



# TOWN OF NORTHBOROUGH Zoning Board of Appeals

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## DECISION

NORTHBOROUGH TOWN CLERK  
ROUD 2022 JUN 8 PM 3:56

**ZBA CASE NO. 22-02**

**PROPERTY LOCATION: 22 Stone Drive**

**PETITIONER: Stephanie Bayliss**

**PROPERTY OWNER: Stephanie Bayliss, Trustee for Stephanie M Bayliss 2021 Revocable Trust**

**DEED RECORDED WITH THE WORCESTER DISTRICT REGISTRY OF DEEDS: Book 65825, Page 78**

This document is the **DECISION** of the Northborough Zoning Board of Appeals on the petition of Stephanie Bayliss for a Special Permit and Special Permit with Site Plan Approval to allow the accessory home personal service use of a real estate broker on the property located at 22 Stone Drive, Map 14, Parcel 52, in the Residential B District.

## APPLICATION

1. On March 3, 2022, the Applicant filed with the Town Clerk an Application for Hearing before the Zoning Board of Appeals for a Special Permit and Special Permit with Site Plan Approval to allow the accessory home personal service use of a real estate broker on the property located at 22 Stone Drive, in the Residential B District.
2. Notice of the public hearing was filed with the Town Clerk on April 27, 2022, duly published in "THE WORCESTER TELEGRAM & GAZETTE" on May 1, 2022 and May 8, 2022, and was mailed to abutters and other parties in interest on May 4, 2022.

## 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 Stone Drive, submitted by Stephanie Bayliss and signed by Robert J. Frederico, Inspector of Buildings, on November 17, 2022; and
  - b. A certified abutters list for parcels 300 feet from 22 Stone Drive, Map 14, Parcel 52, and a MA GIS Viewer maps entitled "Certified Abutters List – 22 Stone Drive – 300' radius", dated January 24, 2022; and
  - c. A deed for 22 Stone Drive, Northborough, Worcester County, Massachusetts, recorded at the Worcester District Register of Deeds on August 12, 2021, Bk: 65825 Pg: 78; and
  - d. A Mortgage Inspection Plan for 22 Stone Drive, dated July 26, 2021, prepared by Reney, Moran & Tivnan Registered Land Surveyors; and
  - e. A MA GIS Viewer map of 22 Stone Drive dated November 18, 2021.

## **HEARING**

Stephanie Bayliss presented her application at a duly noticed public hearing of the Board on May 24, 2022 at which opportunity was given to all interested to be heard in favor of or opposition to the application. The public hearing was broadcast on Northborough Public Access Television and live-streamed via ZOOM video and audio conferencing, allowing members of the public to participate in the hearing through real-time active participation, in accordance with Governor Baker's Executive Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, S20, dated March 12, 2020 and Chapter 20 of the Acts of 2021. Participating Board members were Chair Paul Tagliaferri, Fran Bakstran, Brad Blanchette, Mark Rutan; and Alternate Jeff Leland. After listening to the testimony, the Board closed the public hearing.

## **FINDINGS OF FACT**

1. The subject property at 22 Stone Drive is in the Residential B District.
2. The Applicant proposes to conduct her real estate brokerage business in the single-family home on the subject property.
3. In Chapter 7-05, Use Regulations, of the Northborough Zoning Bylaw, the Applicant's real estate brokerage business falls under the classification of a Home Personal Service.
4. In the Residential B District, the use of a Home Personal Service required a Special Permit per Section 7-05-030, Table 1. Table of Uses. Part A. Residential Districts, Accessory Uses, Home Personal Service, of the Northborough Zoning Bylaw.
5. In the Residential B District, a Home Occupation is defined as an occupation conducted as an accessory use in an owner-occupied detached single-family dwelling or a detached accessory structure, by the resident owner or members of the owner's family.
6. The Applicant owns and occupies the single-family home on the subject property at 22 Stone Drive.
7. The Applicant's business is a virtual brokerage, she does not meet with clients at her home.
8. The only traffic associated with this business will be clients occasionally dropping off checks to her mailbox.
9. The Applicant will not install a sign advertising her business. The business will be listed on her mailbox only.
10. The Applicant will not change the house or lot in any way.
11. The use is in substantial harmony with the Northborough Master Plan and with the purposes of the Northborough Zoning Bylaw.
12. The subject property is an appropriate location for such use, as the house is in a residential neighborhood and the Applicant will use the home office in which to conduct her virtual brokerage business.
13. The use as presented will not adversely affect the neighborhood and there will be no nuisance or serious hazard to vehicles or pedestrians.
14. Adequate and appropriate facilities will be provided for the proper operation of the proposed use.
15. The proposed use will conform to any special requirements of the special permit granting authority as stated in its written decision.

16. The proposal could not reasonably alter to reduce adverse impacts on the natural environment, to be compatible with historic development patterns of the town, or to preserve historically significant buildings.

**DECISION**

1. On May 24, 2022, after due consideration of the Application, the Board voted unanimously to **GRANT a SPECIAL PERMIT** per Section 7-05-030, Table 1. Table of Uses. Part A. Residential Districts, Accessory Uses, Home Personal Service, and **SPECIAL PERMIT WITH SITE PLAN APPROVAL** per Section 7-03-050(A)(2) of the Northborough Zoning Bylaw, to allow the use of a real estate brokerage business on the property located at 22 Stone Drive, Map 14, Parcel 52, with the following conditions:
  - a. In the event the Applicant moves from the subject property, the Special Permit shall not be transferrable to any future tenants or property owners.
  - b. The Special Permits shall not be transferable to any other home occupation.
  - b. There shall be no signs on the property for the purpose of advertising the proposed real estate brokerage business.
  - c. There shall be no employees of the proposed real estate brokerage business working on the site, other than the Applicant.

Roll Call vote was taken by members and was as follows:

- d. Mr. Rutan "aye"
  - e. Ms. Bakstran "aye"
  - f. Mr. Blanchette "aye"
  - g. Chair Tagliaferri "aye"
2. 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.
  3. The **SPECIAL PERMITS** 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."
  4. If the rights authorized by the **SPECIAL PERMITS** are not exercised within two years from the time of granting, it shall lapse in accordance with the provisions of Massachusetts General Laws, Ch. 40A, Sec. 10.

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

  
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Paul Tagliaferri, Chairman