

Tuesday June 18, 2019
Medway Planning and Economic Development Board
SPECIAL MEETING
155 Village Street - Medway, MA 02053

Members	Andy Rodenhiser	Bob Tucker	Tom Gay	Matt Hayes	Rich Di Iulio
Attendance	X	X	X	X	X

The meeting is being broadcast and recorded by Medway Cable Access.

ALSO PRESENT:

Susy Affleck-Childs, Planning and Economic Development Coordinator
Barbara Saint Andre, Director of Planning and Economic Development

The Chairman opened the meeting at 7:00 p.m.

There were no Citizen Comments.

PUBLIC HEARING EVERGREEN VILLAGE:

The Board is in receipt of the following: **(See Attached)**

- Public Hearing Continuation Notice
- Notes on fees paid

The Chairman communicated that the Board voted, at its June 11, 2019 meeting, to allow petitioner to withdraw the Special Permit application for Medway Evergreen Village application without prejudice. It is expected that the applicant, Maria Varicchione, will reapply.

The Board was provided with a chart with the review and filing fees which have been paid to date. There has not been any active consultant review. The Board needs to decide if the applicant is going to be responsible for the filing fees when she reapplies.

The applicant communicated that the only change to the site plan would be without the house. She would like to have something submitted to the Board prior to July 23, 2019. She would still need the Scenic Road Work Permit and Site Plan approval. The filing with the Conservation Commission has not taken place since the land disturbance is being reviewed. This may factor into changes to the site plan.

Member Tucker has no issue waiving the refiling fees since it has been done in the past. He recommends subtracting any costs for staff (not consultant) work done prior to the withdrawal.

The Chairman suggested refunding the balance with a new application reflecting the changes and covering the net cost to date and provide new cost estimates.

Susy Affleck-Childs responded that rather than refund the funds, it is recommended to hold the funds.

On a motion made by Matt Hayes and seconded by Rich Di Iulio, the Board voted unanimously to allow for the withdrawal all three applications for site plan, stormwater/land disturbance permit, and scenic road permit and to maintain existing filing fees which would be applied to the future applicants less the staff costs spent to date and would charge for fees for new public hearing advertising.

The applicant is agreeable to this. There would then be no meeting on July 23, 2019.

On a motion made by Matt Hayes and seconded by Tom Gay, the Board voted to close the public hearing for Evergreen Village.

INFORMAL PRE-APPLICATION DISCUSSION – 16 HOLLISTON STREET MULTIFAMILY

The Board is in receipt of the following:

- Concept plan dated January 9, 2019 by McClure Engineering (David Faist)

The new owner of 16 Holliston Street, Mo Santangelo, wishes to develop the property at 16 Holliston Street for a multifamily housing. He was meeting with the Board for an informal pre-application discussion for the property. The subject property is a .88 acre site. The property has frontage and access from Holliston and Sanderson Streets. The Engineer on the project is David Faist from McClure Engineering. The primary residence will be maintained since it is a historic home where Mr. Santangelo resides. The project would include construction of 7 town house units (one triplex and one quad). The design of the townhouses will be in keeping with the current house on property. It was recommended that the applicant go to the Design Review Committee for an informal design discussion. The applicant was informed that the Fire Chief likes to see roadway width of 20 ft. since the turning radius needs to accommodate a Fire Truck. It was recommended to speak with the Chief directly. This road is intended to be one-way in from Holliston exiting onto Sanderson. The Board would like to see any patios or decks being proposed on the plan along with the landscaping. From the informal view of the plan, it looks like the impervious is 46% and it was suggested to get this number down to 40%. There will be one affordable unit. The units will have air conditioning. The trash will be handled by a management company. Residential lighting would be preferred. There will be sub-surface stormwater basins under the parking area. The road and stormwater system would be privately owned by the Condominium Association. The garages would be in the lower level and there would be enough visitor parking. There was a suggestion that there be a wraparound porch for the end unit facing Holliston Street. The applicant was made aware that there is an official Street Naming Committee for new developments; Kimball Way was suggested.

9 TROTTER DRIVE FIELD CHANGE:

The Board is in receipt of the following: **(See Attached)**

- Letter from Steve Fisk dated June 18, 2019

Steve Fisk was present and speaking in behalf of CTS Property Management. He was requesting that the Board accept the overhead electrical service to the building as installed. He explained that it was an oversight and not an attempt to bypass the Board's wishes. Mr. Fisk further explained that the utilities from the pole to the building were installed above ground per Eversource's design decision. He did not realize that the additional 60 feet of overhead utilities

would be a concern. The estimates and associated work to re-reroute the utilities underground would not be affordable as they have exhausted the project's financing.

The Chairman does not understand why the applicant did not complete the project per the plan and regulations. He would like to see it corrected and wants to know what has been done to date to address this.

Mr. Fisk stated that he has reached out to Eversource and has not heard back.

Susy Affleck-Childs explained that a determination was made that a 200-amp service would be acceptable versus the 400 amp service required for underground installation.

Steve Fisk responded that with a smaller service, underground installation is not needed.

The Chairman further explained that the applicant was told to not pave the top course of the parking lot but went ahead and did this anyway. He encourages the Board to not support the requested relief.

Member Hayes maintains the transformers on the pole would be ok, but the lines should be underground from that point.

The applicant is still working under a temporary occupancy permit from the Building Department. It was recommended to extend the temporary occupancy permit for two months.

Extending Occupancy Permit:

On a motion made by Matt Hayes and seconded by Rich Di Iulio, the Board voted to recommend to the Building Commissioner to authorize extending the temporary Occupancy Permit for 9 Trotter Drive to 60 days from today. (Vote passes 4 to 1, Rodenhiser nay).

Underground Service:

On a motion made by Matt Hayes and seconded by Tom Gay the Board voted unanimously to deny the request as outlined in the letter to allow for change in the location of the electrical service and return within 60 days to update the Board on the progress to install underground electrical service to the building.

The applicant will be placed on the August 13, 2019 agenda for a follow-up.

OTHER BUSINESS:

Millstone Village – Stepping Stone Drive

The Board was made aware that the width at Stepping Stone Drive is only 16 ft. wide but should be 22 ft. wide based on the plan. Steve Venincasa, the developer of Millstone Village, was present at the meeting back in 2013 when the Fire Chief communicated that those roads needed to be a minimum of 20 ft. wide. Mr. Venincasa was also present at a pre-construction meeting. Member Tucker communicated that if it is supposed to be 20 ft., then it needs to be fixed to be 20 ft. There is an island in the middle from which the developer could secure the needed width.

There was discussion to go around the interior and use the cobbles for the width. The decision says the road needs to be 22 ft.

On a motion made by Rich Di Iulio and seconded by Bob Tucker, the Board voted unanimously to have the street be 20 ft. wide and to follow the Fire Chief recommendations regarding the turning radius.

Susy Affleck-Childs will send a letter to Mr. Venincasa.

ZONING BOARD OF APPEALS:

The Board was made aware that there will be two Zoning Board of Appeals hearings to be held on July 3, 2019.

19 Board Acres Farm Road:

This application is for an addition to house for an accessory family unit. The Board is fine with this application. No comments will be forwarded to the Zoning Board of Appeals.

14-16R Franklin Street:

The applicant for this petition is seeking a frontage variance and a two-family special permit. There are two separate lots being combined. The footprint is substantially bigger than the other properties in area. The Board notes that the scale is not with keeping with the existing neighborhood.

On a motion made by Rich Di Iulio and seconded by Matt Hayes, the Board voted unanimously to not support the application for 14-16 R Franklin Street.

NEXT MEETING:

- Tuesday July 23, 2019

ADJOURN:

On a motion made by Matt Hayes and seconded by Rich Di Iulio, the Board voted unanimously to adjourn the meeting at 8:15 pm.

Respectfully Submitted,



Amy Sutherland
Recording Secretary

Reviewed and edited by,



Susan E. Affleck-Childs
Planning and Economic Development Coordinator



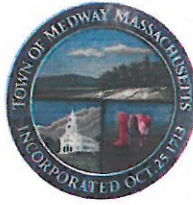
June 18, 2019
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Evergreen Village – Public Hearing
Continuation on Site Plan and
Stormwater/Land Disturbance Permit

- Public Hearing Continuation Notice
- Notes on fees paid

Gino Carlucci has recommended that the Applicant also withdraw their other permit applications to the PEDB (site plan, stormwater/land disturbance, and scenic road) associated with the Evergreen Meadow multifamily special permit and refile those applications when a new multifamily housing special permit application is submitted to the PEDB after the house is demolished. His rationale is that the other applications are no longer valid as the special permit application for the overall project has been withdrawn and is no longer before the Board.

I believe the Applicant may hesitate to withdraw the other applications because of her concern that she will have to pay the application filing fees again with new filings. The Board may wish to consider waiving some or all of the new filing fees to be paid with new applications. The provided financial information may help the Board consider this matter.



TOWN OF MEDWAY
Planning & Economic Development Board
155 Village Street
Medway, Massachusetts 02053

Andy Rodenhiser, Chairman
Robert K. Tucker, Vice-Chairman
Thomas A. Gay, Clerk
Matthew Hayes, P.E.
Richard Di Iulio

MEMORANDUM

June 13, 2019

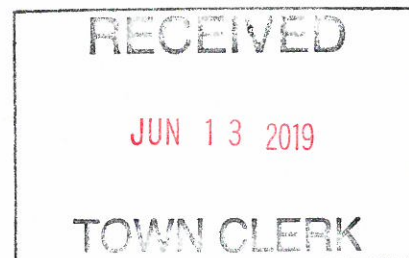
TO: Maryjane White, Town Clerk
Town of Medway Departments, Boards and Committees

FROM: Susy Affleck-Childs, Planning & Economic Development Coordinator 

RE: ***Evergreen Village Multifamily Development (22 Evergreen Street) – Public Hearing Continuation***

At its meeting on June 11, 2019, the Planning and Economic Development Board (PEDB) voted to continue the public hearing on the proposed site plan for 22 Evergreen Street and the associated stormwater management and land disturbance permit to a special PEDB meeting to be held on Tuesday, June 18, 2019, at 7 pm. The meeting will take place in Sanford Hall at Medway Town Hall, 155 Village Street.

Please contact me if you have any questions. Thanks.



