

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS

IN THE MATTER OF: Mark and Lisa Robinson
Petitioner

OWNER: Mark and Lisa Robinson
26 Milord St.
Medway, MA 02053

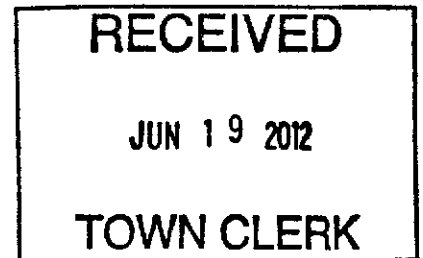
OPINION OF THE BOARD

**REQUEST FOR SPECIAL PERMIT
26 Milford St.**

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 petitioners, Mark and Lisa Robinson, request relief from setback requirements (V.F.7) to demolish and rebuild the single family dwelling located at 26 Milford 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 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, two people spoke in favor of; no one spoke in opposition to the application. .

Hearing Summary

Appearing on his own behalf, the Applicant, Mr. Mark Robinson, came before the Board to request relief from Section V.F.7 of the Medway Zoning ByLaw. Mr. Robinson presented a plot plan of the existing structure and the proposed rebuild. The premises, located at 26 Milford St., are within the ARII zoning district. The current building's front setback is 34 feet, and east side setback is 9 feet. The existing house dates from 1836 and is beyond restoration. The Medway Historical Society was consulted and had no objection in the proposed razing of the building. The Applicants wish to build a modest, single family ranch style modular home, 28' x 52' (1,430 sf). However, due to the shape and topography of the lot, building site elevation and the existing septic system, the proposed rebuild would need to be brought closer to the front to 27 feet, but would meet the 15 foot east side setback requirement. Most homes in the area do not meet the current front setback requirement; it is an area of older homes. The existing carport will remain.

Because of the proximity to wetlands, the Board members noted that the Applicant may have file with the Conservation Commission to complete the proposed project.

Findings:

By vote of 4-0:

1. The setbacks of buildings on adjoining and nearby lots vary from the front setback requirements of the zoning district.
2. The grant of the requested relief would not cause substantial detriment to the public good.
3. 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, in accordance with the provisions of Section V.F.7 of the Medway Zoning ByLaw, is granted to the Applicants, Mark and Lisa Robinson, for the construction of a single family dwelling at 26 Milford St., Medway, MA 02053 substantially in accordance with the attached and initialed plans with a front setback of not less than 27 feet, and on the condition that the side setback shall be at least 15 feet. -

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

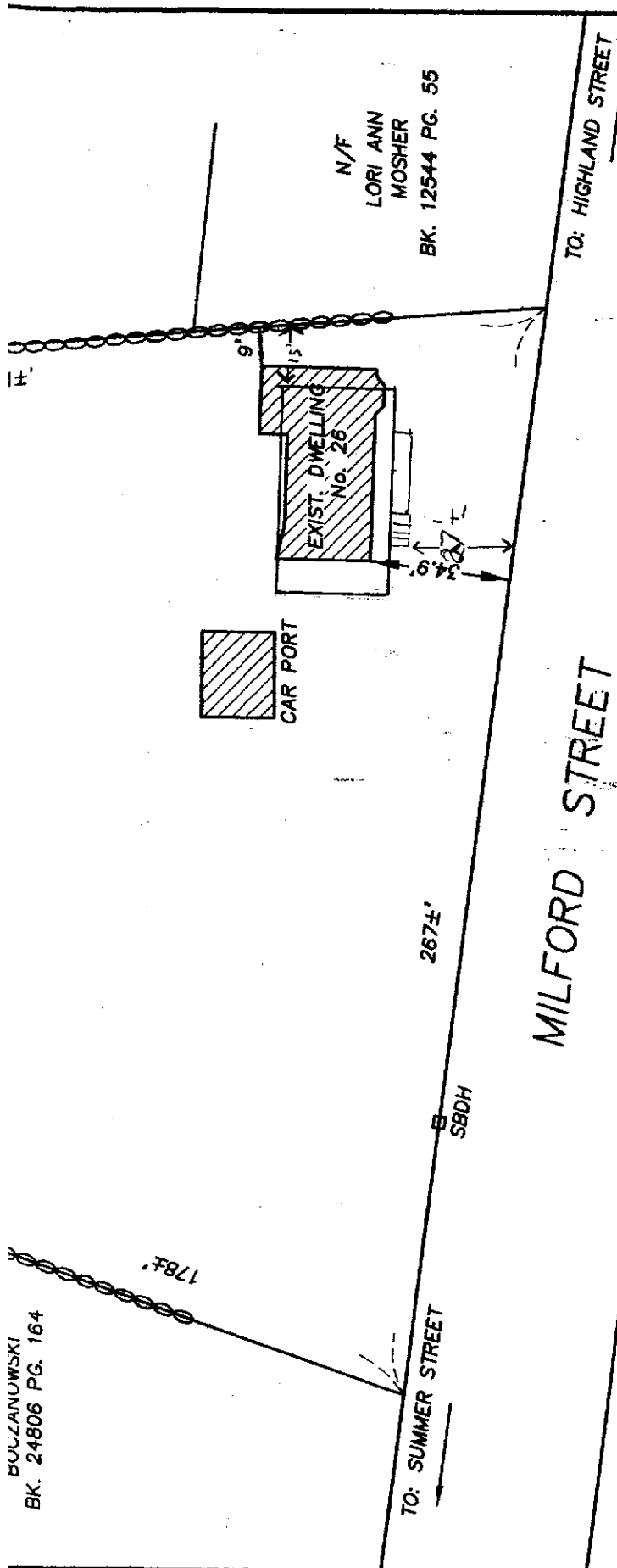
Carol Gould

Carol Gould

Arlene Doherty

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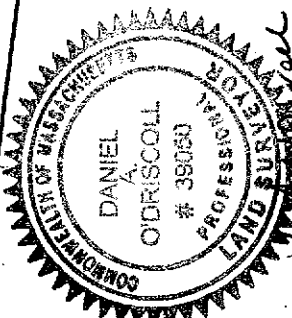


MILFORD STREET

PREPARED FOR: MARK E. & LISA M. ROBINSON
 DEED REFERENCE: NORFOLK COUNTY REGISTRY OF DEEDS
 DEED BOOK 13480 PAGE 192
 PLAN REFERENCE: NO PLAN OF RECORD
 ZONING DISTRICT: AGRICULTURAL-RESIDENTIAL II (AR-II)

I CERTIFY THAT THE DWELLING IS LOCATED ON
 THE LOT AS SHOWN ON THIS PLAN.
 I FURTHER CERTIFY THAT THE DWELLING DOES
 NOT LIE WITHIN A SPECIAL FLOOD HAZARD ZONE.
 (F.I.R.M. COMMUNITY PANEL No. 250243 0004B
 DATED JUNE 18, 1980)

Daniel A. O'Driscoll
 PROFESSIONAL LAND SURVEYOR FEB 13, 2012 DATE



4/18/12
CERTIFIED PLOT PLAN
26 MILFORD STREET
MEDWAY, MASSACHUSETTS

SCALE: 1"=40' FEBRUARY 13, 2012

O' DRISCOLL
LAND SURVEYING CO.

LAND SURVEYING GPS MAPPING LAND CONSULTING
 48 COTTAGE STREET MEDWAY, MASSACHUSETTS 02053 (508) 533-3314

FILE No. 1520