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Town of Southborough
BOARD OF APPEALS

SOUTHBOROUGH, MASSACHUSETTS 01772

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

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

November 27, 2023

Notice of Decision of an Application for a Special Permit

Property Address: 19 East Main Street, Southborough, MA 01772
Map/Lot: Map 55, Lot 43
Book/Page: Book 69367, Page 93
Appellants: 19 E Main St LLC
Application Filed: October 3, 2023
Public Hearing: November 15, 2023 at 7:15 P.M.
Virtual meeting through Zoom
Sitting as a Board: David Williams, Chair
Michael Robbins, Clerk
Paul Drepanos
Doris Cahill
Jamie Mieth
For the Appellants: Derek Wheeler, 19 East Main St LLC
Matthew Bombaci, Bohler Engineering

PROCEDURAL HISTORY

1. An application for a Special Permit was filed in the Office of the Southborough Building Department on October 2, 2023 and in the Office of the Southborough Town Clerk on October 3, 2023.
2. The application for the special permit is for the reconstruction of a pre-existing, nonconforming structure. Relief was requested under the Town of Southborough Zoning Bylaw Section 174-19.

3. The record owner of the subject property is 19 E Main St LLC.
4. A public hearing before the Zoning Board of Appeals was duly noticed in the Community Advocate on November 1, 2023, and November 8, 2023.
5. The applicant was heard at the November 15, 2023 Zoning Board of Appeals meeting after describing that the existing building was damaged by a fire, and the applicant is proposing to redevelop the site with a new single-family dwelling to replace the existing single-family dwelling.
6. The public hearing opened on November 15, 2023 and closed the same evening.

Plans/Documents:

1. Special Permit application – 19 East Main Street, filed October 3, 2023
2. Project Narrative – 19 East Main Street, prepared by Bohler Engineering, dated October 2, 2023
3. "Existing Site Plan" – 19 East Main Street, prepared for 19 E Main St LLC by Bohler Engineering, dated October 2, 2023
4. "Proposed Site Plan" – 19 East Main Street, prepared for 19 E Main St LLC by Bohler Engineering, dated October 2, 2023
5. Building Elevations, "Plan# 4654" – 19 East Main Street, prepared by HPA Design
6. Property Photograph – 19 East Main Street
7. Quitclaim Deed – Book 69367, Page 93
8. Certified Abutters List – 19 East Main Street, dated October 2, 2023
9. Legal Ad Billing Agreement

FINDINGS

1. The proposal constitutes a special permit under the Town of Southborough Zoning Bylaw.
2. The property is located in the Residence B zoning district, formerly the Residence C district.
3. The site currently contains an existing three-bedroom, one-story single-family dwelling of approximately 1272 sq ft, which was recently damaged in a fire.
4. The subject lot is pre-existing, nonconforming for the following reasons:
 - a. The subject property has a lot size of approximately 10,486 sq ft in a Residence B district where 25,000 sq ft are required.
 - b. The subject lot has approximately 83.5 ft of frontage where 125 ft are required.
5. The existing structure is pre-existing, nonconforming for the following reasons:
 - a. The existing stairs extend to within approximately 26.3 ft of the front property line where a 30 ft setback is required.
 - b. The existing dwelling extends to within approximately 13.8 ft of the western property line where a 15 ft setback is required.
 - c. The existing deck and stairs extend to within approximately 11.3 ft of the eastern property line where a 15 ft setback is required.
6. The applicant is seeking to reconstruct a pre-existing, nonconforming structure by razing the existing dwelling and constructing a new three-bedroom, two-story single-family dwelling.
7. The proposed dwelling dimensions are as follows:
 - a. Two-story dwelling with an overall building footprint of approximately 1,660 sq ft.
 - b. Located approximately 27 ft from the front property line (approximately 26.3 ft existing to the front stairs, approximately 31.6 ft existing to the dwelling)

- c. Located approximately 14.1 ft from the western property line (approximately 13.8 ft existing)
- d. Located approximately 11.6 ft from the eastern property line (approximately 11.3 ft existing)
- 8. The proposal and evidence presented meets the criteria to grant the special permit:
 - a. The proposed reconstruction is not substantially more detrimental to the neighborhood as the Board finds the proposed structure conforms with existing houses in the surrounding neighborhood.
 - b. The proposed reconstruction will not increase the extent of nonconformance in size or impact as the Board finds the proposed structure is not materially more nonconforming than the existing structure with regard to the proposed setbacks.
- 9. 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 November 15, 2023, the Zoning Board of Appeals voted unanimously (5-0-0) to grant the special permit pursuant to the Town of Southborough Zoning Bylaw Section 174-19 to allow the reconstruction of a pre-existing, nonconforming structure as shown on the plan titled "Proposed Site Plan", prepared for 19 E Main St LLC by Bohler Engineering, dated October 2, 2023.

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

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

Pursuant to the vote taken by the Zoning Board of Appeals on September 20, 2023, the following signatures are made in accordance with M.G.L. c.110G and pursuant to said Board's electronic signature authorization vote recorded on November 6, 2023 with the Worcester Registry of Deeds, Book 69850, Page 154.

/s/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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