

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS

IN THE MATTER OF: Gloria A. Bain
Petitioner

OPINION OF THE BOARD

REQUEST FOR SPECIAL PERMIT
186 Main St.

Hearing: November 4, 2009
Decision: November 4, 2009

MEMBERS PRESENT: David Cole, Acting Chairman
Anthony Biocchi
Peter Gluckler, Jr.
Carol Gould

THE WRITTEN OPINION WAS DELIVERED ON DECEMBER 1, 2009

RECORDED

DEC 8 2009

TOWN CLERK

*20 day appeal
date Dec 23, 2009*

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-Laws of the Town of Medway, MA, 02053 and the Massachusetts General Law C40A, as amended, in which the petitioner, Gloria A. Bain, request a Special Permit (V.F.6) to alter/covert from a single family to a two-family dwelling at 186 Main St., Medway, MA 02053.

Hearing

Notice of the Public Hearing by the Zoning Board of Appeals in this matter was published in the Milford Daily News on October 7 and 14, 2009. Notice also was sent to all "parties in interest" and posted in the Town Hall as required by Massachusetts General Laws Chapter 40A, Section 11.

The Public Hearing scheduled for October 21, 2009 was postponed due to a lack of quorum and was subsequently held, and the record closed, on November 4, 2009. At the hearing, one person spoke in favor of; no one spoke in opposition to the application. A letter was submitted and read into the record in support of the proposed plan by a direct abutter at 190 Main St.

Hearing Summary

The Applicant, Gloria A. Bain came before the Board to request a Special Permit (V.F.6) to alter/covert the single-family to a two-family dwelling at 186 Main St., located in the ARII zoning district. The pre-existing, non-confirming lot is approximately 2.5 acres in area and is accessed from Main St. by a 300 ft.± long driveway, with 15 ft. of Main St. frontage. A plot plan and a plan for the proposed second dwelling unit were submitted. The Applicant stated the following: There would be no change in the footprint of the existing building or any external construction or change to the exterior of the building. The alteration/conversion would be entirely in the unfinished basement to create a one-bedroom apartment. The dwelling would retain the look and character of a single-family home. There is ample parking. Although the current plan is to have her son occupy the proposed dwelling unit, a future alternative would allow the rental of the proposed dwelling unit for additional income. Therefore, she is seeking a Special Permit for two-family use, rather than a permit for an accessory family dwelling unit. She explained further that there are multiple two-family dwellings and multi-family buildings in the immediate vicinity. In addition, the area is one of mixed uses in which commercial, religious, municipal uses as well as the residential use co-exist.

Findings:

By vote of 4-0:

1. The grant of a Special Permit to the Applicant for the alteration/conversion from a single-family to a two-family dwelling is not a detriment to the public good.
2. The proposed two-family use is in harmony with the general purposes and intent of the by-law

Relief Granted:

By vote of 4-0

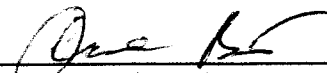
A Special Permit is hereby granted to Gloria A. Bain, 186 Main St., Medway, MA 02053 to alter/covert from a single-family to a two-family dwelling substantially in accordance with the plan presented.

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.

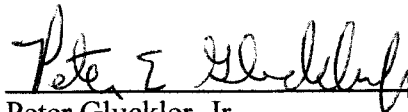
IN ACCORDANCE WITH MASSACHUSETTS GENERAL LAW, CHAPTER 40A, SECTION 11 NO VARIANCE, SPECIAL PERMIT OR CONSTRUCTIVE GRANT OF A VARIANCE TAKES EFFECT UNTIL RECORDED IN THE REGISTRY OF DEEDS.



David Cole, Acting Chairman



Anthony Biocchi



Peter Gluckler, Jr.



Carol Gould