

Town of Southborough
BOARD OF APPEALS
SOUTHBOROUGH, MASSACHUSETTS 01772

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James F. Hegarty
Town Clerk
Town House
Southborough, MA 01772

October 31, 2018

Notice of Decision for an Application for a Variance and Special Permit

Property Address: 50 Framingham Rd. Map 66 Lot 11; Recorded Worcester Registry of Deeds Book 22780 Page 181 ("premises")

Appellants: Ms. Karen Keegan, 14 West St., Douglas, MA. 01516
Mr. Adam Ferris, 50 Framingham Rd., Southborough, MA. 01772

Application Filed: September 24, 2018
The Board opened the public hearing on October 17, 2018 at 7:30pm 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 detached (2) car garage exceeding the maximum of (3) vehicles by (1) pursuant to section 174 8.2A (8) and a Variance request to construct a (2) car detached garage which will both exceed the height requirement of 17' and number of stories by one pursuant to section 174-8.2 D (4) maximum height 17 feet and one story.

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

For the Appellants: Ms. Karen Keegan, Guaranteed Builders & Dev. Inc.
14 West St.
Douglas, MA. 01516

Mr. Adam Ferris
50 Framingham Rd.
Southborough, MA. 01772

Procedural History:

1. An application for a special permit and variance was filed in the Office of Southborough Building Department on September 24, 2018.
2. The application for a special permit to construct a detached (2) car garage exceeding the maximum of (3) vehicles allowed by (1) and a variance to construct a detached (2) car garage which will exceed both the maximum height requirement of 17' and number of stories.
3. The applicant is seeking a special permit pursuant to section 174 8.2A (8) states construction of a private garage for not more than (3) vehicles and a variance pursuant to section 174-8.2 D (4) maximum height 17' and one story for accessory buildings.
4. The record owner of the subject property Adam Ferris, 50 Framingham Rd., Southborough, MA. 01772.
5. A public hearing before the Zoning Board of Appeals was duly noticed in the Metro West newspaper on both Wednesday, October 3, 2018 and October 10, 2018.
6. Public Hearing for the special permit and variance application opened and closed on the same evening, October 17, 2018.

Plans / Documents:

1. Letter from Building Commissioner / Zoning Enforcement Officer Mark Robidoux to Mr. Adam Ferris dated August 21, 2018.
2. Certified list of abutters from both Town of Southborough dated August 28, 2018.
3. Town of Southborough Assessor's GIS map.
4. Certified plot plan with proposed location of detached (2) garage, Guaranteed Builders & Developers Inc. dated September 20, 2018.
5. Structural plans for 30x28 two story garage by Guaranteed Builders Inc. A-1, A2, A-3, A-5, A-6, A-7 dated
6. Letter from an anonymous individual regarding concerns water runoff and flooding, dated October 6, 2018.
7. Letter from Mr. Ross Hayashi, 52 Framingham Rd. dated October 9, 2018, in support of the proposal.

Findings:

1. The proposal constitutes both a special permit and variance 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 detached (2) car garage in addition to the existing home with a (2) car garage and will exceed the maximum of (3) vehicles allowed by (1) as well as the proposed garage will exceed the maximum height requirement of 17 feet and would include a second story.
4. The Board further found that a detached garage is in harmony with the intent and purpose of the Town's Zoning Bylaw, will not be in conflict with public health, safety, convenience and welfare and shall not be substantially detrimental or offensive to the neighborhood or destructive of property values.

Decision and Vote of the Board:

At its meeting on October 17, 2018, the Zoning Board of Appeals voted unanimously (5-0), to grant the special permit for an additional (2) car garage exceeding the maximum of (3) vehicles allowed by (1).

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. Williams, seconded by Mr. Robbins to grant the requested special permit for a detached (2) car garage.

Andrew R. Dennington	Approve
Craig Nicholson	Approve
Debbie DeMuria	Approve
David Williams	Approve
Michael Robbins	Approve

At its meeting on October 17, 2018, the Zoning Board of Appeals voted unanimously (5-0), to allow the applicant's representative, Ms. Karen Keegan with Guaranteed Builders Inc. to withdraw the variance application without prejudice with vote as follow:

Craig Nicholson	Approve
Andrew R. Dennington	Approve
Debbie DeMuria	Approve
David Williams	Approve
Michael Robbins	Approve



Craig Nicholson, Chair

Signing on behalf of the Zoning Board of Appeals

**** 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