

TOWN OF MEDWAY

ZONING BOARD OF APPEALS

MINUTES OF MEETING JANUARY 16, 2008

Members present were Mr. Musmanno, Mr. Cole, Mr. Flotta and Mr. Biocchi.

The meeting was called to order at 7:20 p.m. The Board agreed that its next meeting would be on March 5, 2008 at 7:15 p.m.

There being no objection from any member, the Board proceeded immediately to hear the application of Mr. Dishington, who appeared on his own behalf. Mr. Dishington explained that the proposed transfer would not cause Lot C/F to become non-conforming but it will decrease the non-conformity of Lot D (which is 27 Norfolk Street). However, the area of Lot C/F would go below the prescribed minimum. No members of the public raised any questions or made in statement in support of or in opposition to the application. A motion to close the hearing was made by Mr. Musmanno, seconded by Mr. Biocchi and passed unanimously.

There being no objection from any member, the Board then proceeded to consider the application of the Town of Medway, who were represented by Mr. D'Amico, Director of Public Works. Mr. D'Amico explained that, following the introduction of the GATRA bus to the Norfolk railroad station, the Town had received an offer from a corporate sponsor to pave a parking lot behind the West Medway Fire Station, and to provide signs bearing the sponsor's name to indicate the entrances to this parking lot. The proposed signs comply with Federal standards. The Town's original intention was to place the signs within the right-of-way. However, the Zoning Officer ruled that, since none of the sponsor's business was conducted on the relevant site, the proposed signs would be off-premises signs and an appropriate setback was needed. Furthermore, the Zoning ByLaw only allows a single sign. Accordingly, the Town is seeking variances to permit two signs (there being two entrances to the parking lot) with zero setback.

The Board noted that the Zoning ByLaw requires that the input of the Design Review Committee be sought before the Board makes a decision on this type of application. Ms. Childs, the Planning Board Assistant, who was present, indicated that the

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Design Review Committee meets twice per month. Accordingly, on a motion made by Mr. Musmanno and seconded by Mr. Biocchi, the Board unanimously decided to refer the matter to the Design Review Committee and to continue the application to March 5, at 7:30 pm.

The Board then held a general discussion with Ms. Childs^{afsk-} regarding possible areas for revision of the Zoning ByLaw. Among the topics raised by members of the Board were problems regarding the areas of signs, especially in commercial areas, and setback variation. Clarification regarding illumination of signs would be helpful, as would be correction of a clause mangled by the Attorney-General's Office. It was noted that there appears to be a tendency for the Zoning ByLaw to stray into areas which it is not permitted to regulate, for example in the requirement for Design Review Committee review of sign applications. There is a danger that a well-informed petitioner would recognize such straying of the Zoning ByLaw and embroil the Town in an expensive legal action. With regard to two-family dwellings, the question was raised whether the minimum lot area are construction of a new two-family dwelling should also apply to conversions.

The Minutes of November 7 were approved unanimously on a motion made by Mr. Musmanno and seconded by Mr. Biocchi. The Minutes of December 5 were approved 3-0 on a motion made by Mr. Musmanno and seconded by Mr. Flotta; Mr. Biocchi abstained since he was not present at the December 5 Meeting.

The Board proceeded to deliberation on the application of Mr. Dishington. Full details of the deliberations and the conditions attached to the Board's unanimous grant of the requested variance are given in the Board's Decision.

The Board then unanimously agreed, by a roll call vote, to convene an executive session for the purpose of discussing pending litigation concerning Maritime Housing, with no intent to return to public session.