



# TOWN OF NORTHBOROUGH Zoning Board of Appeals

Town Hall Offices • 63 Main Street • Northborough, MA 01532 • 508-393-5019 • 508-393-6996 Fax

## DECISION

**ZBA CASE NO. 20-05**

**PROPERTY LOCATION: 82 Coolidge Circle**

**PETITIONER and PROPERTY OWNER: Jeffrey Faulconer**

**Recorded with the Worcester District Registry of Deeds:**

**Bk: 76, Pg: 134, Title Certificate 12961**

**Bk: 76, Pg: 134, Title Certificate 13432**

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NORTHBOROUGH TOWN CLERK

This document is the **DECISION** of the Northborough Zoning Board of Appeals to consider the petition of Jeffery Faulconer for a Variance, a Special Permit and a Special Permit with Site Plan Approval, for the construction of a 724 square-foot accessory dwelling unit to the existing single family house, on the property located at 82 Coolidge Circle, Map 7, Parcel 29, in the Residential B District and Groundwater Protection Overlay District Area 3.

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 20A, S18, and the Governor's March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, this meeting of the Northborough Zoning Board of Appeals was conducted via remote participation.

## APPLICATION

1. **On January 22, 2020**, the Applicant filed with the Town Clerk an Application for Hearing before the Zoning Board of Appeals to consider the petition of Jeffery Faulconer for a **Variance**, and a **Special Permit with Site Plan Approval**, for the construction of a 724 square-foot accessory dwelling unit to the existing single family house, on the property located at 82 Coolidge Circle, Map 7, Parcel 29, in the Residential B District and Groundwater Protection Overlay District Area 3.
2. Notice of the public hearing was duly published in "THE WORCESTER TELEGRAM & GAZETTE" on February 10, 2020; and February 17, 2020; and was mailed to abutters and other parties in interest on February 6, 2020. Because the agenda for the meeting was not posted, the February 25<sup>th</sup>, 2020 meeting was cancelled and the meeting was changed to the March 24, 2020 scheduled meeting.
3. Notice of the public hearing for the March 24, 2020 meeting was duly published in "THE WORCESTER TELEGRAM & GAZETTE" on March 9, 2020 and March 16, 2020; and was mailed to abutters and other parties on February 27, 2020.
4. The meeting schedule on March 24, 2020 was cancelled due to the coronavirus.
5. Notice of the public hearing for the July 1, 2020 meeting was published in the "THE WORCESTER TELEGRAM & GAZETTE" on June 16, 2020, and June 23, 2020; and was mailed to abutters and other parties on June 11, 2020.

## EXHIBITS

Submitted for the Board's deliberation were the following exhibits:

1. Application for Hearing before the Zoning Board of Appeals, including:
  - a. A Zoning Interpretation Request Form for 82 Coolidge Circle, submitted by Applicant Jeffery Faulconer signed by Robert J. Frederico, Inspector of Building/Zoning Enforcement Officer, on 12.23.19;
  - b. A certified abutters list for parcels 300 feet from 82 Coolidge Circle, Northborough, MA, signed by Julie Brownlee for the Town of Northborough Board of Assessors, and a GIS Viewer Map of the site, both dated January 8, 2020;
  - c. A Quitclaim Deed for 82 Coolidge Circle, Northborough, MA, recorded at the Worcester District Register of Deeds on 02.27.2004, Bk: 76, Pg. 134 , Title Certificate 12961; and Bk: 76, Pg. 134 , Title Certificate 13432;
  - d. An 8" by 11" black and white document entitled "Subdivision Plan of Land in Northborough, Seltec Engineering, Inc. , Surveyors, October 31, 1997" for Coolidge Circle; recorded at the Worcester Registry District, Received for Registration on March 27, 2001;
  - e. A 24" by 36" black and white plan entitled "Site Development Plan for 82 Coolidge Circle, Map 7 Parcel 29, Northborough, Massachusetts, 01532", Sheet 1 of 1; Prepared For: Jeffery Faulconer, 82 Coolidge Circle, Northborough, Massachusetts 01532, Prepared By: J.M. Grenier Associates, Inc., Shrewsbury, Massachusetts, 01545; dated January 16, 2020; and
  - f. A 24" by 36" black and white architectural plan entitled "Lower Level Foundation", Sheet A1.0, Falkner Residence, 82 Coolidge Circle, Northborough, Massachusetts; Prepared by Daniel J. Wezniak, AIA; Silver Street Architects LLC; dated 10.08.19; Showing the Foundation Plan; the Lower Level Plan; and a Cross Section.
2. A letter to the Town of Northborough Zoning Board of Appeals, from David Parenti, Fire Chief, dated January 24, 2020, RE: Variance and Special Permit with Site Plan Approval Request for an Accessory Dwelling Unit (ADU) at 82 Coolidge Circle.

