



TOWN OF NORTHBOROUGH Zoning Board of Appeals

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Approved 1.22.19

Zoning Board of Appeals Meeting Minutes November 27, 2018

Members Present: Brad Blanchette, Chairman; Mark Rutan, Clerk; Fran Bakstran, Paul Tagliaferri, Dick Rand and Leslie Harrison

Others Present: Kathy Joubert, Town Planner; Bob Frederico, Inspector of Building/Zoning Enforcement Officer; Amy Poretsky, Anthony Ziton, Kerri Martinek and Aaron Titus

Chairman Brad Blanchette opened the meeting at 7:00 pm.

To consider the petition of Aaron Titus for a Variance to allow a proposed 12-foot by 20-foot accessory building to be located less than the required 30 feet from a northern property line on the property located at 375 Howard Street, Map 20, Parcel 4, in the Residential A District

Applicant Aaron Titus presented the Application, stating he is seeking a Variance to construct a proposed 12-foot by 20-foot storage building that will be located within the 30-foot setback of the northerly property line, on his property at 375 Howard Street. The property is in the Residential A District and is considered a pork-chop lot, with 50 feet of frontage, 30-foot setbacks, and 188,179 square feet of lot area (4.32 acres).

Mr. Titus noted the site is densely populated with trees. In addition, there are boulders, rock shoulders and retaining walls on the site. However, the proposed building site, near the northern property line, is free of trees and has hard, largely undisturbed soil which is ideal for supporting the foundation.

Mr. Titus stated the proposed storage building will house heavy equipment, including a tractor, for property upkeep such as snow removal and needed pavement access during the winter.

In a letter addressed to the Northborough Zoning Review Board, from direct abutter, Karl Eisenhofer, 377 Howard Street, Northborough, Mr. Eisenhofer stated "Aaron Titus has explained to us that he is applying for a variance to the thirty foot setback regulation, asking fifteen feet setback for the purpose of building a storage building. We support his request and do not have any objections to a fifteen foot setback for this purpose."

In the Residential A District, a minimum frontage of 50 feet shall be permitted, provided that the building lot size shall not be less than 170,000 square feet in area and no part of the lot between the front line of the building and street line shall be less than 50 feet in width. In addition, lots with reduced frontage shall require a minimum setback of 30 feet from all lot lines, including for accessory structures such as a swimming pool. Therefore, a Variance is required from Section 7-06-030B(3)(d) Density and Dimensional Regulations, Supplemental Regulations, Lot Frontage, Minimum Setback, to allow a proposed 12-foot by 20-foot storage.

Mr. Rand motioned to close the hearing, Ms. Bakstran seconded the motion and the vote was unanimously in favor of the motion.

The public hearing was closed on November 27, 2019.

The members discussed the project and determined that, due to circumstances relating to the proximity of the paved ways to the lot lines, combined with topographical features of boulders, rocks shoulders, and retaining walls, that make it extremely difficult to meet the 30-foot side setback, and very expensive to relocate the pavement, the trees, or the rock wall in order to construct the subject storage building, a literal interpretation of the Zoning Bylaw would involve substantial hardship; adequate and appropriate facilities will be provided for the proper operation of the use of the proposed 12-foot by 20-foot storage building on the site; the proposed storage building will not adversely affect the neighborhood nor will there be any nuisance or serious hazard to vehicles or pedestrians; and the relief sought will not constitute substantial detriment to the public good and may be given without nullifying or substantially derogating from the intent or purpose of the Northborough Zoning Bylaw.

Decision

Ms. Bakstran motioned to grant a **VARIANCE** to allow a proposed 12-foot by 20-foot storage building to be no less than 15 feet from the northern property line, on the property located at 375 Howard Street, Map 20, Parcel 4, in the Residential A District, due to the topography of the site and the letter in support of the project submitted by the abutting neighbor at 377 Howard Street. Mr. Rand seconded the motion and the vote was unanimously in favor of the motion.

Old/New Business

Master Plan Updates: Ms. Bakstran and Ms. Joubert gave an overview of the last Master Plan Steering Committee meeting that was held on November 1, 2018. Topics discussed were as follows: Applefest; October 4th Public Forum and 1st & 2nd survey results; Vision Statement revisions; Goals Discussion, including Land Use (approved); Housing (approved); Economic Development (approved); Natural, Cultural, and Historic Resources (approved); Open Space and Recreation (approved); Public Facilities and Services (approved); and Transportation (approved).

In addition, members and staff reviewed the 1998 Master Plan regarding which goals and recommendations were accomplished by the town.

2019 Proposed Zoning Amendments

Ms. Joubert reported the Planning Board is seeking input from the ZBA regarding an amendment Planning Board member Amy Poretsky has proposed to the Planning Board regarding non-conforming uses and structures. Ms. Poretsky has suggested changes be made to Section 7-08-020 A. such that a new use would be considered if only it reduces the degree of nonconformity and if the change from one nonconforming use to another nonconforming use is less detrimental than the existing nonconforming use. The current language in the zoning bylaw allows for a change or substantial extension of the use and changing one nonconforming use to another nonconforming use. Ms. Poretsky would also like to add a definition for “substantial”.

Mr. Rand stated he is fine with the existing bylaw and that it has worked well in the past, particularly with the ZBA being able to deny the proposed ball fields at the Indian Meadow Golf Course. Regardless of definitions, “substantial” and “detrimental” means something different to each person.

Ms. Bakstran offered she may consider changing language to reflect “equal to or lesser than” but needs more time to review.

Board members directed Ms. Joubert to draft language for them to consider before they made any commitment to supporting a proposed change.

The meeting adjourned at 8:40pm.

Respectfully submitted,

Debbie Grampietro,
ZBA Administrative Assistant