an explanation in how this misstep occurred. Chairman Cole noted that the Board has seen this type of situation before. It was also stated that the situation is a difficult one and that the relief should have been granted at the time when the subdivision was approved.

Chairman Cole asked for any public comments or questions concerning the application. An abutter stated that the subdivision was never built and the Town should correct this.

A motion to close the public hearing was made by Mr. Arbeene, seconded by Mr. Kennedy and passed unanimously.

General Business

Ms. Mercandetti presented the minor revisions to the Board's Rules and Regulations as submitted and discussed at the October 7th meeting. No further changes had been made. Chairman Cole noted that the amendment date would be the date of tonight's meeting.

A motion was made by Mr. Arbeene, seconded by Mr. Kennedy, to amend the Board's Rules & Regulations as presented in the revised document with the further addition of the date of the amendment effective to be added with today's date as noted in Article VII.

Public hearing for Continuing Care Management, LLC, for Variances from Section 7.2.5 of the Zoning Bylaw for the number and dimensions of the proposed two entrance signs and medical office building sign in connection with the development of a senior community to be known as "The Willows and Whitney Place" to be located on 261 and 263 Village Street.

The Board moved to hear the application of Continuing Care Management, LLC. Attorney Paul Kenney and Jeff Robinson of Continuing Care Management were present on behalf of the applicant.

Attorney Kenney gave a brief overview of the project, currently under the Planning and Economic Development Board's review. He provided the Board with an updated assessor's map and a main entry perspective showing the location of the proposed signage. He then explained the reasons for the requests and addressed the criteria for the variances. There are three requests for variances. Two of the requests pertain to development signage at the primary entrance of the proposed adult retirement community to be known as "The Willows and Whitney Place." The applicant requests two development signs at the entrance, with each sign to be 9ft tall, where only one sign is allowed with a maximum height of 6ft under the Zoning Bylaw. These signs meet the surface area requirements, would be angled and of a stone façade, and would be very attractive for this scenic road. As part of the proposed development, there will also be a medical office building which sits right off of Village Street. The third request is for the medical office building to have a freestanding double-sided sign with a surface area totaling 46.95sq.ft. which exceeds the maximum 40sq.ft. in the bylaw. Attorney Kenney explained that the top of the sign while a triangular shape, has to be measured as a rectangle under the bylaw and therefore contributes to the increased sign surface area. There will be no signage placed at the second entrance as it will mainly be used by those who live on that end of the development. All the signs meet the setback requirements. There are no sidewalks on the southerly side of Village Street.

Attorney Kenney explained that 261 Village Street is an irregular L-shaped lot and 263 Village Street is an irregular hammerhead-shaped lot. These circumstances do not affect other land in the district.

The narrow opening of the two lots creates a substantial hardship to the applicant. There is a significant bend in the street on the approach coming from the east and sight lines are limited. Having the entrance signs as proposed will be easily identifiable, rather than a single sign, and would be very beneficial to those residing in the development and anyone else that would be visiting the community. Sight lines are also an issue for medical office building. Safety is a major concern of the development and one of the key reasons for the requests made.

The Board questioned the applicant on the setbacks and locations of the signs, the reason for the height variance, additional clarification on the requested variances from the sign standards, and how these requests meet the criteria for a variance under MGL c. 40A.

Chairman Cole referenced a letter from the Design Review Committee. Rachel Walsh, a member of the Committee, was present and summarized their concerns with the proposed signage. Ms. Walsh stated that the entrance signs are incongruous with the scenic road and the zoning district. This area of Village Street is not in a commercial district. She noted that while the materials and design are nice, the mass of the sign is out of scale with the neighborhood. She said the main concern is with the historic and scenic nature of the development signs. Also, the Committee felt that signage for the medical office building could be incorporated into the development signs or have a wall sign on the building rather than its own freestanding sign that would be further away from the development's entrance. Ms. Walsh added that the Committee provided samples with their memo to the Board.

The Board inquired if there was a separate entrance off of Village Street for the medical office building and asked about the distances between signs. Attorney Kenney responded that access to the medical building is from within the development. The Board asked if there would be an issue with traffic coming in and out of the site with respect to the location of the signs. Attorney Kenney replied that the signs are sufficiently set back from Village Street and there is no issue. Also, the size of the wall drops to 3ft each side and it is only the portion where the sign is which will have the increased height.

Chairman Cole asked if there were members of the public that wish to comment. An abutter at 262 Village Street stated that if someone is coming from the west, they will pass the entrance by the time they see the sign. It seems that many people would be turning around because they have to use the main entrance to access medical office building.

