

**Town of Medway
Zoning Board of Appeals Meeting
Sanford Hall, Town Hall
155 Village Street, Medway**

**MINUTES OF MEETING
December 2, 2015**

David Cole, Chairman, called the meeting to order at 7:30 p.m. Attending Board members were Ms. Gould, Clerk, Mr. Olsen and Mr. White (participating remotely). Mr. Arbeene and Mr. Kennedy were not present.

Due to geographic distance, Mr. White is participating remotely.

Citizen Comments

There were no members of the public that wished to make comments.

General Business

There was no general business discussed at the meeting.

Public Hearings

7:45PM - Public hearing for Maria Varrichione for a Variance from Section 6.1. Table 2 of the Zoning Bylaw to allow for a 7ft side setback where a minimum of 15ft is required for replacement of an existing garage on the property located at 8 Temple Street, Medway, MA.

The Board moved to hear the application of Maria Varrichione. The applicant was present to discuss their request.

Ms. Varrichione explained the request for a variance from the Board. There is an old run-down garage on the property which sits 7ft from the side property line. With this present configuration, it creates a 2ft alley which has caused issues in the past. The applicant seeks to keep the garage on the same plane but would like to move it back towards the rear lot line. She noted that there is a very slight increase to the side setback but only by a few inches which will make the structure a little less nonconforming with respect to the same setback. The applicant explained that essentially this is the only place to put the garage.

The Board questioned the applicant on how the request meets the criteria for a variance under MGL c. 40A Section 10. The Board asked how far away is the nearest neighbor's building. The applicant estimated 100ft. The Board also inquired what will happen to the existing garage. The applicant responded that the structure will be demolished.

Chairman Cole asked for public comments or questions concerning the application. There were none.

A motion to close the public hearing was made by Mr. Olsen and seconded by Ms. Gould and it was so voted by a roll call vote. (David Cole – aye; Carol Gould – aye; Craig Olsen – aye; and Brian White – aye)

The Board proceeded, by unanimous consent, to deliberate on the application of Maria Varrichione.

The Board agreed that they do not have an issue with this request. The Board recognized that the new location would be better from a safety standpoint.

Mr. Olsen moves to find that the requested relief for the new garage is no closer to the side property line than the preexisting nonconforming garage existing on the property. Chairman Cole seconded and it was so voted by a roll call vote. (David Cole – aye; Carol Gould – aye; Craig Olsen – aye; and Brian White – aye)

Mr. Olsen moves to find that the nearest adjacent structure from the northern property line next to the garage is approximately 100 feet. Chairman Cole seconded and it was so voted by a roll call vote. (David Cole – aye; Carol Gould – aye; Craig Olsen – aye; and Brian White – aye)

Chairman Cole moves to find that the lot is subject to conditions of topography especially affecting such lot but not generally affecting the zoning district in which the lot is located; specifically in view of the unusual small dimensions of the subject lot that the position and size of the existing dwelling and the location of the bituminous driveway, and the desired ability of spacing the new garage a greater distance from the dwelling than the existing garage, the proposed location of the new garage represents the only practical location available on the subject property. Mr. Olsen seconded and it was so voted by a roll call vote. (David Cole – aye; Carol Gould – aye; Craig Olsen – aye; and Brian White – aye)

Chairman Cole moves to find that the grant of the requested variance would not be substantially detriment to the public good and would not nullify or derogate from the intent or purpose of the Bylaw. Mr. Olsen seconded and it was so voted by a roll call vote. (David Cole – aye; Carol Gould – aye; Craig Olsen – aye; and Brian White – aye)

Mr. Olsen moves to grant a Variance from Section 6.1 of the Medway Zoning Bylaw to the applicant, Maria Varrichione, to allow construction of a proposed garage with a reduced side setback of the north property line to 7 feet on property located at 8 Temple Street, Medway in accordance with the plans submitted. Chairman Cole seconded and it was so voted by a roll call vote. (David Cole – aye; Carol Gould – aye; Craig Olsen – aye; and Brian White – aye)

Variance granted.