EVERGREEN VILLAGE Filing Fees Paid		
Multifamily Special Permit	\$ 800.00	
Site Plan	\$ 4,840.00	
Stormwater/Land Disturbance	\$ -	
Scenic Road Work Permit	\$ 150.00	
	\$ 5,790.00	
CED office work on this project - application processing including financial turnovers; preparation and distribution of public hearing and abutter notices; communication and interaction with PEDB consultants and Town staff; interaction with applicant, engineer, and attorneys; public hearing continuation notices; updates to web page; 5 hearings, at least two meetings with the applicant. 25 hours @ \$36.20 per hour = \$905 plus 25% benefits = \$1131. This does not count time by the Building Department, Conservation, Town Clerk, Accounting, Treasurer's office, DPW.		
Evergreen Village Plan Review Fees Paid	\$ 4,703.00	
NOTE - To date, no invoices have been received from PGC Associates or Tetra Tech for consultant reviews		
sac - 6-14-19		



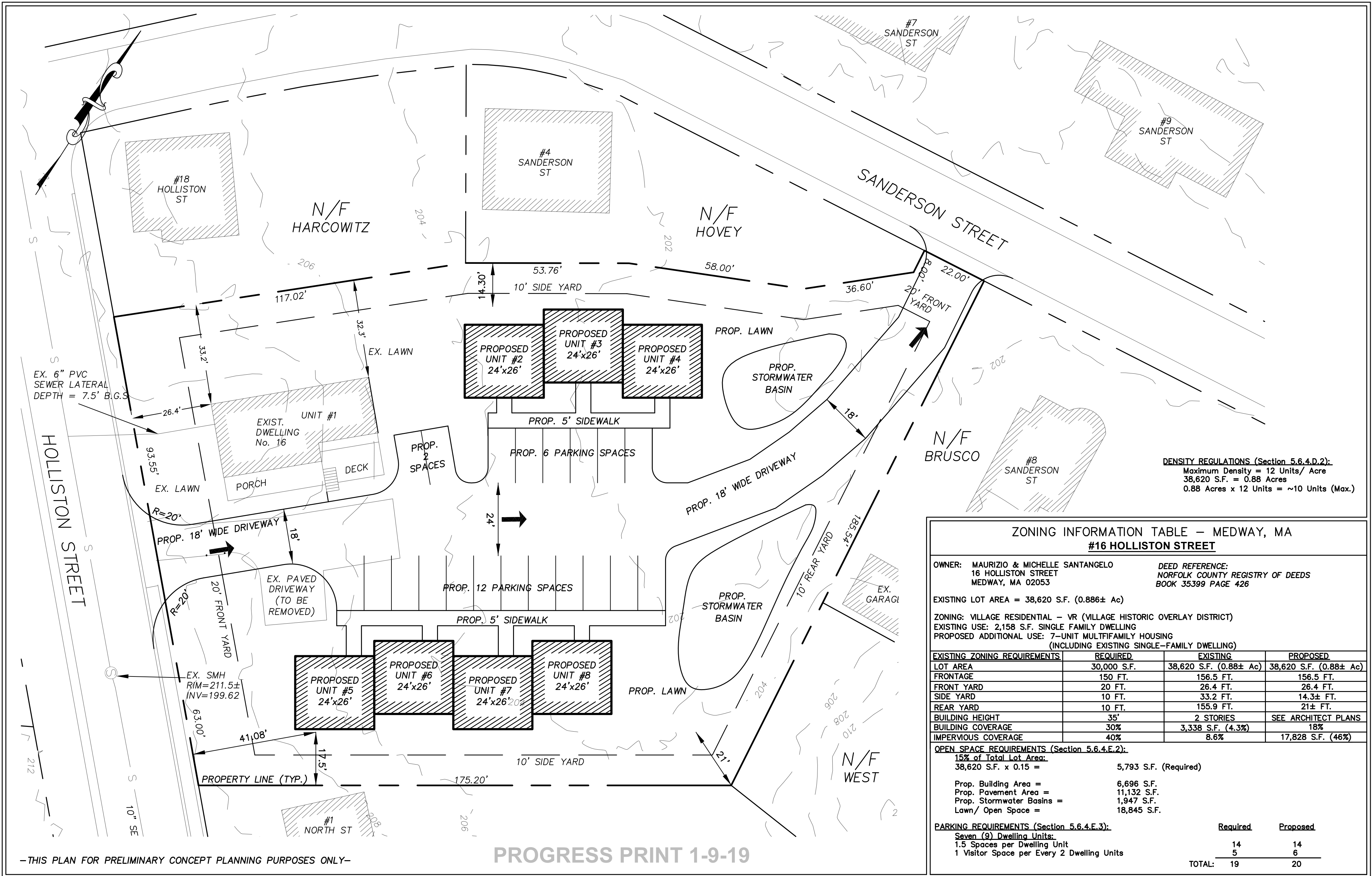
June 18, 2019

**Medway Planning & Economic Development Board
Meeting**

**Informal, Pre-Application Discussion –
Possible multifamily development at
16 Holliston Street**

- Concept plan dated January 9, 2019 by McClure Engineering (David Faist)

New owner, Mo Santangelo, wishes to develop this property for multifamily housing. It is a .88 acre site and includes an existing historic house which will remain. The property has frontage and access from Holliston and Sanderson Streets. He is looking to add 7 units (one triplex and one quad).



DENSITY REGULATIONS (Section 5.6.4.D.2):
Maximum Density = 12 Units/ Acre
38,620 S.F. = 0.88 Acres
0.88 Acres x 12 Units = ~10 Units (Max.)

ZONING INFORMATION TABLE – MEDWAY, MA

#16 HOLLISTON STREET

OWNER: MAURIZIO & MICHELLE SANTANGELO 16 HOLLISTON STREET MEDWAY, MA 02053	DEED REFERENCE: NORFOLK COUNTY REGISTRY OF DEEDS BOOK 35399 PAGE 426
EXISTING LOT AREA = 38,620 S.F. (0.886± Ac)	
ZONING: VILLAGE RESIDENTIAL – VR (VILLAGE HISTORIC OVERLAY DISTRICT)	
EXISTING USE: 2,158 S.F. SINGLE FAMILY DWELLING	
PROPOSED ADDITIONAL USE: 7-UNIT MULTIFAMILY HOUSING (INCLUDING EXISTING SINGLE-FAMILY DWELLING)	

EXISTING ZONING REQUIREMENTS	REQUIRED	EXISTING	PROPOSED
LOT AREA	30,000 S.F.	38,620 S.F. (0.88± Ac)	38,620 S.F. (0.88± Ac)
FRONTAGE	150 FT.	156.5 FT.	156.5 FT.
FRONT YARD	20 FT.	26.4 FT.	26.4 FT.
SIDE YARD	10 FT.	33.2 FT.	14.3± FT.
REAR YARD	10 FT.	155.9 FT.	21± FT.
BUILDING HEIGHT	35'	2 STORIES	SEE ARCHITECT PLANS
BUILDING COVERAGE	30%	3,338 S.F. (4.3%)	18%
IMPERVIOUS COVERAGE	40%	8.6%	17,828 S.F. (46%)

OPEN SPACE REQUIREMENTS (Section 5.6.4.E.2):

15% of Total Lot Area:

38,620 S.F. x 0.15 =	5,793 S.F. (Required)
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Prop. Building Area =	6,696 S.F.
Prop. Pavement Area =	11,132 S.F.
Prop. Stormwater Basins =	1,947 S.F.
Lawn/ Open Space =	18,845 S.F.

PARKING REQUIREMENTS (Section 5.6.4.E.3):

Seven (9) Dwelling Units:

1.5 Spaces per Dwelling Unit	14	14
1 Visitor Space per Every 2 Dwelling Units	5	6
TOTAL:	19	20

HOR. SCALE IN FEET: 1"=20'

20

0

20

40

60

REV	DATE	DESCRIPTION	MADE	APV'D

DAVID T. FAIST, P.E.
PROFESSIONAL ENGINEER

MA LIC. NO. 41192
CT LIC. NO. 19712

McCLURE
ENGINEERING, INC

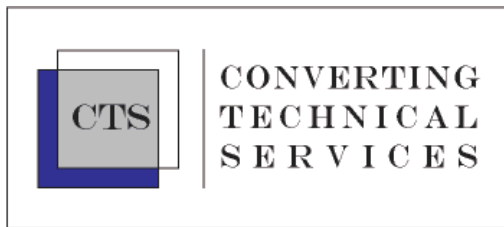
119 Worcester Road
Charlton, MA 01507
Tel: (508) 248-2005
Fax (508) 248-4887
Email: dfaist@mcclureengineers.com

CONCEPT SKETCH
16 HOLLISTON STREET
MEDWAY, MA 02053
PREPARED FOR
MAURIZIO SANTANGELO
16 HOLLISTON STREET
MEDWAY, MA 02053

DRAWN BY: RL
DATE: 1/9/2019
CHK BY: DTF
SCALE: 1"=20'
PROJ. NO. 177-1845-J

CONCEPT SKETCH

SHEET 1 OF 1



June 18, 2019

Planning Board
Town Hall
155 Village Street
Medway MA 02053

Reference: Site Plan Field Change
9 Trotter Drive
Medway, Massachusetts

Dear Board Members:

On behalf of CTS Property Management, owner and applicant of the above referenced project, I am writing to respectfully request that the Board accept the electrical service to the building as installed. I understand that the board wishes the electrical service to be underground from the on-premise utility pole to the building. While it is regrettable that this was not addressed with the board prior to work being completed, I can assure you that this was simply an oversight and not an attempt to bypass the board's wishes.

The utilities from the pole to the building were installed above ground per design provided by Eversource. Given the fact that the board had approved overhead utilities from the street to the pole, and that there are overhead utilities all along and crossing both Trotter Drive and Alder Street in multiple locations, no thought was given to the fact that an additional 60 feet of overhead utilities on private property would be a concern. The first time we were made aware of the issue of underground utilities between the pole and the building was Tetra Tech's punch list dated 4/30/19. This was after all other underground work had been completed, the first course of paving had been installed, all building inspections had been completed, a temporary occupancy permit had been issued and we had moved our operations.

Relocating the 60 feet of overhead utilities between the pole and the building would require a new survey and engineering from Eversource to re-route the underground utilities to avoid crossing the installed gas line. Based on initial estimates the cost of this engineering and associated work would not be affordable as we have exhausted the financing and lending available to us in order



to fully comply with all of the other Planning Board's design requests. I look forward to operating a business that is beneficial to the town and hope that we can come to a mutually agreeable solution.

