

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

**MINUTES OF MEETING**

**November 15, 2017**

**Present:** Chair Eric Arbeene; Vice Chair Brian White; Clerk, Carol Gould; Committee Members: Rori Stumpf, Bridgette Kelly

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

Chairman Arbeene called the meeting to order at 7:47 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:**

**7:35 P.M. – The Applicant, John Vasta, seeks a Special Permit under Section 8.2 of the Zoning Bylaw to build an Accessory Family Dwelling Unit attached to a proposed single family dwelling at 12 Applegate Road.**

The Applicant provided an overview of the proposed AFDU. The proposed AFDU was 1,230 sq. ft. and two bedrooms. The second bedroom was necessary to either provide room for a caretaker or to provide accommodations for his mother. The Applicant's son and family would be living in the primary single family dwelling. The Applicant had provided a document with the application explaining how the criteria for an AFDU under Section 8.2 had been met.

Ms. Leahy explained that in reviewing the application, the Building Department requested another means of egress. The bulkhead door from the basement and door from the unit into the garage connecting to primary dwelling, did not provide a second means of egress that connected more immediately outdoors as required by building code. Mr. Menga explained that the new plans provided egress via the garage. The Applicant presented revised plans to the Board which provided a door from the unit to the garage and a door from the garage to outdoors, in addition to the bulkhead door, connecting door to the primary dwelling, and French doors.

The members of the Board expressed that this application met the goal and intent of the Accessory Family Dwelling Unit special permit—to allow for family members to reside together.

Mr. Stumpf stated that he believed the proposed unit met the requirements of Section 8.2 of the bylaw and that the increase in bedrooms and square feet were justified. The other members of the Board concurred.

There were no abutters or members of the public in attendance at the hearing.

The Board continued to deliberations.

***The Board found that the proposed AFDU is consistent with all of the required criteria under Section 3.4 of the Medway Zoning Bylaw, on a motion made by Mr. White, seconded by Mr. Stumpf, and approved unanimously.***

***The Board found that the proposed AFDU unit is proposed to be attached to a single family dwelling which is not yet constructed, on a motion made by Mr. White, seconded by Mr. Stumpf, and approved unanimously.***

***The Board found that the proposed AFDU is the only unit to be associated with the existing single-family dwelling, on a motion made by Mr. White, seconded by Mr. Stumpf, and approved unanimously.***

***The Board found that the proposed AFDU has two bedrooms to accommodate a caregiver or the Applicant's mother, on a motion made by Mr. White, seconded by Mr. Stumpf, and approved unanimously.***

***The Board found that the proposed AFDU is 1,230 sq. ft. The proposal of an AFDU larger than 800 sq. ft. is necessary to accommodate the second bedroom and to provide adequate space for the number of people to be living in the unit, on a motion made by Mr. White, seconded by Mr. Stumpf, and approved unanimously.***

***The Board found that a second bedroom is necessary to accommodate a caregiver or the Applicant's mother, depending on their needs, on a motion made by Mr. White, seconded by Mr. Stumpf, and approved unanimously.***

***The Board granted the special permit to the Applicant, John Vasta, for the Accessory Family Dwelling Unit located at 12 Applegate Road, subject to the conditions that:***

- the unit shall be constructed according to the plans,***
  - shall be less than 1250 sq. ft. and have no more than two bedrooms,***
  - shall be constructed with smoke detectors and/or fire system interconnected to the primary single family dwelling,***
  - the basement between the AFDU and the primary dwelling shall be connected with no separation of a wall or door between the basement under the AFDU and shall be maintained as such for as long as the AFDU is occupied, and***
  - shall provide for additional stormwater measures for any additional lot coverage which exceeds the building footprint provided on the definitive subdivision plans,***
- on a motion made by Mr. White, seconded by Mr. Stumpf, and approved unanimously.***

***A motion to close the hearing was made by Mr. Arbeene, seconded by Mr. White, and approved unanimously.***

***- The Applicant, Jacob Scoppetto, seeks a Special Permit under Section 5.5 of the Zoning Bylaw to construct an addition onto the existing single family home on a pre-existing nonconforming lot due to insufficient frontage and area at 16 Vernon Road.***

The Applicants' representative Dan O'Driscoll provided an overview for the proposed addition. The existing home is on a pre-existing nonconforming lot due to insufficient frontage and area. The Applicant was proposing a side setback of 11 feet where the required setback is 15 feet. Mr. O'Driscoll explained that another home on the same

street, 20 Vernon Street, had previously been granted a similar request for a variance of 8.8 feet from the required 15 foot side setback. That home had a similar footprint and size.

Mrs. Scoppetto explained that it was not feasible to flip the proposed addition to the other side of the home as the applicants were proposing the addition to be added to the existing kitchen and the location of the proposed garage would be ideal for connectivity to the existing family room in the house.

Mr. O'Driscoll explained that the lot was built in the 1950's and the home built in 1958. Ms. Leahy, Administrative Assistant of the Community and Economic Development Department, stated that the lot predated zoning for AR-I District if it was built in the 1950's.

