

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS

IN THE MATTER OF: Michael J. and Lois M. Hynes
Petitioners

PROPERTY OWNER: Seacord Realty Trust
135 Piscassic Road
Box 960
New Fields, NH 03856

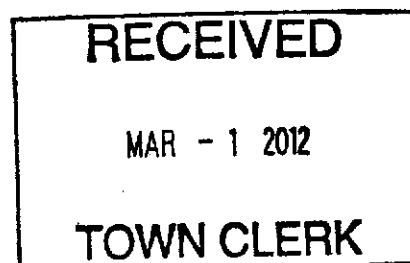
OPINION OF THE BOARD

REQUEST FOR SPECIAL PERMIT
Lot B, 100 Summer Street

Hearing: January 4, 2012
Decision: February 29, 2012

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

THE WRITTEN OPINION WAS DELIVERED ON FEBRUARY 29, 2012



*20 day appeal date
March 21, 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 petitioners, Michael J. and Lois M. Hynes, request a Special Permit (V.E.2) to build a single family dwelling with an accessory family dwelling unit on Lot B, 100 Summer Street, 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 December 21 and 28, 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 recorded closed on Wednesday January 4, 2012. At the hearing, three members of the public spoke in favor of, four spoke in opposition to the application.

Deliberations on the hearing were held on February 29, 2012 in a public meeting and which was posted in the Town Hall as required.

Hearing Summary

Appearing on their own behalf, the Applicants, Michael J. and Lois M. Hynes, accompanied by Paul G. Yorkis, Realtor, came before the Board to request a Special Permit (V.E.2) to construct a single-family dwelling with an Accessory Family Dwelling Unit ("AFDU") on Lot B, 100 Summer St., located in the ARI zoning district. The Applicants have an agreement with John Claffey, Claffco Corporation, the proposed builder of the dwelling. Mr. Claffey has an agreement with Seacord Realty Trust, owner of the premises, to purchase the lot subject to the issuance of the Special Permit. A certified plot plan of the subject premises submitted with the application shows the lot to be 44,009 sf in area with 180 feet of frontage on Summer St., meeting zoning requirements of the district. Currently, the lot is vacant. The proposed dwelling would be erected in accordance with the plan submitted, the total area of the structure being approximately 3,750 sf, of which 1,000 sf designated for the AFDU. All setback requirements would be met. The proposed dwelling would be erected in accordance with the plans submitted with the application and reviewed by the Board at the hearing. The Applicants stated that the main dwelling would be occupied by themselves and their three adult sons, while the AFDU would be occupied by one of the Applicants' parents. Included in the application packet was a signed, notarized declaration stating that the Applicants have reviewed and fully understand Section V.E.2 of the By-Law and their responsibilities under said By-Law.

Concerns brought up by abutters were in regard to the parking of multiple vehicles. In addition to the two car garage, additional parking would be made available. The plans have been shared with the Town of Medway Building Commissioner and Zoning Enforcement Office. He has indicated that the proposed plans comply with Section V.E.2 of the Town of Medway Zoning By-Law.

During deliberations, members of the Board indicated that they felt there might be a case for requiring screening the proposed parking area and for this purpose wish to inspect the subject lot. By unanimous consent, the matter was tabled until January 18, 2012.

There was no quorum present on January 18, 2012 and the public meeting was rescheduled to February 15, 2012 and posted in the Town Hall as required.

Only three of the sitting members on this application were present at the February 15, 2012 meeting. Accordingly, the public meeting was rescheduled to February 29, 2012 and posted in the Town Hall as required.

Deliberations continued and concluded on February 29, 2012.

Findings

By Vote of 4-0

1. The Petitioners demonstrated substantial compliance with all requirements of Section V.E.2 of the Town of Medway Zoning By-Law.
2. A suitably conditioned Special Permit would not be inconsistent with any of the criteria set forth in Section III.J of the Town of Medway Zoning By-Law.
3. The grant of a suitably conditioned Special Permit would not cause substantial detriment to the public good.
4. The Petitioners proposed design does not provide adequate parking for the proposed use.

