

Board Members  
Rori Stumpf, Chairman  
Brian White, Vice Chair  
Gibb Phenegar, Clerk  
Christina Oster, Member  
Tom Emero, Member  
Carol Gould, Associate Member



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# TOWN OF MEDWAY

## COMMONWEALTH OF MASSACHUSETTS

### ZONING BOARD OF APPEALS

Wednesday, January 20, 2021 at 7:30 p.m.

Virtual Meeting

#### Meeting Minutes

**Present:** Rori Stumpf, Chairman; Brian White, Vice Chair; Gibb Phenegar, Member; Tom Emero, Member; Christina Oster, Member; Carol Gould, Associate Member

**Also Present:** Barbara Saint Andre, Director, Community and Economic Development  
Stefany Ohannesian, Administrative Assistant, Community and Economic Development

#### Call to Order

Chairman Rori Stumpf called the meeting to order at 7:30 p.m. and read that this meeting is being broadcast and recorded by Medway Cable Access. Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, and the Governor's Orders imposing strict limitations on the number of people that may gather in one place, no in-person attendance of members of the public will be permitted at this meeting. Board members will be participating remotely. For public hearings, access via Zoom is provided for the required opportunity for public participation. Information for participating via Zoom is posted at the end of the ZBA Agenda on the town website. He then read instructions on how to participate in the meeting. All persons participated remotely in the meeting via Zoom. Mr. Stumpf introduced all Board members participating remotely in the meeting.

#### Public Hearing

**35 Milford Street (Parcel A-2) (continued from December 16, 2020)** – The application is for the issuance of a **special permit** under Section 3.4, Special Permits, and Section 5.4, Table 1: Schedule of Uses of the Zoning Bylaw to construct a two-family house that has the exterior appearance of a single-family dwelling on the lot.

Attorney Michael Larkin was present and stated they are requesting to withdraw the application without prejudice. The Board discussed and collectively decided to approve the request.

**Motion to allow the applicant to withdraw the application for a special permit for 35 Milford Street Parcel A-2 without prejudice made by Brian White, seconded by Gibb Phenegar, passed with a roll call vote of 5-0.**

**Tom Emero – Aye**

**Brian White – Aye**

**Gibb Phenegar – Aye**

**Rori Stumpf – Aye**

**Carol Gould – Aye**

**Motion to close the public hearing for 35 Milford Street Parcel A-2 and to allow any one member of the Board to sign the decision by Gibb Phenegar, seconded by Tom Emero, passed with a roll call vote of 5-0.**

**Tom Emero – Aye**  
**Brian White – Aye**  
**Gibb Phenegar – Aye**  
**Rori Stumpf – Aye**  
**Carol Gould – Aye**

**35 Milford Street (Parcel A-1) (continued from December 16, 2020)** – The application is for the issuance of a **special permit** under Section 3.4, Special Permits, and Section 5.4, Table 1: Schedule of Uses of the Zoning Bylaw to construct a two-family house that has the exterior appearance of a single-family dwelling on the lot.

Attorney Larkin was present and stated that after the feedback they received from the last meeting they reconsidered their proposal. He explained the setbacks and that they will use the existing curb cut, therefore the stone wall will not be disturbed. He stated that this proposed two family home is like the one they built on 79 Lovering Street.

Mr. Phenegar inquired about the square footage, which was answered that the dwelling will be 4200 square feet total, approximately 2100 square feet on each side. Ms. Oster inquired about the connection of the homes; there will be a fire wall and sound wall right down the middle. There is a discussion about the area and massing of the proposed two-family home. Patrick Larkin stated that they are proposing to do a single family on the adjacent lot and will have the two structures blend well. Mr. Emero stated he looked at the area (being between the Rabbit Hill National Historic District and commercial area) and doesn't think the size or look of the dwelling would make a difference in the area. He thinks the applicant has done a good job at making it look like a single-family home. Michael Larkin stated that they will have a lot of landscaping in the front and create some screening. Mr. Stumpf inquired about any tree removal; Patrick Larkin stated that the trees in the front for the driveway and then the trees in the back for the septic system would need to be removed. Mr. Phenegar stated that he is concerned with the size of the structure but is pleased with the newly presented design. There is a discussion about the front of the building, which was stated to be 72 feet wide; the Board was slightly concerned with the size of the building from the front. The intention of the other lot (A-2) would be a 2400 – 2700 square foot single family home. There was a discussion about the existing home on the lot and its size as well as other homes in the area.

Patrick Larkin stated that the single-family home to be built on lot A-2 will be about 65 feet wide and there will be a lot of screening and landscaping along the front of that lot as well. Ms. Oster inquired about the driveway for A-2 and the second curb cut, which will be on Milford Street with no access to Knollwood Road. Mr. Stumpf stated that if there was landscaping, and the trees remain he would not have a problem. Ms. Gould stated that she doesn't have an issue with it because it is set back from the road and there will be screening. Mr. Phenegar inquired about the single-family home and how far set back it will be from the street, which would be set back about 45 feet.

Mr. Stumpf mentioned the sidewalk issue that Mr. D'Amico stated at the last meeting. Mr. Stumpf stated that they would potentially condition a contribution to the sidewalk fund. Ms. Oster stated that she is struggling with the size and area. Mr. Emero stated that someone could build a much larger home in the center of the lot. Mr. Phenegar stated that he walked the area today and is pleased with what has been presented today. Mr. White stated that he was also in support of the proposal.

The Board discussed the special permit criteria and collectively agreed that the applicant has met all the criteria.

