

Town of Southborough
BOARD OF APPEALS

SOUTHBOROUGH, MASSACHUSETTS 01772

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

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SOUTHBOROUGH, MA

Oct 31, 2018

Notice of Decision for an Application for a Special Permit

Property Address: 97 Main St. Map 52, Lot 12; Recorded Worcester Registry of Deeds Book 59016 Page 153 ("Premises")

Applicant(s): Quality Framing Contracting, Inc., 328 Mill Street, Lancaster, MA. 01523

Application Filed: September 26, 2018

The Board opened and closed the public hearing on the same evening, October 17, 2018 in the Public Meeting Room of Southborough Town Hall.

Petition: Special Permit to construct an additional two (2) car detached garage on a lot with an existing new construction home with a three (3) car attached garage exceeding the number of allowed garages by two (2).

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

For the Appellants: Mr. Peter Bemis
Engineering Design Consultants, Inc.
32 Turnpike Rd.
Southborough, MA. 02110

Procedural History:

1. An application for a special permit was filed in the Office of Southborough Building Department on September 26, 2018.
2. The application for a special permit to construct an additional two (2) car detached garage on a lot with an existing new construction home with a three (3) car attached garage.
3. The applicant is seeking a special permit from section 174-8.2 B (12) private garage or parking for more than three (3) vehicles, that is accessory to a permitted principal use and on the same lot as such use.
4. The record owner of the subject property is Quality Framing Contracting, Inc., 328 Mill Street, Lancaster, MA. 01523

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 opened and closed on the same evening, October 17, 2018.

Plans / Documents:

1. Special permit site plan, 97 Main St. Engineering Design Consultants, dated September 24, 2018.
2. Letter from the Building Commissioner / Zoning Enforcement Office, Mark Robidoux to Quality Framing Contractor, Inc. dated September 24, 2018
3. Google maps aerial views
4. Certified abutters list dated August 3, 2018.
5. Letter, photographs, and various documents submitted by immediate abutters Jack J. Canzoneri & Mary T. Antonelli, 95 Main St. dated October 18, 2018 in opposition to the application.

Findings:

1. The proposal constitutes a special permit request under the Town of Southborough Zoning Bylaw.
2. The property is located in the Residence A zoning district.
3. The applicant is proposing to construct a detached two (2) car garage in addition to an existing (3) car attached garage on the same single family home lot.
4. The application indicated that the Premises is approximately a one (1) acre lot.
5. Mr. Canzoneri spoke at length at the public hearing in opposition to the application. He expressed his view that the additional detached two (2) car garage on the Premises would be very close to his own property, and that its visual impact upon his property would be negative. Mr. Canzoneri further presented to the Board a document with an analysis of homes within the surrounding area of Main Street and Wyndemere Drive. This analysis tended to show that other homes with garage parking of four to five vehicles were on much larger lots and had less visual impact upon immediate abutters. Through that analysis, Mr. Canzoneri appeared to be suggesting to the Board that the application was out of character for the neighborhood.
6. In addition to Mr. Canzoneri, another abutter expressed opposition to the application.
7. In view of the abutters' concerns regarding the impact of this application on the immediate vicinity of the Premises, it is not clear that the applicant has satisfied its burden under Section 174-9 of the Town's Zoning By-Law of demonstrating that the proposal would not be offensive to the neighborhood and that its benefits to the Town would outweigh any adverse effects for the Town or the vicinity of the Premises.

Decision and Vote of the Board:

At its meeting on October 17, 2018, the Zoning Board of Appeals voted (3-2), to deny the special permit pursuant to Sec. 174-8.2 B (12) to construct an additional detached two (2) car garage on the same principal home lot to allow garage parking for a total of (5) vehicles on the Premises.

After review of all evidence and facts presented at this hearing, and after deliberations on the same, the board voted (3-2) on a motion made by Mr. Dennington and seconded by Mr. Williams, with member voting as follows to deny the requested special permit:

Craig Nicholson	Opposed to Motion to Deny
Andrew Dennington	Deny Application
Debbie DeMuria	Deny Application
David Williams	Deny Application
Mike Robbins	Opposed to Motion to Deny



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
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