



Doherty, Dugan, Cannon,  
Raymond & Weil, P.C.

124 Grove Street, Suite 220  
Franklin, MA 02038  
Tel. (508) 541-3000  
Fax (508) 541-3008  
www.ddcrwlaw.com

Edward V. Cannon, Jr., Esq.  
[evc@ddcrwlaw.com](mailto:evc@ddcrwlaw.com)

March 30, 2022

Medway Zoning Board of Appeals  
Attn: Anna Rice, Administrative Assistant  
155 Village Street  
Medway, MA 02053

RE: Sara Dmytryck  
46 Granite Street  
Assessor's Parcel 74-003

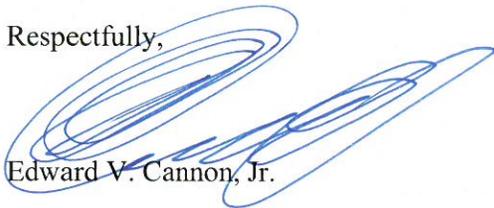
Dear Ms. Rice:

Enclosed please find the ZBA Appeal Application of Ms. Sara Dmytryck with supporting materials and the required filing fee of \$185.00.

Please let me know if you have any questions or need any additional information or documentation.

Thank you for your time and attention to this matter.

Respectfully,



Edward V. Cannon, Jr.

cc: Sara Dmytryck

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):
Sara Dmytryck
Property Owner(s):
Sara Dmytryck
Site Address(es):
46 Granite Street
Parcel ID(s):
74-003
Registry of Deeds Book & Page No. and Date or Land Court Certificate No. and Date of Current Title:
Jan. 10, 2019 - Book 36552, Page 560

*Sara D.* \_\_\_\_\_ *3/30/22*  
 Signature of Applicant/Petitioner or Representative Date

<b>FOR TOWN HALL USE ONLY</b>	
<i>To be filled out by the Treasurer/Collector:</i>	
_____	_____
Date Reviewed	Medway Treasurer/Collector
Tax Delinquent:    Y    N	
Comments:	



**TOWN OF MEDWAY**  
**COMMONWEALTH OF MASSACHUSETTS**  
**ZONING BOARD OF APPEALS**

Medway Town Hall  
155 Village Street  
Medway, MA 02053  
Phone (508) 321-4890  
Email: zoning@townofmedway.org  
www.townofmedway.org

**Legal Notice Billing Agreement Form**

*Board Members*

Brian White, Chair  
Gibb Phenegar, Vice Chair  
Christina Oster, Clerk  
Joe Barresi, Member  
Tom Emero, Member  
Carol Gould, Associate  
Member

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.

Sara Dmytryck  
Applicant Name

46 Granite St.  
Property Address

508 541 - 3000 x 218  
Telephone Number

74-003  
Parcel ID

evc@ddcrwlaw.com  
Email Address

AR-2  
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.

[Signature]  
Applicant Signature

3/30/22  
Date

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



**TOWN OF MEDWAY**  
**COMMONWEALTH OF MASSACHUSETTS**  
**ZONING BOARD OF APPEALS**

Medway Town Hall  
155 Village Street  
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Email: [zoning@townofmedway.org](mailto:zoning@townofmedway.org)  
[www.townofmedway.org](http://www.townofmedway.org)

**Representative Authorization Form**

*Board Members*

Brian White, Chair  
Gibb Phenegar, Vice Chair  
Christina Oster, Clerk  
Joe Barresi, Member  
Tom Emero, Member  
Carol Gould, Associate  
Member

I, Sara Dmytryck certify that I am the owner  
of the property and I am aware of and authorize the submission of  
this application being submitted by my representative

Edward V. Connor, Jr.

All information submitted is accurate to my knowledge.

Sara Dmytryck  
Property Owner Name

416 Granite St.  
Property Address

508 541-3000 x218  
Telephone Number

74-003  
Parcel ID

evc@ddcrwlaw.com  
Email Address

AR-2  
Zoning District

  
Property Owner Signature

3/30/22  
Date

**Please Note:** This form must be returned to the Zoning Board of Appeals when submitting the application if being completed by a representative or it will be incomplete until this form is completed.



**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 attach any decision or denial for which you are requesting an appeal.

Please attach any and all materials submitted to the Town Board or Official with respect to the decision or denial you are appealing.

