



TOWN OF NORTHBOROUGH Zoning Board of Appeals
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DECISION

NORTHBOROUGH TOWN CLERK
RCUD 2021 AUG 20 AM 11:45

ZBA CASE NO. 21-09

PROPERTY LOCATION: 22 Colburn Street

PETITIONER: 22 Colburn Street Realty Trust

PROPERTY OWNER: Robert Reynolds Jr.

Recorded with the Worcester District Registry of Deeds: Bk: 63157 Pg 51

This document is the **DECISION** of the Northborough Zoning Board of Appeals to consider the petition of 22 Colburn Street Realty Trust for a Special Permit for demolition of an existing, single-family home and construction of a new single-family home on a different location on the property located at 22 Colburn Street, Map 29, Parcel 52, in the Residential C Zoning District and Groundwater Protection Overlay District Area 2.

Pursuant to Chapter 20 of the Acts of 2021, An Act Relative to Extending Certain COVID-19 Measures Adopted During the State of Emergency, signed into law on June 16, 2021, this meeting of the Northborough Board of Appeals will be conducted via remote participation.

APPLICATION

1. On June 22, 2021, the Applicant filed with the Town Clerk an Application for Hearing before the Zoning Board of Appeals for demolition of an existing, single-family home and construction of a new single-family home on a new position on the property located at 22 Colburn Street, Map 29, Parcel 52, in the Residential C Zoning District and Groundwater Protection Overlay District Area 2.
2. Notice of the public hearing was duly published in "THE WORCESTER TELEGRAM & GAZETTE" on July 7 and July 14, 2021; and was mailed to abutters and other parties of interest on July 2, 2021.

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 22 Colburn Street, submitted by Dave Bergstrom, Bergstrom Construction, on behalf of 22 Colburn Street Realty Trust, signed by Robert J. Frederico, Inspector of Buildings/Zoning Enforcement Officer, dated May 18, 2021;
 - b. An 8.5" x 11" black and white copy of page 7-77 of the Town of Northborough's Municipal Code, with section 7-08-060 A(3) circled;
 - c. A certified abutters list for parcels 300 feet from 22 Colburn Street, Northborough, MA prepared by the Northborough Board of Assessors, and a

GIS Viewer Map of the site, titled 22 Colburn Street-300ft abutters, both dated May 27, 2021;

- d. A Deed for 22 Colburn Street, Northborough, Worcester County, Massachusetts, recorded at the Worcester District Register of Deeds on August 31, 2020, Bk: 63157, Pg: 51;
- e. One 8.5" x 11" letter in support of the petition for a special permit at 22 Colburn Street, addressed to the Northborough Zoning Board of Appeals, dated June 12, 2021, from each of the following: Walter Liljestrand, Jr., 10 Colburn Street; Anuradha and Sampath Pathirana, 16 Colburn Street; Thomas Sturgis, 20 Colburn Street; William King and Anne Marie King, 26 Colburn Street; Bradford Gallivan and Michelle Gallivan, 28 Colburn Street; Brian Flanders, 27 Overlock Park; David Mason, 32 Colburn Street; Zephyr Realty Trust, Deb Reynolds, Trustee, 22 Colburn Street; Overlock Realty Trust, Debra Reynolds, Trustee (twelve in total);
- f. An 8.5" x 11" color copy of a photograph of a white, two-story house;
- g. An 8.5" x 11" color copy of the proposed house to be built;
- h. An 8.5" x 11" color copy of the proposed house to be built, with 'reverse this' written on blue ink below the image;
- i. An 11" x 17" black and white sheet entitled 'ZBA Petition Plan, 22 Colburn Street' prepared by Connorstone Consulting Civil Engineers and Land Surveyors, dated June 16, 2021;
- j. A set of seven 11" x 17" color sheets entitled 'New Construction Plans, Single Family Home, Reynolds Residence, 22 Colburn Street, Northborough, MA', prepared by Pamela Bleakney, PNB Interior Design, Inc., dated June 18, 2021, labeled as follows; and
- k. A 24" x 36" color sheet entitled 'Proposed Site Plan of 22 Colburn Street; prepared by Connorstone Engineering, Inc., for 22 Colburn Street Realty Trust, 22 Colburn Street, dated June 16, 2021.

