

**TOWN OF MEDWAY**  
**ZONING BOARD OF APPEALS**  
**MINUTES OF MEETING JULY 18, 2007**

Members present were Mr. Musmanno, Mr. Cole, Mr. Biocchi, Mr. Flotta and Mr. Gluckler.

Upon a written request by the applicants, the Board further continued the application of Ramakrishnan and Chardrika Koundinya to 7:30 p.m. on August 15, 2007.

Since this was the first meeting of the Board for Town Fiscal Year 2008, the Board proceeded to elect officers. Mr. Musmanno was unanimously elected as Chairman and Mr. Cole was unanimously elected as Clerk for Town Fiscal Year 2008.

The Board voted unanimously to increase the filing fee for an appeal, variance or special permit to \$175 (one hundred and seventy five dollars) effective immediately.

The next meeting of the Board was fixed for August 15, 2007 at 7:15 p.m.

**TOWN OF MEDWAY**  
**ZONING BOARD OF APPEALS**

**MINUTES OF MEETING AUGUST 15, 2007**

Members present were Mr. Musmanno, Mr. Cole, Mr. Biocchi, Mr. Flotta and Mr. Gluckler.

There being no objection by any member to taking up any of the scheduled hearings, the Board heard successively the applications of Mr. John Rojee, Mr. and Mrs. Koundinya, and the Marian Community. After Mr. Rojee and the public had been heard concerning his application, the Board determined that it would have difficulty granting the special permit sought, since there was no plan provided showing the size and position of the proposed extension to the dwelling. Accordingly, the applicant requested a continuation of the application to September 5, 2007 at 7:30 p.m., and the Board unanimously agreed to this continuation.

Following the conclusion of the three hearings and a brief recess, the Board agreed to take up deliberation of the application of Marian Community, and voted unanimously to grant the special permit requested. Full details of the hearing and the deliberation are given in the Board's Decision on this application.

The Board then agreed to take up deliberation of the application of Mr. and Mrs. Koundinya, and voted unanimously to deny the variance requested. Full details of the hearing and the deliberation are given in the Board's Decision on this application.

The next meeting of the Board was fixed for September 5, 2007 at 7:15 p.m.

# **TOWN OF MEDWAY**

## **ZONING BOARD OF APPEALS**

### **MINUTES OF MEETING SEPTEMBER 5, 2007**

Members present were Mr. Musmanno, Mr. Cole, Mr. Biocchi, Mr. Flotta and Mr. Gluckler.

The meeting was called to order at 7:23 p.m. and proceeded to the continuation of the hearing on the application of Mr. Rojee. Mr. Rojee presented a plan of the proposed extension required for the auxiliary dwelling unit, and stated that the extension would maintain the required 15 foot rear setback. In response to a question from the Board, Mr. Rojee stated that parking was available for four vehicles. A *pro forma* invitation was made for questions or comments from the public, although no members of the public were actually present. The hearing was then closed.

There being no objection from any member, the Board proceeded immediately to deliberating Mr. Rojee's application. A motion was made by Mr. Cole and seconded by Mr. Flotta that grant of the requested special permit in accordance with the plan presented would not be detrimental to the public good. This motion passed 5-0. A motion was then made by Mr. Flotta and seconded by Mr. Biocchi to grant a special permit in accordance with the plan provided. This motion also passed 5-0.

Mr. Cole presented a draft of a proposed letter to Counsel for Maritime Housing in connection with their request for production of minutes of certain past meetings. The Board unanimously agreed to modify the letter to the form which appears attached to these minutes and to authorize the Secretary to send the letter on the Board's behalf.

The Board unanimously agreed that appointment of at least one associate member was desirable and the Chairman agreed to send a note to the Town Administrator to this effect.

The Board then unanimously agreed to close the meeting at about 8:15 p.m.

