



TOWN OF NORTHBOROUGH Zoning Board of Appeals

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DECISION

ZBA CASE NO. 13-25

PROPERTY LOCATION: 81 Maple Lane

PETITIONER & PROPERTY OWNER: Yao Zhang

RECORDED WITH WORCESTER DISTRICT REGISTRY OF DEEDS: B: 51638 Pg: 50

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This document is the DECISION of the Northborough Zoning Board of Appeals on the petition of Yao Zhang for a Special Permit and a Special Permit, Groundwater Protection Overlay District, to allow the reconstruction and expansion of an existing home on a non-conforming lot to exceed 80% of the gross floor area of the existing home, and to be located less than the required distance from a side property line, on the property located at 81 Maple Lane, in Groundwater Protection Overlay District Area 2, Map 65, Parcel 57.

APPLICATION

1. On December 24, 2013, the Applicant filed with the Town Clerk an Application for Hearing before the Zoning Board of Appeals for the purpose of obtaining for a Special Permit per Section 7-08-060(3) to allow a proposed single-family home to be 13.5 feet from the west side property line and a Special Permit per Section 7-08-040A(6) to allow the reconstruction and expansion of an existing home on a non-conforming lot in Groundwater Protection Overlay District Area 2 to exceed 80% of the gross floor area of the existing home, on the property located at 81 Maple Lane.
2. Notice of the public hearing was duly published in "THE WORCESTER TELEGRAM & GAZETTE" on January 13, 2014 and January 20, 2014, and was mailed to abutters and other parties in interest on December 31, 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 81 Maple Lane, Northborough, MA 01532, recorded at the Worcester District Registry of Deeds on 10/18/2013, Bk: 51638, Pg: 50;
 - b. A certified abutters list for parcels 300 feet from 81 Maple Lane, including a cover sheet signed by Mary E. Carey, for the Town of Northborough Board of Assessors, dated December 23, 2013;
 - c. A plan entitled "ZBA Petition Plan, 81 Maple Lane, Northborough, Mass." Dated December 23, 2013, prepared by Connorstone Consulting Civil Engineers and Land Surveyors, signed and stamped by Varoujan H. Hagopian, Professional Land Surveyor on 12/23/2013;
 - d. A 2-page document entitled "Calculation Sheet for "Gross Floor Area" for a "Nonconforming single-family and two-family residential structure", for 81 Maple Lane, signed by Thaddeus Szkoda, dated 12/24/2013;

- e. An email message from Conservation Agent Mia McDonald, on behalf of the Northborough Conservation Commission, to Kathy Joubert, Town Planner, dated Tuesday, January 28, 2014, re: 81 Maple Lane; and
- f. A plan submitted to the Zoning Board of Appeals on January 28, 2014, with revisions outlined in red, entitled "ZBA Petition Plan, 81 Maple Lane, Northborough, Mass." dated December 23, 2013, prepared by Connorstone Consulting Civil Engineers and Land Surveyors, signed and stamped by Varoujan H. Hagopian, Professional Land Surveyor on 12/23/2013.

HEARING

The Applicant, Yao Zhang, and the engineer for the project, Thaddeus Szkoda, presented the Application at a duly noticed public hearing of the Board on January 28, 2014 in Conference Room B of the Northborough Town Hall. Board members Fran Bakstran, Mark Rutan, Robert Berger, Jeffrey Cayer and Brad Blanchette were present throughout the proceedings.

Ms. Zhang explained she lived in a larger home in Northborough, but recently bought a smaller house at 81 Maple Lane. It needs remodeling, failed Title 5 and has a lot of aesthetic issues, so she decided to construct a new, energy-efficient house and hired Mr. Szkoda, who specializes in designing zero-energy homes. Mr. Szkoda explained since he and Ms. Zhang met with Fred Lonardo, Zoning Enforcement Officer/Inspector of Buildings, they have worked to decrease the size of the proposed house in order to keep it the same distance from the west side property line as the existing house is now. Mr. Szkoda submitted a revised version of the originally submitted plan, showing how they proposed to decrease the size of the house by eliminating a 2-foot overhang. He stated they are planning to rebuild on the original foundation, but Mr. Lonardo questioned the structural strength of the foundation. He stated that, at some point, Ms. Zhang may want to add a second floor and an attic. If the foundation does not pass a structural test, or it gets damaged during demolition of the existing house and can't be used, Mr. Szkoda requests the addition of a new foundation as a possibility. If they go with the decreased house size as shown in the sketch, the board would only need to grant a special permit for the gross floor area that will exceed 80% of the existing gross floor area. If Ms. Zhang eventually wants to have the bonus space over the garage and in the attic, it would increase the gross floor area to over 80% of the existing gross floor area. If they don't have to work within the limits of the existing foundation, the house could be shifted and would then be able to accommodate a deck.

