

TOWN OF MEDWAY
ZONING BOARD OF APPEALS
MINUTES OF MEETING JANUARY 8, 2014

The Chairman called the meeting to order at 7.50 p.m. with all members present.

The Board reviewed the application of Peter Bethoney, of 15 Barber Street, and determined that the application contained sufficient information for advertisement and hearing. Accordingly, the Board agreed by unanimous consent to set this application for hearing on February 5, 2014 at 7:45 pm.

The Board then proceeded by unanimous consent to hear the application of Daniel Pires for relief from front setback requirements at 40 Coffee Street, who appeared on his own behalf. After a brief period of questioning by the Chairman, it emerged that the application did not contain any information as to the exact distance between the proposed construction and the front lot line, and that it would be difficult for the Board to grant effective relief without this information. Accordingly, the applicant agreed to continue the hearing until the next meeting of the Board on February 5, 2014 at 8 pm.

The Board then discussed with Mr. Craig Seymour of RKG Associates (the Town's consultants) the manner in which they operated, possible changes thereto and possible revisions of the Zoning ByLaw.

A motion was made by Ms. Doherty, seconded by Ms. Gould and passed unanimously to accept the Minutes of the November 20, 2013 meeting as presented by the Chairman, with certain agreed minor amendments.

The Board then signed the Decision on Alex Miranda, 27 Barber Street, Medway, and one invoice.

A motion to adjourn was made by Ms. Doherty, seconded by Mr. Biocchi and passed unanimously, and the Board adjourned at about 8.50 p.m.

TOWN OF MEDWAY
ZONING BOARD OF APPEALS

MINUTES OF MEETING FEBRUARY 19, 2014

The Chairman called the meeting to order at 7.50 p.m. with all members present except for Ms. Gould.

The Board proceeded by unanimous consent to continue with the hearing on the application of Daniel Pires for relief from front setback requirements at 40 Coffee Street. Mr. Pires appeared on his own behalf. Mr. Pires initially requested variation of the front setback to 35 feet. The Board pointed out to Mr. Pires that if indeed he could maintain a setback of 35 feet, he would not need any relief, since the Zoning ByLaw only prescribes a setback of 35 feet. After further questioning by the Board, it emerged that Mr. Pires had failed to appreciate the difference between the curb line and the front lot line and had taken his measurement from the former, not the latter. Accordingly, it would be difficult, if not impossible for the Board to grant effective relief on the basis of its present information. The Board suggested that Mr. Pires consult his builder or a surveyor to effect a proper measurement of the setback from the front lot line, and the applicant agreed to again continue the hearing until the next meeting of the Board on March 19, 2014 at 8 pm.

The Board then proceeded by unanimous consent to hear the application of Mr. Bethony, who appeared on his own behalf. Mr. Bethony noted that the plan of the surrounding area attached to his application showed that numerous dwellings on both Barber Street and North Street had front setbacks substantially less than required by the Zoning ByLaw, and substantially less than the 32 foot setback he was requesting. Indeed, several lots in the neighborhood had essentially no front setback, with the dwellings lying immediately adjacent the front lot lines. The truth of these observations was confirmed by various members of the Board familiar with the neighborhood. There being no members of the public present, questions and comments by the public were omitted.

A motion was made by Mr. Biocchi, seconded by Mr. Cole and passed unanimously to close the hearing. A second motion was made by Mr. Cole, seconded by Mr. Biocchi and passed unanimously to move to immediate deliberation on the

application of Mr. Bethony. The following motions were then successively made by Ms. Doherty, seconded by Mr. Biocchi and passed unanimously:

(1) To find that the front and side setbacks of neighboring and nearby lots vary from the setback requirements of the Zoning ByLaw;

(2) To find that the grant of the requested Special Permit under Section V.F.7 of the Zoning ByLaw would not be substantially detrimental to the public good;

(3) To find that the grant of the requested Special Permit under Section V.F.7 of the Zoning ByLaw would not be contrary to any of the criteria for the grant of Special Permits set out in Section III.J of the Zoning ByLaw; and

(4) To grant to the applicant a Special Permit under Section V.F.7 of the Zoning ByLaw for the construction of a one story family room and deck at 15 Barber Street substantially as per the attached plan with side setback from North Street to be no closer than 30 feet.

