



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

Rori Stumpf, Chair  
Brian White, Vice Chair  
Gibb Phenegar, Clerk  
Christina Oster, Member  
Carol Gould, Member  
Tom Emero, Associate Member

**DECISION  
SPECIAL PERMIT  
4 WEST STREET**

**Date Application Filed:** June 24, 2019

**Applicant(s):** Jon and Lorreen Hollingsworth ("the Applicants")  
59 Standish Road  
Wellesley, MA 02481

**Location of Property:** 4 West Street (Assessor Parcel ID: 66-017-0001)

**Approval Requested:** Special Permit under Section 3.4, and Table 1 of the Zoning Bylaw to construct a two-family house that has the exterior appearance of a single-family dwelling on the lot.

**Members Participating:** Rori Stumpf (Chair), Brian White (Vice Chair), Gibb Phenegar (Clerk), Christina Oster, Carol Gould

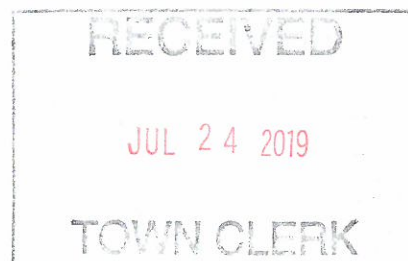
**Members Voting:** Rori Stumpf (Chair), Brian White (Vice Chair), Gibb Phenegar (Clerk), Christina Oster, Carol Gould

**Hearing Opened:** July 17, 2019

**Hearing Closed:** July 17, 2019

**Date of Decision:** July 17, 2019

**Decision:** GRANTED



*20 Day Appeal*  
*Aug 14 2019*  
Page 1  
4 West Street



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## **I. PROCEDURAL HISTORY**

1. On June 24, 2019, the Applicant filed a special permit application, for the issuance of a special permit under Section 3.4, and Table 1 of the Zoning Bylaw to construct a two-family house that has the exterior appearance of a single-family dwelling on the lot.
2. Notice of the public hearing was published in the Milford Daily News on July 3, 2019 and July 10, 2019, 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 July 17, 2019, the hearing was closed the same night.
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 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 and David D’Amico, Director of Department of Public Works.
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 July 17, 2019 meeting, the hearing was opened by the Board. The applicant Jon Hollingsworth was present with his Engineer Paul DeSimone from Colonial Engineering. Mr. DeSimone discussed the application and what they are proposing to do. There was a discussion among Mr. DeSimone and the Board about the driveway regarding the comments provided by David D’Amico, Director of Public Works. Mr. DeSimone presented a plot plan that displayed the portion of the road layout that is actually paved and the sight distance of either driveway and stated that the location of the driveways provided adequate sight distance.

Ms. Saint Andre stated that Mr. D’Amico referred to the Town Bylaw Section 12.9.C.3 “Residential Use” and clarified that the Permitting Authority is the Board of Selectmen or its designee, which is presumably the Department of Public Works, and that the Board of Appeals is responsible for approving the special permit and not the driveway.

The Board provided comments regarding the look and location of the property and came to the conclusion that the application met all special permit criteria and decided to grant the special permit to the Applicants.

Lorreen Hollingsworth, 59 Standish Road Wellesley, MA commented that the proposed two family residence will be an asset to the area and will improve the appearance of the area.

Joanne Shrestha, 268 Main Street asked for clarification on the location of the proposed home. Once clarified by Mr. Hollingsworth she commented that it would “beautify” that section of the neighborhood.

After the Board found that all criteria were met, Ms. Saint Andre discussed the potential conditions of approval.

### **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.*

**The Board finds that the Applicants have 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. Motion made by Brian White seconded by Gibb Phenegar passed with a unanimous vote of 5-0-0.**

### **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, Jon and Lorreen Hollingsworth, a **SPECIAL PERMIT** for a **DUPLEX/TWO FAMILY** under Section 3.4, and Table 1 of the Zoning Bylaw for the property located at 4 West Street (Parcel ID: 66-017-0001), to be constructed in accordance with the plan of land submitted with this application, prepared by Colonial Engineering Inc. of 11 Awl Street, Medway, MA, dated April 15, 2019.

