



TOWN OF ASHLAND, MASSACHUSETTS
101 MAIN STREET, ASHLAND, MA 01721
OFFICE OF THE
ZONING BOARD OF APPEALS

John Trefethen, ZBA Chairman

Peter Matchak, Town Planner
Emma Snellings, Assistant Town Planner

ZONING BOARD OF APPEALS DECISION
CASE Special Permit 1-20

MAP 29, LOT 078
BOOK: 43387, PAGE: 409

LOCUS: 244 Prospect Street
PETITIONER: Kristin and Michael Grimes
PROPERTY OWNER: Kristin and Michael Grimes

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At the Public Hearing on December 10, 2019, the Zoning Board of Appeals (the "Board") voted 3-0 to grant a special permit for an Accessory Family Dwelling Unit (the "Project") at 244 Prospect Street (the "Locus").

Kristen and Michael Grimes, owners, applied for a Special Permit per Chapter 40A, Section 6 of the Massachusetts Zoning Act and Chapter 282, Sections 7.6 (Accessory Family Dwelling Unit) and 9.3 (Special Permits) through the Ashland Bylaws to allow for the construction of an addition to be used as an Accessory Family Dwelling Unit as shown on the plans and documents submitted to the Town of Ashland on October 16, 2019. The locus is located on the westerly side of Prospect Street in a Residential A (RA) Zoning District.

The Project shall be constructed and operated in accordance with the terms and conditions hereinafter specified.

BACKGROUND AND PROCESS

1. The Zoning Board of Appeals (the "Board") received an Application for a Special Permit on October 16, 2019.
2. The application packet for a Special Permit, stamped in by the Town Clerk on October 16, 2019, contained the following:
 - a. Completed Application case I.D. SP1-20.
 - b. Abutters list for 244 Prospect Street dated October 9, 2019.
 - c. Floor Plan, titled "Grimes 244 Prospect St" showing Proposed 1st Floor Plan, Left Elevation, Rear Elevation, Right Elevation.
3. Other documents submitted:
 - a. Building Permit Denial dated September 27, 2019.
 - b. Amended Application case I.D. SP1-20.

- c. Property Card for 244 Prospect Street
- d. Site Plan titled "Plot Plan of Land in Ashland/Holliston Massachusetts; Drake Associates, Inc., 770 Grove Street Framingham, Mass; Scale of 1"=60feet; October 3, 1983"
- e. Architectural Plans titled "Renovation for Grimes/Kenny 244 Prospect St, Ashland MA; Scale ¼" =1'; Dated 2019-12-6; Prepared by Matthew A. Bouchard, Registered Architect #50766."

The foregoing memoranda and letters were read into the record and are incorporated in this decision by reference and made a part hereof.

FACTS & EVIDENCE

This request was received on October 16, 2019 and a public hearing was scheduled for November 12, 2019 at 7:00 PM. Notice of the public hearing was published in the MetroWest Daily News on Monday, October 28, 2019 and Monday, November 4, 2019.

The public hearing was posted in the Ashland Town Hall and provided to all "parties of interest," including all abutters, as required by MGL Chapter 40A, Section 11.

The public hearing commenced as scheduled on November 12, 2019. The public hearing was continued to December 10, 2019. The following members were seated on the public hearing: Mr. Trefethen, Mr. Siegel and Mr. Band.

At the public hearing on November 12, 2019, the applicants Kristin and Michael Grimes presented testimony siting the need for the development of additional living space to create an Accessory Family Dwelling Unit for Ms. Grimes' parents. The proposed addition includes two bedrooms both measuring 10'4"x11'6", a kitchen measuring 11'4"x11'10", an eating area measuring 11'4"x9', a living area measuring 11'4"x11'6" and a bathroom measuring 10'4"x6'. At the continued public hearing on December 10, 2019, the Board received updated application materials. Public comment from both meetings can be found in the approved meeting minutes for the public hearing.

The Board then voted to close the public hearing and enter into deliberations.

FINDINGS BY THE BOARD

The Board, after review of the facts, plans, and evidence presented at this hearing, and after deliberations reviewing all submitted material, the Board makes the following findings for Special Permit application of Kristin and Michael Grimes, zoning case SP1-20 in order to develop an Accessory Family Dwelling at 244 Prospect Street. The Zoning Board concludes the following:

- A. The desired Special Permit may be granted without nullifying or substantially derogating from the intent and/or purpose of the Zoning By-Laws as the additional construction of a 794 sq. ft. of living space for an Accessory Family Dwelling will be situated in a manner which will not tend to intrude upon adjacent residences, nor create an appearance of building congestion on this parcel or in this neighborhood.

