



TOWN OF NORTHBOROUGH Zoning Board of Appeals

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DECISION

ZBA CASE NO. 20-19

PROPERTY LOCATION: 10 Prospect Street

PETITIONER and PROPERTY OWNER: Christine Andersson

Recorded with the Worcester District Registry of Deeds: Bk: 48376 Pg: 100

This document is the **DECISION** of the Northborough Zoning Board of Appeals to consider the petition of Christine Andersson for a Variance to construct a single car attached garage over an existing driveway on a pre-existing nonconforming lot. The subject property is located at 10 Prospect Street, Map 55, Parcel 94, in the General Residential zoning district and Groundwater Protection Overlay District Area 2.

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 14, 2020, the Applicant filed with the Town Clerk an Application for Hearing before the Zoning Board of Appeals to consider the petition of Christine Andersson for a Variance to construct a single car attached garage. The subject property is located at 10 Prospect Street, Map 55, Parcel 94, in the General Residential zoning district and Groundwater Protection Overlay District Area 2.
2. Notice of the public hearing was duly published in "THE WORCESTER TELEGRAM & GAZETTE" on October 12, 2020 and October 19, 2020; and was mailed to abutters and other parties in interest on October 12, 2020.

EXHIBITS

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

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

- a. A Zoning Interpretation Request Form for 10 Prospect Street, submitted by Applicant Christine Andersson, signed by Robert J, Frederico, Inspector of Building/Zoning Enforcement Officer, dated August 14, 2020;
- b. A certified abutters list for parcels 300 feet from 10 Prospect Street, Northborough, MA prepared by the Northborough Board of Assessors,

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and a GIS Viewer Map of the site, titled 10 Prospect Street-300ft abutters, both dated August 12, 2020;

- c. A Deed for 10 Prospect Street, Northborough, Worcester County, Massachusetts, recorded at the Worcester District Register of Deeds on January 6, 2012, Bk: 48376, Pg: 100; and
- d. An 8.5" x 11" black and white sheet entitled "Proposed Foundation Plan"; Owner: Christine Andersson; Prepared By: TLC Design; and
- e. An 8.5" x 11" black and white sheet entitled "Proposed Garage Plan"; Owner: Christine Andersson; Prepared By: TLC Design; and
- f. An 8.5" x 11" black and white sheet entitled "Roof Framing Plan" and "Attic Framing Plan"; Owner: Christine Andersson; Prepared By: TLC Design; and
- g. An 8.5" x 11" black and white sheet entitled "Section Thru Garage" and "Front Elevation"; Owner: Christine Andersson; Prepared By: TLC Design; and
- h. An 8.5" x 11" black and white sheet entitled "Tape Survey"; Owner: Richard M. and Christine A. Andersson; Prepared By: Thompson-Liston Associates, Inc., dated September 17, 1979.

HEARING

An application for Christine Andersson was presented at a duly noticed public hearing of the Board on October 27, 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. Andersson would like to build a single car attached garage. The parcel is located at 10 Prospect Street, Map 55, Parcel 94, in the General Residential zoning district and Groundwater Protection Overlay District Area 2. The parcel is on a corner lot with two 30-foot setbacks. The proposed garage would be located where the existing driveway is located. Twelve (12) feet of relief is sought for the front corner.

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 October 27, 2020.

FINDINGS OF FACT

1. The subject property is located on a corner lot at 10 Prospect Street, Map 55, Parcel 94, in the General Residential zoning district and Groundwater Protection Overlay District Area 2.
2. In the General Residential zoning district, the required front 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 setback, per Section 7-06-030, Density and Dimensional Regulations, in the General Residential zoning district, of the Northborough Zoning Bylaw; on the property located at 10 Prospect Street, Map 55, Parcel 94.
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 October 27, 2020, after due consideration of the Application, the Board unanimously voted to Grant a **VARIANCE**, by a roll call vote, to allow 18 feet of relief from the 30 foot setback for construction and placement of a garage per Section 7-06-030, Density and Dimensional Regulations, in the General Residential zoning district, of the Northborough Zoning Bylaw; on the property located at 10 Prospect Street, Map 55, Parcel 94, due to the shape of the lot.
2. The Roll Call Vote was taken by the members, as follows:

Mark Rutan	"aye"
Dick Rand	"aye"
Brad Blanchette	"aye"
Paul Tagliaferri	"aye"
Fran Bakstran	"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** 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.

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

FRAN BAKSTRAN, CHAIRPERSON