

TOWN OF MEDWAY
ZONING BOARD OF APPEALS
MINUTES OF MEETING MARCH 3, 2010

Messrs. Musmanno, Cole, Biocchi and Gluckler and Ms. Gould were present. The Chair called the meeting to order at 7.18 p.m.

By unanimous consent, the Board proceeded to hear the application of Rhonda Marshall, who appeared on her own behalf accompanied by her husband Patrick Foy. The applicant stated that the house was purchased in 2004 in its present form (i.e., with the accessory unit already present) and was advertised as having an in-law apartment. However, the deed described the house as a single family dwelling. The applicant submitted plans and photographs of the dwelling. The dwelling was originally a ranch; a modular two story structure was added, with the original ranch structure now being used as the auxiliary unit and the family room. The applicant had recently been cited by the Building Inspector for having an unauthorized two family dwelling, with penalties being waived pending the outcome of the present application.

The main and auxiliary units shared the same water, heating, septic, cable and security systems; the only features added to create the auxiliary unit were a second kitchen and an extra bathroom. The accessory unit is about 700 square feet, with the total area of the dwelling being about 3000 square feet. An asphalt parking area provides 4 to 5 parking spaces from a single curb cut, but there is a grass area adjacent the accessory unit used as a driveway. There is a front access to auxiliary unit plus a back door to the deck.

Mr. Robert Young of 27 Oak Street (across the street from the subject lot) questioned whether the dwelling could be said to maintain the character in view of the fact that the owner's nephew and girlfriend were presently living in the auxiliary unit, and the dwelling had two mailboxes and two trash pickups. It was agreed that there was a second mailbox indicated as #24A Oak Street.

Two E-mail letters in opposition to the application were read into the record. Mr. Andrew Boyson stated he would be in support of the application if not for the extra driveway and mailbox. Mr. Robert Young stated that he was a 28 year resident of the street and opposed to the application. The permit would create substantial detriment

to the public via additional traffic and noise, and would diminish property values and quality of life in a single family residential area.

It appeared to the Board that some negotiation between the applicants and those opposing the application might be helpful. Accordingly, on a motion moved by Mr. Biocchi, seconded by Mr. Musmanno and passed unanimously, the hearing was continued to April 14, 2010 at 7:15 pm.

Mr. Paul Zongi then made an informal appearance before the Board regarding a potential Section 40B application for a 2.5 acre lot at 33 West Street, presently approved for a two-lot sub-division. Mr. Zongi indicated he would be seeking 18 units, and that the proposed development would only impact two adjacent residential units. Ms. Affleck-Childs, secretary to the Planning Board, indicated that this might be a “friendly” Section 40B application under the Local Initiative Petition provisions.

The Minutes of the December 2, 2009 meeting were approved on a motion moved by Mr. Biocchi, seconded by Mr. Gluckler and passed unanimously, except that Mr. Musmanno abstained since he was not present at the earlier meeting.

The Minutes of the February 3, 2010 meeting were approved on a motion moved by Ms. Gould, seconded by Mr. Gluckler and passed unanimously.

The Secretary agreed to deal with a query from the Norfolk Animal Control Officer regarding kennel permits in Medway.

There being no further business before the Board, the meeting closed at 8:30 pm.