

September 3, 2004

Re: **Application for Special Permit** filed by **James A. Warner, Jr.** of 81 Winter Street, Hopkinton, MA 01748 regarding property located at **81 Winter Street**, (Parcel I.D. Map R16, Block 18, Lot 0: **Middlesex South Registry of Deeds Book 32622, Page 538**) **Hopkinton, Ma 01748** (hereinafter the "Property").

Introduction

The Massachusetts Zoning Act having been duly complied with regarding notice, a Public Hearing was held on Wednesday, June 09, 2004 at 8:15 PM in Hopkinton Town Hall.

Requested Relief

The Applicant intends to build a 24' X 24', two story garage and workshop at the rear of the property. The property is in the Agricultural zoning district, and the required setbacks outlined in Hopkinton Zoning By-Law 210-14 are 30' from the rear and 30' from the side yard lines.

The Applicant maintains that his lot is narrow and deep, and because of the existing septic system the structure cannot be built without relief from rear and side setbacks. The Applicant requests 10 feet of relief from the 30 feet rear setback requirement. He further requests 14 feet of relief from the 30 feet side setback requirement.

Decision

Based on the application, evidence and testimony presented at the public hearing, the Board granted the Special Permit for relief from Hopkinton Zoning By-Law 210-14. The garage may be constructed 20 feet from the rear property line and 16 feet from the side property line.

The Special Permit was granted by the following vote.

Wayne R. Davies, Chairman	Yes
Thomas J. Garabedian	Yes
Ross Ginsberg	Yes
Muriel Kramer	Yes
Patricia Rackauskis	Yes

The **Application for Special Permit** is 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 are incorporated herein by reference. Unless this Petition for Special Permit

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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.

Thomas Garabedian, Clerk