



# TOWN OF FRAMINGHAM

ZONING BOARD OF APPEALS

150 Concord Street B2  
Framingham, MA 01702

2016 MAR 22 P 3:34

TOWN CLERK  
FRAMINGHAM

## BOARD OF APPEALS CASE NO. 16-04

### PETITION OF REINALDO FARIA

DATE OF DECISION: MARCH 8, 2016

#### 1. Application

This document is the DECISION of the Framingham Zoning Board of Appeals (hereinafter the Board) on the Application of Reinaldo Faria (hereinafter the Applicant), for property located at 3 GLEN ST. This Decision is in response to a Petition to amend a Special Permit (#15-47) for a two-family residential structure as required by the Zoning By-Law (hereinafter the Application).

#### 2. Property Owner and Applicant

Reinaldo Faria  
3 Glen St.  
Framingham, MA 01702

#### 3. Location

Property is located at 3 Glen St. and identified by Assessors' Parcel ID 137-44-2317-000 (hereinafter the Site).

#### 4. Board Action

After due consideration of the Application, the record of proceedings, and based upon the findings set forth below, on March 8, 2016 the Board voted to GRANT a SPECIAL PERMIT by a unanimous vote in favor of the petition of three (3) members sitting on the Application. The record of the vote is stated as follows:

PHILIP R. OTTAVIANI, JR.	YES
STEPHEN MELTZER	YES
TED COSGROVE	YES

#### 5. Proceedings

The Application was received by the Board on January 26, 2016 pursuant to MGL, Ch. 40A, §9, and the Framingham Zoning By-Law. The Application was considered by the Board at a duly noticed public hearing of the Board on March 8, 2016 at 7:00 P.M. in the Blumer Community Room of the Memorial Building. Board Members Philip R. Ottaviani, Jr., Stephen Meltzer, Ted Cosgrove, and Alternate Kevin Gatlin were present throughout the proceedings. The minutes of the public hearing and submissions on which this Decision is based, which together with this Decision constitute the record of the proceedings, may be referred to in the Office of the Zoning Board of Appeals at the Memorial Building.

#### 6. Exhibits

Submitted for the Board's deliberation were the following exhibits:

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- 6.1. Letter dated January 8, 2016 from the Building Commissioner denying the building permit application.
- 6.2. Application for Hearing before the Zoning Board of Appeals filed with the Town Clerk on February 16, 2015.
- 6.3. Filing fee in the amount of \$300.00.
- 6.4. Plan set entitled "Proposed New Construction, 3 Glen Street, Lot B, Framingham, Massachusetts", dated 1/26/16, prepared by Tuan V. Nguyen, T Design, LLC, 1248 Randolph Avenue, Milton, Mass.
- 6.5. Site plan entitled "Plan showing proposed condominium, 3 Glen Street, Framingham, MA Middlesex County", dated 3/2/15 and revised 1/25/2016, prepared by Dennis O'Brien, D. O'Brien Land Surveying, 31 Hayward Street Unit 3-G, Franklin, Mass.

Exhibits 6.4 and 6.5 shall be hereinafter referred to as the "Plans."

## **7. Findings and Conclusions**

Based upon its review of the Application, exhibits, and the public hearing thereon, the Board makes the following findings and conclusions:

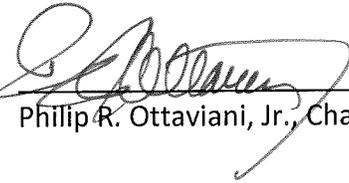
- 7.1. The property is located within the General Residence (G) zoning district.
- 7.2. On January 8, 2016, the Building Official denied the Application for a permit to build a duplex because the plans did not match the plans approved under ZBA Special Permit #15-47.
- 7.3. February 16, 2016, the Applicant filed with the Town Clerk an Application for Hearing before the Zoning Board of Appeals for the purpose of amending ZBA Special Permit #15-47 reflecting the changed plans.
- 7.4. Notice of the public hearing was duly published in "THE METROWEST DAILY NEWS" on February 21 and February 28, 2016 and mailed to all parties-in-interest, as defined by G.L. c. 40A, §11. No Town Meeting Members or residents appeared at the hearing.
- 7.5. The Applicant is before the Board to amend Special Permit #15-47 reflecting changes to the house plans and site plan. Due to an error by his surveyor, he was forced to shrink the proposed structure to stay in compliance with setbacks. The approved structure was 70' x 30', whereas the new proposal is for 59.5' x 35'. Also, the driveway and parking configuration changed. Previously, there was to be a common driveway, with two one-car garages and additional cars to be parked in front. With less space under the new building dimensions, the second parking space for each unit is to be located to the side of the garage.
- 7.6. Mr. Ottaviani verified that the Applicant was simply altering the dimensions of the building and that he still met all the required setbacks. He also verified that the other necessary approvals were in place. The Applicant responded affirmatively.

- 7.7. Subject to the conditions stated in this Decision, the Board finds that the following conditions of approval of a Special Permit have been met:
- 7.7.1. The specific site is an appropriate one for such a use or structure. *The property is located in the General Residence zoning district which allows duplexes through a Special Permit. Additionally, other duplexes exist in the neighborhood.*
  - 7.7.2. Adequate and appropriate facilities will be provided for the proper operation of the proposed use, including adequate off-street parking. *Sufficient parking will be provided for the two units via two 1-car garages and off-street parking area.*
  - 7.7.3. The use or structure as developed will not create a hazard to abutters, vehicles, or pedestrians.
  - 7.7.4. The use or structure is consistent with the Intent of the district in which the use is proposed, and with the Purpose and Intent of this By-Law. *The property is located in the General Residence (G) zoning district which allows duplexes through a Special Permit.*
  - 7.7.5. All municipal services necessary to meet the needs of the proposed use must be adequate and sufficient. *All services necessary to meet the needs of the proposed use are adequate and sufficient.*
- 7.8. The Board grants this Special Permit subject to the following conditions:
- 7.8.1. The proposed duplex shall be constructed as shown on the Plans.
- 7.9. This Decision applies only to the requested Special Permit. Other approvals or permits required by the By-Law, other governmental boards, agencies or bodies having jurisdiction, shall not be assumed or implied by this Decision.
- 7.10. If the rights authorized by this Special Permit are not exercised within two years of the date of filing of the Decision with the Town Clerk, said Special Permit shall lapse; provided, however, that the Board in its discretion and upon written application by the Applicant may extend the time for exercise of such rights for a period not to exceed six (6) months. A request to extend said time limits shall be made in writing to the Board at least 30 days prior to said expiration date. The Board herewith reserves its rights and powers to grant or deny such extension, and to require any appropriate changes to this approval. If the Board does not grant such an extension within thirty days of the date of application therefore, and upon the expiration of the original one-year period, such rights may be reestablished only after notice and a new hearing pursuant to MGL, Ch. 40A, §9.
- 7.11. This Decision shall be recorded at (as appropriate) the Middlesex South District Registry of Deeds or District of the Land Court prior to the issuance of a Building Permit. A copy of the recorded or filed Decision certified by the Registry, and notification by the owner of the recording, including recording information, shall be furnished to the Board and the Building Official.
- 7.12. The terms, conditions and provisions of this Decision shall run with the land and shall be binding upon the Applicant, its successors in interest and assigns, and shall be enforceable by the Town of Framingham.

**8. Appeals**

Appeals, if any, shall be made pursuant to MGL, Ch. 40A, §17 and shall be filed within twenty (20) days after the date of filing this Decision with the Town Clerk.

ZONING BOARD OF APPEALS

By:  \_\_\_\_\_  
Philip R. Ottaviani, Jr., Chairman