Julie Fallon, also a member of the Design Review Committee, stated that the applicant was not making use of the signage opportunities they are allowed for the medical office building.

Another resident commented that the requested height for the entrance signs is out of scale with the village feel and scenic aspect of Village Street. There are no signs competing with this in the area. He also felt that the medical office building sign located to the east of the entrance creates some confusion with its wayfinding capabilities.

A motion to close the public hearing was made by Mr. Kennedy, seconded by Mr. Arbeene and passed unanimously.

The Board recessed for 5 minutes and returned to open session at 9:00 pm.

Deliberations

The Board proceeded, by unanimous consent, to deliberate on the application of the Estate of Barbara Ashman.

The Board agreed that they need to fix it or the applicant will not be able to sell the house.

Chairman Cole moves to find that the grant of an approved subdivision plan by the Planning and Economic Development Board including the subject lot without the grant of a variance for the frontage in reference to the subject lot was a clear error and contrary to the Zoning Bylaw at the time. Mr. Kennedy seconds and the motion passed 4-0-0.

Chairman Cole moves to find that the aforementioned error in the grant of the subdivision creates a clear and substantial hardship upon the applicant in that the subject lot is not saleable in its present form. Mr. Kennedy seconds and the motion passed 4-0-0.

Chairman Cole moves to find that the only avenue available for removal of the aforesaid hardship is the grant of the requested variance. Mr. White seconds and the motion passed 4-0-0.

Chairman Cole moves to grant to the applicant, Estate of Barbara Ashman, Karen Arbour, Personal Representative, a Variance from the minimum frontage requirement of Section 6.1 of the Medway Zoning Bylaw to reduce the required frontage from 150 to 140 feet on property located at 33 West Street in accordance with the plans submitted. Mr. Arbeene seconds and the motion passed 4-0-0.

Variance Granted.

The Board decided to deliberate on the application relative to 261 and 263 Village Street at their next meeting on Wednesday, November 18th.

Adjournment

A motion to adjourn was made by Mr. Kennedy and seconded by Mr. Arbeene and passed unanimously. Board adjourned at 9:13p.m.

Respectfully submitted,
Stephanie Mercandetti
Director, Community and Economic Development

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

**MINUTES OF MEETING
November 18, 2015**

David Cole, Chairman, called the meeting to order at 7:32 p.m. Attending Board members were Ms. Gould, Clerk, Mr. Arbeene, Mr. Olsen, and Mr. White. Mr. Kennedy was not present.

Citizen Comments

There were no members of the public that wished to make comments.

Public Hearings

There were no public hearings this evening.

Deliberations

Mr. Olsen stated that he was unable to attend the November 4, 2015 meeting due to a family emergency. He has watched the videotape of the November 4th meeting, reviewed all materials relevant to the public hearings held that evening and has filed the appropriate documents with the Town Clerk in accordance with MGL c. 39 Section 23D, known as the Mullin Rule.

The Board proceeded, by unanimous consent, to deliberate on the application of Continuing Care Management, LLC.

Chairman Cole reminded the Board of the three variance requests with respect to the property located at 261 and 263 Village Street in Medway. Chairman Cole wanted to get sense from the Board as to the thoughts on each request.

The Board reviewed the first variance request for two signs at the entrance and noted the reasons for such a request given the realities of traffic and sight lines along the road. It isn't practical to make the signs double-sided because of the style of the signage. Therefore the Board felt comfortable and favored such request for the two entrance signs.

The Board discussed the second variance request to allow for a maximum height of 9ft for the two entrance signs. It was noted that the sign is tastefully done with the hardscaping and landscaping, and that the signage is placed where it should be in the optical center which is two-thirds up from the bottom. Chairman Cole reminded the Board that sign design is not the role of the board. Board members were not convinced the 9ft is needed nor felt there was sufficient evidence to justify the request. The Board felt that such a request was excessive for this area of Village Street and were more comfortable with the first request relative to the entrance signs as travelers would be able to see the signs from both directions and for safety.

The Board then debated the third variance request to increase the maximum sign surface area for the Medical Office Building Sign. Board members discussed the disparity between the two types of sign designs and understood the reason for having a separate Medical Office Building sign where it is proposed to be located. It is a separate complex however the main entrance to the development will be used as the building does not have its own entrance. The complex will have multiple tenants and there is a recognized need for a double-sided sign that could be seen from the road. There are regulations within the Zoning Bylaw and Design Guidelines to which an applicant has to work with both, and design within such requirements. It appeared that the applicant went through multiple iterations regarding sign design with the Design Review Committee and it was this latest design that goes beyond of the requirements under the sign regulations. It appears that the Town put the applicant in this position through the design of the sign with which the Design Review Committee thought was appropriate. However, the Board added that designs of signs and aesthetic reasons to match the Medical Office Building should not create a hardship.

