

Board Members
Brian White, Chair
Gibb Phenegar, Vice Chair
Christina Oster, Clerk
Joe Barresi, Member
Tom Emero, Member



Medway Town Hall
155 Village Street
Medway, MA 02053
Telephone (508) 321-4890
zoning@townofmedway.org

TOWN OF MEDWAY
COMMONWEALTH OF MASSACHUSETTS
ZONING BOARD OF APPEALS

DECISION
SPECIAL PERMIT
4 TEMPLE STREET

Applicant(s): Lester Seal
4 Temple Street
Medway, MA 02053

Location of Property: 4 Temple Street (Assessors' Parcel ID: 48-013).

Approval Requested: The application is for the issuance of a **special permit** under Section 6.3, Accessory Buildings or Structures, to allow for construction of a garage that will exceed the footprint of the principal residential building.

Members Participating: Brian White, Chair; Gibb Phenegar, Vice Chair; Christina Oster, Clerk; Tom Emero, Member

Members Voting: Brian White, Chair; Gibb Phenegar, Vice Chair; Christina Oster, Clerk; Tom Emero, Member

Date of Decision: June 7, 2023

Decision: **GRANTED WITH CONDITIONS**

I. PROCEDURAL HISTORY

1. On May 4, 2023, the Applicant filed for the issuance of a **special permit** under Section 6.3, Accessory Buildings or Structures, Zoning Bylaw to allow for construction of a garage that will exceed the footprint of the principal residential building in Agricultural-Residential II (AR-II).

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ZONING BOARD OF APPEALS

RECEIVED TOWN CLERK
JUN 13 '23 9:56

DECISION
SPECIAL PERMIT
4 TEMPLE STREET

20 Day Appeal
July 3, 2023

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Medway, MA 02053

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2. Notice of the public hearing was published in the Milford Daily News on May 24, 2023, and May 31, 2023, and notice sent by mail to all interested parties and posted in Town Hall as required by G.L. c. 40A, §11.
3. The public hearing was opened on June 7, 2023. The public hearing was closed that evening.
4. The Property is located in the Agricultural Residential II (AR-II) District. The front setback requirement is 35 feet, and the side and rear setback requirements are 15 feet.
5. The Board notified Town departments, boards, and committees of this application. The Board received comments from the Conservation Commission.
6. All documents and exhibits received during the public hearing are contained in the Zoning Board of Appeal's files and listed in Section V. of this Decision.

II. TESTIMONY

The applicant, Lester Seal, 4 Temple Street, was present to discuss the application. Mr. Seal stated he is proposing to raze the current small garage and construct a larger one in its place. He noted that all the setbacks required for the AR-II district would be met. Mr. Phenegar stated the architectural design of the building will match the home and surrounding neighborhood and confirmed that the garage will be for recreational use, not a business. Mr. White noted the comment received from the Conservation Commission stating the applicant cannot work in the 100' buffer zone from the wetlands without approval from the Commission.

III. FINDINGS

In making its findings and reaching the decision described herein, the Board is guided by G.L. c. 40A, as amended, and by the Medway Zoning Bylaw. The Board also considered evidence and testimony presented at the public hearing and comments submitted by residents placed in the public record during the course of the hearings. The Board considered each special permit criterion separately.

A. Section 3.4 Special Permit Decision Criteria

The Board found that the application, as conditioned by this decision, does meet all the required Special Permit Decision Criteria for Section 3.4 on the following findings:

1. The proposed site is an appropriate location for the proposed use.
2. Adequate and appropriate facilities will be provided for the operation of the proposed use.
3. The proposed use as developed will not create a hazard to abutters, vehicles, pedestrians, or the environment.

4. The proposed use will not cause undue traffic congestion or conflicts in the immediate area.
5. The proposed use will not be detrimental to the adjoining properties due to lighting, flooding, odors, dust, noise, vibration, refuse materials, or other undesirable visual, site or operational attributes of the proposed use.
6. The proposed use as developed will not adversely affect the surrounding neighborhood or significantly alter the character of the zoning district.
7. The proposed use is in harmony with the general purpose and intent of this Zoning Bylaw.
8. The proposed use is consistent with the goals of the Medway Master Plan.
9. The proposed use will not be detrimental to the public good.

