



TOWN OF NORTHBOROUGH Zoning Board of Appeals

Town Hall Offices • 63 Main Street • Northborough, MA 01532 • 508-393-5019 • 508-393-6996 Fax

DECISION

ZBA CASE NO. 16-09

PROPERTY LOCATION: 2 Harris Avenue

PETITIONER & PROPERTY OWNER: Thuchiya & Ratnam Ratnaseelan

RECORDED WITH WORCESTER DISTRICT REGISTRY OF DEEDS: Bk: 26703 Pg: 097

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This document is the **DECISION** of the Northborough Zoning Board of Appeals on the petition of Thuchiya & Ratnam Ratnaseelan for an Amendment to the decision granted by the Zoning Board of Appeals for 2 Harris Avenue, Case No. 96-07, dated September 10, 1996, to allow the use of the existing four bedrooms in the single-family home located at 2 Harris Avenue, in the Residential C District and Groundwater Protection Overlay District Area 2.

APPLICATION

1. On May 18, 2016, the Applicant filed with the Town Clerk an Application for Hearing before the Zoning Board of Appeals for the purpose of **AMENDING** the decision granted by the Zoning Board of Appeals for 2 Harris Avenue, Case No. 96-07, dated September 10, 1996, to allow the use of four existing bedrooms in the single-family home located at 2 Harris Avenue, in the Residential C District and Groundwater Protection Overlay District Area 2, Map 52, Parcel 128.
2. Notice of the public hearing was duly published in "THE WORCESTER TELEGRAM & GAZETTE" on Monday, June 27, 2016 and Monday, July 4, 2016; and was mailed to abutters and other parties in interest on June 23, 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 2 Harris Avenue from Ratnam Ratnaseelan, signed by Joseph M. Atchue, Inspector of Buildings, on 5/18/16;
 - b. A document entitled "Certificate of No Appeal" including a ZBA decision for Case No. 96-07, Property Address: 2 Harris Avenue, Northborough, MA, dated October 16, 1996, signed by Hillary Hamilton, Northborough Assistant Town Clerk;
 - c. A plan entitled "Proposed Addition Plot Plan" for 2 Harris Avenue, Northborough, MA, dated 5/17/16, prepared by Land Planning, Inc., for Ratnam Ratnaseelan & Thuchiya Ratnaseelan, signed and stamped by Norman G. Hill, Professional Land Surveyor, on 5/17/16;
 - d. A 2-page real estate document entitled "Property Profile, 2 Harris Ave, Northborough", Jim Hardy, Broker, Re/Max First Choice;
 - e. A Quitclaim Deed for 2 Harris Avenue, Northborough, Ma. 01532, recorded at the Worcester District Registry of Deeds on May 31, 2002, BK 26703, PG 097;

- f. A certified abutters list for parcels 300 feet from 2 Harris Avenue, Map 52, Parcel 128, signed by Julie Brownlee for the Board of Assessors, and a MA GIS Viewer map for 2 Harris Avenue, dated May 3, 2016; and
 - g. A set of two 24" x 36" floor plans entitled "Private Residence, 2 Harris Avenue, Northborough, MA," dated May 18, 2016, prepared by VU Architecture, with sheets identified as "Drawing #A-01, First Floor Plan"; and "Drawing #A-02, Second Floor Plan".
2. A letter to Fran Bakstran, Chairman, Zoning Board of Appeals, from Fred Litchfield, Town Engineer, on behalf of the Groundwater Advisory Committee, dated June 17, 2016, RE: 2 Harris Ave, Map 52, Parcel 128.

HEARING

Applicant Ratnam Ratnaseelan presented the Application at a duly noticed public hearing of the Board on July 12, 2016 in Conference Room B of the Northborough Town Offices, 63 Main Street, Northborough, MA 01532. Voting members Richard Rand, Fran Bakstran, Brad Blanchette, Mark Rutan and Jeffrey Leland were present throughout the proceedings.