The Board discussed how the sign surface area is calculated using a rectangle and noted how the triangular shape at the top is an impediment and the gaps in air space increases the area. The Board stated that no real hardship was presented to justify exceeding the sign surface area requirements.

Ms. Gould will not be voting on the matter as she was not present for the hearing nor filed the appropriate document with the Town Clerk in accordance with MGL c. 39 Section 23D, known as the Mullin Rule.

Chairman Cole moves to find that the applicant established a need to provide an entrance sign or signs clearly visible for traffic traveling in both directions on Village Street. Mr. Arbeene seconds and the motion passed 4-0-0.

Chairman Cole moves to find that given the scenic road designation of Village Street, the proposed stone wall sign is thoroughly in keeping with the surrounding area. Mr. Arbeene seconds and the motion passed 4-0-0.

Chairman Cole moves to find that the proposed stone wall type of construction does not lend itself to be used for a double-sided sign, and accordingly, in order to provide the necessary visibility to traffic traveling in both directions, the use of two single-sided signs on either side of the wide boulevard type of main entrance to the development appears optimal as opposed to a two-sided sign placed in the center of the boulevard. Mr. Arbeene seconds and the motion passed 4-0-0.

Mr. Arbeene moves to find that the applicant did not demonstrate sufficient evidence to justify the request for a Variance under MGL c. 40A Section 10 for the entrance signs to be constructed in excess of the 6ft requirement as stated in the Zoning Bylaw. Chairman Cole seconds and the motion passed 4-0-0.

Mr. Olsen moves to find that the applicant did not supply sufficient evidence to meet the requirements for a Variance under MGL c. 40A Section 10 with respect to the requested relief from the Zoning Bylaw for an increase in the maximum sign surface area for Medical Office Building sign. Chairman Cole seconds and the motion passed 4-0-0.

Mr. White moves to find that there was a hardship created by a fellow Town body following discussions with respect to sign design proposals. Mr. Arbeene seconds and the motion passed 3-0-1 (Chairman Cole dissenting).

Chairman Cole moves to grant to the applicant, Continuing Care Management, LLC, a Variance from the requirements of the Medway Zoning Bylaw Section 7.2.5. Sign Standards regarding the requested relief from the maximum number of signs to allow for the construction of two signs at the main entrance of the subject development where the Zoning Bylaw only permits one such sign on property located at 261 and 263 Village Street. Mr. White seconds and the motion passed 4-0-0.

Variance Granted.

Chairman Cole moves to deny to the applicant, Continuing Care Management, LLC, a Variance from the requirements of the Medway Zoning Bylaw Section 7.2.5. Sign Standards regarding the requested relief from the maximum sign height for the signs located at the main entrance to the subject development on property located at 261 and 263 Village Street. Mr. White seconds and the motion passed 4-0-0.

Variance Denied.

Mr. Olsen moves to deny to the applicant, Continuing Care Management, LLC, a Variance from the requirements of the Medway Zoning Bylaw Section 7.2.5. Sign Standards regarding the requested relief from the maximum sign surface area for the Medical Office Building sign on property located at 261 and 263 Village Street in accordance with the plans submitted. Chairman Cole seconds and the motion passed 4-0-0.

Variance Denied.

Approval of Minutes

A motion to accept the Minutes of the September 2, 2015 meeting as written was made by Mr. Arbeene, seconded by Mr. White and passed 4-0-1. Mr. Olsen abstained as he was not present for the meeting.

A motion to accept the Minutes of the October 7, 2015 meeting as written was made by Mr. Arbeene, seconded by Mr. White and passed 4-0-1. Mr. Olsen abstained as he was not present for the meeting.

A motion to accept the Minutes of the November 4, 2015 meeting was made by Mr. Arbeene, seconded by Mr. White and passed unanimously.

Adjournment

A motion to adjourn was made by Mr. Olsen and seconded by Mr. Arbeene and passed unanimously. The Board adjourned at 9:38p.m.

