



TOWN OF NORTHBOROUGH Zoning Board of Appeals
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DECISION

ZBA CASE NO. 20-11

PROPERTY LOCATION: 1 Rustic Drive

PETITIONER and PROPERTY OWNER: David and Mary Crowley

Recorded with the Worcester District Registry of Deeds: Bk: 6232 Pg: 240

This document is the **DECISION** of the Northborough Zoning Board of Appeals to consider the petition of David Crowley for a Variance to allow a garage to be located less than the required 30-foot from a front-yard setback on a pre-existing nonconforming lot. The lot is a corner lot containing two front yards and two side yards. The subject property is located at 1 Rustic Drive, Map 93, Parcel 10, in the Residential C District and Groundwater Protection Overlay District Area 1.

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 May 20, 2020, the Applicant filed with the Town Clerk an Application for Hearing before the Zoning Board of Appeals to consider the petition of David Crowley for a Variance to allow a garage to be located less than the required 30-foot from a front-yard setback. The proposed attached garage would encroach into the setback by 9.5 feet. The relief sought is from a front-yard setback, from Section 7-06-030. Table 2, of the Northborough Zoning Bylaw. The subject property is located at 1 Rustic Drive, Map 93, Parcel 10, in the Residential C District and Groundwater Protection Overlay District Area 1.
2. Notice of the public hearing was duly published in "THE WORCESTER TELEGRAM & GAZETTE" on August 10, 2020 and August 17, 2020; and was mailed to abutters and other parties in interest on August 10, 2020.

EXHIBITS

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

Application for Hearing before the Zoning Board of Appeals, including:

- a. A Zoning Interpretation Request Form for 1 Rustic Drive, submitted by Applicant's Contractor David Bergstrom, signed by Robert J, Frederico,

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Inspector of Building/Zoning Enforcement Officer, dated May 20, 2020;

- b. A certified abutters list for parcels 300 feet from 1 Rustic Drive, Northborough, MA prepared by the Northborough Board of Assessors, and a GIS Viewer Map of the site, titled 1 Rustic Drive-300ft abutters, both dated June 23, 2020;
- c. A Deed for 1 Rustic Drive, Northborough, Worcester County, Massachusetts, recorded at the Worcester District Register of Deeds on July 14, 1977, Bk: 6232, Pg: 240; and
- d. A 24"x 36" black and white sheet entitled "Plot Plan of Land in Northborough MA"; Owner: David & Marie Crowley, 1 Rustic Drive, Deed Book 48735 PG 73, Plan Book 203 Plan 49; Prepared By: Guerard Survey Co. & Assoc. Inc.; Signed and Stamped by Paul B. Baptist, Registered Professional Land Surveyor on April 6, 2020.

HEARING

Applicant Dave Crowley and Contractor, Dave Bergstrom, presented the Application at a duly noticed public hearing of the Board on August 25, 2020. Participating Board members were Fran Bakstran, Chairman; Brad Blanchette, Richard Rand, Mark Rutan, Paul Tagliaferri; and Alternate members Leslie Harrison, and Jeffery Leland, and voting members were Fran Bakstran Chairman; Brad Blanchette, Richard Rand, Mark Rutan, and Paul Tagliaferri.

Mr. Crowley and Mr. Bergstrom explained the proposed project is for a garage to be constructed and attached to the existing house. The parcel is a corner lot with two front yards and two side yards. The lot is a pre-existing nonconforming lot and the Applicant is seeking to place the garage 20.5 feet from the front property line and the Zoning Bylaw requires 30 feet from the front property line.

The six homes on Rustic Drive were built between 1952 and 1957 and five have added garages to their properties. Mr. Crowley would now like to add a garage to his property.

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

The hearing was closed on August 25, 2020.

FINDINGS OF FACT

1. The subject property at 1 Rustic Drive is in the Residential C District and Groundwater Protection Overlay District Area 1.
2. In the Residential C District, the required front yard setback is 30 feet.
3. The Applicant is seeking a Variance to allow the placement of the garage to be located less than the required 30-feet from the front-yard setback, per Section 7-06-030, Table 2., Density and Dimensional Regulations, Table 2., Table of Density and Dimensional Regulations, in the Residential C District, of the Northborough Zoning Bylaw; on the property located at 1 Rustic Drive, Map 93, Parcel 10.

4. Due to circumstances relating to the pre-existing nonconforming lot and the parcel being a corner lot, a literal interpretation of the Zoning Bylaw would involve substantial hardship.
5. The relief sought will not constitute substantial detriment to the public good.
6. The relief sought may be given without nullifying or substantially derogating from the intent or purpose of the Northborough Zoning Bylaw.

DECISION

1. **On August 25, 2020**, after due consideration of the Application, the Board unanimously voted to **Grant a Variance**, by a roll call vote, to allow an encroachment of 12 feet into the 30 foot front-yard setback for the placement of an attached garage per Section 7-06-030, Table 2., Density and Dimensional Regulations, Table 2., Table of Density and Dimensional Regulations, in the Residential C District, of the Northborough Zoning Bylaw; on the property located at 1 Rustic Drive, Map 93, Parcel 10, due to the shape of the lot.
2. The Roll Call vote was taken by the members, as follows:

Fran Bakstran	"aye"
Brad Blanchette	"aye"
Mark Rutan	"aye"
Paul Tagliaferri	"aye"
Richard Rand	"aye"
3. 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.
4. 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."
5. If the rights authorized by the **VARIANCE** is 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.

**TOWN OF NORTHBOROUGH, MASSACHUSETTS
ZONING BOARD OF APPEALS**



FRAN BAKSTRAN, CHAIRMAN