

TOWN OF MEDWAY
ZONING BOARD OF APPEALS
MINUTES OF MEETING AUGUST 6, 2014

The Chairman called the meeting to order at 7.54 p.m. with all members except Mr. Olsen present. The Chairman welcomed Mr. Kennedy to his first meeting as a member of the Board

This being the first meeting of the Board since the departure of Ms. Doherty, the accession of Mr. Kennedy, and the reappointment of Mr. Cole, the Board proceeded to reorganize. A motion was made by Mr. Biocchi, seconded by Ms. Gould and passed unanimously to appoint Mr. Cole as Chairman. A further motion was made by Ms. Gould, seconded by Mr. Biocchi and passed unanimously to appoint Mr. Olsen (who had previously indicated his willingness to serve) as Clerk.

The Board proceeded by unanimous consent to commence the hearing on the application of William and Beverly Mayer. However, no representative of the applicants was present. After some discussion, on a motion made by Mr. Biocchi, seconded by Ms. Gould and passed unanimously, the hearing on this application was continued to August 20, 2014 at 8 p.m.

By unanimous consent, the Board then proceeded to hear the application of Linda Novello and Christian Hodgdon of 7 Appleton Way for an Accessory Family Dwelling Unit (AFDU) at that address. The applicants, who represented themselves, explained that the proposed AFDU was of a fairly common type, being formed by creating a second story above the existing garage, the only unusual feature being that the existing master bedroom, which lies adjacent the new construction, would become part of the AFDU rather than remaining part of the main dwelling. The only external modification of the building would be a small “bump-out” at the rear to accommodate an additional staircase from the AFDU; this staircase would terminate at an existing rear entrance to the building so that no additional entrances would be created.

There were no questions or comments from the public, and the Board unanimously agreed to close the hearing.

By unanimous consent, the Board proceeded to immediate deliberations on the foregoing application. A motion was made by Mr. Biocchi, seconded by Mr. Cole and passed unanimously to find that the applicants had demonstrated compliance with Sections L.3.(c)-(e) and (h) of the Zoning ByLaw (the remaining sections of Article L.3 being a matter for the Building Inspector). A second motion was made by Mr. Biocchi, seconded by Mr. Cole and passed unanimously to find that the grant of the requested Special Permit would not be substantially contrary to the public good. A third motion was made by Mr. Biocchi, seconded by Mr. Cole and passed unanimously to find that the grant of the requested Special Permit would not be contrary to any of the requirements for Special Permits set out in Section III.J of the Zoning ByLaw. Finally, a motion was made by Mr. Biocchi, seconded by Mr. Cole and passed unanimously to grant to the applicants a Special Permit for an auxiliary family dwelling unit at 7 Appleton Way to be constructed substantially in accordance with the plans submitted.

The Board then proceeded to hear the application of Fox Run Development Group, LLC for an additional modification of Section 40B Comprehensive Permit in respect of Fox Run Farms. The applicant was represented by Mr. Mujeeb Ahmed, who explained that the requested modifications related to eliminating street lights and the requirement for a sidewalk, and changing the curbing from a combination of Cape Cod Asphalt Berm and some concrete to all concrete. Mr. Ahmed presented a letter, signed by residents of all ten occupied units stating that they wished the sidewalk to be eliminated. Mr. Ahmed further stated that in his opinion the lighting previously required was unnecessary in that all the houses were close to the street and were provided with lights on the front of the house. Mr. Ahmed produced a letter from the director of the Medway DPW agreeing that lighting within the development was unnecessary. Finally, Mr. Ahmed stated that in his view, with the sidewalk on one side of the street being eliminated, it would be better to have a uniform curb throughout the development, rather than a concrete curb adjacent the sidewalk and an asphalt term on the opposed side of the street.

There was a lengthy discussion between the Board members regarding the effects of the proposed changes on the cost of the development and thus on the developer's profit.

When comments were invited from the public, several residents of the development confirmed that did not wish a sidewalk and streetlights within the development. There was also a lengthy discussion with certain abutters regarding existing problems with the development, especially as regards to water runoff.

The Board then unanimously agreed to close the hearing and after a short recess proceeded to immediate deliberation on this application. A motion was made by Mr. Cole, seconded by Mr. Biocchi and passed unanimously to find that the applicant presented evidence that the present residents of the development favor the elimination of the sidewalk. A further motion was made by Mr. Cole, seconded by Mr. Biocchi and passed unanimously to find that the proposed elimination of street lights was acceptable to the Town. A further motion was made by Mr. Cole, seconded by Ms. Gould and passed unanimously to find that grant of the suggested relief would not cause substantial detriment to the public good. A final motion was made by Mr. Cole and seconded by Mr. Biocchi to grant the requested relief, subject to the condition that the applicant and the Town's engineer meet and agree the effects of the proposed changes on the cost of the development and the disposition of any moneys resulting therefrom. However, since the formal Decision of the Board would have to be in the form of an amendment to the existing (complex and previously-amended) Decision to grant the Comprehensive Permit, Mr. Cole was charged with drafting a formal decision.

The Board then proceeded to general business and signed routine expense reports, and also signed the Decisions on the applications Todd and Lori Allen, Dennis Coakley, Elite Home Buildings, New Cingular Wireless and the Town of Medway. The Board also noted the recommendation of the Planning and Economic Development Board that the Zoning Board of Appeals engage the services of the PEDB's consultant, Mr. Gino Carlucci, in relation to the application of Tri-Valley Commons to be heard on August 20, agreed to engage this consultant and asked the Chairman to approach Mr. Carlucci.

A motion to adjourn was made by Mr. Biocchi, seconded by Mr. Kennedy and passed unanimously, and the Board adjourned at about 9.30 p.m.