

## TOWN OF MEDWAY

### ZONING BOARD OF APPEALS

#### MINUTES OF MEETING NOVEMBER 7, 2007

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

The meeting was called to order at 7:15 p.m. The Board gave unanimous consent to signing the two warrants before the Board. The Board also reviewed the application of Mr. William J. Berry, gave unanimous consent to it being heard at the next available time and directed the Secretary to advertise the application.

There being no objection from any member, the Board proceeded immediately to hear the application of William and Pauline Lambirth. Mr. Paul Kenny appeared on behalf of the applicants. It was noted that the existing building does not conform to the Zoning ByLaw in respect of one side setback, but that the proposed addition would not extend any closer to the lot line than the existing building. Also, Mr. Al Goodman, the neighbor on the relevant side of the lot, had no objection to the proposed addition. The hearing was closed.

The Board next proceeded to hear the application of Daniel Beksha. Mr. Paul Kenny appeared on behalf of the applicant. A statement in support of the application was made by the owner of 15 Chestnut Street. Two letters in favor of the application were read into the record, one from Frederick and Shirley Paulette, of 2 Chestnut Street, and the second from the Reardon Trust, owners of 33 Oakland Street, the lot to the West.

The Board then proceeded to hear the application of Fiber Tower; Mr. Sean Conway appeared on behalf of the applicant. He stated that Fiber Tower has a lease from Crown Castle, the owners of the tower. The application is for the installation of a microwave relay antenna. There would be an associated on-ground cabinet with air conditioning, which would generate minimal noise when operating. Mr. Conway made the statement of compliance with FCC regulations required by the Zoning ByLaw, Article V.S.4.c)(4).

After a brief recess, the Board proceeded to deliberate on all three applications heard. On the Lambirth application, the Board agreed 5-0 that the grant of

the requested special permit would not be detrimental to the public good. A motion was then made and seconded to grant a special permit. This motion also passed 5-0.

On the Beksha application, a motion was made by Mr. Cole and seconded by Mr. Musmanno that the applicant had failed to present evidence of substantial hardship relating to soil condition, shape or topography of the relevant lot. This motion passed 5-0. Accordingly, the Board dismissed the application, also by a vote of 5-0.

On the Fiber Tower application, a motion was made and seconded that the applicant had established adequate reasons for the work to be carried out. This motion passed 5-0. A second motion was made and seconded that grant of this application would not be contrary to the public good. This motion also passed 5-0. Accordingly, on a vote of 5-0 the Board agreed to grant the requested Special Permit.

The Board then unanimously agreed to close the meeting.