

Town of Southborough
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

July 24, 2024

Notice of Decision of an Application for a Special Permit

Property Address: 337 Turnpike Road
Map/Lot: Map 25, Lot 12B
Book/Page: Book 70029, Page 31
Petitioner: Gracious Home Adult Day Health Care Center, LLC
Application Filed: June 3, 2024
Public Hearing: July 17, 2024 at 7:00 P.M.
17 Common Street, Southborough, MA 01772

Sitting as a Board: David Williams, Chair
Michael Robbins, Clerk
Paul Drepanos
Doris Cahill
Jamie Mieth

For the Petitioner(s): Neal Bingham, Esq.
Law Offices of Jerry C. Effren

Tony Zheng
Gracious Home Adult Day Health Care Center, LLC

Matt Mrva
Bohler Engineering

Procedural History:

1. An application for a Special Permit was filed in the Office of the Southborough Town Clerk and Southborough Building Department on June 3, 2024.

2. A revised application form was filed on June 27, 2024.
3. The application for the Special Permit is to allow two principal uses on one lot, and to allow an adult day care use. Relief was requested under the Town of Southborough Zoning Bylaw Section 174-8 C (2), Section 174-8.6 (C)(7), and Section 174-9.
4. The record owner of the subject property is WD Southborough, LLC, 5 Mt. Royal Avenue, Suite 40, Marlborough, MA 01752.
5. A public hearing before the Zoning Board of Appeals was duly noticed in the Community Advocate on July 2, 2024, and July 9, 2024.
6. The applicant was heard at the July 17, 2024 Zoning Board of Appeals meeting after describing they are looking to open an adult day care facility.
7. The public hearing opened on July 17, 2024 and closed the same evening.

Plans/Documents:

1. Letter from Building Commissioner/Zoning Enforcement Officer Chris Lund re: adult day care use in an Industrial Park district.
2. Special Permit Application Form – 337 Turnpike Road, amended June 27, 2024
3. Project Narrative – 337 Turnpike Road
4. Supplemental Special Permit Memo – 337 Turnpike Road
5. Site Plans – 337 Turnpike Road
6. Floor Plans – 337 Turnpike Road
7. Building Photographs – 337 Turnpike Road
8. Deed – 337 Turnpike Road, Book 70029, Page 31
9. Easement – 337 Turnpike Road, Book 55322, Page 291
10. Lease Between WD Southborough LLC and Gracious Home Adult Day Health Care Center LLC – dated March 28, 2024
11. Certified Abutters List – 337 Turnpike Road
12. Legal Ad Billing Agreement
13. Letter of Support – FALCO Investments, LLC, 304 Turnpike Road

Findings:

1. The proposal constitutes a Special Permit under the Town of Southborough Zoning Bylaw.
2. The property is located in the Industrial Park zoning district.
3. The applicant is seeking to open an adult day care facility as a second principal use on a lot with primary office use in a zoning district that allows "Hospital, Nursing Home, Home for the Aged" by Special Permit, under Southborough Zoning Bylaw Section 174-8.6 C (7).
4. The proposal and evidence presented meet the criteria to grant the Special Permits:
 - a. The proposal will benefit the neighboring residential districts through the adult day care use provided, with adequate water and drainage. There will be no substantial environmental damage due to wetland loss, habitat disturbance, or damage to valuable trees or other natural assets as there will be no external construction.
 - b. The proposal will contribute to the diversity of services locally.
 - c. There will be no additional visual consequences as there will be no external construction, and all parking will be in an existing parking lot.
 - d. Access to the location will not increase traffic significantly as the proposed use will provide transportation for clients to and from the facility using ADA accessible vans.

- e. The use sought and its characteristics are in harmony with the intent and purpose of the Southborough Zoning Bylaws, 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.
- 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 July 17, 2024, the Zoning Board of Appeals voted unanimously (5-0-0) to grant the Special Permits pursuant to the Town of Southborough Zoning Bylaw Section 174-8 C (2), Section 174-8.6 (C)(7), and Section 174-9 to allow two principal uses on one lot, and to allow an adult day care use.

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

Paul Drepanos	Aye
Doris Cahill	Aye
Jamie Mieth	Aye
Michael Robbins	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

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 special permit, 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 special permit or 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 special permit or 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.

Pursuant to the Town of Southborough Zoning Bylaws, Section 174-9, if the rights authorized by a special permit are not exercised within two years from the date of grant thereof, they shall lapse, and a new petition, notice and hearing will be required for their reestablishment.

**** 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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