



**Zoning Board  
of Appeals**

## **ZONING BOARD OF APPEALS**

221 Main Street  
Boylston, Massachusetts 01505  
Telephone 508-869-0143

### **MEETING MINUTES JULY 9, 2013**

**Chairman:** William Filsinger

**Members Present:** Rob Cotter, Arlene Murphy, Brad Wyatt

**Members Absent:** Janet Lombardi

**Alternate Members  
Absent:** Larry Campo, Stephen Longton

**Recorder:** Nina Gardner

The Meeting was called to order at 7:21 p.m. The Board reviewed the minutes from the meeting on June 11, 2013. Changes were made to the second to last paragraph. Mr. Cotter motioned to accept the minutes as amended and Mr. Wyatt seconded. All voted in favor.

**Jim Pappas, 61 Columbus Road – Public Hearing Continued for Variance Poe and Nicholas Avenue**-Mr. Pappas attended the meeting along with his son, Nick Pappas. He submitted a revised plan as requested by the Board at the June 11, 2013 meeting for a variance on his property at Nicholas and Poe Avenues. There was a discussion regarding the driveways being on two different streets. Both roads are private. It was suggested that Mr. Pappas speak with the Highway Department. He previously has been told it doesn't matter because roads are private. Mr. Pappas has been clearing the road and keeping it clean. He stated that the abutters who attended the prior meeting were all in favor of this approval because they would like to sell their property.

The Board reviewed the new plan which calls for a 20.8 foot setback in front and 10.2 foot in rear. There was discussion as to how far from the rear property line neighbors are located. Mr. Pappas stated at least 50 feet. There are two family homes behind the property and Mr. Pappas feels his homes will fit in nicely with the neighborhood. There are woods between them. He

purchased four lots so he could meet the State septic requirements. There was a brief discussion regarding type of septic and soils. Ms. Murphy raised concern regarding the two different roads for the driveways. Mr. Pappas feels it is the most practical and safest approach. The addresses will be same, but with A & B.

Mr. Filsinger presented the following findings:

1. There are special conditions affecting this land or building that do not affect in general the Zoning District in which the land or building is located in that; the lot is a pre-existing, non-conforming lot that is too small to construct a reasonably sized house without encroaching on setback requirements.
2. That a literal enforcement of the Zoning Bylaws would involve substantial hardship, financial or otherwise to the Petitioner; in that the Petitioner would not be able to construct a reasonably sized two family home as is allowed by zoning and regulations.
3. That desirable relief may be granted without substantial detriment to the public good; in that the currently vacant lot will be significantly improved as will the surrounding neighborhood.
4. That desirable relief may be granted without nullifying or substantially derogating from the intent of the Zoning Bylaw; in that the neighborhood will be improved and the construction of this home is consistent with the Zoning Bylaw.

The Board discussed rounding the 20.8 feet to 20 and 10.2 feet to 10 for the front and rear setbacks.

Mr. Filsinger made a motion that the Board grant a front setback variance of up to 20 feet and rear setback variance of up to 10 feet as shown on the plan submitted to the Zoning Board on July 9, 2013 and dated June 26, 2013. It was seconded by Mr. Wyatt.

A roll call vote was taken:

Mr. Wyatt - yes  
Mr. Cotter - yes  
Ms. Murphy- yes  
Mr. Filsinger- yes

The variance was approved unanimously. A Decision will be filed with the Town Clerk. Mr. Pappas will also receive the Decision and he shall send to abutters. If there is no appeal after 20 days, the Decision shall be filed at the Worcester Registry of Deeds by Mr. Pappas. A motion to close the public hearing was made by Mr. Wyatt and seconded by Mr. Cotter. All voted in favor.

A motion to adjourn was made at 7:50 by Mr. Wyatt and seconded by Mr. Cotter.  
All voted in favor.

**Meeting Materials:**

Revised Plan dated June 26, 2013 for Poe and Nicholas Ave (ZBA files)  
File on Poe and Nicholas Avenue (ZBA files)