The Board finds that the Applicant has demonstrated through evidence submitted, including the Plans, as well as testimony from the Applicant, that he has met all the required Special Permit Decision Criteria under Section 3.4 of the Zoning Bylaw, as conditioned in this decision.

IV. CONDITIONS OF APPROVAL

1. Smoke, heat and carbon monoxide detectors must be installed in accordance with the Massachusetts Fire and Building Codes.
2. This special permit is subject to all subsequent conditions that may be imposed by other Town departments, boards, agencies, or commissions. Any changes to the special permit and that may be required by the decisions of other Town boards, agencies or commissions shall be submitted to the Board for review as a new request.
3. Any work or use that deviates from this Decision may be a violation of the Medway Zoning Bylaw. All conditions imposed by this Decision are mandatory, and any violation of a condition imposed by this decision may be a violation of the Medway Zoning Bylaw. Any violations of this Decision may prevent the issuance of a building permit and/or occupancy permit or result in the issuance of a cease and desist order, noncriminal penalties, or fines, as further provided in Section 3.1 of the Zoning Bylaw. Please note that Section 3.1.F of the Zoning Bylaw provides:
 1. Anyone who violates a provision of this Zoning Bylaw, or any condition of a variance, site plan review decision or special permit, shall be punishable by a fine of not more than three hundred dollars for each offense. Each day during which any portion of a violation continues shall constitute a separate offense.
 2. As an alternative means of enforcement, the Building Commissioner may impose noncriminal penalties pursuant to G.L. c. 40, § 21D and Article XX of the Town's General Bylaws, in accordance with the following schedule:
First offense: warning (verbal or written)
Second offense: one hundred dollars
Third offense: two hundred dollars

Fourth and each subsequent offense per violation: three hundred dollars

4. As provided in Section 3.4.E of the Zoning Bylaw, special permits shall lapse within two years, which shall not include such time required to pursue or await the determination of an appeal under G.L. c. 40A, §17, from the grant thereof, if a substantial use thereof has not sooner commenced except for good cause, or, in the case of a special permit for construction, if construction has not begun by such date, except for good cause. Upon receipt of a written request by the applicant filed at least 30 days prior to the date of expiration, the Board may grant an extension for good cause. The request shall state the reasons for the extension and also the length of time requested.

5. The applicant shall install dry wells or other approved stormwater system which infiltrates all roof run off into the ground. Any and all gutters and downspouts shall not be placed in a manner to allow discharge of stormwater to the street or toward abutting properties. Stormwater shall not be discharged to the street.

6. All site work shall be in compliance with the documents submitted to the Board as listed in Section V of this Decision, including the Plans and Architectural Plans, provided, however, that the Building Commissioner may approve minor changes in the course of construction that are of such a nature as are usually approved as “field changes” that do not require further review by the Board. The dimensions shall not be changed without Board approval.

7. There shall be no tracking of construction materials onto any public way. Daily sweeping of roadways adjacent to the site shall be done to ensure that any loose gravel and dirt is removed from the roadways and does not create hazardous or deleterious conditions for vehicles, pedestrians or abutting residents. In the event construction debris is carried onto a public way, the applicant shall be responsible for all clean-up of the roadway which shall occur as soon as possible and in any event within twelve hours of its occurrence.

8. The owner must affirm that there is no connection whether direct or indirect to the Town storm water system from the site, including any drainage sump pump, perimeter drains, roof drains, or any other source.

V. INDEX OF DOCUMENTS

A. The application included the following plans and information that were provided to the Board at the time the application was filed:

1. Plan titled “Special Permit Plot Plan” prepared by Guerriere & Halnon, Inc., dated May 5, 2023, showing proposed garage.
2. Plan titled “Proposed Garage Plot Plan” prepared by Guerriere & Halnon, Inc., dated April 24, 2023, showing required building setbacks.
2. Architectural Plans prepared by Baystate Outdoor Personia, dated April 18, 2023.

VI. VOTE OF THE BOARD

By a vote of 4 to 0, the Zoning Board of Appeals hereby **GRANTS** the Applicant, Lester Seal, a **SPECIAL PERMIT** under Section 6.3 of the Zoning Bylaw for the construction of a garage that will exceed the footprint of the principal residential building (Assessors' Parcel ID: 57-062), in accordance with the application, the Plan which is attached hereto as Exhibit A, and the Architectural Plans, attached hereto as Exhibit B, and subject to the **CONDITIONS** herein.

