

TOWN OF MEDWAY

ZONING BOARD OF APPEALS

MINUTES OF MEETING JANUARY 7, 2015

The Chairman called the meeting to order at 7:37 p.m. with all five members present.

The board opened the hearing on the petition of the case of Sean and Alisha Weddeke. Andrej Thomas Starkis, Alisha Weddeke's father, spoke on their behalf as their attorney. Mr. Starkis presented a plot plan and aerial views of the location of the lot. Due to the presence of an isolated vegetated wetland on the lot and topography, the proposed shed cannot be put on another part of the lot. The petitioner presented evidence of other structures in the neighborhood that do not meet setback requirements.

Tom Hall, Canal Realty Trust, owns the lot behind the petitioner. Mr. Hall requested clarification of the petition. He questioned the need for 8' from his property line. Clarifying that they prove the other neighbors do not comply to setbacks, therefore this would not be out of conformity in the neighborhood. The proposed shed will be approximately 12' in height. The Chairman asked if Mr. Hall would like to make a statement to the board. Mr. Hall stated that the neighborhood is too congested and feels the shed will add to the congestion. The Chairman invited other comments from the public, hearing none Mr. Olsen motions to close the hearing, seconded by Mr. Kennedy. Hearing closed.

The Chairman suggests the board resume deliberations of John's Auto Body, located at #25 Jayar Road. The board unanimously agreed. Mr. Olsen abstained, since he was not present during the first hearing. Comments from the Planning and Economic Development Board were read into record. The PEDB recommends that the ZBA consult the Town Engineer, Steven Bouley, TetraTech. Mr. Cole suggested the ZBA keep the petition open and request a quote for a review of the plans as soon as possible. The date of deliberation will be based on when we receive the information back. The ZBA agrees to ask the petitioner to pay for the Engineering review. Mr. Biocchi moves to continue to a date to be determined based on the Engineer's review and the PEDB report. Seconded by Mr. Cole. No further discussion. Unanimous vote to close.

The Board then proceeded to a potential petition from Lori Davidson. Mr. Cole feels it is not a variance but a Special Permit. Ms. Davidson is considering converting a single family home located in ARII to a two family. At this time she is considering withdrawing her petition. It is agreed to hear the petition at the February 4, 2015 meeting.

The Board accepts and signed the written decision for Justin and Maureen Gervais. Ms. Gould abstained as she was not in attendance.

General business is concluded.

Board moves to deliberate the application of Sean and Alisha Weddeke. Mr. Biocchi states that the proposed area is very congested. Of 15 lots on plot, ten houses do not meet side, and rear setbacks. Mr. Cole also agreed with Mr. Biocchi that many of the lots do not meet setbacks. Petitioner states the grade area prevents relocating the shed. The shed will be set on blocks and not on a foundation. Although Mr. Hall continues to state opinions, the public meeting is closed and no further comments can be entered into record.

Mr. Olsen moves to find that the applicant demonstrated that the rear and side setbacks in the immediate neighborhood varied from the requirements of the Zoning By Law in particular several lots in the neighborhood had rear setbacks substantially less than the 8 feet requested by the applicants. Motion seconded by Mr. Biocchi. No further discussion. Move to find that the grant of the requested waivers of the rear and side setbacks would not be detrimental to the public good. Seconded by Mr. Olsen.

By unanimous consent, the Board granted a variance to Sean and Alisha Weddeke.

Mr. Cole moves that notwithstanding it is not strictly an application for a special permit, grant of the requested relief would not be inconsistent to the criteria for special permits set forth in Section IIIJ in the Zoning By-Law. Move to grant to the applicants, Sean and Alisha Weddeke of 91 Village Street a waiver, in according with the revision of Section VF7 of the Medway Zoning By Law, to construct an above ground 12'x 24' foot shed adjacent of the south and east corner of the lot, with reduction of the side setback to not less than 10 feet and reduction of the rear of not less than 9 feet. Seconded by Mr. Biocchi. No further discussion

A motion to adjourn was made by Mr. Olsen seconded by Mr. Kennedy and passed unanimously. Board adjourned at 9:06 p.m.