**With a motion made by Brian White seconded by Gibb Phenegar the Board finds that the Applicant has met all the required special permit decision criteria, passed by a roll call vote of 5-0.**

**Tom Emero – Aye**  
**Brian White – Aye**  
**Gibb Phenegar – Aye**  
**Rori Stumpf – Aye**

**Carol Gould – Aye**

The Board then discussed the conditions, adding 5 additional conditions to the Board's boilerplate conditions. These conditions address landscaping and screening, contribution to the sidewalk fund or construction of a sidewalk as part of the Town's sidewalk plan, and utilization of the existing curb cut for the new driveway, among other things.

**Motion to grant the special permit request for 35 Milford Street Parcel A-1 with conditions set forth, made by: Brian White, seconded by Gibb Phenegar, passed with a roll call vote of 5-0.**

**Tom Emero – Aye**

**Brian White – Aye**

**Gibb Phenegar – Aye**

**Rori Stumpf – Aye**

**Carol Gould – Aye**

**Motion to close the public hearing for 35 Milford Street Parcel A-1 and to allow any one member of the Board to sign the decision made by Brian White, seconded by Gibb Phenegar, passed by a roll call vote of 5-0.**

**Tom Emero – Aye**

**Brian White – Aye**

**Gibb Phenegar – Aye**

**Rori Stumpf – Aye**

**Carol Gould – Aye**

**Other Business**

- Timber Crest Request for Lot Releases and Substitute Subdivision Surety

Mounir Tayara was present and stated that he is asking for approval of lot for 12 lots and the approval of the Homeowners Association Trust. Mr. Stumpf stated that he looked at it and is confident with it as Town Counsel has looked at it. Ms. Saint Andre stated that because this is a subdivision there is a requirement of some form of security to ensure that the streets and municipal utilities will be completed once the homes are built. Twelve lots will be released, and the covenant will remain in effect for all other lots. Ms. Saint Andre explained how the surety amount was calculated by Tetra Tech and that it also includes a 25% contingency to comply with a condition set in the Comprehensive Permit. The money will remain with the Town until the subdivision is fully completed.

**Motion as to Timber Crest Estates, LLC, to approve the Agreement for Deposit of Money, and to approve the release of lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 68, 69, and 70 from the amended covenant (Registry book 37846 page 169) conditioned upon receipt of the amount of \$342,114.00 surety and fully executed Agreement from the applicant, made by Brian White, seconded by Gibb Phenegar, passed by a roll call vote of 5-0.**

**Tom Emero – Aye**

**Brian White – Aye**

**Gibb Phenegar – Aye**

**Rori Stumpf – Aye**

**Christina Oster – Aye**

- Timber Crest Request for approval of Homeowners Association Trust

**Motion to approve the Declaration of Trust Establishing the Timber Crest Estates and Kingsbury Village Homeowners Association Trust as presented made by Brian White, seconded by Gibb Phenegar, passed by a roll call vote of 5-0.**

**Tom Emero – Aye**

**Brian White – Aye**

**Gibb Phenegar – Aye**

**Rori Stumpf – Aye**

**Christina Oster – Aye**

- To review and consider Tetra Tech estimate for Construction Observation for 39 Main Street project

Tetra Tech stated earlier today they would be giving a new estimate therefore this will be addressed at the next meeting.

- Discuss potential shift in meeting start time

Some members were in favor of shifting, others were not in favor. It was decided that they would meet during the colder months at 7:00 p.m. and warmer months meeting will be held at 7:30 p.m.

- Discuss potential Zoning amendments for Annual Town Meeting

There was some discussion about the proposed amendments to the AFDU bylaw for the annual town meeting. There would be some language added to the criteria for a separate structure under number 8 of the section of the bylaw. There was a discussion on proposed subsection D, which would limit the size of a separate AFDU based on the size of the principal dwelling, and proposed subsection E, which would impose a 15% maximum lot coverage, and how a 15% lot coverage maximum would work on a smaller lot. Mr. White believes this will deter people from applying for a separate unit. It was decided that if letter D is kept then letter E is not necessary.

There is also a concern about massing of structures, Ms. Saint Andre will provide other examples of potential zoning amendments.

- Discuss draft 2020 Annual Report

**Motion to approve the 2020 ZBA Annual Report as presented made by Brian White, seconded by Gibb Phenegar, passed by a roll call vote of 5-0.**

**Tom Emero – Aye**

**Brian White – Aye**

**Gibb Phenegar – Aye**

**Rori Stumpf – Aye**

**Christina Oster – Aye**

## **Approval of Minutes**

- December 20, 2020

**Motion to approve the minutes for December 20, 2020 as presented made by Brian White seconded by Gibb Phenegar by a roll call vote of 5-0.**

**Tom Emero – Aye**

**Brian White – Aye**

**Gibb Phenegar – Aye**

**Rori Stumpf – Aye**

**Christina Oster – Aye**

#### **Upcoming Meetings**

- February 3, 2021 – 65 Main Street variance applications
- February 17, 2021

#### **Adjournment**

**Motion to adjourn the meeting at 09:00 p.m. made by Brian White, seconded by Gibb Phenegar, passed by a roll call vote of 5-0**

**Tom Emero – Aye**

**Brian White – Aye**

**Gibb Phenegar – Aye**

**Rori Stumpf – Aye**

**Christina Oster – Aye**

Respectfully submitted,

Stefany Ohannesian

Administrative Assistant

Community and Economic Development

Edited by

Barbara J. Saint Andre

Director, Community and Economic Development