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Town of Southborough *ANB*
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

2023 APR 31 A 8:28

May 1, 2023

Notice of Decision for an Application for a Special Permit

Property Address: 82 Middle Road, Southborough, MA 01772 (Map 36, Lot 13)

Appellants: Melissa Rotunno

Application Filed: February 27, 2023

Public Hearing: April 26, 2023 at 7:00 P.M.
Virtual meeting through Zoom

Sitting as a Board: David Williams, Chair
Craig Nicholson
Paul Drepanos
Michael Robbins
Jamie Mieth

For the Appellants: Melissa Rotunno, Patrick Cameron

Procedural History:

1. An application for a Special Permit was filed in the Office of the Southborough Building Department on February 27, 2023.
2. The application for the Special Permit is to allow an accessory apartment. Relief was requested under Section 174-9B.
3. The record owner of the subject property is Melissa Rotunno, 82 Middle Road, Southborough, MA 01772.
4. A public hearing before the Zoning Board of Appeals was duly noticed in the Community Advocate on April 12, 2023, and April 19, 2023.

5. The applicant was heard at the April 26, 2023 Zoning Board of Appeals meeting after describing that she would like to build an accessory apartment in the basement of the existing single-family home in which her mother would reside.
6. The public hearing opened on April 26, 2023 and closed April 26, 2023.

Plans/Documents:

1. Letter from Building Commissioner/Zoning Enforcement Officer Laurie Livoli to Melissa Rotunno, re: 82 Middle Road Accessory Apartment.
2. Narrative: In-Law Proposal, 82 Middle Road
3. Notice of Decision for an Application for a Special Permit, 82 Middle Road, granted March 26, 2008
4. Photograph of proposed bulkhead replacement
5. Plot Plan, 82 Middle Road
6. Floor Plans, 82 Middle Road
7. Letter from Assessors Office certifying the number of accessory apartments granted by the Zoning Board of Appeals since January 1979 does not exceed 5% of the total number of single-family homes, per Zoning Bylaws Section 174-9 B (4).
8. Letter of Recommendation from the Southborough Planning Board
9. Letter from the Board of Health regarding the existing septic system
10. Certified Abutters List – 82 Middle Road
11. Legal Ad Billing Agreement

Findings:

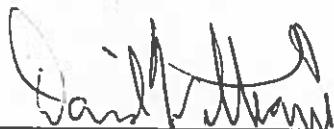
1. The proposal does constitute a Special Permit under the Town of Southborough Zoning Bylaw.
2. The property is located in the Residence B zoning district.
3. The applicant is seeking to allow an accessory apartment and to replace the bulkhead with a roof and railing for ease of access.
4. The proposal and evidence presented meet the criteria to grant the Special Permit:
 - a. The habitable floor area of the accessory unit does not exceed 25% of the habitable floor area of the entire dwelling.
 - b. There is no other apartment on the lot on which the accessory apartment is proposed.
 - c. No more than the required minimum exterior alterations will be made to the one-family house.
 - d. The total cumulative number of accessory apartments permitted by the Board of Appeals since January 1979 does not exceed 5% of the total number of one-family houses in Southborough at the beginning of 2023, based on the Assessor's records.

- e. The use sought and its characteristics are in harmony with the intent and purpose of the bylaw, is not in conflict with public health, safety, convenience, and welfare, and is not substantially detrimental or offensive to the neighborhood or destructive of property values therein.
- 5. 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 April 26, 2023, after review of all evidence and facts presented at this hearing, and after deliberation of the same, the Zoning Board of Appeals voted unanimously (5-0-0) on a motion made by Mr. Nicholson and seconded by Mr. Robbins, to grant the Special Permit pursuant to Section 174-9 B to allow an accessory apartment, with members voting by roll call as follows to grant the requested Special Permit:

Jamie Mieth	Aye
Michael Robbins	Aye
Paul Drepanos	Aye
Craig Nicholson	Aye
David Williams	Aye



David Williams, Chair

Signing on behalf of the Zoning Board of Appeals

Notice: Appeals, if any, shall be made pursuant to MGL c. 40A, Section 17, and shall be filed within twenty (20) days after the filing of this notice in the Office of the Southborough Town Clerk. Further, no variance, or any extension, modification or renewal thereof, shall take effect until a copy of the decision bearing the certification of the city or town clerk that twenty days have elapsed after the decision has been filed in the office of the city or town clerk and no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied, or that if it is a variance which has been approved by reason of the failure of the permit granting authority or special permit granting authority to act thereon within the time prescribed, a copy of the petition for the variance accompanied by the certification of the city or town clerk stating the fact that the permit granting authority failed to act within the time prescribed, and no appeal has been filed, and that the grant of the petition resulting from such failure to act has become final, or that if such appeal has been filed, that it has been dismissed or denied, is recorded in the registry of deeds for the county and district in which the land is located and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title.

**** 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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