

Town of Southborough
BOARD OF APPEALS

James Hegarty
Town Clerk
Town House
Southborough, MA 01772

SOUTHBOROUGH, MASSACHUSETTS 01772

17 COMMON STREET
SOUTHBOROUGH, MASSACHUSETTS 01772-1662
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March 15, 2017

Notice of Decision on Variance Request

Property Address: 53 Parkerville Rd.

Appellants: Southborough Recreation Department

Application Filed: December 12, 2016

The Board advertised the public hearing on January 25, 2017 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(s) seeking relief from the height restrictions set forth at Sec. 174-12.1(H) of the Town's Zoning Bylaw to erect four lights at a height of 50-feet to illuminate the Richardson Tennis Courts.

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

For the Appellants: Doreen Ferguson, Southborough Recreation Director
21 Highland St.
Southborough, MA 01772

Brian Shifrin
Recreation Commission Chairperson
79 Oak Hill Rd.
Southborough, MA 01772

Procedural History:

1. An application for Variance was filed in the Office of Southborough Building Department on December 12, 2016
2. The application seeks relief from the height restrictions set forth at Sec. 174-12.1(H) of the Town's Zoning Bylaw to erect four lights at a height of 50-feet to illuminate the Richardson Tennis Courts.

3. The Record Owner of the subject property is the Town of Southborough. The property is located in the RA Residence A zoning district.
4. A public hearing before the Zoning Board of Appeals was duly noticed, opened on January 25, 2017, continued to February 15, 2017 and continued and closed on March 1, 2017.

Plans/ Documents:

1. Letter from the Building Commissioner/ Zoning Officer Mark Robidoux to the Southborough Recreation Department dated November 17, 2016.
2. One (1) rendering of the proposed lights demonstrating the brightness level of the proposed lights.
3. Three (3) pages of plans from Musco Lighting with details of the plans.
4. Numerous letters and emails of support from residents, particularly those who play tennis at the courts.
5. Letters and emails of opposition from abutter Chris Robbins of 39 Parkerville Road, and Michael Robbins of Deerfoot Road.

Findings:

1. The proposal constitutes a request for a dimensional variance from the height restrictions set forth at Sec. 174-12.1(H) of the Town of Southborough Zoning Bylaw.
2. The applicant is attempting to install four lights at a height of 50-feet.
3. Under Sec. 174-12.1(H), the Recreation Department already has the right to erect pole-mounted lights for the tennis courts up to 20 feet tall.
4. The applicant and Musco stated that a variance from the 20' restriction was necessary to adequately and effectively light the courts and minimize the amount of light pollution from the poles, and that light from 20 foot high poles would be more visible from adjacent properties and cause more glare to players on the courts.
5. Weighing both the opinions of residents in support of and in opposition to the proposal, and information received during the public hearing, the Board found the proposal would have less of an impact on the surrounding neighborhood than what could be installed if lighting the court was attempted in compliance with the Town bylaw.
6. The Board found that literal enforcement of the 20' height restriction at Sec. 174-12.1(H) of the Zoning Bylaw would involve substantial hardship to the applicant owing to circumstances relating to soil conditions, topography, or shape of land or structures on the locus in question. The hardship caused by the 20' height restriction does not generally affect the zoning district in which the locus is located, but instead it specifically relates to the locus in question, which is a public tennis court. Based upon the

applicants' presentation, the Board found that the 20' height restriction would work a substantial hardship to the applicant because effective illumination of the tennis courts with 20' poles would not be feasible or practical.

Decision and Vote of the Board:

At its meeting on March 1, 2017, the Zoning Board of Appeals voted 5-0 to approve the request(s) for the Variance to install four lights at a height of 50-feet.

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 C. Nicholson, and seconded by L. Bartolini, Jr., with members voting as follows for the Variance request(s):

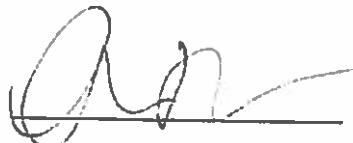
Andrew R. Dennington	Approve with Conditions
Leo F. Bartolini, Jr.	Approve with Conditions
Paul N. Drepanos	Approve with Conditions
Craig Nicholson	Approve with Conditions
David Williams	Approve with Conditions

Conditions

1. The tennis court lights shall have a push button system allowing the lights to turn on for a 30-minute period of time. Once the lights are approaching that time, the user can press the button again for continued use but the lights shall not extend beyond the hours identified in condition #2.
2. Hours of Lighting Use are as follows:
 - Sunday through Saturday nights: lights will be programmed to automatically turn off at 9:00 pm.

Any changes of the proposed lighting schedule shall require a new ZBA (or Planning Board) approval hearing.

3. Points of contact will be provided to insure that lights are turned off when not in use. If abutters do not have contact information, they may call the Police Department for assistance.
If this becomes an issue the Recreation Department will review this policy with the abutters/neighborhood, along with the members of the BOS and the Police Chief.
4. Recreation Commission will post a Commission meeting to address any neighborhood concerns.
5. An appropriate vegetative screening shall be installed along the north side of the court.



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

Date