



**TOWN OF MEDWAY**  
**COMMONWEALTH OF MASSACHUSETTS**  
**ZONING BOARD OF APPEALS**

Rori Stumpf, Chair  
Brian White, Vice Chair  
Gibb Phenegar, Clerk  
Christina Oster, Member  
Tom Emero, Member  
Carol Gould, Associate Member  
Brian Cowan, Associate Member

**DECISION**  
**MODIFICATION TO SPECIAL PERMIT**  
**79 LOVERING STREET**

**Applicant(s):** Medway Meadows LLC  
c/o Michael Larkin (the "Applicant")  
P.O. Box 129  
Medfield, MA 02052

**Location of Property:** 79 Lovering Street (Assessors' Parcel ID: 21-057-0002)

**Approval Requested:** The application is for **modification** of the special permit granted October 16, 2019 to construct a two-family dwelling; the modification is requested to reflect adjusted lot lines as shown on a plan endorsed by the Planning and Economic Development Board on November 26, 2019 and to include a walk out basement in the rear of the units instead of bulkheads.

**Members Participating:** Rori Stumpf (Chair), Brian White (Vice Chair), Gibb Phenegar (Clerk), Christina Oster (Member), Tom Emero (Member), Brian Cowan (Associate Member)

**Members Voting:** Rori Stumpf (Chair), Brian White (Vice Chair), Gibb Phenegar (Clerk), Christina Oster (Member), Tom Emero (Member)

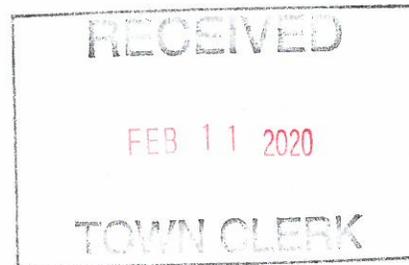
**Date Application Filed:** January 13, 2020

**Hearing Opened:** February 5, 2020

**Hearing Closed:** February 5, 2020

**Date of Decision:** February 5, 2020

**Decision:** GRANTED



*20 day appeal period  
March 2, 2020*



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## **I. PROCEDURAL HISTORY**

1. On January 13, 2020, the Applicant's filed an application for a modification to the Board's decision of October 16, 2019, which had approved a special permit under Section 5.4, Table 1.C of the Zoning Bylaw to construct a two-family dwelling that will have the exterior appearance of a single family dwelling. The special permit is recorded at the Norfolk County Registry of Deeds at Book 37357, Page 526. The requested modifications are to change the lot lines that were adjusted by an ANR plan endorsed by the Planning and Economic Development Board on November 26, 2019, and to include a walkout basement to the rear instead of bulkheads.
2. Notice of the public hearing was published in the Milford Daily News on January 22, 2020, and January 29, 2020, and notice sent by mail to all interested parties and posted in Town Hall as required by G.L. c. 40A §11.
3. The public hearing was opened on February 5, 2020, and closed the same evening.
4. The property is located in the Agricultural Residential II District. The front setback requirement is 35 feet and the side and rear setback requirements are 15 feet. The minimum lot area requirement is 22,500 sq. ft. and the minimum frontage requirement is 150 feet.
5. The Board notified Town departments, boards and committees of this application.
6. All documents and exhibits received during the public hearing are contained in the Zoning Board of Appeal's files and listed in Section V. of this Decision.

## **II. TESTIMONY**

Michael Larkin was present and discussed the modification request. There are two modifications requested. The first requests a change in the lot lines. He stated that after the special permit was approved back in October of 2019, they went before the Planning and Economic Development Board to adjust the lot lines by essentially squaring off a piece of the land that borders 81 Lovering Street. The second relates to the building plans. He stated the square footage of the building plans is not changed, but due to the land sloping in the back of the structure, it would be best to add a walk out basement instead of having a bulkhead.

## **III. FINDINGS**

In making its findings and reaching the decision described herein, the Board is guided by G.L. c. 40A, as amended, and by the Medway Zoning Bylaw. The Board also considered evidence and testimony presented at the public hearing. The Board members had no objections to the modifications requested.

## **IV. CONDITIONS OF APPROVAL**

Based upon the findings of the Board and testimony and information received into the record during the public hearing process, the Board **GRANTED** the Applicant, Medway Meadows, LLC c/o Michael Larkin, a Modification of the special permit granted on October 16, 2019, to reflect adjusted lot lines as shown on "Plan of Land in Medway" dated October 2, 2019, revised November 22, 2019, Owner: Medway Meadows

LLC, prepared by Colonial Engineering, Inc. 11 Awl Street Medway, MA 02053, endorsed by the Planning and Economic Development Board on November 26, 2019, and to include a walk out basement in the rear of the units instead of bulkheads as shown on “Lovering Street Duplex” Exterior Elevations dated November 20, 2019, prepared by Damon McQuaid Architect, 49 Brookview Terrace Lunenburg, MA 01462. All other provisions and conditions set forth in this Board’s decision dated October 16, 2019, remain in full force and effect except as specifically modified by this Decision and are incorporated herein as if set forth in full.

