



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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November 11, 2004

Re: Application for variance and special permits filed by **Robert B. Marquedant** of 5 Meserve Street, Hopkinton, MA, 01748 regarding property located at 80 Winter Street, (Assessors' Map R-16, Block 8, Lot 0; Middlesex South District Registry of Deeds Book 36, 236 Page 180) Hopkinton, MA 01748 (herein after the "Property").

Introduction

The Massachusetts Zoning Act having been duly complied with regarding notice, a Public Hearing was held on October 27, 2004 at 8:15 PM in the Hopkinton Town Hall; a second session of the Public Hearing was held on November 10, 2004.

Requested Relief

The applicant seeks to replace an Existing 1-Story Dwelling with a Proposed Dwelling. The Proposed Dwelling would be sited at the location of the present structure. An additional structure, a Proposed Carriage House, would be constructed between the Proposed Dwelling and Winter Street. The Existing Dwelling is approximately 672 square feet in area and is 0.7 foot from the northerly lot line of the property at its nearest point, and approximately 25 feet from the southerly lot line at its nearest point. The Proposed Dwelling would be approximately 4608 square feet in area and would be 3 feet from the northerly lot line at its nearest point and 24 feet from the southerly lot line at its nearest point. The Carriage House would be 13 feet from the northerly lot line at its nearest point. The property is in the Agricultural Zoning District of the Town.

Section 210-128 requires a Special Permit for an alteration of a structure that would amount to a reconstruction, extension or structural change for its use for the same purpose to a substantially greater extent. The Applicant requests a Special Permit for this purpose.

Section 210-128B of the Hopkinton Zoning Code requires that a nonconforming use or structure may be enlarged in that same use to an extent not greater than 25% in volume or area. The proposed Dwelling would be an area increase of 680% and the applicant requests a variance accordingly.

Section 210-14D of the Hopkinton Zoning Code requires a side yard of 30 feet for structures. The applicant requests special permits under Section 210-119 of the Hopkinton Zoning Code for both the north and south side of the Proposed Dwelling and for the north side of the Proposed Carriage House.

Decision

Based on the application, presentation of the applicant, documents and evidence presented at the Public Hearing a Special Permit and Variances were granted as follows:

1. On a finding that the proposal was not more detrimental to the neighborhood a Special Permit was granted for the extension and reconstruction of the dwelling pursuant to Section 210-128 of the Zoning Code.

On a motion to grant the Special Permit, 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
Henry R. Kunicki	Yes
Patricia Rackauskis	No

The **application for Special Permit** is hereby ***granted***.

2. On a finding of hardship in that the Existing Dwelling is decrepit and unsuitable for occupation as a residence due to size and configuration, and that the reconstruction of the structure would not be detrimental to the public good and would not nullify or substantially derogate from the intent of the Zoning Code, a Variance was granted pursuant to Section 210-128B of the Zoning Code to allow an extension of the structure beyond 25% in area.

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

Wayne R. Davies, Chairman	Yes
Robert W. Foster, Vice Chairman	Yes

Thomas J. Garabedian, Clerk	Yes
Henry R. Kunicki	Yes
Patricia Rackauskis	No

The **application for Variance** is hereby *granted*.

3. On a finding that the Property is too narrow to allow for the required 30-foot side yards on the northerly side of the land parcel, a Special Permit was granted pursuant to Section 210-119 to allow the reconstruction of the structure 2 feet from the northerly property line at its nearest point. The relief granted was 28 feet

On a motion to grant the Special Permit, 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
Henry R. Kunicki	Yes
Patricia Rackauskis	No

The **application for Special Permit** is hereby *granted*.

4. On a finding that the Property is too narrow to allow for the required 30-foot side yards on the southerly side of the land parcel, a Special Permit was granted pursuant to Section 210-119 to allow the reconstruction of the structure 24 feet from the southerly property line at its nearest point. The relief granted was 6 feet

On a motion to grant the Special Permit, 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
Henry R. Kunicki	Yes
Patricia Rackauskis	No

The **application for Special Permit** is hereby *granted*.

5. On a finding that the Property is too narrow to allow for the required 30-foot side yards on the northerly side of the land parcel, a Special Permit was granted pursuant to Section 210-119 to allow the construction of the Carriage House 13 feet from the northerly property line at its nearest point. The relief granted was 17 feet

On a motion to grant the Special Permit, 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
Henry R. Kunicki	Yes
Patricia Rackauskis	No

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 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, Board of Appeals