

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS

IN THE MATTER OF: Peter T. Bethoney
Petitioner

PROPERTY OWNER: Peter T. Bethoney
15 Barber St.
Medway, MA 02053

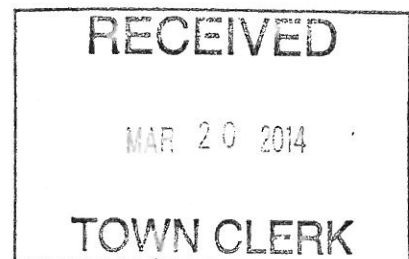
OPINION OF THE BOARD

REQUEST FOR SPECIAL PERMIT
15 Barber St.

Hearing: February 5, 2014
February 19, 2014
Decision: February 19, 2014

MEMBERS PRESENT: David J. Cole, Chairman
Anthony Biocchi
Craig Olsen
Arlene Doherty

THE WRITTEN OPINION WAS DELIVERED ON MARCH 19, 2014



*30 day appeal date
April 9, 2014*

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, Peter T. Bethoney, seeks relief from setback requirements (V.F.7) to construct a single story addition at 15 Barber 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 January 22 and 29, 2014. 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 postponement to February 19, 2014 was posted as required.

The Public Hearing scheduled for February 5, 2014 was postponed due to inclement weather. The Public Hearing was held and the record closed on February 19, 2014. At the hearing, no member of the public spoke in favor of, or in opposition to the application.

Hearing Summary

The Applicant, Peter T. Bethoney, came before the Board to request a Special Permit pursuant to Section V.F.7 of the By-Law for relief from setback requirements to construct a single story family room addition, 20' x 26', to his home at 15 Barber St. located within the ARII zoning district. The lot is situated at the corner of Barber and North Sts., an older section of town, and one in which there are few, if any, lots that meet current zoning standards as to area, frontage and setbacks. Evidence of this was presented to the Board in the form of a GIS map of the vicinity that clearly shows the position of homes on neighboring lots. The Applicant also presented a certified plot plan that shows the lot to be somewhat of a rarity in this neighborhood with area and frontage larger than most. The proposed addition is shown on plot plan to be some 32 feet from North Street. Also shown is a proposed deck which will meet the 35 foot setback requirement. The driveway and garage prevent the possibility of the proposed addition to be constructed on the south side of the lot. The Applicant stated that the home lacks adequate living space for their family and that the modest addition proposed will not pose any detriment to the neighborhood.

Findings:

By vote of 4-0:

1. The front and side setbacks of buildings on adjoining and nearby lots vary from the setback requirements of the zoning district.
2. The grant of a Special Permit under Section V.F.7 of the Medway Zoning By-Law would not cause substantial detriment to the public good.
3. The project as proposed meets all of the Special Permit criteria set forth in Section III.J of the Medway Zoning By-Law.

Relief Granted

By Vote of 4-0

A Special Permit, in accordance with the provisions of Section V.F.7 of the Medway Zoning By-Law, is granted to the Applicant, Peter T. Bethoney, for the construction of a single story addition at 15 Barber Street, Medway, MA 02053 substantially in accordance with the attached and initialed plan with a side setback to no closer than 30 Feet from North Street.

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.



David J. Cole, Chairman



Anthony Biocchi



Craig Olsen



Arlene Doherty



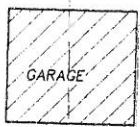
N/F CALNAN

NORTH STREET

STONE BOUND WITH DRILL HOLE

LOT No. 11

TOTAL AREA=24,148± S.F. (DEED)
23,213± S.F. (CALC.)



160.56'

38.28'

N/F D'ANDREA

141.62'

82.1'

DRIVEWAY

POR.

PROPOSED DECK

35'

32'

PROPOSED ADDITION

EXISTING DWELLING No. 15

LOT No. 13

104.28'

26.9'

167.64'

IRON ROD WITH CAP

15 BARBER STREET


ZB 4
2/19/14
George Liberty
Dennis - Ck
Q H

PREPARED FOR: PETER BETHONEY
DEED REFERENCE: NORFOLK COUNTY REGISTRY OF DEEDS
DEED BOOK 30990 PAGE 346
PLAN REFERENCE: BOOK 209 PAGE 900
ZONING DISTRICT: AGRICULTURAL-RESIDENTIAL II (AR-II)

CERTIFIED PLOT PLAN
15 BARBER STREET
MEDWAY, MASSACHUSETTS

SCALE: 1"=20' JULY 31, 2013
REVISED: DEC. 10, 2013

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.

 O'DRISCOLL
LAND SURVEYING Co.

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

PROFESSIONAL LAND SURVEYOR DATE

FILE No. 1591