



TOWN OF MEDWAY

ZONING BOARD OF APPEALS

155 Village Street
Medway MA 02053

GENERAL APPLICATION FORM

Case Number: _____

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):
Medway Main Nominee Trust	
Property Owner(s): Slocumb Place, LLC	Appeal <input type="checkbox"/>
	Special Permit <input type="checkbox"/>
Site Address(es): 192 Main Street, Medway, MA 02053	Variance <input checked="" type="checkbox"/>
	Determination/Finding <input type="checkbox"/>
	Extension (provide previous case #) <input type="checkbox"/>
	Modification (provide previous case #) <input type="checkbox"/>
Parcel ID(s):	Withdrawal <input type="checkbox"/>
47-070	Comprehensive Permit <input type="checkbox"/>
Zoning District(s): AR-II	
Registry of Deeds Book & Page No. and Date or Land Court Certificate No. and Date of Current Title: Book 24511 Page 352	

TOWN CLERK STAMP



TO BE COMPLETED BY STAFF:

Check No.: 260725
Date of Complete Submittal:
Comments:

RECEIVED
3/25/24

Ann Rive

3/25/24

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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): Medway Main Nominee Trust	Phone: 508-561-9046
	Email: magued@divinedesigncenter.com
Address: 2 Battery Wharf, Boston, MA 02109	
Attorney/Engineer/Representative(s): Stephen J. Kenney	Phone: 508-533-6711
Stephen J. Kenney	Email: sjk@kenney-law.com
Address: 181 Village Street, Medway, MA 02053	
Owner(s): Slocumb Place, LLC	Phone:
	Email:
Mailing Address: 38 Arlington Street, Franklin, MA 02038	

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 Representative3-25-24
Date_____
Signature Property Owner (if different than Applicant/Petitioner)_____
Date

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APPLICATION INFORMATION

Applicable Section(s) of the Zoning Bylaw: Section 5.6.4 D	Requesting Waivers? <input type="radio"/> <input checked="" type="radio"/>
	Does the proposed use conform to the current Zoning Bylaw? <input checked="" type="radio"/> <input type="radio"/>
Present Use of Property: Multi-Family	Has the applicant applied for and/or been refused a building permit? <input type="radio"/> <input checked="" type="radio"/>
	Is the property or are the buildings/ structures pre-existing nonconforming? <input checked="" type="radio"/> <input type="radio"/>
Proposed Use of Property: Multi-Family	Is the proposal subject to approval by the BOH or BOS? <input type="radio"/> <input checked="" type="radio"/>
	Is the proposal subject to approval by the Conservation Commission? <input type="radio"/> <input checked="" type="radio"/>
Date Lot was created: 1825	Is the property located in the Floodplain District? <input type="radio"/> <input checked="" type="radio"/>
Date Building was erected: 1825	Is the property located in the Groundwater Protection District? <input type="radio"/> <input checked="" type="radio"/>
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 checked="" type="radio"/> <input type="radio"/>
Describe Application Request: Petitioner is seeking a density variance from the required number of units for lots under 1 acre to allow the construction of ten units where seven units would be allowed pursuant to the By-Law.	

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FILL IN THE APPLICABLE DATA BELOW

Required Data	Bylaw Requirement	Existing	Proposed
A. Use		Multi-Family	Multi-Family
B. Dwelling Units	Multi-Family	Multi-Family	Multi-Family
C. Lot Size	30,000 Sq. Ft.	6 Units 42,222 S.F.	10 Units 42,222 S.F.
D. Lot Frontage	150'	178.55'	175.55'
E. Front Setback	35'	35'	35'
F. Side Setback	15'	15'+	22'
G. Side Setback	15'	15'+	15'
H. Rear Setback	15'	15' +	15'
I. Lot Coverage	30%	>30%	>30%
J. Height	35'	> 35'	> 35'
K. Parking Spaces	2 per unit	12+	20+
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 10 paper copies to the Community & Economic Development Department.

VARIANCE FORM



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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)

