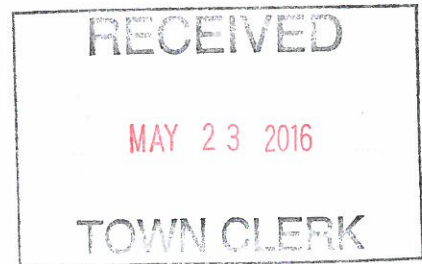


COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS

IN THE MATTER OF: **R. Eric Uhe**
Petitioner



20 Day Appeal
June 12, 2016

OPINION OF THE BOARD

REQUEST FOR A SPECIAL PERMIT
17 Juniper Road, Medway, MA

Hearing: May 18, 2016
Decision: May 18, 2016

MEMBERS PRESENT: **David J. Cole, Chairman**
Carol Gould, Clerk
Eric Arbeene, Member
Brian White, Member
Rori Stumpf, Associate Member

THE WRITTEN OPINION WAS DELIVERED ON MAY 23, 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, R. Eric Uhe, request a Special Permit under Section 8.2 of the Zoning Bylaw to construct an accessory family dwelling unit on the property located at 17 Juniper Road, Medway MA.

Hearing

Notice of the Public Hearing by the Zoning Board of Appeals in this matter was published in the Milford Daily News on April 27, 2016 and May 4, 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 received and stamped by the Town Clerk and Board of Appeals on April 6, 2016.
2. Mortgage Inspection Plan for 17 Juniper Road, dated July 28, 2014, prepared by Northern Associates, Inc. of 68 Park Street, 2nd Flr, Andover, MA 01810 received with the Application.
3. Hand drawn Floor Plan provided by the applicant, Mr. R. Eric Uhe, received with the Application.
4. Correspondence from Fire Chief Jeff Lynch, email received April 19, 2016.

The Public Hearing opened and closed on May 18, 2016. The Medway Zoning Board of Appeals members present during the public hearing were David Cole, Chairman; Carol Gould, Clerk; Eric Arbeene, Member; Brian White, Member and Rori Stumpf, Associate Member. The Board voted on the request for a special permit on May 18, 2016.

At the hearing, there were no members of the public that spoke in favor or in opposition to the application. The Board received correspondence from the Fire Department and it was entered into the record.

Hearing Summary

The applicant, R. Eric Uhe, appeared before the Board to discuss the request for a Special Permit to construct an accessory family dwelling unit for the property located at 17 Juniper Road.

Mr. Uhe explained that he would like to construct an accessory family dwelling unit within the existing home for his mother who presently lives in upstate New York. There would be no change to the appearance or footprint of the single family home. He intends to build out the basement to accommodate the proposed unit.

The Board reviewed with the applicant the various criteria for an accessory family dwelling unit under Section 8.2 of the Zoning Bylaw to confirm that the requirements have been met. The Board asked about the area proposed for the unit. Mr. Uhe responded that basement involves 1,000 square feet excluding the space where mechanicals and air handlers are located. On the floor plan, there is an area that is the playroom for the kids but the remaining space, approximately 700 square feet, would be for his mother. There would be one bedroom.

The Board inquired about means of egress and parking. Mr. Uhe stated that it is a full walkout basement and there will be a door added. The windows will be replaced to make sure there is accurate width for living space per the building code. And there is the stairwell that leads upstairs to the first floor of the home. There is sufficient space on the existing paved driveway to allow for an additional vehicle to park.

The Board felt comfortable with the request as presented as there would be a qualified person living in the unit and the plans as submitted provided adequate accommodations. In addition, the request met the requirements under Section 8.2 including unit size and the number of bedrooms.

Findings:

By a vote of 5-0-0:

1. The Board finds that the applicant design criteria meets the maximum permitted number of bedrooms.
2. The Board finds that the application contains one off-street parking space as required.
3. The Board finds that the applicant has designated an eligible occupant.
4. The Board finds that the plans as submitted preserve the appearance of a single family dwelling.
5. The Board finds that the grant of the requested permit for an accessory family dwelling unit does not contravene any of the criteria for a special permit in Section 3.4 of the Zoning Bylaw.

Relief Granted:

In view of the foregoing findings of fact and by a vote of 5-0-0:

The Zoning Board of Appeals hereby grants to the applicant, R. Eric Uhe, of 17 Juniper Road, Medway, MA a Special Permit under Section 8.2 of the Medway Zoning Bylaw for an accessory family dwelling unit at the property substantially in accordance with 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.



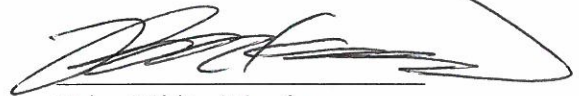
David J. Cole, Chairman



Carol Gould, Clerk



Eric Arbeene, Member



Brian White, Member



Rori Stumpf, Associate Member