

Town of Southborough
BOARD OF APPEALS

SOUTHBOROUGH, MASSACHUSETTS 01772



Jim Hegarty
Town Clerk
Town House
Southborough, MA 01772

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SOUTHBOROUGH, MA

[Signature]

October 3, 2018

Notice of Decision for an Application for a Special Permit

Property Address: 22 Main St. Map 54 Lot 88; Recorded Worcester Registry of Deeds Book 7521 Page 124 ("premises")

Appellants: Mr. David Parry, 22 Main St., Southborough, MA. 01772

Application Filed: July 9, 2018
The Board opened the public hearing on August 29, 2018 at 7:00pm in the Public Meeting Room of Southborough Town Hall with regard to the petition for the appellants for the following:

Petition: Special Permit request to construct a front porch to an existing non-conforming home which will encroach into the required setback 5.4 feet and the construction of a side porch which will encroach into the required setback by 2.0 feet. Relief requested pursuant to Sec. 174-19A states that the Board of Appeals may authorize an extension of a non-conforming structure if it finds that the criteria of section 174-9-E are met.

Sitting as a Board: Craig Nicholson, Chairman
Andrew R. Dennington
Debbie DeMuria
David Williams
Paul Drepanos

For the Appellants: Mr. David Parry
22 Main St.
Southborough, MA. 01772

Procedural History:

1. An application for a Special Permit was filed in the Office of Southborough Building Department on July 9, 2018.
2. The application for a Special Permit to construct a front porch on an existing non-conforming home which will encroach into the required setback 5.4 feet and the construction of a side porch which will encroach into the required setback by 2.0 feet. Proposed setback relief calculations per Engineering Design Consultants, Inc. site plan dated September 14, 2018.

3. The applicant is seeking a Special Permit from Sec. 174-19-A states that the Board of Appeals may authorize an extension of a non-conforming structure if it finds that the criteria of section 174-9-E are met.
4. The record owner of the subject property David Parry and Zenovia Sochor Parry, 22 Main St., Southborough, MA. 01772.
5. A public hearing before the Zoning Board of Appeals was duly noticed in the Metro West newspaper on both Wednesday, August 15, 2018 and August 22, 2018.
6. Public Hearing for the Special Permit application opened on August 29, 2018, continued and closed on September 19, 2018.

Plans / Documents:

1. Letter from Building Commissioner / Zoning Enforcement Officer Mark Robidoux to Mr. David Parry dated July 3, 2018.
2. Certified list of abutters from both Town of Southborough dated June 12, 2018.
3. Town of Southborough Assessor's GIS map.
4. Letter from the Southborough Historical Commission dated July 17, 2018.
5. Photos of similar homes in the town with existing non-conforming setbacks.
6. Photos of the applicants home at 22 Main Street, Southborough, MA. 01772.
7. Drawings of the homes existing first floor plan as well as a drawing of the new proposed first floor plan with front porch and side entry additions.
8. Letters of support from Karen Connell, 15 Main St., Sandra Campbell, 17 Main St., Mr. & Mrs. Hokinson, 10 Main St., Robert Nichols Trustee, 50 Hopkinton Rd., Westborough, MA. 01581-2104

Findings:

1. The proposal constitutes a Special Permit request under the Town of Southborough Zoning Bylaw.
2. The property is located in the Residence B, RB zoning district.
3. The applicant is proposing to construct a front porch to an existing non-conforming home resulting in a 22.7 foot setback and the construction of a side porch which will encroach into the required setback by 2.0 feet.
4. The proposed structure won't be more substantially detrimental to the neighborhood as it meets the specific requirements of Zoning Section 174-9, which allows special permit from the ZBA, provided the following determination, "That the proposed use and its characteristics are found to be in harmony with the intent and purpose of zoning; are not in conflict with public health, safety, convenience and welfare; and are not detrimental or offensive to the neighborhood or destructive of property values."
5. The side setback would create a new non-conformity and would therefore require a variance.

Decision and Vote of the Board:

At its meeting on September 19, 2018, the Zoning Board of Appeals voted unanimously (5-0), to grant the Special Permit for the front setback only pursuant to Sec. 174-19-A states that the Board of Appeals may authorize an extension of a nonconforming structure if it finds that the criteria of Sec. 174-9-E are met.

After review of all evidence and facts presented at this hearing, and after deliberations on the same, voted unanimously (5-0) on a motion made by Mr. Dennington, and seconded by Mr. Drepas, with member voting as follows to grant the requested Special Permit to allow for construction of a front porch with front setback of 22.7 feet, as depicted on Engineering Design Consultants Inc. site plan dated September 14, 2018. Any sought after encroachment on side set back shall require a separate variance application.

Andrew R. Dennington	yes
Craig Nicholson	yes
Debbie DeMuria	yes
David Williams	yes
Paul Drepas	yes



Craig Nicholson, Chair

Signing on behalf of the Zoning Board of Appeals

Filed with the Town Clerk on: _____

**** NOT VALID FOR RECORDING UNTIL CERTIFIED BY THE TOWN CLERK OF SOUTHBOROUGH****

In accordance with Sec. 11 of Ch. 40A of Massachusetts General Law, I hereby certify that twenty (20) days have elapsed after the within decision was filed in the office of the Southborough Town Clerk, and that no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied.

Attest: _____

Date: _____

James F. Hegarty, Town Clerk