



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

Rori Stumpf, Chair
Brian White, Vice Chair
Carol Gould, Clerk
Christina Oster, Member
Gibb Phenegar, Member

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

APPROVED MINUTES OF MEETING

Present: Chair, Rori Stumpf, Vice Chair, Brian White, and Member, Gibb Phenegar.

Also Present: Barbara Saint Andre, Director, Community and Economic Development and
Kristin Stearley, Administrative Assistant, Community and Economic
Development

Call to Order:
The Chairman, Rori Stumpf opened the meeting at 7:30 pm.

Approval of Minutes:
October 17, 2018:
On a motion made by Brian White and seconded by Gibb Phenegar, the minutes from October 17, 2018 were accepted unanimously. 3-0-0

Public Hearing:
123 Main Street (continued from October 3, 2018): The Chairman opened the continued hearing for
123 Main Street at 7:36 pm.

Mr. Stumpf stated the applicant had submitted a "Request for an Extension of Time" form. The applicant has requested until December 19, 2018 for the Board to render a decision on the application.

On a motion by Brian White, seconded by Gibb Phenegar, the Board unanimously voted to approve the Request for an Extension of Time until December 19, 2018. 3-0-0

Mr. Stumpf stated there was not enough membership present to hear testimony or vote on applications.

Continuation of Hearing
On a motion by Brian White, seconded by Gibb Phenegar, the Board voted to continue the hearing for 123 Main Street to Wednesday, December 5, 2018 at 7:35 pm. 3-0-0

22 Summer Street: The Chairman opened the public hearing by reading the public hearing notice.

Continuation of Hearing

On a motion by Brian White, seconded by Gibb Phenegar, the Board voted to continue the hearing for 22 Summer Street to Wednesday, December 5, 2018 at 7:35 pm. 3-0-0

333 Village Street: The Chairman opened the public hearing by reading the public hearing notice.

Continuation of Hearing

On a motion by Brian White, seconded by Gibb Phenegar, the Board voted to continue the hearing for 333 Village Street to Wednesday, December 5, 2018 at 7:35 pm. 3-0-0

Other Business:

Release Peer Review Funds for 15 West Street, Verizon Wireless

Mr. Stumpf reviewed the account and noted that the fund started with \$1680.00 and the portion used was \$700.00 leaving a balance of \$980.00. He requested a motion to return the unused portion to Robinson and Cole.

On a motion by Brian White, seconded by Gibb Phenegar, the Board unanimously voted to release the remaining \$980.00 in the peer review fund to Robinson and Cole. 3-0-0

Discussion: ZBA Rules and Standards for Comprehensive Permit Applications

Ms. Saint Andre stated that there are several potential 40B projects being discussed within the town. There is a chance one could come before this Board around April 2019. This is a good time to review the standards themselves and the fee schedule for comprehensive permits since it has not been updated since 2004. The fees have to be comparable to other developments in town, according to the regulations set by the Housing Appeals Committee (HAC). Right now the fees seem to be high. Applicants could challenge the fees as they are now because they are higher and she would like to make the fees comply with the law.

The town has Safe Harbor until August 2019 and now is a good time to review a favorable 40B. Once Safe Harbor expires, anyone can come in to develop and they no longer need to be friendly. It would be good to get something done before next August. Some of the projects may put Medway over the 10% threshold.

Mr. Stumpf stated that the Board does not hear comprehensive permit applications often so it might make sense to fall back on the Planning Board schedule of fees to make it consistent.

Mr. White questioned if the fees cover peer reviews. Ms. Saint Andre stated the Board can charge separately for peer reviews. She also stated it might be difficult to align ZBA fees to Planning Board fees because the parameters are different.

Mr. Stumpf questioned if the Board has the ability to waive a portion of fees. Ms. Saint Andre responded that it can.

Mr. White questioned if the Board could set a base fee and then charge by unit.

Ms. Saint Andre responded that the fees need to be comparable. The HAC does not want 40B applications penalized in fees. They will just be reviewing if the fees are comparable to other development projects within the town.

Ms. Saint Andre will put together a proposal with options for the Board to review at the next meeting and it can decide which it would like to put in place.

Review of Executive Session Minutes

Ms. Saint Andre stated that in order to comply with Open Meeting Law, the Board will need to review its Executive Session minutes to determine if they need to remain privileged. At the moment, this Board only has one set of minutes which relates to litigation that has concluded. She will send this set of minutes out to the Board and it will decide at the next meeting on December 5, 2018 if they can be released. Executive Session minutes will be reviewed on a regular basis.

Discussion of Town Meeting Warrant Articles to Amend the Zoning Bylaw

Ms. Saint Andre stated that an article has been placed on the warrant for the November 19, 2018 Town Meeting. The state law requires that if the Town wants to allow for use variances, the Zoning Bylaw must specifically state that they are allowed. The Bylaw had specific language for many years, but when the Zoning was re-codified the language was not included. The warrant will amend the Bylaw to put the specific language back in to make use variances clear. If the zoning bylaw amendment passes it will become effective as of the date of the Town meeting.

Correspondence:

There was no correspondence presented to the Zoning Board of Appeals.

Approval of Minutes:

On motion by Mr. White and seconded by Mr. Phenegar, the Board voted to APPROVE the October 17, 2018 minutes as presented. Vote passes unanimously 3-0-0

Upcoming Meetings:

- November 21, 2018 – Cancelled
- December 5, 2018
- December 19, 2018

Adjournment:

On a motion made by Brian White and seconded by Gibb Phenegar, the Zoning Board of Appeals voted unanimously to adjourn the meeting at 7:52 pm. 3-0-0

Respectfully Submitted,

Kristin Stearley
Administrative Assistant
Community and Economic Development