

Town of Boxborough



BOARD OF APPEALS

Decision No. **2025-02**

Dated: 5/12/2025

DECISION of the Zoning Board of Appeals (the Board) on the application of Robert Doughty (the Applicant) for special permit to extend a lawfully pre-existing non-conformity, a structure located within the front yard setback. The subject parcel of land is known and numbered as 70 Summer Road (the "Application").

After causing notice of the time and place of the public hearing and of the subject matter thereof to be published, posted and mailed as required by law, the public hearing was conducted on April 15, 2025, and continued to April 29, 2025. The Board deliberated on the proceedings on April 29, 2025. The following members of the Board were present throughout the proceedings: Chair Mark Barbadoro, Clerk Shawn McCormack, Michael Toups, and Nathaniel Stuntz. Mr. Stuntz, as associate member, was appointed to act on the application on April 29, 2025, after attending the previous hearing. The Applicant was represented throughout by Engineer Stamski and McNary, Inc. and Architect InkStone Architects, LLC.

The Record of the proceedings and the submissions on which the decision is based may be referred to in the Office of the Town Clerk.

The following were tendered as exhibits:

- a. "Zoning Board of Appeals Special Permit Application" package and cover page, received on March 31, 2025;
- b. Wetlands Permitting Plan, received March 31, 2025;
- c. Proposed Plot Plan, dated April 24, 2025;
- d. "Doughty Residence" Architectural drawings by InkStone Architects, LLC, dated April 24, 2025;
- e. Stamski and McNary letter, "Re: Special Permit Application:", dated April 25, 2025;

After due consideration of the Application, the record of the proceedings and the exhibits submitted, the board make the following findings of fact:

- I. The applicant seeks to construct a new home, in place of the lawfully pre-existing non-conforming structure.
2. The nonconformity is due to the house siting 27.3-feet from the right of way, where a 40-foot front yard setback is required.

3. The applicant proposes a new home, intended to be more accessible.
4. Between the first and second hearing, the applicant revised their proposal to include a detached garage.
5. The Board finds that the revision is not substantial to the application.
6. The proposed new home will be constructed approximately 28 feet from the right-of-way and garage will be constructed approximately 20 feet from the right-of-way.
7. By maintaining the existing dwelling throughout construction, the non-conformity will not be abandoned by the applicant.
8. By relocating the single-family home and garage toward the rear of the lot, the proposed new structures will become more conforming than what exists today.
9. The Applicant has made effort to minimize the existing non-conformity, by proposing more conforming structures while balancing intrusion on the wetland buffer located on site.
10. The application and reconstruction constitute a lawful extension of a pre-existing non-conforming status of the structure, and the board finds proposal is not more detrimental to the neighborhood.

Decision

After due consideration of the forgoing, and the exhibits presented at the hearing, the Board finds that the proposed change in structure is not substantially more detrimental to the neighborhood than the existing structure. Therefore, on April 29, 2025, the Boxborough Zoning Board of Appeals voted 4 to 0 to **GRANT WITH CONDITIONS** the special permit.

Conditions of Decision

Approval of the special permit is made, contingent upon the applicant meeting all of the conditions herein. These conditions include:

1. Approval is granted in conformance with the exhibits listed herein and the proceedings of the public hearing.
2. Prior to the issuance of a building permit, the applicant shall record this decision.
3. The proposed new dwelling may not exceed the existing non-conformity, and must remain at least 27.3 feet from the Summer Road right-of-way.
4. The proposed new garage shall remain at least 20 feet from the Summer Road

right-of-way.

5. Within 60 days of receiving a temporary certificate of occupancy on the new home, the applicant must demolish the previous dwelling.

APPEALS: Appeals, if any, shall be made pursuant to Section 17 of the Massachusetts General Laws, Chapter 40A and shall be filed within twenty (20) days after the date of filing of the above referenced Decision with the Town Clerk.

The applicant by acceptance of this decision and recording thereof acknowledges the binding effect of the conditions of this decision.

BOXBOROUGH BOARD OF APPEALS:



Mark Barbadoro, Chair

I, Rebecca Harris, hereby do certify that this is a true copy of the above Board of Appeals Decision.



Rebecca Harris, Town Clerk

May 13, 2025
Date Filed

TO WHOM IT MAY CONCERN

I, Rebecca Harris, hereby certify that the 20-day appeal period on this Decision has expired, and no appeals have been filed with this office.

Rebecca Harris, Town Clerk

Date