

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS

IN THE MATTER OF: Sean Geraghty
Petitioner

OWNER: JMC Commercial Properties LLC
3 Industrial Park Rd.
Medway, MA 02053

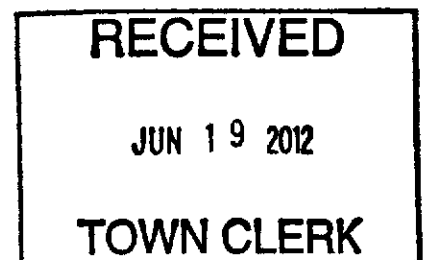
OPINION OF THE BOARD

**REQUEST FOR SPECIAL PERMIT
3 Industrial Park Rd.**

Hearing: April 18, 2012

Decision: April 18, 2012

MEMBERS PRESENT: Joseph F. Musmanno, Chairman
David Cole
Carol Gould
Arlene Doherty



July 8, 2012

THE WRITTEN OPINION WAS DELIVERED ON JUNE 8, 2012

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, Sean Geraghty DBA ATS Automotive & Transmission, requests a Special Permit (V.Y.1.1.1) to operate an automobile service and repair business at 3 Industrial Park Rd., 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 April 4 and 11, 2012. 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 April 18, 2011. At the hearing, no one spoke in favor of; nor did anyone speak in opposition to the application. .

Hearing Summary

The Applicant, Sean Geraghty, represented by his attorney, Paul Kenney, came before the Board to request a Special Permit to operate an automotive service and repair business at 3 Industrial Park Rd., located in the B-I zoning district. The property is within an existing industrial park. Mr. Geraghty would be relocating his business from Millis to this site. An automobile repair business is a common use in an industrial zone. The existing building is adequate for the proposed business, all of which will be conducted indoors. There would be no exterior alterations to the existing building, no new lighting, and there is adequate parking on site. The nearest neighbor is Swenson Granite and the proposed business will generate minimal traffic. There would be no automotive body work performed. Attorney Kenney further noted that the proposed use is consistent with the Master Plan in as much as it will increase the industrial/commercial tax base in Medway. The building is at present provided with one bay door, and one or two more doors may be added in the future. The subject lot does not fall within a special flood hazard zone. It is proposed to have four full-time employees at present, but it may be desired to add one or two more employees at a later time. The hours of operation are proposed to be 8AM to 5PM Monday-Friday, 8AM to Noon Saturday and closed on Sunday. Attorney Kenney further stated that the proposed use is common in an industrial park and would not cause substantial detriment to the public good.

Findings:

By vote of 4-0:

1. The grant of a Special Permit would not cause substantial detriment to the public good.

2. The project as proposed meets the Special Permit criteria set forth in Section III.J of the Medway Zoning ByLaw.

Relief Granted:

By vote of 4-0:

A Special Permit is granted to the Applicant, Sean Geraghty DBA ATS Automotive & Transmission, Inc. to operate an automobile service and repair shop at 3 Industrial Park Road., Medway, MA 02053 in accordance with Section V.Y.1.1.1 of the ByLaw subject to the following conditions and/or restrictions:

1. The use of the premises shall be limited to service and repair of automobiles, including the sale and installation of lubricants, tires and other accessories and including auto body repairs.
2. The hours of operation shall be limited to 7 AM to 8 PM seven days per week.

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.

IN ACCORDANCE WITH MASSACHUSETTS GENERAL LAW, CHAPTER 40A, SECTION 11 NO VARIANCE, SPECIAL PERMIT OR CONSTRUCTIVE GRANT OF A VARIANCE TAKES EFFECT UNTIL RECORDED IN THE REGISTRY OF DEEDS.

Joseph F. Musmanno, Chairman

David T. Cole
David Cole

Carol Gould
Carol Gould

Arlene Doherty
Arlene Doherty