

**Town of Southborough**  
**BOARD OF APPEALS**  
SOUTHBOROUGH, MASSACHUSETTS 01772



Mr. James Hegarty  
Town Clerk  
Town House  
Southborough, MA 01772

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

RECEIVED  
TOWN CLERK'S OFFICE  
2017 OCT 10 P 12:10

SOUTHBOROUGH, MA JFT

October 10, 2017

**Notice of Decision for an Application for a Variance**

Property Address: 11 Lovers Lane

Appellants: Mr. Dirk Mieth & Ms. Jamie Mieth

Application Filed: August 23, 2017

The Board opened the public hearing on September 27, 2017 at 7:00pm in the McAuliffe Public Meeting Room located at Southborough Town Hall with regard to the petition for the appellants for the following:

Petition: Variance request to build an addition to an existing home that would require relief from the side setback requirement. The Variance is pursuant to Sec. 174-8.2D(3)(c) side setbacks 25'.

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

For the Appellants: Mr. Dirk Mieth & Ms. Jamie Mieth, Applicant  
11 Lovers Lane  
Southborough, MA 01772

Procedural History:

1. An application for a Variance was filed in the Office of Southborough Building Department on August 23, 2017
2. The application for a Variance is to construct a one story, 24x36 home addition.
3. The applicant is seeking a Variance from Sec. 174-8.2D(3)(c) side setbacks.
4. The Record Owner of the subject property is Dirk & Jamie Mieth, 11 Lovers Lane, Southborough, MA
5. A public hearing before the Zoning Board of Appeals was duly noticed in MetroWest Daily News, September 13, 2017 & September 20, 2017. Public hearing opened on September 27, 2017 and closed in the same evening.

Plans/Documents:

1. Letter of support from property owner James & Sarah Pelletier at 15 Lovers Lane.
2. Certified Variance Plot Plan dated July 14, 2017 of the subject property outlining the proposed addition location.
3. Letter in Support from Dirk & Jamie Mieth, 11 Lovers Lane depicting features of their unusually shaped parcel and steep topography. Included as well were pictures of all sides of the existing home.

Findings:

1. The proposal constitutes a Variance request under the Town of Southborough Zoning Bylaw.
2. The property is located in the Residence A zoning district.
3. The applicant is proposing an addition that will tie into an existing home which will be located on the right side of the home facing the northwest direction.
4. The proposal meets all other requirements with exception to the proposed side setback.
5. The addition 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 September 27, 2017, the Zoning Board of Appeals voted (5-0) to grant the Variance pursuant to Sec. 174-8.2D(3)(c) side setback for the construction of a 24 ft by 36 ft addition to an existing home.

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 L. Bartolini and seconded by P. Drepanos, with members voting as follows to grant the requested Variance without conditions:

Andrew R. Dennington	Yes
Leo F. Bartolini, Jr.	Yes
Debbie DeMuria	Yes
David Williams	Yes
Paul Drepanos	Yes



10/10/17

Andrew R. Dennington, Chair

Signing on behalf of the Zoning Board of Appeals

Filed with the Town Clerk on: October 10, 2017

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

In accordance with Sec. 11 of Ch. 40A of Massachusetts General Laws, 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: \_\_\_\_\_

James F. Hegarty, Town Clerk

Date

1671079.1 09569.001