

Town of Southborough
BOARD OF APPEALS

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

SOUTHBOROUGH, MASSACHUSETTS 01772

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July 6, 2016

Notice of Decision for an Application for a Variance

Property Address: 163 Parkerville Rd.

Appellants: Eric Philbrook

Application Filed: June 7, 2016

The Board opened the public hearing on June 29, 2016 at 7:45pm in the Public Meeting Room of Southborough Town Hall with regard to the petition for the appellants for the following:

Petition: Variance request(s) to build a single family dwelling without meeting the required frontage or lot size requirements. The Variance is pursuant to Sec. 174-8.2 (D)(1) Minimum Lot Area and Sec. 174.8.3 (D)(2) Minimum Frontage Required.

Sitting as a Board: Leo F. Bartolini Jr., Chairman
Andrew R. Dennington
Paul Drepanos
David Eagle
Jeff Walker

For the Appellants: Peter Bemis, Applicant's Engineer
32 Turnpike Rd.
Southborough, MA 01772

Procedural History:

1. An application for a Variance was filed in the Office of Southborough Building Department on June 7, 2016
2. The application for a Variance is to construct a new single family dwelling.
3. The applicant is seeking a Variance from Sec. 174-8.2 (D)(1) Minimum Lot Area and Sec. 174.8.3 (D)(2) Minimum Frontage Required.
4. The Record Owner of the subject property is Eric Philbrook, 108 Main St., Southborough, MA
5. A public hearing before the Zoning Board of Appeals was duly noticed, opened on June 29, 2016 and closed in the same evening.

Plans/ Documents:

1. Three (3) page narrative describing project and arguments for approval by Peter Bemis of Engineering Design Consultants, Inc.
2. Letter from prior Building Commissioner David Gusmini, dated May 14, 2013.
3. Letter from the Building Commissioner/ Zoning Officer Mark Robidoux to Eric Philbrook, dated June 7, 2016.
4. Two (2) page plot plan of land from the applicant dated through 4/13/16.

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 a home that would be similar in size and scale to other homes in the surrounding area.
4. The proposal meets all other requirements with exception to the proposed lot area and frontage requirements.
5. The Board noted the unusual circumstances that led up to the proposal coming before them.
6. Discussion amongst the Board concerned whether or not a precedent would be set by this proposal.

Decision and Vote of the Board:

At its meeting on June 29, 2016, the Zoning Board of Appeals voted 3-2 to grant the Variance(s) pursuant to Sec. 174-8.2 (D)(1) Minimum Lot Area and Sec. 174.8.3 (D)(2) Minimum Frontage Required for the construction of a new single family dwelling.

After review of all evidence and facts presented at this hearing, and after deliberations on the same, voted 3-2 on a motion made by A. Dennington, and seconded by J. Walker, with members voting as follows to grant the requested Variance:

Leo F. Bartolini Jr.	No
Andrew R. Dennington	Yes
Paul Drepanos	No
David Eagle	Yes
Jeff Walker	Yes

The motion therefore, does not pass due to the fact a super-majority (two-thirds or greater) of the Board did not vote in favor of the petition.



Leo F. Bartolini, Jr., Chair

Signing on behalf of the Zoning Board of Appeals

Filed with the Town Clerk on: July 11, 2016

****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