

**TOWN OF MEDWAY  
ZONING BOARD OF APPEALS**

**MINUTES OF MEETING DECEMBER 7, 2011**

Messrs. Musmanno, Cole and Biocchi, and Ms. Doherty were present when the Chair called the meeting to order at 7:45 p.m.

The Board, by unanimous consent, agreed to hear the application of Sprint Spectrum LP., on whose behalf Ms. Carmen DeMarco of C-Davis Associates appeared. Ms. DeMarco stated that if the requested Special Permit were granted there would be no increase in height of the existing structure, nor would there be any increase in equipment area; the application was for the removal of six 3G antennas and their replacement with six 4G antennas, with the addition of some equipment to an existing cabinet and the addition of four cables on an existing bridge. There would be no significant esthetic impact, no change in water runoff or in noise levels. There would be no modification to air conditioning equipment, no new power facilities and no changes to lighting or signage.

In response to questions from the Board, Ms. DeMarco stated that he was uncertain regarding the total change in radiated power, which would not be large and that the frequencies being used would not change substantially.

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

The Board then proceeded, by unanimous consent, to hear the application of Mr. Russell Santoro, who appeared on his own behalf. The applicant pointed out that the lot substantially exceeded the area and frontage requirements for a two family dwelling, that there were several two families in the area, and that the lot sat next to the Nautilus Fitness Center, a commercial lot. In response to a question from the Board, the applicant stated that he would not object to limiting the dwelling to a footprint of 40' by 80'.

Mr. Wayne Brundage, an abutter at 268 Village Street, objected to the proposed placement of the two family dwelling, preferring that it be moved over further from his dwelling. He also offered the opinion that we do not need a two family dwelling in this location and that duplexes run the neighborhood. He

further asked why is a duplex appropriate; the builder already lives in a two family dwelling at 372 Village Street.

Mr. Vinny Sia, of 18 Main Street, spoke in favor of the application, stating that he valued the type of design the applicant had previously erected in Medway.

On a motion made by Mr. Cole, seconded by Ms. Doherty and passed unanimously, the hearing was closed but the record left open for receipt of correspondence from the Planning Board dated prior to the hearing.

By unanimous consent of the Board, Mr. Barry Roth, the owner of Medway Imports, 16 Main Street, appeared before the Board to seek clarification of the Board's Decision of February 3, 1999, which granted an increase from 12 to 24 in the number of vehicles for sale on the lot at 16 Main Street. Mr. Roth stated that he had always interpreted Condition 2 of that Decision (which reads "No on site repairs") as barring body repairs, not mechanical ones. After some discussion, the Board interpreted the Decision as barring all repairs, and suggested that if the applicant needed to carry out mechanical repairs on the lot, he should file for a new Special Permit.

The Board reviewed the application of Mr. and Mrs. Hynes relating to 100 Summer Street, found it in good order and, on a motion made by Mr. Musmanno, seconded by Mr. Cole and passed unanimously, set it for hearing on January 4, 2012 at 7:45 pm.

On a motion made by Mr, Musmanno, seconded by Mr. Biocchi and passed unanimously, the Minutes of the September 21, 2011 Meeting were approved as presented by the Clerk.

On a motion made by Mr, Musmanno, seconded by Mr. Biocchi and passed unanimously, the Minutes of the October 5, 2011 Meeting were approved with agreed corrections.

By unanimous consent, the Board then agreed to deliberate the application of Sprint Spectrum LP. A motion was made by Ms. Doherty, seconded by Mr. Musmanno and passed unanimously to find that the petitioner demonstrated substantial compliance the requirements of Section V.S.2 of the Zoning ByLaw. A further motion was made by Ms. Doherty, seconded by Mr. Musmanno and passed unanimously to find that the site is the preferred location under Section V.S.3.a of the Zoning ByLaw. A third motion was made by Ms.

Doherty, seconded by Mr. Musmanno and passed unanimously to find that the grant of the requested Special Permit would not cause substantial detriment to the public good. A further motion was made by Ms. Doherty, seconded by Mr. Musmanno and passed unanimously to find that the grant of the requested Special Permit to the applicant would not be inconsistent with any of the criteria set out in Section III.J of the Zoning ByLaw. Accordingly, on a motion made by Ms. Doherty, seconded by Mr. Musmanno and passed unanimously, the Board granted a Special Permit to the applicant for replacement of antennas and ancillary equipment at 113R Main Street substantially in accordance with the plans presented.

The Board then proceeded to deliberate on the application of Mr. Santoro. A motion was made by Ms. Doherty, seconded by Mr. Musmanno and passed unanimously to find that the grant of a suitably conditioned Special Permit for a two family dwelling would not cause substantial detriment to the public good. A motion was then made by Mr. Cole, seconded by Mr. Biocchi and passed unanimously to grant a Special Permit to the applicant, Russell Santoro, to construct a two family dwelling at 272 Village Street subject to terms and conditions to follow (proposer and seconder of each condition follow its text; both conditions were adopted unanimously):

- (a) In accordance with the plans presented, the sum of the area coverages of all permanent structures shall not exceed 3200 square feet (Musmanno/Biocchi); and
- (b) This special permit shall not take effect until a relevant definitive subdivision plan has been recorded with the Norfolk County Register of Deeds (Cole/Biocchi).

The final motion was adopted unanimously.

Following a motion to adjourn made by Mr. Musmanno, seconded by Mr. Biocchi and passed unanimously, the meeting was closed at 9:30 pm.