The Board then proceeded to general business and signed routine expense reports. The Board then reviewed the Petition of Caryn Cantrell, determined that it contained sufficient information to be set for advertisement and hearing, and appointed a hearing for March 19, 2014 at 7:45 pm. Since it appeared from this Petition (which was signed by the landlord of the subject lot) that the letter from Elliot Vanetzian to the Board was now moot, the Board unanimously agreed to lay aside this letter without taking any action thereon.

A motion was made by Ms. Doherty, seconded by Mr. Biocchi and passed unanimously to accept the Minutes of the January 8, 2018 meeting as presented by the Chairman.

A motion to adjourn was made by Ms. Doherty, seconded by Mr. Biocchi and passed unanimously, and the Board adjourned at about 9.00 p.m.

TOWN OF MEDWAY
ZONING BOARD OF APPEALS
MINUTES OF MEETING MARCH 19, 2014

The Chairman called the meeting to order at 7.54 p.m. with all members present.

The Board proceeded by unanimous consent to continue with the hearing on the application of Daniel Pires for relief from front setback requirements at 40 Coffee Street. Mr. Pires presented a plan, signed by a registered surveyor, which showed that the proposed construction was, at its closest, about 20.5 feet from the front lot line of the subject lot. The Board examined a detailed map of the lots surrounding the subject lot and determined by eye that a substantial number of lots in the neighborhood had front setbacks at least as low as 20 feet. A motion was then made by Mr. Biocchi, seconded by Mr. Cole and passed unanimously to close the hearing.

By unanimous consent, the Board then proceeded to hear the application of Caryn V. Cantrell, Elliott M. Vanetzian, Jr. and Celeste L. Cantrell of 10 Franklin Street for a kennel permit. The applicants, who represented themselves, explained that they sought a permit for four dogs, all of whom were Chihuahuas. These were family pets and there would be no commercial activity in connection with the dogs. They previously had only three dogs, but when one produced a litter, they were advised to retain one weak animal, thus being left with four dogs. All the dogs were or would shortly be neutered or spayed, and were kept indoors.

The Board then invited comments from the Animal Control Officer. The Officer stated that an inspection some time ago had revealed problems with the dogs. Furthermore, following this inspection the applicants had moved house without telling her their new address. Also, the applicants had failed to license to dogs for an extended period of time.

Since it appeared that the Board would be unwilling to grant the requested special permit until the problems previously noted by the Animal Control Officer had been resolved, the applicants agreed to a continuation of the hearing until the Board's next meeting, which was set for 7:45 pm on April 30, 2014. The Animal Control Officer

agreed that she would reinspect the premises before this meeting and place her report before this meeting.

After a brief recess, the Board agreed unanimously to move to immediate deliberation on the application of Mr. Pires. The following motions were then successively made by Ms. Doherty, seconded by Mr. Biocchi and passed unanimously:

(1) To find that the applicant demonstrated that the front setbacks of neighboring and nearby lots vary from the setback requirements of the Zoning ByLaw;

(2) To find that the grant of the requested Special Permit under Section V.F.7 of the Zoning ByLaw would not be substantially detrimental to the public good;

(3) To find that the grant of the requested Special Permit under Section V.F.7 of the Zoning ByLaw would be in conformity with the criteria for the grant of Special Permits set out in Section III.J of the Zoning ByLaw; and

(4) To grant to the applicant a Special Permit under Section V.F.7 of the Zoning ByLaw for the construction of a deck and stairs at 40 Coffee Street substantially as per the attached plan with front setback from Coffee Street to be no closer than 20 feet.