Best Regards,

Steve Fisk
President



June 18, 2019
Medway Planning & Economic Development Board
Meeting

ZBA Petitions

- 19 Broad Acres Farm Road – Accessory Family Dwelling Unit special permit application
- 14-16R Franklin Street – Variance and two-family special permit application

The ZBA hearings on these petitions will take place on July 3, 2019.

Susan Affleck-Childs

From: Stefany Ohannesian
Sent: Tuesday, June 11, 2019 10:07 AM
To: Allison Potter; 'Andy Rodenhiser'; Barry Smith; Beth Hallal; Bridget Graziano; Carol Pratt; Chief Tingley; David Damico; Donna Greenwood; Doug Havens; Jack Mee; Jeff Lynch; Jeff Watson; Joanne Russo; 'Matt Buckley'; Susan Affleck-Childs; 'Andy Rodenhiser'; 'Bob Tucker'; Bob Tucker; Mary Jane White; Barbara Saint Andre; Liz Langley
Subject: REQUEST FOR COMMENTS: 19 Broad Acres Farm Road

To:	Department of Public Services	Planning & Economic Development Board
	Fire Department	Board of Health
	Police Department	Conservation Commission
	Building Department	Design Review Committee
	Treasurer/Collector	
	Assessing Department	

19 Broad Acres Farm Road – Special Permit for the addition of an Accessory Family Dwelling Unit onto the existing home

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 (“ADFU”) to the existing home.

The opening of the hearing is scheduled for Wednesday, July 3rd at 7:00 pm.

The ZBA is requesting comments from your Department/Board. Please send any comments you may have by **11:00 am Thursday June 27th, 2019** to be included for discussion at the hearing.

The Application and related materials can also be found on the Common Drive under Community and Economic Development, Zoning Board of Appeals, 1-Current Applications, 19 Broad Acres Farm Road.

Thank you,

**Stefany Ohannesian
Administrative Assistant
Community & Economic Development
Town of Medway
155 Village Street
Medway, MA 02053
508.321.4915**

GENERAL APPLICATION FORM



TOWN OF MEDWAY

ZONING BOARD OF APPEALS

155 Village Street
Medway MA 02053

Phone: 508-321-4915 | zoning@townofmedway.org
www.townofmedway.org/zoning-board-appeal

NOTE: THE APPLICATION WILL NOT BE CONSIDERED "COMPLETE" UNLESS ALL NECESSARY DOCUMENTS, FEES, & WAIVER REQUESTS ARE SUBMITTED. A GENERAL APPLICATION FORM MUST BE COMPLETED FOR ALL APPLICATIONS.

TO BE COMPLETED BY THE APPLICANT

Applicant/Petitioner(s): Gary Legee	Application Request(s):	
Property Owner(s): Gary and Denise Legee	Appeal	<input type="checkbox"/>
Site Address(es): 19 Broad Acres Farm Road Medway, MA. 02053	Special Permit	<input checked="" type="checkbox"/>
	Variance	<input type="checkbox"/>
	Determination/Finding	<input type="checkbox"/>
	Extension	<input type="checkbox"/>
	Modification	<input type="checkbox"/>
Parcel ID(s): 19-036-0000	Comprehensive Permit	<input type="checkbox"/>
Zoning District(s): AR-1		
Registry of Deeds Book & Page No. and Date or Land Court Certificate No. and Date of Current Title: Book 29620, Page 440		

14004 - 496

TO BE COMPLETED BY STAFF:

Check No.:

Date of Complete Submittal:

Comments:

GENERAL APPLICATION FORM

APPLICANT/PETITIONER INFORMATION

The owner(s) of the land must be included as an applicant, even if not the proponent. Persons or entities other than the owner may also serve as co-applicants in addition to the owner(s), however, in each instance, such person shall provide sufficient written evidence of authority to act on behalf of the owner(s). For legal entities such as corporations, LLCs, etc., list the type and legal status of ownership, the name of the trustees/officer members, their affiliation, and contact information. Please provide attachment for information if necessary.

Applicant/Petitioner(s): Gary Legee		Phone: 508-439-0964
		Email: Glegee@comcast.net
Address:		
Attorney/Engineer/Representative(s):		Phone:
		Email:
Address:		
Owner(s): Gary and Denise Legee		Phone: 508-439-0964
		Email: Glegee@comcast.net
Mailing Address: 19 Broad Acres Farm Road, Medway, MA 02053		

Please list name and address of other parties with financial interest in this property (use attachment if necessary):

Please disclose any relationship, past or present, interested parties may have with members of the ZBA:

I hereby certify that the information on this application and plans submitted herewith are correct, and that the application complies with all applicable provisions of Statutes, Regulations, and Bylaws to the best of my knowledge, and that all testimony to be given by me during the Zoning Board of Appeals public hearing associated with this application are true to the best of my knowledge and belief.

Signature of Applicant/Petitioner or Representative

Date

Signature Property Owner (if different than Applicant/Petitioner)

Date

APPLICATION INFORMATION

		YES	NO
Applicable Section(s) of the Zoning Bylaw:	Requesting Waivers?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8.2 accessory family dwelling unit.	Does the proposed use conform to the current Zoning Bylaw?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Present Use of Property: Single family residential dwelling.	Has the applicant applied for and/or been refused a building permit?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Proposed Use of Property: Same with accessory family dwelling.	Is the property or are the buildings/structures pre-existing nonconforming?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Is the proposal subject to approval by the BOH or BOS?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Is the proposal subject to approval by the Conservation Commission?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Date Lot was created: Oct 30, 1999	Is the property located in the Floodplain District?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Date Building was erected: Aug 24, 2000	Is the property located in the Groundwater Protection District?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Does the property meet the intent of the Design Review Guidelines? Yes	Is the property located in a designated Historic District or is it designated as a Historic Landmark?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Describe Application Request: Accessory family dwelling unit.			

GENERAL APPLICATION FORM

FILL IN THE APPLICABLE DATA BELOW

Required Data	Bylaw Requirement	Existing	Proposed
A. Use		Single family	A.F.D.U.
B. Dwelling Units	1	1	2
C. Lot Size	44,000	44,010	44,010
D. Lot Frontage	180'	320.43'	320.43'
E. Front Setback	35'	54.97'	54.97'
F. Side Setback	15'	64.66'	33.84'
G. Side Setback	15'	105'	105'
H. Rear Setback	15'	83'	51.86'
I. Lot Coverage	25%	5.5%	9.64%
J. Height	35'	30'	<30'
K. Parking Spaces	Exempt under 3.5	4	6
L. Other			

FOR TOWN HALL USE ONLY

To be filled out by the Building Commissioner:

Date Reviewed _____

Medway Building Commissioner _____

Comments:

After completing this form, please submit an electronic copy to zoning@townofmedway.org and 4 paper copies to the Community & Economic Development Department.

TREASURER/COLLECTOR CERTIFICATION**TOWN OF MEDWAY****ZONING BOARD OF APPEALS**

155 Village Street
Medway MA 02053

Phone: 508-321-4915 | zoning@townofmedway.org
www.townofmedway.org/zoning-board-appeal

TO BE COMPLETED BY THE APPLICANT

Applicant/Petitioner(s): Gary Legee
Property Owner(s): Gary and Denise Legee
Site Address(es): 19 Broad Acres Farm Road, Medway, MA.
Parcel ID(s): 19-036-0000
Registry of Deeds Book & Page No. and Date or Land Court Certificate No. and Date of Current Title: Book 29620 Page 440

Signature of Applicant/Petitioner or Representative

Date

5/20/2019

FOR TOWN HALL USE ONLY

To be filled out by the Treasurer/Collector:

5-20-19

Date Reviewed

Lucia Weeld

Medway Treasurer/Collector

Tax Delinquent: Y N

Comments:



TOWN OF MEDWAY

ZONING BOARD OF APPEALS

155 Village Street
Medway MA 02053

Phone: 508-321-4915 | zoning@townofmedway.org
www.townofmedway.org/zoning-board-appeal

NOTE: THE APPLICATION WILL NOT BE CONSIDERED "COMPLETE" UNLESS ALL NECESSARY DOCUMENTS, FEES, & WAIVER REQUESTS ARE SUBMITTED. A GENERAL APPLICATION FORM MUST BE COMPLETED FOR ALL APPLICATIONS.

TO BE COMPLETED BY THE APPLICANT

Please provide evidence regarding how the Special Permit Decision Criteria, outlined below, is met. Please write "N/A" if you believe any of the Criteria is Not Applicable. Provide attachments if necessary.

1. The proposed site is an appropriate location for the proposed use:

This will be an inlaw addition to a single family dwelling. AR-1 residential neighborhood.

2. Adequate and appropriate facilities will be provided for the operation of the proposed use:

Water sewer and electrical connections will be extended from the existing dwelling.

3. The proposed use as developed will not create a hazard to abutters, vehicles, pedestrians, or the environment:

The design is consistent with a single family dwelling in a residential area.

4. The proposed use will not cause undue traffic congestion or conflicts in the immediate area:

No undue traffic congestion will be created, will utilize the existing driveway.

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:

The design is consistent with a single family dwelling in a residential area.


6. The proposed use as developed will not adversely affect the surrounding neighborhood or significantly alter the character of the zoning district:

No impact to the neighborhood, the design is consistent with current single family dwelling.

