

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS

**IN THE MATTER OF: Justin and Maureen Gervais
Petitioners**

**Owner Justin and Maureen Gervais
10 Fisher Street
Medway, MA 02053**

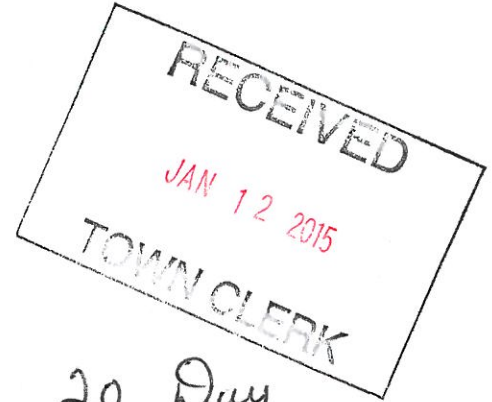
OPINION OF THE BOARD

**REQUEST FOR Variance
10 Fisher Street,
Medway, MA 02053**

**Hearing: December 17, 2014
Decision: January 7, 2015**

**MEMBERS PRESENT: David J. Cole, Chairman
Anthony Biocchi
Craig Olsen
William Kennedy**

THE WRITTEN OPINION WAS DELIVERED ON January 12, 2015



*20 Day
Appeal Date:
1/31/15
CWW*

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, Justin and Maureen Gervais, Variance to construct a 24x24 detached garage to existing single family home located at 10 Fisher Street, Medway, MA 02063.

Hearing

Notice of the Public Hearing by the Zoning Board of Appeals in this matter was published in the Milford Daily News December 3rd and 10th. 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.

The Public Hearing was held and closed on Wednesday, December 17, 2014. At the hearing no one from the public spoke in favor of, or in opposition to the applicant.

Hearing Summary

The Applicants, Justin and Maureen Gervais, appearing on their own behalf, came before the Board to request a variance under Section V.F.7 of the Zoning ByLaw to construct a 24x24 detached garage on the lot located at 10 Fisher Street, Medway, MA with a front setback reduced to approximately 20.5 feet, as opposed to the 35 feet currently required by the Zoning ByLaw.

Mr. Gervais pointed out that based on the location of their home, existing driveway and septic system there is no other area that is compatible for the placement of a 24x24 detached garage. At the time their home was built, the setback required from the relevant lot line would only have been 15 feet, since at that time the lot was not a corner lot so that only the usual 15 foot setback from a side lot line was required. The subsequent development of a new subdivision and the related creation of Pine Meadow Road turned the subject lot into a corner lot, and a subsequent change in the Zoning ByLaw required a 35 foot setback along Pine Meadow Road.

Findings:

By vote of: 4-0

1. The applicants demonstrated that the subject lot is subject to circumstances relating to shape and location of existing structures, specifically the location of the exiting house and septic system, which do not generally affect the ARII Zoning District in which the lot is located.

2. The applicants demonstrated that the spacing of at least 20 feet between the lot line along Pine Meadow Road and the edge of the metalled surface of this road substantially mitigates the visual impact of the reduction of setbacks sought by the applicants.

Relief Granted:

By vote of: 4-0

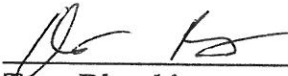
The Board grants to the applicants, Justin and Maureen Gervais in accordance with the provisions of Section V.F.7 of the Medway Zoning ByLaw, a variance to construct a 24x24 detached garage located at 10 Fisher Street, Medway, MA, substantially in accordance with the attached submitted plan, with a reduction of the setback from Pine Meadow Road from 35 feet to 20 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.***



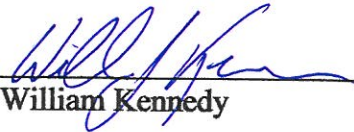
David J. Cole, Chairman



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