Respectfully submitted,
Stephanie Mercandetti
Director, Community and Economic Development

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

**MINUTES OF MEETING
December 2, 2015**

David Cole, Chairman, called the meeting to order at 7:30 p.m. Attending Board members were Ms. Gould, Clerk, Mr. Olsen and Mr. White (participating remotely). Mr. Arbeene and Mr. Kennedy were not present.

Due to geographic distance, Mr. White is participating remotely.

Citizen Comments

There were no members of the public that wished to make comments.

General Business

There was no general business discussed at the meeting.

Public Hearings

7:45PM - Public hearing for Maria Varrichione for a Variance from Section 6.1. Table 2 of the Zoning Bylaw to allow for a 7ft side setback where a minimum of 15ft is required for replacement of an existing garage on the property located at 8 Temple Street, Medway, MA.

The Board moved to hear the application of Maria Varrichione. The applicant was present to discuss their request.

Ms. Varrichione explained the request for a variance from the Board. There is an old run-down garage on the property which sits 7ft from the side property line. With this present configuration, it creates a 2ft alley which has caused issues in the past. The applicant seeks to keep the garage on the same plane but would like to move it back towards the rear lot line. She noted that there is a very slight increase to the side setback but only by a few inches which will make the structure a little less nonconforming with respect to the same setback. The applicant explained that essentially this is the only place to put the garage.

The Board questioned the applicant on how the request meets the criteria for a variance under MGL c. 40A Section 10. The Board asked how far away is the nearest neighbor's building. The applicant estimated 100ft. The Board also inquired what will happen to the existing garage. The applicant responded that the structure will be demolished.

Chairman Cole asked for public comments or questions concerning the application. There were none.

A motion to close the public hearing was made by Mr. Olsen and seconded by Ms. Gould and it was so voted by a roll call vote. (David Cole – aye; Carol Gould – aye; Craig Olsen – aye; and Brian White – aye)

The Board proceeded, by unanimous consent, to deliberate on the application of Maria Varrichione.

The Board agreed that they do not have an issue with this request. The Board recognized that the new location would be better from a safety standpoint.

Mr. Olsen moves to find that the requested relief for the new garage is no closer to the side property line than the preexisting nonconforming garage existing on the property. Chairman Cole seconded and it was so voted by a roll call vote. (David Cole – aye; Carol Gould – aye; Craig Olsen – aye; and Brian White – aye)

Mr. Olsen moves to find that the nearest adjacent structure from the northern property line next to the garage is approximately 100 feet. Chairman Cole seconded and it was so voted by a roll call vote. (David Cole – aye; Carol Gould – aye; Craig Olsen – aye; and Brian White – aye)

Chairman Cole moves to find that the lot is subject to conditions of topography especially affecting such lot but not generally affecting the zoning district in which the lot is located; specifically in view of the unusual small dimensions of the subject lot that the position and size of the existing dwelling and the location of the bituminous driveway, and the desired ability of spacing the new garage a greater distance from the dwelling than the existing garage, the proposed location of the new garage represents the only practical location available on the subject property. Mr. Olsen seconded and it was so voted by a roll call vote. (David Cole – aye; Carol Gould – aye; Craig Olsen – aye; and Brian White – aye)

Chairman Cole moves to find that the grant of the requested variance would not be substantially detriment to the public good and would not nullify or derogate from the intent or purpose of the Bylaw. Mr. Olsen seconded and it was so voted by a roll call vote. (David Cole – aye; Carol Gould – aye; Craig Olsen – aye; and Brian White – aye)

Mr. Olsen moves to grant a Variance from Section 6.1 of the Medway Zoning Bylaw to the applicant, Maria Varrichione, to allow construction of a proposed garage with a reduced side setback of the north property line to 7 feet on property located at 8 Temple Street, Medway in accordance with the plans submitted. Chairman Cole seconded and it was so voted by a roll call vote. (David Cole – aye; Carol Gould – aye; Craig Olsen – aye; and Brian White – aye)

Variance granted.

8:00PM - Public hearing for Ron Mullen for a Variance from Section 6.1. Table 2 of the Zoning Bylaw to allow for a 5ft rear setback where a minimum of 15ft is required for replacement of an existing garage on the property located at 8 John Street, Medway, MA.

The Board moved to hear the application of Ron Mullen. The applicant and the property owner, Mr. Parchesky, were present to discuss the request.