8:00PM - Public hearing for Ron Mullen for a Variance from Section 6.1. Table 2 of the Zoning Bylaw to allow for a 5ft rear setback where a minimum of 15ft is required for replacement of an existing garage on the property located at 8 John Street, Medway, MA.

The Board moved to hear the application of Ron Mullen. The applicant and the property owner, Mr. Parchesky, were present to discuss the request.

Mr. Mullen explained the request for a variance from the Board. In February, the garage collapsed given the winter weather experienced at that time. The intent is to rebuild the garage in the same location using the existing foundation. The Board questioned the distance from the garage to the rear property line. Mr. Mullen responded that the garage is approximately five feet off the rear property line. The Board asked how the request meets the criteria for a variance. Mr. Mullen discussed the topography of the property. Mr. Parchesky noted that it is the same as a few of the houses across the street. The Board questioned whether the new garage would be the same height. Mr. Mullen noted that it will be slightly higher with a height of 6ft. Mr. Parchesky added that he needs the storage space since his basement is damp and he needs a dry place to store. The Board also inquired about the distance to the next residence from this garage. The adjacent neighbor responded that his house is 8ft away from the property line. He added that since the garage will be 6ft tall and as there were no windows on the side of the garage that faced his property, he asked that there would be no windows in the new garage. Otherwise he is fine with what is being proposed. His property is adjacent to the west side elevation.

A motion to close the public hearing was made by Mr. Olsen and seconded by Ms. Gould and it was so voted by a roll call vote. (David Cole – aye; Carol Gould – aye; Craig Olsen – aye; and Brian White – aye)

8:15PM - Public hearing for Brett and Marisa Sabatini for a Variance from Section 6.1. Table 2 of the Zoning Bylaw to allow for a 34ft front setback where a minimum of 35ft is required for the construction of a farmers porch on property located at 21 Norfolk Avenue, Medway, MA.

The Board moved to hear the application of Brett and Marisa Sabatini. The applicant, Brett Sabatini, and his builder, Ken Soderholm, were present to discuss the request with the Board.

Mr. Sabatini explained the request for a variance from the Board. He seeks to construct a farmers porch so that they may have some use from the front of the house. He stated that the front of the lot slopes downward towards the street. The porch would be 6ft in width. Mr. Sabatini therefore requests to reduce the front setback to 34ft where 35ft is required and asks for a variation of one foot. The Board clarified the request with the applicant including the location of the steps and inquired about the topography and slope in the front yard. Mr. Sabatini responded that the drop in the front grade is approximately 6ft from the road to the front of the house. The Board inquired if the adjacent houses have a similar slope issue. Mr. Sabatini stated that the house on the right has a similar front yard but that of the house on left is relatively flat.

Chairman Cole asked for any public comments or questions concerning the application. There were none.

A motion to close the public hearing was made by Mr. Olsen and seconded by Ms. Gould and it was so voted by a roll call vote. (David Cole – aye; Carol Gould – aye; Craig Olsen – aye; and Brian White – aye)

The Board took a brief recess at 8:28pm and returned to open session at 8:33pm.

Deliberations

The Board proceeded, by unanimous consent, to deliberate on the application of Ron Mullen.

The Board agreed that they were comfortable with the request and there were no issues in the granting of the request.

