



Town of Boxborough, Massachusetts
Planning Department
Staff Report – Special Permit

Prepared by: Simon Corson, Town Planner

March 11, 2021

Site: 429 Hill Road

Applicant Name: Alexander Jordan

Applicant Address: 429 Hill Road, Boxborough, MA 01719

Owner Name: Alexander Jordan

Owner Address: 429 Hill Road, Boxborough, MA 01719

Legal Notice: Pursuant to MGL Chapter 40A and Boxborough Zoning Bylaw Sections 4103, 9100, and 9200, a public hearing will be held before the Boxborough Zoning Board of Appeals on March 16, 2021 at 7:30 PM to consider the application submitted by Alexander Jordan for a Special Permit to allow a home occupation with up to two non-resident employees.

The subject property, located at 429 Hill Road, is zoned Agricultural-Residential and is identified as Assessor's Parcel # 08-036-000.

Based on current COVID-19 circumstances, this public hearing will be held in the Town Hall **or otherwise** will be held via Zoom videoconferencing. All details will be made available on the Zoning Board of Appeals agenda when posted, a minimum of 48 hours prior to the meeting on the town web site, www.boxborough-ma.gov.

For questions, please call the Zoning Board of Appeals Office at the Boxborough Town Hall at 978-264-1722.

Zoning District(s): Agricultural-Residential

Zoning Approval Sought: Special Permit under Section 4103, 9100, and 9200

Date of Application: February 11, 2021

Date(s) of Public Hearing: March 16, 2021

I. Project Description

1. Subject Property: The subject property is located at 429 Hill Road (the Project Site) and consists of 1.4 acres in the Agricultural-Residential District on the west side of Meetinghouse Lane approximately 100 feet south of Middle Road. The property contains an approximately 3,000 square foot single-family dwelling, an accessory building, and a garage.

2. Proposal: The Applicant is seeking approval to operate a home occupation that may employ up to two non-resident occupants at 429 Hill Road. The Applicant is a licensed clinical psychologist that plans to operate a private practice. The proposed business use would utilize the primary residential structure,

accessory building, and outside parking area. There is also a garage on the property that is not being proposed to be used for the home occupation.

3. Nature of Application: Section 4103, 9100, and 9200 of the Zoning Bylaw require that a home occupation which employs up to two non-resident occupants on the premises to obtain Special Permits from the Zoning Board of Appeals.

4. Surrounding Neighborhood: Hill Road, one of the Town's designated Scenic Roads, contains almost exclusively two story, single-family dwellings on primarily one acre or larger lots. The subject property is located in northwestern Boxborough east of Interstate 495 and just south of intersection of Hill Road and Middle Road, the former/historic town center area. The North Cemetery, the Boxborough Museum, and a number of historically significant buildings can be found in the immediate area, as well as a trail network which leads to the Have Not Pond conservation area.

6. Compliance:

Compliance with Section 4103

Section 4103 of the Zoning Bylaw requires that home occupation uses obtain Special Permits from the Zoning Board of Appeals before they can be conducted. As such, the Applicant has applied for a Special Permit under Section 4103 for the proposed use. The following criteria apply:

1. No display of goods shall be visible from any street;
2. No more than an average of 16 round trips per day are generated by the home occupation; and
3. A request for renewal of a home occupation permit shall be submitted every four years. The Board of Appeals may renew such permit with or without a new public hearing.

Compliance with Section 9200

No application for a Special Permit shall be granted unless the Special Permit Granting Authority shall find that the structure(s) and/or use(s) proposed shall not have adverse effects which outweigh its benefits on either the town or the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site. The determination shall include consideration of each of the following:

- Social and community needs which are served by the proposal.

This proposal is consistent with the surrounding neighborhood and its uses. The proposed use would allow a business to grow in the community. The Town Planner finds that social and community needs are served by the proposal.

- Traffic flow and safety.

There will be little new traffic generated from the property as a result of this home occupation proposal. Hill Road is not heavily trafficked and the applicant has stated that no more than an average of 16 round trips per day would be generated by this home occupation. Therefore, the Town Planner finds the proposed project will not have an adverse impact to the safety or traffic environment on Hill Road, or the surrounding area.

- Adequacy of utilities and other public or private services, including storage or disposal of sewage, refuse or other wastes, and drainage and/or retention of surface water.

An existing parking area would be utilized by this proposal. The applicant states that there are at least eight parking spaces in the driveway. The applicant is requesting a waiver for the required plan of the site

per Section 9203. Given the absence of a detailed plan, the Town Planner is recommending that the applicant designate parking spaces for the home occupation use. Additionally, the Town Planner is recommending that the applicant obtain the relevant approvals from the Board of Health in accordance with Title 5 regulations prior to operating this home occupation with nonresident employees. Through this proposed condition, the applicable aspects of Board of Health regulations will be met.

- Density of population, intensity of use, neighborhood character and social structures.

The property is located in the Agricultural-Residential Zoning District. The proposed use will not have any impact on the density of population, neighborhood character or social structures.

- Impacts on the natural environment.

The proposed use is to be primarily within existing buildings. The Town Planner find that the proposed use at the property will not have any negative impacts to the natural environment.

- Impacts on health.

The Town Planner finds that the proposed use will not have any adverse health impacts on the immediate area or the community.

- Potential fiscal impact, including tax contribution, diminution or enhancement of neighboring property values, and creation of new employment opportunities.

The proposed home occupation business occupying this property may create a few new jobs in the community.

7. Recommendation:

Based upon the above findings and subject to the following conditions, the Town Planner recommends **CONDITIONAL APPROVAL** of the requested **SPECIAL PERMIT**.

This recommendation is based upon a technical analysis of the application materials by the Town Planner, the required findings of the Boxborough Zoning Bylaw, and only upon information submitted prior to the public hearing. This report may be revised or updated with new recommendations, findings, and/or conditions based upon additional information provided to the Town Planner during the public hearing process.

1. The Applicant shall record the Decision with the Middlesex South Registry of Deeds and provide verification of the recording to the Town Planner and Building Inspector.
2. The Applicant may not expand this home occupancy use without subsequent approvals from Zoning Board of Appeals.
3. Prior to operating this home occupation with nonresident employees, the applicant shall obtain the relevant approvals from the Board of Health in accordance with Title 5 regulations.
4. Prior to operating this home occupation with nonresident employees, the applicant shall designate parking spaces for the home occupation use.
5. Violation of any of the conditions of this Decision, as acknowledge by the permit holder or determined by a court of competent jurisdiction to have occurred, shall be grounds for enforcement of

this Decision, or of any Building or Occupancy Permit granted hereunder. The Town may enforce compliance with the conditions of this Decision by any action of injunctive relief before any court of competent jurisdiction.