

TOWN OF MEDWAY
ZONING BOARD OF APPEALS
MINUTES OF MEETING MARCH 19, 2014

The Chairman called the meeting to order at 7.54 p.m. with all members present.

The Board proceeded by unanimous consent to continue with the hearing on the application of Daniel Pires for relief from front setback requirements at 40 Coffee Street. Mr. Pires presented a plan, signed by a registered surveyor, which showed that the proposed construction was, at its closest, about 20.5 feet from the front lot line of the subject lot. The Board examined a detailed map of the lots surrounding the subject lot and determined by eye that a substantial number of lots in the neighborhood had front setbacks at least as low as 20 feet. A motion was then made by Mr. Biocchi, seconded by Mr. Cole and passed unanimously to close the hearing.

By unanimous consent, the Board then proceeded to hear the application of Caryn V. Cantrell, Elliott M. Vanetzian, Jr. and Celeste L. Cantrell of 10 Franklin Street for a kennel permit. The applicants, who represented themselves, explained that they sought a permit for four dogs, all of whom were Chihuahuas. These were family pets and there would be no commercial activity in connection with the dogs. They previously had only three dogs, but when one produced a litter, they were advised to retain one weak animal, thus being left with four dogs. All the dogs were or would shortly be neutered or spayed, and were kept indoors.

The Board then invited comments from the Animal Control Officer. The Officer stated that an inspection some time ago had revealed problems with the dogs. Furthermore, following this inspection the applicants had moved house without telling her their new address. Also, the applicants had failed to license to dogs for an extended period of time.

Since it appeared that the Board would be unwilling to grant the requested special permit until the problems previously noted by the Animal Control Officer had been resolved, the applicants agreed to a continuation of the hearing until the Board's next meeting, which was set for 7:45 pm on April 30, 2014. The Animal Control Officer

agreed that she would reinspect the premises before this meeting and place her report before this meeting.

After a brief recess, the Board agreed unanimously to move to immediate deliberation on the application of Mr. Pires. The following motions were then successively made by Ms. Doherty, seconded by Mr. Biocchi and passed unanimously:

(1) To find that the applicant demonstrated that the front setbacks of neighboring and nearby lots vary from the setback requirements of the Zoning ByLaw;

(2) To find that the grant of the requested Special Permit under Section V.F.7 of the Zoning ByLaw would not be substantially detrimental to the public good;

(3) To find that the grant of the requested Special Permit under Section V.F.7 of the Zoning ByLaw would be in conformity with the criteria for the grant of Special Permits set out in Section III.J of the Zoning ByLaw; and

(4) To grant to the applicant a Special Permit under Section V.F.7 of the Zoning ByLaw for the construction of a deck and stairs at 40 Coffee Street substantially as per the attached plan with front setback from Coffee Street to be no closer than 20 feet.

The Board then proceeded to general business and signed routine expense reports. The Board then reviewed the Petition of Russ and Kathy Wheeler, of 8 Shaw Sreet, determined that it contained sufficient information to be set for advertisement and hearing, and appointed a hearing for April 30, 2014 at 8:00 pm. The Board also reviewed the Petition of Elite Home Buildings relating to the proposed ARCPUD at Winthrop and Lovering Streets. Questions were raised by various Board members as to whether the wording of Section V.U.4.c.1 of the Zoning ByLaw granted the power to vary age restrictions in an ARCPUD to the Planning Board rather than the Zoning Board of Appeals. Accordingly, the Board agreed by unanimous consent to instruct the chairman to contact the Planning and Economic Development Coordinator to clarify whether the Board should hear this Petition

A motion was made by Ms. Gould, seconded by Mr. Olsen and passed unanimously to accept the Minutes of the February 19, 2014 meeting as presented by the Chairman.

A motion to adjourn was made by Ms. Doherty, seconded by Mr. Biocchi and passed unanimously, and the Board adjourned at about 9.20 p.m.