

Board Members
Brian White, Chair
Gibb Phenegar, Vice Chair
Christina Oster, Clerk
Joe Barresi, Member
Tom Emero, Member
Adam Kaufman, Associate
Member



Medway Town Hall
155 Village Street
Medway, MA 02053
Telephone (508) 321-4890
zoning@medwayma.gov

*20 day appeal
March 30, 2026*

TOWN OF MEDWAY
COMMONWEALTH OF MASSACHUSETTS
ZONING BOARD OF APPEALS

RECEIVED

MAR 10 2026

MEDWAY TOWN CLERK

DECISION
VARIANCE-SIGN
116R WINTHROP STREET
F/K/A 116 WINTHROP STREET

Applicant(s): Paul Atwood

Owner: Upper Charles Conservation Land Trust, Inc.

Location of Property: 116R Winthrop Street (f/k/a 116 or 116B Winthrop St) (Assessor Parcel ID:08-24).

Approval Requested: The application is for the issuance of a **variance** under Section 7.2. Table 4 of the Zoning Bylaw to erect a free-standing entrance sign exceeding the maximum allowed height and within the minimum setback for signs.

Members Participating: Brian White, Chair; Gibb Phenegar, Vice Chair; Christina Oster, Clerk; Tom Emero, Member, Joe Barresi, Member

Members Voting: Brian White, Chair; Gibb Phenegar, Vice Chair; Christina Oster, Clerk; Tom Emero, Member, Joe Barresi, Member

Date of Decision: March 4, 2026

Decision: **GRANTED WITH CONDITIONS**

RECEIVED TOWN CLERK
MAR 10 '26 AM 11:41

I. PROCEDURAL HISTORY

1. On January 29, 2026, the Applicants filed for the issuance of a **variance** under Section 7.2.5. of the Zoning Bylaw.
2. Notice of the public hearing was published in the Milford Daily News on February 18 and February 25, 2026, and notice sent by mail to all parties in interest and posted in Town Hall as required by G.L. c. 40A §11.

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3. The public hearing was opened on March 4, 2026. The hearing was closed the same evening.
4. The Property is located in the Agricultural I (AR-I) District.
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

The applicant, Paul Atwood, was present along with Mike Francis of the Upper Charles Conservation Land Trust. Mr. Atwood explained that this property of approximately 15 acres was donated to the Upper Charles Conservation Land Trust to be preserved as open space. There is a parking lot to allow public access. The sign is to mark the parking lot entrance. The bottom of the sign will be 7 feet high, the top of the sign post about 10.5 feet. The maximum height allowed is only 6 feet, but that would not be visible from the street due to the slope. The sign will be about 11 feet back from the pavement, behind an existing stone wall, but because the right of way for the street is 60 feet, the sign will still be within the right of way. The Zoning Bylaw requires a sign to be 8 feet back from the right of way, which would put the sign about 30 feet back from the road, and it would not be visible. They have obtained a license from the Select Board to put the sign in the right of way. The applicant submitted a letter from the DPW stating that the sign will not impede sight lines along Winthrop Street. The sign has also been reviewed by the Design Review Committee. Ms. Saint Andre noted that this property was previously part of 116 Winthrop Street; the 116 Winthrop Street property was divided into three lots. This lot has been assigned the address of 116R Winthrop Street after the property was divided. The lot with the existing house on it is 116 Winthrop Street, and the other lot that was created from 116 Winthrop Street is now known as 116A Winthrop Street.

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.

A. Section 6.1 Variance Criteria

1. Whether there are circumstances relating to the soil conditions, shape, or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located.

The Board found that the depth of the street right of way easement into the lot is unique, as well as the location of the stone walls, the substantial change in elevation

at the site, the location of the entrance. To strictly comply with the Bylaw would require removal of trees to make the sign visible, which would be contrary to the unique use of the lot to preserve the natural appearance including the trees.

2. As a result of which, a literal enforcement of the provisions of the zoning Bylaw would involve substantial hardship, financial or otherwise, to the applicant, and

The Board found that the literal enforcement of the zoning by-law regarding signs would prevent the sign from being easily visible to motorists looking for the parking area.