The Board then proceeded to general business and signed routine expense reports. The Board then reviewed the Petition of Russ and Kathy Wheeler, of 8 Shaw Sreet, determined that it contained sufficient information to be set for advertisement and hearing, and appointed a hearing for April 30, 2014 at 8:00 pm. The Board also reviewed the Petition of Elite Home Buildings relating to the proposed ARCPUD at Winthrop and Lovering Streets. Questions were raised by various Board members as to whether the wording of Section V.U.4.c.1 of the Zoning ByLaw granted the power to vary age restrictions in an ARCPUD to the Planning Board rather than the Zoning Board of Appeals. Accordingly, the Board agreed by unanimous consent to instruct the chairman to contact the Planning and Economic Development Coordinator to clarify whether the Board should hear this Petition

A motion was made by Ms. Gould, seconded by Mr. Olsen and passed unanimously to accept the Minutes of the February 19, 2014 meeting as presented by the Chairman.

A motion to adjourn was made by Ms. Doherty, seconded by Mr. Biocchi and passed unanimously, and the Board adjourned at about 9.20 p.m.

TOWN OF MEDWAY
ZONING BOARD OF APPEALS
MINUTES OF MEETING APRIL 30, 2014

The Chairman called the meeting to order at 7.50 p.m. with all members present.

The Board proceeded by unanimous consent to continue with the hearing on the application Caryn V. Cantrell, Elliott M. Vanetzian, Jr. and Celeste L. Cantrell of 10 Franklin Street for a kennel permit. The Animal Control Officer and a representative of the Board of Health indicated that the previously-noted problem with the smell of urine was no longer present, the carpets had been cleaned, the dogs' inoculations were up-to-date and the females had been spayed. However, Ms. Lisa Anderson, the daughter of the landlord, appeared on her father's behalf and advised the Board that the landlord no longer wished to consent to the issuance of a kennel permit. The Board then advised the applicant that in view of the landlord's opposition, they saw no way in which they could issue the requested kennel permit. The applicants indicated that they believed that they had a remedy at law against the landlord's refusal to consent but sought leave to withdraw the present application without prejudice to its renewal should they succeed in obtaining relief at law. On a motion made by Mr. Biocchi, seconded by Mr. Cole and passed unanimously, the Board consented to withdrawal of the application without prejudice.

By unanimous consent, the Board then proceeded to hear the application of Russ and Kathy Wheeler of 8 Shaw Street for a kennel permit. The applicants, who represented themselves, explained that they sought a permit for five dogs, including their own dog, because they wished to run a dog day care and possibly dog boarding service. The proposed hours of operation were 7 am. to 6 pm. Monday to Friday. There would be no breeding of dogs. The lot at 8 Shaw Street exceeds one half acre and has an 18 x 25 foot fenced cage in the backyard. Any dogs kept overnight would be kept indoors.

The Animal Control Officer noted that the Kathy Wheeler was undergoing training in animal behavior. The house includes provision for separation of dogs and a mixture of tile and carpet is available.

When comments were invited from the public, Mr. Mike Cannistraro of 5 Shaw Street expressed concerns about dogs barking when outside and speeding of vehicles on the street while dogs were being walked. The Trustee of 10 Shaw Street also expressed concerns about noise, about the fact that the subject lot was in a flood prone area, and about odor. She further noted that there is not a huge distance between the houses at 8 and 10 Shaw Street, and there is no natural noise barrier, both backyards being open. Ms. Susan Robinson of 6 Shaw Street stated that the applicants had performed extensive work on a house that was now meticulous, and expressed the opinion that any noise from dogs on the subject lot would not be intrusive given that she can already hear noise from the nearby dog park. Overall, she was in favor of the proposed kennel permit. Ms. Carol Hopson of 1 Samoset Circle expressed concerns about parking of vehicles dropping off dogs.

A motion was then made by Ms. Doherty, seconded by Mr. Biocchi and passed unanimously to close the hearing.

