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Town of Southborough
BOARD OF APPEALS

SOUTHBOROUGH, MASSACHUSETTS 01772

9 CORDAVILLE ROAD
SOUTHBOROUGH, MASSACHUSETTS 01772-1662
508-485-0717 ext. 1

James F. Hegarty
Town Clerk
Town House
17 Common Street
Southborough, Massachusetts 01772

August 18, 2021

Notice of Decision of a Variance

Property Address: 163 Parkerville ; Recorded Worcester Registry of Deeds Book 55137, Page 42

Appellants: Erik and Amy Philbrook, 163 Parkerville Road, Southborough, MA

Application Filed: June 30, 2021

Public Hearing: August 18, 2021 at 7:00 P.M.
Virtual meeting through Zoom

Sitting as a Board: David Williams, Chair
Craig Nicholson
Deborah DeMuria
Paul Drepanos
Michael Robbins

For the Appellants: Erik and Amy Philbrook, Applicant
108 Main Street
Southborough, MA 01772

George F. Connors, Counselor at Law
10 Southwest Cutoff
Northboro, MA 01532

Procedural History:

1. An application for an appeal was filed in the Office of the Southborough Building Department on June 30, 2021.
2. The proposal constitutes a variance under the Town of Southborough Zoning Bylaw.
3. The application for the variance is to allow the construction of a single-family dwelling without meeting the required frontage or lot size requirements at 163 Parkerville Road, adjacent to their property at 165 Parkerville Road in the Residence A District.

4. Relief was requested under the Town of Southborough Zoning Code §174-8.2 (D) 1 and §174-8.3 (D) (2).
5. The record owner of the subject property is Mr. Erik and Ms. Amy Philbrook, 108 Main Street, Southborough, MA.
6. A public hearing before the Zoning Board of Appeals was duly noticed in the MetroWest Daily News on Wednesday August 4, 2021 and Wednesday August 11, 2021.
7. The applicants were heard at the August 18, 2021 Zoning Board of Appeals meeting after describing that denying the construction of a single-family home creates a hardship as the applicants will then apply for a special permit to convert a single-family home to a multifamily home on the lot at 165 Parkerville Road.
8. The public hearing opened on August 18, 2021 and closed the same evening.

Plans/Documents:

1. Denial letter from Laurie Livoli, Building Commissioner to Erik Philbrook of 165 Parkerville Road, Southborough, MA dated August 10, 2021.
2. Letter from George F. Connors, Counselor at Law re: 163 Parkerville Road – Zoning Variance request dated June 26, 2021.
3. Certified Copy of Abutters List from the Town of Southborough, MA.
4. Quitclaim Deed for lot recorded at Worcester Registry of Deeds Book 54964 Page 374.
5. Plan of Land in Southborough, MASS, Worcester Registry of Deeds Plan book 224, Plan 22 dated April 26, 1957.
6. Quitclaim Deed for lot recorded at Worcester Registry of Deeds Book 55137 Page 42.
7. MapsOnline printout of 165 and 163 Parkerville Road, Southborough dated January 27, 2021.
8. MapsOnline printout of 161-169 Parkerville Road, Southborough dated July 24, 2019.
9. MapsOnline printout of 161-169 Parkerville Road, Southborough dated February 9, 2021.
10. Google Maps printout of 165 Parkerville Road, Southborough.
11. Southborough Zoning Board of Appeals Notice of Decision for a variance, 163 Parkerville Road dated July 6, 2016.
12. Letter from David Gusmini, Building Commissioner/Zoning Officer to Erik Philbrook dated May 14, 2013.
13. Letter from Mark Robidoux, Building Commissioner/Zoning Officer to Erik Philbrook dated June 7, 2016.
14. Memorandum of Decision and Order on Plaintiff's Motion for Judgement on Pleadings, Worcester Superior Court No 1685CV01151-C dated June 18, 2018.

15. Clerk's Notice for Trial Court of Massachusetts, The Superior Court, docket number 1685CV01151.
16. Judgement on the Pleadings for Trial Court of Massachusetts, the Superior Court, docket number 1685CV01151.
17. Notice of Decision Town of Southborough Conservation Commission, Application for a Stormwater Management Permit dated April 26, 2016.
18. Letter to the Southborough ZBA from Peter Bemis of Engineering Design Consultants, Inc regarding 163 Parkerville Road dated June 6, 2016.
19. Septic/Stormwater Site Plan for 163 Parkerville Road dated March 3, 2016.

Findings:

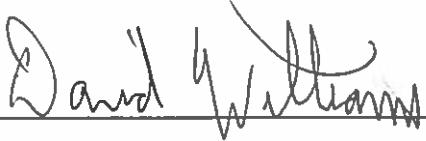
1. The property is located in the Residence A Zoning District.
2. The applicant is proposing to construct a single-family dwelling without meeting the required frontage or lot size requirements at 163 Parkerville Road, adjacent to their property at 165 Parkerville Road.
3. The Board decided that though there is no new evidence from the previous decision; the construction of a single-family home at 163 Parkerville Road would improve the lot and neighborhood.
4. The lot at 163 Parkerville Road is similar to surrounding lots in size and area.
5. The single-family home proposed at 163 Parkerville Road is similar in style and type.
6. The Board decided that the granting of this relief would not substantially affect the public's good nor denigrate the spirit or purpose of the law. It was determined that the desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such ordinance or by-law.

Decision and Vote of the Board:

At its meeting on August 18, 2021 the Zoning Board of Appeals voted (4-1-0) to grant the variance pursuant to §174-8.2 (D) 1 and §174-8.3 (D) (2) of the Southborough Zoning Code to allow Mr. Erik and Ms. Amy Philbrook to construct a single-family dwelling without meeting the required frontage or lot size requirements at 163 Parkerville Road, adjacent to their property at 165 Parkerville Road in the Residence A District.

After review of all evidence and facts presented at this hearing, and after deliberation of the same, the Board voted (4-1-0) on a motion made by Mr. Nicholson and seconded by Mr. Robbins, with members voting by roll call as follows to grant the variance:

David Williams	Aye
Craig Nicholson	Aye
Deborah DeMuria	Nay
Paul Drepanos	Aye
Michael Robbins	Aye



David Williams, Chair

Signing on behalf of the Zoning Board of Appeals

**** NOT VALID FOR RECORDING UNTIL CERTIFIED BY THE TOWN CLERK OF SOUTHBOROUGH****

In accordance with Sec. 11 of Ch. 40A of Massachusetts General Law, I hereby certify that twenty (20) days have elapsed after the within decision was filed in the office of the Southborough Town Clerk, and that no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied.

Attest: _____

Date: _____

James F. Hegarty, Town Clerk
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