

Town of Southborough
BOARD OF APPEALS
SOUTHBOROUGH, MASSACHUSETTS 01772

Jim Hegarty
Town Clerk
Town House
Southborough, MA 01772

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March 12, 2018

Notice of Decision on an Application for a Variance

Property Address: 6 Hammond St. Map 3 Parcel 16; Recorded Worcester Registry of Deeds Book 51618 Page 173

Appellants: Harold and Nancy Little, 6 Hammond St. Southborough, MA 01772

Application Filed: January 9, 2018

The Board opened the public hearing on February 28, 2018 at 7:00pm in the Public Meeting Room of Southborough Town Hall with regard to the petition for the appellants for the following:

Petition: Variance request to build a deck to an existing home that would require relief from the side and rear setback requirements. The Variance is pursuant to Sec. 174-8.3D(3)(b) rear setbacks and Sec. 174-8.3D(3)(c) side setbacks.

Sitting as a Board: Andrew R. Dennington, Chairman
Leo F. Bartolini Jr.
Craig Nicholson
David Williams
Paul Drepanos

For the Appellants: Harold and Nancy Little, Applicants
6 Hammond St.
Southborough, MA 01772

Procedural History:

1. An application for a Variance was filed in the Office of Southborough Building Department on January 9, 2018.
2. The application for a Variance is to construct an attached deck to an existing home. The applicant seeks relief for 5.5' rear and .6" side encroachment.
3. The applicant is seeking a variance from Sec. 174-8.3D(3)(b) rear setbacks and Sec. 174-8.3D(3)(c) side setbacks.
4. The record owner of the subject property is Harold and Nancy Little, 6 Hammond St. Southborough, Ma.
5. A public hearing before the Zoning Board of Appeals was duly noticed in the Metro West Daily News on both Wednesday, February 14, 2018 and February 21, 2018.

6. Public Hearing opened on February 28, 2018 and closed in the same evening.

Plans / Documents:

1. Letters of support from property owners Lori & Stephen Woodworth, 1 Hammond St. and Kim & Rob Costello, 275 Cordaville Rd.
2. Copy of Connorstone Engineering certified plot plan dated August 8, 2017 depicting proposed location of new deck.
3. Letter from the Building Commissioner / Zoning Enforcement Officer Mark Robidoux to Harold & Nancy Little, dated January 8, 2018.

Findings:

1. The proposal constitutes a Variance request under the Town of Southborough Zoning Bylaw.
2. The property is located in the Residence B zoning district.
3. The applicant is proposing to replace an existing deck with a new smaller deck approximately in the same location as the existing larger deck. The proposed new deck intrudes into the otherwise applicable side and rear setbacks less than the existing, non-conforming deck.
4. The proposal meets all other requirements with exception to the proposed side and rear setbacks.
5. The deck takes into consideration the existing septic system on the property.
6. The Board specifically finds that owing to circumstances relating to the soil conditions, shape, or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of the ordinance or by-law would involve substantial hardship, financial or otherwise, to the petitioner or appellant, and that 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 February 28, 2018, the Zoning Board of Appeals voted unanimously (5-0), to grant the Variance pursuant to Sec. 174-8.3 D(3)(b) rear setback and Sec. 174-8.3 D(3)(c) side setbacks for construction of an attached deck as presented on plot plan dated August 8, 2017 prepared by Connorstone Engineering, Northborough, MA 01532.

After review of all evidence and facts presented at this hearing, and after deliberations on the same, voted unanimously (5-0) on a motion made by Mr. Bartolini, and seconded by Mr. Drepanos, with member voting as follows to grant the requested Variance with the following conditions:

Andrew R. Dennington	Yes
Leo F. Bartolini Jr.	Yes
Craig Nicholson	Yes
David Williams	Yes
Paul Drepanos	Yes



Andrew R. Dennington, Chair

Signing on behalf of the Zoning Board of Appeals

Filed with the Town Clerk on: March 12, 2018

**** 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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