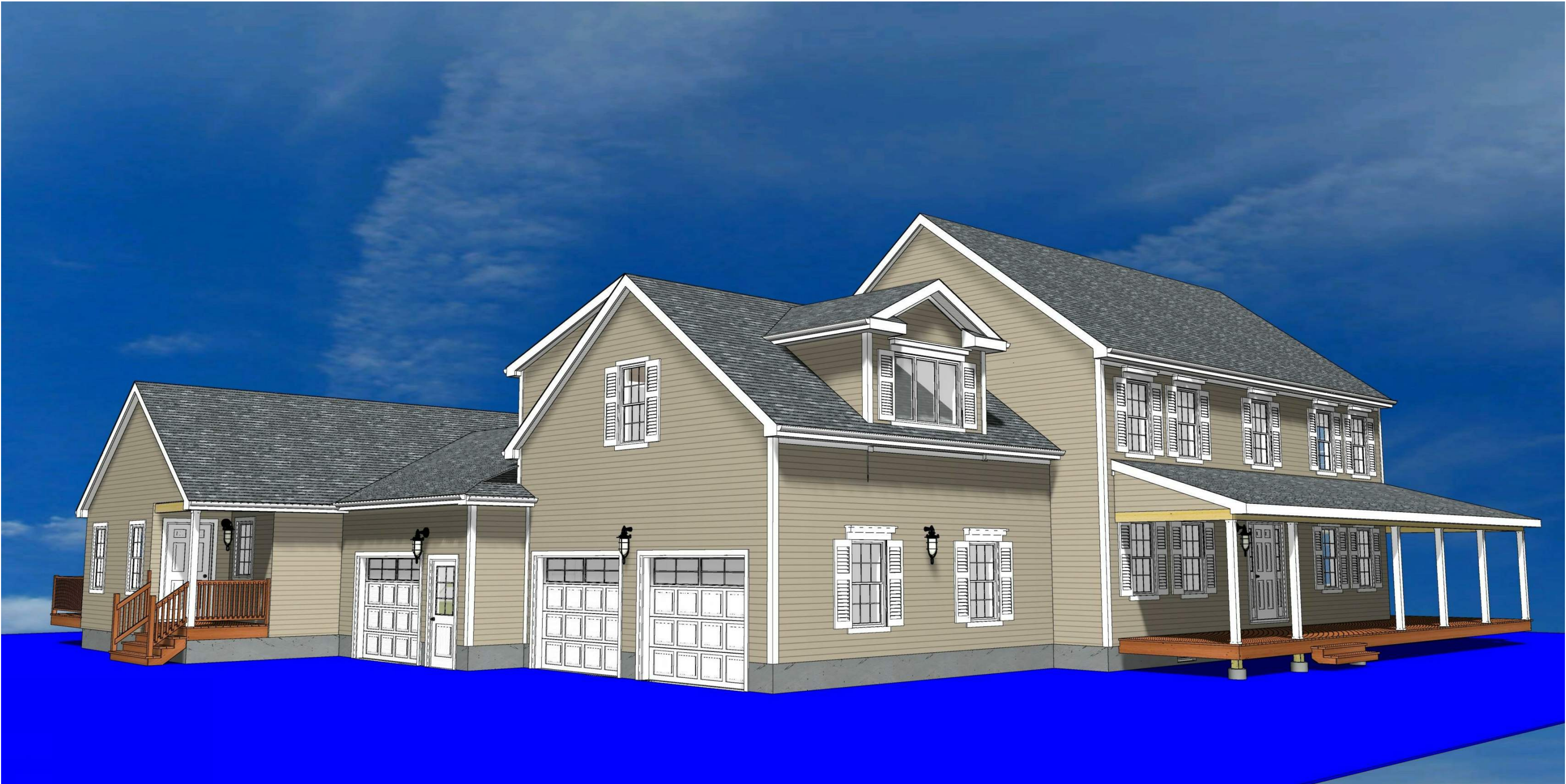
7. The proposed use is in harmony with the general purpose and intent of this Zoning Bylaw:
Yes, continued residential use.

8. The proposed use is consistent with the goals of the Medway Master Plan:
N/A.

9. The proposed use will not be detrimental to the public good:
N/A.


Signature of Applicant/Petitioner or Representative

6/9/2019
Date



3D PERSPECTIVE - NORTH EAST

WARNING:
This document may not be secure, may be corrupted in transmission or due to software incompatibility and/or may be amended or altered by third parties after leaving the design professional's possession. The design professional's is not responsible for and accepts no liability for such matters. Subject only to any conflicting provision within any prior binding agreement by the design professional (which agreement may also contain additional conditions relating to this document and its use):
1. the content of this document is confidential and copyright in it belongs to the design professional. They are permitted only to be opened, read and used by the addressee.
2. all users of this document must carry out all relevant investigations and must examine, take advice as required and satisfy themselves concerning the contents, correctness and sufficiency of the attachment and its contents for their purposes.
3. to the extent permitted by law, all conditions and warranties concerning this document or any use to which they may be put (whether as to quality, outcome, fitness, care, skill or otherwise) whether express or implied by statute, common law, equity, trade, custom or usage or otherwise are expressly excluded.
4. any person using or relying document releases and indemnifies and will keep indemnified the design professional against all claims, liabilities, loss, costs and expenses arising directly or indirectly out of or in connection with such use or reliance including without limitation any misrepresentation, error or defect in this document.

Contractors to use Architectural drawings for set out. Contractors to check and verify all Dimensions on Site prior to Construction/Fabrication. Figured Dimensions take precedence over Scaled Dimensions. Any discrepancies should be immediately referred to the Architect. All work to comply with I.B.C. Statutory Authorities and relevant American Standards.

Index of Drawings

A000	COVER SHEET
A020	EXTERIOR PHOTOGRAPHS & RENDERINGS
A030	EXISTING FIRST FLOOR PLAN
A110	PROPOSED FIRST FLOOR PLAN
A200	EXTERIOR ELEVATIONS

For Approval

PROJECT NAME:

LEGEE RESIDENTIAL ADDITION

PROJECT ADDRESS:

19 BROAD ACRES FARM ROAD, MEDWAY,
MA 02053

PROJECT NO: 19.013

DATE: 06/10/2019

Alex Siekierski, Assoc. AIA

Architecture & Real Estate Consultant

33 Lovring Street
Medway, MA 02053
t: 508.777.8846
e: siekierski.alex@gmail.com
www.alexkier.com

CLIENT NAME:

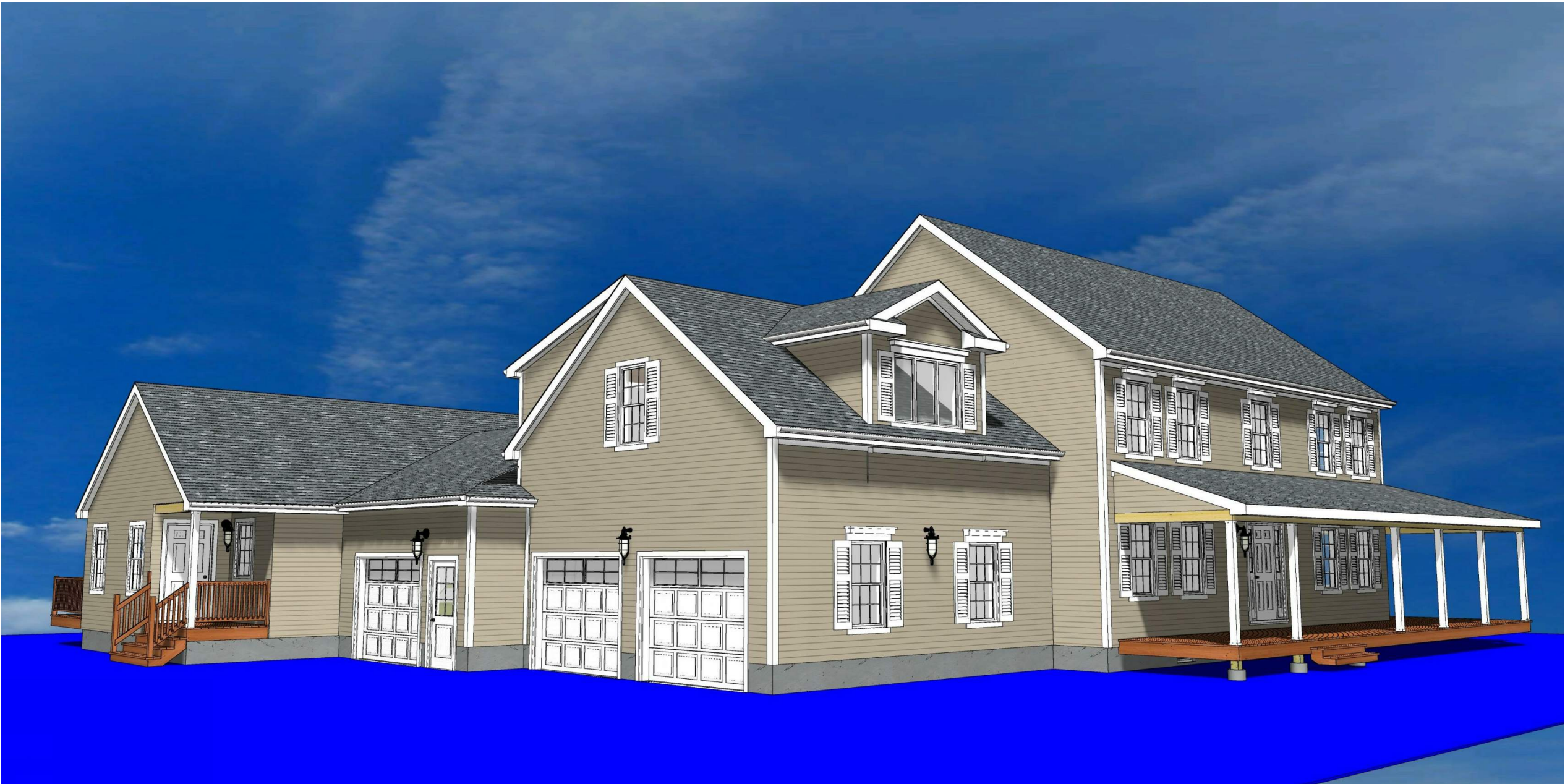
GARY & DENISE LEGEE

CLIENT ADDRESS:

