

**COMMONWEALTH OF MASSACHUSETTS**

**NORFOLK, SS**

**IN THE MATTER OF:**

**Mike Marta  
Petitioner**

**OPINION OF THE BOARD**

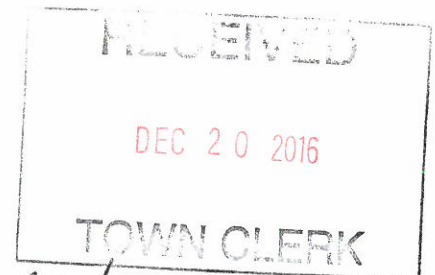
**REQUEST FOR VARIANCE  
10 Fairway Lane  
Medway, MA 02053**

**Hearing: December 7, 2016**

**Decision: December 7, 2016**

**MEMBERS PRESENT:**

**David Cole, Chairman  
Eric Arbeene, Member  
William Kennedy, Member  
Brian White, Member  
Rori Stumpf, Associate Member**



*30 day appeal  
date Jan 9, 2017*

**THE WRITTEN OPINION WAS DELIVERED ON DECEMBER 20, 2016**

## **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 Bylaw of the Town of Medway, MA, 02053, and Massachusetts General Laws, Chapter 40A, as amended, in which the petitioner, Mike Marta, requested a Special Permit under Section 8.2 of the Zoning Bylaw to construct an in-law apartment (Accessory Family Dwelling Unit) attached to the western side of the current residence, with respect to the property located at 10 Fairway Lane, Assessor Parcel No. 09-012, AR-I Zoning District.

## **Hearing**

Notice of the Public Hearing by the Zoning Board of Appeals in this matter was published in the Milford Daily News on November 16, 2016 and November 23, 2016. 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 following documents were received by the Board and included as part of the Application and file for this case:

1. Application dated November 1, 2016
2. 10 Fairway Lane Plot Plan, prepared by Continental Land Survey, LLC of 105 Beaver Street, Franklin, MA.
3. 10 Fairway Lane Proposed Plans, prepared by Bailow Architects of 35 High Street, Holliston, MA 01746.
4. Staff Report, dated 12/7/16.

The Public Hearing opened on December 7, 2016 and was closed on December 7, 2016. The Medway Zoning Board of Appeals members present during the public hearing were David Cole, Chairman; Eric Arbeene, Member; William Kennedy, Member; Brian White, Member; and Rori Stumpf, Associate Member. The Board voted on the request for the variance on December 7, 2016, at a Zoning Board of Appeals meeting. The Board members voting were David Cole, Chairman; William Kennedy, Member; Brian White, Member; and Rori Stumpf, Associate Member. There were no public comments made in opposition of the application during the public hearing.

## **Hearing Summary**

The applicant, Mike Marta, and his consultant, Chris Bailow of Bailow Architects, appeared before the Board to discuss the request for a special permit for the property located at 10 Fairway Lane.

Mr. Bailow explained that the family would like to have an accessory family dwelling unit so that the family may age in place. Mr. Bailow stated that his main focus was to maintain the residential character. The applicant is requesting one unit with one bedroom. The applicant is requesting to extend the size of the unit over 800 square feet. Mr. Bailow showed a plan that displayed a 60 inch turning radius in each room for a wheelchair. While Mr. Marta's parents do not need universal accessibility at the present, they would like to be prepared to be able to age in place. The site has a large driveway as well as addition of a one car garage. Mr. Bailow showed a plan with 3D elevations to display that the scale and feel of the residence would not lose a single family appearance.

Chairman Cole asked Mr. Bailow if, regarding maintaining the appearance of a single family residence, the entry door to the accessory family dwelling unit would be located behind the addition of the garage. Mr. Bailow explained that there is a porch area and that the door is recessed, the front door to the primary residence would be quite obvious. Chairman Cole asked if there would be access from the accessory family dwelling unit to the main residence. Mr. Bailow explained that there would be a door that accessed the primary garage connected to the primary residence.

Mr. Stumpf asked if the orientation of the additional garage was made to maintain the appearance of a single family and asked what the total square footage would be. Mr. Bailow stated that garage was placed to maintain the appearance so that the garage does not appear as the front presentation of the house and that the total square footage of existing garage and residence is 2518, the proposed in-law would be 947 square feet.

Mr. Kennedy and Mr. Stumpf expressed that they thought the proposal looked really nice.

Mr. White asked what the stairs led to. Mr. Bailow explained that they led to a basement and that the basement was unfinished and would be for storage. Mr. Kennedy asked if the basement would connect to the existing basement; Mr. Bailow answered that it would not.

Chairman Cole asked if there were any other exits; Mr. Bailow answered that there would be an exit to the backyard.

Ellen Schaefer of 13 Fairway Lane expressed that she was supportive of the application. She asked if the applicant would be adding to the septic. Mr. Marta explained that they would be and it would be tested.

Catherine Spozio of 19 Fairway Lane expressed her support.

The hearing was closed and the Board moved to deliberations.

Mr. Stumpf noted that apart from the square footage exceeding 800 square feet, he found the application acceptable. Mr. White stated that the architecture fit the neighborhood and that the accessory unit was to ADA scale. Mr. Kennedy noted that the setbacks were met. Mr. Arbeene and Ms. Gould stated that he agreed with the Board members' comments.

## **Findings:**

By a vote of 5-0-0:

1. The Board finds that the Applicant demonstrated that the proposed dwelling will preserve the appearance of a single family dwelling and, except to the square footage, the proposed accessory family dwelling unit conforms to all other requirements of Section 8.2 of the Zoning Bylaw.
2. The Board finds that the applicant demonstrated that the proposed area of approximately 947 square feet was justified due to considerations of universal accessibility within the proposed accessory family dwelling unit.
3. The Board finds that the granting of the requested Special Permit would not be inconsistent with any of the criteria set out in the Zoning Bylaw.



**Relief Granted:**

By a vote of 5-0-0:

The Board hereby grants to the applicant, Mike Marta, a Special Permit for an Accessory Family Dwelling Unit at 10 Fairway Lane subject to the term and condition that the accessory family dwelling unit pertinent thereto shall be constructed in accordance to the plans submitted.

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.

Any person aggrieved by the decision of the Board may appeal to the appropriate court pursuant to MGL c. 40A, Section 17, within twenty (20) days after the date of filing this Decision with the Town Clerk.

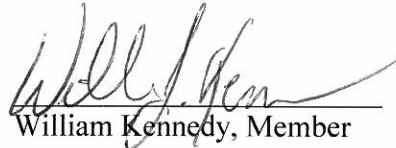
In accordance with MGL c. 40A, Section 11, no variance or special permit shall take effect until a copy of the decision bearing the certification of the Town Clerk that twenty days have elapsed after the decision has been filed in the Office of the Town Clerk and no appeal has been filed, or that if such an appeal has been filed, that it has been dismissed or denied, 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. The fee for recording or registering shall be paid by the owner or applicant.



David J. Cole, Chairman



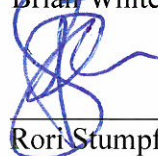
Eric Arbeene, Member



William Kennedy, Member



Brian White, Member



Rori Stumpf, Associate Member