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

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[Signature]

John Trefethen, ZBA Chairman

Peter Matchak, Town Planner
Emma Snellings, Assistant Town Planner

ZONING BOARD OF APPEALS DECISION
CASE Special Permit 6-21



Bk: 01192 Pg: 186 Cert#: 212536
Doc: DECIS 10/29/2021 12:31 PM

MAP 20, LOT 248

LOCUS: 511 Main Street / *unnumb. Lot*
PETITIONER: Joseph and Elaine Donovan
PROPERTY OWNER: Joseph and Elaine Donovan

At the Public Hearing on August 24, 2021, the Zoning Board of Appeals (the "Board") voted 3-0 to grant a special permit at 511 Main Street (the "Locus").

Joseph and Elaine Donovan, petitioner, applied for a Special Permit per Chapter 40A, Section 6 of the Massachusetts Zoning Act and Chapter 282, Sections 3.3 (Non-Conforming Uses and Structures) and 9.3 (Special Permits) of the Ashland Bylaws to allow for the construction of an addition on a pre-existing non-conforming structure which encroaches on the side yard setback. The locus is located in a Residential B (RB) Zoning District.

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

*CURRENT T.C. OWNERS
Joseph Donovan
Elaine Donovan*

BACKGROUND AND PROCESS

1. The Zoning Board of Appeals (the "Board") received an Application for a Special Permit on July 14, 2021.
2. The application packet for a Special Permit, stamped in by the Town Clerk on Jul 14, 2021, contained the following:
 - a. Completed Application case I.D. SP6-21.
 - b. Building Commissioner's Denial Letter dated June 15, 2021
 - c. Abutter's List dated July 19, 2021
 - d. Property Card for 511 Main Street
 - e. A Mortgage Inspection Plan of 511 Main Street, Ashland, Mass; Scale: 1"=20'; Dated Aug 20, 1998; Prepared by American Surveying Company, 1264 Main Street, Waltham, MA 02154.
 - f. A 3-page set of Building Plans titled; Proposed Elevations (JD-2), Sections (JD-3), Plans Views (JD-4), 511 Main Street, Ashland, MA, Scale: 1/4"=1'; dated May 16, 2021.

212536-1192-186

3. Other documents submitted:
 - a. Quitclaim Deed recorded as Registered Land Document Number 1077090.

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 July 14, 2021 and a public hearing was scheduled for August 10, 2021 at 7:00 PM. Notice of the public hearing was published in the MetroWest Daily News on Monday, July 26, 2021 and Monday August 2, 2021.

The public hearing was posted in the Ashland Town Hall and on the Town of Ashland website 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 August 10, 2021. The public hearing was continued to August 24, 2021. The following members were seated on the public hearing: Mr. Trefethen, Mr. Green and Mr. Forestal.

At the public hearing on Aug 10, 2021, the applicant presented testimony citing the need to encroach on the existing side setback to build the proposed addition, and the Board heard public comment. At the continued public hearing on August 24, 2021, the Board 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 Joseph and Elaine Donovan, zoning case SP6-21 at 511 Main 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. The Board finds that the current structure has a setback of 4' from the edge of the existing 6' x 8' foot side porch to the side property boundary. The applicant proposes to build a 9' x 12' addition on the footprint of the side porch reducing the side yard setback to one foot. While analyzing the development patterns consisting of the existing abutting properties the Board finds the proposed addition shall not be more detrimental than the existing setback of the side porch and the addition fits the neighborhood character.
- B. The Residential A zone has a minimum lot size of 20,000 square feet, minimum of 125' of frontage and a required side yard setback of 10'.
- C. The pre-existing non-conforming lot has an area of 7,200 sq. ft., and 60' of frontage along Main Street. The pre-existing non-conforming structure has a side yard setback of 4', and the proposed addition will have a setback of 1 foot.
- D. No abutters or members of the public spoke in opposition of the application.

- E. 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:
- F. The project will serve community need. The Special Permit would allow the construction of an addition to expand living space of the current residents.
- G. Traffic flow and parking will not be negatively affected by the proposed addition.
- H. Adequate public utilities, including public water and sewer, are available at the locus.
- I. The existing neighborhood is residential, and the project will be consistent with the character of the existing neighborhood.
- J. There are no impacts to the natural environment from this project.
- K. There will be no adverse fiscal impacts on the town services due to the proposed building.

CONDITIONS

In accordance with Chapter 282 Section 3.3 (Nonconforming Uses and Structures), and with the criteria set forth in Chapter 282 Section 9.3 (Special Permits) 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 Joseph and Elaine Donovan a Special Permit to construct an addition on a pre-existing non-conforming structure which encroaches on the side yard setback at 511 Main Street subject to the following conditions:

1. The Applicant shall comply with any and all other relevant By-Laws.
2. The Applicant shall comply with any and all Ashland and Massachusetts State Building Codes.
3. During construction, the applicant shall conform to all local, state, and federal laws regarding noise, vibration, dust, and blocking of any roadways. The applicant shall at all times use all reasonable means to minimize inconvenience to nearby residences and businesses. Hours of construction shall be limited to 7:00 AM to 7:00 PM, Monday through Saturday, with no construction on Sunday or any state or federal holiday.
4. The applicant shall comply with any requirements of the Building Department.
5. 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 6-21 as stated.

Brian Forestal, Member, voted to grant the Special Permit 6-21 as stated.

Chuck Green, Associate Member, voted to grant the Special Permit 6-21 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.

TOWN OF ASHLAND – ZONING BOARD OF APPEALS DECISION

The Board voted in favor of granting Special Permit 6-21 in order to construct an addition on a pre-existing non-conforming structure which encroaches on the side yard setback subject to conditions as outlined above, for the property located at 511 Main Street, Map 20, Lot 248.

Date: August 31, 2021


John Trefethen, Board Chair

Br.

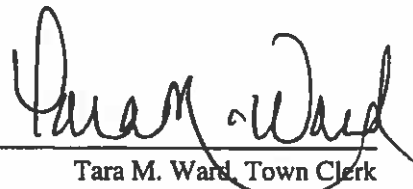
Brian Forestal, Member



Chuck Green, Associate Member

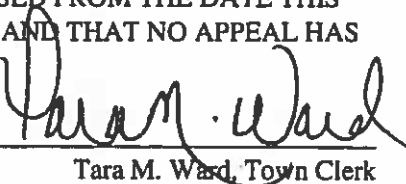
Filed with the Town Clerk on:

Date: August 31, 2021


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: September 22, 2021


Tara M. Ward, Town Clerk

①

Doc 01898014

Southern Middlesex Land Court
Registry District

RECEIVED FOR REGISTRATION

On: Oct 29, 2021 at 12:31P

Document Fee 105.00

Receipt Total: \$109.00

NOTED ON: CERT 212536 BK 01192 PG 186

ALSO NOTED ON:

Elaine Donovan
Joseph Donovan
511 Main St
Ashland, MA 01721