

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS

**IN THE MATTER OF: John Desmond
 Petitioner**

**Owner Antonio and Sarah Logan
 20 Green Valley Road
 Medway, MA 02053**

OPINION OF THE BOARD

**REQUEST FOR A SPECIAL PERMIT
20 Green Valley Road, Medway, MA**

**Hearing: May 6, 2015
Decision: May 20, 2015**

**MEMBERS PRESENT: David J. Cole, Chairman
 Carol Gould
 William Kennedy
 Craig Olsen**

THE WRITTEN OPINION WAS DELIVERED ON June 17, 2015

RECEIVED

JUN 18 2015

TOWN CLERK

*20 Jay Appeal
JUN 8, 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 By-Law of the Town of Medway, MA, 02053, and Massachusetts General Laws, Chapter 40A, as amended, in which the petitioner, John Desmond, requests a Special Permit under Section V.L and III.J to construct an accessory family dwelling at 20 Green Valley Road, Medway.

Hearing

Notice of the Public Hearing by the Zoning Board of Appeals in this matter was published in the Milford Daily News on April 22 and 29. 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 on May 6, 2015 and was continued without testimony to May 20, 2015. The Public Hearing closed on May 20, 2015. At the hearing, one resident spoke in favor of and no members of the public spoke in opposition to the application.

Hearing Summary

The applicant, Mr. John Desmond, representing the homeowners appeared before the Board to request a Special Permit to construct an accessory family dwelling at 20 Green Valley Road, Medway.

The applicant explained the request to add an accessory family dwelling to an existing single family home and how the proposed plan meets the requirements under Section V. L. and the criteria for Special Permits under Section III. J of the Zoning By-Law. The addition would be 35 x 36 feet to the right of the existing structure and would contain one bedroom. The porch would be removed and replaced with the addition. The proposed addition did require moving the septic tank which required review by the Board of Health and approval had been received. The Board noted that some of the conditions outlined in Section V. L are matters for the Building Commissioner at the time of occupancy. The applicant noted that the plan provides three off street parking spaces which is sufficient. The Board questioned the presence of the double entrances. The applicant explained the common entry built as part of the addition and how it will function. The Board was satisfied with the response. The Board also questioned access. There is no additional curb cut but the driveway will be reworked to line up with the addition. The applicant further explained that the property sits within the Groundwater Protection District but upon review of the criteria, a special permit would not be required under that section of the Zoning By-Law. The Board inquired about earth removal. The applicant responded that a half dozen truckloads of material would be removed. The homeowner stated that the accessory dwelling unit would be for her parents.

Findings:

By vote of 4-0:

1. The applicant demonstrated that the project is in compliance with the requirements set forth in Section V.L.3. c), d), e) and g) of the Zoning By-Law while Section V.L.3. a), b), and f) are matters under the purview of the Building Inspector before an occupancy permit may be issued.
2. The grant of the requested Special Permit would not cause substantial detriment to the public good.
3. The grant of the requested Special Permit would not be inconsistent with criteria set forth in Section III.J of the Zoning By-Law.


Relief Granted:

By vote of 4-0:

The Zoning Board of Appeals hereby grants to the applicant, John Desmond, a Special Permit under Sections V.L and III.J for construction of an accessory family dwelling at 20 Green Valley Road in accordance with the plans provided at application and initialed by the Board.

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



Carol Gould



William Kennedy

Craig Olsen