Member:	Vote:	Signature:
Brian White	Aye	_____
Gibb Phenegar	Aye	_____
Christina Oster	Aye	_____
Tom Emero	Aye	_____

The Board and the Applicant have complied with all statutory requirements for the issuance of this Decision on the terms set forth. A copy of this Decision will be filed with the Medway Town Clerk and mailed to the Applicant, and notice will be mailed to all parties in interest as provided in General Laws, chapter 40A, section 15.


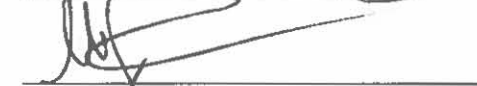


Any person aggrieved by the decision of the Board may appeal to the appropriate court pursuant to Massachusetts General Laws, chapter 40A, section 17, and shall be filed within 20 days after the filing of this notice in the office of the Medway Town Clerk.

In accordance with General Laws chapter 40A, section 11, no special permit shall take effect until a copy of the Decision 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, 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 within said twenty day period or the appeal has been filed within such time. The person exercising rights under a duly appealed special permit does so at risk that a court will reverse the permit and that any construction performed under the permit may be ordered undone.

The fee for recording or registering shall be paid by the Applicant. A copy of the recorded Decision, and notification by the Applicant of the recording, shall be furnished to the Board and Building Department.

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Christina Oster	Aye	
Tom Emero	Aye	

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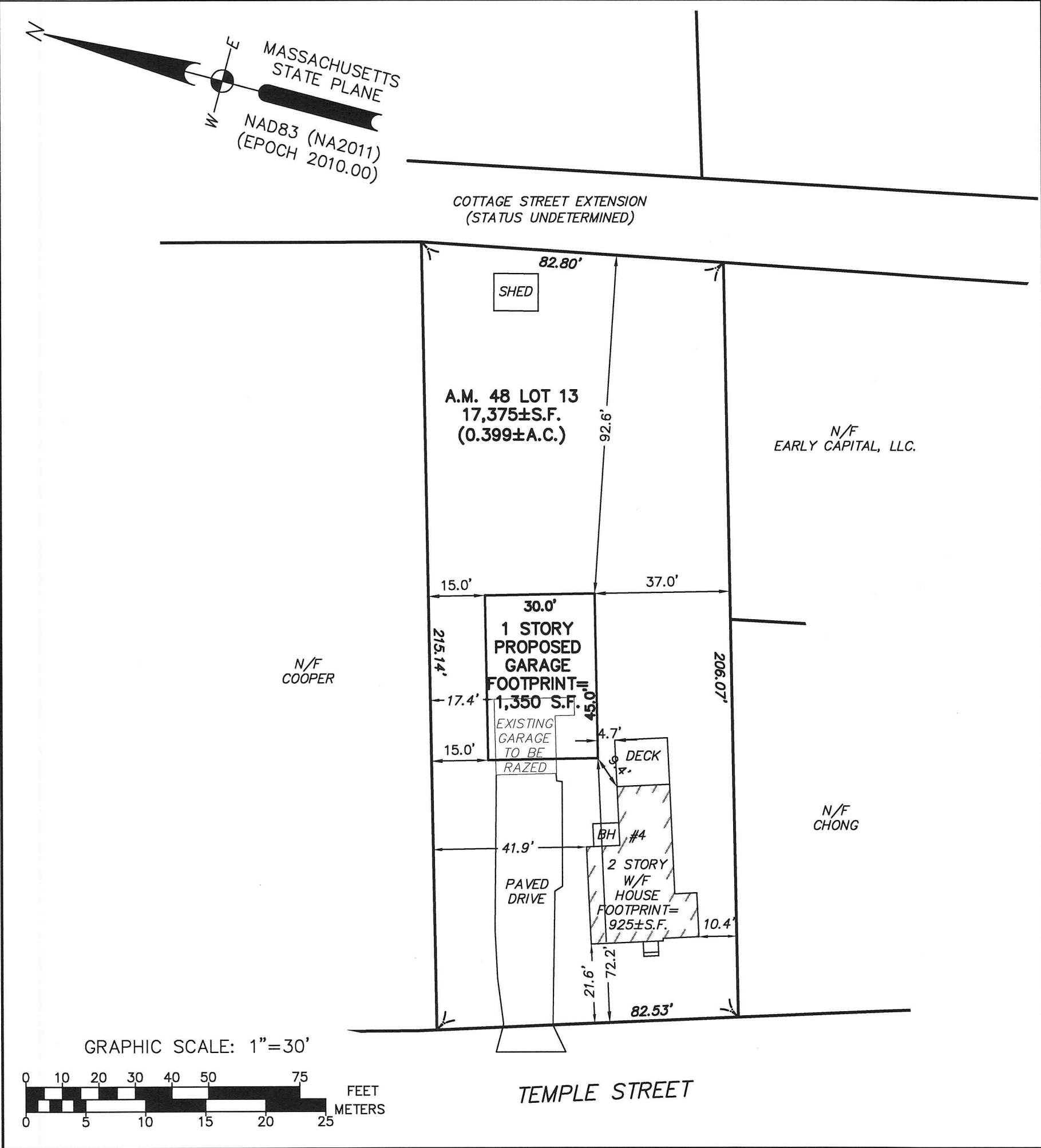
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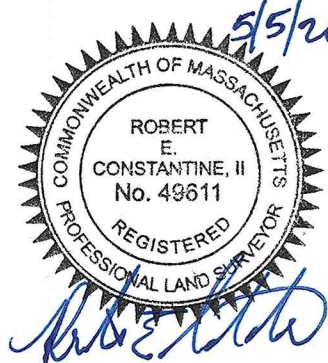
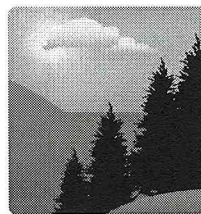
THE BUILDING OFFSETS SHOWN HEREON ARE NOT TO BE USED FOR THE ESTABLISHMENT OF PROPERTY LINES OR FOR THE ESTABLISHMENT OF ANY PROPOSED CONSTRUCTION UNLESS SAID CONSTRUCTION IS SHOWN HEREON.

