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ZONING BOARD OF APPEALS, TOWN OF WEST BOYLSTON
140 WORCESTER STREET
WEST BOYLSTON, MASSACHUSETTS 01583

Notice of Withdrawal Without Prejudice

Applicant: David Sadowski

Address: 114 Worcester Street

Date Petition Filed with the Town Clerk: January 10, 2024

Nature of Request: Special Permit request related to New Construction of Parking Spaces

Board Members: Christopher E. Olson, Chair
Barur R. Rajeshkumar
David Femia
John Benson
Christopher Mitchell

On January 10, 2024, the Petitioner, David Sadowski, filed a Petition with the Zoning Board of Appeals, Town of West Boylston, Massachusetts, requesting a Special Permit pursuant to Section 3.2.F or 3.2.G of the zoning bylaws, specifically requesting new construction of a fourteen space parking lot which would be independent of the existing single-family dwelling.

Notice was duly given as required by Section 11, Chapter 40A, Mass. General Laws, as well as notices sent to all persons deemed to be affected thereby, as they appear on the most recent tax list, and at which hearing all parties desiring to be heard were given an opportunity to speak.

The Zoning Board of Appeals of the Town of West Boylston, Massachusetts held a public hearing on February 15, 2024 and March 21, 2024 in-person and via remote participation over the internet.

At the March hearing date, the Petitioner communicated to the Zoning Board of Appeals (hereinafter "the Board") that the Petitioner was requesting withdrawal of the instant Petition. As a result, on March 21, 2024, the Board voted to accept the Petitioner's request to withdraw the Petition, without prejudice.

WITH PARTICULARITY:

1. The Petitioner is David Sadowski, owner of the property at 114 Worcester Street. Currently, on the lot is a single-family dwelling with a detached garage.
2. On January 10, 2024, the Petitioner filed a Petition for a Special Permit in connection with the proposed construction of 14 (fourteen) parking spaces.
3. The Board held a public hearing on February 15, 2024 and continued the public hearing to March 21, 2024.
4. During the hearing on March 21, the Petitioner stated that it was his intention to provide remote parking for nearby businesses on West Boylston Street. As such, the Board indicated that the possible use of the proposed parking spaces relating to construction contractors, under Section 3.4.G.6, was not appropriate. As an alternative, the proposed use as a business center, under Section 3.4.F.12, was considered. It was also noted that, given the nature of the request, which was to provide remote parking in the area, under Section 3.1, the proposed use may simply be not permitted. While the Board ultimately did not vote on the merits of the case, several Board members noted that, in this instance, given the proposed number of parking spaces in addition to those required for the existing residence, and that the business center use is only allowed with a Special Permit from the Planning Board, there is not sufficient basis for the Board to grant the zoning relief sought. Rather, the proposed business center use (if permitted in this instance) and the site plan review necessary (under Section 3.6.B.5) are both properly before the Planning Board and not this Board.
5. At the continued public hearing on March 21, 2024, the Board voted 5-0 to accept the Petitioner's request to withdraw the Petition, without prejudice.

DECISION:

The Board unanimously voted to withdraw the Petition for a Special Permit, without prejudice, for the property located at 114 Worcester Street, West Boylston, MA.



Christopher E. Olson
Chair

Notice is hereby given that any appeal from this Decision shall be made pursuant to Massachusetts General Laws, Chapter 40A, §17, and shall be filed within twenty (20) days after the date of the filing of this Decision in the Office of the Town Clerk of West Boylston, MA.

Filed with the Town Clerk on April 1st 2024.



Attest True Copy