Relief Granted

By Vote of 4-0:

To grant a Special Permit to Michael J. Hynes, Jr. and Lois M. Hynes for the construction of a single family dwelling with an Accessory Family Dwelling Unit on Lot B, 100 Summer Street, subject to the following conditions and/or restrictions:

1. The construction shall be in substantially in accordance with the plans and drawings submitted with the application dated November 21, 2011.
2. Provisions shall be made to extend the parking area at least 18 feet further to the east than shown on the certified plot plan dated November 15, 2011 submitted with the petition. This said area to be maintained as long as the Accessory Family Dwelling Unit permit is in force.
3. A vegetative buffer shall be installed and maintained in the area bounded by the northern edge of the property; the driveway and parking area; a line parallel to the front lot line and 35 feet east thereof; and line parallel to the front lot line and running through the easterly edge of the extended parking area required by Condition 2 above. The vegetation to provide effective visual screening of the parking area year-round once established, which shall occur within two years of occupancy. The vegetation buffer shall be maintained long as the Accessory Family Dwelling Unit is in place.

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 J. Cole

David Cole

Anthony Biocchi

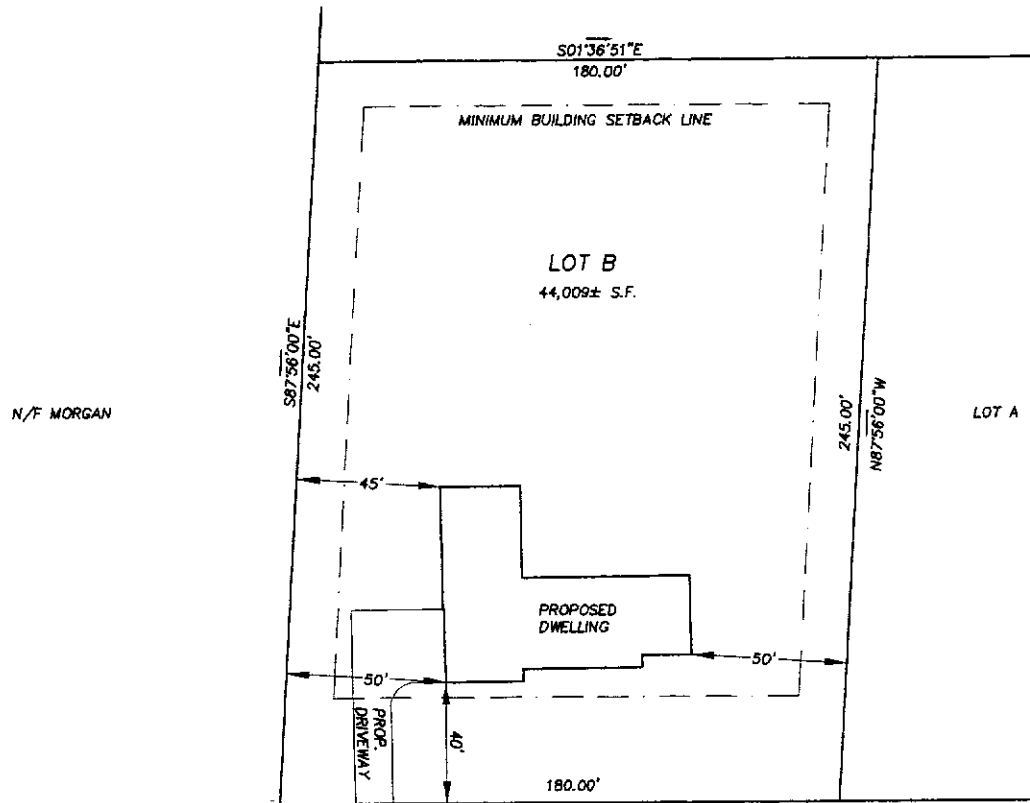
Anthony Biocchi

Carol Gould

Carol Gould



PARCEL C



TO: ADAMS STREET

S01°36'50\"/>

SUMMER STREET



PREPARED FOR: JOHN CLAFFEY
 PLAN REFERENCE: PLAN No. 93 OF 2010 PLAN BOOK 599
 ZONING DISTRICT: AGRICULTURAL-RESIDENTIAL DISTRICT 1 (AR 1)