19 BROAD ACRES FARM ROAD, MEDWAY,
MA 02053



EXISTING PHOTOGRAPH - NORTH EAST FACADE



PROPOSED RENDERING - NORTH EAST FACADE



EXISTING PHOTOGRAPH - EAST FACADE



PROPOSED - EAST FACADE

For Approval

WARNING:
Joe The Architect, Inc., all drawings and written material herein constitute the original and unpublished work of the architect, and the same may not be duplicated, used, or disclosed without the written consent of the architect. Contractors to use Architectural drawings for set out. Contractors to check and verify all Dimensions on Site prior to Construction/Fabrication. Figure Dimensions take precedence over Scaled Dimensions. Any discrepancies should be immediately referred to the Architect. The project manager shall be notified in writing of any discrepancies prior to proceeding with the work. The scale of drawings may change when copied or revised. All work to comply with I.B.C. Regulations and relevant American Standards. © 2017- all rights reserved

contractor

stamp

revision	revision description	date
1	MEDWAY ZBA APPLICATION	06/10/2019

project title

LEGEE RESIDENTIAL ADDITION

19 BROAD ACRES FARM ROAD, MEDWAY, MA 02053

client

GARY & DENISE LEGEE

19 BROAD ACRES FARM ROAD, MEDWAY, MA 02053

Alex Siekierski, Assoc. AIA
Architecture & Real Estate Consultant

location

33 Lovering Street
Medway, MA 02053
t: +1(617) 894-0864
e: siekierski.alex@gmail.com

website

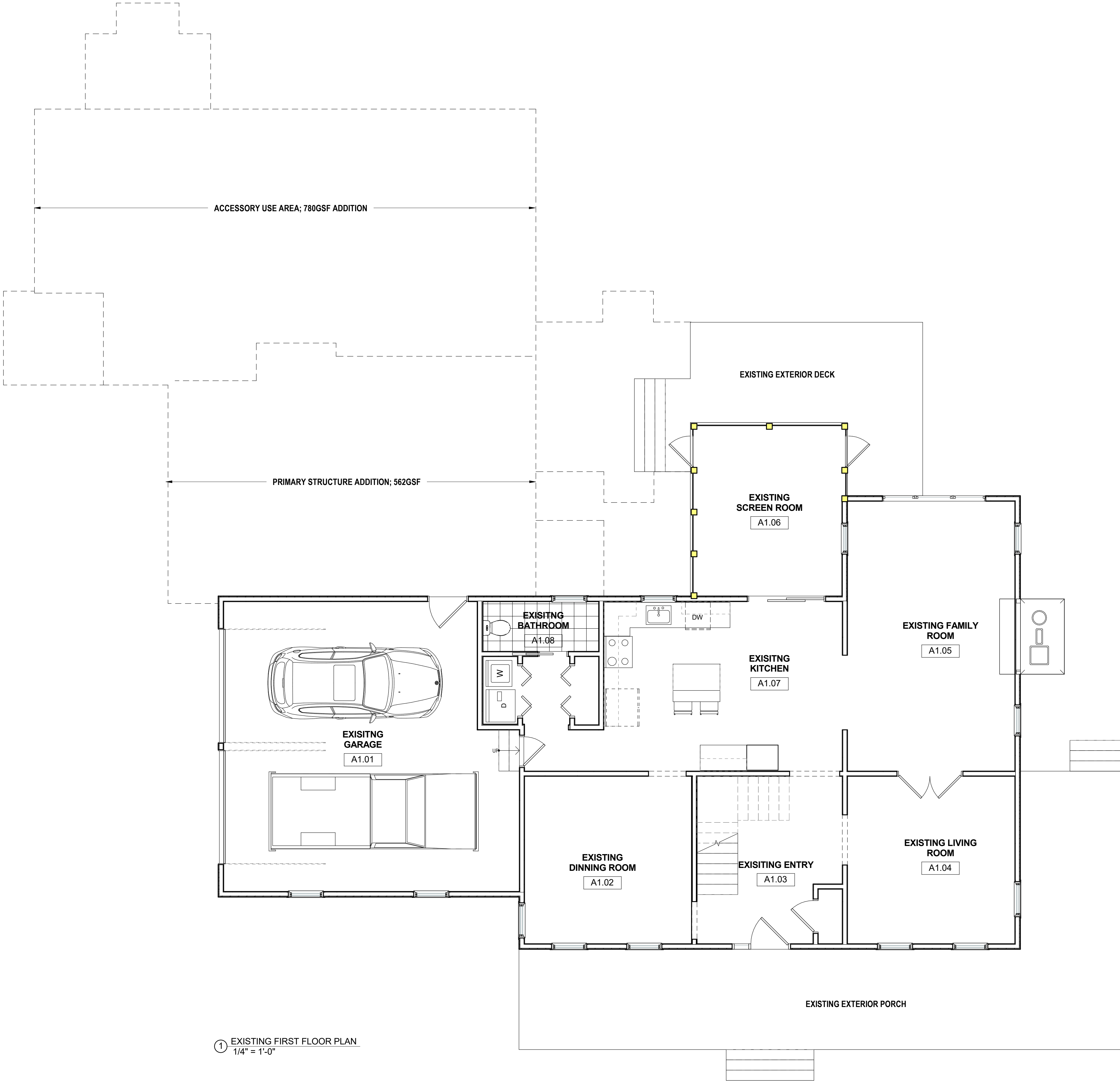
www.asiekier.com

drawing title

EXTERIOR
PHOTOGRAPHS &
RENDERINGS

project number	drawing scale	approver
19.013	1/16" = 1'-0"	AS
drawing number		revision
A020		1

C:\Users\siek\Box Sync\Practice\siekier\19.013 19 Broad Acres Farm Rd\A Drawings\Row\19.013 Broad Acres Farm Rd.rvt 6/8/2019 9:51:49 AM



1 EXISTING FIRST FLOOR PLAN
1/4" = 1'-0"

For Approval

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contractor

?

?

stamp

revision	revision description	date
1	MEDWAY ZBA APPLICATION	06/10/2019

project title

LEGEE RESIDENTIAL ADDITION

19 BROAD ACRES FARM ROAD,
MEDWAY, MA 02053

client

GARY & DENISE LEGEE

19 BROAD ACRES FARM ROAD,
MEDWAY, MA 02053

Alex Siekierski, Assoc. AIA
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location

33 Lovering Street
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t: +1(617) 894-0864
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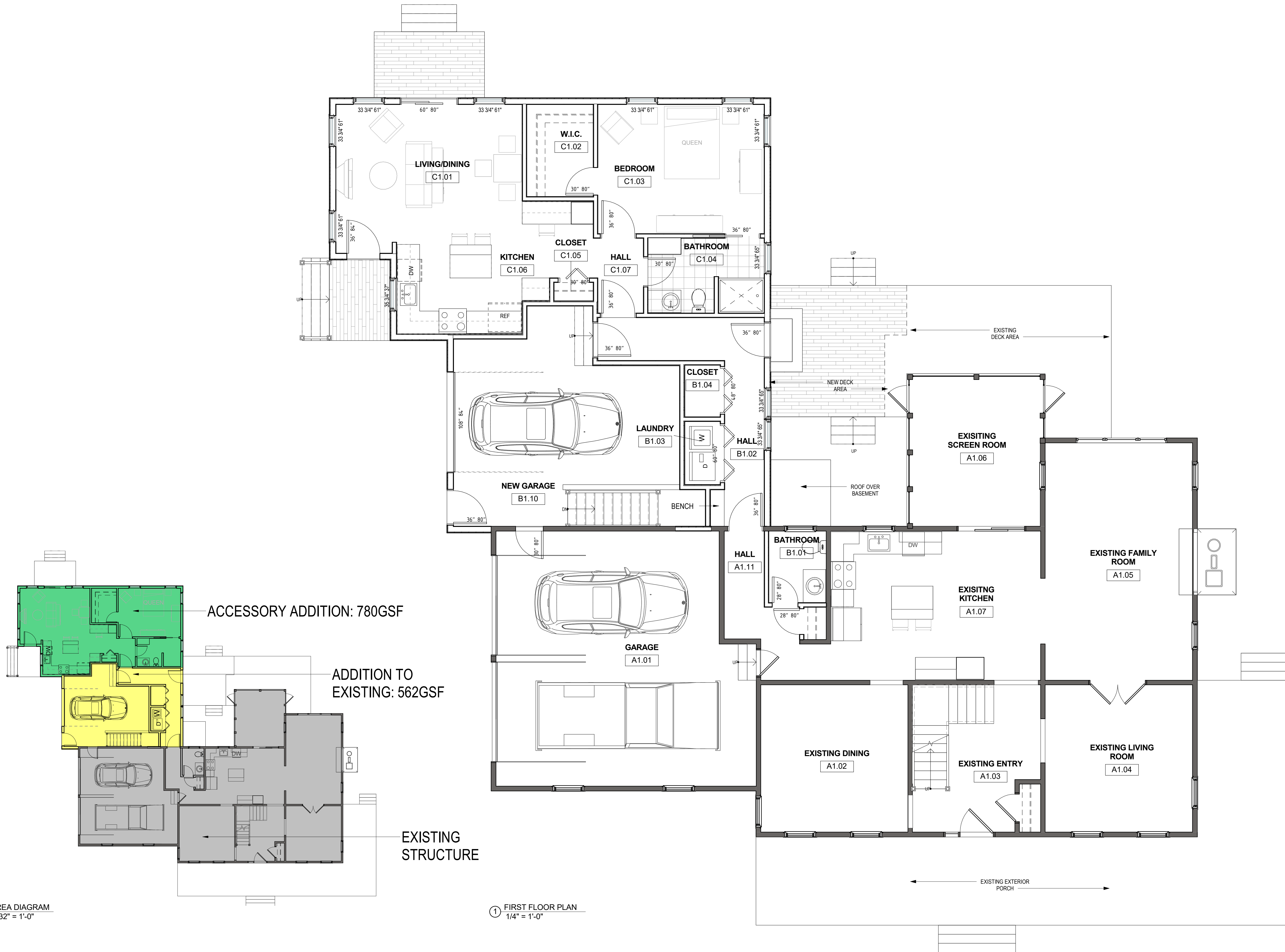
drawing title

EXISTING FIRST FLOOR
PLAN

project number	drawing scale	approver
19.013	1/4" = 1'-0"	AS
drawing number	revision	
A030	1	

2 AREA DIAGRAM
3/32" = 1'-0"

1 FIRST FLOOR PLAN
1/4" = 1'-0"



For Approval

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contractor

stamp

revision	revision description	date
1	MEDWAY ZBA APPLICATION	06/10/2019

project title
LEGEE RESIDENTIAL ADDITION

19 BROAD ACRES FARM ROAD,
MEDWAY, MA 02053

client
GARY & DENISE LEGEE
19 BROAD ACRES FARM ROAD,
MEDWAY, MA 02053

Alex Siekierski, Assoc. AIA
Architecture & Real Estate Consultant

location 33 Loving Street
Medway, MA 02053
t: +1(617) 894-0864
e: siekierski.alex@gmail.com

website www.asiekier.com

drawing title
**PROPOSED FIRST
FLOOR PLAN**

project number	drawing scale	approver
19.013	As indicated	AS
drawing number	revision	

