



TOWN OF HOPKINTON

OFFICE OF
BOARD OF APPEALS

TOWN HALL
18 MAIN STREET – THIRD FLOOR
HOPKINTON, MASSACHUSETTS 01748-3209

WAYNE R. DAVIES, Chairman
ROBERT W. FOSTER, Vice Chairman
THOMAS J. GARABEDIAN, Clerk

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January 13, 2005

Re: **Application for Special Permit** filed by **David Holmes**, 7 Prestwick Drive, Hopkinton, MA, 01748 regarding property at **32 Grove Street** (Assessors' Map U16, Block 238 Lot 0; **Middlesex South District Registry of Deeds Book 41216 Page 433**), Hopkinton, MA, 01748 (hereinafter the "Property").

Introduction

The Massachusetts Zoning Act having been duly complied with regarding notice, a Public Hearing was held on January 12, 2005 at 8:15 PM in the Hopkinton Town Hall.

Requested Relief

The applicant seeks to conduct his business at the Property. The applicant's business, under the name of Homestead Properties, is buying and selling real estate and reconditioning older properties for rental or re-sale. The applicant has one part-time employee. Work to be done at the Property is general office work; no construction is to be conducted there, nor will there be retail activities or commercial products bought or sold. Small tools and supplies are intended to be stored at the Property, but no heavy equipment. There is a way ("the lane") along the northerly boundary of the Property. The Property is in the Residence A (RA) District of the Hopkinton Zoning Code.

Section 210-6G lists home personal service as an allowed use in an RA District.

Section 210-4B(2) lists home personal services, including real estate broker, as a class of home occupation.

Section 210-4A(1) of the Hopkinton Zoning Code lists, as a requirement for home occupations, that the occupation is situated in the petitioner's dwelling.

Decision

Based on the application, presentation by the applicant, documents and evidence presented at the Public Hearing, the Special Permit was denied on a finding that the Property is not the applicant's dwelling, but upon his own testimony, the applicant resides at 7 Prestwick Drive, Hopkinton.

On a motion to grant the Special Permit, with the condition that no parking be allowed on "the way", the motion was defeated by the following vote:

Wayne R. Davies, Chairman	No
Robert W. Foster, Vice Chairman	No
Thomas J. Garabedian, Clerk	Yes
Henry R. Kunicki	No
Patricia Rackauskis	No

The **petition for Special Permit** is hereby ***Denied***.

Appeal of this decision, if any, shall be made pursuant to MGL c. 40A s. 17 and shall be filed within 20 days after the date of filing of the Decision with the office of the Town Clerk. No variance or special permit, or any extension, modification, or renewal thereof, shall take effect until a copy of this Decision bearing the certification of the Town Clerk that twenty days have elapsed after the Decision has been filed in the office of the Town Clerk and no appeal has been filed, shall be recorded at the South Middlesex Registry of Deeds in Cambridge, Massachusetts in accordance with MGL c. 40A s.11.

Thomas J. Garabedian, Clerk