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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

November 19, 2024

Notice of Decision of an Application for a Special Permit & Variance

Property Address: 7 Ashley Road
Map/Lot: Map 21, Lot 26
Book/Page: Book 15545, Page 62
Petitioner: Mark Borreliz
Application Filed: October 1, 2024
Public Hearing: November 13 at 7:15 P.M.
McAuliffe Hearing Room, 17 Common Street

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

For the Petitioner(s): Ted Gowdy, The Gowdy Group, LLC

Procedural History:

1. An application for a Special Permit and Variance was filed in the Office of the Southborough Town Clerk and the Office of the Southborough Building Department on October 1, 2024.
2. The application for the Special Permit and Variance is to construct an accessory apartment that encroaches in the left side yard setback. Relief was requested under Section 174-9 and Section 174-8.2 D (3) (c) of the Southborough Zoning Bylaw.
3. The record owners of the subject property are Mark and Ellen Borreliz, 7 Ashley Road, Southborough, MA 01772.
4. A public hearing before the Zoning Board of Appeals was duly noticed in the Community Advocate on October 30, 2024, and November 6, 2024.
5. The applicant was heard at the November 13, 2024 Zoning Board of Appeals meeting after describing they are looking to construct an accessory apartment on their lot and that the proposed location of the apartment will result in an encroachment into the side yard setback.

6. The public hearing opened on November 13, 2024 and closed the same evening.

Plans/Documents:

1. Special Permit & Variance Application Form – 7 Ashley Road
2. Project Narrative, revision date October 17, 2024
3. Deed, Book 15545, Page 62, dated August 30, 1993
4. Photographs of subject property
5. Plan titled “ZBA Petition Plan, 7 Ashley Road, Southborough, MA” prepared by Connorstone Engineering, dated August 14, 2024 with the most recent revision date of October 16, 2024.
6. Existing Elevations, Floor Plans, and Foundation Plan prepared by CME Architects, Inc, dated October 15, 2024
7. Proposed Elevations, Floor Plans, and Foundation Plan prepared by CME Architects, Inc, dated October 15, 2024
8. Certified Abutters List – 7 Ashley Road, dated August 13, 2024
9. Legal Ad Billing Agreement
10. Letter of Recommendation from the Planning Board, dated November 6, 2024
11. Letter of support from John Worcester, 9 Ashley Road, dated October 30, 2024

Findings:

1. The proposal requires a Special Permit and Variance 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 1140 sq ft accessory apartment, which is 19.9% of the total habitable floor area of the primary dwelling plus any accessory structure for the accessory apartment. The Southborough Zoning Bylaw allows for accessory apartments up to 25% of the habitable floor area.
4. The applicant is proposing an addition that will have a setback of 8.7 ft for the spiral staircase, 13.7 ft from the southern corner, and 15.2 ft from the western corner where a 25 ft setback is required.
5. The proposal and evidence presented meet the criteria to grant the Special Permit:
 - a. The Board finds the use sought and its characteristics are in harmony with the intent and purpose of Chapter 174 of the Southborough Zoning Bylaw, is not in conflict with public health, safety, convenience, and welfare, and will not be substantially more detrimental or offensive to the neighborhood or destructive of property values therein.
 - b. Location
 - i. The proposal is located near similar uses
 - ii. Providing adequate water and drainage for this location will pose no special public problems.
 - iii. 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.
 - c. Activity Type & Mix
 - i. The proposal is residential and will serve the housing needs of local residents.
 - d. There is no other apartment on the lot on which the accessory apartment is proposed.

- e. No more than the required minimum exterior alterations will be made to the one-family house and any accessory building, and the site plan and floor plans have been reviewed by the Building Inspector.
 - f. The total cumulative number of accessory apartments permitted by the Board of Appeals since January 1979 is less than 5% of the total number of one-family houses in Southborough at the beginning of 2024.
 - g. The Board is in receipt of a letter of recommendation from the Southborough Planning Board, and the proposal has sufficient septic as long as the property remains at 4 bedrooms total in accordance with the Deed Restriction.
6. The proposal and evidence presented meet the criteria to grant the Variance:
- a. The Board finds that due to circumstances relating to soil conditions, topography, or shape of land or structures and especially affecting such land or structures but not affecting generally the zoning district in which they are located, literal enforcement of Chapter 174 of the Southborough Zoning Bylaw would involve substantial hardship to the petitioner.
 - b. The desired relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the Southborough Zoning Bylaw.
7. There are no objections from the public regarding this application, which is in harmony with the intent of the bylaw.
- a. The Board is in receipt of a letter of support from the closest abutter to the proposal.

Decision and Vote of the Board:

At its meeting on November 13, 2024, the Zoning Board of Appeals voted unanimously (5-0-0) to grant the Special Permit and Variance pursuant to the Southborough Zoning Bylaw Section 174-9 and Section 174-8.2 D (3) (c) to allow an accessory apartment that encroaches on the side setback.

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

Doug Manz	Aye
Jamie Mieth	Aye
Doris Cahill	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.

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 174-25 A (3), if the rights authorized by a variance are not exercised within one year from the date of grant thereof, they shall lapse, and a new petition, notice and hearing will be required for their reestablishment.

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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