



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, October 17, 2018 at 7:30 pm
Sanford Hall
155 Village St, Medway, MA

MINUTES OF MEETING

Present: Vice Chair, Brian White, Clerk, Carol Gould,
Member, Christina Oster, 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 Vice Chairman, Brian White opened the meeting at 7:35 pm.

Approval of Minutes:
October 3, 2018:
On a motion made by Christina Oster and seconded by Gibb Phenegar, the minutes from October 3, 2018 were accepted unanimously. 4-0-0

Public Hearing:
2 Algonquin Avenue: The Vice Chairman read the public hearing notice.
Lisa and Richard Zajac were present along with their representative Matt Smith of Serenity Builders.

Mr. Smith explained that the homeowners have submitted an application to construct an accessory family dwelling to be occupied by Lisa Zajac's parents and eventually by the homeowners themselves so they may age in place. He stated that this addition could have been built by right but except for the full kitchen with a stove which makes it a second dwelling unit. The unit has been designed to be ADA (Americans with Disabilities Act) compliant with respect to hallway and door widths and room size for wheelchair access. He noted that he is encouraged to keep the square footage to 800 square feet but to accommodate the ADA requirements they are looking for a little more. The addition will be 20'x40' off the left end of the existing structure. He provided images of the house and houses in the area as well as the architectural elevations of the proposed addition to show that it would fit within the neighborhood. It will still look like a single family structure and resemble a typical three box New England architectural style. The dwelling will comprise of a combination kitchen/living space, bathroom, bedroom and a den/away room for an eventual caregiver. The property currently has two driveways. This unit will be

constructed off the left side of the property where the second driveway is located. The first driveway services the current garage and was approved back in the 1990's. The parking for the proposed accessory dwelling will be 20'x20' after construction is complete and will accommodate at least one car. There are three points of egress, the living room, the bedroom and the kitchen area.

Ms. Oster asked if a ramp would be located on the exterior of the property. Mr. Smith stated that there are two steps to the grade from the entrance. A ramp is not proposed at this time but the property has been designed to accommodate one in the future.

Vice Chairman White asked if there were any images of the ADA required 5' radius for the rooms. Mr. Smith stated there were not but the rooms have been designed to accommodate the 5' wheelchair radius and the hallways will be 48" wide.

Vice Chairman White stated that there was no door to the main residence from the accessory unit which makes it more of a two-family.

Mr. Smith stated there is egress from the living room, the bedroom and from the kitchen area to the shared porch. There is a tie-in from the main residence to the accessory unit through the basement. There has to be a means of egress from the basement for code and tying in to the main residence will accommodate this and also tie both units together.

Vice Chairman White expressed concerns about the usefulness of the property beyond the current multi-generational owners if the unit no longer qualifies as an AFDU (Accessory Family Dwelling Unit). They are presented as two separate units with no tie-in.

Mr. Smith responded that he has engineered the plans for the wall between the existing house and the accessory dwelling to incorporate a reinforcement beam. This will allow any future home owner to remove the wall and link the two spaces together.

Vice Chairman White commented that there were no drawings submitted that substantiated what the applicant had stated regarding future use of the dwelling.

Vice Chairman White commented that the plans are harmonious with the neighborhood and the massing makes sense. He questions why these particular design choices have been made and the size of the dwelling. He does not clearly see the need for the dwelling to be the size that it is.

Mr. Smith responded the applicants are asking for an AFDU in excess of 800 square feet in order to have a design wheel chair ready. He also showed images from surrounding properties to show that the addition will be in harmony with the neighborhood.

Ms. Gould asked what the square footage of the main house was and Mr. Smith responded that it was approximately 2200-2300 sq. ft. with the addition of 1000 sq. ft. for the accessory dwelling it will still fit in with the neighborhood. She also questioned why there was a second bedroom proposed. Mr. Smith responded that it was not a second bedroom but a den space that could eventually be used as an "away" room for a caregiver. The living room is not private enough to be used for an overnight caregiver and the den does not meet the definition of a bedroom.

Ms. Gould clarified that the driveways were on Skyline drive and Algonquin Avenue.

Mr. Gibb asked when the applicant's parents planned to move in and they responded that they do not have a definite date as of yet.

Ms. Saint Andre questioned how the applicant arrived at the square footage total. Mr. Smith responded that he used the International Building Code standard for determining square feet. He measured the outside walls of the building. The main area of the accessory dwelling is 24'x40' or 960 square feet and the bump out around the chimney is 4'x10' or 40 square feet. These added together make 1000 square feet. Mr. Smith stated that Building Official Mee agreed with him.

Ms. Saint Andre stated there is a requirement for a designated parking space. Mr. Smith showed her on the plan that there is space within the second driveway to accommodate at least 2 cars within the 20'x20' space.

Vice Chairman White stated there were no comments or members present from other town departments and there were no other members of the public present.

Ms. Saint Andre stated the board would have to state findings under 3.4 Special Permit criteria and specific findings for the AFDU.

