

**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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SOUTHBOROUGH, MA

March 15, 2017

Notice of Decision on Variance Request

Property Address: 0 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 permit the Recreation Department to erect two lights at a height of 60-feet and two lights at a height of 70-feet in order to illuminate the baseball field at Mooney Field.

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

Paul Secrist
President of Southborough Little League
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 permit the Recreation Department to erect two lights at a height of 60-feet and two lights at a height of 70-feet in order to illuminate the baseball diamond at Mooney Field.
3. At the Board's first hearing on January 25, 2017, the Board noticed that the plans accompanying the Recreation Department's application called for two lights 70 feet tall, while the initial public hearing notice that was mailed to abutters and published in the MetroWest Daily News referred to proposed lights 60 feet in height. In order to correct this discrepancy, the Recreation Department prepared a corrected public hearing notice, clarifying that the variance application was for lights up to 70 feet in height, and mailed it and published it in the MetroWest Daily News in a timely manner before the continued hearing on February 15, 2017.
4. The Record Owner of the subject property is the Town of Southborough. The property is located in the RB Residence B zoning district.
5. 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. Two (2) renderings of the proposed lights demonstrating the brightness level of the proposed lights.
3. Six (6) pages of plans from Musco, the proposed lightning contractor, dated January 20, 2017 with details of the plans.
4. Two (2) pages showing the proposed lighting conditions for the field.
5. Numerous letters and emails of support from residents who are active with Southborough Youth Baseball, as well as from Selectman Dan Kolenda.
6. Two (2) letters of opposition from adjacent property owners.
7. Memorandum from Recreation Department to ZBA dated Feb. 13, 2017 re: Abutters Meeting and draft light policy.
8. A proposed Mooney Field Lighting Policy submitted by the Recreation Department and received on Feb. 27, 2017.

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 two lights at a height of 60-feet and two lights at a height of 70-feet.
3. Under Sec. 174-12.1(H), the Recreation Department already has the right to erect pole-mounted lights for Mooney Field 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 Mooney Field Little League baseball field, and minimize the amount of light pollution, and that light from 20 foot high poles would be more visible from adjacent properties and cause more glare to players on the baseball diamond.
5. During the first two public hearings, the Board encouraged the youth baseball league, Southborough Recreation Department and concerned neighbors to meet to create guidelines for when and how the field would be lit to accommodate the league schedule. Thereafter, the Recreation Department submitted to the Board a proposed Lighting Policy, which reflected input from a meeting with abutters and also from Selectwoman Bonnie Phaneuf.
6. Weighing the opinions of residents in support and in opposition to the proposal, and information received during the public hearing, the Board found the applicant's proposal would have less of an impact on the surrounding neighborhood than what could be installed if lighting was attempted in compliance with the Town bylaw.
7. 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 and Southborough Youth Baseball 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 youth baseball field. Based upon the applicants' presentation, the Board found that the 20' height restriction would work a substantial hardship to the applicant's youth baseball field because effective illumination of that field with 20' poles would not be feasible or practical.
8. Representatives of Southborough Youth Baseball also spoke persuasively to the Board about how the inability to continue games after sunset causes substantial hardship to their organization and its members. When approaching sunset hours, baseball games played without illumination of the field involve safety hazards to the youth players. Moreover, without illumination, the league experiences difficulty recruiting qualified coaches because it has to begin games at an earlier time, and coaches may not have sufficient time to travel from workplaces, particularly in Boston, to Southborough by the start time during weekdays.
9. The Board found that relief could be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the Zoning Bylaw, particularly since the variance would be granted subject to significant conditions.

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 two lights at a height of 60-feet and two lights at a height of 70-feet.

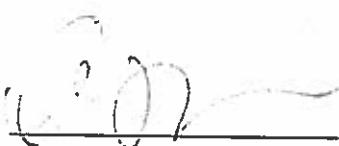
After review of all evidence and facts presented at this hearing, and after deliberations on the same, voted unanimously 5-0 on a motion made by L. Bartolini, Jr., and seconded by C. Nicholson, with members voting as follows for the Variance request(s):

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. Variance applies only to the Mooney "Majors" diamond, and does not apply to any other diamond or ball field on the property. Lights shall only be used only for players ages 12 and under and will not be modified/expanded to accommodate older players.
2. Hours of Lighting Use:
 - Sunday through Thursday nights: lights will be programmed to automatically turn off at 9:00 pm.
 - Friday & Saturday nights: lights will be programmed to automatically turn off at 9:30 pm.
 - a. The lights will be programmed to automatically shut off at the above stated times. This program will be controlled by the Southborough Recreation Department.
 - b. Selected coaches and other Southborough Little League officials will be given authority to manually turn the lights off earlier than the above stated times and will be instructed to do so when games or practices are postponed (cancelled due to rain) or end early.
 - c. The Recreation Department and Police Department have existing policies and procedures in place if issues occur or policies are not followed with recreational facilities after hours.
3. If a game on the Diamond ends after 8pm, the lights may not be used for practice.
4. The lights may be used for Tournaments ONLY if Southborough baseball players are participating in the tournament – Hours of Lighting Use above remain in effect.

5. Times of use, users, uses, and terms in this policy can be modified or expanded only with, at minimum, the approval of the Zoning Board and/or Planning Board.
6. Points of contact for the Southborough Recreation Department and Southborough Little League will be provided to abutters upon request to insure that this policy is followed and to facilitate open communication.
7. Announcer speakers will be kept at a reasonable/responsible decibel level.
8. The Recreation Department will host an annual meeting with the neighborhood and the youth organizations that use the Mooney field to facilitate open communication and respectfully express concerns.
9. If a police detail is required at Mooney Field the user shall be responsible for the fee.
10. Lights shall not be used at any time between November 1 and February 28.
11. Lights must be LED lights in compliance with Town's certification as a "green community".
12. Poles for the lights may not be erected unless and until the Town receives written confirmation from UMASS Life Flight that the field can still be used for emergency med-flight operations.



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