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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

August 21, 2025

Notice of Decision of an Application for a Special Permit

Property Address: 71 Mt. Vickery Road, Southborough, MA 01772

Map/Lot: Map 20, Lot 22H

Book/Page: Book 72098, Page 19

Petitioner: Richard Saunders

Application Filed: June 25, 2025

Public Hearing: August 20, 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

For the Petitioner(s): Richard Saunders, homeowner

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 June 25, 2025.
2. The application for the Special Permit is to allow an addition on an existing, previously permitted accessory apartment. Relief was requested under the Southborough Zoning Bylaw, Section 174-9.
3. The record owners of the subject property are Richard and Carole Saunders, 71 Mt. Vickery Road, Southborough, MA 01772.
4. A public hearing before the Zoning Board of Appeals was duly noticed in the MetroWest Daily News on August 6, 2025, and August 13, 2025.
5. The applicant was heard at the August 20, 2025 Zoning Board of Appeals meeting after describing that they are looking to construct an office addition on an existing accessory apartment previously permitted by the Zoning Board of Appeals.

6. The public hearing opened on August 20, 2025 and closed the same evening.

Plans/Documents:

1. Special Permit Application Form, signed by Richard A. Saunders, dated June 10, 2025
2. Project Narrative
3. Notice of Decision, Application for a Special Permit, dated February 2, 2005, recorded at the Worcester Registry of Deeds, Book 35842, Page 233
4. Photographs of subject property
5. Construction drawings and details
6. Quitclaim Deed, Book 72098, Page 19
7. Floor Plans, drawn by Zachary Taylor, dated June 13, 2025
8. As-Built Site Plan titled "No. 71 Mt. Vickery Road, Southborough, Mass", prepared by Drake Associates, Inc, stamped by Robert F. Drake, PLS, dated September 23, 2025
9. Building Elevations, prepared by Roberts Dinion Architects, Inc, dated December 7, 2004
10. Certified Abutters List – 71 Mt. Vickery Road, dated June 23, 2025
11. Legal Ad Billing Agreement
12. Letter from the Southborough Planning Board to the Southborough Zoning Board of Appeals as required under Section 174-9 B, dated August 14, 2025

Findings:

1. The proposal requires a Special Permit under the Town of Southborough Zoning Bylaw, Section 174-9.
2. The property is located in the Residence A zoning district.
3. The applicant is seeking to construct a 130 sq ft office addition on an existing, previously permitted accessory apartment, which requires a modification of a previously granted Special Permit.
4. A Special Permit was granted January 24, 2005, to allow an 860 sq ft accessory apartment with conditions. The Special Permit was recorded with the Worcester County Registry of Deeds on March 8, 2005, Book 35842, Page 233.
5. A 192 sq ft sunroom addition was permitted through the Building Department and subsequently constructed in 2022.
6. The square footage of the primary dwelling is 3909 sq ft. The total square footage of the primary dwelling plus that of the accessory building used for the accessory apartment is 5,095 sq ft. The total proposed square footage of the accessory apartment is 1,186 sq ft, or 23.3% of the primary dwelling plus the accessory building used for the accessory apartment, which is within the 25% maximum allowable square footage under Section 174-9 B (1).
 - a. The Board notes a typo in the January 24, 2005 Special Permit regarding the square footage of the primary dwelling in that it should read "3,090 square feet" under "Evidence Presented" #7, which reads "while the main house is 39,090 square feet".
7. The Planning Board unanimously voted to support the proposal.
8. There will be no septic impact as there are no additional bedrooms proposed.
9. The Board finds that all original findings, with the exception of Finding 7 which this permit seeks to modify, remain in effect. A copy of the 2005 decision is attached hereto as "Exhibit A".
10. 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.

11. 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 August 20, 2025, the Zoning Board of Appeals voted unanimously (5-0-0) to grant the Special Permit Modification pursuant to the Southborough Zoning Bylaw, Section 174-9, to allow a 130 square foot office addition, bringing the total accessory apartment square footage to 1,186 square feet.

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

Jamie Mieth	Aye
Doris Cahill	Aye
Michael Robbins	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.

