



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

Rori Stumpf, Chair
Brian White, Vice Chair
Carol Gould, Clerk
Christina Oster, Member
Gibb Phenegar, Member

Zoning Board of Appeals Meeting
Wednesday, October 3, 2018 at 7:30 pm
Sanford Hall
155 Village St, Medway, MA

MINUTES OF MEETING

Present: Chair, Rori Stumpf, Clerk, Carol Gould,
Member, Christina Oster, and Member, Gibb Phenegar.

Also Present: Recording Secretary, Amy Sutherland

Call to Order:
The Chairman, Rori Stumpf opened the meeting at 7:30 pm.

Approval of Minutes:
September 5, 2018:
On a motion made by Gibb Phenegar and seconded by Christina Oster, the minutes from September 5, 2018 were accepted unanimously. (vote 4 to 0)

Public Hearing:
123 Main Street: The Chairman read the public hearing notice.
Attorney Stephen Kenney and engineer Dan Merrikin were present at the meeting representing Thomas Steeves.

Mr. Kenney explained that the applicant has submitted two applications, the first is an application for a special permit for constructing duplexes on two lots, lots 1 and 2 on the plan, with the appearance of single family homes. Alternatively, the applicant seeks variance to construct two duplex units on lots 1 and 2 with the exterior of units having appearance of duplex units, and variances to cross over the Central Business (CB) zoning district to provide access to the duplex units with one or two driveways from the existing curb cut on Main Street. Preferred to have a common driveway, which requires a variance. The applicant filed in the alternative to allow board some options.

This property has had split zoning for several years. The rear of the property was zoned AR II, while the frontage on Main Street was zoned CB. The back portion of the property was rezoned from AR II to CB at the May 8, 2017 town meeting. Due to signing of an ANR plan in April 2017, the rear portion can still be used under ARII zoning. It is currently vacant property. A good portion of the property is wetlands.

Mr. Kenney addressed each of the criteria for special permit first. He stated there is sufficient land for duplexes; the proposed use is compatible with the surrounding area because there are single and two family residences on Elm Street and Main Street. There are adequate facilities; the development will be in compliance with Board of Health, Zoning Bylaws, conservation, fire, Department of Public Services (DPS) and Planning and Economic Development Board (PEDB) requirements. He stated that the use will not create a hazard to pedestrians, etc. and will not be detrimental to abutting properties, because it is simply two duplexes, which is less intrusive than commercial use. He stated it will not be detrimental to the zoning district, pointing out that these are oversized lots for the district, and were formerly zoned ARII. He stated that the use is in harmony with Zoning Bylaw because ARII allows two family by special permit. It is consistent with Master plan which calls for additional housing, and finally is not detrimental to the public good to have two duplexes

In regards to meeting the criteria for variance; The first criterion of shape, topography or soil conditions, Mr. Kenney explained that the original shape of the property is a large L shaped lot at the southeast corner of Main and Elm Street. He explained that there are significant wetlands on the site near Elm St and to the rear of the property. The size of the lot, and limited frontage in relation to the size of the lot are unique. Soil conditions are caused by topography and wetlands. He stated it is difficult to develop, because you can't use back area of wetlands. There is some buildable area off Elm Street on lots 3 and 4, some area for driveway. He stated this plan most advantageous for access, it does not require crossing the wetlands. The driveway can be 20 feet wide per Fire Department request. Variance is needed due to driveway crossing the CB zone, and the Zoning Bylaw does not provide for common drives. The alternative is a common drive over lots 3 and 4. He stated that two driveways off Main Street on Lots 1 and 2 is not sensible use of the land. He stated the buildable area is difficult to access. The applicant does not want to disturb the wetlands.

Mr. Kenney addressed the second criterion, hardship: He stated that the hardship is that the applicant has been trying to develop this property for several years and does not wish to develop a 40 B project on the land. The plan presented seems to be the most economical and beneficial to the community.

Mr. Kenney addressed the final criteria, the grant of relief will not substantially derogate from the intent of the bylaw and there will be no substantial detriment to the public good. He stated that the lot borders a residential area on Elm Street, the zoning was ARII until last year, and two duplexes will not nullify the intent of the bylaw or be detrimental to the public good.

Mr. Kenney then stated he would address comments received from town officials. In response to the Fire Chief, they will comply with second access if required. Fire chief concern regarding turning of trucks on the site. Mr. Merrikin stated they can do a second access, or add some paving for turning. Mr. Kenney stated the applicant will comply with the other comments as to the surface of the driveway, sweep analysis, and ability to support fire apparatus. Mr. Merrikin stated there is a fire hydrant within 400 feet, not shown on the plan, another can be added if necessary.

Mr. Kenney state with respect to DPS comments, Mr. Steeves has presented drawings to DPS, and water pressure can be dealt with. He asked that the application be approved with conditions.

The Chairman asked why not have the driveway from Elm Street? Mr. Merrikin stated that the lots front on Main Street so that was used. Also, the applicant wants to put single family homes on lots 3 and 4.

The applicant is willing to have access on Elm or Main Street. The Chairman prefers access on Elm Street. He stated there is limited space in CB, and it would limit commercial development if the

driveway is there. Mr. Kenney stated it is difficult to develop these lots for commercial space, they looked at that.

With respect to DPS questions on water and sewer, the applicant can sit down with DPS for details on pipe size etc.

Ms. Oster asked why the lots on Main Street can't be developed for commercial use. Mr. Kenney responded that it is hard to fit; there is not a lot of room with the required buffer to wetlands, leaves only small areas for building, driveways and parking area. The Chair noted that is because of the current lot configuration, the applicant could make a larger lot.

Mr. Gibb stated that the exterior of buildings look like two connected homes, they should look like single family homes. Mr. Kenney stated the units are more marketable as two entrances. Mr. Gibb stated his preference for the driveway on Elm Street.

The Chairman referenced the PEDB letter and wants to piece together the history of the lot. Is this a self-imposed hardship?

Mr. Kenney stated that the original lot was 6.3 acres and L shaped. The applicant would need a variance anyway to go thru the CB portion of the lot to the ARII portion, or a variance for a common driveway. If Lots 3 and 4 not split no need for a variance for common driveway. The applicant divided the lot into 4 parcels to obtain the zoning freeze.

The Chairman recommends continuing the hearing to review the materials further. He won't be here on Oct. 17th.

Continuation of Hearing:

On a motion made by Gibb Phenegar and seconded by Christina Oster, the Board voted to continue the hearing for 123 Main Street to Wednesday, November 7, 2018 at 7:35 pm. (Vote 4 to 0).

Correspondence:

- There was no correspondence presented to the Zoning Board of Appeals.

Upcoming Meetings:

- October 17, 2018
- November 7, 2018

Warrant Articles:

The members reviewed the proposed zoning amendments for the fall town meeting and had no comments.

Adjournment:

On a motion made by Christina Oster and seconded by Gibb Phenegar, the Zoning Board of Appeals voted unanimously to adjourn the meeting at 8:30 pm.

Respectfully Submitted,

Amy Sutherland
Recording Secretary

List of Documents Reviewed at Meeting

1. Plan of Land 123 Main Street
2. Proposed Zoning Bylaw amendments for Fall Town Meeting