

TOWN OF MEDWAY
ZONING BOARD OF APPEALS
MINUTES OF MEETING AUGUST 24, 2009

Messrs. Musmanno, Cole and Gluckler and Ms. Gould were present. The Chairman called the meeting to order at 7.34 p.m.

The Secretary reported that she had received an E-mail from Ms. Missy Dzicek, the representative of the Council on Aging stating that the representative would not be able to be present at this meeting. A motion to continue the hearing on this application to September 2 at 7.30 pm was made by Mr. Cole, seconded by Mr. Musmanno and passed unanimously.

A motion was then made by Mr. Musmanno, seconded by Mr. Gluckler and passed unanimously to accept the Minutes of the August 5 meeting as presented by the Clerk. Also, a motion was made by Mr. Musmanno, seconded by Ms. Gould and passed unanimously to accept the Minutes of the August 19 meeting as presented by the Clerk.

The Board then proceeded by unanimous consent to deliberate on the application of Ms. Chesmore, Mr. Gluckler having determined that after reviewing the tapes of the hearing, he felt able to participate in the deliberations. A motion was made by Mr. Gluckler, seconded by Mr. Cole and passed unanimously to find that grant of a suitably conditioned special permit for a hair salon on the subject premises would not cause substantial detriment to the public good. During the discussion on this motion, Mr. Cole stated that in view of the site the conditions would be important. Mr. Musmanno discussed typical conditions for this type of special permit, such as hours of operations, employees being restricted to occupants of the premises, operation by appointments only, number of clients, and requirements regarding chemical storage.

A motion was made by Mr. Musmanno, seconded by Mr. Cole and passed unanimously to find that the use described in the application was similar to one or more uses specified in Zoning ByLaw Section V.F.1(c).

By unanimous consent, it was agreed that the second finding should be listed first.

A motion was made by Mr. Cole, and seconded by Mr. Musmanno to grant the applicant a special permit for a hair salon, subject to conditions to be specified. An amendment to add the condition that all employees of the business be residents of the premises was made by Mr. Musmanno, seconded by Mr. Cole and passed unanimously. An amendment to add the condition that operating hours be by appointment only and not outside the hours of 9 am to 8 pm was made by Mr. Musmanno, seconded by Mr. Cole and passed unanimously. An amendment to add the condition that there not be more than one client at any one time was made by Mr. Musmanno, seconded by Mr. Cole and passed unanimously. A motion to add the condition that one off-street parking space be made available to customers during operating hours was made by Mr. Musmanno, seconded by Mr. Cole and passed unanimously. A motion to add the condition that there be no on-street parking associated with the business was made by Mr. Cole, seconded by Mr. Gluckler and passed unanimously. A motion to add the condition that there be no exterior modifications to the building was made by Mr. Musmanno and seconded by Mr. Cole. Mr. Gluckler, seconded by Mr. Musmanno, moved to amend this motion to state that no modifications be allowed not in keeping with a single family residence. This amendment failed by a vote of 1 in favor (Mr. Gluckler) and 3 against. The main motion passed 3-1, with Mr. Gluckler dissenting.

The main motion to grant the special permit with the aforementioned conditions was then passed unanimously.

The Board then discussed Mr. Cole's recommendations regarding the *Uglietta* case. There was no objection to retiring this matter without further consideration.

There being no further business before the Board, on a motion made by Mr. Musmanno, seconded by Mr. Cole, and passed unanimously, the meeting was adjourned at 8.42 pm.