

# **Town of Princeton, Massachusetts**

## **ZONING BOARD OF APPEALS**

### **November 19, 2018**

Special Permit for relief from the two-year limit for re-building a demolished structure on a non-conforming lot.

#### Minutes and Decision

The Princeton Zoning Board of Appeals held a public hearing at the Town Hall Annex on Monday, November 19, 2018 at 7:00 PM to hear a petition for a variance from Keith and Christine Paquet. The property is located at 140 Ball Hill Road, Princeton, Massachusetts on Assessors Map #15, Lot 3.

The petitioner sought a special permit, pursuant to M.G.L. Chapter 40A, and Sections VI, 1. (A) and VII, 2. (D), of the Princeton Zoning By-Laws, for relief from the two-year (grandfather provision) limit on the re-build a demolished house which was a legal, pre-existing, non-conforming use.

Board members present were Chairman Christopher Walton, Esq., Jesse Weeks, esq., and Larry Greene, Jr. Mr. Walton opened the hearing at 7:00 PM, explained the three-part procedure for a public hearing, and read the public hearing notice.

The Paquets were present and several other members of the public were in attendance.

The petitioners presented a septic plan approved last May by the Board of Health which showed new locations for the proposed construction, which will now conform to lot-line setbacks. The lot has legal frontage at 276' but with 40,000 sq.ft. it doesn't meet the current two-acre requirement. They also submitted a "Finding of Facts" and noted that the original house was demolished by an explosion and fire in December of 2012. Subsequent attempts by the Town to engage responsible heirs to the estate were unsuccessful and the bank (as major lien-holder) foreclosed on the property. It was finally auctioned off and became available for a re-build in early 2017.

At 7:07 PM the chairman opened the hearing to public comment. No abutters were present and there was no public comment.

At 7:08 PM the ZBA members voted all in favor to close the public comment portion of the hearing and deliberate. They discussed the unique situation inherent in the demolition of this property, and how the two-year grace period for the re-build of a non-conforming lot was impossible to meet, in this case.

At 7:25 PM the Board voted unanimously to grant a special permit to extend the two-year grace period as outlined in Section VII, 2. (D), of the Princeton Zoning By-Laws. The permit includes the following conditions:

- A building permit must be issued for 140 Ball Hill Road and construction there must be started by November 19, 2020.
  - There is no permanent variance from zoning implied by this permit—it is not tied to ownership nor does it run with the land. Its only purpose is to allow an extension of the time period referenced in Section VII, 2. (D), of the Princeton Zoning By-Laws.
  - This special permit must be recorded at the Worcester Registry of Deeds with the deed for the property at 140 Ball Hill Road.
- Appeals, if any, should be made pursuant to Section 17 of the Massachusetts Zoning Act, Chapter 40A, and shall be filed within twenty (20) days after the date of the filing of this decision with the Town Clerk.

Princeton Zoning Board of Appeals

Dated: \_\_\_\_\_

Christopher Walton, Esq. (as chairman & representative of \_\_\_\_\_ the Zoning Board of Appeals)

A copy of this decision was filed with the Office of the Town Clerk on \_\_\_\_\_ (date)

—

\_\_\_\_\_  
Town Clerk

The Town Clerk hereby certifies that twenty (20) days have elapsed after the decision was filed with the Office of the Town Clerk and no appeal has been filed as provided by Section 17 of the Massachusetts Zoning Act, Chapter 40A.

\_\_\_\_\_  
Town Clerk