

**Town of Southborough**  
**BOARD OF APPEALS**

SOUTHBOROUGH, MASSACHUSETTS 01772

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SOUTHBOROUGH, MA

Jim Hegarty

Town Clerk

Town House

Southborough, MA 01772

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

December 13, 2017

**Notice of Decision on Appeal of Building Inspector's Notice of Violation dated October 12, 2017**

Property Address: 17 Oregon Rd. & 0 Stonebrook Rd. Map 15, Lots: 15, 16

Appellant(s): Mr. William A. Depietri, Trustee of Absolut Realty Trust u/d/t 6/13/01

Application Filed: October 25, 2017

The Board advertised the public hearing to begin on November 29, 2017 at 7:00pm in the Public Meeting Room of Southborough Town Hall with regard to the following appeal:

Appeal: Reversal of Building Inspectors Notice of Violation dated October 12, 2017 mandating compliance with conditions of approval to Lot 1 and 2.

Sitting as a Board: Andrew R. Dennington  
Deborah DeMuria  
David Williams  
Craig Nicholson  
Leo F. Bartolini, Jr.

For the Appellant(s): Angelo P. Cantanzaro, Esq.  
100 Waverly Street  
Ashland, MA. 01721

William A. Depietri  
Trustee of Absolut Realty Trust  
259 Turnpike Rd., Suite 100  
Southborough, MA 01772

Daniel Ruiz  
Project Manager  
Capital Group Properties  
259 Turnpike Rd.  
Southborough, MA 01772

Procedural History:

1. On October 25, 2017, the Appellant filed an Application for Appeal from a Notice of Violation that the Southborough Building Commissioner issued on Oct 12, 2017 mandating compliance with conditions of approval to lot 1 & 2. Appellant filed an appeal with the Southborough ZBA pursuant to Sec. 174-10.G of the Town's Zoning Bylaw, indicating that the decision being appealed was: "Notice of Violation dated October 12, 2017 mandating compliance with inapplicable conditions of approval to lot 1 and 2."
2. On October 12, 2017 Building Inspector issued a Notice of Violation pertaining to a condition of a Special Permit granted by the Planning Board. This Notice of Violation stated: "Section 174.9 Special Permits issued by the Planning Board requires work 'shall not commence on any day before 7am and shall not continue beyond 6pm except Saturday... no earlier than 8am and must cease no later than 2pm... There shall be no construction on Sundays or State or Federal Holidays."
3. A public hearing before the Zoning Board of Appeals was duly noticed on both Wednesday, November 15, 2017 and November 22, 2017, opened on November 29, 2017 and closed in the same evening.
4. The record of owner of the subject property is Mr. William Depietri, Trustee of Absolut Realty Trust.

Plans / Documents:

1. LID Special Permit dated October 21, 2013
2. Site Plan Approval dated October 21, 2013
3. Planning Board Decision of Definitive Subdivision Stonebrook Village; Appendix A "Stonebrook Village Conditions of Approval"; Stonebrook Village Exhibit 1 "List of Requested Waivers"; Exhibit A "Stonebrook Village Open Space Restriction and Management Requirements", dated October 30, 2013.
4. Zoning Board of Appeals Notice of Decision on a Special Permit, dated September 9, 2013.
5. Notice of Violation letter by Mark Robidoux, Building Inspector / Zoning Enforcement Officer, dated October 12, 2017.
6. Locus Plan of Stonebrook Village, Southborough, MA. dated February 17, 2013; revisions June 20, 2013 & August 20, 2013.

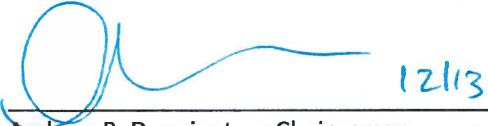
Findings:

1. The Notice of Violation arose from an abutter complaint regarding noise generated when the razed structure that formerly was on one or both of the single-family lots in question (Lot 1 and Lot 2) was loaded onto a vehicle to be carried away from the site on Columbus Day (a federal holiday).
2. The restrictions on days and hours of construction activity that are found at Paragraph 25 of "Appendix A" (Stonebrook Village Conditions of Approval) to the Planning Board's Decision of Definitive Subdivision Stonebrook Village do not apply to Lot 1 and Lot 2.

Decision and Vote of the Board:

At its meeting on November 29, 2017, and after review of all evidence and facts presented at this hearing, and after Deliberations on the same, on a motion by Mr. Nicholson, seconded by Mr. Bartolini to approve/grant the appeal. The Zoning Board of Appeals voted (4-1) to approve the Appellant's appeal.

Mr. Andrew Dennington	No
Mr. Leo Bartolini Jr.	Yes
Mr. Craig Nicholson	Yes
Mr. David Williams	Yes
Ms. Debbie DeMuria	Yes

 12/31/17  
Andrew R. Dennington, Chairperson  
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 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  
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Date