<b>Date of Decision and/or Denial:</b> March 8, 2022	<b>Application Request(s):</b>	
<b>Board or Official who made Decision and/or Denial:</b> Erika Robertson, Code Comp Officer	Reversal of Decision and/or Denial	<input checked="" type="checkbox"/>
<b>Applicant(s):</b> Sara Dmytryck	Modification to the Decision	<input type="checkbox"/>
	Direct Issuance of a Permit	<input type="checkbox"/>
	Direct the Enforcement of a Section of the Zoning Bylaw	<input type="checkbox"/>
<b>Evidence to support grant of appeal (use attachments if necessary):</b> Applicant is engaged in farm operations, which use is protected under MGL Ch 40A, Sec 3. Applicant is engaged in dirt farming - that is providing loam. The area in question is currently being maintained and allowed to rejuvenate for future loam production.		
<b>How are you aggrieved by the decision or denial?</b> The decision will prohibit the applicant from farming on a large tract of the applicant's land in Medway.		

  
Signature of Applicant/Petitioner or Representative

3/30/22  
Date

**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):	
Sara Dmytryck		
<b>Property Owner(s):</b>	Appeal	<input checked="" type="checkbox"/>
Sara Dmytryck	Special Permit	<input type="checkbox"/>
<b>Site Address(es):</b>	Variance	<input type="checkbox"/>
46 Granite Street	Determination/Finding	<input type="checkbox"/>
<b>Parcel ID(s):</b>	Extension	<input type="checkbox"/>
74-003	Modification	<input type="checkbox"/>
<b>Zoning District(s):</b>	Comprehensive Permit	<input type="checkbox"/>
AR-2	<b>Registry of Deeds Book &amp; Page No. and Date or Land Court Certificate No. and Date of Current Title:</b> <b>Jan. 10, 2019 - Book 36552, Page 560</b>	

TOWN CLERK STAMP

**TO BE COMPLETED BY STAFF:**

Check No.:  
Date of Complete Submittal:  
Comments:

**TO BE COMPLETED BY STAFF:**

Check No.:  
Date of Complete Submittal:  
Comments:

**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.*

<b>Applicant/Petitioner(s):</b> Sara Dmytryck		Phone: 508 541-3000 x218
		Email: evc@ddcrwlaw.com
Address: <b>36 Granite St., Hopkinton, MA 01748</b>		
<b>Attorney/Engineer/Representative(s):</b> Edward V. Cannon, Jr., Esq.		Phone: 508 541-3000 x218
		Email: evc@ddcrwlaw.com
Address: <b>124 Grove St., Ste. 220, Franklin, MA 02038</b>		
<b>Owner(s):</b> Sara Dmytryck		Phone: 508 541-3000 x218
		Email: evc@ddcrwlaw.com
Mailing Address: <b>36 Granite St., Hopkinton, MA 01748</b>		

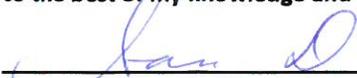
Please list name and address of other parties with financial interest in this property (use attachment if necessary):

None

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

None

**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 3-30-22  
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"/>
5.6.3	Does the proposed use conform to the current Zoning Bylaw?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Present Use of Property: Farm	Has the applicant applied for and/or been refused a building permit?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Is the property or are the buildings/ structures pre-existing nonconforming?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Proposed Use of Property: Farm	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: Feb. 6, 2003	Is the property located in the Floodplain District?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Date Building was erected: vacant lot	Is the property located in the Groundwater Protection District?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Does the property meet the intent of the Design Review Guidelines? N/A	Is the property located in a designated Historic District or is it designated as a Historic Landmark?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Describe Application Request:</b> To reverse the decision of Erika Robertson, Code Compliance Officer, dated March 8, 2022.			

**GENERAL APPLICATION FORM**

FILL IN THE APPLICABLE DATA BELOW

Required Data	Bylaw Requirement	Existing	Proposed
A. Use		farm	farm
B. Dwelling Units			
C. Lot Size			
D. Lot Frontage			
E. Front Setback			
F. Side Setback			
G. Side Setback			
H. Rear Setback			
I. Lot Coverage			
J. Height			
K. Parking Spaces			
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](mailto:zoning@townofmedway.org) and 4 paper copies to the Community & Economic Development Department.