See attached

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 attached

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

See attached

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

See attached

Signature of Applicant/Petitioner or Representative

Date

1. The circumstances relating to the shape, topography, or soil conditions of the subject property which do not generally affect other land in the zoning district are as follows. As can be seen from the plan presented with the Petition the shape of the lot is irregular in that it is a wide lot on Main Street measuring at 178.55 feet with 113.08 feet on Slocumb Place and with 31.62 feet at the turn of Main Street and Slocumb Place. From Main Street the lot then becomes quite deep with a large amount of land going back to the northeast corner of the lot. The lot contains 42,222 sq. ft. and is in an AR-II District which requires 30,000 sq. ft. for a multi-family structure. This is a pre-existing non-conforming 6 family unit located at 192 Main Street. It is the shape of the parcel that makes the parcel different from other parcels in the zoning district and with more than adequate land going to the northeast of the lot for two additional structures each of which would be a 2-family structure. The plan would be to remove the dilapidated garage which is on the easterly side of the lot. The structures that are proposed to be built would be in conformity with all other setback requirements of the zoning by-law as far as front set back, side set back, rear yard set back, lot coverage and height. With the removal of the dilapidated garage there is room for the construction of a 2-family unit in the location of the old garage and an addition to that a 2-family unit to the rear and to the west of the first additional 2-family unit. This still leaves a vast area of open space behind the 2 units going to the northeast of the lot.
2. The substantial hardship, financial or otherwise, that is caused by the circumstances listed above when the literal enforcement of Medway Zoning Bylaw is applied is as follows. It is the size of the lot, the shape of the lot and the fact that in 1922 there was a county taking which included a portion of this lot along Main Street which resulted in the lot losing square footage. The taking made the lot size smaller than if the taking had not taken place. The taking was for the relocation of Main Street in this area. The other factor that is to be considered is the fact that it is an oversized lot in this zoning district with 42,222 sq. ft. where 30,000 sq. ft. is required, more than adequate frontage of 178.55 feet where 150 ft is required and a large open area to the east of the presently pre-existing non-conforming structure which would allow for the construction of 2 additional 2-family units.
3. Desirable relief may be granted without substantial detriment to the public good as the construction of 2 additional 2-family units on the lot where a presently existing 6-family unit lies, would not be detrimental to the public good but would actually be of benefit to the public good in allowing more housing of different types in the Town of Medway. The 2 additional structures would be 2-family units as shown on the plans and would certainly improve the appearance of the subject lot by removing the dilapidated garage that presently sits on the lot and adding 2 new 2-family units with the commensurate landscaping that would be of benefit to not only the Town as it lies on Main Street but also to the neighbors. Additionally, the location of the structures would not be detrimental to the neighborhood as it meets all required setbacks and are not in any way lying too close to any lot line and/or to any of the abutter's structures. Additionally, the 2-story wood frame building at 192 Main Street is to be refurbished with new siding on the exterior to improve the appearance of that structure and there will be work done on the interior of 192 Main Street in order to improve the quality of the structure located at 192 Main Street. In the event that the Zoning Board of Appeals allows the grant of Variance requested the Petitioner would then have to go before the Planning and Economic

Development Committee in order to obtain a Special Permit pursuant to Section 5.6.4, "Multi-Family Housing". The Planning and Economic Development Committee would then have control over the type of structures to be built, the size, the parking facilities, the amount of open space to be present, and the architectural character of the buildings to be constructed.

4. Relief may be granted without nullifying or substantially derogating from the intent or purpose of the Zoning Bylaw as the Zoning Bylaw provides for a Special Permit under multi-family housing in the AR-II Multi-Family Overly District which is where this parcel lies on the Town of Medway Zoning Map. As a result, it is contemplated that the intent and purpose of the Zoning Bylaw would be met by providing for additional multi-family housing on this particular lot which would increase the units on this lot from 6 units to 10 units. This would not overly burden the lot from the standpoint of the structures lying on the lot nor would it be a crowded situation on the lot where there is not room for building to take place. The proposed location of the two new structures would allow for clear access from Main Street, where there is already a curb cut, to the 2 new structures without creating any traffic or congestion issues either on Main Street or on the lot. The drawings and plans presented with the Petition show the location of the lot, existing conditions on the lot, the proposed location of the two new structures, the proposed floor plans of the new structures as well as a view of how the structures will appear from Main Street.

The overall project would improve the appearance of the structure at 192 Main Street, would provide additional housing for the residents of Medway and would allow for the proper use of this oversized lot in the multi-family housing overly district as set out in the Zoning Bylaw.

**DETERMINATION/FINDING FORM
Under Zoning Bylaw Section 5.5**



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TO BE COMPLETED BY THE APPLICANT

Application for (check all that apply):

- ☐ Reconstruction, extension, structural change or alteration of nonconforming one or two-family dwelling under Section 5.5.C
- ☐ Alteration, enlargement, or reconstruction of other nonconforming structure under Section 5.5.E
- ☒ Change or substantial extension of nonconforming use under Section 5.5.D

Please complete these questions for applications under Section 5.5.C and/or 5.5.E (Structural changes):

Identify the particular respect or respects in which the existing structure(s) do not conform to the requirements of the Zoning Bylaw:

Describe the proposed alterations or additions to the existing structure(s):

Explain how the proposed alteration(s) or addition(s) will not substantially more detrimental to the neighborhood:

DETERMINATION/FINDING FORM
Under Zoning Bylaw Section 5.5

Please complete this section for applications under Section 5.5.D (Use changes):

Identify the existing use(s) of the property:

The existing use of the property is and has been a 6 family residence.

For how long has this use(s) existed on the property:

This use has existed on the property for approximately 80 years to the best of the applicant's knowledge.

Describe the proposed use(s):

The proposed used is as a 10 unit multi-family with no changes to the existing 6 family structure but with the new construction of 2 duplex units as shown on the attached plans.

Explain how the proposed use(s) will not be substantially more detrimental to the neighborhood than the existing non-conforming use:

The existing non-conforming use is a 6 family residence that has been in existence for at least 80 years to the best of the Petitioner's knowledge. It is the Petitioners position that the addition of 2 duplexes for a total of 4 additional units will not be substantially more detrimental to the neighborhood than the existing 6 family multi-family structure. The location of the property is within the multi-family overlay district which provides for multi-family housing in this particular district based upon a special permit from the Economic Development and Planning Committee. It is contemplated within the Town of Medway Zoning By-Law that a multi-family in this particular district is allowed upon special permit. The Petitioner plans on removing the dilapidated garage that is on the property and constructing two new duplex units which will be in conformity with the types of strucutres in the neighborhood and in the Zoning District generally.

Signature of Applicant/Petitioner or Representative

Date