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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

February 19, 2025

Notice of Decision of an Application for a Special Permit

Property Address: 257 Turnpike Road
Map/Lot: Map 27, Lot 41
Book/Page: Book 18561, Page 224
Petitioner: Capital Group Properties, LLC as managing agent for 257 Turnpike Road LLC
Application Filed: December 17, 2024
Public Hearing: February 12, 2025 at 7:00 P.M.
McAuliffe Hearing Room, 17 Common Street

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

For the Petitioner(s): Shannon Boyce, Esq, Capital Group Properties, LLC

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 December 17, 2024.
2. The application for the Special Permit is to allow multiple principal uses on one lot. Relief was requested under Section 174-8 C(2), Section 174-8.5, and 174-9 of the Southborough Zoning Bylaw.
3. The record owner of the subject property is William Depietri, Trustee of 259 Turnpike Road Realty Trust.
4. A public hearing before the Zoning Board of Appeals was duly noticed in the MetroWest Daily News on January 29, 2025, and February 5, 2025.

5. The applicant was heard at the February 12, 2025 Zoning Board of Appeals meeting after describing that they are seeking to allow multiple principal uses on one lot.
6. The public hearing opened on February 12, 2025 and closed the same evening.

Plans/Documents:

1. Special Permit Application Form – signed by Shannon Boyce, Esq and dated December 6, 2024
2. Project Narrative, prepared and signed by Shannon Boyce, Esq
3. Parking Calculations for 257 Turnpike Road
4. Quitclaim Deed, Book 18561, Page 224
5. Photographs of subject property
6. AxisGIS Map of subject property
7. Google Maps overhead & street views of subject property
8. Site Plan set titled “Proposed Site Plan of ‘Deerfoot Office Park’”, prepared by Connorstone Engineering, dated August 9, 1996
9. Certified Abutters List – 257 Turnpike Road
10. Legal Ad Billing Agreement

Findings:

1. The proposal requires a Special Permit under the Town of Southborough Zoning Bylaw, Section 174-8 C(2).
2. The property is located in the Business Highway Zoning District.
3. The current principal use for the property is Office, bank, office building under Section 174-8.5 B(5) of the Southborough Zoning Bylaw.
4. The applicant is seeking to add the following as additional principal uses:
 - a. Section 174-8.5 B(7): Clinic or medical testing laboratory
 - b. Section 174-8.5 B(2): Retail sales and services which do not involve manufacturing on the premises
 - c. Section 174-8.5 B(3): Retail sales and services involving manufacturing of products, the majority of which will be sold on the premises to consumers, with not more than four persons engaged in manufacturing operations
 - d. Section 174-8.5 B(4): Newspaper, job printing and publishing
5. All additional uses sought are permitted uses in the Business Highway Zoning District.
6. The property where the additional uses are requested is an existing 38,232 sq ft office building fronting on Route 9.
7. No exterior alterations, additions, or structural changes are proposed.
8. 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 in a district where the requested uses are permitted.
 - ii. No exterior alterations, additions, or structural changes are proposed, which will therefore not result in any impacts to the water, drainage, environment, wetland habitat, or other natural assets.

- c. Activity Type & Mix
 - i. The proposal is nonresidential and will contribute to the diversity of services available locally.
- d. Visual Consequences & Access
 - i. There will be no change to visual consequences or access, as the petitioner is not proposing any exterior alterations, additions, or structural changes.
 - ii. The proposal will not significantly impact traffic flows to and from the site.

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 February 12, 2025, the Zoning Board of Appeals voted (5-0-1) to grant the Special Permit pursuant to the Southborough Zoning Bylaw Section 174-8 C (2), Section 174-8.5, and Section 174-9 to allow the following as additional principle uses on the lot:

1. Section 174-8.5 B(7): Clinic or medical testing laboratory
2. Section 174-8.5 B(2): Retail sales and services which do not involve manufacturing on the premises
3. Section 174-8.5 B(3): Retail sales and services involving manufacturing of products, the majority of which will be sold on the premises to consumers, with not more than four persons engaged in manufacturing operations
4. Section 174-8.5 B(4): Newspaper, job printing and publishing

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

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