Mr. O'Driscoll further provided that the applicants had already received a permit from the Conservation Commission and that they would be installing a dry well to mitigate for additional stormwater runoff. Ms. Leahy stated that the only comments received were from the Conservation Agent regarding their application.

Mrs. Scoppetto explained that the addition would be about 500 additional sq. ft. of living space and about 400 sq. ft. for the garage. The existing home has about 900 sq. ft. with about 500 sq. ft. of finished basement. The addition would have a full foundation and the garage would be a one car garage.

Ms. Leahy stated that her only comments to the Board was to suggest that if the Board granted the Special Permit that the Board did so providing an extra foot, as to accommodate any unanticipated modifications that may need to be made. If a Special Permit was granted as requested and the addition ended up "off" by any measure, then the applicants would need to come back before the Board for a modification to the Special Permit.

Mr. Stumpf stated that the proposal posed no detriment to the surrounding neighborhood and the request was for a minimal change. The other members of the Board concurred.

The Board continued to deliberations.

***The Board found that the proposed addition to the existing home is consistent with all of the required criteria under Section 3.4 of the Medway Zoning Bylaw, on a motion made by Mr. White, seconded by Mr. Stumpf, and approved unanimously.***

***The board found that the proposed addition to the single family home would result in an increase to the nonconforming nature of the existing home and property, as the side setback would not be met. However, the increase to the nonconforming nature poses no detriment to the neighborhood or the public good, on a motion made by Mr. White, seconded by Mr. Stumpf, and approved unanimously.***

***The Board granted the Applicants, Jacob and Samantha Scoppetto, a Special Permit under Section 5.5 of the Medway Zoning Bylaw, to construct an addition onto the existing home on a pre-existing nonconforming lot due to insufficient frontage and area, subject to the conditions that the front setback shall be reduced from the required front setback of 15 feet to 10 feet, and all other setbacks shall be met.***

***A motion to close the hearing was made by Mr. Arbeene, seconded by Mr. Stumpf and approved unanimously.***

**- The Applicant, James Landry, seeks a Special Permit under Section 5.5, to demolish and replace a single story home with a two story home on a pre-existing nonconforming lot due to insufficient area and frontage, with respect to the property located at 5 Buttercup Lane.**

Ms. Leahy stated that the applicant was not present that evening as they were sick at home, but had reviewed the draft decision and had no comments or concerns with how it was presented. The applicant sent their apologies.

The Board reviewed the draft decision.

***A motion to approve the decision as presented was made by Mr. Stumpf, seconded by Mr. White, and approved unanimously.***

**Any other business that may properly come before the Board:**

The Board reviewed the 2018 ZBA Meeting Schedule and application deadlines.

A motion to approve the 2018 ZBA Schedule and application deadlines as presented was made by Mr. White, seconded by Mr. Stumpf, and approved unanimously.

The Board reviewed the proposed ZBA application forms as presented by Ms. Leahy. Ms. Leahy explained that the new application forms would ultimately provide more information to the Board and to Staff upfront, it would be easier to determine what information was missing, and would hold the applicants accountable of providing adequate information for the Board to review.

Chairman Arbeene stated that whatever made Staff and the Board's review was a positive. The Board concurred.

A motion to approve the ZBA application forms as present was made by Mr. White, seconded by Mr. Stumpf, and approved unanimously.

Ms. Leahy suggested that the Board table any discussion of the ZBA Rules and Regulations.

Ms. Leahy congratulated the Board on passing their proposal for the Zoning Amendments to the Wireless Communications Bylaw at Fall Town Meeting.

**Correspondence:**

None.

**Approval of Minutes:**

05/24/17: Motion by Mr. White, seconded by Mr. Stumpf to approve the minutes as presented. Passed 4-0-1. Mr. Kelly abstained.

05/31/17: Motion by Mr. White, seconded by Mr. Stumpf to approve the minutes as presented. Passed 4-0-1. Mr. Kelly abstained.

11/01/17: Motion by Mr. White, seconded by Mr. Stumpf to approve the minutes as presented. Passed unanimously.

### **Upcoming Meetings:**

7 Legion Ave hearing was continued to December 6, 2017. Ms. Leahy informed the Board that the homeowner of 7 Legion Ave was very upset that the hearing was continued to such a late date in the season. An application for 1 Gray Squirrel was scheduled for December 6, 2017. Ms. Leahy informed the Board that the application was incomplete, however, it was stamped in to provide a deadline for submitting information. Ms. Leahy stated that she intended to request additional information, however, no additional information was received to date.

Ms. Leahy stated that there were some discussions about potential applications, however, no other new applications had been filed.

Ms. Leahy asked the Board whether they had any vacations planned for around the December 20<sup>th</sup> meeting date. Ms. Leahy suggested that if the Board had plans, and since there were no new applications filed that would need to be scheduled for the 20<sup>th</sup>, that they could potentially cancel the meeting for December 20<sup>th</sup>. The Board discussed and determined that there was not a need for the December 20<sup>th</sup> meeting at this time.

### **Adjournment**

***A motion to adjourn was made by Mr. White, seconded by Mr. Stumpf and approved unanimously. The Board adjourned at 9:35 p.m.***

Respectfully submitted,

Mackenzie Leahy  
Administrative Assistant  
Community and Economic Development