THIS PLAN WAS PREPARED FOR THE EXCLUSIVE USE AND PURPOSE FOR THE PARTY STATED HEREON AND SHALL NOT BE USED BY ANY THIRD PARTY WITHOUT THE EXPRESSED WRITTEN PERMISSION OF GUERRIERE AND HALNON, INC.

CONSTRUCTION ON THIS LAND IS SUBJECT TO ANY EASEMENTS, RIGHTS-OF-WAY, RESTRICTIONS, RESERVATIONS, OR OTHER LIMITATIONS WHICH MAY BE REVEALED BY AN EXAMINATION OF THE TITLE.

CONTRACTORS (IN ACCORDANCE WITH MASS.G.L. CHAPTER 82 SECTION 40 AS AMENDED) MUST CONTACT ALL UTILITY COMPANIES BEFORE EXCAVATING AND DRILLING AND CALL DIGSAFE AT 1(888)DIG-SAFE{7233}.

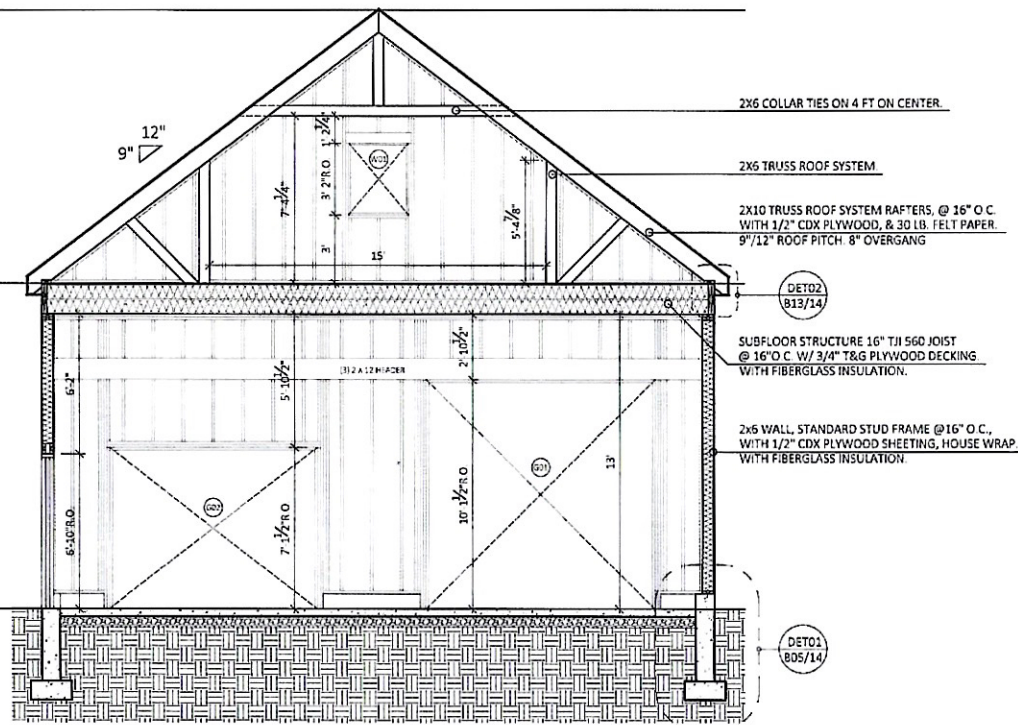


CERTIFICATION	OWNER	SPECIAL PERMIT PLOT PLAN 4 TEMPLE STREET MEDWAY, MA	
I CERTIFY THAT THIS PLAN WAS PREPARED FROM AN ON THE GROUND SURVEY AND THAT THE EXISTING BUILDINGS AND IMPROVEMENTS ARE LOCATED ON THE LOT AS SHOWN HEREON	LESTER J. SEAL & KAREN A. SEAL 4 TEMPLE STREET MEDWAY, MA 02053 DEED BOOK 5692 PAGE 731 PLAN Bk. D394 Pg. 79 A.M. 48 LOT 13	MAY 5, 2023	
		DATE	REVISION DESCRIPTION
	NOTES		
	1. THIS LOT IS ZONED AR-2 MINIMUM YARDS: FRONT 35' SIDE 15' REAR 15'	 Guerriere & Halnon, Inc. ENGINEERING & LAND SURVEYING 55 WEST CENTRAL ST. PH. (508) 528-3221 FRANKLIN, MA 02038 FX. (508) 528-7921 www.gandhengengineering.com	

PICK HEIGHT
26'-4"

ATTIC LEVEL
14'-4 1/2"

GARAGE LEVEL
0'-0"



2X6 COLLAR TIES ON 4 FT ON CENTER.

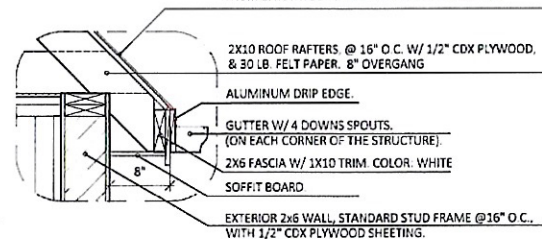
2X6 TRUSS ROOF SYSTEM.

2X10 TRUSS ROOF SYSTEM RAFTERS, @ 16" O.C.
WITH 1/2" CDX PLYWOOD, & 30 LB. FELT PAPER.
9"/12" ROOF PITCH. 8" OVERGANG

SUBFLOOR STRUCTURE 16" TJI 560 JOIST
@ 16" O.C. W/ 3/4" T&G PLYWOOD DECKING
WITH FIBERGLASS INSULATION.

2x6 WALL, STANDARD STUD FRAME @16" O.C.,
WITH 1/2" CDX PLYWOOD SHEETING, HOUSE WRAP
WITH FIBERGLASS INSULATION.

