

**COMMONWEALTH OF MASSACHUSETTS**

**NORFOLK, SS**

**IN THE MATTER OF:     John Solari  
                              John's Auto Body, Inc.  
                              Petitioner**

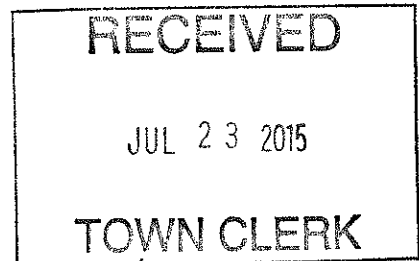
**Owner                     John J. and Catherine C. Solari  
                              25 Jayar Road  
                              Medway, MA 02053**

**OPINION OF THE BOARD**

**REQUEST FOR A SPECIAL PERMIT  
25 Jayar Road, Medway, MA**

**Hearing: November 19, 2014  
Decision: July 8, 2015**

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



*20 day  
AUG 12, 2015*

**THE WRITTEN OPINION WAS DELIVERED ON July 22, 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 Solari of John's Auto Body, Inc., requests a Special Permit under Section V.V.6.c) 3) and 5) and III.J to construct a 5,000 square foot addition at 25 Jayar 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 November 5, 2014 and November 12, 2014. 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 November 19, 2014 and was continued to December 17, 2014. Additional sessions were held on January 7, 2015; February 4, 2015; April 15, 2015; June 17, 2015 and July 1, 2015. The Public Hearing closed on July 1, 2015. The Medway Zoning Board of Appeals Members present during the public hearing were David Cole, Chairman; Carol Gould, Clerk; Anthony Biocchi (who has since resigned from the Board); William Kennedy; and Craig Olsen. Mr. Olsen was not present at the November 19, 2014 hearing and filed the appropriate documents with the Town Clerk in accordance with the Mullin Rule. Ms. Gould was absent for the December 17, 2014 hearing and filed the appropriate documents with the Town Clerk in accordance with the Mullin Rule. Mr. Olsen participated remotely on June 17, 2015 pursuant to the Massachusetts Open Meeting Law regulations 940 CMR 29.00.

### **Hearing Summary**

The applicant, Mr. John Solari, and his engineer, Mr. David Faist of Faist Engineering, appeared before the Board to request a Special Permit to construct a 5,000 square foot addition and paved parking lot at 25 Jayar Road, Medway. The property consists of .92 acre and is located within the Town of Medway's Groundwater Protection District.

The property is currently used as a commercial parking lot for the adjacent John's Auto Body, Inc. The existing parking area consists entirely of gravel and reclaim asphalt with no present stormwater controls. The proposed project will replace the gravel parking area with a new 5,000 square foot accessory building for the existing business to provide indoor storage and maintenance area for vehicles. The project also includes a new paved parking area with a new stormwater management system including a water quality unit. The applicant will also restore an estimated 1,155 square feet of the 25' wetlands buffer zone currently occupied by the gravel and reclaim asphalt parking area.

The Board questioned the applicant and his engineer regarding the quantity and storage of hazardous materials on site and the containment of such materials to prevent spills. The Board also requested additional information be provided.

The applicant and his engineer explained that John's Auto Body, Inc. is considered a very small quantity generator by the Massachusetts Department of Environmental Protection. There will be no change to this status with the proposed addition. The applicant's engineer reviewed the list of chemicals, fuels, and other potentially hazardous materials to be used or stored on the premises in quantities greater than normal household quantities and provided more detail relative to storage and containment. The storage area will be an on indoor impervious surface away from interior floor drains with secondary containment. The applicant's engineer also prepared and explained the engineering analysis of pre and post-development drainage runoff conditions for the proposed 5,000 square foot commercial garage building and paved parking lot.

**Findings:**

By vote of 4-0:

1. The Applicant demonstrated that the project is in compliance with the requirements and standards set forth in Section V.V. and will in no way, during construction or thereafter, adversely affect the existing or potential quality or quantity of water that is available in the Groundwater Protection District, and is designed to avoid substantial disturbance of the soils, topography, drainage, vegetation, and other water-related natural characteristics of the site to be developed.
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 Solari, a Special Permit under Sections V.V.6.c) 3) and 5) and III.J for construction of a 5,000 square foot accessory building for the existing auto body repair business at 25 Jayar Road, Medway MA 02053, in accordance with the plans provided at application and initialed by the Board, and the revised plans, with a revision date of 6/8/15, submitted and reviewed at the June 17, 2015 hearing, subject to the following terms and conditions:


1. Building and associated facility shall be constructed in accordance with the plans submitted.


2. Total amount of oil stored on site at one time shall not exceed 270 gallons.
3. All oil shall be stored in free standing containers at a single location within the building with secondary containment adequate to contain a spill the size of the container's total storage capacity.
4. Signs shall be provided on the building as to the location of the storage.
5. Applicant shall restore approximately 1,100 square feet of the 25' of wetlands buffer zone currently occupied by the gravel and reclaim asphalt parking area.
6. The Applicant shall comply with the Order of Conditions issued by the Medway Conservation Commission.


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.***

  
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David J. Cole, Chairman

  
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Carol Gould

  
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William Kennedy

  
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Craig Olsen