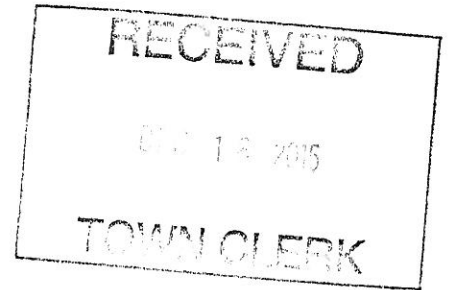


COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS

IN THE MATTER OF: **Brett and Marisa Sabatini**
Petitioners



20 Day
Jan 5, 2016

OPINION OF THE BOARD

REQUEST FOR A VARIANCE
21 Norfolk Avenue, Medway, MA

Hearing: December 2, 2015
Decision: December 2, 2015

MEMBERS PRESENT: **David J. Cole, Chairman**
Carol Gould, Clerk
Craig Olsen, Member
Brian White, Associate Member

THE WRITTEN OPINION WAS DELIVERED ON December 16, 2015

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 Bylaw of the Town of Medway, MA, 02053, and Massachusetts General Laws, Chapter 40A, as amended, in which the petitioners, Brett and Marisa Sabatini, request a Variance from the requirements of Section 6.1 Table 2 of the Zoning Bylaw to allow for a 34ft front setback where a minimum of 35ft is required for the construction of a farmers porch on property located at 21 Norfolk Avenue, Medway.

Hearing

Notice of the Public Hearing by the Zoning Board of Appeals in this matter was published in the Milford Daily News on November 18 and 25. Notice also was sent to all "parties of interest" and posted in the Town Hall as required by Massachusetts General Laws, Chapter 40A Section 11.

The Public Hearing opened and closed on December 2, 2015. The Medway Zoning Board of Appeals members present during the public hearing were David Cole, Chairman; Carol Gould, Clerk; Craig Olsen, Member; and Brian White, Associate Member. Mr. White participated remotely on December 2, 2015 pursuant to the Massachusetts Open Meeting Law regulations 940 CMR 29.00. The Board voted on the request for a variance on December 2, 2015.

At the hearing, there were no members of the public that spoke in favor or opposition of the application.

Hearing Summary

The applicant, Brett Sabatini, and his builder, Ken Soderholm, appeared before the Board to discuss the request for a Variance for the property located at 21 Norfolk Avenue.

Mr. Sabatini explained the request for a variance from the Board. He seeks to construct a farmer's porch so that they may have some use from the front of the house. He stated that the front of the lot slopes downward towards the street. The porch would be 6ft in width. Mr. Sabatini therefore requests to reduce the front setback to 34ft where 35ft is required and asks for a variation of one foot. The Board clarified the request with the applicant including the location of the steps and inquired about the topography and slope in the front yard. Mr. Sabatini responded that the drop in the front grade is approximately 6ft from the road to the front of the house. The Board inquired if the adjacent houses have a similar slope issue. Mr. Sabatini stated that the front yard of the house on the right is similar but that of the house on left is relatively flat. The Board had no issue with the relief being requested.

Findings:

By a roll call vote of 4-0-0 (David Cole – aye; Carol Gould – aye; Craig Olsen – aye; and Brian White – aye):

1. The Board finds that the applicant demonstrated that the lot is subject to circumstances relating to shape and topography of the lot which especially affects such lot but does not generally affect the zoning district in which the subject lot is located and specifically that the front yard lying between the existing dwelling and Norfolk Avenue slopes so steeply as to preclude most uses of the front yard, and the proposed farmer's porch represents one possibility for making good use of a portion of the front yard area.
2. The Board finds that the applicant's testimony and common experience suggests that a farmer's porch needs to have a minimum width of approximately 6ft to allow persons to be seated and other persons to move around them comfortably, and thus to be useful the proposed farmer's porch needs to encroach to a modest extent on the 35ft front setback required by the Medway Zoning Bylaw.
3. The Board finds that the desirable relief may be granted to the applicant without substantial detriment to the public good and, in view of the very limited variance required without substantially derogating from the intent and purpose of the Bylaw.

Relief Granted:

By a roll call vote of 4-0-0 (David Cole – aye; Carol Gould – aye; Craig Olsen – aye; and Brian White – aye):

The Zoning Board of Appeals hereby grants a Variance from Section 6.1 of the Medway Zoning Bylaw to the applicants, Brett and Marisa Sabatini of 21 Norfolk Avenue, Medway, to allow for the construction of a farmers porch substantially located as shown on the plans submitted with the front setback from Norfolk Avenue being varied from 35ft to 33ft 6in.

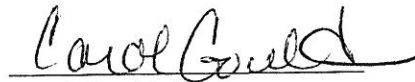
The Board hereby makes a detailed record of its findings and proceedings relative to this petition, sets forth its reasons for its findings and decision, incorporates by reference any plan or diagram received by it, directs that this decision be filed in the office of the Town Clerk and be made a public record and that notice and copies of its decision be made forthwith to all parties or persons interested.

Any person aggrieved by the decision of the Board may appeal to the appropriate court pursuant to MGL c. 40A, Section 17, within twenty (20) days after the date of filing this Decision with the Town Clerk.

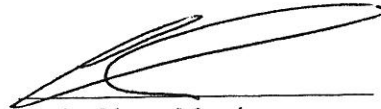
In accordance with MGL c. 40A, Section 17, no variance shall take effect until a copy of the decision bearing the certification of the Town Clerk that twenty days have elapsed after the decision has been filed in the Office of the Town Clerk and no appeal has been filed, or that if such an appeal has been filed, that it has been dismissed or denied, is recorded in the Norfolk County Registry of Deeds and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The fee for recording or registering shall be paid by the owner or applicant.



David J. Cole, Chairman



Carol Gould, Clerk



Craig Olsen, Member



Brian White, Associate Member