## HEARING

Applicant Jeffery Faulconer and John Grenier, Engineer, J.M. Grenier Associates Inc. presented the Application at a duly noticed public hearing of the Board on July 1, 2020. Participating Board members were Brad Blanchette, Chairman; Fran Bakstran, Richard Rand, Mark Rutan, Paul Tagliaferri; and Alternate members Leslie Harrison, and Jeffery Leland.

Mr. Grenier explained the Applicant proposes to construct a 724 square-foot accessory dwelling unit to a single-family house. A **Special Permit with Site Plan Approval** from the Zoning Board of Appeals is required to construct an accessory dwelling unit in accordance with **Section 7-05-030 Table 1. Part A of the Northborough Zoning Bylaws.**

In addition, Mr. Grenier noted a **Variance** from the Zoning Board of Appeals is required for an increase in the gross floor area of an accessory dwelling unit from 700 square-feet to 724 square-feet, in accordance with **Section 7-05-020C(4)(c) of the Town of Northborough Zoning Bylaws**.

No person present spoke in opposition of the proposed project; and the board received no letters in opposition of the project.

The hearing was closed on July 1, 2020.

#### **FINDINGS OF FACT**

1. The subject property at 82 Coolidge Circle is in the Residential B District and Groundwater Protection Overlay District Area 3.
2. The Applicant is seeking a **Variance** from the Zoning Board of Appeals, for an increase in the gross floor area of an accessory dwelling unit, from 700 square-feet to 724 square-feet, in accordance with **Section 7-05-020C(4)(c), Classification of Uses, Residential Uses, Accessory Dwelling Unit**, of the Northborough Zoning Bylaws.
3. The Applicant is also seeking a **Special Permit** from the Zoning Board of Appeals to construct an accessory dwelling unit in accordance with **Section 7-05-030 Table 1. Part A, Residential Districts, Accessory Dwelling Unit**, of the Northborough Zoning Bylaw.
4. In addition, the Applicant is seeking a **Special Permit with Site Plan Approval, per Section 7-03-050A(2) , Site Plans**, of the Northborough Zoning Bylaw, as Site Plans shall be required for any use requiring a **Special Permit**, in which case the Special Permit granting authority shall also act as **Site Plan Approval** authority.
5. The lot is entirely within a riverfront area and approximately a third of the lot is affected by wetlands.
6. With the limited amount of buildable land area, the existing structure size is limited.
7. The **Variance** requested for an additional 24 square-feet will have no material impact to the abutters. The floor area addition is 352 square-foot. The balance of the accessory dwelling unit is within the existing dwelling.
8. The relief sought will not derogate from the intent, as the expansion of the existing structure is only 352 square-feet. All other zoning requirements by other boards, such as Health and Conservation, are met.
9. The house with the accessory dwelling unit will maintain the appearance of a single dwelling as required by the Northborough Zoning Bylaw.
10. The lot has enough buildable area to accommodate the accessory dwelling unit.
11. The proposed accessory dwelling unit will not impact the neighborhood, as the building will preserve the appearance of a single-family unit as required by the Northborough Zoning Bylaw. Additionally, the land abutting the Applicant to the north and east is owned by the Town of Northborough, limiting any potential impact to abutters.

12. The proposed accessory dwelling unit will be serviced by the existing driveway as the driveway serving the existing house has enough space to accommodate the required additional parking.
13. Adequate access and parking are provided for the proposed use. The property is served by Town water and enough area for subsurface sewages disposals have been provided.
14. The proposed use will conform to any special requirements of the special permit granting authority as stated in its written decision.
15. The proposed project will have no negative impact and has been reviewed and approved by the Board of Health and Conservation Commission.

