



**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 3-22**

**MAP 24, LOT 107**

**LOCUS: 14 Bartlett Road**  
**PETITIONER: Adam and Julie Bobola**  
**PROPERTY OWNER: Adam and Julie Bobola**

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2022 FEB -2 PM 12:17

At the Public Hearing on January 25, 2022, the Zoning Board of Appeals (the "Board") voted 3-0 to grant a special permit at 14 Bartlett Road (the "Locus").

Adam and Julie Bobola, 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 a second story addition on a pre-existing non-conforming structure which encroaches on the northerly side yard setbacks and front yard setback. The locus is located 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 November 10, 2021.
2. The application packet for a Special Permit, stamped in by the Town Clerk on November 10, 2021, contained the following:
  - a. Completed Application case I.D. SP3-22.
  - b. Building Commissioner's Denial Letter dated Aug 17, 2021.
  - c. Abutter's List dated Aug 24, 2021.
  - d. Property Card for 14 Bartlett Road
  - e. Certified Plot Plan titled "Land in Ashland, MA; Dated December 18, 2002; Scale: 1"=30'; Prepared by The Jillson Company, Inc. P.O. Box 2135 Framingham, MA 01703."
  - f. Renderings of the current conditions and proposed addition, dated November 2, 2021

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 November 10, 2021 and a public hearing was scheduled for January 11, 2022 at 7:00 PM. Notice of the public hearing was published in the MetroWest Daily News on Monday, December 27, 2021 and Monday, January 3, 2022.

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 January 11, 2022. The public hearing was continued to January 25, 2022. The following members were seated on the public hearing: Mr. Trefethen, Mr. Forestal, and Mr. Siegel.

At the public hearing on January 11, 2022, the applicant presented testimony citing the need to encroach on the existing northerly side setback line to build the proposed second story addition. The Board heard public comment on January 11, 2022. At the continued public hearing on January 25, 2022, 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 Adam and Julie Bobola, zoning case SP3-22 at 14 Bartlett Road. 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. While analyzing the development patterns of the existing abutting properties the Board finds the proposed addition shall not be more detrimental than the existing non-conforming structure due to the moderate height increase of 9’ and the limitation of the addition to the footprint of the existing structure.
- B. The Residential A zone has a minimum lot size of 30,000 square feet, minimum of 150’ of frontage, a required front yard setback of 40’ and a required side yard setback of 10’.
- C. The pre-existing non-conforming lot has an area of 10,200 sq. ft., and 72’ of frontage along Bartlett Road. The pre-existing non-conforming structure has side yard setbacks of 17.2’ and 5.2’, and a front yard setback of 39.7’. The proposed addition will be a second story within the footprint of the existing structure.
- 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:

- The project will serve community need. The Special Permit would allow the construction of a second story addition which will expand the living space for the applicants and allow them to stay in their home.
- Traffic flow and parking will not be negatively affected by the proposed addition.
- Adequate public utilities, including public water, are available at the locus. 14 Bartlett Road is connected to the municipal sewer.
- The existing neighborhood is residential with other two-story houses, and the project will be consistent with the character of the existing neighborhood.
- There are no impacts to the natural environment from this project.
- 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 Adam and Julie Bobola a Special Permit to construct an addition on a pre-existing non-conforming structure at 14 Bartlett Road subject to the following conditions:

1. The addition shall be built in accordance with the renderings and building height information submitted to Board with the Special Permit Application 3-22.
2. The addition shall be within the footprint of the existing structure.
3. The Applicant shall comply with any and all other relevant By-Laws.
4. The Applicant shall control all storm water on the locus to meet pre and post runoff flow amounts.
5. The Applicant shall comply with any and all Ashland and Massachusetts State Building Codes.
6. 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.
7. The applicant shall comply with any requirements of the Building Department.
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 3-22 as stated.

Brian Forestal, Member, voted to grant the Special Permit 3-22 as stated.

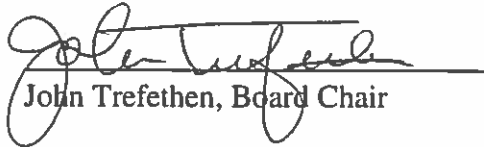
Stuart Siegel, Associate Member, voted to grant the Special Permit 3-22 as stated.

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.

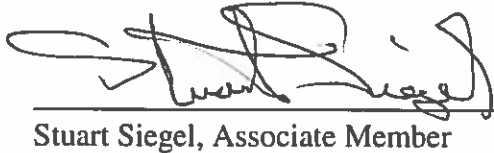
**TOWN OF ASHLAND – ZONING BOARD OF APPEALS DECISION**

The Board voted in favor of granting Special Permit 3-22 in order to construct an addition on a pre-existing non-conforming structure which encroaches on the front and side yard setbacks subject to conditions as outlined above, for the property located at 14 Bartlett Road, Map 24 Lot 107.

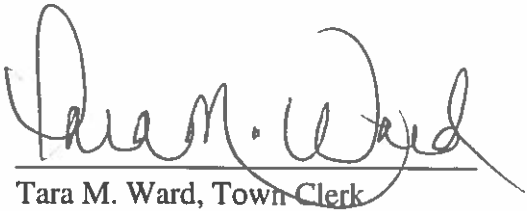
Date: February 2, 2022

  
John Trefethen, Board Chair

Brian  
Brian Forestal, Member

  
Stuart Siegel, Associate Member

Filed with the Town Clerk on:  
Date: February 2, 2022

  
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: \_\_\_\_\_

\_\_\_\_\_  
Tara M. Ward, Town Clerk