

**Town of Southborough
BOARD OF APPEALS**

SOUTHBOROUGH, MASSACHUSETTS 01772

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Jim Hegarty
Town Clerk
Town House
Southborough, MA 01772

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December 11, 2018

Notice of Decision for an Application for a Variance

Property Address: 6 Powder Mill Lane, Map 16, Lot 20; Recorded Worcester Registry of Deeds Book 20972 Page 310 ("Premises")

Appellants: Mr. Daniel and Lynne Kuperstein, 6 Powder Mill Lane, Southborough, Ma. 01772

Application Filed: October 11, 2018
The Board opened the public hearing in the Public Meeting Room of Southborough Town Hall on November 28, 2018 at 7:00 with regard to the petition for the appellants for the following:

Petition: Variance request to build a 26x28 addition to house an endless pool, office and bathroom.

Sitting as a Board: Craig Nicholson
Andrew R. Dennington, Chairman
David Williams
Paul Depranos
Debbie DeMuria

For the Appellants: Mr. Glenn Travis
GMT Home Designs
60 Pleasant St. Suite 10C
Ashland, Ma. 01721

Procedural History:

1. An application for a Variance was filed in the Office of Southborough Building Department on Oct. 11, 2018.
2. The application for a Variance to build a 26x28 addition to house an endless pool, office and bathroom.
3. The applicant is seeking a variance from sec. 174-8.3 D (3) (b) rear setbacks 35' and 174-8.3 D (3) (c) side setbacks 15'.
4. The record owner of the subject property is Daniel and Lynne Kuperstein, 6 Powder Mill Lane, Southborough, Ma. 01772.
5. A public hearing before the Zoning Board of Appeals was duly noticed in the Metro West newspaper on both Wednesday, November 14, 2018 and November 21, 2018.

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

Plans / Documents:

1. GMT Home Architects & Designers plans pages A1 thru A 12 latest revision date September 27, 2018.
2. Color photos of the existing homes front, side and rear views.
3. Letter from the Building Commissioner / Zoning Enforcement Officer Mark Robidoux to Mr. Daniel Kuperstein dated October 3, 2018.
4. Certified assessors abutters list dated October 9, 2018.
5. D. O'Brien land surveying plot plan showing proposed addition latest revision date August 30, 2018.

Findings:

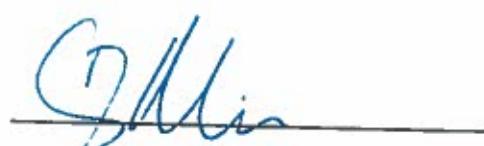
1. The proposal constitutes a Variance request under the Town of Southborough Zoning Bylaw.
2. The property is located in the Residence RB zoning district.
3. The proposal and evidence presented meets the criteria required to grant the relief, variance, requested:
 - (i) The hardship is owing to circumstances relating to the soil conditions, shape or topography of such land, including the odd shape of the lot, and the location of the existing septic tank, which otherwise prevent the addition from being sited in any other viable location that is connected to the main structure. The addition is further intended to alleviate health conditions of Mr. Kuperstein and the Kupersteins' child with special needs. Desirable relief may be granted without either: substantial detriment to the public good; or nullifying or substantially derogating from the intent or purpose of this bylaw. The homes in this area are set back far off of a cul-de-sac. They are well-screened from each other and the roads in the area, such that the addition in the back of this Premises will not be visible to abutters.

Decision and Vote of the Board:

At its meeting on November 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 setbacks 35' and 174-8.3D (3) (c) side setbacks 15' to construct a 26x28 addition for an endless pool, office and bathroom. Approval to grant the variance, findings are the applicants odd shape lot, location of the septic system as well as to provide more space for the family per the plan dated August 30, 2018.

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. Dennington, and seconded by Mr. Drepanos, with member voting as follows to grant the requested Variance:

Craig Nicholson	Approve
Andrew Dennington	Approve
Debbie DeMuria	Approve
David Williams	Approve
Paul Drepanos	Approve



Craig Nicholson, 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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