

**TOWN OF MEDWAY**  
**ZONING BOARD OF APPEALS**  
**MINUTES OF MEETING MAY 25, 2011**

Messrs. Musmanno, Cole, Gluckler and Biocchi were present when the Chair called the meeting to order at 7:54 p.m.

By unanimous consent, the Board proceeded to hear the appeal of Mr. Bryn Smith regarding 9 Broad Street. Mr. Smith appeared on his own behalf, and the Building Inspector also appeared. Mr. Smith stated that he did not wish to present any additional documents. He based his case largely upon the Building Permits issued in 1985 and 2003, and the tax records. All material in the package presented to the Board was also presented to the Building Inspector before or after the denial of the requested permit.

The Building Inspector stated, in issuing the earlier Building Permits, his predecessor would not necessarily have looked at all the records and might have assumed that the subject building was a pre-existing non-conforming building. Research shows that this building was a single family dwelling when zoning was adopted around 1950. The assessors' 1975 tax rating does not necessarily reflect Town Zoning.

There were no questions from the public. Mr. Gregory of 33 Broad Street spoke in favor of the appeal. There are numerous multi-family dwellings in the area, including his own, and by the standards being applied in this appeal he might have difficulty establishing that his own dwelling was a legitimate multi-family dwelling. The Board should consider the effect this decision might have on other lots in the neighborhood. Mr. Roy Young of 7 Church Street also spoke in favor of the appeal stating that the subject dwelling had always been a five-family dwelling since he had lived in the area, and thus for at least 20 years. Ms. Arlene Doherty (speaking as a member of the public) stated that she knew the subject dwelling to have been multi-family since at least 1972. Mr. Heavy stated that his family moved out of the dwelling in the middle of the Second World War and that it was a single family dwelling at the time. Mr. Biocchi (speaking as a member of the public, not of the Board) stated that from his personal knowledge in 1974 the subject dwelling was multi-family.

No one spoke in opposition to the appeal.

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

On a motion made by Mr. Musmanno, seconded by Mr. Biocchi, and passed unanimously, the Minutes of the May 4, 2011 meeting as presented by the Clerk were accepted with minor amendments.

By unanimous consent, the Board proceeded to immediate deliberation of the appeal of Mr. Bryn Smith. On a motion made by Mr. Musmanno, seconded by Mr. Cole and passed unanimously, the Board found that it was satisfied that multi-family use was established by July 8, 1975. After some further discussion in which certain members expressed a desire to conduct further research into the history of zoning in Medway, a motion was made by Mr. Biocchi, seconded by Mr. Gluckler and passed unanimously to table further deliberation until the next meeting of the Board on June 15, 2011.

On a motion made by Mr. Musmanno, seconded by Mr. Cole and passed unanimously, the new petition by Sia Family Realty Trust was set for advertising and hearing on June 15, 2011 at 7:45 pm.

Mr. Ahmed appeared before the Board requesting that plans relating to Fox Run Farms be signed by the Board. However, the Board declined to do so pointing out that certain provisions of its recent decision regarding amendment of the comprehensive permit were not reflected on the plans presented.

On a motion made by Mr. Gluckler, seconded by Mr. Biocchi and passed unanimously the Board adjourned at 9:15 pm.