CERTIFIED PLOT PLAN
 LOT B SUMMER STREET
 MEDWAY, MASSACHUSETTS

SCALE: 1"=40'

NOVEMBER 15, 2011



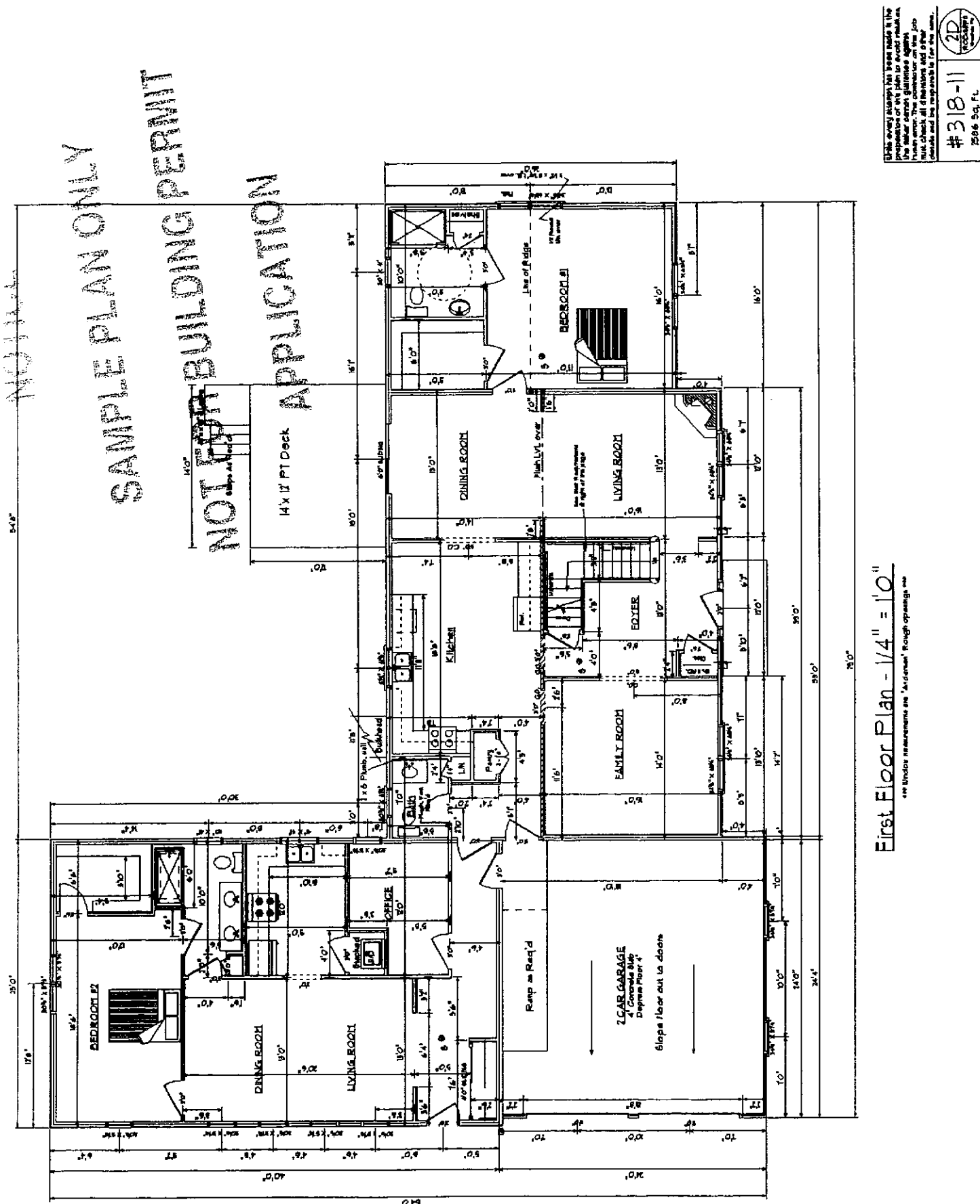
O'DRISCOLL
LAND SURVEYING Co.

