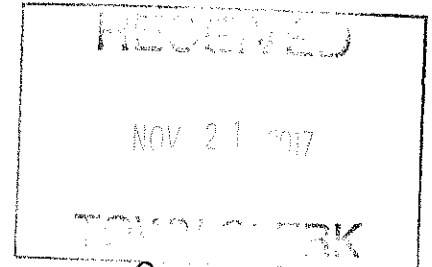




Town of Medway
ZONING BOARD OF APPEALS
155 Village Street, Medway, MA 02053

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

**DECISION
SPECIAL PERMIT
16 VERNON ROAD**



*20 Day Appeal
Dec. 11, 2017*

Date Application Filed: October 19, 2017

Applicant(s): Jacob Scoppetto
Samantha Scoppetto (the "Applicants")
16 Vernon Road
Medway, MA 02053

Location of Property: The Project is located on a parcel of land in Medway located at 16 Vernon Road (Assessor Parcel ID: 42-003).

Approval Requested: Special Permit under Section 5.5 Nonconforming Uses and Structures of the Medway Zoning Bylaw to construct an addition onto the existing single family home on a pre-existing nonconforming lot due to insufficient frontage and area.

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

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

Hearing Opened: November 15, 2017

Hearing Closed: November 15, 2017

Date of Decision: November 15, 2017

Decision: Granted with Conditions

I. PROCEDURAL HISTORY

1. On October 19, 2017, the Applicants filed a Special Permit application, pursuant to G.L. c. 40A, as amended, and the Medway Zoning Bylaw, in order to construct an addition onto the existing single family home on a pre-existing nonconforming lot due to insufficient frontage and area.
2. Notice of the public hearing was published in the Milford Daily News on November 1, 2017 and November 8, 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 November 15, 2017. The Board closed the public hearing the same evening.
4. The Property is located in the Agricultural Residential I (AR-I) District. The frontage requirement is 180 feet and the minimum lot area requirement is 44,000 sq. ft. The front setback requirement is 35 feet and the side and rear setback requirements are 15 feet. The Property has 100 feet of frontage, 18,700 sq. ft. in area. The applicant proposes an addition reducing the side setback to 11 feet from the required 15 feet.
5. The Applicants were represented by Dan O'Driscoll, Land Surveyor for O'Driscoll Land Surveying Co. of 46 Cottage Street, Medway, MA 02053.
6. The Board notified Town departments, boards, and committees of this application. The Board received comments from the Conservation Agent.
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 November 15, 2017 meeting, the hearing was opened by the Board. The Applicants' representative Dan O'Driscoll provided an overview for the proposed addition. The existing home is on a pre-existing nonconforming lot due to insufficient frontage and area. The Applicant was proposing a side setback of 11 feet where the required setback is 15 feet. Mr. O'Driscoll explained that another home on the same street, 20 Vernon Street, had previously been granted a similar request for a variance of 8.8 feet from the required 15 foot side setback. That home had a similar footprint and size.

Mrs. Scoppetto explained that it was not feasible to flip the proposed addition to the other side of the home as the applicants were proposing the addition to be added to the existing kitchen and the location of the proposed garage would be ideal for connectivity to the existing family room in the house.

Mr. O'Driscoll explained that the lot was built in the 1950's and the home built in 1958. Ms. Leahy, Administrative Assistant of the Community and Economic Development Department, stated that the lot predated zoning for AR-I District if it was built in the 1950's.

Mr. O'Driscoll further provided that the applicants had already received a permit from the Conservation Commission and that they would be installing a dry well to mitigate for additional stormwater runoff. Ms. Leahy stated that the only comments received were from the Conservation Agent regarding their application.

Mrs. Scoppetto explained that the addition would be about 500 additional sq. ft. of living space and about 400 sq. ft. for the garage. The existing home has about 900 sq. ft. with about 500 sq. ft. of finished basement. The addition would had a full foundation and the garage would be a one car garage.

Ms. Leahy stated that her only comments to the Board was to suggest that if the Board granted the Special Permit that the Board did so providing an extra foot, as to accommodate any unanticipated modifications that may need to be made. If a Special Permit was granted as requested and the addition ended up "off" by any measure, then the applicants would need to come back before the Board for a modification to the Special Permit.

Mr. Stumpf stated that the proposal posed no detriment to the surrounding neighborhood and the request was for a minimal change. The other members of the Board concurred.

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 Town departments, boards and committees placed in the public record during the course of the hearing.

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 proposed addition to the existing home is consistent with all of the required criteria under Section 3.4 of the Medway Zoning Bylaw.

B. Section 5.5 Nonconforming Uses and Structures

1. The proposed addition to the single family home would result in an increase to the nonconforming nature of the existing home and property, as the side setback would not be met. However, the increase to the nonconforming nature poses no detriment to the neighborhood or the public good.

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 Applicants, Jacob and Samantha Scoppetto, a Special Permit under Section 5.5 of the Medway Zoning Bylaw, to construct an addition onto the existing home on a pre-existing nonconforming lot due to insufficient frontage and area.

1. The front setback shall be reduced from the required front setback of 15 feet to 10 feet.
2. All other setbacks shall be met.
3. 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*.

4. 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. This Special Permit application includes the following plans and information that were provided to the Board at the time the application was filed:

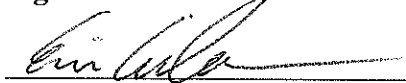

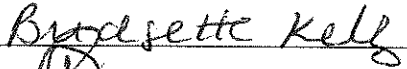

1. Plan of Land of 16 Vernon Road, prepared by O'Driscoll Land Surveying Co. of 46 Cottage Street, Medway, MA 02053, dated October 16, 2017
2. Floor Plans, two pages, dated 10/6/17

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

1. Comments: Conservation Commission, Bridget Graziano, received October 23, 2017

I. VOTE OF THE BOARD

By a vote of 5 to 0, on a motion made by Brian White and seconded by Rori Stumpf, the Zoning Board of Appeals hereby **GRANTS** the Applicant, Jacob Scoppetto, a Special Permit under Section 5.5 of the Zoning Bylaw to construct an addition onto the existing single family home on a pre-existing nonconforming lot due to insufficient frontage and area located at 16 Vernon Road, subject to the **CONDITIONS** herein.

Member:	Vote:	Signature:
Eric Arbeene	<u>yes</u>	<u></u>
Brian White	<u>YES</u>	<u></u>
Carol Gould	<u>yes</u>	<u></u>
Bridgette Kelly	<u>YES</u>	<u></u>
Rori Stumpf	<u>Yes</u>	<u></u>

The Board and the Applicant have complied with all statutory requirements for the issuance of this Variance 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 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.