ROOF FINISH TO BE ARCH ASPHALT SHINGLES - CHOSEN
FROM BAYSTATE'S STANDARD SELECTION. CLR. TBD



2 DET.02 - OVERHANG
SCALE: 1"=1'-0"

1 SECTION AA
SCALE: 3/16"=1'-0"

Sheet
B13/14

Project Name
30' X 45' 3 CAR GARAGE W/ ATTIC
Sheet Name
SECTION AA

Scale
AS NOTED

Drawn by
CARLOS COELHO

Client
SEAL, LESTER

Project Address
4 TEMPLE STREET
MEDWAY, MA



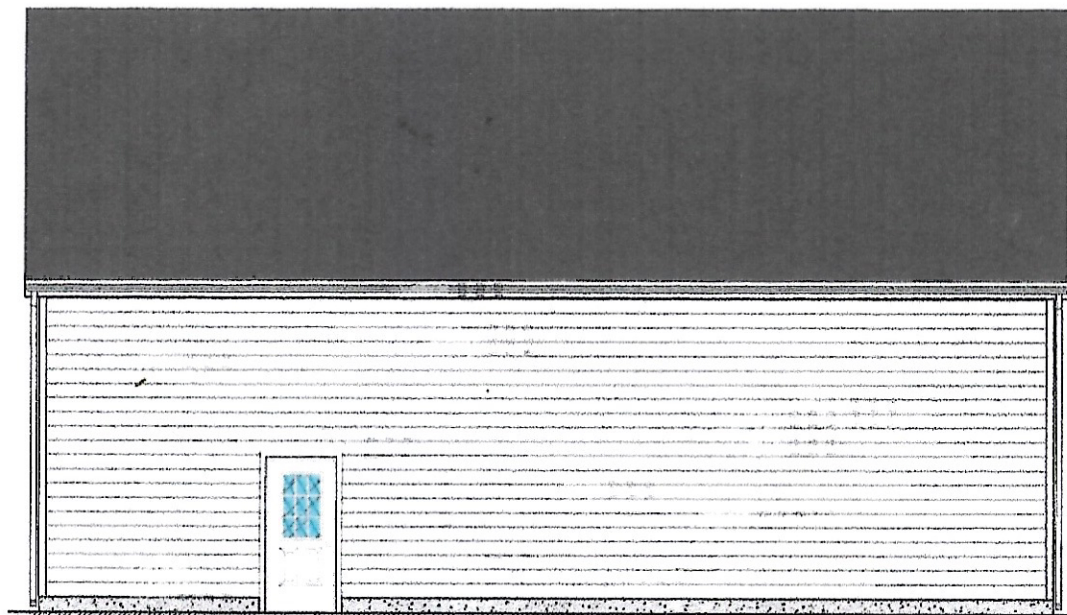
BAYSTATE
OUTDOOR
PERSONA

1048 South Main Street
Bellingham, MA 02019
508-883-4043

No. Revision/Issue Date




1 ELEVATION VIEW 01
SCALE: 3/16"=1'-0"

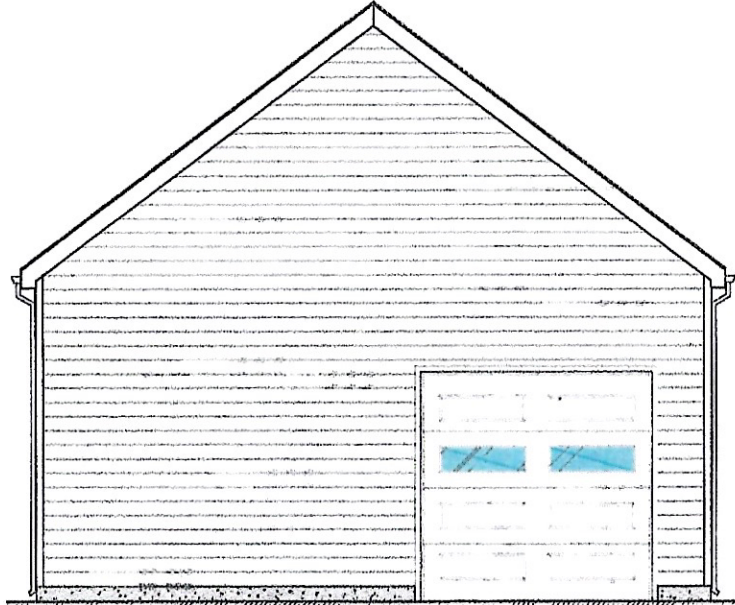


2 ELEVATION VIEW 02
SCALE: 3/16"=1'-0"

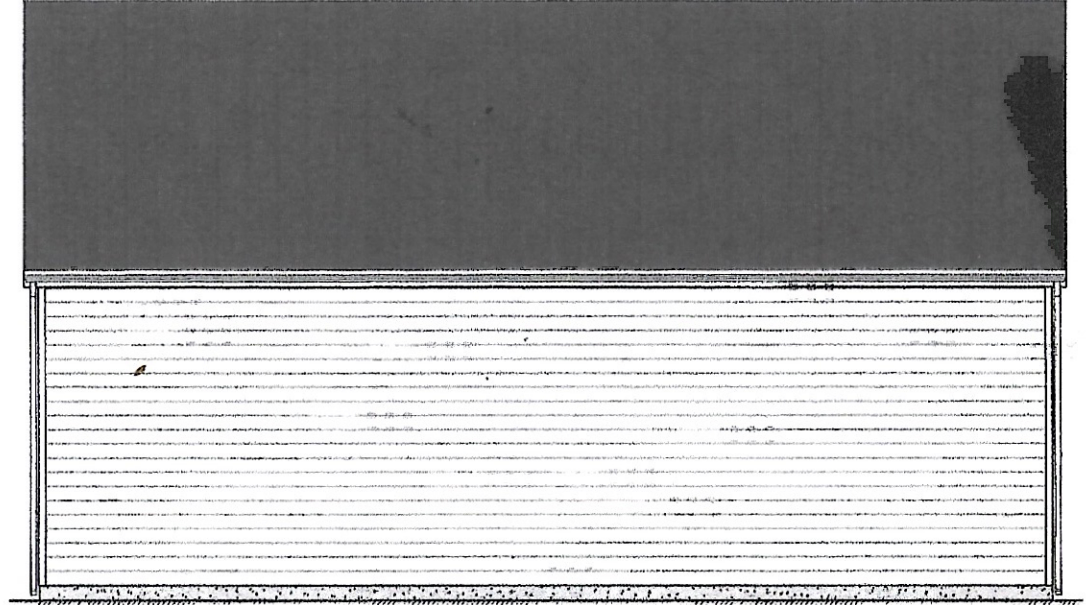
MATERIAL SCHEDULE

FLOOR	<input type="checkbox"/>	01	CONCRETE FLOOR
		02	3/4" T&G PLYWOOD FLOORING
WALL	<input type="checkbox"/>	01	STANDARD VINYL SIDING
		02	INSULATED STUDDING WALL
ROOF/CEILING	<input type="checkbox"/>	01	FINISHED INSULATED CEILING. MATERIAL/COLOR: TBD
		02	30Y ARCH. SHINGLES - CHOSEN FROM BAYSTATE'S STANDARD SELECTION. CLR: TBD.

Sheet B01/14	Project Name 30' X 45' 3 CAR GARAGE W/ ATTIC			 BAYSTATE OUTDOOR PERSONIA	No.	Revision/Issue	Date
Sheet Name ELEVATION VIEW 01, AND VIEW 02							
Scale 3/16"=1'-0"	Drawn by CARLOS COELHO	Client SEAL, LESTER	Project Address 4 TEMPLE STREET MEDWAY, MA	1048 South Main Street Bellingham, MA 02019 508-883-4043			