Mr. Mullen explained the request for a variance from the Board. In February, the garage collapsed given the winter weather experienced at that time. The intent is to rebuild the garage in the same location using the existing foundation. The Board questioned the distance from the garage to the rear property line. Mr. Mullen responded that the garage is approximately five feet off the rear property line. The Board asked how the request meets the criteria for a variance. Mr. Mullen discussed the topography of the property. Mr. Parchesky noted that it is the same as a few of the houses across the street. The Board questioned whether the new garage would be the same height. Mr. Mullen noted that it will be slightly higher with a height of 6ft. Mr. Parchesky added that he needs the storage space since his basement is damp and he needs a dry place to store. The Board also inquired about the distance to the next residence from this garage. The adjacent neighbor responded that his house is 8ft away from the property line. He added that since the garage will be 6ft tall and as there were no windows on the side of the garage that faced his property, he asked that there would be no windows in the new garage. Otherwise he is fine with what is being proposed. His property is adjacent to the west side elevation.

A motion to close the public hearing was made by Mr. Olsen and seconded by Ms. Gould and it was so voted by a roll call vote. (David Cole – aye; Carol Gould – aye; Craig Olsen – aye; and Brian White – aye)

8:15PM - Public hearing for Brett and Marisa Sabatini for a Variance from Section 6.1. Table 2 of the Zoning Bylaw to allow for a 34ft front setback where a minimum of 35ft is required for the construction of a farmers porch on property located at 21 Norfolk Avenue, Medway, MA.

The Board moved to hear the application of Brett and Marisa Sabatini. The applicant, Brett Sabatini, and his builder, Ken Soderholm, were present to discuss the request with the Board.

Mr. Sabatini explained the request for a variance from the Board. He seeks to construct a farmers porch so that they may have some use from the front of the house. He stated that the front of the lot slopes downward towards the street. The porch would be 6ft in width. Mr. Sabatini therefore requests to reduce the front setback to 34ft where 35ft is required and asks for a variation of one foot. The Board clarified the request with the applicant including the location of the steps and inquired about the topography and slope in the front yard. Mr. Sabatini responded that the drop in the front grade is approximately 6ft from the road to the front of the house. The Board inquired if the adjacent houses have a similar slope issue. Mr. Sabatini stated that the house on the right has a similar front yard but that of the house on left is relatively flat.

Chairman Cole asked for any public comments or questions concerning the application. There were none.

A motion to close the public hearing was made by Mr. Olsen and seconded by Ms. Gould and it was so voted by a roll call vote. (David Cole – aye; Carol Gould – aye; Craig Olsen – aye; and Brian White – aye)

The Board took a brief recess at 8:28pm and returned to open session at 8:33pm.

Deliberations

The Board proceeded, by unanimous consent, to deliberate on the application of Ron Mullen.

The Board agreed that they were comfortable with the request and there were no issues in the granting of the request.

Chairman Cole moves to find that the applicant established that the lot is subject to circumstances relating to shape and topography of that lot especially affecting the subject lot but not generally affecting the zoning district in which the lot is located; such that a literal enforcement would involve a substantial hardship to the applicant; and specifically in view of the limited size of the subject lot, its topography and the position of the existing house and stone wall, the general area of the previous garage represents the only practicable location for the proposed new garage, and that any requirement to locate the new garage a short distance from the existing garage would cause a substantial hardship by virtue of the inability to use the existing foundation. Mr. Olsen seconded and it was so voted by a roll call vote. (David Cole – aye; Carol Gould – aye; Craig Olsen – aye; and Brian White – aye)

Mr. Olsen moves to find that the location of the existing foundation is preexisting nonconforming under the current Medway Zoning Bylaw and gives reason for granting a variance. Chairman Cole seconded and it was so voted by a roll call vote. (David Cole – aye; Carol Gould – aye; Craig Olsen – aye; and Brian White – aye)

Chairman Cole moves to find that the desirable relief may be granted to the applicant without substantial detriment to the public good and without nullifying or substantially derogating from the intent of the Bylaw, but in doing so it may be desirable to impose conditions to safeguard the privacy of the neighbor on the west side of the lot. Mr. Olsen seconded and it was so voted by a roll call vote. (David Cole – aye; Carol Gould – aye; Craig Olsen – aye; and Brian White – aye)

Chairman Cole moves to grant a Variance from Section 6.1 of the Medway Zoning Bylaw to the applicant, Andrew Parchesky, to allow for the construction of a garage on the preexisting foundation adjacent to the west lot line of the subject lot, on property located at 8 John Street, Medway subject to the following term and condition that the new construction shall not have any windows provided in the west side of the garage but the existing windows in the foundation may be allowed to remain. Mr. Olsen seconded and it was so voted by a roll call vote. (David Cole – aye; Carol Gould – aye; Craig Olsen – aye; and Brian White – aye)

Variance granted.

