



TOWN OF NORTHBOROUGH Zoning Board of Appeals

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DECISION

ZBA CASE NO. 16-15

PROPERTY LOCATION: 173 West Main Street

PETITIONER & PROPERTY OWNER: Joseph Sullivan

PROPERTY RECORDED WITH WORCESTER REGISTRY OF DEEDS: Book 55607, Page 2

This document is the DECISION of the Northborough Zoning Board of Appeals on the petition of Joseph Sullivan for a Special Permit to allow the change of use of a single-family home to a two-family home on the property located at 173 West Main Street, Map 75, Parcel 72.

APPLICATION

1. On July 19, 2016, the Applicant filed with the Town Clerk an Application for Hearing before the Zoning Board of Appeals for the purpose of obtaining a **SPECIAL PERMIT** per Section 7-05-030, Table of Uses, Part A, Use Regulations, Classification of Uses, Residential Uses, Principal Uses; and a **SPECIAL PERMIT** per Section 7-07-010D(3)(c)[6], Overlay Districts, Groundwater Protection Overlay District, Use Regulations, Special Permits, Two-family and Multi-family Residential Development, of the Northborough Zoning Bylaw, to allow the change of use of a single-family home to a two-family home on the property located at 173 West Main Street, in the Residential C District and Groundwater Protection Overlay District Area 3.
2. Notice of the public hearing was duly published in "THE WORCESTER TELEGRAM & GAZETTE" on August 8, 2016 and August 15, 2016 and was mailed to abutters and other parties in interest on August 5, 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 for 173 West Main Street, submitted by Joe Sullivan, signed by Joseph M. Atchue, Inspector of Buildings/Zoning Enforcement Officer, on 5/18/16;
 - b. A copy of page 7-39 of the Northborough Zoning Bylaw, Section 7-05-030, Table of Uses. Part A. Residential Districts;
 - c. A Quitclaim Deed for 173 West Main Street, Northborough, MA, recorded at the Worcester District Registry of Deeds on July 08, 2016, Bk: 55607, Pg: 218;
 - d. A certified abutters list for parcels 300 feet from 173 West Main Street, including a cover sheet signed by Susan M. Reagan, for the Town of

Northborough Board of Assessors, dated 7/20/16 and a Northborough, MA GIS Viewer map entitled 173 West Main St. – 300 ft Abutters”, dated 7/20/16;

- e. A document entitled “Unofficial Property Record Card – Northborough, MA” for the property located at 173 West Main Street, dated 8/23/16;
 - f. A 3-page document identified as an “In Process Appraisal Summary”, for the property at 173 West Main Street , dated 8/23/16;
 - g. Two 8.5” x 11” black and white sketches of the footprints of the 1st Floor Apartment and Second Floor Apartment at 173 West Main Street, Northborough;
 - h. A plan entitled “Mortgage Inspection Plot Plan”, for Lot C-6, West Main Street, Northborough, MA, prepared by Drake Associates, Inc., dated June 23, 2016 and with 6 highlighted parking spaces identified; and
 - i. A document entitled “Calculation Sheet for Increase to Impervious Surface: Groundwater Protection Overlay District” for 173 West Main Street, Northborough, signed by Joseph Sullivan on 7/15/2016.
2. A letter to Dick Rand, Chairman, Northborough Zoning Board of Appeals, from Fred Litchfield, Town Engineer, on behalf of the Groundwater Advisory Committee, dated August 22, 2016, re: 173 West Main Street, Map 75, Parcel 72.

HEARING

Applicant Joseph Sullivan presented the Application at a duly noticed public hearing of the Board on August 23, 2016, in Conference Room B of the Northborough Town Hall, 63 Main Street, Northborough, Massachusetts. Voting board members Richard Rand, Fran Bakstran, Mark Rutan, Brad Blanchette and Jeffrey Leland were present throughout the proceedings.

Mr. Sullivan stated he would like to change the use of his single-family home to a 2-family home. Currently, the single-family home has 4 bedroom and 2 bathrooms. The septic system on the lot meets the requirements of Title V for a 4-bedroom home. Mr. Sullivan explained there are 6 parking spaces available in a gravel area on the site and he shares a driveway easement with the owners of the property at 175 West Main Street, which is in his deed.

Joe Atchue, Inspector of Buildings/Zoning Enforcement Officer, confirmed the 6 parking spaces, as presented by Mr. Sullivan, meet parking requirements for a 2-family dwelling.