1 ELEVATION VIEW 03
SCALE: 3/16"=1'-0"



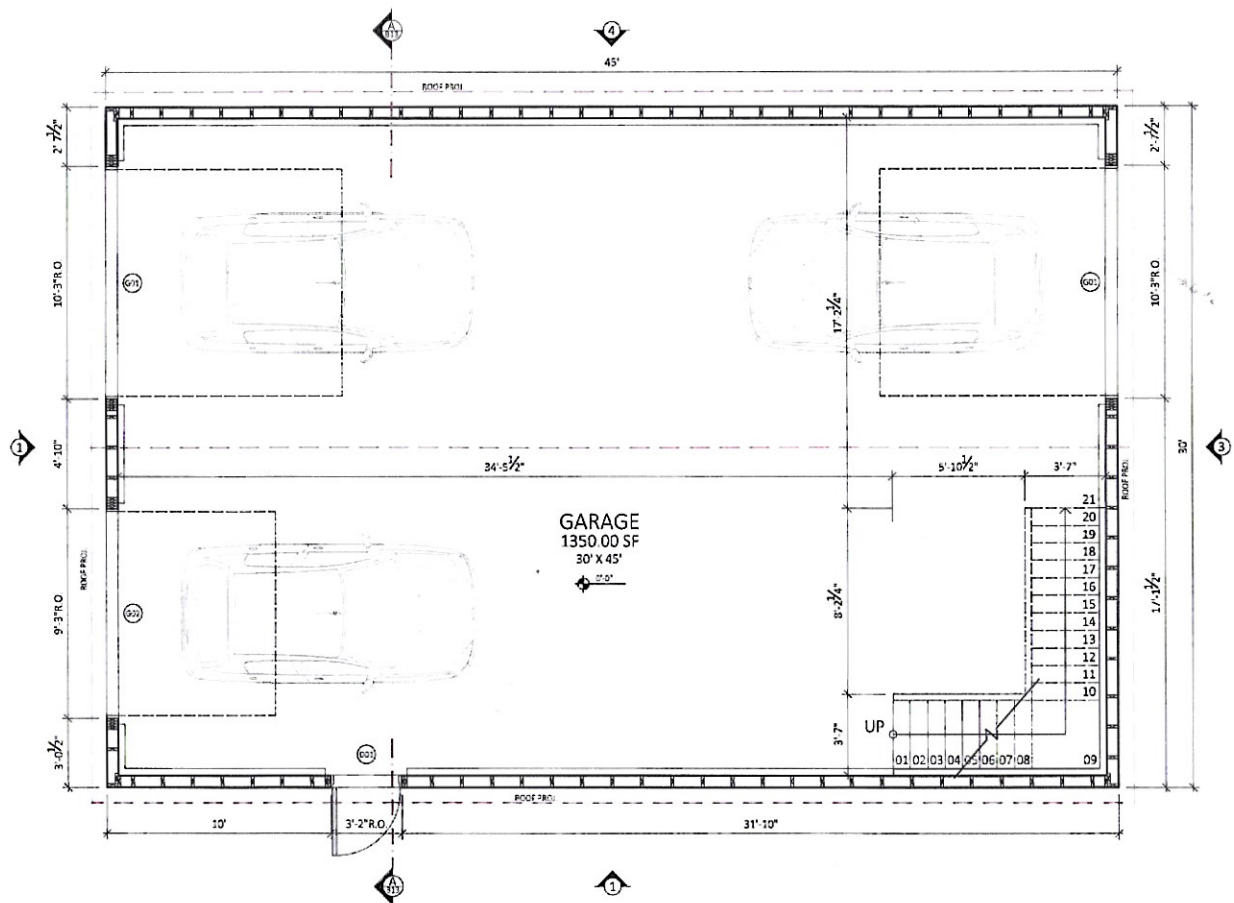
2 ELEVATION VIEW 04
SCALE: 3/16"=1'-0"

MATERIAL SCHEDULE


FLOOR	<input type="checkbox"/>	01	CONCRETE FLOOR
		02	3/4" T&G PLYWOOD FLOORING
WALL	<input type="checkbox"/>	01	STANDARD VINYL SIDING
		02	INSULATED STUDDING WALL
ROOF/CEILING	<input type="checkbox"/>	01	FINISHED INSULATED CEILING. MATERIAL/COLOR: TBD
		02	30Y ARCH. SHINGLES - CHOSEN FROM BAYSTATE'S STANDARD SELECTION. CLR: TBD.

Sheet B02/14	Project Name 30' X 45' 3 CAR GARAGE W/ ATTIC		 BAYSTATE OUTDOOR PERSONA	No. Revision/Issue/Date
Sheet Name ELEVATION VIEW 03, AND VIEW 04				
Scale 3/16"=1'-0"	Drawn by CARLOS COELHO	Client SEAL, LESTER	Project Address 1048 South Main Street Bellingham, MA 02019 508-893-4043	

NOTES:
- GARAGE LEVEL TO BE INSULATED WITH FIBERGLASS INSULATION.



1 GARAGE FLOOR PLAN
SCALE: 3/16"=1'-0"

DOOR SCHEDULE				WINDOW SCHEDULE				Sheet			Project Name				No.	Revision/Issue	Date				
SYM	QTY	DESCRIPTION	SIZE	SYM	QTY	DESCRIPTION	SIZE	B03/14			30' X 45' 3 CAR GARAGE W/ ATTIC										
D01	01	SINGLE ENTRY 9-LITE DOOR, CLR. WHITE	3/0 x 6/8	WD1	01	SINGLE HUNG INSULATED WINDOW, CLR. WHITE	30" x 36" / 36"	Scale			Drawn by			Project Address	1048 South Main Street Bellingham, MA 02019 508-883-4043						
G01	02	RAISED PANEL INSULATED GARAGE DOOR, W/ SINGLE ROW GLASS, CLR. WHITE	10/0x10/0					3/16"=1'-0"			CARLOS COELHO								4 TEMPLE STREET MEDWAY, MA		
G02	01	RAISED PANEL INSULATED GARAGE DOOR, W/ SINGLE ROW GLASS, CLR. WHITE	9/0 x 7/0								SEAL, LESTER										