After a brief recess, the Board agreed unanimously to move to immediate deliberation on the application of Russ and Kathy Wheeler. The following motions were then successively made by Ms. Doherty, seconded by Mr. Biocchi (except as indicated) and passed unanimously:

(1) The grant of a suitably conditioned kennel permit would not be substantially detrimental to the public good;

(2) The application is consistent with the criteria for the grant of a special permit found in Section III.J of the Zoning ByLaw;

(3) To grant a Special Permit for a Kennel License to Russ and Kathy Wheeler of 8 Shaw Street subject to the following terms and conditions:

(a) There shall be no more than five dogs on the premises at any one time;

(b) There shall be no more than two dogs on the premises between the hours of 8 pm. and 7 am. (proposed by Mr. Cole, seconded by Mr. Biocchi);

(c) No dog shall be left outside unattended;

(d) Normal hours of operation shall be 7 am. to 8 pm.; and

(e) There shall be no on-street parking in connection with the business.

The Board then proceeded to general business and signed routine expense reports. The Board then reviewed correspondence received in connection with the Petition of Elite Home Buildings relating to the proposed ARCPUD at Winthrop and Lovering Streets, and determined that the application was ready for advertisement and hearing. The Board also reviewed the applications of New England Wireless PCS, LLC, Todd and Lori Allen, and Dennis Coakley, and in each case determined that the application was ready for advertisement and hearing.

A motion was made by Ms. Doherty, seconded by Mr. Biocchi and passed unanimously to accept the Minutes of the March 19, 2014 meeting as presented by the Chairman.

A motion to adjourn was made by Ms. Doherty, seconded by Mr. Biocchi and passed unanimously, and the Board adjourned at about 9.50 p.m.

TOWN OF MEDWAY
ZONING BOARD OF APPEALS
MINUTES OF MEETING June 4, 2014

The Chairman called the meeting to order at 7.50 p.m. with all members present, Tony Biocchi, Carol Gould, Craig Olsen and Arlene Doherty.

The Board ask the petitioner, Town of Medway, Tom Holder, Department of Public Services, also to explain the project were Sean Boyd, Civil Engineering Division and Andres Dyjck, Musco Sports Lighting. Sean Boyd presented a brief overview of the proposed construction of the Mult-purpose synthetic turf field, new 68 space parking lot, and various site amenities. Included in this construction is the proposed 4-pole MUSCO athletic lighting system, which is the reason for the Special Permit request. Andrew Dyjck MUSCO Sports Lighting , explained the proposed 4-pole MUSCO Athletic Lighting System as designed complies with the 0.01 foot candle level bylaw at the property lines as shown in the enclosed lighting plans. The lighting system will allow for the Town of Medway to fully utilize the new synthetic turf field and by meeting the 0.01 foot candle level at the property line will not cause substantial detriment to the public good. The Board asked if there were any questions from the public. Frank Carey, 47 Adams Street, Medway had some concerns regarding the lighting and was explained by Andrew Dyjck.

There were no further questions from the public and a motion was then made by Ms. Doherty, seconded by Mr. Biocchi and passed unanimously to close the hearing.

The Board agreed unanimously to move to immediate deliberation on the application of the Town of Medway, Tom Holder, Department of Public Services.

The Board then proceeded to general business and signed routine expense reports. The Board then reviewed correspondence received in connection with the Petition of Elite Home Buildings relating to the proposed ARCPUD at Winthrop and Lovering Streets, and determined that the application was ready for advertisement and hearing. The

Board also reviewed the applications of New England Wireless PCS, LLC, Todd and Lori Allen, and Dennis Coakley, and in each case determined that the application was ready for advertisement and hearing.

A motion was made by Ms. Doherty, seconded by Mr. Biocchi and passed unanimously to accept the Minutes of the March 19, 2014 meeting as presented by the Chairman.

A motion to adjourn was made by Ms. Doherty, seconded by Mr. Biocchi and passed unanimously, and the Board adjourned at about 9.50 p.m.

