



Town of Medway  
**ZONING BOARD OF APPEALS**  
155 Village Street, Medway MA 02053  
(508) 321-4915

Eric Arbeene, Chair  
Brian White, Vice Chair  
Carol Gould, Clerk  
Rori Stumpf, Member  
Bridgette Kelly, Member

**Zoning Board of Appeals Meeting**  
**Wednesday, June 20, 2018 at 7:30 pm**  
**Sanford Hall**  
**155 Village St, Medway, MA**

**MINUTES OF MEETING**

**Present:** Chair Eric Arbeene; Vice Chair Brian White; Carol Gould, Rori Stumpf, Christina Oster

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

**1. Call to Order**

Chairman Arbeene called the meeting to order at 7:35 PM.

**2. Citizen Comments**

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

**3. Public Hearings**

7:35 p.m.      71 Main Street – The Applicant, Pro Signs, seeks Variances from Section 7.2 of the Zoning Bylaw for a freestanding sign with internal illumination that exceeds the maximum dimensional regulations for signs, as well as a variance to allow for three wall signs where the maximum allowed is two.

The Applicant submitted a request to withdraw without prejudice. Ms. Leahy explained that the applicant stated that they intended to revise their signs in attempt to comply with the zoning bylaw at this time.

**By a vote of 5 to 0, on a motion made by Brian White and seconded by Rori Stumpf, the Zoning Board of Appeals accepted to withdraw the application for 71 Main Street without prejudice.**

-                      14 & 16R Franklin Street – The Applicant, Marguerite Mele, seeks a variance from Section 6.1 Table 2 of the Zoning Bylaw for 60.69' from the required 150' to 89.31' in order to construct a single-family residence

The Applicant's representative, Stephen Kenney, was present. Mr. Kenney provided an overview of the request. The applicant had originally been granted two frontage variances for 14 and 16R Franklin Street ("the parcels") in 1992, but the applicant had never pulled permits or constructed any buildings and the variance lapsed. In 2013, the applicant returned to the Board for a similar variance request, but the request was denied. The applicant was now requesting a lesser variance, where the applicant had proposed to merge the two

previous parcels into one larger parcel which would still have less than the required frontage, but would not require as significant a variance.

The shape of the parcels are narrow at their frontages and widens with obscure angles towards their rears. The parcels have more than 50% uplands and meets the lots shape factor. The parcels are substantially differently shaped than other lots in the zoning district. The parcels have more than adequate area and the setbacks shall be met.

The applicant suggested to maintain some of the existing vegetation and place the location of the single family residence in a way to create the least impact on abutters.

Any owner of the parcels would incur a hardship, where without a frontage variance, the parcels are essentially undevelopable.

Paul Santosusso, 2 Franklin Creek Lane, spoke in support of the request.

All of the Board members agreed that granting the request was logical and met the variance criteria.

**By vote of 5 to 0, on a motion made by Rori Stumpf and seconded by Brian White, the Board found that 14 and 16R Franklin Street ("the parcels") have a unique "hammerhead" shape, that is, the lots are narrow along their frontage but continue to widen towards their rears. Both parcels have more than adequate area for the AR-II Zoning District and are otherwise conforming to the zoning district's dimensional requirements.**

**By vote of 5 to 0, on a motion made by Rori Stumpf and seconded by Brian White, the Board found that without a frontage variance, the parcels are essentially undevelopable lots. Any owner of the parcels would incur financial hardship, as the lots would be assessed and taxed, but could not be developed or enjoyed.**

**By vote of 5 to 0, on a motion made by Rori Stumpf and seconded by Brian White, the Board found that the grant of relief would not nullify or derogate from the intent of the Zoning Bylaw as the parcels have more than adequate area for a single family home, both merged and separately. The new merged parcel will be significantly larger than other parcels in the zoning district. The new merged parcel shall meet all other dimensional requirements. Where the parcels are lacking in frontage, the applicant has provided sufficient reasons that construction of a single family on a parcel of more than adequate area would not nullify or derogate from the intent of the Zoning Bylaw.**

**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, Marguerite Mele, a *VARIANCE* from Section 6.1 Table 2 of the Zoning Bylaw to Bylaw to allow for a lot with 89.31 feet of frontage where 150 feet is required, subject to the Plan of Land for Map 57 Lot 079 and Map 57 Lot 078, also known as 14 and 16R Franklin Street, in Medway, MA, dated April 9, 2018, prepared by Colonial Engineering Inc. of 11 Awl Street, Medway, MA which joins the two parcels into one larger parcel, is submitted to the Planning and Economic Development Board for ANR approval and endorsement and then recorded with the Registry of Deeds.**

- 44 Milford Street – the Applicant, the Town of Medway / Medway Fire Department, seeks variances 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

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.

**By vote of 5 to 0, on a motion made by Brian White and seconded by Rori Stumpf, the Board found that 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.**

**By vote of 5 to 0, on a motion made by Brian White and seconded by Rori Stumpf, the Board found that 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.**

**By vote of 5 to 0, on a motion made by Brian White and seconded by Rori Stumpf, the Board found that 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.**

**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.**

### **3. Any other business that may properly come before the Board**

- Notice of Project Change – Glen Brook Way Comprehensive Permit
  - Request for Determination & Discussion of Project Change

The Applicant and their representative were present to provide a brief overview of the requested modification. They understood it was a substantial change that would require a new hearing, but that it needed an official vote from the Board.

**By a vote of 5-0-0, the Board determined that that the proposed project changes, as specified in a letter from Blatman, Bobrowski & Haverty, LLC, *RE: Metro West Collaborative Development, Inc. – 79-B Chapel Street, Request for Modification of Comprehensive Permit*, and the exhibits referenced and attached thereto, are substantial because the requested modification increases the number of housing units by more than 10%, and therefore requires a public hearing.**

The hearing was scheduled within the required 30 days, for July 18, 2018 at 7:35 p.m. in Sanford Hall, Medway Town Hall, 155 Village Street, Medway, MA 02053.

Ms. Leahy noted that the modification required an additional fee and suggested that since the Town had contributed funds towards the project, that the Board waive the application fee, but not the peer review.

**By a vote of 5-0-0, the Board waived the application fees for the modification for Glen Brook Way.**

Ms. Leahy also requested that the Board allow Staff, the Applicant, and Peer Reviewers to discuss the project outside the meeting to ensure that no time was wasted at the meeting discussing items which could have been discussed prior to a meeting and corrections or changes made for the Board to then review at the public hearing.

The Board agreed and felt that would be best.

#### **4. Correspondence**

None.

#### **5. Approval of Minutes**

- a. May 2, 2018
- b. May 16, 2018

Tabled.

#### **6. Upcoming Meetings**

- (No July 4 meeting due to Holiday)
- July 18, 2018
- August 1, 2018
- August 15, 2018

#### **7. Adjournment**

***A motion to adjourn was made by Mr. White, seconded by Mr. Stumpf and approved unanimously. The Board adjourned at 8:52 p.m.***

Respectfully submitted,

Mackenzie Leahy

Administrative Assistant

Community and Economic Development