HEARING

Mr. Robert Reynolds Jr., Trustee of the property at 22 Colburn Street, presented the Application at a duly noticed public hearing of the Board on July 27, 2021. Participating Board members were: Fran Bakstran, Chair; Dick Rand, Mark Rutan; Alternate member Jeffrey Leland was elevated to a voting member as Brad Blanchette was not present at the start of the hearing.

Mr. Reynolds explained that he would like the board's permission to demolish the current, dilapidated building on the property and build a new dwelling in a different location on the lot. Since the property has approximately 18' of frontage, he would like to have the new house pushed closer to the road so that more back yard space can be gained.

Chair Bakstran explained that the need for a special permit is because they are demolishing the house and not placing it on the current footprint and said it gave the board the opportunity to meet current standards versus what was in place when the house was originally built.

Dave Bergstrom, Bergstrom Construction, added that they would like to keep the house more centrally placed on the lot utilizing setbacks as close to the lot lines as possible while keeping away from the pond.

Brad Blanchett joined the meeting at this time.

Mr. Bergstrom said that Northborough Septic installed the septic system in 2016. The last resident at that property was evicted years ago so the system has not been in use. Mr. Frederico said that he had visited that property approximately 5 years ago and at that time, the house was in such a deplorable condition that they had to revoke occupancy. In his opinion, the current house is beyond any kind of feasible repair.

Mr. Bergstrom said that plans are in place to connect the current system to the new house. All utilities will be new. All debris will be removed, including the foundation.

Mr. Rutan asked if they will come in at the 18' frontage on Colburn Street. Mr. Bergstrom said that they will be coming in through the driveway to utilize the little bit of frontage they have. He said, with the new driveway, they will bring it out as close to that piece of frontage at Colburn Street. He said that the Conservation Agent, Mia McDonald, informed them that they will be over 100' back on the new location versus the current location.

Chair Bakstran said that the application packet included a drawing that refers to silt fencing and asked if that is in place to protect the pond from demolition and building, and should it be included in any decision? Mr. Frederico said that the current house, as it sits in the demolition zone, is within the 100' buffer, so he thought that the Conservation Agent would want the silt fence in place to protect the pond from the demolition and from construction once it begins on the new building, and until new vegetation comes back to stabilize the soil.

Chair Bakstran asked if there were any members of the audience who had any questions. There were no questions from the audience.

The hearing was closed on July 27, 2021.

FINDINGS OF FACT

1. The subject property is located at 22 Colburn Street, Map 29, Parcel 52, in the Residential C Zoning District and Groundwater Protection Overlay District Area 2.
2. The Applicant is seeking a Special Permit for demolition of an existing, single-family home and construction of a new single-family home on a new position on the property located at 22 Colburn Street, Map 29, Parcel 52, in the Residential C Zoning District and Groundwater Protection Overlay District Area 2.
3. Per section 7-08-060A(3), a nonconforming structure may be reconstructed after a catastrophe or after demolition; in the event that the proposed reconstruction would cause the structure to be located other than on the original footprint, a special permit shall be required from the Zoning Board of Appeals prior to such demolition.

4. The proposal is in substantial harmony with the Northborough Master Plan and other plans approved or amended from time to time by the Northborough Planning Board, and with the purposes of this bylaw.
5. Adequate and appropriate facilities will be provided for the proper operation of the proposed use.
6. The use as developed will not adversely affect the neighborhood.
7. The proposed use will conform to any special requirements of the special permit granting authority as stated in its written decision.

DECISION

1. **On July 27, 2021**, after due consideration of the Application, the Board unanimously voted to Grant a **SPECIAL PERMIT** for the demolition of an existing single-family home and construction of a new single family home on a new position on the property located at 22 Colburn Street, Map 29, Parcel 52, in the Residential C Zoning District and Groundwater Protection Overlay District Area 2, with the condition of use of the silt fence as recommended by the Conservation Agent and Building Inspector.
2. The **SPECIAL PERMIT** 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."
3. If the rights authorized by the **SPECIAL PERMIT** 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.
4. 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.

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



Fran Bakstran, Chair