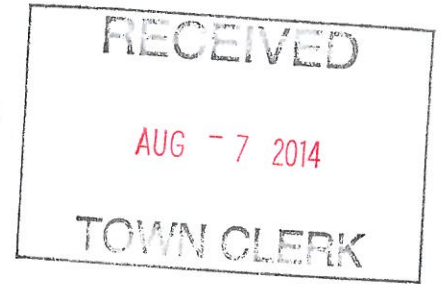


**COMMONWEALTH OF MASSACHUSETTS**

**NORFOLK, SS**



**IN THE MATTER OF:     Todd and Lori Allen  
                                  Petitioners**

*20 Day Appeal  
Aug 27, 2014*

**Owner                             Medway Country Properties  
                                  135 Main Street  
                                  Medway, MA 02053**

**OPINION OF THE BOARD**

**REQUEST FOR SPECIAL PERMITS  
135 Main Street, Medway, MA**

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

**MEMBERS PRESENT:     David Cole, Chairman  
                                  Tony Biocchi  
                                  Carol Gould  
                                  Arlene Doherty  
                                  Craig Olsen**

**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-Law of the Town of Medway, MA, 02053, and Massachusetts General Laws, Chapter 40A, as amended, in which the petitioners, Todd and Lori Allen, requests a Special Permit for proposed use for Professional Office Space and Retail, located in ARII District, as provided in Section(s) I, III, IV, V and VI of the Medway Zoning ByLaws.

### **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. Notice also was sent to all "parties of interest" and posted in the Town Hall as required by Massachusetts General Laws, Chapter 40A, Section II.

Due to the Board not having a quorum for the meeting on May 21, the hearing on this application was postponed to Wednesday, May 28, 2014. At the hearing one member of the public spoke in favor of, and two were opposition to the application. The Public Hearing was held and closed on May 28, 2014.

### **Hearing Summary**

The petitioners, Todd and Lori Allen appeared before the Board with their Attorney, Glenn Murphy, to request a Special Permit for proposed use for Professional Office Space and Retail, located at 135 Main Street, located in the ARII District.

The existing Building 1 is the building closest to Main Street/Route 109. The only proposed modification of this building is to convert the bulkhead, at the rear of the building, into a walk-in door. The remaining exterior will not be altered in any way. The interior of Building 1 will be reconfigured to include retail and professional office space on the first floor and professional office space on the second floor.

The existing Building 2 is the building at the rear of the property. It is proposed to build an 8' x 8' addition on the front of the building to accommodate a stairway to the second floor which will be used for office space. Future proposed modifications to Building 2 may include re-siding and replacement windows and a potential third bay for storage

Members of the Board and the public expressed some concern about the amount of traffic which would be generated by the proposed development. The applicants indicated that they did not intend to use more than two of the seven areas on the plans for retail space, and would not oppose a reasonable limitation on the amount of space which could be devoted to retail use.

### **Findings:**

By vote of (5-0)

1. In as much as the present use of the building on subject lot is comprised of a mixture of retail, office and storage space (any residential use has long since terminated), the proposed use of retail, office and storage does not increase the extent of non-conformity.

2. The grant of a suitably conditioned Special Permit (III.D.4.a) would not be a substantial detriment to the public good.
3. The application is consistent with the criteria for a special permit set out in-Section III.J of the Medway Zoning ByLaw.

**Relief Granted:**

By vote of 5-0


A Special Permit is granted to Todd and Lori Allen for use of the premises at 135 Main Street, Medway, MA, 02053 for retail, office and storage space subject to the condition that the space designated for retail use shall not exceed 1,600 square 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.

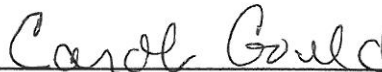
***IN ACCORDANCE WITH MASSACHUSETTS GENERAL LAW, CHAPTER 40A,  
SECTION 11 NO VARIANCE, SPECIAL PERMIT OR CONSTRUCTIVE GRANT OF  
A VARIANCE TAKES EFFECT UNTIL RECORDED IN THE REGISTRY OF DEEDS.***



\_\_\_\_\_  
David Cole, Chairman



\_\_\_\_\_  
Tony Biocchi



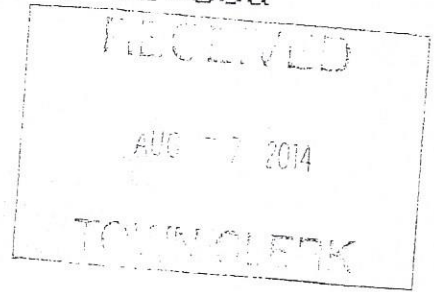
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MARGINAL REFERENCE

BOOK 32534 PAGE 563

R E C E I P T  
Printed: September 9, 2014 @ 11:30:1  
Norfolk Registry of Deeds  
William P O'Donnell  
Register

Trans#: 200248

Oper:VOGEL

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Book: 32537 Page: 160 Inst#: 77883  
Ct1#: 532 Rec:9-09-2014 @ 11:30:08a  
MDWY 135 MAIN STREET

DOC	DESCRIPTION	TRANS AMT
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	20.00 Surcharge	20.00
	5.00 Tech.Surcharge	5.00
	Postage/Handling Fee	1.00
	State Fee \$40.00	40.00
	Total fees:	76.00
	*** Total charges:	76.00
	CHECK PM 1164	76.00