

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

**MINUTES OF MEETING  
November 18, 2015**

David Cole, Chairman, called the meeting to order at 7:32 p.m. Attending Board members were Ms. Gould, Clerk, Mr. Arbeene, Mr. Olsen, and Mr. White. Mr. Kennedy was not present.

**Citizen Comments**

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

**Public Hearings**

There were no public hearings this evening.

**Deliberations**

Mr. Olsen stated that he was unable to attend the November 4, 2015 meeting due to a family emergency. He has watched the videotape of the November 4<sup>th</sup> meeting, reviewed all materials relevant to the public hearings held that evening and has filed the appropriate documents with the Town Clerk in accordance with MGL c. 39 Section 23D, known as the Mullin Rule.

The Board proceeded, by unanimous consent, to deliberate on the application of Continuing Care Management, LLC.

Chairman Cole reminded the Board of the three variance requests with respect to the property located at 261 and 263 Village Street in Medway. Chairman Cole wanted to get sense from the Board as to the thoughts on each request.

The Board reviewed the first variance request for two signs at the entrance and noted the reasons for such a request given the realities of traffic and sight lines along the road. It isn't practical to make the signs double-sided because of the style of the signage. Therefore the Board felt comfortable and favored such request for the two entrance signs.

The Board discussed the second variance request to allow for a maximum height of 9ft for the two entrance signs. It was noted that the sign is tastefully done with the hardscaping and landscaping, and that the signage is placed where it should be in the optical center which is two-thirds up from the bottom. Chairman Cole reminded the Board that sign design is not the role of the board. Board members were not convinced the 9ft is needed nor felt there was sufficient evidence to justify the request. The Board felt that such a request was excessive for this area of Village Street and were more comfortable with the first request relative to the entrance signs as travelers would be able to see the signs from both directions and for safety.

The Board then debated the third variance request to increase the maximum sign surface area for the Medical Office Building Sign. Board members discussed the disparity between the two types of sign designs and understood the reason for having a separate Medical Office Building sign where it is proposed to be located. It is a separate complex however the main entrance to the development will be used as the building does not have its own entrance. The complex will have multiple tenants and there is a recognized need for a double-sided sign that could be seen from the road. There are regulations within the Zoning Bylaw and Design Guidelines to which an applicant has to work with both, and design within such requirements. It appeared that the applicant went through multiple iterations regarding sign design with the Design Review Committee and it was this latest design that goes beyond of the requirements under the sign regulations. It appears that the Town put the applicant in this position through the design of the sign with which the Design Review Committee thought was appropriate. However, the Board added that designs of signs and aesthetic reasons to match the Medical Office Building should not create a hardship.

The Board discussed how the sign surface area is calculated using a rectangle and noted how the triangular shape at the top is an impediment and the gaps in air space increases the area. The Board stated that no real hardship was presented to justify exceeding the sign surface area requirements.

Ms. Gould will not be voting on the matter as she was not present for the hearing nor filed the appropriate document with the Town Clerk in accordance with MGL c. 39 Section 23D, known as the Mullin Rule.

***Chairman Cole moves to find that the applicant established a need to provide an entrance sign or signs clearly visible for traffic traveling in both directions on Village Street. Mr. Arbeene seconds and the motion passed 4-0-0.***

***Chairman Cole moves to find that given the scenic road designation of Village Street, the proposed stone wall sign is thoroughly in keeping with the surrounding area. Mr. Arbeene seconds and the motion passed 4-0-0.***

***Chairman Cole moves to find that the proposed stone wall type of construction does not lend itself to be used for a double-sided sign, and accordingly, in order to provide the necessary visibility to traffic traveling in both directions, the use of two single-sided signs on either side of the wide boulevard type of main entrance to the development appears optimal as opposed to a two-sided sign placed in the center of the boulevard. Mr. Arbeene seconds and the motion passed 4-0-0.***

***Mr. Arbeene moves to find that the applicant did not demonstrate sufficient evidence to justify the request for a Variance under MGL c. 40A Section 10 for the entrance signs to be constructed in excess of the 6ft requirement as stated in the Zoning Bylaw. Chairman Cole seconds and the motion passed 4-0-0.***

*Mr. Olsen moves to find that the applicant did not supply sufficient evidence to meet the requirements for a Variance under MGL c. 40A Section 10 with respect to the requested relief from the Zoning Bylaw for an increase in the maximum sign surface area for Medical Office Building sign. Chairman Cole seconds and the motion passed 4-0-0.*

*Mr. White moves to find that there was a hardship created by a fellow Town body following discussions with respect to sign design proposals. Mr. Arbeene seconds and the motion passed 3-0-1 (Chairman Cole dissenting).*

*Chairman Cole moves to grant to the applicant, Continuing Care Management, LLC, a Variance from the requirements of the Medway Zoning Bylaw Section 7.2.5. Sign Standards regarding the requested relief from the maximum number of signs to allow for the construction of two signs at the main entrance of the subject development where the Zoning Bylaw only permits one such sign on property located at 261 and 263 Village Street. Mr. White seconds and the motion passed 4-0-0.*

*Variance Granted.*

*Chairman Cole moves to deny to the applicant, Continuing Care Management, LLC, a Variance from the requirements of the Medway Zoning Bylaw Section 7.2.5. Sign Standards regarding the requested relief from the maximum sign height for the signs located at the main entrance to the subject development on property located at 261 and 263 Village Street. Mr. White seconds and the motion passed 4-0-0.*

*Variance Denied.*

*Mr. Olsen moves to deny to the applicant, Continuing Care Management, LLC, a Variance from the requirements of the Medway Zoning Bylaw Section 7.2.5. Sign Standards regarding the requested relief from the maximum sign surface area for the Medical Office Building sign on property located at 261 and 263 Village Street in accordance with the plans submitted. Chairman Cole seconds and the motion passed 4-0-0.*

*Variance Denied.*

#### **Approval of Minutes**

*A motion to accept the Minutes of the September 2, 2015 meeting as written was made by Mr. Arbeene, seconded by Mr. White and passed 4-0-1. Mr. Olsen abstained as he was not present for the meeting.*

*A motion to accept the Minutes of the October 7, 2015 meeting as written was made by Mr. Arbeene, seconded by Mr. White and passed 4-0-1. Mr. Olsen abstained as he was not present for the meeting.*

*A motion to accept the Minutes of the November 4, 2015 meeting was made by Mr. Arbeene, seconded by Mr. White and passed unanimously.*

**Adjournment**

*A motion to adjourn was made by Mr. Olsen and seconded by Mr. Arbeene and passed unanimously. The Board adjourned at 9:38p.m.*

Respectfully submitted,  
Stephanie Mercandetti  
Director, Community and Economic Development