3. Desirable relief may be granted without substantial detriment to the public good, and **The Board found that there is no substantial detriment to the public good because the sign will be located behind an existing stone wall, and the Town DPW has reviewed the proposal, and determined that the sign will not impede sight lines for roadway visibility.**

4. Desirable relief may be granted without nullifying or substantially derogating from the intent or purpose of the Zoning Bylaw.

The Board found that this criterion is met where the proposed setback from the paved portion of the street is reasonable, the height is not excessive, and the sign will not interfere with sight lines.

The Board finds that the Applicant has demonstrated through evidence submitted, including the plot plan, the proposed pictures of the site, that it has met all the required Variance Decision Criteria under Section 6.1.

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 hereby **GRANTS** the Applicant, Paul Atwood, a **VARIANCE** from Section 7.2. Table 4 of the Zoning Bylaw to erect a free-standing entrance sign 10.5 feet in height, exceeding the maximum allowed height, and within the minimum setback for signs, approximately 10 feet back from the edge of the paved road, located at 116R Winthrop Street f/k/a 116 Winthrop Street (Parcel ID: 08-24), in accordance with the Plans and application, and subject to the following **CONDITIONS**.

1. This variance is subject to all subsequent conditions that may be imposed by other Town departments, boards, agencies, or commissions. Any changes to the variance that may be required by the decisions of other Town boards, agencies or commissions shall be submitted to the Board for review as a new request.

2. Pursuant to G.L. c. 40A, §10: "If the rights authorized by a variance are not exercised within one year of the date of grant of such variance such rights shall lapse; provided, however, that the

permit granting authority in its discretion and upon written application by the grantee of such rights may extend the time for exercise of such rights for a period not to exceed six months; and provided, further, that the application for such extension is filed with such permit granting authority prior to the expiration of such one year period. If the permit granting authority does not grant such extension within thirty days of the date of application therefor, and upon the expiration of the original one-year period, such rights may be reestablished only after notice and a new hearing pursuant to the provisions of this section.”

V. INDEX OF DOCUMENTS

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

1. Application dated January 29, 2026
2. Sketch Plans showing proposed sign, and proposed location of sign
3. Rendering of proposed sign
4. Letter from Nolan Lynch, Deputy Director, DPW, dated January 22, 2026
5. Letter from Design Review Committee dated January 15, 2026

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VI. VOTE OF THE BOARD

By a vote of 5 to 0, the Zoning Board of Appeals hereby **GRANTS** the Applicant, Paul Atwood, a **VARIANCE** from Section 7.2. Table 4 of the Zoning Bylaw to erect a free-standing entrance sign exceeding the maximum allowed height and within the minimum setback for signs, located at 116R Winthrop Street (Parcel ID: 08-24), in accordance with the Plans and application and subject to the **CONDITIONS** herein.

Member:	Vote:	Signature:
Brian White	Aye	_____
Gibb Phenegar	Aye	_____
Christina Oster	Aye	_____
Tom Emero	Aye	_____
Joe Barresi	Aye	_____

The Board and the Applicant have complied with all statutory requirements for the issuance of this Decision on the terms 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.

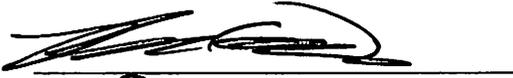
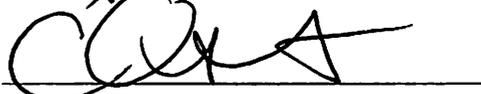
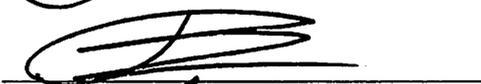
Any person aggrieved by the decision of the Board may appeal to the appropriate court pursuant to Massachusetts General Laws, chapter 40A, section 17, and shall be filed within 20 days after the filing of this notice in the office of the Medway Town Clerk.

In accordance with Massachusetts General Laws, chapter 40A, Section 11, no variance 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 and notification by the Applicant of the recording at the Norfolk Registry of Deeds, shall be furnished to the Board.

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Member:	Vote:	Signature:
Brian White	Aye	
Gibb Phenegar	Aye	
Christina Oster	Aye	
Tom Emero	Aye	
Joe Barresi	Aye	

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