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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

October 15, 2024

Notice of Decision of an Application for a Special Permit

Property Address: 104 Sears Road, Southborough, MA 01772

Map/Lot: Map 29, Lot 1

Book/Page: Book 68417, Page 298 & Book 69667, Page 347

Petitioner: Zachary Bemis

Application Filed: August 29, 2024

Public Hearing: October 8, 2024 at 7:00 P.M.

Public Safety Training Room
32 Cordaville Road, Southborough, MA 01772

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

For the Petitioner(s): Peter Bemis, Engineering Design Consultants, Inc

Procedural History:

1. An application for a Special Permit was filed in the Office of the Southborough Town Clerk and the Office of the Southborough Building Department on August 29, 2024.
2. The application for the Special Permit is to allow more than three garage bays. Relief was requested from the Southborough Zoning Bylaw Section 174-8.2 B (12), pursuant to the Board's authority under G.L. c. 40A, § 9.
3. The record owner of the subject property is Zachary Bemis, 104 Sears Road, Southborough, MA 01772.
4. A public hearing before the Zoning Board of Appeals was duly noticed in the Metrowest Daily News on September 24, 2024, and October 1, 2024.

5. The applicant's representative was heard at the October 8, 2024 Zoning Board of Appeals meeting after describing that the applicant is seeking to construct an addition with two garage bays, resulting in four (4) total garage bays.
6. The public hearing opened on October 8, 2024 and closed the same evening.

Plans/Documents:

1. Letter from Building Commissioner/Zoning Enforcement Officer Chris Lund re: 104 Sears Road Special Permit Application.
2. Special Permit Application Form – 104 Sears Road
3. Project Narrative – prepared by Engineering Design Consultants, dated August 27, 2024
4. Quitclaim Deed – Book 68417, Page 299
5. Plan titled "Building Addition Proposed Plot Plan", prepared for Zachary Bemis by Engineering Design Consultants, Inc, stamped by Richard W. Reid, Jr, PLS, dated October 20, 2023
6. Proposed Front Elevation, prepared for Zachary Bemis by Engineering Design Consultants, Inc, dated May 1, 2024
7. Property Photographs
8. Comments from Melissa Danza, Conservation Agent, dated September 11, 2024
9. Certified Abutters List – 104 Sears Road
10. Legal Ad Billing Agreement

Findings:

1. The proposal requires 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 an addition to the existing house that would include two additional garage bays, resulting in a total of four (4) garage bays.
4. The Town of Southborough Zoning Bylaw allows for private garage or private parking for more than three (3) vehicles, that is accessory to a permitted principal use and on the same lot as such use through a Special Permit granted by the Zoning Board of Appeals.
5. The proposal and evidence presented meet 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 the Town of Southborough Zoning Bylaw, is not in conflict with public health, safety, convenience and welfare, and will not be substantially detrimental or offensive to the neighborhood or destructive of property values therein.
 - b. The proposal is located near similar uses, providing adequate water and drainage will pose no special public problems, and the site is able to accommodate the proposal without substantial environmental damage due to wetland loss, habitat disturbance, or damage to valuable trees or other natural assets.
 - i. The applicant received a Determination of Applicability from the Southborough Conservation Commission on December 12, 2023, to which the proposal appears to generally conform.
 - c. The proposal is residential and serves the housing needs of the applicant in that the original garage bays are too small to fit a modern car, and the proposal will allow for the applicant to have garage bays that will be functional for car storage.
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 October 8, 2024, the Zoning Board of Appeals voted unanimously (5-0-0) to close the public hearing on the applicant's request for a Special Permit. Mr. Robbins then made a motion, which was seconded by Ms. Mieth, to grant the applicant a Special Permit in accordance with Section 174-8.2 B (12) to allow the construction of an additional two garage bays which will result in four (4) total garage bays on the property.

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

Jamie Mieth	Aye
Doris Cahill	Aye
Michael Robbins	Aye
Doug Manz	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.

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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