



TOWN OF NORTHBOROUGH Zoning Board of Appeals

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DECISION

ZBA CASE NO. 16-07

PROPERTY LOCATION: 223 and 227 South Street

PETITIONER: Raven Homes, Inc.

PROPERTY OWNER: Pierina Park Realty Trust, Maryann Fiore Trustee

RECORDED WITH WORCESTER DISTRICT REGISTRY OF DEEDS: Bk: 39938 Pg: 133

This document is the DECISION of the Northborough Zoning Board of Appeals on the petition of Raven Homes, Inc. for a Special Permit to allow the use of two 2-family dwellings (duplexes), one to be located on the property at 223 South Street, Map 83, Parcel 144; and one to be located on the property at 227 South Street, Map 83, Parcel 145, in the Residential C District.

APPLICATION

1. On April 21, 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 1, Part A. to allow the use of a two-family dwelling on the property located at 223 South Street and to allow the use of a two-family dwelling located at 227 South Street.
2. Notice of the public hearing was duly published in "THE WORCESTER TELEGRAM & GAZETTE" on May 9, 2016 and May 16, 2016; and was mailed to abutters and other parties in interest on April 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 for 223 & 227 South Street from Raven Homes, signed by Joseph M. Atchue, Inspector of Buildings, on 4/2016;
 - b. A Quitclaim Deed for 231 South Street, Northborough, Massachusetts, recorded at the Worcester District Registry of Deeds on 10/10/2006, Book 39938 Page 133;
 - c. An 8.5" x 11" an Approval Not Required plan entitled "Plan of Land, 231 South Street", dated 11/14/07 and revised 11/26/07, prepared for Anthony L. Fiore, Trustee of Pierina Park Realty Trust by Waterman Design Associates, Inc, signed and stamped by Stephen P. Converse, Professional Land Surveyor on 11/26/07;
 - d. A certified abutters list for parcels 300 feet from 223 South Street, Map 83, Parcel 144 and 227 South Street, Map 83, Parcel 145, dated 4/14/16; and a Northborough, MA GIS Viewer map for 223 & 227 South Street, dated 4/13/2016;
 - e. A ZBA decision for Case No. 07-12, 231 South Street, Petitioner and Property Owner Anthony L. Fiore, Trustee, Pierina Park Realty Trust, date-stamped by the Town Clerk's office on October 10, 2007, recorded with the Registry of Deeds, Book 39938, Page 133; and

- f. A 24" x 36" plan entitled "Layout Plan for 223 & 227 South Street, Northborough, Massachusetts 01532", dated April 20, 2016, prepared for Raven Homes Inc., prepared by J.M. Grenier Associates, Inc.

HEARING

John Grenier, J.M. Grenier and Associates, representing the Applicant, Raven Homes Inc., presented the Application at a duly noticed public hearing of the Board on May 24, 2016 in Conference Room B of the Northborough Town Offices, 63 Main Street, Northborough, MA 01532. Voting members Richard Rand, Fran Bakstran, Brad Blanchette, and Mark Rutan were present throughout the proceedings. Board member Jeffrey Leland recused himself from this hearing.

Mr. Grenier stated the subject properties at 223 South Street and 227 South Street are in the Residential C District. The Applicant is proposing to construct a two-family dwelling on each of those two lots that will be accessed via a proposed common driveway off South Street. The project is before the board for the use of the two-family dwellings, which is allowed by special permit in the zoning district. Mr. Grenier noted the project will also be before the Planning Board for a common driveway special permit on June 7, 2016.

Mr. Grenier explained both lots meet the requirements of frontage and lot area in the zoning district. Each dwelling unit will contain approximately 2,000 square feet of living area including 3 bedrooms. The two-family dwellings are located in the rear of the properties on the plan presented to the board, but the exact locations may change due to the location of ledge on the parcels. A proposed curb cut for the common driveway will make access to the lots safer than having individual driveways off South Street for the two-family homes. The two-family homes will be serviced by Town water and sewer. Information regarding drainage and sight distance when accessing the dwellings has been submitted to the Planning Board with the common driveway application.

Mr. Grenier stated the proposed duplexes are in keeping with the character of the neighborhood, as there are other duplexes on South Street; and they will not derogate from the intent of the residential zone in which the properties are located, as the use of two-family homes is allowed by special permit in the zoning district. Mr. Grenier noted the Applicant could propose to locate a single-family home or a two-family home with its own driveway off South Street for each of the lots which would be allowed by - right, however the proposed common driveway will provide safer egress.

Abutters Jim Kane, 89 Sunset Drive; Adrian Eiben, 6 Jethro Peters Lane; Chris Graham, 10 Jethro Peters Lane; Brett Boullianne, 215 South Street; Roy Evarts, 106 Sunset Drive; and Joanna Nealon, 235 South Street, expressed concerns with the proposal, including the location of the sites on a dangerous curve of South Street; sight distances; possible drainage issues; generation of dust and debris from construction; damage to their homes, septic systems and wells from blasting of ledge; damage to trees on their property; possible devaluation of their properties; and previous difficulties they had with the developer.

The board received no letters in opposition to the project.

The hearing was closed on May 24, 2016.

FINDINGS OF FACT

1. The subject properties at 223 South Street and 227 South Street are located in the Residential C District.
2. The Applicant is proposing to construct a two-family dwelling on the property at 223 South Street (Lot 1) and a two-family dwelling on the property at 227 South Street (Lot 2).

3. The use of a two-family dwelling in the Residential C District is allowed by Special Permit per Section 7-05-030, Table 1, Part A., Use Regulations, Table of Uses, Residential Districts, of the Northborough Zoning Bylaw.
4. In the Residential C District, the required lot area is 20,000 square feet and the required frontage is 100 feet. The property at 223 South Street is 22,000 square feet in area and has 100 feet of frontage. The property at 227 South Street is 93,000 square feet in area and has 100 feet of frontage. Therefore, both of the subject properties meet the requirements of the Northborough Zoning Bylaw for area and frontage, and will also meet all other dimensional regulations of the Residential C District.
5. The proposed two-family dwelling on 223 South Street and the proposed two-family dwelling on 227 South Street will be accessed via a proposed common driveway off South Street.
6. The two-family dwelling units on both properties will be serviced by Town water and sewer.
7. The location of the proposed two-family dwelling on 223 South Street and the proposed two-family dwelling on 227 South Street is in close proximity to other recently constructed two-family dwellings. Therefore, the proposed sites are appropriate locations for the residential use of two-family dwellings, will not adversely affect the neighborhood, and there will be no nuisance or serious hazard to vehicles or pedestrians.
8. Adequate and appropriate facilities will be provided for the proper operation of the proposed use of two-family dwellings.

DECISION

1. On May 24, 2016, after due consideration of the Application, the Board voted 4 in favor, none opposed, to **GRANT a SPECIAL PERMIT** per Section 7-05-030, Table 1, Part A. of the Northborough Zoning Bylaw, to allow the use of a two-family dwelling on the property located at 223 South Street and to allow the use of a two-family dwelling on the property located at 227 South Street, per the plan submitted and identified as:
 - a. A 24" x 36" plan entitled "Layout Plan for 223 & 227 South Street, Northborough, Massachusetts 01532", dated April 20, 2016, prepared for Raven Homes Inc., prepared by J.M. Grenier Associates, Inc.
2. The **SPECIAL PERMIT** 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 **SPECIAL PERMIT** 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. 10.

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



FRAN BAKSTRAN, CHAIRMAN