



# TOWN OF NORTHBOROUGH Zoning Board of Appeals

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## DECISION

**ZBA CASE NO. 20-14**

**PROPERTY LOCATION: 17 Mayflower Road**

**PETITIONER and PROPERTY OWNER: Geodi Pellerin**

**Recorded with the Worcester District Registry of Deeds: Bk: 44826 Pg: 183**

This document is the **DECISION** of the Northborough Zoning Board of Appeals to consider the petition of Geodi Pellerin for a Variance to allow a carport to be located less than the required 15 feet from a side-yard setback on a pre-existing nonconforming lot. The subject property is located at 17 Mayflower Road, Map 95, Parcel 89, in the Residential C District and Groundwater Protection Overlay District Area 33.

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 August 19, 2020, the Applicant filed with the Town Clerk an Application for Hearing before the Zoning Board of Appeals to consider the petition of Geodi Pellerin for a Variance to allow a garage to be located less than the required 15 feet from a side-yard setback. The proposed attached garage would encroach into the setback by 4 feet. The relief sought is from a side-yard setback requirement per Section 7-06-030. Table 2, of the Northborough Zoning Bylaw. The subject property is located at 17 Mayflower Road, May 95, Parcel 89 in the Residential C District and Groundwater Protection Overlay District Area 3.
2. Notice of the public hearing was duly published in "THE WORCESTER TELEGRAM & GAZETTE" on September 6, 2020 and September 13, 2020; and was mailed to abutters and other parties in interest on September 6, 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 17 Mayflower Road, signed by Robert J, Frederico, Inspector of Buildings/Zoning Enforcement Officer, dated August 11, 2020;

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- b. A certified abutters list for parcels 300 feet from 17 Mayflower Road, Northborough, MA prepared by the Northborough Board of Assessors, and a GIS Viewer Map of the site, titled 17 Mayflower Road-300ft abutters, both dated August 18, 2020;
- c. A Deed for 17 Mayflower Road, Northborough, Worcester County, Massachusetts, recorded at the Worcester District Register of Deeds on September 26, 1985, Bk: 44826, Pg: 183; and
- d. An 8.5" x 11" black and white packet entitled "Structural Design Stand Package Partially Enclosed (Utility) Building", Prepared by Moore and Associates Engineering and Consulting, Inc.

## **HEARING**

Applicant Geodi Pellerin presented the Application at a duly noticed public hearing of the Board on September 29, 2020. Participating Board members were Fran Bakstran, Chairperson; Brad Blanchette, Richard Rand, Mark Rutan, Paul Tagliaferri; and Alternate members Leslie Harrison, and Jeffery Leland, and voting members were Fran Bakstran Chairperson; Brad Blanchette, Richard Rand, Mark Rutan, and Paul Tagliaferri.

Ms. Pellerin explained the proposed project is for a carport to be constructed over a portion of her driveway. The parcel is in the Residential C zoning district and Groundwater Protection Overlay Area 3. The lot is a pre-existing nonconforming lot and the Applicant is seeking to place the carport 11 feet from the side setback and the Zoning Bylaw requires 15 feet from the side setback.

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 September 29, 2020.

## **FINDINGS OF FACT**

1. The subject property at 17 Mayflower Road is in the Residential C District and Groundwater Protection Overlay District Area 3.
2. In the Residential C District, the required side setback is 15 feet.
3. The Applicant is seeking a Variance to allow the placement of the carport to be located less than the required 15 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 17 Mayflower Road, Map 95, Parcel 89.
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 **September 29, 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 4 feet into the 15 foot side-yard setback for the placement of a carport 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 17 Mayflower Road, Map 95, Parcel 89, 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**



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**FRAN BAKSTRAN, CHAIRPERSON**