

COMMONWEALTH OF MASSACHUSETTS



NORFOLK, SS

IN THE MATTER OF: Dennis Coakley
Petitioner

PROPERTY OWNER: Dennis Coakley
9 Evergreen Street
Medway, MA 02053

*20 day appeal
Aug 27, 2014*

OPINION OF THE BOARD

REQUEST FOR A VARIANCE
141 Main Street

Hearing: May 28, 2014
Decision: August 6, 2014

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

THE WRITTEN OPINION WAS DELIVERED ON August 6, 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, Dennis Coakley, seeks a Variance to change a residential 2 family dwelling to a 3 family dwelling at 141 Main 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 May 7th and 14th, 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 meeting was postponed to May 28, due to the Board not having a quorum. The Public Hearing was held and the record closed on May 28, 2014. At the hearing, no member of the public spoke in favor of, or in opposition to the application.

Hearing Summary

The Applicant, Dennis Coakley, came before the Board to request a Variance to change a (2) family dwelling to a (3) family dwelling, by remodeling the existing 3rd floor square footage for a (2) bedroom apartment. Located within the ARII zoning district. Applicant feels that the proposed will decrease potential population density and use rather than increase it. The amount of investment that has been required to revitalize the property to date has created a situation of hardship, if relief is granted he would be able to continue and finish the revitalization of a historic building build in 1881, maintaining the character of the building and the neighborhood without detriment to the community and at the same time provide needed housing. Sufficient parking for the proposed three apartments could readily be provided on the opposed side of the structure from the existing driveway. However, in response to questions from various members of the Board, the applicant was unable to set out any circumstances relating to soil conditions, shape or topography peculiar to the subject lot.

Findings:

By vote of 5-0

1. The petitioner failed to demonstrate circumstance relating to soil conditions, shape or topography of the subject lot which especially affect this lot but do not generally affect the Zoning District in which the lot is located, sufficient to justify grant of a Variance

Relief Denied

By Vote of 5-0

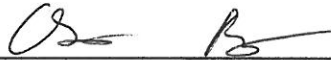
Due to the above finding, the application is dismissed without prejudice.

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



Carol Gould

Arlene Doherty

Carol Gould