

Town of Southborough
BOARD OF APPEALS

James Hegarty
Town Clerk
Town House
Southborough, MA 01772

SOUTHBOROUGH, MASSACHUSETTS 01772

17 COMMON STREET
SOUTHBOROUGH, MASSACHUSETTS 01772-1662
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SOUTHBOROUGH, MA

February 6, 2017

Notice of Decision on Special Permit Relief Request

Property Address: 3 Cottage St.

Appellants: Kimberly Maul, Maul Construction

Application Filed: December 28, 2016

The Board advertised the public hearing on January 25, 2017 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(s) pursuant to Sec. 174-9(E) to construct an addition which will encroach 4-feet into the required 15-foot setback.

Sitting as a Board: Andrew R. Dennington, Chairperson
Leo F. Bartolini, Jr.
Paul N. Drepanos
Craig Nicholson
David Williams

For the Appellants: Kimberly Maul, Contractor for Applicant
Maul Construction
58 Meadowcrest Dr.
Cumberland, RI 02864

Jill Anderson and David Malecki, Owners
3 Cottage St.
Southborough, MA 01772

Procedural History:

1. An application for Special Permit Relief was filed in the Office of Southborough Building Department on December 28, 2016
2. The application for a Special Permit is to construct an addition which will encroach 4-feet into the required 15-foot setback.

3. The applicant is seeking a Special Permit for the extension or alteration of a legally nonconforming structure pursuant to Sec. 174-9(E).
4. The Record Owner of the subject property is Jill Anderson and David Malecki.
5. A public hearing before the Zoning Board of Appeals was duly noticed, opened on January 25, 2017 and closed in the same evening.

Plans/ Documents:

1. Letter from the Building Commissioner/ Zoning Officer Mark Robidoux to Jill Anderson dated December 19, 2016.
2. One (1) renderings of the property with the proposed addition.
3. One (1) page site plan survey from James Troupes dated March 9, 2004 with the proposed addition sketched on the plan.
4. Two (2) pages showing the proposed floor plan and interior elevations of the proposed addition.
5. Two (2) letters of support from adjacent property owners.

Findings:

1. The proposal constitutes a Special Permit request(s) for the extension or alteration of a legally nonconforming structure pursuant to Sec. 174-9(E), under the Town of Southborough Zoning Bylaw.
2. The applicant is proposing to construct an addition which will encroach 4-feet into the required 15-foot setback.
3. The applicant stated that the addition would be very challenging to put anywhere else on the house given the layout of the property.
4. The applicant designed the proposal so that the addition projected a shorter distance than the current legally nonconforming structure.
5. Given the letters of support and information received during the public hearing, the Board found that the proposed addition would not increase the extent of the nonconformance in size or impact, nor would the proposed addition exceed fifty percent of the assessed value of the nonconforming structure at the time the application was submitted.
6. The Board further found that the proposed addition 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 January 25, 2017, the Zoning Board of Appeals voted 5-0 to approve the request(s) for the Special Permit to construct an addition which will encroach 4-feet into the required 15-foot setback.

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 L. Bartolini, Jr., and seconded by C. Nicholson, with members voting as follows for the Special Permit request(s):

Andrew R. Dennington	Approve
Leo F. Bartolini, Jr.	Approve
Paul N. Drepanos	Approve
Craig Nicholson	Approve
David Williams	Approve



Andrew R. Dennington, Chairperson

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 Laws, 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: _____

James F. Hegarty, Town Clerk

Date