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Town of Southborough
BOARD OF APPEALS

SOUTHBOROUGH, MASSACHUSETTS 01772

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

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2023 OCT -2 A 9:54

October 2, 2023

Notice of Decision of an Application for a Special Permit

Property Address: 12 Wolfpen Lane, Southborough, MA 01772

Map/Lot: Map 91, Lot 21

Book/Page: Book 55848, Page 142

Appellants: Adrian & Anna D'Lima

Application Filed: July 31, 2023

Public Hearing: September 20, 2023 at 7:00 P.M.
Virtual meeting through Zoom

Sitting as a Board: David Williams, Chair
Craig Nicholson
Paul Drepanos
Michael Robbins
Doris Cahill

For the Appellants: Anna D'Lima

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 July 31, 2023.
2. The application for the Special Permit is to allow more than three garage bays. Relief was requested under Section 174-9 and Section 174-8.2 B (12).
3. The record owners of the subject property are Adrian & Anna D'Lima.
4. A public hearing before the Zoning Board of Appeals was duly noticed in the Community Advocate on September 6, 2023, and September 13, 2023.

5. The applicant was heard at the September 20, 2023 Zoning Board of Appeals meeting after describing that they are looking to construct a detached two-bay garage on a property that has an existing attached three-bay garage.
6. The public hearing opened on September 20, 2023 and closed the same evening.

Plans/Documents:

1. Special Permit Application Form – 12 Wolfpen Lane
2. Revised Special Permit Application Form, page 1 – 12 Wolfpen Lane
3. Project Narrative – 12 Wolfpen Lane
4. Site Photographs – 12 Wolfpen Lane
5. “Plan Showing Existing Conditions”, 12 Wolfpen Lane, prepared by D. O’Brien Land Surveying, dated 10/31/2022.
6. “Plan Showing Proposed Garage – Pool”, 12 Wolfpen Lane, prepared by D. O’Brien Land Surveying, dated 10/31/2022.
7. Quitclaim Deed – 12 Wolfpen Lane, Book 55848, Page 142
8. Renderings of proposed garage – 12 Wolfpen Lane
9. Certified Abutters List – 12 Wolfpen Lane
10. 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 zoning district.
3. The applicant is seeking to construct a two-bay, detached garage on a property that has an existing single-family home with a three-bay, attached garage.
4. Per the Town of Southborough Zoning Code Section 174-8.2 B (12), a “private garage or private parking for more than three vehicles, that is accessory to a permitted principal use and on the same lot as such use” is an allowable use by Special Permit.
5. The proposal and evidence presented meets the criteria to grant the Special Permit:
 - a. The Board finds that the use sought, and its characteristics, are in harmony with the intent and purpose of Chapter 174 of the Town of Southborough Zoning Code, 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.
6. 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 September 20, 2023, the Zoning Board of Appeals voted unanimously (5-0-0) to grant the Special Permit pursuant to Section 174-8.2 B (12) and Section 174-9 to allow the construction of a two-bay, detached garage.

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:

Doris Cahill	Aye
Michael Robbins	Aye
Craig Nicholson	Aye

Paul Drepanos Aye
David Williams Aye

David Williams

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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