Chairman Cole moves to find that the applicant established that the lot is subject to circumstances relating to shape and topography of that lot especially affecting the subject lot but not generally affecting the zoning district in which the lot is located; such that a literal enforcement would involve a substantial hardship to the applicant; and specifically in view of the limited size of the subject lot, its topography and the position of the existing house and stone wall, the general area of the previous garage represents the only practicable location for the proposed new garage, and that any requirement to locate the new garage a short distance from the existing garage would cause a substantial hardship by virtue of the inability to use the existing foundation. Mr. Olsen seconded and it was so voted by a roll call vote. (David Cole – aye; Carol Gould – aye; Craig Olsen – aye; and Brian White – aye)

Mr. Olsen moves to find that the location of the existing foundation is preexisting nonconforming under the current Medway Zoning Bylaw and gives reason for granting a variance. Chairman Cole seconded and it was so voted by a roll call vote. (David Cole – aye; Carol Gould – aye; Craig Olsen – aye; and Brian White – aye)

Chairman Cole moves to find that the desirable relief may be granted to the applicant without substantial detriment to the public good and without nullifying or substantially derogating from the intent of the Bylaw, but in doing so it may be desirable to impose conditions to safeguard the privacy of the neighbor on the west side of the lot. Mr. Olsen seconded and it was so voted by a roll call vote. (David Cole – aye; Carol Gould – aye; Craig Olsen – aye; and Brian White – aye)

Chairman Cole moves to grant a Variance from Section 6.1 of the Medway Zoning Bylaw to the applicant, Andrew Parchesky, to allow for the construction of a garage on the preexisting foundation adjacent to the west lot line of the subject lot, on property located at 8 John Street, Medway subject to the following term and condition that the new construction shall not have any windows provided in the west side of the garage but the existing windows in the foundation may be allowed to remain. Mr. Olsen seconded and it was so voted by a roll call vote. (David Cole – aye; Carol Gould – aye; Craig Olsen – aye; and Brian White – aye)

Variance granted.

The Board then proceeded, by unanimous consent, to deliberate on the application of Brett and Marisa Sabatini. Similarly, the Board had no issue with the relief being requested.

Chairman Cole moves to find that the applicant demonstrated that the lot is subject to circumstances relating to shape and topography of the lot which especially affects such lot but does not generally affect the zoning district in which the subject lot is located and specifically that the front yard lying between the existing dwelling and Norfolk Avenue slopes so steeply as to preclude most uses of the front yard, and the proposed farmers porch represents one possibility for making good use of a portion of the front yard area. Ms. Gould seconded and it was so voted by a roll call vote. (David Cole – aye; Carol Gould – aye; Craig Olsen – aye; and Brian White – aye)

Chairman Cole moves to find that the applicant's testimony and common experience suggest that a farmers porch needs to have a minimum width of approximately 6ft to allow persons to be seated thereon while permitting other persons to move around comfortably, and thus to be useful the proposed farmers porch needs to encroach to a modest extent on the 35ft front setback required by the Medway Zoning Bylaw. Mr. Olsen seconded and it was so voted by a roll call vote. (David Cole – aye; Carol Gould – aye; Craig Olsen – aye; and Brian White – aye)

Chairman Cole moves to find that the desirable relief may be granted to the applicant without substantial detriment to the public good and, in view of the very limited variance required without substantially derogating from the intent and purpose of the Bylaw. Mr. Olsen seconded and it was so voted by a roll call vote. (David Cole – aye; Carol Gould – aye; Craig Olsen – aye; and Brian White – aye)

Chairman Cole moves to grant a Variance from Section 6.1 of the Medway Zoning Bylaw to the applicants, Brett and Marisa Sabatini of 21 Norfolk Avenue, Medway, to allow for the construction of a farmers porch substantially located as shown on the plans submitted with the front setback from Norfolk Avenue being varied from 35ft to 33ft 6in. Mr. Olsen seconded and it was so voted by a roll call vote. (David Cole – aye; Carol Gould – aye; Craig Olsen – aye; and Brian White – aye)

Variance granted.

Approval of Minutes

The draft minutes of the November 18, 2015 meeting were tabled until the next meeting.

Adjournment

A motion to adjourn was made by Mr. Olsen and seconded by Ms. Gould and it was so voted by a roll call vote. (David Cole – aye; Carol Gould – aye; Craig Olsen – aye; and Brian White – aye). The Board adjourned at 9:00p.m.

Respectfully submitted,
Stephanie Mercandetti
Director, Community and Economic Development