



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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February 24, 2005

DECISION

Re: **Application for Special Permit** filed by **Timothy & Susanna Estella** of 95 Saddle Hill Road, Hopkinton, MA 01748 regarding property located at 95 Saddle Hill Road, (Parcel I.D. No. R12, Block 8, Lot 3: Middlesex South Registry of Deeds **Book 25320, Page 158**) Hopkinton, Ma 01748 (hereinafter the “Property”).

Introduction

The Massachusetts Zoning Act having been duly complied with regarding notice, a Public Hearing was held December 15, 2004 at 8:30 PM in Hopkinton Town Hall.

Requested Relief

The Applicant seeks relief to construct a single bay attached garage, approximately 16' x 23', that would encroach upon the required 30 foot side setback by 16 feet.

Special Permit Review Standard

Special Permits, where granted, must be in harmony with the general purpose and intent of the zoning by-laws. Special Permits are granted for those specific uses which are deemed necessary or desirable but which are not allowed as of right because of their potential for incompatibility with the characteristics of the zoning district. Special Permits are granted only after weighing the benefits and detriments of a proposal. No one possesses a “right” to a Special Permit and the Board may deny an application for such relief in its discretion. In all matters on which it has jurisdiction to act, the Board of Appeals shall give due consideration to promoting the public health, safety, convenience and welfare, shall encourage the most appropriate use of land, and shall permit no building or use injurious, noxious, offensive, or detrimental to the neighborhood. To this end, it may prescribe appropriate conditions and safeguards in each case.

Discussion

The Applicant appeared at the public hearing, presented evidence, and requested relief under Section 210-119 of the Zoning Bylaw which is allowed through the grant of a special permit where the lot is narrow or irregular in shape.

Decision

Based on the application, presentation of the applicant, documents and evidence presented at the Public Hearing, a Special Permit was granted under section 210-119 to provide side setback relief of 16 feet for the purpose of the construction of a single bay, attached garage in accordance with the plans submitted with the application.

On a motion to grant, the Special Permit was granted as aforesaid by the following vote:

Wayne R. Davies, Chairman	Yes
Robert W. Foster, Vice Chairman	Yes
Thomas J. Garabedian, Clerk	Yes
Ross Ginsberg	Yes
Patricia Rackauskis	Yes

The application for Special Permit is hereby *Granted*.

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. 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.

Thomas J. Garabedian
Clerk, Board of Appeals