



Town of Medway
ZONING BOARD OF APPEALS
155 Village Street, Medway, MA 02053

Eric Arbeene, Chair
Brian White, Vice Chair
Carol Gould, Clerk
Bridgette Kelly, Member
Rori Stumpf, Member

**DECISION
SPECIAL PERMIT
250 MAIN STREET**

Date Application Filed: December 14, 2017

Applicant(s): Michael Curatola ("the Applicant")
P.O. Box 157
Medway, MA 02053

Location of Property: The Project is located on a parcel of land in Medway located at 250 Main Street (Assessor Parcel ID: 66-025).

Approval Requested: Special Permit under Section 5.4 Table 1: Table of Uses of the Medway Zoning Bylaw for a duplex/two family, substantially in accordance with the plans provided.

Members Participating: Eric Arbeene (Chair), Brian White (Vice Chair), Carol Gould, Bridgette Kelly, and Rori Stumpf

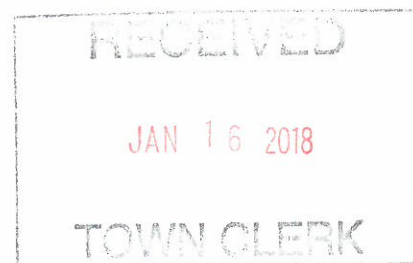
Members Voting: Eric Arbeene (Chair), Brian White (Vice Chair), Carol Gould, Bridgette Kelly, and Rori Stumpf

Hearing Opened: January 3, 2018

Hearing Closed: January 3, 2018

Date of Decision: January 3, 2018

Decision: Granted



*20 Day Appeal
February 5, 2018*



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I. PROCEDURAL HISTORY

1. On December 14, 2017, the Applicant's Representative filed a Special Permit application, pursuant to G.L. c. 40A, as amended, and the Medway Zoning Bylaw, in order to demolish and replace the existing single story home with a duplex/two family for the property located at 250 Main Street.
2. Notice of the public hearing was published in the Milford Daily News on December 20, 2017 and December 27, 2017, 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 January 3, 2018. The Board closed the public hearing the same 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. The minimum lot area requirement for a duplex/two family is 30,000 sq. ft.
5. The Applicant was represented by Steve Kenney of Kenney & Kenney, 181 Village Street, Medway, MA 02053, and Paul DeSimone of Colonial Engineering, 11 Awl Street, Medway, MA 02053.
6. The Board notified Town departments, boards and committees of this application. The Board comments from the Fire Chief.
7. 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

At the January 3, 2018 meeting, the hearing was opened by the Board. The Applicant's Representative provided an overview of the proposed duplex/two family. The Applicant has a purchase and sales agreement with the owner of the property. They explained that the existing home dilapidated and in disrepair. The house is on a property of roughly one and a half acres and an "L" shaped lot. The lot is in the AR-II zoning district where a duplex/two family is allowed by special permit, provided it has the appearance of a single family residence. The house has not been occupied for a number of years. The plan would be to demolish the existing residential structure and reconstruct a new duplex/two-family. The Applicant's Representative stated that all other zoning requirements would be met and read through the Special Permit Criteria of Section 3.4 of the Zoning Bylaw and explained how the criteria was met.

The applicant had already met with the Historical Commission to determine if the home was historically significant. The commission did not find it to be and so there is no demolition delay for the home.

Mr. Arbeene asked how the driveway(s) would be arranged for the units. The applicant intended to keep the existing driveway and create a new one for the second unit. The second driveway would require a new curb cut. Ms. Leahy, Community & Economic Development, explained that the Department of Public Services ("DPS") had not provided comments, but the department may have an issue with a second curb cut for one property. The curb cut would require a permit, and DPS may rather see a shared curb from the existing entry with the two driveways then splitting off to the two units internal to the property.

Ms. Leahy explained that the Fire Chief would require the fire systems to be interconnected between the two dwelling units.

Abutters from 252 Main Street and 248 Main Street attended the hearing and spoke in favor of the requested Special Permit.

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.

A. Section 3.4 Special Permit Decision Criteria

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 the 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.*
- a. The Board finds that the Applicant's representative has provided thorough documentation in the Special Permit general application form submitted with this application and as explained during hearing to satisfy all Special Permit Criteria.

IV. CONDITIONS OF APPROVAL

Based upon the findings of the Board and testimony and information received into the record during the public hearing process, the Board grants the Applicant(s), Michael Curatola, a ***SPECIAL PERMIT*** for a ***DUPLEX/TWO FAMILY*** under Section 5.4 of the Zoning Bylaw for the property located at 250 Main Street (Parcel ID: 66-025), substantially in accordance with the plan of land submitted with this application, prepared by Colonial Engineering Inc. of 11 Awl Street, Medway, MA, dated January 1, 2018.

1. 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 that may be required by the decisions of other Town boards, agencies or commissions shall be submitted to the Board for review as a modification.

Any work or use that deviates from this Decision shall be a violation of the *Medway Zoning Bylaw*.

2. Upon receipt of a written request by the applicant filed at least thirty (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. If no request for extension is filed and approved, the Special Permit shall lapse two years from the date of Decision, unless substantial action is taken, or as may be otherwise specified herein, and may be reestablished only after a new filing, hearing, and decision.

V. INDEX OF DOCUMENTS

A. The Special Permit application for the proposed duplex/two family included the following plans and information that were provided to the Board at the time the application was filed:

1. General Application Form
2. Special Permit General Application Form
3. 250 Main Street Plan of Land with existing and proposed conditions, prepared by Colonial Engineering Inc. of 11 Awl Street, Medway, MA, dated January 1, 2018

B. During the course of the review, the following materials were submitted to the Board by Town Departments/Boards:




1. Comments: Fire Chief, dated January 2, 2018

C. During the course of the hearing, the following materials were submitted to the Board:

1. Seventeen photos of existing single family residence
2. Letter from Historical Commission regarding demolition delay
3. Architectural Renderings of Duple/Two-Family Style

VI. VOTE OF THE BOARD

By a vote of 5 to 0, on a motion made by Rori Stumpf and seconded by Brian White, the Zoning Board of Appeals hereby **GRANTS** the Applicant(s), Michael Curatola, a **SPECIAL PERMIT** for a **DUPLEX/TWO FAMILY** under Section 5.4 of the Zoning Bylaw for the property located at 250 Main Street (Parcel ID: 66-025), substantially in accordance with the plan of land submitted with this application, prepared by Colonial Engineering Inc. of 11 Awl Street, Medway, MA, dated January 1, 2018.

Member:	Vote:	Signature:
Eric Arbeene	Yes	_____
Brian White	Yes	 _____
Carol Gould	Yes	_____
Bridgette Kelly	Yes	 _____
Rori Stumpf	Yes	 _____

The Board and the Applicant have complied with all statutory requirements for the issuance of this Decision on the terms hereinafter 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 G.L. c. 40A §15.

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

In accordance with MGL c. 40A, Section 11, no variance or 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 that any duly filed appeal has been dismissed or denied. The fee for recording or registering shall be paid by the Applicant. A copy of the recorded Decision certified by the Registry, and notification by the Applicant of the recording, shall be furnished to the Board.