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.
2. Any work or use that deviates from this Decision may be a violation of the Medway Zoning Bylaw.
3. As provided in Section 3.4.E of the Zoning Bylaw, special permits shall lapse within 2 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.
4. The Applicant shall install roof drains on the new two-family dwelling unit to be infiltrated into the ground using a type of infiltration unit, such as but not limited to dry well, subsurface infiltrators, etc. Gutters and downspouts are not allowed to be placed in a manner to allow discharge of stormwater to the street.
5. Smoke detectors and carbon monoxide detectors must be installed in accordance with the Massachusetts Fire and Building Codes.
6. If the units are to be connected to town water and/or sewer, separate taps are required for each dwelling unit such that each dwelling unit has independent service with separate accounts, meters, and curb shut-offs.
7. The Board approved the special permit for the use of the Property as a two-family dwelling per Section 3.4, and Table 1 of the Zoning Bylaw only. The plans are approved pertaining to the two-family dwelling being presented only; the Board does not approve or disapprove the location of the driveway or driveways, or whether one driveway or two driveways is allowed. The Applicant shall abide by Section 12.9 of the Town's General Bylaws regarding the proposed driveways and seek approval through the appropriate Permitting Authority.
8. The two-family dwelling shall be built within the footprint as shown on the plan submitted to the Board dated April 15, 2019.

**Motion made by Brian White seconded by Gibb Phenegar to accept the conditions set forth passed with a unanimous vote of 5-0-0.**

**Motion to allow one member of the Board to sign the decision made by Brian White seconded by Gibb Phenegar passed with a unanimous vote of 5-0-0.**

**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. “Plan of Land in Medway, MA” dated April 15, 2019, Owner: Jon & Lorreen Hollingsworth, prepared by Colonial Engineering Inc. 11 Awl Street Medway, MA 02053
2. Photos of 250 Main Street Medway, MA
3. “LC 12715E Plan of Land in Medway, MA” dated November 8, 2018 prepared by Paul J. DeSimone, P.L.S. 403 Mahan Circle Medway, MA 02053

**B.** The following document was submitted during the Public Hearing on July 17, 2019:

1. “Plan of Land in Medway, MA” dated July 17, 2019, Owner: Jon & Lorreen Hollingsworth, prepared by Colonial Engineering, LLC 11 Awl Street Medway, MA 02053

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

1. Email from David D’Amico, Director, Department of Public Works on June 26, 2019
2. Email from Chief Lynch, Fire Department on July 1, 2019
3. Email from David D’Amico, Director, Department of Public Works on July 11, 2019

## VI. VOTE OF THE BOARD

By a vote of 5 to 0, on a motion made by Brian White and seconded by Gibb Phenegar, the Zoning Board of Appeals hereby **GRANTS** the Applicants, Jon and Lorreen Hollingsworth, a **SPECIAL PERMIT** for a **DUPLEX/TWO FAMILY** under Section 3.4, and Table 1 of the Zoning Bylaw for the property located at 4 West Street (Parcel ID: 66-017-0001), in accordance with the “Plan of Land in Medway, MA” dated April 15, 2019, Owner: Jon & Lorreen Hollingsworth, prepared by Colonial Engineering Inc. 11 Awl Street Medway, MA 02053 submitted with this application.

Member:	Vote:	Signature:
Rori Stumpf	Yes	_____
Brian White	Yes	_____
Gibb Phenegar	Yes	_____
Christina Oster	Yes	_____
Carol Gould	Yes	_____



The Board and the Applicants 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 Applicants, 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 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 Applicants. A copy of the recorded Decision certified by the Registry, and notification by the Applicants of the recording, shall be furnished to the Board.

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Member:	Vote:	Signature:
Rori Stumpf	Yes	
Brian White	Yes	
Gibb Phenegar	Yes	
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Carol Gould	Yes	

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