LAND SURVEYING GPS MAPPING LAND CONSULTING

48 COTTAGE STREET MEDWAY, MASSACHUSETTS 02053 (508) 533-3314

Daniel A. O'Driscoll Nov. 15, 2011
 PROFESSIONAL LAND SURVEYOR DATE

FILE No. 1513



First Floor Plan - 1/4" = 1' 0"

See Notes for dimensions and "As Shown" rough openings.

Please verify all dimensions have been made in the preparation of this plan to avoid mistakes. The contractor is responsible for the accuracy of the plan. The contractor on the job must check all dimensions and other details and be responsible for the same.



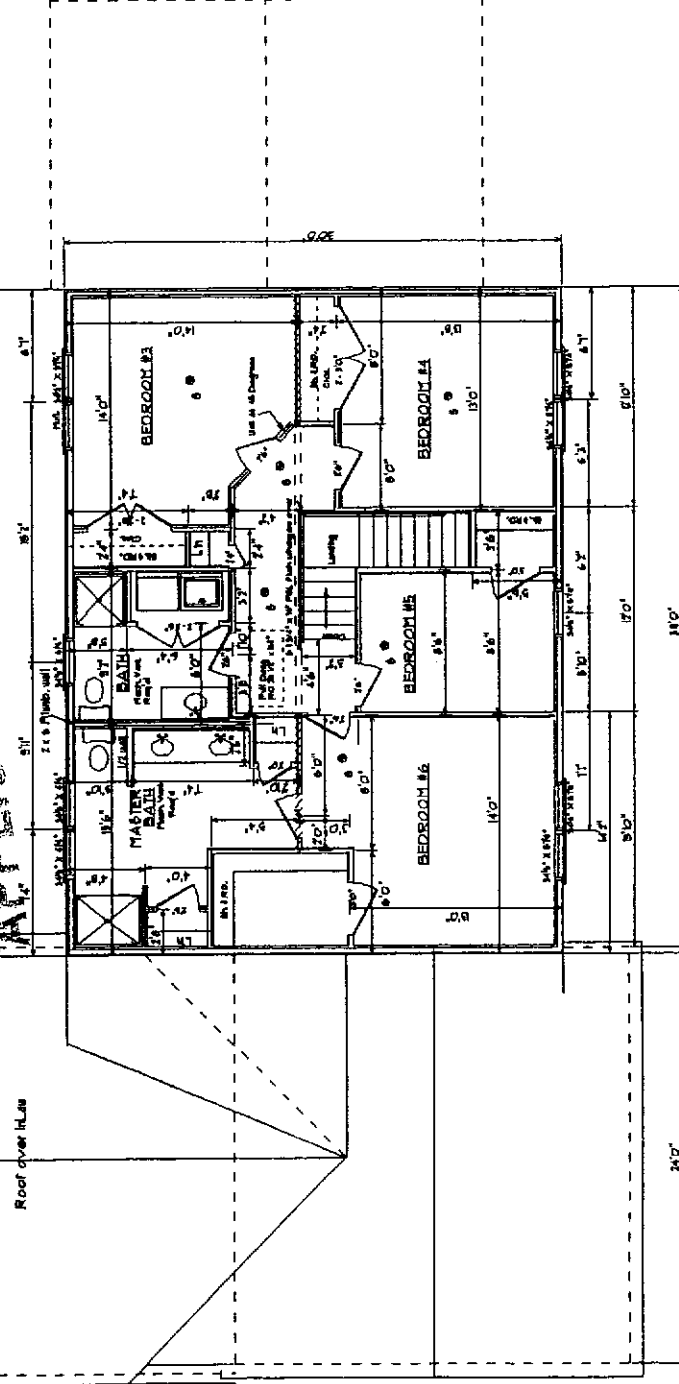
#318-11
2586 Sq. Ft.

