

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS

IN THE MATTER OF: Gregory Amante
Petitioner

Property Owner: Gregory Amante
316 Village St.
Medway, MA 02053

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OPINION OF THE BOARD

**REQUEST FOR SPECIAL PERMIT
316 Village St.**

Hearing: September 21, 2011

Decision: September 21, 2011

MEMBERS PRESENT: Joseph F. Musmanno, Chairman
David Cole
Anthony Biocchi
Carol Gould

THE WRITTEN OPINION WAS DELIVERED ON SEPTEMBER 21, 2011

OPINION OF THE BOARD

This is a proceeding of the Zoning Board of Appeals of the Town of Medway, MA (hereinafter the Board) acting under the Zoning By-Laws of the Town of Medway, MA, 02053 and the Massachusetts General Law C40A, as amended, in which the petitioner, Gregory Amante, requests a Special Permit (V.F.2) for an Accessory Family Dwelling Unit at 316 Village St., Medway, MA 02053.

Hearing

Notice of the Public Hearing by the Zoning Board of Appeals in this matter was published in the Milford Daily News on September 7 and 14, 2011. Notice also was sent to all "parties in interest" and posted in the Town Hall as required by Massachusetts General Laws Chapter 40A, Section 11.

The Public Hearing was held and the record closed on September 21, 2011. At the hearing, no one spoke in of, nor did anyone speak in opposition to the application. .

Hearing Summary

The Applicant, Gregory Amante, along with his wife, Lisa Mitchell, came before the Board to request a Special Permit for an Accessory Family Dwelling Unit (V.F.2) at 316 Village St., located within the AR11 zoning district. The property was purchased by the Applicant in February, 2010 and the accessory unit had already been constructed. The previous owners had received a Special Permit for the unit and it was occupied by family members as defined in the By-Law. Once sold, the Special Permit became null and void. The Applicant proposes no alterations to the unit. The Applicant stated that in order to re-finance and for adequate homeowner's insurance, the designation of a single-family with an accessory dwelling unit was desired. The Applicant requests the permit to allow their Au Pair occupancy of the unit. However, in the near future, the Applicant's parent may occupy the unit.

Findings:

By vote of 4-0:

1. The petitioner stated the proposed Accessory Family Dwelling Unit would be occupied by an Au Pair who is not a family member.
2. The section V.F.2 of the Zoning By-Law only allows the Board to issue a permit for an Accessory Family Dwelling Unit when that unit can be reasonably expected to be occupied by a person defined in section V.F.2.b.

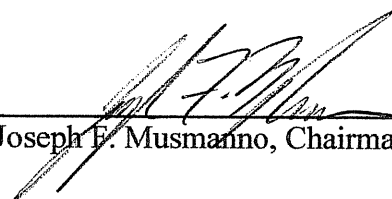
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Dismissed:


By vote of 4-0:

Based on the foregoing findings, the petition is dismissed without prejudice to representation of the petition upon material change in the proposed occupancy.

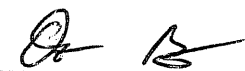
The Board hereby makes a detailed record of its findings and proceedings relative to this petition, sets forth its reasons for its findings and decision, incorporates by reference any plan or diagram received by it, directs that this decision be filed in the office of the Town Clerk and be made a public record and that notice and copies of its decision be made forthwith to all parties or persons interested.




Joseph F. Musmanno, Chairman



David Cole



Anthony Biocchi



Carol Gould