



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

Rori Stumpf, Chair
Brian White, Vice Chair
Gibb Phenegar, Clerk
Christina Oster, Member
Tom Emero, Member
Carol Gould, Associate Member
Brian Cowan, Associate Member

Zoning Board of Appeals Meeting
Wednesday, October 16, 2019 at 7:30 pm
Sanford Hall
155 Village Street Medway, MA 02053
Meeting Minutes

Present: Brian White, Vice Chair; Gibb Phenegar, Clerk; Tom Emero, Member, Brian Cowan, Associate Member, Carol Gould, Associate Member

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

Brian White called the meeting to order at 7:39 p.m. and read that it was being broadcast on Medway Cable Access. He also stated that Brian Cowan and Carol Gould completed Mullin Rule forms and designated them to sit on the hearings tonight. Mr. Cowan and Ms. Gould filed a certificate under the "Mullin Rule", G.L. c. 39, §23D, that they reviewed the proceedings of the September 18, 2019 public hearing session prior to this meeting.

Public Hearings

79 Lovering Street (AKA 81 Lovering Street Lot 2A) (Continued from September 18, 2019) – The application is for the issuance of a **special permit** under Section 5.4 Table 1.C of the Zoning Bylaw to construct a two-family house that has the exterior appearance of a single family dwelling on the lot.

Michael and Patrick Larkin were present and briefly discussed the updates they have submitted to the Board regarding the proposed two-family structure. Michael Larkin explained how the appearance was modified to make the exterior look like a single family home and how the added "a-frame" breaks up the roof line. Mr. White asked about the Conservation issues brought forth at the last meeting. Michael Larkin responded to the email that was submitted from Bridget Graziano, Conservation Agent. He stated they anticipate submitting the land disturbance permit application by Friday, October 18, 2019. He stated they will need an Order of Conditions from the Conservation Commission for the deck of this proposed dwelling due to it being proposed in the 100-foot buffer zone.

Ms. Saint Andre clarified each lot and why they need to file applications with the Conservation Commission. She stated that 79 Lovering Street is within the jurisdiction of the Wetlands Protection Act and they have filed a Notice of Intent. Mr. Larkin stated that for 81 Lovering Street they have filed a Request for Determination of Applicability for taking down the barn due to it being in the Conservation jurisdiction. The Conservation Commission is currently waiting for a land disturbance permit application to be filed to cover all three lots being disturbed due to common ownership.

Mr. White asked to have the updated design of the proposed two-family dwelling projected on the screen for the room; Ms. Ohannesian gave a quick overview of the updated drawings submitted.

Ms. Gould asked for clarification on the total living space for each side and Patrick Larkin clarified each side would be around 2,000 sq. feet. Mr. White stated he appreciates the efforts made to improve the look.

Gary DeVita of 78 Lovering Street stated he does not want the Board to forget that the whole street is zoned for single family homes and there is no hardship for the builder to build a single family home. He is concerned about the proposed construction creating three new driveways that would create safety concerns and congestion due to an increase in cars to the street.

David Langille of 16 Priscilla Road and also owns 17 Priscilla Road which directly abuts the wetlands of 79 Lovering Street is concerned about how close the construction will be to the wetlands. His second concern is that Lovering Street is a narrow road and this would create safety concerns due to increased traffic. He also asked whether the lot is a legitimate lot. It was explained the lot is a separate lot and can be built on. He asked if the two family would be individually owned condominiums or common owner and rented. Patrick Larkin answered that they would be two individually owned condominiums.

Mr. White decided to discuss the criteria and deliberate that evening. The Board discussed each criterion; they found that criteria 1-3, 5, 8 and 9 were acceptable. There was a discussion of criteria 4 and as to whether this proposed two-family dwelling would cause undue traffic congestion to the area. Mr. Cowan expressed concern as to the number of vehicles coming in and out of the driveway for two dwelling units in close proximity to other driveways. Mr. Emero felt that the concerns as to traffic are only anecdotal. Mr. White noted that a single family home on the lot could also generate similar traffic. They also discussed criteria 5 and 6 and if the two-family would adversely affect the surrounding neighborhood, and whether it is in harmony or not with the general purpose and intent of the Zoning Bylaw. Mr. Phenegar expressed concerns regarding the large size of the proposed two-family, and that it was not in keeping with the intent of the bylaw as this area is comprised of single-family houses and farm land. Other members stated that the house will be set back from the road, and has the appearance of a single family house. It was also noted that a single family home of the same size could be built.

By a motion made by Tom Emero, seconded by Carol Gould the Board finds that the Applicant has met all of the required special permit decision criteria of Section 3.4 passed with a vote of 4-1.

The Board discussed whether the proposed structure met the criteria for two-family home having the appearance of a single-family home per the Bylaw in which they collectively decided that it does.

By a motion made by Gibb Phenegar, seconded by Brian Cowan the Board finds that the Applicant has met all of the required two-family criteria passed with a unanimous vote of 5-0.

Ms. Saint Andre then read the proposed conditions for consideration. The Applicant had no questions or comments on the proposed conditions.

Motion to accept the conditions for 79 Lovering Street (AKA 81 Lovering Street Lot 2A) as proposed made by Gibb Phenegar seconded by Brian White passed with a unanimous vote of 5-0.

Motion to grant the special permit for 79 Lovering Street (AKA 81 Lovering Street Lot 2A) with conditions made by Brian White seconded by Gibb Phenegar passed with a unanimous vote of 5-0.

Motion to close the public hearing for 79 Lovering Street (AKA 81 Lovering Street Lot 2A) made by Brian White seconded by Gibb Phenegar passed with a unanimous vote of 5-0.

Motion to allow any one member of the Board to sign the decision made by Gibb Phenegar, seconded Brian White, passed with a unanimous vote 5-0.

81 Lovering Street (AKA 81 Lovering Street Lot 3A) (Continued from September 18, 2019) –

The application is for the issuance of a **special permit** under Section 5.4 Table 1.C of the Zoning Bylaw to construct a two-family house that has the exterior appearance of a single family dwelling on the lot. ****Withdrawal request submitted for consideration.**

Motion to allow the applicant to withdraw the special permit application for 81 Lovering Street (AKA 81 Lovering Street Lot 3A) without prejudice was made by Gibb Phenegar, seconded by Brian White passed with a unanimous vote of 5-0.

Other Business

- Continued discussion on possible Zoning Bylaw Amendments and identify any additions or modifications from Zoning Board of Appeals – no further comments by any Board members

Correspondence

Approval of Minutes

- September 4, 2019
- September 18, 2019

Motion to approve the minutes for September 4, 2019 and September 18, 2019 as is made by Gibb Phenegar, seconded by Brian White passed with a vote of 4-0-1.

Upcoming Meetings

- November 6, 2019 – Timber Crest Modification request
- November 20, 2019 – Timber Crest Final Plans review

Ms. Saint Andre gave an overview on the current status of the comprehensive permit previously granted in 2017 for Timber Crest Estates. She stated that the developer will request a modification to have the final plans match what was submitted and approved by the Conservation Commission in early 2019, as well as a request for approval of the final plans as being in compliance with the comprehensive permit. The Town's consultant Tetra Tech Inc. has been actively reviewing the final plans and the Applicant is at the point of submitting the request for approval of final plans to the Board.

Adjournment

Motion to adjourn the meeting at 8:28 p.m. made by Gibb Phenegar, seconded by Brian White passed with a unanimous vote of 5-0.

Respectfully submitted,

Stefany Ohannesian
Administrative Assistant
Community and Economic Development