

**TOWN OF MEDWAY**  
**ZONING BOARD OF APPEALS**  
**MINUTES OF MEETING MAY 5, 2010**

Messrs. Cole, Biocchi and Gluckler and Ms. Gould were present. In the absence of Mr. Musmanno, Mr. Cole chaired the meeting. The Chair called the meeting to order at 7.45 p.m.

By unanimous consent, the Board proceeded to hear the application of Mr. Newman, who appeared on his own behalf. The applicant stated that the house was built in approximately 1955, and was thus a pre-existing non-conforming structure. In response to questions from the Board, the applicant explained that the house was a raised ranch, which he felt did not provide sufficient room for a growing family; in particular, a larger kitchen was needed. Because of the construction of the house and the layout of the present kitchen, the proposed location was the only one which allowed expansion of the kitchen, and the construction of an additional bedroom above the kitchen. It was noted that, even if the proposed variance were granted, the setback from the front lot line would still be greater than that on the opposed side of the house, which is about 31 feet.

There were no questions from the general public. Mr. Richard Slack, of 60 Holliston Street, the applicant's father-in-law spoke in favor of the application. No one spoke in opposition to the application.

On a motion moved by Mr. Biocchi, seconded by Mr. Gluckler and passed unanimously, the hearing was closed.

A letter was read into the record from NWG Auto Repair asking that they be permitted to withdraw their pending application without prejudice. On a motion moved by Mr. Biocchi, seconded by Mr. Gluckler and passed unanimously, the Board agreed to permit such withdrawal without prejudice.

The Board next reviewed the application of Mr. Greene of NRG Concepts, Inc., relating to Medway Mill, 165 Main Street. Some members of the Board felt that the application did not give sufficient information, in that it failed to disclose what type of Special Permit was being sought, while other felt that it was clear that the applicant was seeking a Special Permit for expansion of an existing non-conforming structure, and that

information regarding the reasons why the Building Permit had been refused would be helpful. Finally, on a motion moved by Mr. Gluckler, seconded by Mr. Cole and passed unanimously, the Secretary was asked to confirm with the applicant that a Special Permit for expansion of an existing non-conforming structure was being sought, to seek clarification of the reason for the denial of the Building Permit, and, provided the answers were as expected, to advertise the application. It was agreed to set a hearing for 7:30 pm on June 16.

The Board then reviewed a letter from Mr. Musmanno regarding certain recent meeting regarding the Town Meeting Article previously proposed by the Board. On a motion made by Ms. Gould and seconded by Mr. Gluckler, the Board voted unanimously to withdraw the Article.

The Board then proceeded to deliberate on the application of Mr. Newman. On a motion made by Mr. Cole, seconded by Mr. Biocchi and passed unanimously, the Board found that circumstances exist relating to the shape of the subject lot which are generally shared by other lots in the zoning district in that the subject lot is located on the inside of a sharp bend in Delmar Road. Also, on a further motion made by Mr. Cole, seconded by Mr. Biocchi and passed unanimously, the Board found that the applicant established that because of the construction and layout of the existing dwelling, and specifically the location and layout of the kitchen, that the proposed location was the only practicable location for an extension of the dwelling. On a third motion made by Mr. Cole, seconded by Mr. Biocchi and passed unanimously, the Board found that several dwellings in the immediate neighborhood have front setbacks of less than required by the present zoning. Finally, on a motion made by Mr. Cole, seconded by Mr. Biocchi and passed unanimously, the Board found that grant of the requested variation would not nullify or derogate from the intent of the bylaw.

Accordingly, on a motion made by Mr. Cole, seconded by Mr. Biocchi and passed unanimously, the Board granted a variance to the applicant, Tim Newman, for construction of an addition at 18 Delmar Road to vary the front setback to 34 feet, and subject to the condition that the addition be constructed in accordance with the plan presented dated March 11, 2010.

There being no further business before the Board, the meeting closed at about 9:00 pm.