No person present spoke in opposition to the project and the Board received no letters in opposition to the project.

The hearing was closed on January 28, 2014.

FINDINGS OF FACT

1. The subject property at 81 Maple Lane is 19,750± square feet in area, and is located in the Residential C District and Groundwater Protection Overlay District Area 2.
2. In the Residential C District, the required minimum lot area is 20,000 square-feet and in Groundwater Protection Overlay District Area 2, the required minimum lot area is 40,000 square feet. Therefore, the subject lot is nonconforming in both the Residential C District and Groundwater Protection Overlay District Area 2.
3. 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 14.1 feet from the west side property line, and therefore is a nonconforming structure.
4. The Applicant proposes to demolish the existing home, leaving the existing foundation and chimney intact, and build a new single-family home, addition and garage. The proposed single-

family home will be located 13.5 feet from the west side setback, and therefore a Special Permit is required from Section 7-08-060(3) to allow an increase in the non-conformity of the existing single-family home on the property.

5. The gross floor area of the existing single-family home on the property is 2,018 square feet and includes an 876 square-foot first floor, a 266 square-foot second floor and an 876 square-foot basement.
6. The proposed project includes the construction of a single-family home with an 881 square-foot first floor, a 400 square-foot second floor, a 576 square-foot garage and a 444 square-foot room over the garage, with a total gross floor area of 2,301 square feet.
7. The allowable increase to the gross floor area of a non-conforming structure is 80%, or 1,614 square feet, in this case. The gross floor area of the proposed single-family home, addition and garage at 2,301 square feet is 687 square-feet more than the allowable 1,614 square-foot increase (or 114% increase) to the existing gross floor area. Therefore, a Special Permit is required per Section 7-08-040A(6) of the Northborough Zoning Bylaw, to allow the proposed gross floor area to be more than 80% of the existing gross floor area.
8. An email message sent to Kathy Joubert, Town Planner, from Conservation Agent Mia McDonald, on behalf of the Northborough Conservation Commission, states: *"The Conservation Commission is expecting a filing for the work shown in the Zoning Board Application for 81 Maple Lane. As part of this filing, the Commission will require a more detailed delineation of the wetland resource areas on the property. The "2013 Water Line" does not serve as an adequate delineation of wetland resources on the property. Based on the possibility that the wetland line may move, it is possible that the house location may change to avoid the 30-foot no structure and 15-foot no disturb buffer zones required by the Town of Northborough Wetlands Bylaw."*
9. The Applicant will work with the Board of Health and Health Agent, Jamie Terry, for approval of the design and location of the new septic system.
10. The distance of the proposed home, at 13.5 feet from the west side property line, is less than a foot (.6 feet) closer than the existing home, at 14.1 feet from the west side property line.
11. The proposed single-family home, addition and garage will be an improvement to the existing nonconforming single-family home, and the neighborhood in general, and the existing use of a non-conforming single-family home will not change. In addition, the septic system on the property has failed a Title V inspection and will be replaced.
12. The proposed site is an appropriate location for the use; will not adversely affect the neighborhood; will cause no nuisance or serious hazard to vehicles or pedestrians; and adequate and appropriate facilities will be provided for the proper operation of the use as proposed.
13. The proposed use will conform to any special requirements of the special permit granting authority as stated in its written decision.

DECISION

1. On January 28, 2014, after due consideration of the Application, the Board voted unanimously to **GRANT a Special Permit** per Section 7-08-040A(6) of the Northborough Zoning Bylaw, to allow the gross floor area of a proposed single-family home, addition and garage to be no more than 700 square feet over the allowable 80% increase to the gross floor area of the existing home on the property located at 81 Maple Lane, in Groundwater Protection Overlay District Area 2.
2. On January 28, 2014, after due consideration of the Application, the Board voted unanimously to **GRANT a Special Permit** per Section 7-08-060(3) to allow the location of a proposed single-family home to be located not less than 13 feet from the west side property line at 81 Maple Lane, in Groundwater Protection Overlay District Area 2.

3. 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."
4. 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. 10.

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



FRAN BAKSTRAN, CHAIRMAN