

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

**MINUTES OF MEETING
November 4, 2015**

David Cole, Chairman, called the meeting to order at 7:35 p.m. Attending Board members were Mr. Arbeene, Mr. Kennedy, and Mr. White. Mr. Olsen and Ms. Gould were not present.

Citizen Comments

There were no members of the public that wished to make comments.

General Business

Ms. Mercandetti stated that there were two new applications submitted to the Zoning Board of Appeals. Both applications will be heard on December 2, 2015.

Public Hearings

Public hearing for the Estate of Barbara Ashman, Karen Arbour Personal Representative, for a Variance from Section 6.1. Table 2 of the Zoning Bylaw to allow for lot frontage having 9 feet less than the minimum lot frontage of 150ft required for the property located at 33 West Street, Medway, MA.

The Board moved to hear the application of the Estate of Barbara Ashman. Attorney Barry Queen was present on behalf of the applicant.

Attorney explained the request for a variance from the Board. He was contacted by Ms. Karen Arbour about selling the property as the owner, Barbara Ashman, is now deceased. Ms. Arbour is Ms. Ashman's daughter and lives in Florida. While reviewing the property information, he found that the frontage did not meet the minimum requirement and realized it was 141ft due to an approval of a subdivision which he believed was mistakenly included this property. This resulted in the property being nonconforming to which a variance is required to make it compliant with zoning. Attorney Queen read an excerpt from the Planning and Economic Development Board's Subdivision Rules and Regulations.

The Board questioned whether there was an existing house on the property and for an explanation in how this misstep occurred. Chairman Cole noted that the Board has seen this type of situation before. It was also stated that the situation is a difficult one and that the relief should have been granted at the time when the subdivision was approved.

Chairman Cole asked for any public comments or questions concerning the application. An abutter stated that the subdivision was never built and the Town should correct this.

A motion to close the public hearing was made by Mr. Arbeene, seconded by Mr. Kennedy and passed unanimously.

General Business

Ms. Mercandetti presented the minor revisions to the Board's Rules and Regulations as submitted and discussed at the October 7th meeting. No further changes had been made. Chairman Cole noted that the amendment date would be the date of tonight's meeting.

A motion was made by Mr. Arbeene, seconded by Mr. Kennedy, to amend the Board's Rules & Regulations as presented in the revised document with the further addition of the date of the amendment effective to be added with today's date as noted in Article VII.

Public hearing for Continuing Care Management, LLC, for Variances from Section 7.2.5 of the Zoning Bylaw for the number and dimensions of the proposed two entrance signs and medical office building sign in connection with the development of a senior community to be known as "The Willows and Whitney Place" to be located on 261 and 263 Village Street.

The Board moved to hear the application of Continuing Care Management, LLC. Attorney Paul Kenney and Jeff Robinson of Continuing Care Management were present on behalf of the applicant.

Attorney Kenney gave a brief overview of the project, currently under the Planning and Economic Development Board's review. He provided the Board with an updated assessor's map and a main entry perspective showing the location of the proposed signage. He then explained the reasons for the requests and addressed the criteria for the variances. There are three requests for variances. Two of the requests pertain to development signage at the primary entrance of the proposed adult retirement community to be known as "The Willows and Whitney Place." The applicant requests two development signs at the entrance, with each sign to be 9ft tall, where only one sign is allowed with a maximum height of 6ft under the Zoning Bylaw. These signs meet the surface area requirements, would be angled and of a stone façade, and would be very attractive for this scenic road. As part of the proposed development, there will also be a medical office building which sits right off of Village Street. The third request is for the medical office building to have a freestanding double-sided sign with a surface area totaling 46.95sq.ft. which exceeds the maximum 40sq.ft. in the bylaw. Attorney Kenney explained that the top of the sign while a triangular shape, has to be measured as a rectangle under the bylaw and therefore contributes to the increased sign surface area. There will be no signage placed at the second entrance as it will mainly be used by those who live on that end of the development. All the signs meet the setback requirements. There are no sidewalks on the southerly side of Village Street.

Attorney Kenney explained that 261 Village Street is an irregular L-shaped lot and 263 Village Street is an irregular hammerhead-shaped lot. These circumstances do not affect other land in the district.

