



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.

**DECISION
VARIANCE
44 MILFORD STREET**

Date Application Filed: May 30, 2018

Applicant(s): Town of Medway / Medway Fire Department (the "Applicant")
155 Village Street
Medway, MA 02053

Location of Property: The Project is located on a parcel of land in Medway at 44 Milford Street (Parcel ID: 46-014).

Approval Requested: Variance from Section 7.2.5 of the Zoning Bylaw for five wall signs on one façade, where a maximum of two is allowed per establishment, not to exceed one per façade in the Neighborhood Commercial District.

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

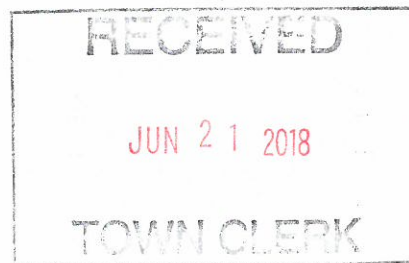
Members Voting: Eric Arbeene (Chair), Brian White (Vice Chair), Rori Stumpf, and Christina Oster

Hearing Opened: June 20, 2018

Hearing Closed: June 20, 2018

Date of Decision: June 20, 2018

Decision: Granted



20 Day Appeal
July 11, 2018



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I. PROCEDURAL HISTORY

1. On March 6, 2018, the Applicant filed a Variance Application, pursuant to G.L. c. 40A, as amended, and the Medway Zoning Bylaw, from Section 7.2.5 of the Zoning Bylaw for five wall signs on one façade, where a maximum of two is allowed per establishment, not to exceed one per façade in the Neighborhood Commercial District.
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 applicant was represented by Assistant Fire Chief Mike Fasolino at the hearing.
5. The Project is located at 44 Milford Street (Parcel ID 46-014).
6. The Property is located in the Neighborhood Commercial Zoning District.
7. The Board notified Town departments, boards and committees of this application. The Board did not receive any comments.
8. 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 Zoning Board of Appeals meeting, the hearing was opened. Assistant Chief Mike Fasolino explained that the Fire Station was at the intersection of Milford and Summer Streets. The Fire Station acts as a baby safe haven and walk in medicals, it is important to identify the building. Although residents may know where the Fire Station is located, to non-residents, the station looks like any other municipal building. The Medway Fire Department would like the public to be able to identify where the Fire Station is and also to identify the bays properly for out of town firemen so that they know what stall their apparatus will fit in. The lot is uniquely situated on the lot and not in the typical location of a building on a corner lot that a sign could be seen clearly on two facades.

There were no members of the public in favor or in opposition of the request.

The Board felt that the request was straight-forward and grant of the request was necessary.

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 hearings and comments submitted by Town departments, boards and committees as well as 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:*
 - a. The location of the Fire Station on the corner lot in relation to Milford Street (Route 109) and Summer Street (Route 126), is such that it would not be logical to have the signs arranged on two facades, as the front façade has the highest visibility. Unlike other lots in the zoning district which have buildings arranged more parallel to the frontage and streets, the Fire Station is situated at an approximately 45 degree angle from each street.
2. *Substantial hardship caused by the circumstances from Criteria A.1 when the Zoning Bylaw is literally enforced:*
 - a. The general public could incur potentially substantial medical or child-safety hardship—without proper identification, emergency medical and baby haven walk-ins could overlook the station. This could lead to a potential liability issue for the Town and/or the Fire Department.
3. *Why/how the grant of relief would not nullify or derogate from the intent of the Zoning Bylaw:*
 - a. The sign bylaw was created to allow for proper identification of a business or office. Due to the nature of the property and building and the needs of the general public, it is critical to allow for some variance so that the Fire Station can be properly identified.

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, the Town of Medway / Medway Fire Department, a **VARIANCE** from Section 7.2.5 of the Zoning Bylaw to Bylaw to allow for five wall signs on one façade for the building located at 44 Milford Street (Parcel ID 46-014), where a maximum of two is allowed per establishment, not to exceed one per façade in the Neighborhood Commercial District, substantially in conformance to the revised sign designs, dated June 8, 2018, prepared by Cavallaro Signs.

1. This variance approval 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 application.

Any work or use that deviates from the approved Variance or this Decision shall be a violation of the *Medway Zoning Bylaw*, unless the Applicant requests a new application and such approval is provided in writing by the Board.

2. Upon receipt of a written request by the applicant filed at least thirty (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 acted on or otherwise specified, and may be reestablished only after a new filing, hearing, and decision.

V. INDEX OF DOCUMENTS

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

1. Sign Design Concept and Cost Estimate, dated 5/16/18, prepared by Cavallaro Signs

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

1. Revised Sign Design Concept, dated 5/24/18, prepared by Cavallaro Signs, and Design Review Committee Letter, dated June 8, 2018

- C. During the course of the review, the following materials were submitted to the Board by the applicant and its representatives:

1. N/A

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, the Town of Medway / Medway Fire Department, a **VARIANCE** from Section 7.2.5 of the Zoning Bylaw to Bylaw to allow for five wall signs on one façade for the building located at 44 Milford Street (Parcel ID 46-014), where a maximum of two is allowed per establishment, not to exceed one per façade in the Neighborhood Commercial District.

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.

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