

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS

**IN THE MATTER OF: Michael Fasolino
Fasolino Home Improvements
Petitioner**

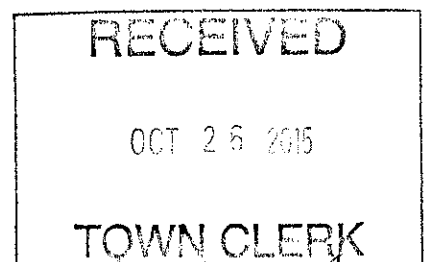
OPINION OF THE BOARD

**REQUEST FOR A SPECIAL PERMIT
27 Summer Street, Medway, MA**

**Hearing: October 7, 2015
Decision: October 7, 2015**

**MEMBERS PRESENT: David J. Cole, Chairman
Carol Gould, Clerk
Eric Arbeene, Member
William Kennedy, Member
Brian White, Associate Member**

THE WRITTEN OPINION WAS DELIVERED ON October 21, 2015



*30 day appeal
due to Nov 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 petitioner, Michael Fasolino of Fasolino Home Improvements, requests a Special Permit as provided in Section 5.5 to construct a second floor addition and renovations on the property located at 27 Summer Street, Medway.

Hearing

Notice of the Public Hearing by the Zoning Board of Appeals in this matter was published in the Milford Daily News on September 23 and 30. 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 October 7, 2015. The Medway Zoning Board of Appeals Members present during the public hearing were David Cole, Chairman; Carol Gould, Clerk; Eric Arbeene, Member; William Kennedy, Member and Brian White, Associate Member.

At the hearing, there were no members of the public which spoke in favor or in opposition of the application. Correspondence from the Conservation Agent was received and entered into the record.

Hearing Summary

The applicant, Michael Fasolino, appeared before the Board to request a Special Permit under Section 5.5 to construct a second floor addition and renovations on the property located at 27 Summer Street, Medway.

Mr. Fasolino explained the reason for his request for a Special Permit and provided an overview of the alterations with the proposed plans submitted. The Board noted that the property presently does not meet certain dimensional regulations in the Zoning Bylaw as it pertains to minimum lot area and frontage as well as the minimum front and side setbacks required.

The Board questioned the applicant on the proposed road noted on the plan and the distance from the neighboring houses. Mr. Fasolino stated that it is an easement and not part of the property. He said the easement is approximately 35 feet wide and the neighboring house is 50 feet away. It is a good buffer between the two buildings.

The Board inquired if there was a change in the footprint of the building. Mr. Fasolino responded that the deck will be decreasing in size thereby increasing the distance to the side lot line. The footprint of the house will remain the same. Mr. Fasolino added that it will look similar to the house at 29 Summer Street and he provided pictures. The house was a foreclosure and has been vacant for 2-3 years. He also renovated the house to the left of this property.

Findings:

By a vote of 5-0-0:

1. The Board finds that the proposed alterations at 27 Summer Street do not increase the nonconforming nature of the structure.

Relief Granted:

By a vote of 5-0-0:

In view of the foregoing finding, the Zoning Board of Appeals finds that a Special Permit is not required and that consequently the criteria for a Special Permit under Section 3.4.C. are not relevant with respect to the application of Michael Fasolino to construct a second floor addition and renovations on property located at 27 Summer Street, and thus the Building Commissioner can then issue a building permit.

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



Eric Arbeene, Member

William Kennedy, Member



Brian White, Associate Member