**DECISION**

1. On **July 1, 2020**, after due consideration of the Application, the Board unanimously voted, by a roll call vote, to **GRANT a VARIANCE**, from **Section 7-05-020C(4)(c)** of the Northborough Zoning Bylaws, to allow an increase to the gross floor area of a proposed accessory dwelling unit, from 700 square-feet to 724 square-feet, on the property located at 82 Coolidge Circle, Map 7, Parcel 29, in the Residential B District and Groundwater Protection Overlay District Area 3.
2. The Roll Call vote was taken by the members, as follows:
 

Brad Blanchette	“aye”
Fran Bakstran	“aye”
Mark Rutan	“aye”
Paul Tagliaferri	“aye”
Richard Rand	“aye”
3. On **July 1, 2020**, after due consideration of the Application, the Board unanimously voted, by a roll call vote, to **Grant a Special Permit per Section 7-05-030 Table 1. Part A, Residential Districts, Accessory Dwelling Unit**, of the Northborough Zoning Bylaw; to construct an accessory dwelling unit on the property located at 82 Coolidge Circle, Map 7, Parcel 29, in the Residential B District and Groundwater Protection Overlay District Area 3, on the property located at 82 Coolidge Circle, Map 7, Parcel 29, in the Residential B District and Groundwater Protection Overlay District Area 3, and two plans as follows:
  - a. A 24” by 36” black and white plan entitled “Site Development Plan for 82 Coolidge Circle, Map 7 Parcel 29, Northborough, Massachusetts, 01532”, Sheet 1 of 1; Prepared For: Jeffery Faulconer, 82 Coolidge Circle, Northborough, Massachusetts 01532, Prepared By: J.M. Grenier Associates, Inc., Shrewsbury, Massachusetts, 01545; dated January 16, 2020; and
  - b. A 24” by 36” black and white architectural plan entitled “Lower Level Foundation”, Sheet A1.0, Falkner Residence, 82 Coolidge Circle, Northborough, Massachusetts; Prepared by Daniel J. Wezniak, AIA; Silver Street Architects LLC; dated 10.08.19; Showing the Foundation Plan; the Lower Level Plan; and a Cross Section.

4. The Roll Call vote was taken by the members, as follows:

Brad Blanchette	"aye"
Fran Bakstran	"aye"
Mark Rutan	"aye"
Paul Tagliaferri	"aye"
Richard Rand	"aye"

5. On July 1, 2020, after due consideration of the Application, the Board unanimously voted, by a roll call vote, to **GRANT a SPECIAL PERMIT with SITE PLAN APPROVAL per Section 7-03-050A(2), Special Permit with Site Plan Approval, Site Plans;** as Site Plan Approval shall be required for any use requiring a Special Permit, in which case the Special Permit granting authority shall also act as site plan authority of the Northborough Zoning Bylaw, on the property located at 82 Coolidge Circle, Map 7, Parcel 29, in the Residential B and Groundwater Protection Overlay District Area 3.

6. The Roll Call vote was taken by the members, as follows:

Brad Blanchette	"aye"
Fran Bakstran	"aye"
Mark Rutan	"aye"
Paul Tagliaferri	"aye"
Richard Rand	"aye"

7. Appeals, if any from this decision shall be made pursuant to Massachusetts General Laws, Ch. 40A, Sec. 17 and shall be filed within twenty (20) days after the date of filing of this decision in the office of the Town Clerk.

8. The **VARIANCE** 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."

9. If the rights authorized by the **VARIANCE** are not exercised within one year from the time of granting, they shall lapse in accordance with the provisions of Massachusetts General Laws, Ch. 40A, Sec. 9.

10. The **SPECIAL PERMIT** and the **SPECIAL PERMIT WITH SITE PLAN APPROVAL** 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."

11. If the rights authorized by the **SPECIAL PERMIT WITH SITE PLAN APPROVAL** are not exercised within two years from the time of granting, they shall lapse in accordance with the provisions of Massachusetts General Laws, Ch. 40A, Sec. 9.

TOWN OF NORTHBOROUGH, MASSACHUSETTS  
ZONING BOARD OF APPEALS

A handwritten signature in blue ink that reads "Brad Blanchette". The signature is written in a cursive style with a large, stylized initial "B".

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BRAD BLANCHETTE, CHAIRMAN