

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

**MINUTES OF MEETING
September 2, 2015**

David Cole, Chairman, called the meeting to order at 7:41 p.m. Attending Board members were Mr. Arbeene, Ms. Gould, Clerk and Mr. White. Mr. Olsen and Mr. Kennedy were not present.

Citizen Comments

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

General Business

The Board welcomed Brian White as a new associate member.

Public Hearings

Public hearing for Richard and Deborah Carlson for a Variance from Section 6.1. Table 2 of the Zoning Bylaw to allow for a 5ft side setback where a minimum of 15ft is required for placement of a shed on the property, located at 9 Cider Mill Road, Medway, MA

The Board moved to hear the application of Richard and Deborah Carlson, who were both present for the hearing. Mr. Carlson explained his request for dimensional relief from the side setback requirements. The Medway Conservation Agent visited the property and suggested the shed be moved towards the front of the lot in order to avoid wetlands. Mr. Carlson testified that there isn't another area on the lot to place the shed. The Board questioned the applicant on the distance from the neighbor's home and the criteria for a variance. The angle of the subject lot and view from the neighbor's home was taken into consideration. The Board viewed pictures and a satellite map of the area. Chairman Cole read into record a letter from a neighbor supporting the location of the proposed shed.

Chairman Cole asked if there were members of the public that wish to comment on the application. There were no members of the public that spoke in favor or in opposition.

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

The Board then proceeded, by unanimous consent, to deliberate on the application of Richard and Deborah Carlson.

Chairman Cole noted the criteria for a Variance relating to shape, topography and soil conditions. The location of the existing building, driveway, pool, septic system and slope of the

lot were considered and would affect the placement of the shed. The Board concluded that the proposed location of the shed appears to be the only place where it can be built.

Chairman Cole moved to find that the applicants established that the topography of the lot includes a steep downward slope towards the rear of the lot and the presence of wetlands renders this portion of the lot inadvisable for placement of a shed. Mr. Arbeene seconded and the motion passed 4-0-0.

Chairman Cole moved to find that the presence of an in-ground pool precludes the proposed shed from being placed in the rear behind the existing house. Mr. Arbeene seconded and the motion passed 4-0-0.

Chairman Cole moved to find that the presence of an extensive septic system between the existing house and the front lot line precludes the shed from being located in this area. Mr. White seconded and the motion passed 4-0-0.

Chairman Cole moved to find that the location of the shed proposed by the applicants is the only practical location on the subject lot and in relation to existing site constraints. Mr. White seconded and the motion passed 4-0-0.

Chairman Cole moved to find that in view of the foregoing findings, the applicants established that the lot is subject to circumstances relating to shape and topography especially affecting such lot but not generally affecting the zoning district in which the subject lot is located and that a literal enforcement of the provisions of this Bylaw would involve substantial hardship and that the desired relief may be granted without substantial detriment to the public good.

Chairman Cole then moved to grant to the applicants, Richard and Deborah Carlson, a Variance from Section 6.1 Table 2 of the Medway Zoning Bylaw to vary the side setback on the south side of the lot for the placement of a 10' x 10' shed on property located at 9 Cider Mill Road in accordance with the plans submitted. Mr. White seconded and the motion passed 4-0-0.

Variance Granted.

Fall Town Meeting

The Board moved to discuss possible Zoning Bylaw amendments to be submitted for the Fall Town Meeting warrant. Ms. Mercandetti stated that Fall Town Meeting is set for Monday, November 16, 2015.

A motion to accept the Minutes of the July 1, 2015 meeting as written was made by Chairman Cole, seconded by Mr. Arbeene and passed 3-0-1. Mr. White abstained as he had not been appointed to the Board at the time.

A motion to accept the Minutes of the July 29, 2015 meeting as written was made by Chairman Cole, seconded by Mr. Arbeene and passed 3-0-1. Mr. White abstained and noted while present for the meeting, he had not yet been appointed to the Board.

A motion to accept the Minutes of the August 19, 2015 meeting was made by Chairman Cole, seconded by Mr. Arbeene and passed 3-0-1. Mr. White abstained as he was not present for the meeting.

The next meeting is scheduled for October 7, 2015, two applications have been received but further information has been requested before the hearings.

Adjournment

A motion to adjourn was made by Mr. Arbeene and seconded by Mr. White and passed unanimously. Board adjourned at 8:42p.m.

Respectfully submitted,
Wendy Harrington
Administrative Board Secretary