The Board then proceeded, by unanimous consent, to deliberate on the application of Brett and Marisa Sabatini. Similarly, the Board had no issue with the relief being requested.

Chairman Cole moves to find that the applicant demonstrated that the lot is subject to circumstances relating to shape and topography of the lot which especially affects such lot but does not generally affect the zoning district in which the subject lot is located and specifically that the front yard lying between the existing dwelling and Norfolk Avenue slopes so steeply as to preclude most uses of the front yard, and the proposed farmers porch represents one possibility for making good use of a portion of the front yard area. Ms. Gould seconded and it was so voted by a roll call vote. (David Cole – aye; Carol Gould – aye; Craig Olsen – aye; and Brian White – aye)

Chairman Cole moves to find that the applicant's testimony and common experience suggest that a farmers porch needs to have a minimum width of approximately 6ft to allow persons to be seated thereon while permitting other persons to move around comfortably, and thus to be useful the proposed farmers porch needs to encroach to a modest extent on the 35ft front setback required by the Medway Zoning Bylaw. Mr. Olsen seconded and it was so voted by a roll call vote. (David Cole – aye; Carol Gould – aye; Craig Olsen – aye; and Brian White – aye)

Chairman Cole moves to find that the desirable relief may be granted to the applicant without substantial detriment to the public good and, in view of the very limited variance required without substantially derogating from the intent and purpose of the Bylaw. Mr. Olsen seconded and it was so voted by a roll call vote. (David Cole – aye; Carol Gould – aye; Craig Olsen – aye; and Brian White – aye)

Chairman Cole moves to grant a Variance from Section 6.1 of the Medway Zoning Bylaw to the applicants, Brett and Marisa Sabatini of 21 Norfolk Avenue, Medway, to allow for the construction of a farmers porch substantially located as shown on the plans submitted with the front setback from Norfolk Avenue being varied from 35ft to 33ft 6in. Mr. Olsen seconded and it was so voted by a roll call vote. (David Cole – aye; Carol Gould – aye; Craig Olsen – aye; and Brian White – aye)

Variance granted.

Approval of Minutes

The draft minutes of the November 18, 2015 meeting were tabled until the next meeting.

Adjournment

A motion to adjourn was made by Mr. Olsen and seconded by Ms. Gould and it was so voted by a roll call vote. (David Cole – aye; Carol Gould – aye; Craig Olsen – aye; and Brian White – aye). The Board adjourned at 9:00p.m.

Respectfully submitted,
Stephanie Mercandetti
Director, Community and Economic Development

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

**MINUTES OF MEETING
December 16, 2015**

David Cole, Chairman, called the meeting to order at 7:34 p.m. Attending Board members were Ms. Gould, Clerk, Mr. Arbeene, Mr. Olsen, and Mr. White. Mr. Kennedy was not present.

Citizen Comments

There were no members of the public that wished to make comments.

Public Hearings

There were no public hearings this evening.

Executive Session

Mr. Cole, Chairman, declared that under G.L. c. 30A, §21(b)(3), that the purpose of the executive session will be to discuss strategy with respect to litigation known as Maritime Housing Fund, LLC v. Medway Zoning Board of Appeals and that a discussion of the foregoing in open session could compromise the purpose for the executive session; and that the Board shall return to open session at the conclusion of the executive session.

A motion was made by Mr. Olsen, seconded by Mr. Arbeene, for the Zoning Board of Appeals to go into executive session, under G.L. c. 30A §21(b)(3), regarding the litigation identified and for the purposes and reasons declared by the Chairman, with the Board to return to open session at the conclusion of the executive session.

The motion passed unanimously. (Mr. Cole – aye; Ms. Gould – aye; Mr. Arbeene – aye; Mr. Olsen – aye; Mr. White – aye)

The Board returned to open session at 7:40p.m.

Approval of Minutes

A motion to accept the Minutes of the November 18, 2015 meeting as written was made by Mr. Cole, seconded by Mr. Arbeene and passed unanimously.

A motion to accept the Minutes of the December 2, 2015 meeting as written was made by Mr. Cole, seconded by Mr. White and passed 4-0-1. Mr. Arbeene abstained as he was not present for the meeting.

Adjournment

A motion to adjourn was made by Mr. Olsen and seconded by Mr. Arbeene and passed unanimously. The Board adjourned at 7:46p.m.

Respectfully submitted,
Stephanie Mercandetti
Director, Community and Economic Development