**TOWN OF MEDWAY  
BUILDING DEPARTMENT**  
155 Village Street  
Medway, Massachusetts 02053  
508.533.3253

Jack Mee  
Building Commissioner &  
Zoning Enforcement  
jmee@townofmedway.org

March 8, 2022

Sara Dmyrtyck  
36 Granite Street  
Hopkinton, MA 01748

RE: 46R Granite Street  
Tax Map No.: 74-003

Dear Property Owner,

Upon inspection of your property on February 24, 2022, you are in violation of The Medway Zoning By-Law Schedule of Uses, Section E. INDUSTRIAL AND RELATED USES. Your property is located in a Agricultural/Residential II zoning district. This property is being used as a *Contractor Yard*, which is a prohibited use.

Upon Inspection Oakwoods Landscaping are operating their business on the property. This is a prohibited use.

**TOWN OF MEDWAY ZONING BY-LAWS  
3.1 ENFORCEMENT, VIOLATIONS, AND PENALTIES**

**E. Appeal.** An appeal to the Board of Appeals may be taken by any person aggrieved by reason of inability to obtain a permit or enforcement action from the Building Commissioner, as provided in G.L. c. 40A, § 8, as amended.

**F. Penalty.**

1. Please realize that Section 3.1 ENFORCEMENT, VIOLATIONS, AND PENALTIES states:  
F. Penalty. Anyone who violates a provision of this zoning Bylaw, or any condition of a variance, site plan review decision or special permit, shall be punishable by a fine of not more than three hundred dollars for each offense. Each day during which any portion of a violation continues shall constitute a separate offense.

2. As an alternative means of enforcement, the Building Commissioner may impose noncriminal penalties pursuant to G.L. c. 40, § 21D and Article XX of the Town's General Bylaws, in accordance with the following schedule:

- a. First offense: warning (verbal or written)
- b. Second offense: one hundred dollars
- c. Third offense: two hundred dollars
- d. Fourth and each subsequent offense per violation: three hundred dollars

An appeal to the Board of Appeals may be taken by any person aggrieved by an order or decision of the Building Commissioner, as provided by G.L. C40A, secs. 8 and 15.

Please contact this office to discuss your plan of action. Thank you for your cooperation in this matter.

Sincerely,



Erika Robertson  
Code Compliance Officer

cc: Oakwoods Landscaping  
1275 Main Street #3  
Millis, MA 02054

## QUITCLAIM DEED

I, **Michelle E. DiNapoli**, being a married individual, now or formerly of Bellingham, Norfolk County, Commonwealth of Massachusetts,

For consideration paid, and in full consideration of **Eight Hundred Twenty-Five Thousand and 00/100 (\$825,000.00) Dollars**

Grant to **Sara Dmytryck**, now or formerly of 36 Granite Street, Hopkinton, Massachusetts 01748

*with quitclaim covenants*

The land in Bellingham and Medway, Norfolk County, Massachusetts, together with the buildings thereon, situated on the Westerly side of Granite Street, shown as Lots 1B and 1D on a plan entitled "Plan of Land in Bellingham & Medway, Mass., Scale: 1" = 40", August 26, 2002, Rev. January 30, 2003, Salvetti Land Consultants, Inc." recorded with the Norfolk County Registry of Deeds in Plan Book 513, Plan No. 600 and to which plan reference may be had for a more particular description of the granted premises.

Said Lot 1B is situated in said Bellingham only and contains 80,744 S.F. according to said plan.

Said Lot 1D is situated in both said Bellingham and Medway contains 80,689 S.F. according to said plan.

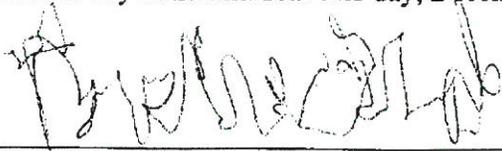
Said Lot 1B is subject to an easment held by New England Power Company as shown on said plan and duly recored with Norfolk Deeds in Book 5887, Page 647.

Said Lot 1D is conveyed subject to a Right of Way Easement for the benefit of Lot 1A as shown on said plan.

The Grantor and the Grantor's spouse named herein, do hereby voluntarily release all our rights of Homestead, if any, as set forth in M.G.L. Chapter 188 and state under oath that, there are no other person or persons entitled to any homestead rights other than those executing this deed.

For Grantor's title to Lots 1B and 1D see Deed of Michael J. DiNapoli and Michelle DiNapoli, dated September 25, 2003 and recorded with the Norfolk County Registry of Deeds in Book 19977, Page 532.