NO TYPED

SAMPLE PLAN ONLY

NOT FOR BUILDING PERMIT

APPLICATION

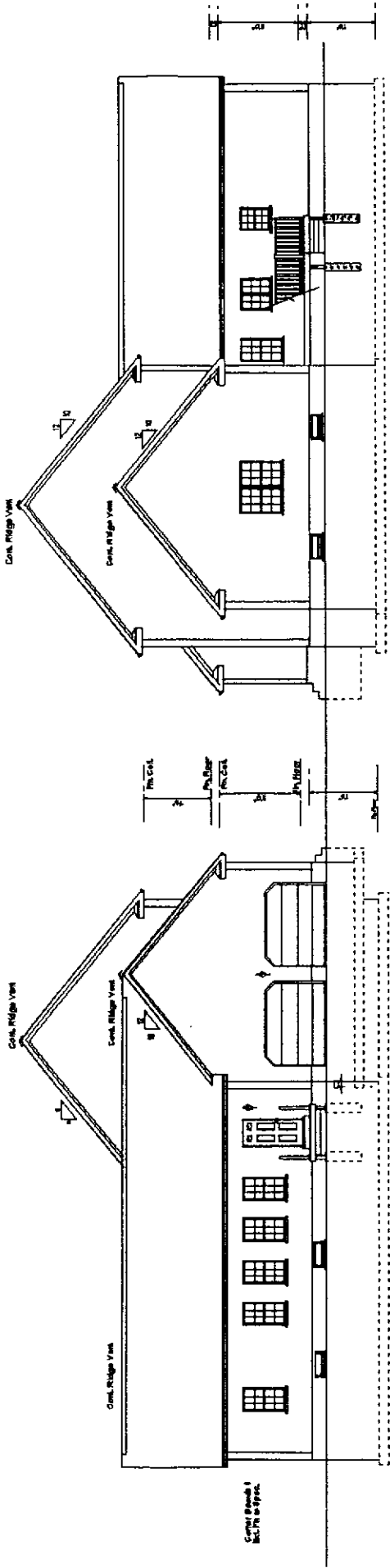


Second Floor Plan - 1/4" = 1'0"

All window measurements are "finished" rough openings +/-

THIS DOCUMENT IS TO BE USED ONLY FOR THE PREPARATION OF THIS PLAN TO AVOID SUITABLE. THE USER CANNOT GUARANTEE AGAINST HUMAN ERROR. THE CONTRACTOR ON THE JOB MUST CHECK ALL DIMENSIONS AND OTHER DETAILS AND BE RESPONSIBLE FOR THE SAME.

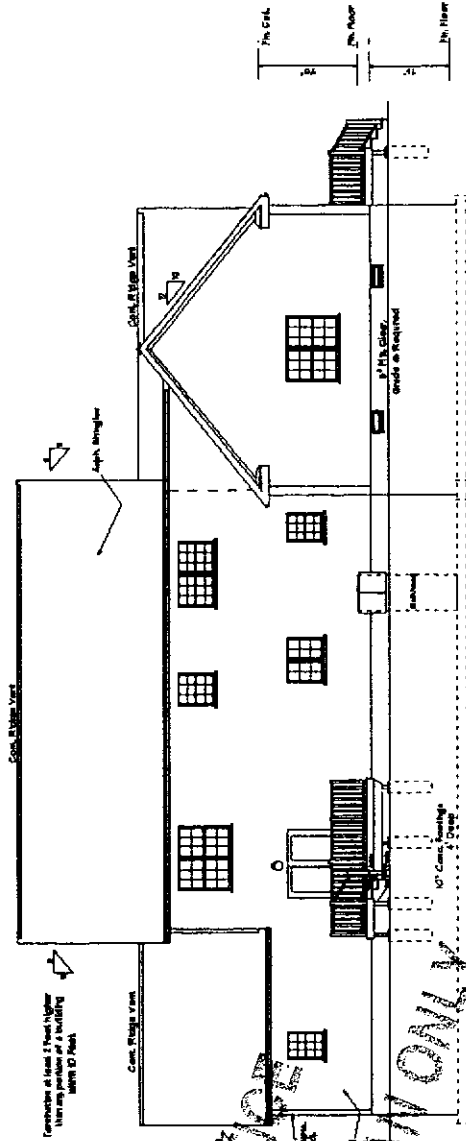
#318-11
1110 E. 9th St., FL
3D
ARCHITECTURE



Left

Right

Side Elevations 1/8" = 1'0"

