

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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2023 AUG 21 P 12:53
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James F. Hegarty
Town Clerk
Town House
17 Common Street
Southborough, Massachusetts 01772

August 21, 2023

Notice of Decision of an Application for a Special Permit

Property Address: 9 Jericho Hill Road, Southborough, MA 01772 (Map 71, Lot 3A)

Deed Book & Page: Book 68533, Page 161

Appellants: David Johnson

Application Filed: June 29, 2023

Public Hearing: August 16, 2023 at 7:00 P.M.
Virtual meeting through Zoom

Sitting as a Board: David Williams, Chair
Craig Nicholson
Paul Drepanos
Doris Cahill
Jamie Mieth

For the Appellants: Michael Bartolini

Procedural History:

1. An application for a Special Permit was filed in the Office of the Southborough Building Department and Office of the Southborough Town Clerk on June 29, 2023.
2. The application for the Special Permit is to convert a single-family dwelling to a two-family dwelling. Relief was requested under Section 174-8.2 B(6) and Section 174-9 G.
3. The record owner of the subject property is The Johnson Family Irrevocable Trust.
4. A public hearing before the Zoning Board of Appeals was duly noticed in the Metrowest Daily News on August 2, 2023, and August 9, 2023.

5. The applicant was heard at the August 16, 2023 Zoning Board of Appeals meeting after describing that they are looking to convert the existing single-family dwelling into a two-family dwelling.
6. The public hearing opened on August 16, 2023 and closed the same evening.

Plans/Documents:

1. Zoning Board of Appeals Application Form – 9 Jericho Hill Road
2. Project Narrative – 9 Jericho Hill Road
3. Plot Plan – 9 Jericho Hill Road
4. Plot Plan, colored version – 9 Jericho Hill Road
5. Floor Plan – 9 Jericho Hill Road
6. Building Elevations – 9 Jericho Hill Road
7. Quitclaim Deed – 9 Jericho Hill Road
8. Planning Board Report to Zoning Board of Appeals – 9 Jericho Hill Road
9. Letter from Board of Health to Zoning Board of Appeals – 9 Jericho Hill Road
10. Photographs of the property – 9 Jericho Hill Road
11. Certified Abutters List – 9 Jericho Hill Road
12. Legal Ad Billing Agreement

Findings:

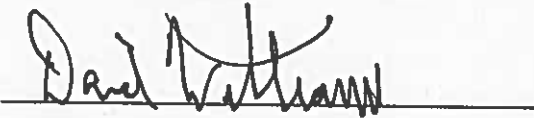
1. The proposal does constitute a Special Permit under the Town of Southborough Zoning Bylaw.
2. The property is located in the Residence A district.
3. The applicant is seeking to convert a single-family dwelling to a two-family dwelling.
4. The conversion of a one-family house in existence for two years or longer to a two-family dwelling, on a lot with a minimum of 15,000 square feet is an allowable use by Special Permit in the Residence A district.
5. The proposal and evidence presented meet the criteria to grant the Special Permit:
 - a. The one-family house has been in existence for more than two years, having been built in approximately 1983.
 - b. The Board of Health approved the proposed change.
 - c. The Planning Board voted unanimously (5-0-0) in favor of the proposed conversion, noting it was in keeping with the surrounding neighborhood and would offer greater diversity in housing options.
 - d. The lot on which the one-family residence is to be converted to a two-family dwelling is greater than the 15,000 square foot minimum requirement, with a lot size of approximately 43,560 square feet.
 - e. There is no other apartment on the lot on which the two-family residence is proposed.
 - f. Not more than the required minimum exterior alterations will be made to the one-family house and to any accessory buildings.
6. The use sought and its characteristics are in harmony with the intent and purpose of the Town of Southborough Zoning Bylaws, Chapter 174-9, and are not in conflict with public health, safety, convenience and welfare and are not substantially detrimental or offensive to the neighborhood or destructive of property values therein.
7. The proposed use would serve housing needs of local residents.

Decision and Vote of the Board:

At its meeting on August 16, 2023, the Zoning Board of Appeals voted unanimously (5-0-0) to grant the Special Permit pursuant to Section 174-8.2 B(6) and Section 174-9 G to allow the conversion of a single-family home to a two-family dwelling.

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. Drepanos, with members voting by roll call as follows to grant the requested Special Permit:

Paul Drepanos	Aye
Craig Nicholson	Aye
Jamie Mieth	Aye
Doris Cahill	Aye
David Williams	Aye



David Williams, Chair
Signing on behalf of the Zoning Board of Appeals

The Board of Appeals calls to the attention of the owner or applicant that pursuant to M.G.L. c. 40A, § 9, this Special Permit shall lapse within two years of the date of the grant, not including the time required to pursue or await the termination of an appeal referred to in M.G.L. c. 40A, § 17, if substantial use thereof has not sooner commenced, except for good cause.

Any person aggrieved by the action of the Zoning Board of Appeals may appeal said action in accordance with M.G.L. c. 40A, § 17.

M.G.L. c. 40A, § 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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