Mr. Sullivan stated the house was built in 1898 and there are indications by the interior design that it was once used as a 2-family home. He noted his property abuts the 2-family home at 169 West Main Street. In addition, a commercial business, Mayo’s Pets & More, and two residential dwelling units are located in the building on the property next to his at 175 West Main Street.

Mark Mayo, 175 West Main Street, was not opposed to the Mr. Sullivan’s proposal, but stated he sands, salts and plows the driveway and many times he has found cars from Mr. Sullivan’s property parked in his portion of the shared driveway. He stated he would like this addressed if there is a problem with cars from Mr. Sullivan’s property taking up parking spaces for his customers in the future.

The hearing was closed on August 23, 2016.

FINDINGS OF FACT

1. The subject property at 173 Main Street is located in the Residential C District and partially in Groundwater Protection Overlay District Area 3.
2. The Applicant is requesting to change the use of his single-family home to a 2-family. A Special Permit is required per Section 7-05-030, Table of Uses, Part A, Use Regulations, Classification of Uses, Residential Uses, Principal Uses, of the Northborough Zoning Bylaw, to allow the use of a 2-family home in the Residential C District.
3. A Special Permit is also required for the use of a 2-family home located in Groundwater Protection Overlay District Area 3, per Section 7-07-010(D)(3)(c)[6] of the Northborough Zoning Bylaw.
4. The proposed 2-family home will have an apartment on the first floor and an apartment on the second floor. There will be no changes to the exterior of the existing residential structure on the site.
5. The existing septic system on the site is sufficient for the use of a 2-family home with a total of 4 bedrooms and meets the requirements of Title V.
6. A calculation sheet for increase to impervious surface submitted by the Applicant indicates the change of use from a single-family home to a 2-family home as presented will not change impervious surface on the site.
7. There are 6 parking spaces available in a gravel area on the site which meets Chapter 7-09, Development Regulations, off-street parking and loading regulations, of the Northborough Zoning Bylaw, that requires a minimum of 2 parking spaces per dwelling unit for a 2-family home.
8. The Applicant shares a driveway on the subject property with the owners of the property at 175 West Main Street, who use it for handicapped-accessible parking.
9. In a letter to Dick Rand, Chairman, Northborough Zoning Board of Appeals, from Fred Litchfield, Town Engineer, on behalf of the Groundwater Advisory Committee, dated August 22, 2016, re: 173 West Main Street, Map 75, Parcel 72, Mr. Litchfield states the Groundwater Advisory Committee voted unanimously to recommend approval of the requested Special Permit and offered their comments.
10. The change of the single-family home to a 2-family home will not change the residential use of the property; and there are other two-family dwellings surrounding the subject property. Therefore, the proposed site is an appropriate location for such use. It will not adversely affect the neighborhood nor will there be any nuisance or serious hazard to vehicles or pedestrians.
11. The change of use of the existing single-family home to a 2-family home meets, and will not derogate from, the purpose and intent of the Groundwater Protection Overlay District, Section 7-07-010, of the Northborough Zoning Bylaw.
12. Adequate and appropriate facilities will be provided for the proper operation of the use of the proposed 2-family dwelling, and the use will conform to any special requirements of the special permit granting authority as stated in its written decision.

DECISION

1. At their meeting on August 23, 2016, after due consideration of the Application, the Board voted unanimously to **GRANT** a **SPECIAL PERMIT** to allow the change of use of a single-family home to a 2-family home in the Residential C District, per Section 7-05-030 of the Northborough Zoning Bylaw, on the property located at 173 West Main Street, Map 75, Parcel 72.
2. At their meeting on August 23, 2016, after due consideration of the Application, the Board voted unanimously to **GRANT** a **SPECIAL PERMIT** to allow the use of a 2-family dwelling located in Groundwater Protection Overlay District Area 3, per Section 7-07-010(D)(3)(c)[6] of the Northborough Zoning Bylaw, on the property located at 173 West Main Street, with the following conditions:
 - a. The house located at 173 West Main Street shall have a maximum of four bedrooms, as there are no septic plans on file in the Health Department and four bedrooms have been confirmed as existing by the Assessor's office.
3. 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.
4. If the rights authorized by the **SPECIAL PERMITS** are not exercised within two years from the date of granting, it shall lapse in accordance with the provisions of Massachusetts General Laws, Ch. 40A, Sec. 9
5. The **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."

TOWN OF NORTHBOROUGH, MASSACHUSETTS ZONING BOARD OF APPEALS



RICHARD RAND, CHAIRMAN