- B. The desired relief may be granted without substantial detriment to the public good, as the proposed 794 sq. ft. of additional living space shall be to the rear of the home. 244 Prospect Street will remain consistent in scale, character and appearance with neighboring homes, and will tend to enhance this property and the neighborhood in general.
- C. The Accessory Family Dwelling Unit will be inhabited by less than four persons, and the owner of record is an occupier of the structure, in accordance with Section 7.6.3.
- D. The locus is served by Town water and sewer.
- E. There is adequate ingress, egress and access to the Dwelling Unit. There is an interior doorway between the two units.
- F. The proposed 794 square feet of additional living space is allowed in Section 7.6.7 because it is less than 800 square feet.
- G. Floor plans and site plans were provided to the Board.
- H. The existing driveway fits 6 cars. The applicants own two cars, and two additional cars are anticipated.
- I. In reference to the criteria for granting a Special Permit in Chapter 282 Section 9.3.2 of the Ashland By-laws, the Board found that:
 - 1. The project will serve community need. The Family Accessory Dwelling Unit Permit will allow the applicant to move Ms. Grimes' parents into her existing home.
 - 2. The property has a driveway that fits six cars, the applicants currently have two cars. The traffic in the neighborhood will not be affected by the addition of one or two additional automobiles.
 - 3. Adequate public utilities, including public water and sewer, are available at the locus.
 - 4. The project will be consistent with the character of the existing residential neighborhood.
 - 5. There are no known, adverse environmental impacts from the project.
 - 6. There will be no adverse fiscal impacts on the town services due to the proposed Family Accessory Dwelling.

CONDITIONS

In accordance with Chapter 282 Section 7.6 and Section 9.2.2 (1) and Section 9.3.1 and with the criteria set forth in Chapter 282 Section 9.3.2 of the Ashland Zoning Bylaws, and on the basis of the foregoing findings, following a motion made and recorded, and after due and open deliberation, the Board by unanimous vote grants Kristin and Michael Grimes a Special Permit to construct an Accessory Family Dwelling Unit to the rear of the existing house at 244 Prospect Street, subject to the following conditions:

- 1. The resident of the proposed Accessory Family Dwelling Unit shall be a relative of the home owner.
- 2. The occupants shall comply with Chapter 282, Section 7.6.3, stating that "Such additional family living area shall be limited to a maximum of four (4) persons, so conditioned, provided, further, that the owner of record is an occupier of the structure which includes the accessory unit."

3. The proposed Accessory Dwelling Unit shall have two (2) bedrooms and shall be constructed substantially as represented on submitted Zoning Board of Appeals Plan received by the Ashland Development Office on October 16, 2019, referred to herein.
4. The Applicant shall comply with all requirements of Chapter 282 Section 7.6 of the Ashland Bylaws.
5. If the basement of the Accessory Dwelling Unit addition is to be converted to living space, the applicant must modify this special permit.
6. The Applicant shall comply with any and all other relevant By-Laws.
7. The Applicant shall comply with any and all Ashland and Massachusetts State Building Codes.
8. This Decision shall be recorded at the South Middlesex Registry of Deeds. Proof of such recording shall be submitted to the Ashland Building Department and Planning Department prior to issuance of a Building Permit.

The following members sat and voted on this hearing:

John Trefethen, Chair, voted to grant the Special Permit 1-20 as stated.

Stuart Siegel, Member, voted to grant the Special Permit 1-20 as stated.

Nathan Band, Associate Member, voted to grant the Special Permit 1-20 as stated.

Pursuant to Section 9.4.17 of the Ashland Zoning Bylaws, any appeal to this decision shall be made in accordance with M.G.L. c. 40A, § 17 and shall be filed within 20 days of the date this decision was stamped by the Town Clerk's Office.

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SIGNATURE PAGE FOLLOWS.**

TOWN OF ASHLAND – ZONING BOARD OF APPEALS DECISION

The vote of the Board in favor of granting a modification to Special Permit 1-20 in order to construct an Accessory Family Dwelling Unit, subject to conditions as outlined above, for the property located at 244 Prospect Street, Map 29, Lot 078, was:

By: 
John Trefethen, Board Chair

By: 
Stuart Siegel, Member

By: 
Nathan Band, Associate Member

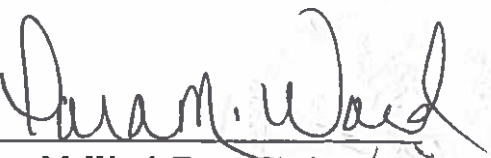
Filed with the Town Clerk on:

Date: January 15, 2020


Tara M. Ward, Town Clerk

I HEREBY CERTIFY THAT TWENTY DAYS HAVE ELAPSED FROM THE DATE THIS DECISION WAS FILED IN THE TOWN CLERK'S OFFICE AND THAT NO APPEAL HAS BEEN FILED.

Date: February 5, 2020


Tara M. Ward, Town Clerk