

Town of Southborough
BOARD OF APPEALS
SOUTHBOROUGH, MASSACHUSETTS 01772

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SOUTHBOROUGH, MA *mg*

James Hegarty
Town Clerk
Town House
Southborough, MA 01772

17 COMMON STREET
SOUTHBOROUGH, MASSACHUSETTS 01772-1662
508-485-0717 ext. 1

October 1, 2016

Notice of Decision on Appeal of Building Commissioner's Determination

Property Address: 6-8 Turnpike Rd.

Appellants: Lamar Central Outdoor LLC

Application Filed: August 23, 2016

The Board opened the public hearing on September 28, 2016 at 7:00pm in the Public Meeting Room of Southborough Town Hall with regard to the petition for the appellants for the following:

Petition: Appeal request(s) to overturn the Building Commissioner's decision that the applicant must obtain a Planning Board report prior to the acceptance of the Applicant's filings with the Zoning Board of Appeals is pursuant to Sec. 174-11E.(4).

Sitting as a Board: Andrew R. Dennington, Chairperson
Paul N. Drepanos
Craig Nicholson
Jeff Walker
David Williams

For the Appellants: William Pezzoni, Attorney for Applicant
Day Pitney
One International Place
Boston, MA 02110

Procedural History:

1. An application for an Appeal of the Building Commissioner's decision was filed in the Office of Southborough Building Department on August 23, 2016
2. The application for an Appeal is to have the Applicant's applications accepted prior to a determination from the Planning Board.
3. The applicant is seeking an Appeal from the interpretation of Sec. 174-1.E(4)
4. The Record Owner of the subject property is 6 Turnpike Rd. LLC.

5. A public hearing before the Zoning Board of Appeals was duly noticed, opened on September 28, 2016 and closed in the same evening.

Plans/ Documents:

1. Letter from the Building Commissioner/ Zoning Officer Mark Robidoux to William Pezzoni dated August 16, 2016.
2. Two (2) letters from the Planning Board to the Zoning Board of Appeals, dated September 27, 2016.

Findings:

1. The proposal constitutes an appeal of the Building Commissioner's Decision of a submission pertaining to Sec. 174.11E(4) under the Town of Southborough Zoning Bylaw.
2. The applicant is attempting to submit an application for a Special Permit and Variance to erect a digital billboard.
3. The applicant maintains that the Board can still accept the petitions and wait to act until the Planning Board renders an opinion on the petition.
4. The Board determined that the crux of the issue was the interpretation of the words "to Act", and agreed with the applicant's interpretation.
5. The Board discussed timing of the petition with the applicant and agreed upon an extension of time from when the application was originally submitted in order to open a public hearing and act upon the matter.

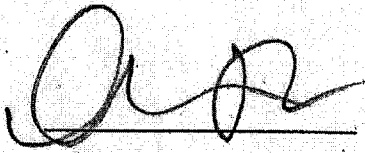
Decision and Vote of the Board:

At its meeting on September 28, 2016, the Zoning Board of Appeals voted 5-0 to overturn the Building Commissioner's decision pursuant to Sec. 174-11.E(4) for the purpose of accepting Special Permit and Variance filings with the following condition(s):

- The new dates for which the Board has to open a hearing regarding the matters and make a decision are November 30, 2016 and December 30, 2016 respectively.

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 D. Williams, and seconded by P. Drepanos, with members voting as follows:

Andrew R. Dennington	Yes
Paul N. Drepanos	Yes
Craig Nicholson	Yes
Jeff Walker	Yes
David Williams	Yes

 -10/10/16

Andrew R. Dennington, Chairperson

Signing on behalf of the Zoning Board of Appeals

Filed with the Town Clerk on:

10/11/16 J. Hegarty

****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

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