TOWN OF MEDWAY
ZONING BOARD OF APPEALS
MINUTES OF MEETING AUGUST 6, 2014

The Chairman called the meeting to order at 7.54 p.m. with all members except Mr. Olsen present. The Chairman welcomed Mr. Kennedy to his first meeting as a member of the Board

This being the first meeting of the Board since the departure of Ms. Doherty, the accession of Mr. Kennedy, and the reappointment of Mr. Cole, the Board proceeded to reorganize. A motion was made by Mr. Biocchi, seconded by Ms. Gould and passed unanimously to appoint Mr. Cole as Chairman. A further motion was made by Ms. Gould, seconded by Mr. Biocchi and passed unanimously to appoint Mr. Olsen (who had previously indicated his willingness to serve) as Clerk.

The Board proceeded by unanimous consent to commence the hearing on the application of William and Beverly Mayer. However, no representative of the applicants was present. After some discussion, on a motion made by Mr. Biocchi, seconded by Ms. Gould and passed unanimously, the hearing on this application was continued to August 20, 2014 at 8 p.m.

By unanimous consent, the Board then proceeded to hear the application of Linda Novello and Christian Hodgdon of 7 Appleton Way for an Accessory Family Dwelling Unit (AFDU) at that address. The applicants, who represented themselves, explained that the proposed AFDU was of a fairly common type, being formed by creating a second story above the existing garage, the only unusual feature being that the existing master bedroom, which lies adjacent the new construction, would become part of the AFDU rather than remaining part of the main dwelling. The only external modification of the building would be a small “bump-out” at the rear to accommodate an additional staircase from the AFDU; this staircase would terminate at an existing rear entrance to the building so that no additional entrances would be created.

There were no questions or comments from the public, and the Board unanimously agreed to close the hearing.

By unanimous consent, the Board proceeded to immediate deliberations on the foregoing application. A motion was made by Mr. Biocchi, seconded by Mr. Cole and passed unanimously to find that the applicants had demonstrated compliance with Sections L.3.(c)-(e) and (h) of the Zoning ByLaw (the remaining sections of Article L.3 being a matter for the Building Inspector). A second motion was made by Mr. Biocchi, seconded by Mr. Cole and passed unanimously to find that the grant of the requested Special Permit would not be substantially contrary to the public good. A third motion was made by Mr. Biocchi, seconded by Mr. Cole and passed unanimously to find that the grant of the requested Special Permit would not be contrary to any of the requirements for Special Permits set out in Section III.J of the Zoning ByLaw. Finally, a motion was made by Mr. Biocchi, seconded by Mr. Cole and passed unanimously to grant to the applicants a Special Permit for an auxiliary family dwelling unit at 7 Appleton Way to be constructed substantially in accordance with the plans submitted.

The Board then proceeded to hear the application of Fox Run Development Group, LLC for an additional modification of Section 40B Comprehensive Permit in respect of Fox Run Farms. The applicant was represented by Mr. Mujeeb Ahmed, who explained that the requested modifications related to eliminating street lights and the requirement for a sidewalk, and changing the curbing from a combination of Cape Cod Asphalt Berm and some concrete to all concrete. Mr. Ahmed presented a letter, signed by residents of all ten occupied units stating that they wished the sidewalk to be eliminated. Mr. Ahmed further stated that in his opinion the lighting previously required was unnecessary in that all the houses were close to the street and were provided with lights on the front of the house. Mr. Ahmed produced a letter from the director of the Medway DPW agreeing that lighting within the development was unnecessary. Finally, Mr. Ahmed stated that in his view, with the sidewalk on one side of the street being eliminated, it would be better to have a uniform curb throughout the development, rather than a concrete curb adjacent the sidewalk and an asphalt term on the opposed side of the street.

There was a lengthy discussion between the Board members regarding the effects of the proposed changes on the cost of the development and thus on the developer's profit.

When comments were invited from the public, several residents of the development confirmed that did not wish a sidewalk and streetlights within the development. There was also a lengthy discussion with certain abutters regarding existing problems with the development, especially as regards to water runoff.

