

TOWN OF MEDWAY
ZONING BOARD OF APPEALS
MINUTES OF MEETING MAY 15, 2013

The Chairman called the meeting to order at 7.49 p.m. with Messrs. Musmanno and Cole and Ms. Gould and Doherty present.

A motion to approve the Minutes of the May 1, 2013 meeting of the Board as presented by the Clerk was made by Ms. Gould, seconded by Mr. Musmanno and passed by a vote of 3-0 with Ms. Doherty abstaining since she had not been present at the earlier meeting.

The Board agreed, by unanimous consent, to adopt the decision on the application of Charter Realty with agreed minor amendments.

At this point, Mr. Biocchi joined the meeting.

By unanimous consent, the Board agreed to proceed immediately with the hearing on the application of Elizabeth Blenkhorn, who appeared on her own behalf. The applicant explained that Hillside Court is a very old street which once went through to North Street. An addition to the existing house was erected in 1986 on the east side of the older building, and above grade. In response to a question from the Board as to why the house could not be moved so as to conform with the setback requirements of the Zoning ByLaw, the applicant stated that it was desired to retain the front of the existing foundation; the farthest forward part of the foundation is that of a porch which has been added to the pre-existing structure; neither the side nor the back of the proposed building will be on the existing foundation. There has been no application for a building permit. The existing deck on the north side of the house will be removed. Moving the house back (i.e., eastwards) to conform to setback requirements would involve major filling and considerable expense, and would leave the house several feet above grade. The proposed new house would be single story; the present house is single story but with bedrooms in the basement.

There were no questions or comments from the public, but two letters of support from abutters were read into the record.

The Building Inspector explained that the applicant could not obtain a building permit for the proposed construction since she was not a licensed contractor as is required for erection of a modular home.

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

By unanimous consent, the Board immediately began deliberations on the application of Elizabeth Blenkhorn. A lengthy discussion ensued as to the applicability of Sections V.D.4.a and V.F.7 of the Zoning ByLaw. It was noted by the Board that during the course of the hearing both the petitioner and the Building Inspector had clarified that no building permit had been applied for.

A motion was made by Mr. Biocchi, and seconded by Mr. Cole unanimously to find that the grant of a special permit under Section V.F.7 of the Zoning ByLaw would not cause substantial detriment to the public good. A motion to amend by striking the reference to Section V.F.7 was made by Ms. Doherty and seconded by Ms. Gould. A motion to table both the main motion and the amendment was made by Mr. Musmanno, seconded by Mr. Cole and passed unanimously.

A motion was then made by Mr. Musmanno and seconded by Mr. Cole to find that the proposal as described in the application does not meet a rigorous definition of the term “reconstruction”. This motion was passed by a vote of 4-0 with Ms. Doherty abstaining. A motion was then made by Mr. Cole and seconded by Mr. Musmanno to add to the preceding motion references to “alteration” and “enlargement” as listed in Section V.D.4.a of the Zoning ByLaw. Again, this motion was passed by a vote of 4-0 with Ms. Doherty abstaining. A motion was made by Ms. Doherty, seconded by Mr. Musmanno and passed unanimously to find that the front and side setbacks of buildings on adjacent lots differ from those of the relevant Zoning District.

By unanimous consent, the Board agreed to take up the previously tabled motion and amendment from the table. Ms. Doherty then withdrew her proposed amendment, and the main motion was passed unanimously. A further motion was made by Ms. Doherty, seconded by Mr. Biocchi and passed unanimously to find that the project as proposed meets all of the Special Permit criteria set out in Section III.J of the Zoning ByLaw.

Accordingly, a motion was made by Ms. Doherty, seconded by Mr. Biocchi and passed unanimously to grant to the applicant Elizabeth Blenkhorn a Special Permit in accordance with Section V.F.7 of the Zoning ByLaw for construction of a one story single family dwelling at 4 Hillside Court in accordance with the initialed plans with a front setback of at least 9 feet on condition that the side setback be at least 10 feet.

A motion to adjourn was made by Mr. Cole, seconded by Ms. Doherty and passed unanimously; the Board adjourned at about 9.30 p.m.