

**Town of Southborough  
BOARD OF APPEALS**

SOUTHBOROUGH, MASSACHUSETTS 01772

9 CORDAVILLE ROAD  
SOUTHBOROUGH, MASSACHUSETTS 01772-1662  
508-485-0717 ext. 1

James F. Hegarty  
Town Clerk  
Town House  
17 Common Street  
Southborough, Massachusetts 01772

June 17, 2021

**Notice of Decision of an Application for a Special Permit**

Property Address: 16 Clifford Road; Map 35, Lot 6

Appellants: Jason Kurtz, Kurtz Design Studio LLC, 168 Middle Road, Southborough, MA 01772

Application Filed: April 21, 2021

The Board opened the Public Hearing on May 19, 2021 at 7:15 P.M. through Zoom and continued on June 16, 2021 at 7:00 P.M. in the McAuliffe Hearing Room of Southborough Town Hall with regard to the petitions for the appellants for the following:

Petition: Special Permit request to allow an accessory apartment within the existing footprint of a single-family residence in the Residence A District. Relief is requested pursuant to Sec. 174-8 (2) (B) (1).

Public Hearing: May 19th, 2019 through Zoom at 7:15 P.M.  
Continued to June 16, 2021 at 7:00 P.M.  
McAuliffe Hearing Room  
17 Common Street  
Southborough, MA 01772

Sitting as a Board: David Williams, Chair  
Craig Nicholson, Clerk  
Deborah DeMuria  
Doris Cahill  
Michael Robbins

For the Appellants: Jason Kurtz, Kurtz Design Studio, LLC  
168 Middle Road  
Southborough, MA 01772

Timothy and Emily Gillis, homeowners  
16 Clifford Road  
Southborough, MA 01772

**Procedural History:**

1. An application for a Special Permit was filed in the Office of the Southborough Building Department on April 21, 2021.
2. The application for the Special Permit is to allow an accessory apartment within the existing footprint of a single-family residence in the Residence A District. Relief was requested under Section 174-8 (2) (B) (1).
3. The record owner of the subject property is Emily and Timothy Gillis, 16 Clifford Road, Southborough, MA.
4. A public hearing before the Zoning Board of Appeals was duly noticed in the Metro West Daily News on Wednesday May 5, 2021 and Wednesday May 12, 2021.
5. Public Hearing opened on May 19, 2021, was continued to June 16, 2021 and closed that evening.

**Plans/Documents:**

1. Letter from Building Commissioner/Zoning Enforcement Officer Laurie Livoli to Jason Kurtz, 168 Middle Road, Southborough, MA 01772.
2. Certified Copy of Abutters List.
3. Special Permit application, 16 Clifford Road.
4. Board of Health recommendation for 16 Clifford Road.
5. Report to the ZBA from the Planning Board, 16 Clifford Road.
6. Certified plot plan, 16 Clifford Road.
7. Renovation plans, 16 Clifford Road.
8. Deed Restriction, 16 Clifford Road.

**Findings:**

1. The proposal constitutes a Special Permit under the Town of Southborough Zoning Bylaw.
2. The property is located in the Residence A, RA Zoning District.
3. The applicant is proposing to include an accessory apartment within the existing footprint of a single-family residence.
4. The Board finds that the accessory apartment and its characteristics are in harmony with the intent and purpose of Chapter 174, Zoning, of the Code of the Town of Southborough and Chapter 40A of the Massachusetts General Laws.

5. The Board finds that the accessory apartment will not be in conflict with the public health, safety, convenience and welfare and shall not be substantially detrimental or offensive to the neighborhood or destructive of property values therein.
6. The accessory apartment will not have any visual consequences.
7. The Planning Board recommended approval of the accessory apartment.
8. The habitable floor area of the accessory unit shall not exceed twenty-five percent of the habitable floor area of the entire dwelling.
9. There is no other apartment on the lot on which the accessory apartment is proposed.
10. The Board of Health approved the accessory apartment so long as the dwelling does not exceed four total bedrooms.
11. A deed restriction limiting the dwelling to four bedrooms was submitted by the applicant.

**Decision and Vote of the Board:**

At its meeting on June 16, 2021, the Zoning Board of Appeals voted unanimously (5-0-0) to grant the Special Permit pursuant to Section 174-8 (2) (B) (1) to allow Jason Kurtz of Kurtz Design Studio, LLC an accessory apartment within the existing footprint of a single-family residence at 16 Clifford Road.

After review of all evidence and facts presented at this hearing, and after deliberation of the same, the Board voted unanimously (5-0-0) on a motion made by Mr. Nicholson and seconded by Mr. Robbins, with members voting as follows to grant the requested Special Permit:

David Williams	Approve
Craig Nicholson	Approve
Deborah DeMuria	Approve
Doris Cahill	Approve
Michael Robbins	Approve



David Williams, Chair

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 Law, 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: \_\_\_\_\_

Date: \_\_\_\_\_

James F. Hegarty, Town Clerk  
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