

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

August 25, 2022

Notice of Decision of an Application for a Special Permit and Variance

Property Address: 359 Turnpike Road; Recorded Worcester Registry of Deeds Book 16089, Page 34/68 Flagg Road; Recorded Worcester Registry of Deeds Book 18901, Page 112

Appellants: John A. Bartolini, Jr., 4 Wyeth Circle, Southborough, MA

Application Filed: July 6, 2022

Public Hearing: August 17, 2022 at 7:00 P.M.
Virtual meeting through Zoom

Sitting as a Board: David Williams, Chair
Paul Drepanos
Michael Robbins
Doris Cahill
Jamie Mieth

For the Appellants: John A. Bartolini, Jr., Applicant
4 Wyeth Circle
Southborough, MA 01772

Jordan Mackey, Operator of Nan's Market
21 Great Road
Stow, MA 01775

Procedural History:

1. An application for an amendment to a Special Permit and Variance was filed in the Office of the Southborough Building Department on July 6, 2022.
2. The application for the Special Permit and Variance is to allow the deletion of conditions four and five of the 1999 Special Permit and Variance decision for a sign relating to the former tenant

at 359 Turnpike Road and to correct the inaccurate property reference from 357 Turnpike Road to the correct address of 359 Turnpike Road. Relief was requested under Section 174-11 (E).

3. Condition four of the 1999 decision reads as follows:

“The sign on Lot 2 shall be removed upon the alteration of the signage on the Wendy’s site at 359 Turnpike Road.”
4. Condition five of the 1999 decision reads as follows:

“The sign on Lot 2 shall be removed if a commercial business other than Wendy’s Restaurant operates on the Wendy’s site at 359 Turnpike Road.”
5. The record owner of the subject property is John Bartolini, Jr., 4 Wyeth Circle, Southborough, MA.
6. A public hearing before the Zoning Board of Appeals was duly noticed in the Community Advocate on Wednesday, August 3, 2022, and Wednesday, August 10, 2022.
7. The applicant was heard at the August 17, 2022, Zoning Board of Appeals meeting after describing that the variance for the sign at 68 Flagg Road should be related to the property at 359 Turnpike Road and not the tenant. Additionally, the change of address is correcting a scrivener’s error from the 1999 Special Permit and Variance decision.
8. The public hearing opened on August 17, 2022, and closed the same evening.

Plans/Documents:

1. Letter from Building Commissioner/Zoning Enforcement Officer Laurie Livoli to John A. Bartolini, Jr, re: 359 Turnpike Road/68 Flagg Road Special Permit and Variance amendment 1999 dated July 5, 2022.
2. Certified Copy of Abutters List from the Town of Southborough, MA.
3. Public Hearing Notice for publication in the Community Advocate on 8/3/2022 and 8/10/2022.
4. Notice of Decision for a Special Permit and Variance, 357 Turnpike Road, July 13, 1999.
5. Plan of Land at 359 Turnpike Road, Southborough, MA.
6. Google Maps photo of 359 Turnpike Road, Southborough, MA.
7. Nan’s Market sign specifications dated 7/22/2022.
8. Planning Board Report – Sign Application.

Findings:

1. The proposal constitutes a Special Permit and Variance under the Town of Southborough Zoning Bylaw.
2. The property is located in the Industrial District.
3. The applicant is proposing to change the sign at 68 Flagg Road from Wendy’s Restaurant to Nan’s Market, the current tenant at 359 Turnpike Road, and correct a scrivener’s error from the 1999 Zoning Board of Appeals Notice of Decision.
4. Conditions four and five of the 1999 decision would need to be removed in order for the sign to be changed from Wendy’s Restaurant which no longer resides at 359 Turnpike Road, to Nan’s

Market who are the new tenants at 359 Turnpike Road or any future allowable business residing at 359 Turnpike Road.

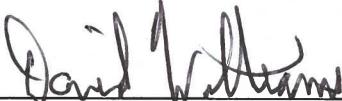
5. Nan's Market, the new tenant at 359 Turnpike Road, continues the restaurant use at this location which is allowed under 174-8.7 (B) (8).
6. The Planning Board approved the sign based on the report of votes taken on items 1-5 at their August 1, 2022 meeting.
7. Correcting the address error from 357 Turnpike Road to 359 Turnpike Road is necessary.
8. There are no objections from the public regarding this application, which is in harmony with the intent of the bylaw.

Decision and Vote of the Board:

At its meeting on August 17, 2022, the Zoning Board of Appeals voted (4-1-0) to grant the Special Permit and Variance pursuant to Section 174-11 (E) to allow the changing of Wendy's sign at 68 Flagg Road to Nan's Market through the deletion of conditions four and five of the 1999 Special Permit and Variance decision and correcting the address on the same decision.

After review of all evidence and facts presented at this hearing, and after deliberation of the same, the Board voted (4-1-0) on a motion made by Mr. Drepanos and seconded by Mr. Robbins, with members voting by roll call as follows to grant the requested Special Permit and Variance:

David Williams	Aye
Paul Drepanos	Aye
Michael Robbins	Aye
Doris Cahill	Aye
Jamie Mieth	Nay



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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