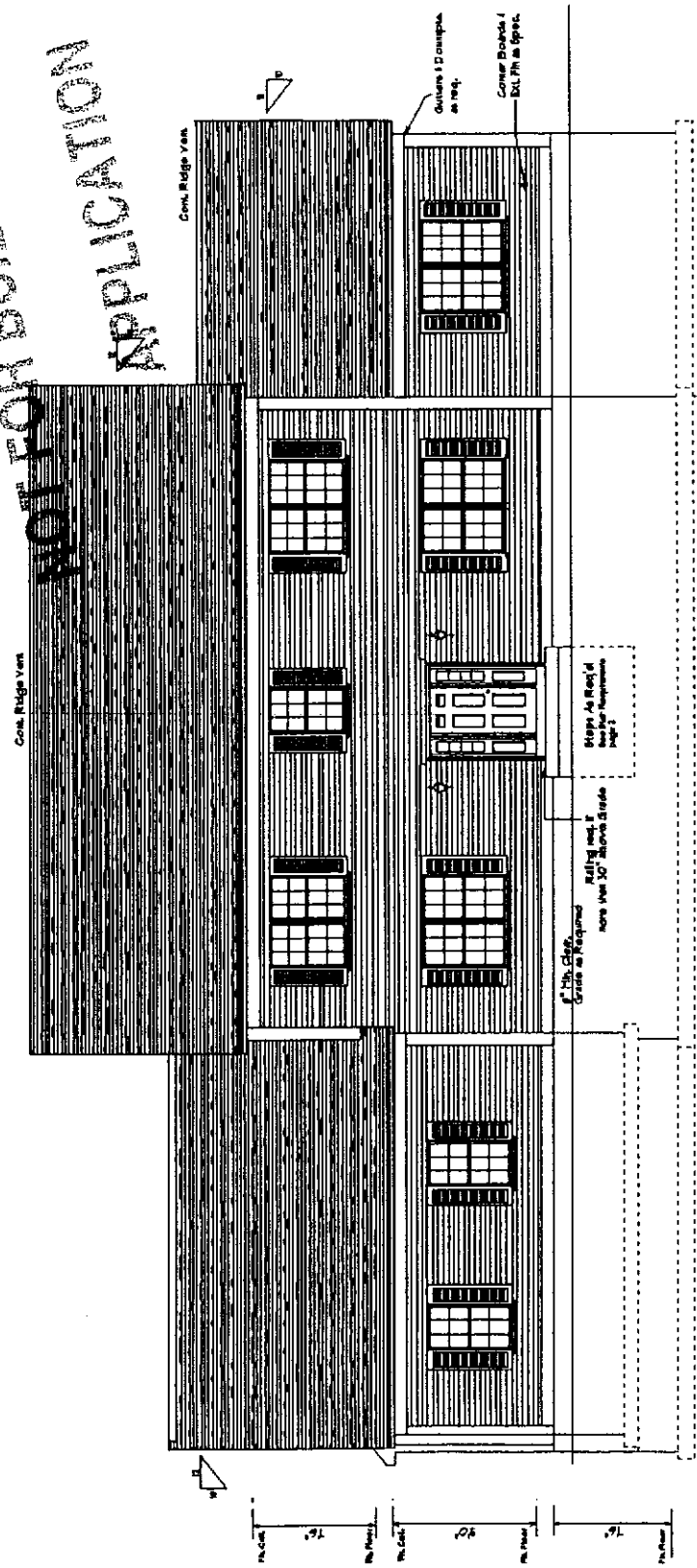


Rear Elevation 1/8" = 1'0"

NOTICE
 SAMPLE PLAN ONLY
 NOT FOR BUILDING PERMIT
 APPLICATION

NO. 11000

NOT FOR BUILDING PERMIT APPLICATION



Front Elevation 1/4" = 1'0"

Single Family Residence w/ Accessory Family Dwelling	1st Fl : 2586 Sq. Ft.	#318-11
For:	2nd Fl : 1110 Sq. Ft.	1D
	Total: 3756 Sq. Ft.	
By: J.P. Rodgers 55 Melrose Lane Wrentham, MA (508) 364-6281		