



Town of Ashland

M A S S A C H U S E T T S

John Trefethen, Chairman
Amanda Molina Dumas, Assistant Town-Planner

ZONING BOARD OF APPEALS DECISION CASE #VA3-19

MAP 7, LOT 195
BOOK 37584, PAGE 382

SUBJECT PROPERTY: 9 TAGGART COURT
PETITIONER: CHRISTOPHER AND CHERI BOULANGER
PROPERTY OWNER: CHRISTOPHER AND CHERI BOULANGER

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REQUEST

Christopher and Cheri Boulanger, owners, have applied for a Variance under Chapter 282, Sections 9.2 and 4.1, along with any other applicable sections of the Ashland Zoning Bylaws, to allow the addition of a sunroom within the required rear-yard setback. The property is located at 9 Taggart Court in the Residential A Zoning District. A public hearing will be held on November 13, 2018 at 7:00 p.m. in the Board of Selectmen's Room located at Ashland Town Hall, 101 Main Street, Ashland, MA.

BACKGROUND AND PROCESS

1. The Zoning Board of Appeals (the "Board") received an Application for a Special Permit on or around October 9, 2018.
2. The application packet for a Variance, stamped in by the Town Clerk on October 9, 2018, contained the following:
 - a. Completed Application.
 - b. Abutters list for 9 Taggart Court dated October 22, 2018.
 - c. Copy of Property Card for 9 Taggart Court.
 - d. Zoning Board of Appeals Plan showing Existing and Proposed Conditions prepared by Professional Land Surveyor, David Philip Terenzoni, No. 38720, of David P. Terenzoni, P.L.S., 4 Allen Road, Peabody, MA, 01960, (978)531-1755, scale: 1" = 40', dated July 26, 2018.
 - e. Architectural Plans designed by New England Sunrooms & Conservatories, Inc., with Sheet 1: Plan, Sheet 2: Elevations, and Sheet 3 & 4: Engineering and Structural Information, scale: as shown, undated.
3. Additional material submitted after the application was submitted:
 - a. Letter dated November 7, 2018 from Gina Hart, Project Manager at New England Sunrooms & Conservatories, to the Planning Department, requesting to continue the public hearing.

HEARING

This request was received on or around October 9, 2018 and was ordered to a Public Hearing, the time being set for November 13, 2018 at 7:00 PM. Notice of the public hearing was published in the MetroWest Daily News on Monday, October 29, 2018 and Monday, November 5, 2018.

The public hearing was posted in the Ashland Town Hall and provided to all “parties of interest,” including abutters, as required by M.G.L. Chapter 40A, Section 11.

The public hearing commenced on November 13, 2018 and was continued to December 11, 2018 due to a scheduling conflict with the homeowners. As such, no testimony was taken, and the Board voted to continue the public hearing to the next scheduled meeting date. Present at the public hearing on December 11, 2018 was John Trefethen, Stuart Siegel, Brian Forestal and Smriti Choudhury, with Mr. Trefethen, Mr. Forestal and Ms. Choudhury sitting on the case, as Mr. Siegel recused himself from the case.

At the public hearing on December 11, 2018, the applicants and their agent presented testimony on behalf of the application. The applicants are seeking a Variance in order to construct a sunroom addition on the rear of the nonconforming, single-family dwelling. The parcel is comprised of approximately 30,000 square feet of area, which meets the required 30,000 square feet of area for the Residential A (RA) Zoning District, as required by the Ashland Zoning Bylaws. The existing dwelling is approximately 2 stories tall and has approximately 2,659 square feet of livable floor area. The existing dwelling has a nonconforming rear yard setback of 25.6 feet, which is substandard to the required 30 feet in the RA Zoning District. The proposed addition would further intensify the nonconforming rear yard setback from 25.6 feet to 16.1 feet. The petitioners identified the following characteristics as being unique to their lot: shape of the lot and topography of the lot. In regards to shape, Mr. Peter Lavenson, on behalf of the homeowners, comments that the shape of the lot is unique, being located at the end of a cul de sac, and the location of the dwelling on the lot, being consolidated to one side. The applicants also noted the unique topography of the lot, as approximately half of the lot is occupied by a drainage easement for the neighborhood, thus causing it to be unbuildable and directly impacting the placement of the dwelling on the lot. Lastly, the applicants noted that their lot backs up to a five acre lot with dense forest between their home and the neighboring home.

There were no comments received from the public.

FINDINGS BY THE BOARD ON THE APPLICATION FOR A VARIANCE

The Board, after review of the facts, plans, and evidence presented at this hearing, and after deliberations on the same, makes the following findings for a Variance:

1. The Board finds that the property is affected by conditions relating to its configuration, specifically its shape and topography, and more specifically the drainage easement that occupies a significant portion of the lot, that affects this parcel and the building thereon, but not necessarily other properties located in the same zoning district.
2. Owing to circumstances relating to the shape of the land and structures, specifically the shape of the lot and the location of the drainage easement on the lot, and especially affecting such land and

structures, a literal enforcement of the provisions of the Zoning Bylaws would involve substantial hardship, financial or otherwise, to the Petitioners.

3. The relief may be granted without nullifying or substantially derogating from the intent and/or purpose of the Zoning Bylaws, as said addition neither intrudes upon adjacent residences, nor creates an appearance of building congestion on this parcel or in this neighborhood.
4. The relief may be granted without substantial detriment to the public good, as the proposed addition will be attractively designed and tends to enhance this property and the neighborhood in general.

DETERMINATION AND DECISION

Mr. Forestal made a motion to grant the request for a Variance to construct a sunroom addition, finding that the proposed addition would not be substantially more detrimental to the neighborhood than the existing dwelling, pursuant to Chapter 282, Sections 9.2 of the Ashland Zoning Bylaws. The motion was seconded by Ms. Choudhury.

The following members sat and voted on this hearing:

John Trefethen, Chair, voted to grant the Variance application as stated.

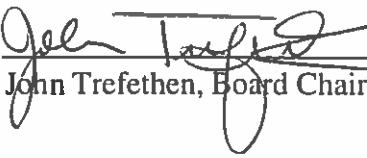
Brian Forestal, Member, voted to grant the Variance application as stated.


Smriti Choudhury, Associate Member, voted to grant the Variance application as stated.

Pursuant to Section 9.4.17 of the Ashland Zoning Bylaws, any appeal to this decision shall be made in accordance with M.G.L. c. 40A, § 17 and shall be filed within 20 days of the date this decision was stamped by the Town Clerk's Office.

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Town of Ashland Zoning Board of Appeals

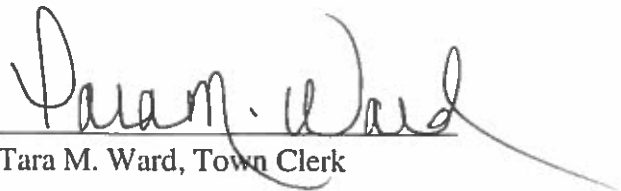
By: 
John Trefethen, Board Chair

By: 
Brian Forestal, Member

By: 
Smriti Choudhury, Associate Member

Filed with the Town Clerk on:

Date: January 9, 2019


Tara M. Ward, Town Clerk

I HERBY CERTIFY THAT TWENTY DAYS HAVE ELAPSED FROM THE DATE THIS DECISION WAS FILED IN THE TOWN CLERK'S OFFICE AND THAT NO APPEAL HAS BEEN FILED.

Date: _____

Tara M. Ward, Town Clerk