



# 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. 13-14**

**PROPERTY LOCATION: 409 Hudson Street**

**PETITIONER & PROPERTY OWNER: Brad Bogosian, Wilder Realty, LLC**

**RECORDED WITH WORCESTER DISTRICT REGISTRY OF DEEDS: Bk: 50310 Pg: 85**

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This document is the **DECISION** of the Northborough Zoning Board of Appeals on the petition of Brad Bogosian for a Special Permit to allow the gross floor area of a proposed addition to a nonconforming single-family home, (second floor and 2-story garage), to exceed 80% of the existing gross floor area, on the property located at 409 Hudson Street, Map 30, Parcel 57.

### APPLICATION

1. On July 25, 2013, 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** from Section 7-08-040A(6) Nonconforming Uses and Structures, Nonconforming Single-Family and Two-Family Residential Structures, of the Northborough Zoning Bylaw, to allow the gross floor area of a proposed addition of a second story and a two-story attached garage to a nonconforming single-family home to exceed 80%, on the property located at 409 Hudson Street.
2. Notice of the public hearing was duly published in "THE WORCESTER TELEGRAM & GAZETTE" on August 12, 2013 and August 19, 2013, and was mailed to abutters and other parties in interest on August 6, 2013.

### EXHIBITS

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

1. Application for Hearing before the Zoning Board of Appeals including:
  - a. A Quitclaim Deed for 409 Hudson Street, Northborough, MA 01532, recorded at the Worcester District Registry of Deeds on 01/18/2013, Book 50310, Page 85;
  - b. A certified abutters list for parcels 300 feet from 409 Hudson Street, including a cover sheet signed by Mary E. Carey, for the Town of Northborough Board of Assessors, dated July 26, 2013;
  - c. A plan entitled "Proposed Plot Plan" identified as Sheet A-2, drawn by hs&t group, inc., Professional Civil Engineers & Land Surveyors, dated 6/24/13; and
  - d. A document entitled "Calculation Sheet for "Gross Floor Area" for a Nonconforming single-family and two-family residential structure", for 409 Hudson Street, date-stamped by the Town Clerk's on August 8, 2013.

## **HEARING**

Applicant Brad Bogosian and Cliff Chase, Builder, presented the Application at a duly noticed public hearing of the Board on August 27, 2013, in Conference Room B of the Northborough Town Office, 63 Main Street, Northborough, MA 01532. Voting members Fran Bakstran, Richard Rand, Dick Kane, Robert Berger, Mark Rutan, and non-voting alternate member Jeffrey Cayer, were present throughout the proceedings.

Mr. Bogosian stated he is proposing to add a second story and a two-story garage to his nonconforming single-family ranch-style house. The house is nonconforming because a rear corner sits within a side setback. The proposed addition will exceed the gross floor area of the existing home by more than 80% and therefore he is asking for a Special Permit to allow the proposed addition to exceed the existing gross floor area by 93%.

No one present spoke in opposition to the project and no letters in opposition to the project were received by the Board.

The hearing was closed on August 27, 2013.

## **FINDINGS OF FACT**

1. The subject property at 409 Hudson Street is located in the Residential C District and Groundwater Protection Overlay District Area 3.
2. In the Residential C District, the required minimum setback from a side property line is 15 feet. A portion of the existing single-family home on the subject lot is located 12.9 feet from the west side property line, and therefore it is a nonconforming structure.
3. The Applicant proposes to construct an addition to the existing nonconforming single-family home on the subject lot, which consists of a 1218 square-foot basement and a 1218 square-foot first floor, totaling 2436 square feet in gross floor area.
4. The proposed addition consists of a 1218 square-foot second story for living space, a 528 square-foot attached garage, and 528 square feet of additional living space above the garage, all of which total 2274 square feet of additional gross floor area.
5. The allowed expansion of a nonconforming structure is 80% of the gross floor area. The gross floor area of the existing nonconforming single-family home is 2436 square feet. The allowed additional gross floor area is 1948 square feet. The increase in gross floor area of the proposed addition to the existing nonconforming single-family home is 2274 (93%). Therefore, a Special Permit is required per Section 7-08-040A(6) Nonconforming Uses and Structures, Nonconforming Single-Family and Two-Family Residential Structures, of the Northborough Zoning Bylaw.
6. The proposed addition of a second story and a two-story attached garage will be constructed on a portion of the rear and east side of the existing nonconforming single-family home and will be located the required distance from the east side and rear property lines.
7. The proposed residential use of a second story and a two-story attached garage to the existing nonconforming single-family home is in harmony with the residential neighborhood in which it is located, and the subject property at 409 Hudson Street is an appropriate location for such use.
8. The proposed addition will be an improvement to the existing nonconforming single-family home and the use of the existing non-conforming single-family home will not change. Therefore, the use as proposed will not adversely affect the neighborhood and there will be no nuisance or serious hazard to vehicles or pedestrians.
9. Adequate and appropriate facilities will be provided for the proper operation of the proposed use.

10. The proposed use will conform to any special requirements of the special permit granting authority as stated in its written decision.

#### **DECISION**

1. On August 27, 2013, after due consideration of the Application, the Board voted unanimously to **GRANT** a **SPECIAL PERMIT** per Section 7-08-040A(6) Nonconforming Uses and Structures, Nonconforming Single-Family and Two-Family Residential Structures, of the Northborough Zoning Bylaw, to allow the addition of a second story and a two-story attached garage to increase the gross floor area of an existing nonconforming single-family home on which it is proposed by no more than 350 square feet over the 80% gross floor area increase, on the property located at 409 Hudson Street.
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**



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**FRAN BAKSTRAN, CHAIRMAN**