

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

**MINUTES OF MEETING
July 1, 2015**

David Cole, Chairman, called the meeting to order at 7:45 p.m. Attending Board members were Mr. Arbeene, Mr. Kennedy, Mr. Olsen and Ms. Gould, Clerk.

General Business:

Board members reviewed and signed the decisions for Michelle Civetti of 51 Fisher Street.

Stephanie Mercandetti, Director of Community and Economic Development, informed the Board that Town Counsel is available on Wednesday, July 29th for the planned workshop meeting.

Public Hearings:

SOLARI

By unanimous consent, the Board proceeded to hear the application of Mr. John Solari of John's Auto Body. The applicant was not present. The Board had kept the hearing open for the purpose of receiving the Order of Conditions from the Medway Conservation Commission. Mr. Cole noted that the decision is quite lengthy so it will not be read but accepted into the record. Two members of the Board still needed to watch the prior hearings from the meetings they missed and file the Mullins Certifications with the Town Clerk. Medway Cable will have the videos ready and accessible for the two members. Mr. Cole proposes that the Board closes the hearing this evening and postpone deliberations until the July 8, 2015 meeting. Mr. Cole asked if there were any members of the public that wish to comment. No comments from the public were made.

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

FAHEY

The Board, by unanimous consent, agreed to open the continued application of Michael and Ann Fahey. The applicants were not present. The Board had kept the hearing open to receive the multiple emails that were sent to the Board. All Board members have read them and the emails will be entered into the record.

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

Deliberations:

FAHEY

The Board then proceeded, by unanimous consent, to deliberate the application of Michael and Anh Fahey. The Board makes reference to the letter and additional testimony submitted by Mr. Fahey. Members searched for a connection to tie into the criteria for a variance. The Medway Zoning Bylaw specifically prohibits poultry on less than one acre in the ARII zoning district. The Board agreed that precedence will be set by this decision.

Mr. Fahey testified that he would take the appropriate actions to have the Bylaw amended at the upcoming Town Meeting. The Board discussed if there were temporary measures that could be taken to allow for the time to amend the Bylaw, but as of yet they were not aware of any steps taken towards preparation of an article for the Town Meeting warrant. The Board understands that there are many other town residents in the same situation and this decision will affect all. The Faheys have had chickens for 4 years and testified they will petition to amend the bylaw. No one has been to the Planning and Economic Development Board for such a discussion. Mr. Fahey is presumed to be aware of the steps needed to be taken to appear on the town meeting.

Mr. Cole moved to find that the applicants failed to demonstrate circumstances relating to soil condition, shape, and topography of the subject lot, which especially affects such land but not affecting generally the zoning district which it is located, sufficient to overcome the specific prohibition written in Section V.F.1 of the Medway Zoning By-Law that livestock and poultry are prohibited on premises having a total land area of less than 44,000 square feet. Mr. Olsen seconded and the motion passed 3-1-0 (Mr. Kennedy dissenting).

In view of the foregoing finding, Mr. Cole moved that the Zoning Board of Appeals hereby denies the request for a Variance from Section V.F.1 to Michael and Anh Fahey for 208 Village Street, Medway to allow for poultry on land having a total area less than 44,000 square feet. Mr. Olsen seconded and the motion passed 3-1-0 (Mr. Kennedy dissenting).

Variance Denied.

PERKINS

The Board then proceeded, by unanimous consent, to deliberate the application of Kevan and Deborah Perkins. A similar discussion was held amongst Board members with respect to the application, the Town's Zoning Bylaw and the criteria for a variance.

Mr. Cole moved to find that the applicants failed to demonstrate circumstances relating to soil condition, shape, and topography of the subject lot, which especially affects such land but not affecting generally the zoning district which it is located, sufficient to overcome the specific prohibition written in Section V.F.1 of the Medway Zoning By-Law that livestock and poultry are prohibited on premises having a total land area of less than 44,000 square feet. Mr. Olsen seconded and the motion passed unanimously.

In view of the foregoing finding, Mr. Cole moved that the Zoning Board of Appeals hereby denies the request for a Variance from Section V.F.1 to Kevan and Deborah Perkins for 396 Village Street, Medway to allow for poultry on land having a total area less than 44,000 square feet. Mr. Olsen seconded and the motion passed unanimously.

Variance Denied.

Correspondence:

The Board received correspondence from Attorney Bethany Bartlett for Medway Shopping Center that the review with the Design Review Committee has concluded and to schedule a hearing to return to the Board. Mr. Cole stated that the Board will need the revised plan and comments from the Design Review Committee.

A motion to continue the public hearing to July 22, 2015 at 7:30p.m. was made by Mr. Cole, seconded by Mr. Olsen and passed unanimously.

Adjournment

A motion to adjourn was made by Mr. Cole and seconded by Mr. Olsen and passed unanimously. Board adjourned at 8:49p.m.

Respectfully submitted,
Wendy Harrington
Administrative Board Secretary