The Board then unanimously agreed to close the hearing and after a short recess proceeded to immediate deliberation on this application. A motion was made by Mr. Cole, seconded by Mr. Biocchi and passed unanimously to find that the applicant presented evidence that the present residents of the development favor the elimination of the sidewalk. A further motion was made by Mr. Cole, seconded by Mr. Biocchi and passed unanimously to find that the proposed elimination of street lights was acceptable to the Town. A further motion was made by Mr. Cole, seconded by Ms. Gould and passed unanimously to find that grant of the suggested relief would not cause substantial detriment to the public good. A final motion was made by Mr. Cole and seconded by Mr. Biocchi to grant the requested relief, subject to the condition that the applicant and the Town's engineer meet and agree the effects of the proposed changes on the cost of the development and the disposition of any moneys resulting therefrom. However, since the formal Decision of the Board would have to be in the form of an amendment to the existing (complex and previously-amended) Decision to grant the Comprehensive Permit, Mr. Cole was charged with drafting a formal decision.

The Board then proceeded to general business and signed routine expense reports, and also signed the Decisions on the applications Todd and Lori Allen, Dennis Coakley, Elite Home Buildings, New Cingular Wireless and the Town of Medway. The Board also noted the recommendation of the Planning and Economic Development Board that the Zoning Board of Appeals engage the services of the PEDB's consultant, Mr. Gino Carlucci, in relation to the application of Tri-Valley Commons to be heard on August 20, agreed to engage this consultant and asked the Chairman to approach Mr. Carlucci.

A motion to adjourn was made by Mr. Biocchi, seconded by Mr. Kennedy and passed unanimously, and the Board adjourned at about 9.30 p.m.

TOWN OF MEDWAY
ZONING BOARD OF APPEALS
MINUTES OF MEETING October 1, 2014

The meeting was opened at 7:45PM by David Cole. The Chairman proceeded to apologize to the three petitioners and explained that two of the Board members unexpectedly were unable to attend due to personal reasons. The Chairman explained that the Board cannot proceed with only three members that a quorum (4 or 5) was needed for hearings. The Chairman asked all petitioners if they were in agreement for a continuation of the hearing to Wednesday, October 15, 2014. All three Petitions were agreeable and were asked by the Chairman to e-mail or send a short letter/note agreeing to the continuation of the hearing, and would be added to each file.

The Chairman moved to continue all hearings to Wednesday, October 15, 2014 at the corresponding times for each petitioner and was seconded by Tony Biocchi and Craig Olsen.

The Chairman then moved to close the meeting at 8:30 PM, and seconded by Tony Biocchi.

TOWN OF MEDWAY

ZONING BOARD OF APPEALS

MINUTES OF MEETING December 17, 2014

The Chairman, David Cole called the meeting to order at 7.40 p.m. with Board Members Mr. Biocchi, Mr. Olsen and Mr. Kennedy attending.

The first applicants, Justin and Maureen Gervais came before the Board to request a Variance F.7 to construct a 24x24 garage located at 10 Fisher Street, Medway, MA. Mr. Gervais explained because of the design of the home when built 15 years ago, that the location of their home, existing driveway and septic system, there is no other area that is compatible for the placement of a 24x24 garage. The new subdivision created our lot to become a corner lot with the Zoning ByLaws requiring a 35 foot setback. Due to a hardship we are asking for a reduction in the 35 foot setback to 21 foot setback.

At the hearing no one from the public spoke in favor of, or in opposition to the applicant. The hearing was then closed and second.

Next hearing, continued from November 19, 2014. The applicant John Solari and David Faist, Engineer for John's Auto Body came before the Board to explain the questions from the Board for the previous meeting which David Faist was unable to attend and was continued to December 17, 2014. Tony Biocchi, Board member was to hand the plan to Planning Board, DPW, ConComm. And Board Healthy for any comments on the lot plans and to get back to the ZBA in writing of their comments. We have not received and response.

David Faist the engineer for the lot gave more detail on the containment of fuel on site. Storage of gas, water & oil, number of drums on site, floor drains, MDC Trap, safe guard and outside drainage, etc.

David Faist will send new plans showing area for storage.

If we do not hear from the individual Boards, John Solar and David Faist will not need to attend meeting on 1/7/2015