The narrow opening of the two lots creates a substantial hardship to the applicant. There is a significant bend in the street on the approach coming from the east and sight lines are limited. Having the entrance signs as proposed will be easily identifiable, rather than a single sign, and would be very beneficial to those residing in the development and anyone else that would be visiting the community. Sight lines are also an issue for medical office building. Safety is a major concern of the development and one of the key reasons for the requests made.

The Board questioned the applicant on the setbacks and locations of the signs, the reason for the height variance, additional clarification on the requested variances from the sign standards, and how these requests meet the criteria for a variance under MGL c. 40A.

Chairman Cole referenced a letter from the Design Review Committee. Rachel Walsh, a member of the Committee, was present and summarized their concerns with the proposed signage. Ms. Walsh stated that the entrance signs are incongruous with the scenic road and the zoning district. This area of Village Street is not in a commercial district. She noted that while the materials and design are nice, the mass of the sign is out of scale with the neighborhood. She said the main concern is with the historic and scenic nature of the development signs. Also, the Committee felt that signage for the medical office building could be incorporated into the development signs or have a wall sign on the building rather than its own freestanding sign that would be further away from the development's entrance. Ms. Walsh added that the Committee provided samples with their memo to the Board.

The Board inquired if there was a separate entrance off of Village Street for the medical office building and asked about the distances between signs. Attorney Kenney responded that access to the medical building is from within the development. The Board asked if there would be an issue with traffic coming in and out of the site with respect to the location of the signs. Attorney Kenney replied that the signs are sufficiently set back from Village Street and there is no issue. Also, the size of the wall drops to 3ft each side and it is only the portion where the sign is which will have the increased height.

Chairman Cole asked if there were members of the public that wish to comment. An abutter at 262 Village Street stated that if someone is coming from the west, they will pass the entrance by the time they see the sign. It seems that many people would be turning around because they have to use the main entrance to access medical office building.

Julie Fallon, also a member of the Design Review Committee, stated that the applicant was not making use of the signage opportunities they are allowed for the medical office building.

Another resident commented that the requested height for the entrance signs is out of scale with the village feel and scenic aspect of Village Street. There are no signs competing with this in the area. He also felt that the medical office building sign located to the east of the entrance creates some confusion with its wayfinding capabilities.

A motion to close the public hearing was made by Mr. Kennedy, seconded by Mr. Arbeene and passed unanimously.

The Board recessed for 5 minutes and returned to open session at 9:00 pm.

Deliberations

The Board proceeded, by unanimous consent, to deliberate on the application of the Estate of Barbara Ashman.

The Board agreed that they need to fix it or the applicant will not be able to sell the house.

Chairman Cole moves to find that the grant of an approved subdivision plan by the Planning and Economic Development Board including the subject lot without the grant of a variance for the frontage in reference to the subject lot was a clear error and contrary to the Zoning Bylaw at the time. Mr. Kennedy seconds and the motion passed 4-0-0.

Chairman Cole moves to find that the aforementioned error in the grant of the subdivision creates a clear and substantial hardship upon the applicant in that the subject lot is not saleable in its present form. Mr. Kennedy seconds and the motion passed 4-0-0.

Chairman Cole moves to find that the only avenue available for removal of the aforesaid hardship is the grant of the requested variance. Mr. White seconds and the motion passed 4-0-0.

Chairman Cole moves to grant to the applicant, Estate of Barbara Ashman, Karen Arbour, Personal Representative, a Variance from the minimum frontage requirement of Section 6.1 of the Medway Zoning Bylaw to reduce the required frontage from 150 to 140 feet on property located at 33 West Street in accordance with the plans submitted. Mr. Arbeene seconds and the motion passed 4-0-0.

Variance Granted.

The Board decided to deliberate on the application relative to 261 and 263 Village Street at their next meeting on Wednesday, November 18th.

Adjournment

A motion to adjourn was made by Mr. Kennedy and seconded by Mr. Arbeene and passed unanimously. Board adjourned at 9:13p.m.

Respectfully submitted,
Stephanie Mercandetti
Director, Community and Economic Development