A110
1



EAST ELEVATION



NORTH ELEVATION



SOUTH ELEVATION



WEST ELEVATION

For Approval

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contractor

stamp

revision	revision description	date
1	MEDWAY ZBA APPLICATION	06/10/2019

project title

LEGEE RESIDENTIAL ADDITION


19 BROAD ACRES FARM ROAD,
MEDWAY, MA 02053

client

GARY & DENISE LEGEE

19 BROAD ACRES FARM ROAD,
MEDWAY, MA 02053

Alex Siekierski, Assoc. AIA
Architecture & Real Estate Consultant



location

33 Lovering Street
Medway, MA 02053
t: +1(617) 894-0864
e: siekierski.alex@gmail.com

website

www.asiekier.com

drawing title

EXTERIOR ELEVATIONS

project number	drawing scale	approver
19.013	1/8" = 1'-0"	AS
drawing number	revision	
A200	1	

NOT FOR CONSTRUCTION

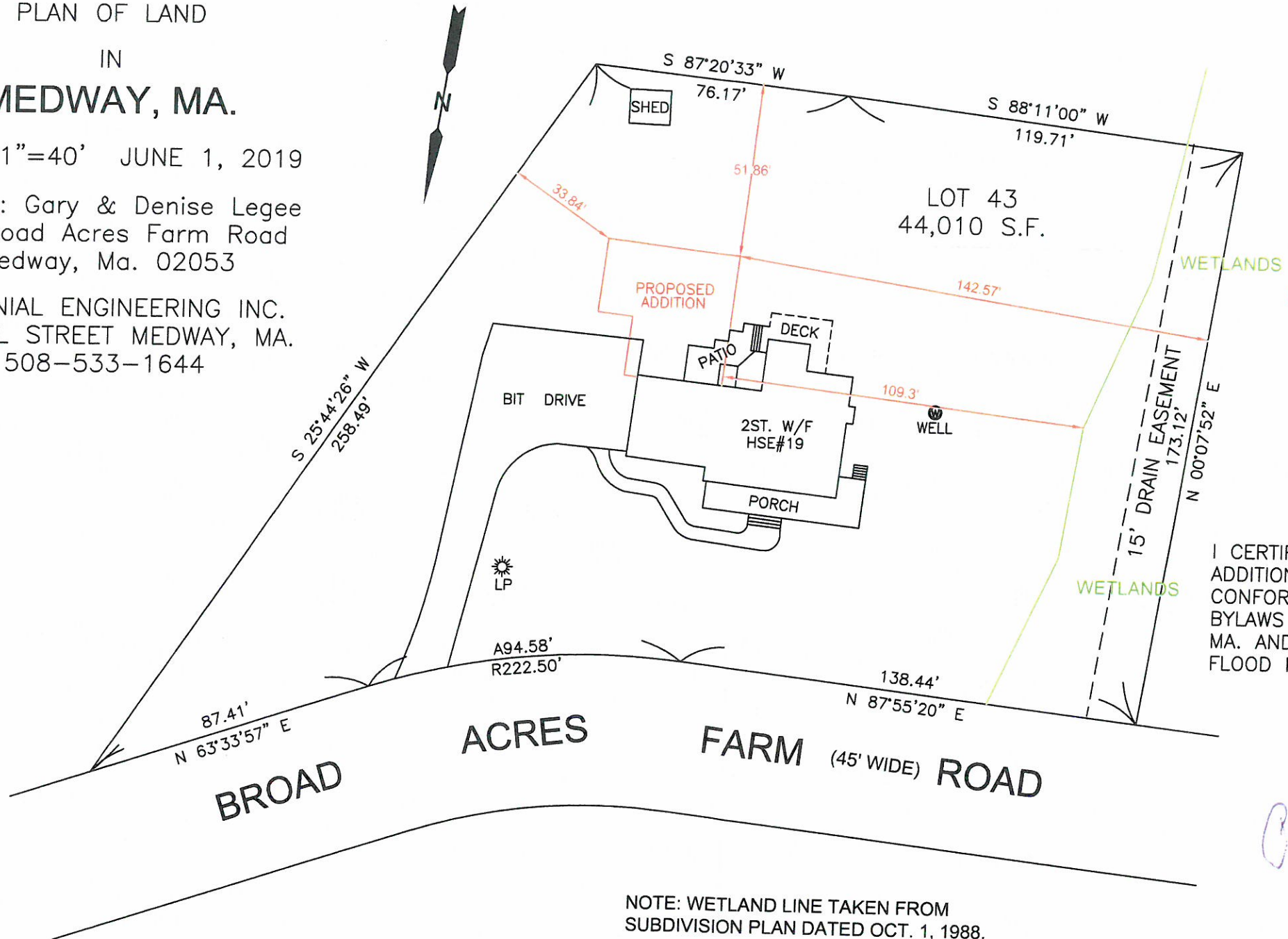
PROPOSED ADDITION
PLAN OF LAND

IN
MEDWAY, MA.

SCALE: 1"=40' JUNE 1, 2019

OWNER: Gary & Denise Legee
19 Broad Acres Farm Road
Medway, Ma. 02053

COLONIAL ENGINEERING INC.
11 AWL STREET MEDWAY, MA.
508-533-1644



ZO
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PROP
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IMP

I CERTIFY THAT
ADDITION SHOW
CONFORMS TO
BYLAWS OF TH
MA. AND DOES
FLOOD PLAN.



Susan Affleck-Childs

From: Stefany Ohannesian
Sent: Tuesday, June 11, 2019 10:02 AM
To: Allison Potter; 'Andy Rodenhiser'; Barry Smith; Beth Hallal; Bridget Graziano; Carol Pratt; Chief Tingley; David Damico; Donna Greenwood; Doug Havens; Jack Mee; Jeff Lynch; Jeff Watson; Joanne Russo; 'Matt Buckley'; Susan Affleck-Childs; 'Andy Rodenhiser'; 'Bob Tucker'; Bob Tucker; Mary Jane White; Barbara Saint Andre; Liz Langley
Subject: REQUEST FOR COMMENTS: 14-16R Franklin Street

To:	Department of Public Services	Planning & Economic Development Board
	Fire Department	Board of Health
	Police Department	Conservation Commission
	Building Department	Design Review Committee
	Treasurer/Collector	
	Assessing Department	

14-16R Franklin Street – Special Permit to construct a duplex that will have the exterior of a single family home and variance for frontage relief

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, and for a **variance** from Section 6.1 of the Zoning Bylaw for frontage relief to allow 89.31 feet of frontage where 150 feet is required.

The opening of the hearing is scheduled for Wednesday, July 3rd at 7:00 pm.

The ZBA is requesting comments from your Department/Board. Please send any comments you may have by **11:00 am Thursday June 27th, 2019** to be included for discussion at the hearing.

The Application and related materials can also be found on the Common Drive under Community and Economic Development, Zoning Board of Appeals, 1-Current Applications, 14-16R Franklin Street.

Thank you,

Stefany Ohannesian
Administrative Assistant
Community & Economic Development
Town of Medway
155 Village Street
Medway, MA 02053
508.321.4915

GENERAL APPLICATION FORM**TOWN OF MEDWAY****ZONING BOARD OF APPEALS**

155 Village Street
Medway MA 02053

Phone: 508-321-4915 | zoning@townofmedway.org
www.townofmedway.org/zoning-board-appeal

NOTE: THE APPLICATION WILL NOT BE CONSIDERED "COMPLETE" UNLESS ALL NECESSARY DOCUMENTS, FEES, & WAIVER REQUESTS ARE SUBMITTED. A GENERAL APPLICATION FORM MUST BE COMPLETED FOR ALL APPLICATIONS.

TO BE COMPLETED BY THE APPLICANT

Applicant/Petitioner(s):	Application Request(s):
Lynne Tatevosian	<div data-bbox="850 741 1390 772">Appeal <input type="checkbox"/></div> <div data-bbox="850 821 1390 852">Special Permit <input checked="" type="checkbox"/></div> <div data-bbox="850 900 1390 932">Variance <input checked="" type="checkbox"/></div> <div data-bbox="850 980 1390 1012">Determination/Finding <input type="checkbox"/></div> <div data-bbox="850 1060 1390 1092">Extension (provide previous case #) <input type="checkbox"/></div> <div data-bbox="850 1140 1390 1171">Modification (provide previous case #) <input type="checkbox"/></div> <div data-bbox="850 1220 1390 1251">Withdrawal <input type="checkbox"/></div> <div data-bbox="850 1299 1390 1331">Comprehensive Permit <input type="checkbox"/></div>
Property Owner(s):	
Same	
Site Address(es): 14 & 16R Franklin Street, Medway, MA	
Parcel ID(s): 57-078 and 57-079	
Zoning District(s): ARII District - Agricultural Residential II	Registry of Deeds Book & Page No. and Date or Land Court Certificate No. and Date of Current Title: Bk 36604 pg172&173 #10057 02-11-2019 @9:23am

TO BE COMPLETED BY STAFF:

Check No.:

Date of Complete Submittal:

Comments:

GENERAL APPLICATION FORM

APPLICANT/PETITIONER INFORMATION

The owner(s) of the land must be included as an applicant, even if not the proponent. Persons or entities other than the owner may also serve as co-applicants in addition to the owner(s), however, in each instance, such person shall provide sufficient written evidence of authority to act on behalf of the owner(s). For legal entities such as corporations, LLCs, etc., list the type and legal status of ownership, the name of the trustees/officer members, their affiliation, and contact information. Please provide attachment for information if necessary.

Applicant/Petitioner(s): Lynne Tatevosian		Phone: 781-726-1988
		Email: Tatevosian@comcast.net
Address: 11 Franklin Street, Medway, MA 02053		
Attorney/Engineer/Representative(s): N/A		Phone:
		Email:
Address:		
Owner(s): Same		Phone:
		Email:
Mailing Address:		

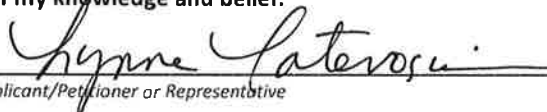
Please list name and address of other parties with financial interest in this property (use attachment if necessary):

N/A

Please disclose any relationship, past or present, interested parties may have with members of the ZBA:

N/A

I hereby certify that the information on this application and plans submitted herewith are correct, and that the application complies with all applicable provisions of Statutes, Regulations, and Bylaws to the best of my knowledge, and that all testimony to be given by me during the Zoning Board of Appeals public hearing associated with this application are true to the best of my knowledge and belief.


