



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, September 5, 2018 at 7:30 pm
Sanford Hall
155 Village St, Medway, MA

MINUTES OF MEETING

Present: Chair, Rori Stumpf, Vice Chair Brian White, Clerk, Carol Gould,
Member Christina Oster, and Member, Gibb Phenegar.

Also Present: Recording Secretary, Amy Sutherland

Call to Order: 135 Holliston Street

The Chairman Rori Stumpf opened the continued public hearing for 135 Holliston Street at 7:30 pm.

The applicant, D.W. Solutions Incorporated, seeks a variance from Section 5 of the Zoning Bylaw to convert an existing single family residence to a 3 or 4 family residence for property located at 135 Holliston Street.

The applicant's representative, attorney Stephen Kenney, provided an update from the previous meeting. He provided the Board members with copies of the updated parking plan that had been submitted to the Board. He indicated various properties in the AR-I zone for which exceptions and allowances have been provided; in most cases, these exceptions are for two-family homes, although there are a few multi-family. Some of these include 133 Holliston Street, which is an abutting property with a two-family house; 56 Holliston Street (three family), and 42 Winthrop, 95 Oakland and 27 Vernon Street (two-family). Mr. Kenney stated that the street can handle the traffic and the site can accommodate the parking. It was his assertion that the hardship is the wetlands area on site, and also the topography since the lot is not typical for the area due to the amount of acreage which could allow for a three or four family. He stated that the recently approved Timbercrest development will change the traffic in this area. Further, there is a need for multi-family housing, and this will clean up the property, which is an eyesore.

The Chairman next opened the discussion to Board comments.

The Board discussed that the traffic increase caused by Timbercrest development would be minimal to this area. Chairman Stumpf questioned the financial hardship. He noted that he spoke with the assessor, and the buildable portion property is being taxed in accordance with the rates of the town. The yearly tax on the additional, nonbuildable portion of the land is only \$212, which is not a financial hardship.

Mr. Kenney responded that the 3.5 acre property with a 5,800 sq. ft. home is larger than most in the area and it does not have adequate frontage to divide into other parcels.

Joe Dziczek, 98 Village St.:

Mr. Dziczek communicated that there was a financial burden to clean the trash and improve the wetlands, otherwise it would be a swamp of trash.

The Chairman indicated that the Medway Planning and Economic Development Board sent a letter in opposition of this variance application, noting it is not in accordance with the intent of the zoning bylaw. There is a multi-family overlay district in the zoning bylaw, but this property is not in that district.

Mr. Kenney stated that the Applicant is asking to put in 3 or 4 units of residential housing, not a commercial use, and it is in keeping with the district in his opinion. He asked if there could be a possibility of doing a two family through the special permit process. The Chairman indicated any interest in seeking a special permit would require a different application from that which the Board is currently acting on.

Member Phenagar indicated that he appreciates the screening for parking and has no issue with the two entrances. He stated the parking will not be visible from the street. He does not have any issue with the proposed layout.

Member White likes the idea of what is being proposed but does not see it meeting all the criteria it needs to meet, such as topography. The massing of the existing structure will not change; the proposal will not change the neighborhood or the character of the property. The parking layout is decent, it is not just one big paved area. The property is an eyesore now.

Member Gould felt this would be setting a bad precedent, as this use is not allowed in the district. Member Gould communicated that she is against this use variance since the buyer has created their own hardship by not applying for the variance prior to purchasing property. She also indicated that the applicant can submit an application for a special permit for a two family which is more amenable to the area.

Chairman Stumpf indicated that use variances need to be issued sparingly and he does not see how this meets the criteria for granting a variance. He does not see how the soil or topography of land warrants this variance. The property is usable for a single family home. The conditions of the property do not cause a financial hardship. The intent is to encourage multifamily in the overlay district but not in the AR-I area.

Member Pheneger communicates that this property has been a dump for years and is a detriment to the neighborhood and this would benefit the character of the neighborhood.

Mr. Kenney stated that the wetlands on the site merit the variance, as well as the shape of the lot which is narrow at the street and goes back to the right. It is a large lot and the full lot is not usable. He stated the financial hardship is minimal but there is other hardship.

Member Gould responded that the buyer created his own financial hardship. He bought the lot in this condition.

Member Oster is surprised more abutters are not at the meeting.

Member White indicated that he does not believe that all criteria conditions can be met.

Close Hearing:

On a motion made by Brian White and seconded by Gibb Phenegar the Board voted unanimously to close the hearing.

Motion made by Gibb Phenegar and seconded by Brian White to approve the variance from Section 5 of the Zoning Bylaw to convert an existing single family residence to a 3 or 4 family residence.

Vote:

Carol Gould	nay
Rori Stumpf	nay
Brian White	aye
Christina Oster	nay
Gibb Phenegar	aye

Vote fails by a vote of 2 in favor to 3 opposed, variance is not approved.

Motion made by Brian White, seconded by Carol Gould, to find that the approval of this multi-family dwelling would not be in accordance with the intent of the Zoning Bylaw for the AR-I zoning district.

Motion passed by unanimous vote, 5-0.

Motion made by Brian White, seconded by Christina Oster, to find that the literal enforcement of the zoning ordinance would not cause a substantial hardship, financial or otherwise, because the buildable portion of the lot is buildable without a variance as is.

Motion passed by unanimous vote, 5-0.

Other Business:

- There was no other business presented to the Zoning Board of Appeals.

Correspondence:

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

Approval of Minutes:

- August 15, 2018

On a motion made by Gibb Phenegar and seconded by Brian White, the minutes from August 15, 2018 were accepted unanimously.

Upcoming Meetings:

- September 19, 2018
- October 3, 2018
- October 17, 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 8:25 pm.

Respectfully Submitted,

Amy Sutherland
Recording Secretary