

TOWN OF HOPKINTON
OFFICE OF
BOARD OF APPEALS

18 MAIN STREET
HOPKINTON, MASSACHUSETTS 01748

August 29, 2003

Decision

Re: **Application for Special Permit** filed by Victor Munger and Lydia Munger, both of 10 Emerson Way, Hopkinton, MA 01748 for property located at **10 Emerson Way**, (Assessors Map Plat R20, Block 18, Parcel 106), with reference at Middlesex District Registry of Deeds in Book 1257 at Page 165).

The Massachusetts Zoning Act having been duly complied with regarding notice, a Public Hearing was held on July 23, 2003 at 8:30 PM in the 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 relief from side set back requirement of the Hopkinton Zoning By-Laws 210.14.D. The Applicant's lot is located in an Agricultural District and is 77,968 square feet in area. There is an existing house on the lot.

Discussion

The petitioner seeks to build a pool shed 12 ft. x 16 ft. in size that would place it 8 ft. from the abutting property line. The Hopkinton Zoning By-Law 210-119 allows the Board of Appeals to grant relief by Special Permit regarding side yard requirements, and the Applicant requested relief under this section.

Based upon the presentation of the Applicant and evidence and testimony at the public hearing; the Board of Appeals granted a Special Permit for relief from Hopkinton

**Application for Special Permit
Victor Munger and Lydia Munger**

Page 2 of 2

Zoning By-Law 210.11.D – Side Yard Requirement, allowing the Applicant 22 feet of relief to the abutting property line, thus permitting them to maintain only an 8 foot side yard set back as requested in the Application.

Vote of the Board of Appeals

After discussion, the following motions were duly made and seconded:

On motion to **Grant** the Application for Special Permit on the respective lot, the vote of the Board of Appeals was as follows:

Robert W. Foster, Chairman	Yes
Wayne R. Davies	Yes
Russell H. Ellsworth	Yes
Ross D. Ginsberg	Yes
Henry R. Kunicki	Yes

The **Application for Special Permit** 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 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.

Robert W. Foster, Chairman
Board of Appeals