

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS

IN THE MATTER OF: Maria Z. Chesmore
Petitioner

OPINION OF THE BOARD

**REQUEST FOR SPECIAL PERMIT
4 Massasoit St.**

Hearing: June 3, 2009

Decision: August 24, 2009

MEMBERS PRESENT: Joseph F. Musmanno, Chairman
David Cole
Peter Gluckler, Jr.
Carol Gould

THE WRITTEN OPINION WAS DELIVERED ON SEPTEMBER 1, 2009

RECEIVED

SEP 3 2009

TOWN CLERK

*20 day appeal date
Sept 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, Maria Z. Chesmore, requests a Special Permit (V.F.1.c.4) to conduct a hair salon in her home at 4 Massasoit 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 May 20 and 27, 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 was opened and the record closed on June 3, 2009. At the hearing, one person spoke in favor of; no one spoke in opposition to the application.

Hearing Summary

Ms. Chesmore appeared before the Board to request a Special Permit to conduct an in-home business, a hair salon, at 4 Massasoit St., located within the ARII zoning district. The Applicant stated the following. The scale of the business would be small in scale, low intensity with up to five clients per week. There would be no exterior modifications to the building. The business would be conducted in the former laundry room and would be remodeled accordingly with the addition of a sink. There would be no signage. The only employees of the premises would be the Applicant and her daughter. The hours would be by appointment only, no evenings. The existing driveway can hold up to four cars comfortably. There would be no chemical storage, just haircuts and blow-dries only. The Applicant stated that she currently works out of a salon and is trying to downsize and service only her long-time clients and the low-intensity would not be a nuisance to her neighborhood.

Findings:

By vote of 4-0:

1. The use described is similar to one or more uses as described in the Medway Zoning by-Law, Section V.F.1.c.
2. The grant of a suitably conditioned Special Permit for a hair salon is not a substantial detriment to the public good.

Relief Granted:

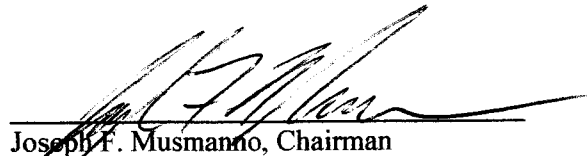
A Special Permit is granted to the Applicant, Maria Chesmore, 4 Massasoit St., Medway, MA 02053 for the operation of a hair salon, subject to the following conditions and or/restrictions: (By vote of 4-0)

1. Employees of the business must be residents of the premises. (By vote of 4-0)

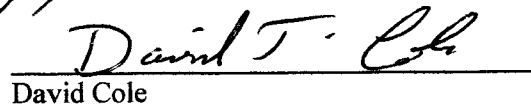
2. The operating hours are by appointment only and not outside the hours of 9:00 AM to 8:00 PM. (By vote of 4-0)
3. No more than one client may be scheduled at any one time. (By vote of 4-0)
4. One off-street parking place be made available to customers during operating hours. (By vote of 4-0)
5. There shall be no on-street parking associated with the business. (By vote of 4-0)
6. There shall be no exterior modifications to the building. (By vote of 3-1, with Messrs. Musmanno and Cole and Ms. Gould in favor; Mr. Gluckler opposed)

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.

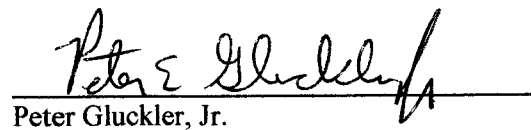
IN ACCORDANCE WITH MASSACHUSETTS GENERAL LAW, CHAPTER 40A, SECTION 11 NO VARIANCE, SPECIAL PERMIT OR CONSTRUCTIVE GRANT OF A VARIANCE TAKES EFFECT UNTIL RECORDED IN THE REGISTRY OF DEEDS.




Joseph F. Musmanno, Chairman



David Cole



Peter Gluckler, Jr.



Carol Gould