



# TOWN OF HOPKINTON

OFFICE OF  
**BOARD OF APPEALS**

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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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November 1, 2004

## **Decision**

Re: **Application for Special Permit** filed by **Dorothy M. Murphy**, 9 Walcott Street, Hopkinton MA 01748 regarding property located on 9 Walcott Street, Parcel I.D. Nos. Map U16, Block 129, Lot 0; **Middlesex South District Registry of Deeds in Book 20508, Page 120 Hopkinton, MA 01748** (hereinafter the “Property”).

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

## **Requested Relief**

The Applicant is before the Board of Appeals pursuant to MGL c. 40A s. 10 and the Hopkinton Zoning By-laws to request a special permit pursuant to Hopkinton Zoning By-Laws 210-126 for an accessory dwelling. The plan submitted disclosed square footage of in excess of 800 square feet which would prohibit the grant of a special permit under 210-126(G). However, the applicant represented at the hearing that the size would be adjusted to meet the 800 square feet limitation. The applicant also requested a rear yard set back special permit. The rear yard set back in the district is forty feet. The set back to the proposed structure would be twenty-two feet requiring eighteen feet of relief.

## **Discussion**

The Applicant seeks to add an accessory dwelling unit in which her daughter will live. The Board found therefore that the unit will be occupied by a blood relative. In addition, the Board found that there is adequate provision of parking. The requirements of the by-law regarding adequate provision for sewage, waste and drainage must meet the requirements of the

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**Applicant: Dorothy M. Murphy**  
**9 Walcott Street, Hopkinton, MA**

Board of Health. The structure, including required ingress and egress, must meet the requirements of the Director of Municipal Inspections. The structure will be adjusted to meet the 800 square foot limitation. The Zoning Enforcement Officer has opined that the proposal does not constitute a substantial change and that a special permit for change of a non-conforming structure is not required.

**Vote of the Board of Appeals**

After discussion, the following motion was duly made and seconded:

The motion was made to grant a Special Permit granting 18 feet of relief with respect to the rear yard set back as shown on the plans submitted with the Application for Special Permit. The Board voted as follows:

Wayne R. Davies, Chairman	Yes
Robert Foster, Vice Chairman	Yes
Thomas J. Garabedian, Clerk	Yes
Henry R. Kunicki	Yes

After discussion, the following additional motion was duly made and seconded:

The motion was made to grant a special permit for the addition of an accessory dwelling unit consistent with the 800 square foot limitation of the by-law. The Board voted as follows:

Wayne R. Davies, Chairman	Yes
Robert Foster, Vice Chairman	Yes
Thomas J. Garabedian, Clerk	Yes
Henry R. Kunicki	Yes

Both Applications for **Special Permit** are hereby *Granted*.

**Any and all plans or specifications submitted to the Board of Appeals that detail construction or improvements to be undertaken or performed in conjunction with the relief granted hereunder, are hereby made express conditions of the issuance of this Decision and**

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**are incorporated herein by reference. Unless this Decision expressly provides otherwise, the rights and privileges granted under a Variance run with the land; and the rights and privileges granted under a Special Permit and Appeal are personal to the Applicant or Appellant and do not run with the land; except for a Special Permit issued pursuant to Zoning By-law 210-119 for relief from side and rear set back requirements, which shall run with the land.**

**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.**

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Thomas J. Garabedian, Clerk