



TOWN OF NORTHBOROUGH Zoning Board of Appeals

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DECISION

ZBA CASE NO. 21-07

PROPERTY LOCATION: 27 Ridge Road

PETITIONERS: Bruce and Diana Wentworth

PROPERTY OWNERS: Bruce and Diana Wentworth

Recorded with the Worcester District Registry of Deeds: Bk: 18040 Pgs 195-197

NORTHBOROUGH TOWN CLERK
RCUD 2021 AUG 20 AM 11:45

This document is the **DECISION** of the Northborough Zoning Board of Appeals to consider the petition of Bruce and Diana Wentworth for a Variance for construction of an attached, two-car garage on the property located at 27 Ridge Road, Map 65, Parcels 77 & 78, 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 17, 2021, the Applicant filed with the Town Clerk an Application for Hearing before the Zoning Board of Appeals for a Variance for construction of an attached, two-car garage on the property located at 27 Ridge Road, Map 65, Parcels 77 & 78, 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 27 Ridge Road, submitted by Bruce Wentworth, signed by Robert J. Frederico, Inspector of Buildings/Zoning Enforcement Officer, dated June 9, 2021;
 - b. A certified abutters list for parcels 300 feet from 27 Ridge Road, Northborough, MA prepared by the Northborough Board of Assessors, and a GIS Viewer Map of the site, titled 27 Ridge Road-300ft abutters, both dated June 7, 2021;
 - c. A Deed for 27 Ridge Road, Northborough, Worcester County, Massachusetts, recorded at the Worcester District Register of Deeds on June 25, 1996, Bk: 18040, Pages: 195-197;

- d. A letter in support of the petition for a variance at 27 Ridge Road, addressed to the Northborough Zoning Board of Appeals, dated June 10, 2021, from Jodi Wilson, 1 Danforth Road, Northborough;
- e. A letter in support of the petition for a variance at 27 Ridge Road, addressed to the Northborough Zoning Board of Appeals, dated June 10, 2021, from Robert Midgley, 25 Ridge Road, Northborough;
- f. A letter in support of the petition for a variance at 27 Ridge Road, addressed to the Northborough Zoning Board of Appeals, dated June 12, 2021, from Samantha McDermott, 3 Danforth Road, Northborough;
- g. An 8.5" x 11" color copy of an aerial view of 27 Ridge Road showing placement of the proposed garage;
- h. An 18" x 24" black and white sheet entitled 'Plot Plan of Land', prepared by Guerard Survey Co. and Association, for 27 Ridge Road, dated November 20, 2020; and
- i. A set of three 24" x 36" color plans prepared by R.C. Searles Associates, for Owner Bruce Wentworth, 27 Ridge Road, Northborough, dated June 1, 2021, labeled respectively: Page 1, Foundation Plan/Floor Plans/Framing Plans; Page 2, Elevations/Cross Section; and Page 3, Portal Frame/Schedules/Notes.

HEARING

Mr. Bruce Wentworth, owner of the property at 27 Ridge Road, 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 and Mark Rutan; Alternate Jeffrey Leland was elevated to a Voting Member as Brad Blanchette and Paul Tagliaferri both were absent.

Mr. Wentworth is proposing to build an attached, two-car garage on the south side of his house. The property consists of a single-family home on two adjoining parcels. It is the peculiar shape of the southern border of the lot, caused by the adjoining of parcels 77 and 78, that requires a variance in order to build the garage.

Mr. Robert Frederico, Building Inspector and Zoning Enforcement Officer, explained that, years ago, if one had an abutting piece of property that was non-conforming or non-buildable, the common property line became nonexistent, and in this case, that piece of land was merged with the main lot, as indicated by the 'Z' on the plot plan. Ms. Kathy Joubert, Town Planner, clarified that this is a merged lot.

Mr. Wentworth stated in his application that the southwest corner of the proposed garage is slightly out of compliance by 1.2" but soon returns to compliance due to the widening of the triangle comprising parcel 78. The southeast corner of the proposed garage is out of compliance by 7' due to a unique location in the property line created by the eastern-most adjoining point of parcel 77 to parcel 78. A significant portion of the southwest corner of the proposed structure would need to be eliminated rendering the project useless. Additionally, Mr. Wentworth stated that the point of land that created the key hardship is embedded within a dense hedgerow of forsythia and that there are no plans to disturb this natural divider between the properties.

Mr. Wentworth shared letters of support from his immediate abutting neighbors: Jodi Wilson, 1 Danforth Road; Robert Midgley, 25 Ridge Road; and Samantha McDermott, 3 Danforth Road.

Chair Bakstran noted that the current driveway is on the opposite side of the home and asked the Applicant why he is choosing an area to build on that requires a variance versus the other area. Mr. Wentworth said he had no hope of achieving compliance on the other side.

Mr. Rand asked the Applicant if he had considered moving this closer to the street to avoid the 7' difficulty. Mr. Wentworth said that wedge again posed some difficulties.

Chair Bakstran asked about the roof overhang with the setback. Mr. Wentworth said the upper portion of the garage will be in the footprint configuration as the entire house, there is no issue.

Chair Bakstran asked Mr. Frederico to clarify the relief needed and he stated that looking at the 8' to that side corner, and the Applicant has 14.9 at the front point of the garage, if the board were to grant relief so that the garage is no closer than 7' to the property line, it would take care of both ends of the garage.

Mr. Leland asked the Applicant if, in speaking to neighbors about his plans, did he mention possibly buying a few extra feet at the end of the wedge, is that a viable option? Mr. Wentworth said no, the neighbor in question is a new owner of her property and he did not raise that subject.

Mr. Leland said if the garage were to be moved forward, there wouldn't be the need for the 8' but it would require a change to the garage. Mr. Wentworth's opinion was that it would introduce complications as they are intending to have access to the garage from the basement; the house is a split level, it's not difficult to get rear egress, and they've aligned the garage with the other roof lines, and he was concerned about having a good look from the street.

There were no further questions from the board or staff. There were no questions from the public.

The hearing was closed on July 27, 2021.

FINDINGS OF FACT

1. The subject property is located at 27 Ridge Road, Map 65, Parcels 77 & 78, in the Residential C Zoning District and Groundwater Protection Overlay District Area 2.
2. The Applicant is seeking a Variance for construction of an attached, two-car garage on the property located at 27 Ridge Road, Map 65, Parcels 77 & 78, in the Residential C Zoning District and Groundwater Protection Overlay District Area 2.
3. In Residential C, the minimum side setbacks are 15' per 7-06-030, Table 2.
4. A literal enforcement of the applicable provision of the Zoning Bylaw would involve substantial hardship, financial or otherwise, but not of a personal nature, to the petitioner or appellant.
5. The hardship is owing to circumstances relating to soil conditions, shape or topography of the land or structures, affecting only the subject land or structures but not affecting generally land or structures in the same zoning district.

6. The relief sought may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the Bylaw.

DECISION

1. **On July 27, 2021**, after due consideration of the Application, the Board unanimously voted to Grant a **VARIANCE** to allow an impact of 8' onto the 15' side setback to allow construction of an attached, two-car garage on the property located at 27 Ridge Road, Map 65, Parcels 77 & 78, in the Residential C Zoning District and Groundwater Protection Overlay District Area 2.
2. 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."
3. 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.
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