The criteria for 3.4 Special Permit reads:

1. The proposed site is in an appropriate location for the proposed use.
2. Adequate and appropriate facilities will be provided for the proposed use.
3. The proposed use will not create a hazard to abutters, vehicles or the environment.
4. The proposed development will not cause undue traffic congestion or conflicts in the immediate area.
5. The proposed use will not be detrimental to the adjoining properties due to lighting, flooding, odors, dust, noise, vibration, refuse materials, or other undesirable visual, site or operational attributes of the proposed use.
6. The proposed use as developed will not adversely affect the surrounding neighborhood or significantly alter the character of the zoning district.
7. The proposed use is in harmony with the general purposed and intent of this Zoning Bylaw.
8. The proposed use is consistent with the goals of the Medway Master Plan.
9. The proposed use will not be detrimental to the public good.

The Board found that the Applicants had demonstrated through evidence submitted, including the plot plan, the proposed pictures of the site, review of the square footage and usage of the proposed property, that they have met all of the required Special Permit Decision Criteria under Section 3.4 of the Zoning Bylaw. Motion by Christina Oster, seconded by Carol Gould, approved unanimously 4-0-0.

The Board then addressed the criteria for 8.2 Accessory Family Dwelling Unit.

The Board found that:

1. *The proposed AFDU is an addition to a detached single family dwelling.*
2. *The proposed AFDU is the only AFDU on the premises.*

3. *The proposed AFDU has only one bedroom, as shown on the hand drawn plans submitted with the application materials on September 24, 2018.*
4. *The proposed AFDU has a total of 1000 square feet. The Board authorized the square footage pursuant to 8.2.C.8*
5. *The proposed AFDU has at least one off-street parking space, as shown on the “Proposed Addition Plan 2 Algonquin Avenue” plan prepared by GLM Engineering Consultants of 19 Exchange Street Holliston, MA 01746, dated September 7, 2018 and received by the ZBA on September 24, 2018.*
6. *The proposed AFDU will be occupied by the homeowner, Lisa Zajac’s parents, as indicated by Lisa Zajac’s testimony at the hearing and through an email dated September 27, 2018.*
7. *The proposed AFDU is located to the side of the existing single, with an entrance to the side from the street frontage, as shown on the hand drawn plans received by the ZBA on September 24, 2018. It meets the massing standard for the neighborhood as presented and is compatible with the rest of the character of the neighborhood.*
8. *The Board finds that the additional square footage is for 1000 square feet and was designed to American Disabilities Act handicap specifications for wheel chair accessibility and a bathroom of suitable size for a wheelchair patient and another person/aid to assist the handicapped person with bathing etc., and that the specifications do require added space.*

Motion by Christina Oster, seconded by Carol Gould, approved unanimously 4-0-0

There were no members of the public to speak in favor or against the application.

Closing of the Hearing:

On a motion made by Gibb Phenegar and seconded by Christina Oster, the Board voted to close the public hearing for 2 Algonquin Avenue. Vote passes unanimously (Vote 4 to 0).

Decision:

On motion by Gibb Phenegar and seconded by Christina Oster, the Board voted to GRANT a SPECIAL PERMIT for an Accessory Family Dwelling Unit based on the findings and conditions. Vote passes unanimously 4-0-0

On motion by Gibb Phenegar and seconded by Christina Oster, The Board voted to allow any one member of the Board to sign the decision. Vote passes unanimously 4-0-0

Other Business:

Ms. Saint Andre reported that periodically Boards and Commissions need to review approved Executive Session meeting minutes to determine if they need to continue to remain privileged or can be released. This Board has a few Executive Session minutes that need to be reviewed but this will wait until the return of the Chairman, Mr. Stumpf.

Ms. Saint Andre reported that the state requires specific language references for use variances in town Bylaws. The Medway Board of Selectmen voted to add the language to the town Bylaws to eliminate any confusion. This will not affect the Board.

Ms. Oster stated to the public at large that the Zoning Board of Appeals is in need of membership, especially associate members.

Ms. Gould stated she would not be in attendance at the November 7, 2018 meeting.

Correspondence:

A letter from The Department of Housing & Community Development dated September 20, 2018 was distributed to the Board. This indicated that the Town of Medway is in compliance with its Housing Production Plan.

Approval of Minutes:

On motion by Ms. Oster and seconded by Mr. Phenegar, the Board voted to APPROVE the October 3, 2018 minutes as presented. Vote passes unanimously 4-0-0

Upcoming Meetings:

- November 7, 2018 – Continued hearing for 123 Main Street, new applications for 22 Summer Street and 333 Village Street
- November 21, 2018 – Will be discussed at the next meeting for possible cancellation due to the holiday.

Adjournment:

On a motion made by Gibb Phenegar and seconded by Christina Oster, the Zoning Board of Appeals voted unanimously to adjourn the meeting at 8:30 pm. 4-0-0

Respectfully Submitted,

Kristin Stearley
Administrative Assistant
Community and Economic Development

List of Documents Reviewed at Meeting

1. Proposed addition plan, “2 Algonquin Avenue” prepared by GLM Engineering Consultants, Inc. dated 9/7/18.
2. Undated hand drawn floor plan of 2 Algonquin Avenue.
3. Undated hand drawn elevations of 2 Algonquin Avenue.
4. Photographs submitted by Matt Smith at the meeting on 10/17/18 of 2 Algonquin Avenue and other neighborhood properties.