

TOWN OF MEDWAY
ZONING BOARD OF APPEALS

MINUTES OF MEETING FEBRUARY 3, 2010

All five members of the Board were present. The Chair called the meeting to order at 7.20 p.m.

The Board proceeded to consider the application of Ms. Marshall. On a motion made by Mr. Cole, seconded by Mr. Gluckler and passed unanimously, the Board decided to schedule a hearing and to request additional information from the applicant.

The Board next proceeded to consider the application of Ms. Degenis for a variance. There was a consensus by the Board members that there was no ground for granting a variance in the absence of a formal determination by the Zoning Enforcement Officer that no permit for the proposed use could be granted. Accordingly, on a motion made by Mr. Musmanno, seconded by Mr. Cole and passed by unanimous consent, the Board decided to reject the petition based upon its incompleteness, and to return the fee paid with an explanation of the missing elements of the petition.

On a motion made by Mr. Musmanno, seconded by Mr. Cole and passed by unanimous consent, the Board scheduled the hearing on the Marshall application for 7:15 pm on March 3.

The Board then discussed whether to recommend any changes to the Zoning ByLaw, and in particular a proposal, mentioned at a previous meeting, to amend Article III, Section D, Paragraph 1 so as to permit an appeal to the Board from any decision of another Town officer, Board, Committee or Commission under the Zoning ByLaw. After considering various proposed forms of wording to achieve this end, on a motion made by Mr. Musmanno, seconded by Mr. Cole and passed unanimously, the Board voted to transmit to the Selectmen for inclusion in Town Meeting Warrant, an amendment to Article III, Section D, Paragraph 1, lines 2 and 6 to replace the words "Building Inspector" in each line with "Inspector of Buildings, other administrative official, Town Board, Committee or Commission".

The Board also reviewed its Rules relating to Section 40B applications, and concluded that the framework of the present Rules was satisfactory but that the Board

should, at some future date, review the Housing Appeals Committee model rules to see if it is appropriate to incorporate anything from the model rules into the Board's own Rules.

There being no further business before the Board, the meeting was adjourned by unanimous consent at approximately 8:45 pm.