Signature of Applicant/Petitioner or Representative

6/7/2019
Date

Signature Property Owner (if different than Applicant/Petitioner)

Date

GENERAL APPLICATION FORM

APPLICATION INFORMATION

		YES	NO
Applicable Section(s) of the Zoning Bylaw:	Requesting Waivers?	Y	<input checked="" type="radio"/> N
3.4 Special permits, 5.4 Schedule of uses - residential, 6 Dimensional regulations	Does the proposed use conform to the current Zoning Bylaw?	Y	<input checked="" type="radio"/> N
Present Use of Property: Vacant Land	Has the applicant applied for and/or been refused a building permit?	Y	<input checked="" type="radio"/> N
Proposed Use of Property: Two family/duplex dwelling	Is the property or are the buildings/ structures pre-existing nonconforming?	Y	<input checked="" type="radio"/> N
	Is the proposal subject to approval by the BOH or BOS?	Y	<input checked="" type="radio"/> N
	Is the proposal subject to approval by the Conservation Commission?	Y	<input checked="" type="radio"/> N
Date Lot was created: Lots 57-078 & 57-079 merged into a single lot - approved on 6/20/2018	Is the property located in the Floodplain District?	Y	<input checked="" type="radio"/> N
Date Building was erected: N/A	Is the property located in the Groundwater Protection District?	Y	<input checked="" type="radio"/> N
Does the property meet the intent of the Design Review Guidelines? Yes	Is the property located in a designated Historic District or is it designated as a Historic Landmark?	Y	<input checked="" type="radio"/> N
Describe Application Request: A) A new variance from Section 6.1, Table 2 of the Zoning Bylaws to allow for a lot with 89.31 feet of frontage where 150 feet is required. B) A special permit from Section 5.4, Table 1, Section C for District AR-II of the Zoning Bylaws to allow for a two family house/duplex, provided that the exterior of the dwelling has the appearance of a single-family dwelling.			

GENERAL APPLICATION FORM

FILL IN THE APPLICABLE DATA BELOW

Required Data	Bylaw Requirement	Existing	Proposed
A. Use		Vacant Land	Dwelling
B. Dwelling Units	Two family	Approved for Single family	Two family
C. Lot Size	30,000 SF	46,103 SF	Same
D. Lot Frontage	150'	89.31'	Same
E. Front Setback	35'	35'	35'+
F. Side Setback	15'	15'	15'+
G. Side Setback	15'	15'	15'+
H. Rear Setback	15'	15'	15'+
I. Lot Coverage	30%	30%	Same
J. Height	35'	35'	Same
K. Parking Spaces	N/A	N/A	N/A
L. Other			

FOR TOWN HALL USE ONLY

To be filled out by the Building Commissioner:

Date Reviewed

Medway Building Commissioner

Comments:

After completing this form, please submit an electronic copy to zoning@townofmedway.org and 4 paper copies to the Community & Economic Development Department.



TOWN OF MEDWAY
ZONING BOARD OF APPEALS

155 Village Street
Medway MA 02053

Phone: 508-321-4915 | zoning@townofmedway.org
www.townofmedway.org/zoning-board-appeal

NOTE: THE APPLICATION WILL NOT BE CONSIDERED "COMPLETE" UNLESS ALL NECESSARY DOCUMENTS, FEES, & WAIVER REQUESTS ARE SUBMITTED. A GENERAL APPLICATION FORM MUST BE COMPLETED FOR ALL APPLICATIONS.

TO BE COMPLETED BY THE APPLICANT

Please provide evidence regarding how the Special Permit Decision Criteria, outlined below, is met. Please write "N/A" if you believe any of the Criteria is Not Applicable. Provide attachments if necessary.

<p>1. The proposed site is an appropriate location for the proposed use:</p> <p>The private property is located in the Agricultural Residential II District, which allows for two family dwellings.</p>
<p>2. Adequate and appropriate facilities will be provided for the operation of the proposed use:</p> <p>N/A</p>
<p>3. The proposed use as developed will not create a hazard to abutters, vehicles, pedestrians, or the environment:</p> <p>The property has more than adequate area to construct a two family dwelling in a way to create the least impact to abutters, while maintaining some of the existing vegetation.</p>
<p>4. The proposed use will not cause undue traffic congestion or conflicts in the immediate area:</p> <p>The proposed two family dwelling will have only one driveway entrance/exit and have the exterior appearance of a single family.</p>
<p>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:</p> <p>N/A</p>
<p>6. The proposed use as developed will not adversely affect the surrounding neighborhood or significantly alter the character of the zoning district:</p> <p>The two family dwelling will be appropriately located in a residential district - ARII District.</p>

7. The proposed use is in harmony with the general purposed and intent of this Zoning Bylaw:

The property has more than adequate area for the ARII District and, with the exception of the frontage, is conforming to the zoning districts dimensional requirements to construct a two family dwelling. The parcel has more than 50% uplands and meets the lots shape factor. All minimum set backs will be met.

8. The proposed use is consistent with the goals of the Medway Master Plan:

The two family dwelling will be appropriately located in a residential district - ARII District - and will add value to the neighborhood.

9. The proposed use will not be detrimental to the public good:

N/A

Lyne Latoroski

Signature of Applicant/Petitioner or Representative

6/7/2019

Date



TOWN OF MEDWAY

ZONING BOARD OF APPEALS

155 Village Street
Medway MA 02053

Phone: 508-321-4915 | zoning@townofmedway.org
www.townofmedway.org/zoning-board-appeal

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TO BE COMPLETED BY THE APPLICANT

Please provide evidence regarding how the Variance Criteria, outlined below, is met. All Variance Criteria must be met to be considered. Provide attachments if necessary.

1. What circumstances exist relating to the shape, topography, or soil conditions of the subject property which do not generally affect other land in the zoning district? (See MGL c. 40A Section 10)

Please refer to "Decision Variance 14+16 R Franklin St." dated June 21, 2018.

2. What substantial hardship, financial or otherwise, is caused by the circumstances listed above when the literal enforcement of Medway Zoning Bylaw is applied? (See MGL c. 40A Section 10) (Cannot be *personal hardship*)

See above

3. State why desirable relief may be granted without substantial detriment to the public good.

See above

4. State why relief may be granted without nullifying or substantially derogating from the intent or purpose of the Zoning Bylaw.

See above

Lynne Latorosian

Signature of Applicant, Petitioner or Representative

6/7/2019

Date



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

Legal Notice Billing Agreement Form

The Zoning Board of Appeals will prepare and submit a legal notice to be published in the *Milford Daily News*. This legal notice will appear in two consecutive issues of the newspaper, at least 14 days prior to the date of your hearing. The cost varies based upon the applicant request and information required for the notice. The Zoning Board of Appeals will forward the ad proof with the total to be paid by the applicant.

Lynne Tatevosian
Applicant Name

14 + 16 R Franklin St. Medway
Property Address

781-726-1988
Telephone Number

57-078 + 57-079
Parcel ID

Tatevosian@comcast.net
Email Address

AR II
Zoning District

I hereby agree to provide a check in the sum of the ad proof total provided by the Zoning Board of Appeals for the required legal notice for a public hearing before the Zoning Board of Appeals.

Lynne Tatevosian
Applicant Signature

6/7/19
Date

Please Note: This form must be returned to the Zoning Board of Appeals when submitting your application.

Not to Scale.





Driveway
for
Option 1

Drive
way
for
Option
2

Option 1 - Garage doors in front

Option 2 - Garage doors on right side

* 2nd House entrance on right side
of house.

Example 2

Page 1 of 1



Optim 1 - Garage doors in front
Option 2 - Garage doors on right
Side

* 2nd House entrance on right side
of house

①

Drive
way
for Optim
1

②

Drive
way
for Optim
2

Example 3



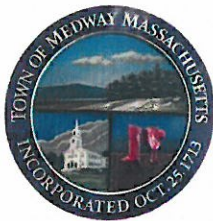
Driveway
Option 1

Driveway for Option 2

Option 1 - Garage doors in front

Option 2 - Garage doors on right
side

* 2nd House entrance on right
side of house



Town of Medway
ZONING BOARD OF APPEALS
155 Village Street, Medway, MA 02053

Eric Arbeene, Chair
Brian White, Vice Chair
Carol Gould, Clerk
Bridgette Kelly, Member
Rori Stumpf, Member
Christina Oster, Assoc. Memb

**DECISION
VARIANCE
14 & 16R FRANKLIN STREET**

Date Application Filed: May 14, 2018

Applicant(s): Marguerite Mele ("the Applicant")
203 Main Street,
Medway, MA 02053

Location of Property: The Property is located at 14 and 16R Franklin Street (Assessor
Parcel IDs: 57-078 and 57-079).

Approval Requested: Variance from Section 6.1 Table 2 of the Zoning Bylaw to Bylaw
to allow for a lot with 89.31 feet of frontage where 150 feet is
required.

Members Participating: Eric Arbeene (Chair), Brian White (Vice Chair), Carol Gould, Rori
Stumpf, and Christina Oster

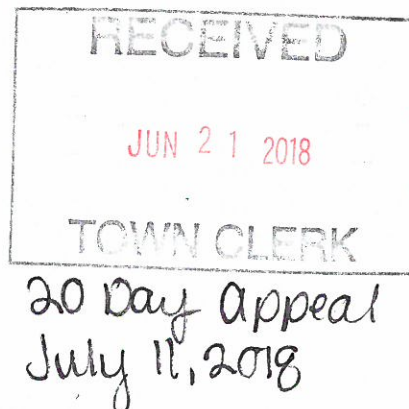
Members Voting: Eric Arbeene (Chair), Brian White (Vice Chair), Carol Gould, Rori
Stumpf, and Christina Oster

Hearing Opened: June 20, 2018

Hearing Closed: June 20, 2018

Date of Decision: June 20, 2018

Decision: Granted





Town of Medway
ZONING BOARD OF APPEALS
155 Village Street, Medway, MA 02053

Eric Arbeene, Chair
Brian White, Vice Chair
Carol Gould, Clerk
Bridgette Kelly, Member
Rori Stumpf, Member
Christina Oster, Assoc. Member

**DECISION
VARIANCE
14 & 16R FRANKLIN STREET**

Date Application Filed: May 14, 2018

Applicant(s): Marguerite Mele (“the Applicant”)
203 Main Street,
Medway, MA 02053

Location of Property: The Property is located at 14 and 16R Franklin Street (Assessor
Parcel IDs: 57-078 and 57-079).