## **TOWN OF MEDWAY**

### **ZONING BOARD OF APPEALS**

#### **MINUTES OF MEETING NOVEMBER 7, 2007**

Members present were Mr. Musmanno, Mr. Cole, Mr. Biocchi, Mr. Flotta and Mr. Gluckler.

The meeting was called to order at 7:15 p.m. The Board gave unanimous consent to signing the two warrants before the Board. The Board also reviewed the application of Mr. William J. Berry, gave unanimous consent to it being heard at the next available time and directed the Secretary to advertise the application.

There being no objection from any member, the Board proceeded immediately to hear the application of William and Pauline Lambirth. Mr. Paul Kenny appeared on behalf of the applicants. It was noted that the existing building does not conform to the Zoning ByLaw in respect of one side setback, but that the proposed addition would not extend any closer to the lot line than the existing building. Also, Mr. Al Goodman, the neighbor on the relevant side of the lot, had no objection to the proposed addition. The hearing was closed.

The Board next proceeded to hear the application of Daniel Beksha. Mr. Paul Kenny appeared on behalf of the applicant. A statement in support of the application was made by the owner of 15 Chestnut Street. Two letters in favor of the application were read into the record, one from Frederick and Shirley Paulette, of 2 Chestnut Street, and the second from the Reardon Trust, owners of 33 Oakland Street, the lot to the West.

The Board then proceeded to hear the application of Fiber Tower; Mr. Sean Conway appeared on behalf of the applicant. He stated that Fiber Tower has a lease from Crown Castle, the owners of the tower. The application is for the installation of a microwave relay antenna. There would be an associated on-ground cabinet with air conditioning, which would generate minimal noise when operating. Mr. Conway made the statement of compliance with FCC regulations required by the Zoning ByLaw, Article V.S.4.c)(4).

After a brief recess, the Board proceeded to deliberate on all three applications heard. On the Lambirth application, the Board agreed 5-0 that the grant of

the requested special permit would not be detrimental to the public good. A motion was then made and seconded to grant a special permit. This motion also passed 5-0.

On the Beksha application, a motion was made by Mr. Cole and seconded by Mr. Musmanno that the applicant had failed to present evidence of substantial hardship relating to soil condition, shape or topography of the relevant lot. This motion passed 5-0. Accordingly, the Board dismissed the application, also by a vote of 5-0.

On the Fiber Tower application, a motion was made and seconded that the applicant had established adequate reasons for the work to be carried out. This motion passed 5-0. A second motion was made and seconded that grant of this application would not be contrary to the public good. This motion also passed 5-0. Accordingly, on a vote of 5-0 the Board agreed to grant the requested Special Permit.

The Board then unanimously agreed to close the meeting.

**TOWN OF MEDWAY**  
**ZONING BOARD OF APPEALS**

**MINUTES OF MEETING DECEMBER 5, 2007**

Members present were Mr. Musmanno, Mr. Cole, Mr. Flotta and Mr. Gluckler.

The meeting was called to order at 7:20 p.m. The Board agreed that its next meeting would be on January 16, 2008 at 7:15 p.m.

There being no objection from any member, the Board proceeded immediately to hear the application of William J. Berry, who appeared on his own behalf. Mr. Berry explained that, in effect, he wished to modify the Special Permit of June 24, 1992 to permit him to rent the existing apartment under Section 8 to a person other than that permitted by the existing Special Permit. No members of the public were present at the hearing. The hearing was closed.

The Board proceeded to immediate deliberation on this application. A motion was made by Mr. Musmanno and seconded by Mr. Cole that the grant of the requested Special Permit would not be detrimental to the public good. This motion passed 4-0. A motion was then made by Mr. Musmanno and seconded by Mr. Cole to grant a Special Permit subject to the conditions that (a) the Special Permit of June 24, 1992 be revoked; and (b) that there be no exterior modifications to the building. This motion also passed 4-0.

The Board then unanimously agreed to close the meeting at approximately 8:00 p.m.