

Town of Southborough
BOARD OF APPEALS

SOUTHBOROUGH, MASSACHUSETTS 01772

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

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SOUTHBOROUGH TOWN CLERK

2023 MAY 23 A 8:30

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

May 23, 2023

Notice of Decision of an Application for a Special Permit

Property Address: 8 Winter Street
Appellants: Jeffrey Cholin
Application Filed: March 28, 2023
Public Hearing: May 17, 2023 at 7:00 P.M.
Virtual meeting through Zoom
Sitting as a Board: David Williams, Chair
Craig Nicholson
Michael Robbins
Doris Cahill
Jamie Mieth
For the Appellants: Jeffrey Cholin

Procedural History:

1. An application for a Special Permit was filed in the Office of the Southborough Building Department and the Office of the Southborough Town Clerk on March 28, 2023.
2. The application for the Special Permit is for an alteration of a pre-existing, nonconforming structure to add a deck to the front of the house. Relief was requested under Section 174-9E.
3. The record owner of the subject property is Jeffrey Cholin, 8 Winter Street, Southborough, MA 01772.
4. A public hearing before the Zoning Board of Appeals was duly noticed in the Community Advocate on May 3, 2023, and May 10, 2023.

5. The applicant was heard at the May 17, 2023 Zoning Board of Appeals meeting after describing that he would like to construct a deck on the front of his house to allow easier access to the home.
6. The public hearing opened on May 17, 2023 and closed May 17, 2023.

Plans/Documents:

1. Special Permit Application Form – 8 Winter Street
2. Project Narrative – 8 Winter Street
3. Plot Plan – 8 Winter Street, prepared by RealMap Info LLC, dated May 12, 2021
4. Revised Plan – 8 Winter street, prepared by Jeffrey Cholin, received with application
5. Photographs of subject property – 8 Winter Street
6. Certified Abutters List – 8 Winter Street
7. Legal Ad Billing Agreement
8. Letter of support from James and Maureen Colleary, 51 Central Street, dated May 4, 2023
9. Letter of support from Timothy Smith, 6 Winter Street, dated May 11, 2023
10. Letter of support from Patti Fiore, 10 Winter Street, dated May 15, 2023

Findings:

1. The proposal constitutes a Special Permit under the Town of Southborough Zoning Bylaw.
2. The property is located in the Residence B (formerly Residence C) zoning district.
3. The existing dwelling is a legally pre-existing, nonconforming structure as it was built in 1940, prior to the Zoning Code, and a significant portion of the dwelling encroaches on the front setback.
4. The applicant is seeking to construct a deck on the front of the house, altering a pre-existing nonconforming structure.
5. The addition of the deck would increase the applicant's quality of life by allowing easier access to the residence.
6. The direct abutters to the property, located at 6 and 10 Winter Street, are in support of the Special Permit.
7. The Board determined that the proposal and evidence presented meet the criteria to grant the Special Permit:
 - a. The proposed deck is not substantially more detrimental to the neighborhood or destructive of property values therein.
 - b. The proposed deck is not in conflict with public health, safety, convenience and welfare.
 - c. The proposed work will not increase the extent of the nonconforming structure in impact.
 - d. The cost of the proposed work shall not exceed 50% of the assessed value of the nonconforming structure.

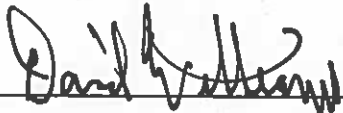
8. There are no objections from the public regarding this application, which is in harmony with the intent of the bylaw.

Decision and Vote of the Board:

At its meeting on May 17, 2023, the Zoning Board of Appeals voted unanimously (5-0-0) to grant the Special Permit pursuant to Section 174-9E to allow an alteration of a pre-existing, nonconforming structure to construct a deck on the front of the house.

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 by roll call as follows to grant the requested Special Permit:

Doris Cahill	Aye
Michael Robbins	Aye
Craig Nicholson	Aye
Jamie Mieth	Aye
David Williams	Aye



David Williams, Chair

Signing on behalf of the Zoning Board of Appeals

The Board of Appeals also calls to the attention of the owner or applicant that General Laws, Chapter 40A, Section 11 provides that no variance or special permit, or any extension, modification or renewal thereof, shall take effect until a copy of the decision bearing the certification of the Town Clerk that twenty days have elapsed after the decision has been filed in the Office of the Town Clerk and no appeal has been filed 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. The fee for such recording or registering shall be paid by the owner or applicant.

**** 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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