Approval Requested: Variance from Section 6.1 Table 2 of the Zoning Bylaw to Bylaw
to allow for a lot with 89.31 feet of frontage where 150 feet is
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Stumpf, and Christina Oster

Members Voting: Eric Arbeene (Chair), Brian White (Vice Chair), Carol Gould, Rori
Stumpf, and Christina Oster

Hearing Opened: June 20, 2018

Hearing Closed: June 20, 2018

Date of Decision: June 20, 2018

Decision: Granted

I. PROCEDURAL HISTORY

1. On May 14, 2018, the Applicant's Representative filed an applicant for a variance from Section 6.1 Table 2 of the Zoning Bylaw to Bylaw to allow for a lot with 89.31 feet of frontage where 150 feet is required. The applicant proposed to merge two existing lots, 57-078 and 57-079, which had 44.66 feet of frontage and 44.65 feet of frontage, respectively, to have the 89.31 feet of total frontage.
2. Notice of the public hearing was published in the Milford Daily News on June 6, 2018 and June 13, 2018, and notice sent by mail to all interested parties and posted in Town Hall as required by G.L. c. 40A §11.
3. The public hearing was opened on June 20, 2018. The Board closed the public hearing the same evening.
4. The Property is located in the Agricultural Residential II District. The front setback requirement is 35 feet and the side and rear setback requirements are 15 feet. The minimum lot area requirement is 22,500 s.f. and the minimum frontage requirement is 150 feet.
5. The Applicant was represented by Stephen Kenney of Kenney & Kenney, 181 Village Street, Medway, MA 02053.
6. The Board notified Town departments, boards and committees of this application. The Board received comments from Conservation Agent Bridget Graziano.
7. All documents and exhibits received during the public hearing are contained in the Zoning Board of Appeal's files and listed in Section V. of this Decision.

II. TESTIMONY

At the June 20, 2018 meeting, the hearing was opened by the Board. The Applicant's representative, Stephen Kenney, was present. Mr. Kenney provided an overview of the request. The applicant had originally been granted two frontage variances for 14 and 16R Franklin Street ("the parcels") in 1992, but the applicant had never pulled permits or constructed any buildings and the variance lapsed. In 2013, the applicant returned to the Board for a similar variance request, but the request was denied. The applicant was now requesting a lesser variance, where the applicant had proposed to merge the two previous parcels into one larger parcel which would still have less than the required frontage, but would not require as significant a variance.

The shape of the parcels are narrow at their frontages and widens with obscure angles towards their rears. The parcels have more than 50% uplands and meets the lots shape factor. The

parcels are substantially differently shaped than other lots in the zoning district. The parcels have more than adequate area and the setbacks shall be met.

The applicant suggested to maintain some of the existing vegetation and place the location of the single family residence in a way to create the least impact on abutters.

Any owner of the parcels would incur a hardship, where without a frontage variance, the parcels are essentially undevelopable.

Paul Santosusso, 2 Franklin Creek Lane, spoke in support of the request.

All of the Board members agreed that granting the request was logical and met the variance criteria.

III. FINDINGS

In making its findings and reaching the decision described herein, the Board is guided by G.L. c. 40A, as amended, and by the Medway Zoning Bylaw. The Board also considered evidence and testimony presented at the public hearing and comments submitted by residents placed in the public record during the course of the hearings.

A. Variance Criteria

1. *Circumstances relating to the shape, topography, or soil conditions of the subject property, which do not generally affect other land in the zoning district.*

14 and 16R Franklin Street (“the parcels”) have a unique “hammerhead” shape, that is, the lots are narrow along their frontage but continue to widen towards their rears. Both parcels have more than adequate area for the AR-II Zoning District and are otherwise conforming to the zoning district’s dimensional requirements.

2. *Substantial hardship caused by the circumstances from Criteria A.1 when the Zoning Bylaw is literally enforced.*

Without a frontage variance, the parcels are essentially undevelopable lots. Any owner of the parcels would incur financial hardship, as the lots would be assessed and taxed, but could not be developed or enjoyed.

3. *Why/how the grant of relief would not nullify or derogate from the intent of the Zoning Bylaw.*

The grant of relief would not nullify or derogate from the intent of the Zoning Bylaw as the parcels have more than adequate area for a single family home, both

merged and separately. The new merged parcel will be significantly larger than other parcels in the zoning district. The new merged parcel shall meet all other dimensional requirements. Where the parcels are lacking in frontage, the applicant has provided sufficient reasons that construction of a single family on a parcel of more than adequate area would not nullify or derogate from the intent of the Zoning Bylaw.

The Applicant's representative has provided documentation in the Variance application form submitted with this application, and as explained during the hearing, to meet all of the required Variance Criteria.

IV. CONDITIONS OF APPROVAL

Based upon the findings of the Board and testimony and information received into the record during the public hearing process, the Board **GRANTS** the Applicant, Marguerite Mele, a **VARIANCE** from Section 6.1 Table 2 of the Zoning Bylaw to Bylaw to allow for a lot with 89.31 feet of frontage where 150 feet is required, subject to the Plan of Land for Map 57 Lot 079 and Map 57 Lot 078, also known as 14 and 16R Franklin Street, in Medway, MA, dated April 9, 2018, prepared by Colonial Engineering Inc. of 11 Awl Street, Medway, MA which joins the two parcels into one larger parcel, is submitted to the Planning and Economic Development Board for ANR approval and endorsement and then recorded with the Registry of Deeds.

1. This variance is subject to all subsequent conditions that may be imposed by other Town departments, boards, agencies, or commissions. Any changes to the variance that may be required by the decisions of other Town boards, agencies or commissions shall be submitted to the Board for review as a new request.

Any work or use that deviates from this Decision shall be a violation of the *Medway Zoning Bylaw*.

2. Upon receipt of a written request by the applicant filed at least 30 days prior to the date of expiration, the Board may grant an extension for good cause. The request shall state the reasons for the extension and also the length of time requested. If no request for extension is filed and approved, the variance shall lapse one year from the date of Decision, unless action is taken, or as may be otherwise specified herein, and may be reestablished only after a new filing, hearing, and decision.

V. INDEX OF DOCUMENTS

A. The application included the following plans and information that were provided to the Board at the time the application was filed:

1. Variance Decision for 14 and 16R Franklin Street dated May 6, 1992

2. Variance Decision for 14 and 16R Franklin Street dated November 20, 2013
3. Plan of Land of Lot 1, 2, and 3 on Franklin Street, in Medway, MA, dated 9/28/90 and revised 5/1/91 and 5/6/92, prepared by DeSimone Survey Service, Inc. of 89 Main Street, Medway, MA
4. Plan of Land for Map 57 Lot 079 and Map 57 Lot 078, also known as 14 and 16R Franklin Street, in Medway, MA, dated April 9, 2018, prepared by Colonial Engineering Inc. of 11 Awl Street, Medway, MA

B. During the course of the review, the following materials were submitted to the Board by Town Departments/Boards:

1. Comments: Bridget Graziano, May 31, 2018

The Board and the Applicant have complied with all statutory requirements for the issuance of this Decision on the terms hereinafter set forth. A copy of this Decision will be filed with the Medway Town Clerk and mailed to the Applicant, and notice will be mailed to all parties in interest as provided in G.L. c. 40A §15.

Any person aggrieved by the decision of the Board may appeal to the appropriate court pursuant to Massachusetts General Laws, Chapter 40A, §17, and shall be filed within twenty days (20) after the filing of this notice in the Office of the Medway Town Clerk.


In accordance with MGL c. 40A, Section 11, no variance or special permit shall take effect until a copy of the Decision is recorded in the Norfolk County Registry of Deeds, and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title, bearing the certification of the Town Clerk that twenty days have elapsed after the Decision has been filed in the Office of the Town Clerk and no appeal has been filed within said twenty day period or that any duly filed appeal has been dismissed or denied. The fee for recording or registering shall be paid by the Applicant. A copy of the recorded Decision certified by the Registry, and notification by the Applicant of the recording, shall be furnished to the Board.

The next page provides the signatures of the Board.

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VI. VOTE OF THE BOARD

By a vote of 5 to 0, on a motion made by Brian White and seconded by Rori Stumpf, the Zoning Board of Appeals hereby **GRANTS** the Applicant, Marguerite Mele, a **VARIANCE** from Section 6.1 Table 2 of the Zoning Bylaw to Bylaw to allow for a lot with 89.31 feet of frontage where 150 feet is required, subject to the Plan of Land for Map 57 Lot 079 and Map 57 Lot 078, also known as 14 and 16R Franklin Street, in Medway, MA, dated April 9, 2018, prepared by Colonial Engineering Inc. of 11 Awl Street, Medway, MA which joins the two parcels into one larger parcel, is submitted to the Planning and Economic Development Board for ANR approval and endorsement and then recorded with the Registry of Deeds.

Member:	Vote:	Signature:
Eric Arbeene	<u>yes</u>	_____
Brian White	<u>yes</u>	_____
Carol Gould	<u>yes</u>	_____
Rori Stumpf	<u>yes</u>	 _____
Christina Oster	<u>yes</u>	_____

The Board and the Applicant have complied with all statutory requirements for the issuance of this Variance on the terms hereinafter set forth. A copy of this Decision will be filed with the Medway Town Clerk and mailed to the Applicant, and notice will be mailed to all parties in interest as provided in G.L. c. 40A §15.

Any person aggrieved by the decision of the Board may appeal to the appropriate court pursuant to Massachusetts General Laws, Chapter 40A, §17, and shall be filed within twenty days (20) after the filing of this notice in the Office of the Medway Town Clerk.

In accordance with MGL c. 40A, Section 11, no variance or special permit shall take effect until a copy of the Decision is recorded in the Norfolk County Registry of Deeds, and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title, bearing the certification of the Town Clerk that twenty days have elapsed after the Decision has been filed in the Office of the Town Clerk and no appeal has been filed within said twenty day period or that any duly filed appeal has been dismissed or denied. The fee for recording or registering shall be paid by the Applicant. A copy of the recorded Decision certified by the Registry, and notification by the Applicant of the recording, shall be furnished to the Board.