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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

June 30, 2025

Notice of Decision of an Application for a Special Permit

Property Address: 12 Winchester Street, Southborough, MA 01772

Map/Lot: Map 55, Lot 57

Book/Page: Book 54743, Page 61

Petitioner: Gary & Bridget Ross

Application Filed: April 29, 2025

Public Hearing: June 18, 2025 at 7:00 P.M.
McAuliffe Hearing Room, 17 Common Street

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

For the Petitioner(s): David Sadowski, surveyor, civil engineer
Flavio Salviano, contractor

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 April 29, 2025.
2. The application for the Special Permit is to allow the alteration and extension of a pre-existing, nonconforming structure. Relief was requested under 174-9 E.
3. The record owners of the subject property are Gary & Bridget Ross, 12 Winchester Street, Southborough, MA.
4. A public hearing before the Zoning Board of Appeals was duly noticed in the MetroWest Daily News on June 4, 2025, and June 11, 2025
5. The applicant was heard at the June 18, 2025 Zoning Board of Appeals meeting after describing that they are seeking to rebuild and enclose the front porch and construct a deck on a pre-existing, nonconforming structure.
6. The public hearing opened on June 18, 2025 and closed the same evening.

Plans/Documents:

1. Nonconforming Application Form, signed by Gary & Brigit Ross, dated April 27, 2025
2. Project Narrative
3. Plan titled "Existing Conditions Plan, Southborough MA", prepared for the Ross Family by D.J. & Associates, signed and stamped by David E. Teachout, PLS No. 32659, dated April 23, 2025
4. Plan titled "Proposed Addition Special Permit Plan, Southborough, MA", 12 Winchester Street, prepared for the Ross Family by D.J. & Associates, signed and stamped by David E. Teachout, PLS No. 32659, dated April 22, 2025
5. Quitclaim Deed, Book 54743, Page 61
6. Architectural Plan Set titled "Ross Residence, 12 Winchester Street", prepared by Lauren Olivier Architect, LLC, dated March 24, 2025 with a most recent revision date of April 14, 2025
7. Certified Abutters List – 12 Winchester Street
8. Legal Ad Billing Agreement

Findings:

1. The proposal requires a Special Permit under the Town of Southborough Zoning Bylaw, 174-9 E.
2. The property is located in the Residence B zoning district and was formerly in the Residence C zoning district prior to that district being discontinued. As the lot was laid out prior to 1966, the lot may follow the Residence C dimensions under the Southborough Zoning Bylaw Section 174-8.3 E.
3. The applicant is seeking to rebuild and enclose the front porch and construct a deck on a pre-existing, nonconforming structure.
4. The lot was created in 1897, and the home was built around 1920, which predates the Zoning Bylaw, making it a pre-existing nonconforming structure for the following reasons:
 - a. The lot area is 8,181 square feet where a minimum lot area of 15,000 square feet is required.
 - b. The frontage is 72 feet where a minimum frontage of 100 feet is required.
 - c. The structure has a front setback of 19.3 feet where a minimum of 25 feet is required.

The proposal and evidence presented meet the criteria to grant the Special Permit:

- d. The Board finds that the proposed extension and alteration will not be substantially more detrimental to the neighborhood.
- e. The Board finds that the proposed extension and alteration will not increase the extent of nonconformance in size or impact as it will not further encroach on the front setback.
- f. The Board finds that the cost thereof shall not exceed 50% of the assessed value of the nonconforming structure.

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 June 18, 2025, the Zoning Board of Appeals voted unanimously (5-0-0) to grant the special permit pursuant to the Southborough Zoning Bylaw Section 174-9 E to allow the applicant to rebuild and enclose the front porch and construct a deck on a pre-existing, nonconforming structure.

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:

Doug Manz	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

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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