



# TOWN OF NORTHBOROUGH Zoning Board of Appeals

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## DECISION

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**ZBA CASE NO. 16-16**

**PROPERTY LOCATION: 100 Main Street**

**PETITIONER & PROPERTY OWNERS: Michael & Gary Fratoni, Trustees**

**The Priscilla Jay Irrevocable Trust**

**RECORDED WITH WORCESTER DISTRICT REGISTRY OF DEEDS: Bk: 51315 Pg: 139**

This document is the DECISION of the Northborough Zoning Board of Appeals on the petition of Michael & Gary Fratoni, Trustees, for a Variance to allow the use of a two-family home in the Business East District on the property located at 100 Main Street, Map 64, Parcel 17.

### APPLICATION

1. On September 22, 2016, the Applicant filed with the Town Clerk an Application for Hearing before the Zoning Board of Appeals for the purpose of obtaining a **Variance** from Section 7-05-030, Use Regulations, Table of Uses, Table 1. Table of Uses, Part B. Commercial and Industrial Districts, to allow the use of a proposed two-family dwelling in the Business East District, on the property located at 100 Main Street.
2. Notice of the public hearing was duly published in "THE WORCESTER TELEGRAM & GAZETTE" on October 10, 2016 and October 17, 2016; and was mailed to abutters and other parties in interest on September 27, 2016.

### EXHIBITS

Submitted for the Board's deliberation were the following exhibits:

1. Application for Hearing before the Zoning Board of Appeals, including:
  - a. A Zoning Interpretation Request Form from Jim Tobin for 100 Main Street, Map 64, Parcel 17, signed by Joseph M. Atchue, Inspector of Buildings, on 8/28/2016;
  - b. A Quitclaim Deed for 100 Main Street, recorded at the Worcester District Registry of Deeds on 08/06/2013, Bk: 551315 Pg: 139;
  - c. A certified abutters list for parcels 300 feet from 100 Main Street, Map 64 Parcel 17, dated September 15, 2016; a Northborough, MA GIS Viewer map for 100 Main Street, dated September 15, 2016; and a Northborough, MA GIS Viewer map for 100 Main Street, dated September 20, 2016; and
  - d. An 8.5" x 11" document entitled "100 Main Street" with color photos identified as "Front Views of the House", "Detached Garage", "First Floor Kitchen", and "Second Floor Kitchen".

## **HEARING**

Applicant Michael Fratoni and James Tobin, Marketing Agent, presented the Application at a duly noticed public hearing of the Board on October 25, 2016 in Conference Room B of the Northborough Town Offices, 63 Main Street, Northborough, MA 01532. Voting members Richard Rand, Fran Bakstran, Jeffrey Leland, Brad Blanchette, and Mark Rutan were present throughout the proceedings.

Mr. Fratoni stated his house at 100 Main Street is a single-family home, but has been used as a 2-family home for over 25 years. In addition, a Custom Shop Garage business has been located in the detached garage on the property for over 20 years. He wants to sell the house now as a legal two-family home, which requires a Variance in the zoning district.

Mr. Tobin displayed a map of the area around 100 Main Street and identified properties on which two-family homes are located. He noted the property will be sold as one lot and the Custom Shop Garage business will become the tenant of the new owner.

Mr. Tobin stated the existing single-family home has three bedrooms and may remain that way, with two bedrooms in the first-floor unit and one bedroom in the second-floor unit. He stated there will be no exterior work done on the existing house or garage. The property will not look any different than it does now.

No person in attendance expressed opposition to the project and the board received no letters in opposition to the project.

The hearing was closed on October 25, 2016.

## **FINDINGS OF FACT**

1. The subject property at 100 East Main Street is located in the Business East District.
2. The Applicant is proposing to change the use of a single-family home on the subject property to a two-family home.
3. In the Business East District, the use of a two-family home is not allowed and therefore a Variance is required from Section 7-05-030, Use Regulations, Table of Uses, Table 1. Table of Uses, Part B. Commercial and Industrial Districts, of the Northborough Zoning Bylaw.
4. The existing single-family home on the site has been used as a two-family home for over 25 years.
5. A detached Custom Shop Garage business is located on the site and has been operating there for over 20 years.
6. The use of a Custom Shop Garage is allowed in the Business East District.
7. The footprint of the single-family house with the detached garage on the property will not change if the requested relief is granted and the single-family home becomes a legal two-family home.
8. The proposed two-family home will maintain the existing three bedrooms, with two bedrooms in the first floor unit and one bedroom in the second-floor unit.
9. The property at 96 Main Street, west of the subject property, is a two-family home; and the building to the east on the property at 104 Main Street, on which the Clipper Barn is located, is a multi-use building with two apartments and a dog-grooming business.

10. There are several properties in the immediate area of 100 Main Street on which there are multi-family homes.
11. The change of use of a single-family home to a two-family home as presented will not adversely affect the neighborhood as the existing single-family home has been used as a two-family home for over 25 years.
12. The relief sought will not constitute substantial detriment to the public good and may be given without nullifying or substantially derogating from the intent or purpose of the Northborough Zoning Bylaw.
13. Adequate and appropriate facilities will be provided for the proper operation of the proposed use.
14. The proposed use will conform to any special requirements of the special permit granting authority as stated in its written decision.
15. The proposal could not reasonably be altered to reduce adverse impacts on the natural environment, to be compatible with historic development patterns of the town, or to preserve historically significant buildings.

#### **DECISION**

1. On October 25, 2016, after due consideration of the Application, the Board voted unanimously to **GRANT** a **VARIANCE** from Section 7-05-030, Use Regulations, Table of Uses, Table 1. Table of Uses, Part B. Commercial and Industrial Districts, of the Northborough Zoning Bylaw, to allow the change of use of a single-family home to a two-family home in the Business East District, on the property located at 100 Main Street.
2. The **VARIANCE** shall not take effect until a copy of the decision bearing the certificate of the Town Clerk is recorded with the Worcester District Registry of Deeds in accordance with the provisions of Massachusetts General Laws, Ch. 40A, Sec. 11 and 15 stating that "twenty (20) days have elapsed after the decision has been filed in the office of the Town Clerk and no appeal has been filed, or if such appeal has been filed it has been dismissed or denied."
3. If the rights authorized by the **VARIANCE** are not exercised within one year from the time of granting, it shall lapse in accordance with the provisions of Massachusetts General Laws, Ch. 40A, Sec. 10.
4. Appeals, if any from this decision shall be made pursuant to Massachusetts General Laws, Ch. 40A, Sec. 17 and shall be filed within twenty (20) days after the date of filing of this decision in the office of the Town Clerk.

#### **TOWN OF NORTHBOROUGH, MASSACHUSETTS ZONING BOARD OF APPEALS**

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**RICHARD RAND, CHAIRMAN**