



# TOWN OF NORTHBOROUGH Zoning Board of Appeals

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## DECISION

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**ZBA CASE NO. 16-18**

**PROPERTY LOCATION: 16 East Main Street**

**PETITIONER & PROPERTY OWNER: Jonathan Hanna**

**RECORDED WITH WORCESTER DISTRICT REGISTRY OF DEEDS: Bk: 55769 Pg: 346**

This document is the DECISION of the Northborough Zoning Board of Appeals on the petition of Jonathan Hanna for a Variance and Special Permits to allow the change of use of a pre-existing, non-conforming single-family home to a proposed two-family dwelling on a pre-existing, non-conforming lot in the Business East District, Map 53, Parcel 115.

### APPLICATION

1. On September 27, 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; a **Special Permit** per Section 7-08-020A(2), Nonconforming Uses and Structures, Special Permit Required, to allow the change of use of a pre-existing, non-conforming single-family home to the use of a two-family dwelling; and a **Special Permit** per Section 7-08-020B, Nonconforming Uses and Structures, Special Permit Required, to allow the reconstruction of a pre-existing, non-conforming single-family home to a two-family dwelling, on the property located at 16 East Main Street, in the Business East District.
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 Jonathan Hanna for 16 East Main Street, Map 53, Parcel 115, signed by Joseph M. Atchue, Inspector of Buildings, on 9/13/2016;
  - b. A certified abutters list for parcels 300 feet from 16 East Main Street, Map 53 Parcel 115, dated September 20, 2016; and a Northborough, MA GIS Viewer map for 16 East Main Street, dated September 20, 2016;
  - c. A Quitclaim Deed for 16 East Main Street, recorded at the Worcester District Registry of Deeds on 08/08/2016, Bk: 55769 Pg: 346;

- d. A document entitled "Planning Board Site Plan Approval", dated June 2, 2015, for 16 East Main Street, date-stamped by the Town Clerk on June 17, 2015; and
- e. An 11" x 17" black and white plan entitled "Layout Plan for 16 East Main Street, Sheet 1 of 1, Exhibit Plan", prepared for Hannaco, LLC, by J.M. Grenier Associates, Inc., dated September 26, 2016.

### **HEARING**

Applicant Jonathan Hanna, Hannaco, LLC, 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. Hanna presented pictures of the existing conditions on the site at 16 East Main Street. He explained he is proposing to raze the existing structure and construct a two-family dwelling. Each of the units of the two-family dwelling will have two bedrooms. One of the units will be located in the same footprint as the existing single-family home. There is a new septic system and Town water service on the site. There are two driveways on the site, one off East Main Street and one off Main Street (Route 20), and each dwelling unit will have its own driveway. Mr. Hanna explained he needs to review the plans with the Police Chief and Fire Chief regarding the property addresses. He reviewed the layout plan for the proposed project with the members, stating it will be an attractive duplex that will improve the neighborhood.

Lewis Krouse, owner of the house next door to the subject property at 22 East Main Street, was present and stated he is very much in support of the project, as the site has been an eyesore for a long time.

Mr. Hanna noted the Planning Board granted a Site Plan Approval for the site for the previous owner in June 2015, but the project was not constructed.

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 16 East Main Street is located in the Business East District.
2. The Applicant is proposing to demolish the pre-existing, non-conforming single-family home on the site and construct a new two-story, two-family dwelling. The two units of the proposed two-family dwelling will each have two bedrooms.



3. In the Business East District, the use of a two-family dwelling 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. A **Special Permit** is required per Section 7-08-020A(2), Nonconforming Uses and Structures, Special Permit Required, of the Northborough Zoning Bylaw, to allow the change of use of a pre-existing, non-conforming single-family home to the use of a two-family dwelling on the subject site.
5. A **Special Permit** is also required per Section 7-08-020B, Nonconforming Uses and Structures, Special Permit Required, of the Northborough Zoning Bylaw, to allow the demolition and reconstruction of a pre-existing, non-conforming single-family home to a two-family dwelling on the subject site.
6. The proposed two-family dwelling as proposed will be two stories in height, and each of the units will have two bedrooms.
7. One unit of the proposed two-family dwelling as presented will be located in the footprint of the existing single-family home (to be demolished). Both dwelling units will meet the setback requirements of the Business East District.
8. An existing septic system on the site is new; and soil testing has been performed to verify the suitability for on-site septic systems and drainage.
9. The proposed two-family dwelling will be serviced by Town water.
10. Four parking spaces are proposed for the two-family dwelling, which meets the requirements of two spaces per each dwelling unit.
11. Adequate parking and site access for emergency vehicles have been provided.
12. Access to East Main Street and Main Street (Route 20) from the site is available via two separate driveways and existing curb cuts on the site; and sight distance is sufficient in both locations.
13. The proposed two-family dwelling on the subject lot is consistent with abutting residential uses, including other pre-existing, non-conforming residential uses in the neighborhood and is an appropriate location for the use as presented.
14. The use as developed will not adversely affect the neighborhood and, in fact, the proposed project will improve the neighborhood. Therefore, there will be no nuisance or serious hazard to vehicles or pedestrians.
15. Adequate and appropriate facilities will be provided for the proper operation of the proposed use.
16. The proposed use will conform to any special requirements of the special permit granting authority as stated in its written decision.
17. 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 use of a two-story dwelling in the Business East District, on the property located at 16 East Main Street.
2. On October 25, 2016, after due consideration of the Application, the Board voted unanimously to **GRANT** a **SPECIAL PERMIT** per Section 7-08-020A(2), Nonconforming Uses and Structures, Special Permit Required, of the Northborough Zoning Bylaw, to allow the change of use of a pre-existing, non-conforming single-family home to the use of a two-family dwelling as presented, on the property located at 16 East Main Street.
3. On October 25, 2016, after due consideration of the Application, the Board voted unanimously to **GRANT** a **SPECIAL PERMIT** per Section 7-08-020B, Nonconforming Uses and Structures, Special Permit Required, of the Northborough Zoning Bylaw, to allow the demolition and reconstruction of a pre-existing, non-conforming single-family home to a two-family dwelling on the property located at 16 East Main Street, per the plans submitted and identified as:
  - a. An 11" x 17" black and white plan entitled "Layout Plan for 16 East Main Street, Sheet 1 of 1, Exhibit Plan", prepared for Hannaco, LLC, by J.M. Grenier Associates, Inc., dated September 26, 2016.
4. The **VARIANCE** and **SPECIAL PERMITS** 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."
5. 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.
6. If the rights authorized by the **SPECIAL PERMITS** are not exercised within two years from the time of granting, it shall lapse in accordance with the provisions of Massachusetts General Laws, Ch. 40A, Sec. 9.
7. 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**



**RICHARD RAND, CHAIRMAN**