

TOWN OF MEDWAY
ZONING BOARD OF APPEALS

MINUTES OF MEETING OCTOBER 17, 2012

All five members of the Board were present when the Chairman called the meeting to order at 7.50 p.m.

The Secretary reported that no new petitions had been received.

The Board then proceeded by unanimous consent to hear the application of Mr. Edward Harvey, who appeared on his own behalf, accompanied by his builder. Mr. Harvey explained that he wished to use the proposed garage to store cars so that he can work inside when he retires in about four years. He wished to vary the side setback to 19 feet, and in accordance with Section V.F.7 of the Zoning ByLaw he argued, and presented photographic evidence to the effect that, surrounding houses do not meet the side setback requirements of the Zoning ByLaw. Ms. Doherty raised the question of whether the proposed garage would affect the view from the Johnson property; Mr. Harvey replied that the view was already essentially blocked by trees so that the proposed garage would make little or no difference to the view. Board members noted that the subject lot was a corner lot and hence subject to different side setback requirements from a non-corner lot, but Mr. Harvey pointed out that the photographic evidence presented did relate in part to corner lots. Some concerns were expressed by Board members as to what the photographic evidence presented actually showed in the absence of any specific distance markings, but the Board members appeared to accept that the evidence did at least show some non-conforming side setbacks. Mr. Harvey stated that the house was constructed in about the 1960's and he purchased it in the 1990's.

There were no questions or comments from the public, and no member of the public spoke in favor of or against the application.

A motion to close the hearing was made by Mr. Cole, seconded by Ms. Gould and passed unanimously.

After a five minute recess, the Board proceeded by unanimous consent to immediate deliberation on the application of Mr. Harvey. A motion was made by Ms. Doherty, seconded by Mr. Biocchi and passed unanimously to find that the proposed

construction will not pose a detriment to the public good. A further motion was made by Mr. Musmanno, seconded by Mr. Biocchi and passed unanimously to find that other structures in the vicinity vary from setbacks in a similar fashion. A third motion was made by Mr. Musmanno, seconded by Mr. Cole and passed unanimously to find that under the circumstances preservation of the setback from Charles River Road, being the main road into the neighborhood, is more important than preservation of the setback from Nipmuc Street. A fourth motion was made by Mr. Cole, seconded by Ms. Doherty and passed unanimously to find that the grant of the requested Special Permit would not be inconsistent with any of the criteria for special permits set out in Section III.J of the Zoning ByLaw. Accordingly, a motion was made by Ms. Doherty, seconded by Mr. Biocchi and passed unanimously to grant a Special Permit to Mr. Harvey for construction of a 24 by 24 foot single story garage at 14 Charles River Road substantially in accordance with the plans presented.

This being the first meeting of the Board since certain members were reappointed, the Board proceeded to elect its officers. On a motion made by Ms. Doherty, seconded by Mr. Biocchi and passed unanimously, Mr. Musmanno was elected Chairman. On a second motion made by Ms. Doherty, seconded by Mr. Biocchi and passed unanimously, Mr. Cole was elected Clerk.

On a motion made Mr. Musmanno, seconded by Mr. Cole and passed unanimously, the Board adjourned at about 9.35 pm.