

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS

**IN THE MATTER OF: Robert Potheau
 Petitioner**

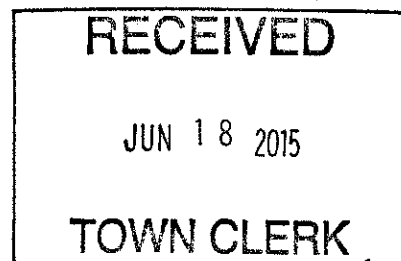
OPINION OF THE BOARD

**REQUEST FOR A SPECIAL PERMIT
4 Main Street, 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



*20 day appeal
July 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, Robert Potheau, requests a Special Permit under Section V.R.8. Table 7 for a second development sign on the property located at 4 Main 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 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, no members of the public spoke in favor of or in opposition to the application.

Hearing Summary

The applicant, Mr. Robert Potheau, appeared before the Board to request a Special Permit for a second development sign to be located at 4 Main Street, Medway.

The applicant explained the history of the property which contains 514 feet of frontage along Main Street, Route 109, and has three separate driveways which are not connected in any way. He has an existing sign and the request is to add a second sign at 4 Main Street for which a special permit is required per the Zoning By-Law. He added that the driveway at 4 Main Street serves eight businesses. There was a site development plan approved by the Planning and Economic Development Board in 2010. Part of the discussion during that time was the signs and the master signage plan includes two signs of which a special permit would be required to construct one of them at the driveway that is number 4 Main Street. The applicant has had discussions with the Design Review Committee in which the consensus was for signage that would be simpler and less ornate.

The applicant added that a second sign is essential in case of an emergency in order to ensure that the businesses and driveway numbers are clearly marked. The Board questioned the size and location of the sign. The proposed sign does conform to all other sign standards in the Zoning By-Law.

Findings:

By votes of 4-0:

1. The applicant demonstrated that the subject lot contains three separate buildings served by three separate driveways and that there is a required need for separate signs for each drive to avoid confusion by both the public and emergency services as to which drive they should access, which confusion has been shown to cause dangerous vehicle movements.
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 any of the criteria for special permits set forth in Section III.J of the Zoning By-Law.
4. The applicant demonstrated the need for the additional development sign as necessary to facilitate safe ingress into the site.

Relief Granted:

By vote of 4-0:

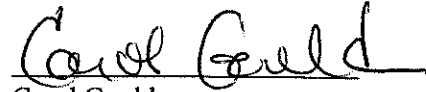
The Zoning Board of Appeals hereby grants to the applicant, Robert Potheau, a Special Permit in accordance with Section V.R.8 Table 7 of the Zoning By-Law for a second development sign at 4 Main Street, Medway substantially in accordance with the plan approved by the Planning and Economic Development 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