**V. INDEX OF DOCUMENTS**

**A.** The application for modification included the following plans and information that were provided to the Board at the time the application for modification was filed:

1. “Plan of Land in Medway” dated July 27, 2019 Owner: Medway Meadows LLC, prepared by Colonial Engineering, Inc. 11 Awl Street Medway, MA.
2. “Plan of Land in Medway” dated October 2, 2019, revised November 22, 2019, Owner: Medway Meadows LLC, prepared by Colonial Engineering, Inc. 11 Awl Street Medway, MA.
3. Medway Zoning Board of Appeals Special Permit decision dated October 16, 2019 for 79 Lovering Street Medway, MA 02053 (first page).
4. Memorandum dated December 2, 2019 re: Revised ANR Plan for 77 – 81 Lovering Street from the Planning and Economic Development Board.
5. “Lovering Street Duplex” Exterior Elevations dated November 20, 2019, prepared by Damon McQuaid Architect, 49 Brookview Terrace, Lunenburg, MA 01462 (sheets A201 and A202).

**B.** During the course of the review, the following materials were submitted to the Board by Town Departments/Boards:

1. Email from David D’Amico, Medway DPW Director dated January 15, 2020.
2. Email from Chief Lynch, Medway Fire Dept. dated January 16, 2020

## VI. VOTE OF THE BOARD

By a vote of 5 to 0, on a motion made by Brian White and seconded by Gibb Phenegar, the Zoning Board of Appeals hereby **GRANTS** the Applicant, Medway Meadows, LLC c/o Michael Larkin, a Modification of the special permit granted on October 16, 2019, to reflect adjusted lot lines as shown on “Plan of Land in Medway” dated October 2, 2019, revised November 22, 2019, Owner: Medway Meadows LLC, prepared by Colonial Engineering, Inc. 11 Awl Street Medway, MA 02053, endorsed by the Planning and Economic Development Board on November 26, 2019, and to include a walk out basement in the rear of the units instead of bulkheads as shown on “Lovering Street Duplex” Exterior Elevations dated November 20, 2019, prepared by Damon McQuaid Architect, 49 Brookview Terrace Lunenburg, MA 01462. All other provisions and conditions set forth in this Board’s decision dated October 16, 2019, remain in full force and effect except as specifically modified by this Decision and are incorporated herein as if set forth in full.

<b>Member:</b>	<b>Vote:</b>	<b>Signature:</b>
Rori Stumpf	YES	_____
Brian White	YES	_____
Gibb Phenegar	YES	_____
Christina Oster	YES	_____
Tom Emero	YES	_____

The Board and the Applicant have complied with all statutory requirements for the issuance of this special permit modification on the terms hereinafter set forth. A copy of this Decision will be filed with the Medway Town Clerk and mailed to the Applicant, and notice will be mailed to all parties in interest as provided in General Laws chapter 40A, section 15.

Any person aggrieved by the decision of the Board may appeal to the appropriate court pursuant to Massachusetts General Laws, chapter 40A, section 17, which shall be filed within twenty days after the filing of this decision in the office of the Medway Town Clerk.

In accordance with General Laws chapter 40A, section 11, no special permit or modification thereof shall take effect until a copy of the Decision is recorded in the Norfolk County Registry of Deeds, and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner’s certificate of title, bearing the certification of the Town Clerk that twenty days have elapsed after the Decision has been filed in the office of the Town Clerk and no appeal has been filed within said twenty day period or that any duly filed appeal has been dismissed or denied. The fee for recording or registering shall be paid by the Applicant. A copy of the recorded Decision certified by the Registry, and notification by the Applicant of the recording, shall be furnished to the Board.

**VI. VOTE OF THE BOARD**

By a vote of 5 to 0, on a motion made by Brian White and seconded by Gibb Phenegar, the Zoning Board of Appeals hereby **GRANTS** the Applicant, Medway Meadows, LLC c/o Michael Larkin, a Modification of the special permit granted on October 16, 2019, to reflect adjusted lot lines as shown on "Plan of Land in Medway" dated October 2, 2019, revised November 22, 2019, Owner: Medway Meadows LLC, prepared by Colonial Engineering, Inc. 11 Awl Street Medway, MA 02053, endorsed by the Planning and Economic Development Board on November 26, 2019, and to include a walk out basement in the rear of the units instead of bulkheads as shown on "Lovering Street Duplex" Exterior Elevations dated November 20, 2019, prepared by Damon McQuaid Architect, 49 Brookview Terrace Lunenburg, MA 01462. All other provisions and conditions set forth in this Board's decision dated October 16, 2019, remain in full force and effect except as specifically modified by this Decision and are incorporated herein as if set forth in full.

<b>Member:</b>	<b>Vote:</b>	<b>Signature:</b>
Rori Stumpf	YES	_____
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