

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



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TOWN OF MEDWAY

COMMONWEALTH OF MASSACHUSETTS

ZONING BOARD OF APPEALS

Wednesday, October 21, 2020 at 7:30 p.m.
(Virtual Meeting)

Minutes

Present: Rori Stumpf, Chairman; Brian White, Vice Chair; Christina Oster, Member, Gibb Phenegar, Member, Tom Emero, Member

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

Call to Order

Chairman Rori Stumpf called the meeting to order at 7:30 p.m. and read that this meeting is being broadcast and recorded by Medway Cable Access. Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, and the Governor's Orders imposing strict limitations on the number of people that may gather in one place, no in-person attendance of members of the public will be permitted at this meeting. Board members will be participating remotely. For public hearings, access via Zoom is provided for the required opportunity for public participation. Information for participating via Zoom is posted at the end of the ZBA Agenda on the town website. He then read instructions on how to participate in the meeting. All persons participated remotely in the meeting via Zoom.

Public Hearings

62 Adams Street– (Continued from October 7, 2020) The application is for the issuance of a **special permit** under Section 8.2 of the Zoning Bylaw to construct an Accessory Family Dwelling Unit ("AFDU") within the existing barn attached to the existing dwelling.

Mr. Stumpf confirmed with the two members that were not present at the last hearing on October 7, 2020, that each member had reviewed the video of the meeting and completed and filed a Certificate with the Town Clerk. He then invited any questions or comments from the Board. Mr. Phenegar stated he has no issues with this proposal as it is an existing structure and it is within the same footprint. Ms. Oster agreed with Mr. Phenegar; she asked about Conservation issues in relation to the deck. Mr. Stumpf stated those issues will be addressed when the building permit is applied for. He stated he agreed with the other Board members that because the AFDU is proposed within an existing structure, although it would be a little over 800 sq. feet, he had no issue with that either. The Board then decided to go through the Zoning By-law criteria and it was decided that the applicant has met all AFDU criteria.

Motion made by Brian White, seconded by Gibb Phenegar, that the Board finds that the Applicant has met all of the required Accessory Family Dwelling Unit decision criteria, passed with a roll call vote of 5-0.

Gibb Phenegar – Aye

Tom Emero – Aye

Brian White – Aye

Christina Oster – Aye

Rori Stumpf – Aye

Motion to allow the AFDU to be more than 800 sq. feet, in accordance with the plans submitted, made by Brian White, seconded by Gibb Phenegar, passed by a roll call vote of 5-0.

Gibb Phenegar – Aye

Tom Emero – Aye

Brian White – Aye

Christina Oster – Aye

Rori Stumpf – Aye

Mr. Stumpf then went over the special permit criteria, and the board members concluded that the applicant has met all special permit criteria.

Motion made by Brian White, seconded by Gibb Phenegar, the Board finds that the Applicant has met all of the required special permit decision criteria, passed by a roll call vote of 5-0.

Gibb Phenegar – Aye

Tom Emero – Aye

Brian White – Aye

Christina Oster – Aye

Rori Stumpf – Aye

Ms. Saint Andre then went over the boiler plate conditions to be applied to the decision.

Motion to grant the special permit request 62 Adams Street with conditions set forth, waiving #5 of the boiler plate conditions, made by Brian White, seconded by Gibb Phenegar, passed by a roll call vote of 5-0.

Gibb Phenegar – Aye

Tom Emero – Aye

Brian White – Aye

Christina Oster – Aye

Rori Stumpf – Aye

Motion to close the public hearing for 62 Adams Street and to allow any one member of the Board to sign the decision made by Brian White, seconded by Gibb Phenegar, passed by a roll call vote of 5-0.

Gibb Phenegar – Aye

Tom Emero – Aye

Brian White – Aye

Christina Oster – Aye

Rori Stumpf – Aye

New Business

- General discussion on procedures of the Board during public hearing process

Ms. Oster stated that she had a few questions about procedures. For example, recently there was an application that had been continued two times, at the third hearing a member joined the meeting late and was not able to vote, therefore the applicant requested an additional continuance. Mr. Stumpf stated that he wants to ensure the applicant has exhausted all resources in allowing the applicant to present their case and application. There was a question that if any portion of a meeting is missed the member who entered late cannot vote in the hearing and have to complete a Certificate that he or she has reviewed the video tape of that meeting (Mullin Rule). A question was asked about basic guidelines on open meeting law. Ms. Saint Andre clarified the question by stating that the Board members need to hear the application and public hearing in its entirety, which is why the Mullin Rule was created. There was then a question about a member giving their input on a hearing they could not participate in. There was a discussion about application procedure, prior to the members receiving the information on the application.

- Review and approve 2021 meeting schedule

Motion to approve the ZBA 2021 meeting schedule as proposed made by Brian White, seconded by Gibb Phenegar, passed by a roll call vote of 5-0.

Gibb Phenegar – Aye

Tom Emero – Aye

Brian White – Aye

Christina Oster – Aye

Rori Stumpf – Aye

Approval of Minutes

- October 7, 2020

Motion to approve the minutes for October 7, 2020 as presented made by Brian White, seconded by Gibb Phenegar, passed by a roll call vote of 5-0.

Gibb Phenegar – Aye

Tom Emero – Aye

Brian White – Aye

Christina Oster – Aye

Rori Stumpf – Aye

Upcoming Meetings

- November 4, 2020 – There were no applications, therefore the Board decided to cancel this meeting
- November 18, 2020 – 39 Alder Street use variance application

Adjournment

Motion to adjourn the meeting at 8:08 p.m. made by made by Brian White, seconded by Gibb Phenegar, passed by a roll call vote of 5-0.

Gibb Phenegar – Aye

Tom Emero – Aye

Brian White – Aye

Christina Oster – Aye
Rori Stumpf – Aye

Respectfully submitted,

Stefany Ohannesian
Administrative Assistant
Community and Economic Development

Edited by Barbara J. Saint Andre
Director, Community and Economic Development