

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS

**IN THE MATTER OF: Ed Harvey
 Petitioner**

**PROPERTY OWNER: Ed Harvey
 14 Charles River Road
 Medway, MA 02053**

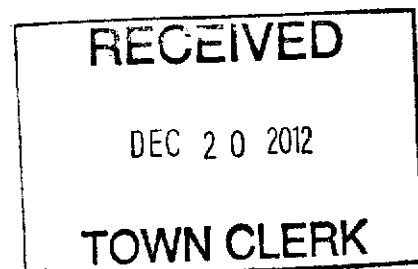
OPINION OF THE BOARD

**REQUEST FOR SPECIAL PERMIT
14 Charles River Road**

**Hearing: October 17, 2012
Decision: October 17, 2012**

**MEMBERS PRESENT: Joseph Musmanno, Chairman
 David Cole, Clerk
 Anthony Biocchi
 Carol Gould
 Arlene Doherty**

THE WRITTEN OPINION WAS DELIVERED ON NOVEMBER 13, 2012



30 day appeal Jan 9, 2013

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 Chapter 40A, as amended, in which the petitioner, Ed Harvey, requests a Special Permit V.F.7 to build a 24' X 24' garage located at 14 Charles River Road, 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 October 3 and 10, 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 October 17, 2012. At the hearing, no members of the public spoke in favor of, or in opposition to the application.

Hearing Summary

The Applicant, Ed Harvey, representing himself, and the builder, John Savelonis, came before the board to request a Special Permit V.F.7. to build a 24' X 24' garage at 14 Charles River Road located within the ARII zoning district. Photos of neighboring lots and a Plan of Land were presented to the Board. The lot in question is fronted on both Charles River Road and Nipmuc Street. It consists of some 11,200 square feet, and with the exception of area, appears to meet current regulations for the district. The Applicant wishes a setback from Nipmuc Street to 19 feet in order to construct the proposed single story garage. It is his intention to retire in the next few years and will utilize the garage to store and work on vehicles. A 24' X 24' garage structure is the standard size for a two-car structure. The home was constructed in the late 1960's and is owned by the Applicant since the early 1990's. The Applicant stated that surrounding houses do not meet setback requirements and the photos presented appear to evidence the claim. Further, the entire neighborhood consists of small lots with homes that are pre-existing, non-conforming to current standards. The Board viewed on-line Assessor's maps of the area and determined the validity of the Applicant's claim.

Findings:

By Vote of 5-0:

1. The proposed construction will not pose a detriment to the public good.
2. Other structures in the vicinity vary from setbacks in a similar fashion.
3. Under the circumstances preservation of the setback from Charles River Road, being the main road into the neighborhood is more important than preservation of the setback from Nipmuc Street.

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4. The grant of the requested Special Permit would not be inconsistent with any of the criteria for Special Permits set out in section III.J of the Zoning By-Law.

Relief Granted

By vote of 5-0:

A Special Permit is granted to Ed Harvey for construction of a 24' X 24' single storey garage at 14 Charles River Road substantially in accordance with the plans presented dated September 12, 2012 and attached to this decision.

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 Cole

Anthony Biocchi



Carol Gould



Arlene Doherty