

**Town of Medway
Zoning Board of Appeals Meeting
Sanford Hall
Town Hall
155 Village St, Medway MA**

MINUTES OF MEETING

April 18, 2018

Present: Chair Eric Arbeene; Vice Chair Brian White; Carol Gould (arrived 7:35), Rori Stumpf, Christina Oster

Also present: Mackenzie Leahy, Administrative Assistant, Community & Economic Development

Chairman Arbeene called the meeting to order at 7:33 PM.

Citizen Comments:

There were no members of the public that wished to make comments on items other than those already on the agenda.

Public Hearings:

30 Wellington Street – The Applicant, Sharon Dupiche-Carlista, seeks a Variance from Section 6.1 of the Zoning Bylaw to split the property into two lots. Where, under common ownership, the two lots are currently “merged” to meet the zoning requirements for frontage and area in the VR Zoning District, the applicant requests to utilize these lots as separate parcels.

The applicant requested to continue the hearing without testimony to May 2, 2018.

By a vote of 5 to 0, on a motion made by Brian White and seconded by Christina Oster, the Board continued the hearing for 30 Wellington St to May 2, 2018 at 7:35 pm.

5 Buttercup Lane – The Applicants, Sandra & James Landry, seeks a special permit under Section 5.4 Table 1 of the Zoning Bylaw for a kennel license.

The Applicant has two Australian Shepherds that live with them and occasionally has additional dogs on a temporary basis for shows or breeding. The Applicant was requesting a Kennel in order to have the dogs that they have and ensure that if they ever needed to provide a home for one of the puppies, dogs that they may keep more permanently for shows or breeding, or if they ever needed to take back one of the puppies from a home after breeding. The Applicant leans towards providing service dogs at this time. The Applicant trains the dogs to ensure that they are well tempered and do not bark. The dogs are friendly and safe and they make sure to purchase the Australian Shepherds bred for shows, not herding. The Applicant was asking for a maximum of 5 dogs, “just in case.” The Animal Control Officer, Brenda Hamlin had suggested the 5 limit. The Applicants would be fencing in the backyard but would also be providing a small area for the dogs to be let outside to go to the bathroom in an enclosed area.

Ms. Leahy, Community & Economic Development, explained the definitions for kennel, the requirements under state law, local bylaws, and answered a number of resident's questions regarding the bylaws. Ms. Leahy also explained that without the kennel, the Applicant could have up to three dogs, puppies, and show dogs legally without a kennel, so long as the puppies were under 6 months old and the show dogs were only staying temporarily and without licensing in the Town of Medway. With a kennel license, the Applicant would be allowed additional licensed dogs, but the Board could impose conditions that they feel appropriate to mitigate for allowing the additional dogs on the property.

Mike Abbott, 4 Ash Lane, spoke in opposition of the request, or requested that there be a limit on the number of dogs allowed on the property. Mr. Abbott was concerned about allergies and the number of dogs abutting his property.

Ed Bryson, 11 Buttercup Lane, spoke in opposition of the request and stated that 5 dogs seemed like a lot for the property and neighborhood. Mr. Bryson was also concerned about allergies.

Jim Belforti, 3 Buttercup Lane, spoke in opposition of the request and asked if there were other options for housing the dogs. Mr. Belforti felt that the property was too small for the request and was concerned about the noise.

The Board felt that 4 dogs with conditions was appropriate. The Board felt that the property was too small and the surrounding lots were small to allow for 5 dogs.

By a vote of 5 to 0, on a motion made by Brian White and seconded by Rori Stumpf, the Board continued the hearing for 5 Buttercup Lane to May 2, 2018 at 7:35 pm.

146-148 Village Street – The Applicant, Judith A. Malmberg, Trustee, seeks a special permit under Section 5.5 of the Zoning Bylaw to convert the existing first floor commercial salon unit to a one bedroom residential apartment unit.

The Applicant's Representative provided an overview of the property and existing building. 146 – 148 Village Street is located diagonally across the street from Town Hall. The building was built in the late 1800's. Existing are apartments units on the second floor, one apartment unit and a salon unit on the first floor. The building is connected to town water and sewer. There are ten parking spaces arranged on the plan provide to the Board, where the bylaw requirement is eight spaces. There are no exterior changes proposed for the building, except for façade, landscaping, and sidewalk improvements.

The lot is 6,181 square feet, which is typical of the old "village" area. The building, the use, and the lot all pre-date zoning.

The benefit of converting the salon to a residential dwelling unit would be the reduction in traffic, providing more affordable and alternative housing options.

The Applicant received the letter from the Administrative Site Plan Review Team and did not have an issue with the items proposed to the Board as conditions of a decision, except for the additional fencing on the property, both along the northern rear of the property and in the front yard.

The storefront windows would remain but would be “dressed up” with latticing and would not be removed. The concrete walkways would be replaced. Updated the existing storefront area for the new unit are all things that the applicant is proposing to complete.

All upgrades to the building would need to require with building and fire codes.

The Board members all stated that the proposed use was appropriate and would benefit the neighborhood and the Town.

The Board requested that Ms. Leahy draft a decision based on the discussion from the evening.

By a vote of 5 to 0, on a motion made by Brian White and seconded by Rori Stumpf, the Board continued the hearing for 146-148 Village St to May 2, 2018 at 7:35 pm.

Any other business that may properly come before the Board:

Discussion of Zoning Board of Appeals Rules & Regulations Amendments

Ms. Leahy explained that the Rules & Regulations had been reviewed by Town Council, most of the edits included in the draft before them. There were a few sections that Ms. Leahy hoped to discuss with the Board still, specifically,

By a vote of 5 to 0, on a motion made by Rori Stumpf and seconded by Brian White, the Board approved the proposed Zoning Board of Appeals Rules and Regulations as amended that evening, April 18, 2018.

Mr. Arbeene announce that at the end of his term in June, he would be stepping down from his position as Chair and as a member of the Zoning Board of Appeals.

Correspondence:

None.

Approval of Minutes:

04/04/18: Tabled.

Upcoming Meetings:

May 2 – 30 Wellington St, 5 Buttercup Lane, 146 – 148 Village Street would all be continued to May 2nd

May 16 – No new applications at this time.

Adjournment

A motion to adjourn was made by Mr. White, seconded by Mr. Stumpf and approved unanimously. The Board adjourned at 9:56 p.m.

Respectfully submitted,

Mackenzie Leahy

Administrative Assistant

Community and Economic Development