

TOWN OF MEDWAY
ZONING BOARD OF APPEALS
MINUTES OF MEETING JUNE 4, 2008

Present were Messrs. Musmanno, Cole, Gluckler and Flotta.

The meeting was called to order at 7:20 p.m.

There being no objection from any member, the Board proceeded to hear the application of Mr. Dennis Murphy. Mr. Daniel Wolff appeared on behalf of Mr. Murphy.

Mr. Wolff stated that the existing buildings were highly non-conforming and in one place appeared to extend over the lot line. It is proposed to remove all existing buildings, and the new building will meet all setback requirements. The only remaining issue for which a special permit is sought is the lot size, which is smaller than the 40,000 square feet required by the Zoning District.

The area around the new building would be heavily landscaped, and the new building would be stick built in the New England style. One adjacent lot is one of the small "bottlecap" lots and its present ownership appears uncertain. The proposed building would replace a non-conforming with a conforming use. The building would have eight employees, so the Zoning ByLaw requires eight parking spaces, whereas ten are in fact being provided.

There were no questions or comments from the general public.

A motion to close the hearing was made by Mr. Flotta, seconded by Mr. Gluckler and passed unanimously.

There being no representative of the Marion Community present, that application was laid on the table.

There being no objection from any member, the Board next proceeded to hear the application of Mr. Richard Bruce, who appeared in person. Mr. Bruce stated that the rear lot was split off from the lot forming the subject of this application before 1952, and thus before zoning was in force in Medway. Since that time, the present lot had been owned by his parents and since about 1989 or 1990 by himself. There had been no contact with the rear neighbors regarding this application. The height of his dwelling was

about 13-14 feet, and the house on the rear lot was only about 10 feet from the property line. The dwelling on the Graham lot shown on the submitted plan was setback from the side lot line by about the width of the driveway on the other side. Mr. Bruce represented that the whole area was one with dwellings on small lots and often close to the lot lines.

There were no questions or comments from the general public.

A motion to close the hearing was made by Mr. Flotta, seconded by Mr. Gluckler and passed unanimously.

There being no objection from any member, the Board next proceeded to hear the application of Amersign, on whose behalf appeared Messrs. Jim Butler and Matt Herman, the latter being the store owner. The representatives of the applicant stated that the store 200-300 feet from the street, and although the Medway Plaza Shopping Center in which the store was located had an existing pylon sign, there was no room thereon for additional signs. The existing sign is 16.4 square feet; the check mark incorporated in the new sign adds about 6 square feet to the sign's area.

There were no questions from the general public. One member of the public spoke in favor of the application; no one spoke against.

A motion to close the hearing was made by Mr. Flotta, seconded by Mr. Gluckler and passed unanimously.

The Board then proceeded to deliberate on the application of Mr. Murphy. Having found unanimously that the proposed use was conforming and therefore the extent of non-conformity was decreased, that the proposed construction reduces the extent of dimensional non-conformity, and that the proposed alteration was not substantially more detrimental to the neighborhood than that which currently exists, the Board decided unanimously to grant a special permit to operate a single story office building at 133 Milford Street substantially in accordance with the plans provided. Full details of the Board's findings and the special permit are given in the Board's Decision.

The Board then unanimously agreed to deliberate on the application of Mr. Bruce. The Board voted unanimously (a) that the subject lot is unusually small owing to apparent conveyance of a substantial portion of the lot to the rear; (b) that the petitioner failed to demonstrate substantial hardship arising from these circumstances; (c) that in the light of the foregoing findings, the Board denied the petition for a variance; (d) that the

proposed reduction in rear setback would not render resulting setback significantly different from rear setbacks on adjacent lots. A motion was made by Mr. Cole and seconded by Mr. Flotta to find in view of foregoing finding proposed relief would not be detrimental to public good. A motion was then made by Mr. Flotta, seconded by Mr. Gluckler and passed unanimously to put the foregoing motion on the table to enable the Board members to inspect the relevant area, with deliberations to resume at a later date.

The Board then unanimously agreed to deliberate on the application of Amersign. The members felt that the pylon sign obviated the long setback from the road, and that distribution of space on the pylon sign was a matter between the applicant and its landlord. A motion was made by Mr. Cole, seconded by Mr. Musmanno and passed unanimously to find that the applicant had failed to demonstrate conditions relating to the shape, topography or soil conditions on the subject lot which did not generally affect other lots in the Zoning District. The Board then, on a motion made by Mr. Cole, seconded by Mr. Musmanno and passed unanimously, dismissed the petition for a variance.

The minutes of meetings on April 16 and May 21 were adopted unanimously, except that Mr. Musmanno abstained on the latter vote since he was not present at the relevant meeting.

The Board then agreed unanimously to adjourn.