Mr. Ratnaseelan explained he has a four-bedroom home and wants to construct a 24" x 24" two-story addition off one side. The addition will include one new large room and the expansion of the existing bedrooms. The house was built with four bedrooms, even though a ZBA decision for the construction of the house limited it to 3 bedrooms due to the size of the lot in a groundwater district. He noted he has been paying taxes on a 4-bedroom home since he has owned it. Mr. Ratnaseelan stated he is asking for an amendment to the original decision, ZBA Case No. 96-07, to recognize the house as a four-bedroom dwelling. Mr. Ratnaseelan noted the proposed addition will be located on the side of the house with a 58-foot side setback and the project will comply with all zoning regulations. He noted the Groundwater Advisory Committee recommended approval of this request to allow 4 bedrooms.

The board received no letters in opposition to the project.

The hearing was closed on July 12, 2016.

FINDINGS OF FACT

1. The subject property at 2 Harris Avenue is located in the Residential C District and Groundwater Protection Overlay District Area 2.
2. In September 1996, the Zoning Board of Appeals granted permits to allow the use of a single-family home with no more than 3 bedrooms on the property at 2 Harris Avenue, per Case No. 96-07, due to the size of the property in Groundwater Protection Overlay District Area 2. However, the home that was constructed included 4 bedrooms, and the property has been consistently taxed by the Town as a 4-bedroom house.
3. The Applicant is proposing to construct a 2-story addition off the southeast side of the subject single-family home that will include a large room and the expansion of the existing bedrooms.
4. The proposed addition will meet all dimensional requirements of the Northborough Zoning Bylaw.
5. A septic system on the site has been upgraded to serve the single-family home with 4 bedrooms.
6. In a letter to Fran Bakstran, Chairman, Zoning Board of Appeals, from Fred Litchfield, Town Engineer, on behalf of the Groundwater Advisory Committee, dated June 17, 2016, RE: 2 Harris Ave, Map 52, Parcel 128, Mr. Litchfield states the Groundwater Advisory Committee voted unanimously to recommend approval of the requested amendment to ZBA Case No. 96-07, 2 Harris Avenue, for the purpose of increasing the number of bedrooms from three to four, and offered conditions.

7. The requested amendment to ZBA Case No. 96-07 will not change the use of the single-family home and therefore it will not cause substantial detriment to the public good, nor will it nullify or substantially derogate from the intent or purpose of the Northborough Zoning Bylaw. In addition, it will not adversely affect the neighborhood, and there will be no nuisance or serious hazard to vehicles or pedestrians.

DECISION

1. On July 12, 2016, after due consideration of the Application, the Board voted unanimously to **AMEND** ZBA Case No. 96-07 to allow up to four bedrooms in the single-family home located on the property at 2 Harris Avenue, Map 52, Parcel 128, per the plans submitted and identified as:
 - a. A plan entitled "Proposed Addition Plot Plan" for 2 Harris Avenue, Northborough, MA, dated 5/17/16, prepared by Land Planning, Inc., for Ratnam Ratnaseelan & Thuchiya Ratnaseelan, signed and stamped by Norman G. Hill, Professional Land Surveyor, on 5/17/16; and
 - b. A set of two 24" x 36" floor plans entitled "Private Residence, 2 Harris Avenue, Northborough, MA, Special Permit" dated May 18, 2016, prepared by VU Architecture, with sheets identified as Drawing #A-01, First Floor Plan; and Drawing #A-02, Second Floor Plan.

And with the following conditions:

- c. The house located at 2 Harris Ave shall have a maximum of four bedrooms.
 - d. The applicant shall submit an impervious cover calculation sheet for review and approval by the Town Engineer at the time a building permit application is submitted.
 - e. The applicant shall submit an as-built plan verifying the impervious cover was built in accordance with the approved impervious cover calculation sheet.
2. 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.
3. The **AMENDMENT** to ZBA Case No. 96-07 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