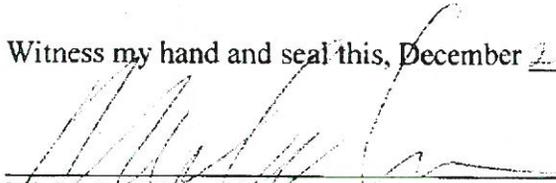
Witness my hand and seal this day, December 26, 2018.



Michelle E. DiNapoli

I, Michael J. DiNapoli, am the spouse of the Grantor, Michelle E. DiNapoli, and I am joining in this deed for the purposes of releases all rights of homestead.

Witness my hand and seal this, December 26, 2018

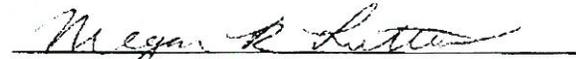


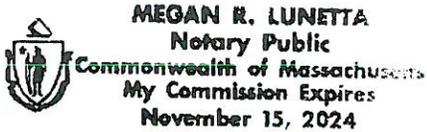
Michael J. DiNapoli

MASSACHUSETTS )  
 ) ss.  
COUNTY OF NORFOLK )

On this day, December 26, 2018, before me, the undersigned notary public, personally appeared Michelle E. DiNapoli and Michael J. DiNapoli, both Individually and proved to me through satisfactory evidence of identification, which were, Driver's Licenses, to be the persons whose names are signed to the preceding Quitclaim Deed, and who swore or affirmed to me that the contents of the document are truthful and accurate to the best of their knowledge and belief and acknowledged to me that they signed it voluntarily for its stated purposes.

Witness my signature and official seal.

  
Megan R. Lunetta, Notary Public  
My commission expires: November 15, 2024



## Unofficial Property Record Card - Medway, MA

### General Property Data

Parcel ID **74-003**  
 Prior Parcel ID **3 -32C-**  
 Property Owner **DMYTRYCK SARA**

Account Number **3-32C**

Mailing Address **36 GRANITE ST**

Property Location **46 GRANITE ST**  
 Property Use **DEV LAND**  
 Most Recent Sale Date **1/10/2019**

City **HOPKINTON**  
 Mailing State **MA** Zip **01748**  
 ParcelZoning **ARII**

Legal Reference **36552-560**  
 Grantor **DINAPOLI ,MICHELLE E.**  
 Sale Price **825,000**  
 Land Area **0.891 acres**

### Current Property Assessment

Card 1 Value	Building Value <b>0</b>	Xtra Features Value <b>0</b>	Land Value <b>108,600</b>	Total Value <b>108,600</b>
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### Building Description

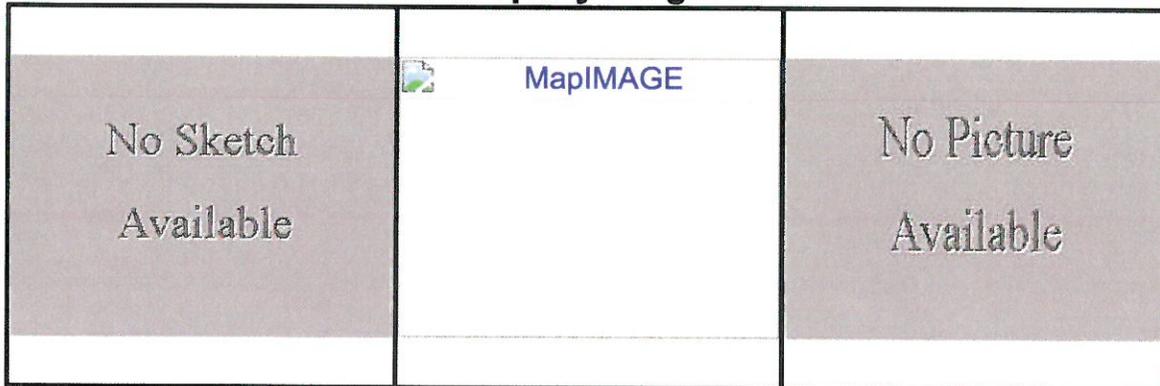
Building Style # of Living Units <b>0</b> Year Built <b>N/A</b> Building Grade Building Condition <b>Average</b> Finished Area (SF) <b>N/A</b> Number Rooms <b>0</b> # of 3/4 Baths <b>0</b>	Foundation Type Frame Type Roof Structure Roof Cover Siding Interior Walls <b>N/A</b> # of Bedrooms <b>0</b> # of 1/2 Baths <b>0</b>	Flooring Type <b>N/A</b> Basement Floor <b>N/A</b> Heating Type <b>N/A</b> Heating Fuel <b>N/A</b> Air Conditioning <b>0%</b> # of Bermt Garages <b>0</b> # of Full Baths <b>0</b> # of Other Fixtures <b>0</b>
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### Legal Description

