



TOWN OF HOPKINTON

OFFICE OF
BOARD OF APPEALS

TOWN HALL
18 MAIN STREET – 3RD FLOOR
HOPKINTON, MASSACHUSETTS 01748-3209

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

WWW.HOPKINTON.ORG
ZBACHair @ Hopkinton.org
ZBAClerk @ Hopkinton.org

Re: Application for Special Permit(s) and Variance filed by Ralph A. Logan and Tracy K. Logan for property located at 56 Lakeshore Drive, Hopkinton, MA 01748 (Assessors Map Plat R33, Block 1, lot 0) with reference at Middlesex District Registry of Deeds in Book 36597, page 523. Applicants mailing address: 27 Old Farm Road, Hopkinton, MA 01748. 56 Lakeshore Drive, Hopkinton, MA is located in the Residential Lake Front (RLF) District.

The Massachusetts Zoning Act having been duly complied with regarding notice, a public Hearing was held on October 13, 2004 in Hopkinton Town Hall.

Requested Relief

The Applicant is before the Board of Appeals pursuant to MGL C. 40A s. 9 and the Hopkinton Zoning By-laws to request:

- I. A Special Permit pursuant to section to 210-128. Changes in existing uses. [Amended 4-13-1978 ATM, Art.39] This Chapter shall apply, however, and act as a bar to any change of use thereof and to any alteration of a building or structure when the same would amount to a reconstruction, extension or structural change and to any alteration of a building or structure to provide for its use for a purpose or in a manner substantially different from the use to which it was put before alteration, or for its use for the same purpose to a substantially greater extent, except where a special a special permit has been granted for the changes listed below by the Board of Appeals upon finding that the proposed change is not substantially more detrimental to the neighborhood:
 - A. Said nonconforming use, building or structure may be changed to a similar or more restricted use.

- II. A Variance, pursuant to section to 210-128. Changes in existing uses. [Amended 4-13-1978 ATM, Art.39] This Chapter shall apply, however, and act as a bar to any change of use thereof and to any alteration of a building or structure when the same would amount to a reconstruction, extension or structural change and to any alteration of a building or structure to provide for its use for a purpose or in a manner

substantially different from the use to which it was put before alteration, or for its use for the same purpose to a substantially greater extent, except where a special a special permit has been granted for the changes listed below by the Board of Appeals upon finding that the proposed change is not substantially more detrimental to the neighborhood:

B. Said nonconforming use, building or structure may be enlarged in that same use to an extent not greater than 25% in volume or area.

III. 210-11 Size and setback requirements. E. Minimum side yard width: 25 feet. A special permit for relief of 14 feet on the north side of the proposed structure has been requested.

IV. 210-11 Size and setback requirements. E. Minimum side yard width: 25 feet. A special permit for relief of 22 feet on the south side of the proposed structure has been requested.

Discussion

Vote of the Board of Appeals

After discussion, the following motion(s) were duly made and seconded:

On the motion to Grant the Application for a Special Permit pursuant to 210-128. Changes in existing uses. A. the decision/vote of the Board of Appeals was as follows: The Board finds that the proposed change is not substantially more detrimental to the neighborhood (Attached as exhibit A: proposed structure plans 6 of 6 pages). The proposed completed structure's height not to exceed 15 feet vertically from the top of the existing seawall.

Wayne R. Davies, Chairman	Yes
Robert Foster, Vice Chairman	Yes
Henry Kunicki, Full Member	Yes
Patricia Rackauskis, Associate Member	Yes

On the motion to Grant the Application for a Varance, pursuant to 210-128. Changes in existing uses. B. The Board finds the change in volume and/or area from approximately of approximately 2/3 is not substantially more detrimental to the neighborhood. The decision/vote of the Board of Appeals was as follows:

Wayne R. Davies, Chairman	Yes
Robert Foster, Vice Chairman	Yes
Henry Kunicki, Full Member	Yes
Patricia Rackauskis, Associate Member	Yes

Application for Special Permit(s) and Variance filed by Ralph A. Logan and Tracy K. Logan for property located at 56 Lakeshore Drive, Hopkinton, MA 01748

On the motion to Grant the Application relief from by-law 210-11 Size and setback requirements. E. Minimum side yard width: 25 feet. On the north side of the proposed structure, 14 feet relief was requested. The vote of the Board of Appeals was as follows:

Wayne R. Davies, Chairman	Yes
Robert Foster, Vice Chairman	Yes
Henry Kunicki, Full Member	Yes
Patricia Rackauskis, Associate Member	Yes

On the motion to Grant the Application relief from by-law 210-11 Size and setback requirements. E. Minimum side yard width: 25 feet. On the south side of the proposed structure, 23 feet relief was requested. The vote of the Board of Appeals was as follows:

Wayne R. Davies, Chairman	Yes
Robert Foster, Vice Chairman	Yes
Henry Kunicki, Full Member	Yes
Patricia Rackauskis, Associate Member	Yes

Note: Both abutting neighbors to 56 Lakeshore Drive, 51 Lakeshore and 54 Lakeshore, were in attendance at the October 13, 2004 Hearing. A letter of support (in-favor) was presented by 51 Lakeshore and the 23 year owner of 54 Lakeshore verbally supported the applicants request and proposed plans.

The Application of Special Permit(s) and Variance is hereby Granted. Appeal of this Decision, if any shall be made pursuant to MGL c. 40A s.17 and shall be filed within twenty (20) days after the date of filing of this 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 the decision bearing the certification of the town clerk that twenty (20) 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 Middlesex District Registry of Deeds in Cambridge, Massachusetts in accordance with MGL c. 40A s. 11.

***Thomas Garabedian, Clerk
Board of Appeals***
