

**TOWN OF MEDWAY**  
**ZONING BOARD OF APPEALS**

**MINUTES OF MEETING NOVEMBER 4, 2009**

Messrs. Cole, Biocchi and Gluckler and Ms. Gould were present. In the absence of the Chairman, the Clerk chaired the meeting. The Chair called the meeting to order at 7.35 p.m.

By unanimous consent, the Board proceeded to hear the application of Mrs. Bain, who appeared on her own behalf. Mrs. Bain explained that the relevant lot is approximately 2.5 acres, and that there are numerous two family dwellings and apartment buildings in the immediate neighborhood. Permission was sought for a one bedroom apartment by reconfiguring the existing basement; there would be no external construction or change to the exterior of the building. There were no questions from the general public. Ms. Diana Swanson of Bellingham spoke in favor of the petition; no one spoke in opposition. A move to close the hearing was made by Mr. Biocchi, seconded by Mr. Gluckler and passed unanimously.

The Board then proceeded to hear the Request by Fox Run Development Group LLC for modification of the Section 40B Comprehensive Permit for Fox Run Farm. Mr. James Pavlik and Mr. Paul Cusson of Delphic Associates appeared on behalf of the petitioner. Mr. Pavlik explained that financing the original condominium development for which the original Permit was granted was, in view of present conditions, virtually impossible. Accordingly, the petitioner desired to convert the original exclusive use zones into lots, thereby enabling the individual buildings to be financed independently. Except for a request to vary the width of the green belt to 25 feet to permit some slight flexibility in positioning the buildings, there would be no physical change in the layout of the development. The Board and the petitioner went item-by-item through the list of variances provided by the petitioner.

At the conclusion of the petitioner's presentation, the Board held an informal consultation, as a result of which it appeared that the Board members were all of the opinion that, except for the proposed variation in the width of the green belt, the changes sought were not significant, but various members were troubled by the proposed

variation in the width of the green belt. After considerable discussion, the petitioner suggested a compromise whereby no portion of any of the buildings should be less than 30 ft from the project's outer property lines, but decks, stairs and other ancillary structures associated with the building should not approach any closer than 25 ft to the project's outer property lines. This appeared to be acceptable to the Board members.

Accordingly, on a motion finally made by Mr. Cole, seconded by Mr. Biocchi (after various inputs from all Board members present), and passed unanimously, the Board decided as follows:

Subject to the conditions hereinafter set forth, the modification to the Comprehensive Permit proposed in the Applicant's letter of October 9, 2009, and stamped by the Town Clerk on October 15, 2009, and in the preliminary waiver list dated November 4, 2009 is determined to be not a significant change:

1 The second paragraph of Section 4.1.1 of the Board's decision dated October 21, 2005 is amended to read as follows: A waiver is granted from Standard #4, which requires a 30 ft wide (minimum) greenbelt adjacent to project outer property lines, to the extent that no portion of any of the buildings shall be less than 30 ft from the project outer property lines, but decks, stairs and other ancillary structures associated with the building shall not approach any closer than 25 ft to the project outer property lines.

2 The third paragraph of Section 4.1.1. of the Board's decision dated October 21, 2005 is deleted.

3. Each individual deed required by the project shall make reference to a recorded Homeowner's Association document.

4. The waivers in the Preliminary Waiver List dated November 4, 2009 submitted by Applicant are granted except that in Zoning waiver #3, "ARII" is corrected to "ARI".

5. The construction shall be substantially completed in accordance with the Comprehensive Permit plan "Fox Run Farm" dated August 15, 2005, revised September 21, 2009

The Board then moved to deliberate the application of Mrs. Bain. There was a general consensus among the Board members present that in view of the size of the lot and the general character of the neighborhood, there was no reason to deny the requested special permit for a two family dwelling. Accordingly, on a motion moved by Mr. Biocchi, seconded by Mr. Cole and passed unanimously, it was found that grant of the requested special permit for alteration of a single family dwelling to a two family dwelling would not be detrimental to the public good. Furthermore, on a motion moved by Mr. Biocchi, seconded by Mr. Cole and passed unanimously, it was determined to grant the requested special permit to convert the relevant single family dwelling to a two family dwelling substantially in accordance with the plan presented.

A motion was then made by Mr. Gluckler, seconded by Ms. Gould, and passed unanimously to accept the Minutes of the October 21 meeting as presented by the Clerk with one minor correction.

There being no further business before the Board, on a motion made by Mr. Gluckler, seconded by Ms. Gould, and passed unanimously, the meeting was adjourned at 10:35 pm.