### Narrative Description of Property

This property contains 0.891 acres of land mainly classified as DEV LAND with a(n) style building, built about N/A , having exterior and roof cover, with 0 unit(s), 0 room(s), 0 bedroom(s), 0 bath(s), 0 half bath(s).

### Property Images



Disclaimer: This information is believed to be correct but is subject to change and is not warranted.









Doherty, Dugan, Cannon,  
Raymond & Weil, P.C.

Ellen B. Smith  
[ebs@ddcrwlaw.com](mailto:ebs@ddcrwlaw.com)

124 Grove Street  
Suite 220  
Franklin, MA 02038  
TEL. NO. (508) 541-3000  
FAX NO. (508) 541-3008

March 14, 2022

Town of Medway  
Board of Assessors  
155 Village Street  
Medway, MA 02053

RE: *46 Granite Street, Medway, MA 02053*  
*Parcel ID 74-003*

Dear Sir/Madam:

Enclosed please find a Request for Abutters List regarding the above property. Also enclosed is a check in the amount of \$15.00 representing the cost for the Abutters List.

If there is anything further you require, please contact me.

Thank you.

Very truly yours,

Ellen B. Smith  
*Paralegal*

Enclosures



TOWN OF MEDWAY  
BOARD OF ASSESSORS  
155 VILLAGE STREET  
MEDWAY, MA 02053  
PHONE: 508-533-3203 FAX: 508-321-4981  
www.townofmedway.org

## REQUEST FOR ABUTTERS

Date of Request: March 14, 2022

Property owner: Sara Dmytryck

Property location: 46 Granite Street

Parcel (property) ID(S): 74-003

Please specify: 100', 300' or 500' from subject parcel: 300'

### THIS LIST IS REQUESTED FOR:

- Planning & Economic Development Board
- Zoning Board of Appeals
- Conservation Commission
- Historical Commission

### REQUESTER INFORMATION:

Name: Edward V. Cannon Email address: evc@ddcrwlaw.com

Address: 124 Grove Street, Ste. 220  
Franklin, MA 02038

Phone: (508) 541-3000, Ext. 218

**Please Return to MEDWAY ZBA  
Community and Economic Development Department**

THERE IS A FEE OF \$15.00 PER PARCEL DUE AT THE TIME OF REQUEST. THE LIST IS VALID FOR 90 DATE OF CERTIFICATION DATE. THE BOARD OF ASSESSORS RESERVES 10 WORKING DAYS TO PROVIDE ALL CERTIFIED LISTS OF ABUTTERS. \*\*\*IF YOU WISH TO HAVE THE LISTS MAILED BACK TO YOU, YOU MUST PROVIDE A SELF ADDRESSED STAMPED ENVELOPE LARGE ENOUGH FOR THREE SETS OF LABELS.\*\*\*

DOHERTY, DUGAN, CANNON,  
RAYMOND & WEIL, P.C. / 2022 ACCT.

CHE # : 33314

AMOUNT : \$15.00

ACCOUNT: GENERAL - 1

PAID TO: Town of Medway

155 Village Street

Medway

MA

02053

33314

Request for Abutters - Town of Medway

CLIENT: 8802 - Dmytryck, Brian S.  
MATTER: 8802-008

DOHERTY, DUGAN, CANNON,  
RAYMOND & WEIL, PC - OPERATING ACCOUNT

124 GROVE STREET, SUITE 220  
FRANKLIN, MA 02038  
(508) 541-3000

ROCKLAND TRUST

53-447/113

Fifteen

00/100

DATE  
Mar/14/2022

AMOUNT  
\$15.00

PAY  
TO THE  
ORDER  
OF

Town of Medway  
155 Village Street  
Medway  
MA 02053



*[Handwritten Signature]*  
CARTER RESIGNA LUD

Request for Abutters - Town of Medway

⑈033314⑈ ⑆011304478⑆

25602084⑈

33314