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
1775196.1 09569.001

Exhibit A

PAUL J. BERRY, TOWN CLERK

Paul J. Berry

**Town of Southborough
Board of Appeals
Southborough, Massachusetts 01772**
17 Common Street
P.O. Box 9109
Southborough, MA 01772-9109
508-485-0710

Paul J. Berry
Town Clerk
Town House
Southborough, MA 01772



2005 00035886

Bk: 35842 Pg: 233 Doc: DECN
Page: 1 of 5 03/08/2005 10:59 AM

Book 7696 Page 18

**NOTICE OF DECISION
APPLICATION FOR
A SPECIAL PERMIT**

REVIEWED
Richard A. Saunders
71 Mt. Vickery Road (20-22H)

The Board of Appeals of the Town of Southborough held a public hearing in the Meeting Room of the Southborough Fire Station on Tuesday, January 11, 2005 with regard to the *owner +* petition of **Richard A. Saunders** for **Special Permit** as per the Southborough Zoning Code, Article III, Section 174-8.2-B-1 Uses by Special Permit. The petitioner is seeking a Special Permit for an accessory apartment

Sitting as a Board: Kenney E. Griffiths, Chairman
Sam R. Stivers
Salvatore M. Giorlandino
Peter C. Norden
Thomas M. Starr

For Petitioner: Pro se

Evidence Presented

1. Petitioner is seeking a special permit to construct a 3-car garage addition with an accessory apartment for the use of his daughter and grandson, said structure to be attached to the existing home via a roofed breezeway.
2. Petitioner submitted that there will be three bedrooms in the main house and two bedrooms in the accessory apartment.
3. By memo dated December 28, 2004, Public Health Director Paul Pisinski advised the Board of Appeals that the Board of Health has reviewed and approved a Sub-surface Sewage Disposal Construction Application for 71 Mt. Vickery Road. The proposed system is adequate to support both the three bedroom main house and the two bedroom apartment.

*S
M*

Richard A. Saunders – Page 2
71 Mt. Vickery Road – Accessory Apartment

4. By letter dated October 29, 2004, Building Inspector Peter Johnson advised petitioner that the property is located in the RA zoning district. The plans indicate that the construction will comply with the dimensional yard requirements for this district. The addition is shown to be two stories in height and is attached to the existing house with a roofed breezeway so that the garage is considered part of the main structure. Section 174-8.2-B-1 of the town's zoning regulations states that a special permit is required for an accessory apartment. Section 174-9 sets out the criteria that the board must consider when hearing a special permit request and subsection 174-9-B sets out additional criteria for accessory apartment requests.
5. By letter dated January 11, 2004, the Planning Board advised of its unanimous vote (4-0) to approve the application.
6. Petitioner advised that the only change to the main house will be the removal of the garage doors.
7. Petitioner advised that the proposed accessory apartment will be 860 square feet; while the main house is 39,090 square feet.
8. Building Inspector Johnson advised that the approval of the accessory apartment will not exceed five percent of the total number of one-family houses in Southborough at the time of application.
9. Board member Sam Stivers questioned petitioner on blasting requirements. Petitioner advised that he was unsure of blasting requirements but there will be some working into the ledge. There is no cellar as the accessory apartment will be located above the new garage.
10. The Board of Appeals received no further oral or written comment regarding the petition, and the public hearing was adjourned at 8:00 PM.

Findings

1. Petitioner has complied with all rules and regulations of the Town of Southborough as they pertain to an application for a special permit.
2. No town officials, town boards or commissions opposed the special permit.
3. The Planning Board voted to recommend approval of the accessory apartment.

Richard A. Saunders – Page 3
 71 Mt. Vickery Road – Accessory Apartment

4. The Board finds that the number of accessory apartments permitted by the Board of Appeals since January 1979 does not exceed five percent of the total number of one-family homes in Southborough at the beginning of 2004.
 (Application made: 10-29-04)
5. The Board finds that there will be no other accessory apartment on the lot on which the accessory apartment is proposed.
6. The Board finds that the site plan of the lot and floor plans of the dwelling thereon have been filed with the Building Inspector prior to the application to the Board of Appeals.
7. The Board finds that the habitable floor area (860 s.f.+-) of the accessory apartment does not exceed twenty-five percent of the habitable floor area of the entire dwelling plus that of the living space to be used for the accessory dwelling.
8. The Board finds that the grant of the special permit will not derogate from the intent and purpose of MGL c.40A and/or the Town of Southborough by-laws.
9. The Board specifically finds that the proposed accessory apartment and garage will not adversely impact the Town or the neighborhood in which they will be located. Their characteristics are in harmony with the by-laws and are not in conflict with the public health, safety, convenience or welfare and are not substantially detrimental or offensive to the neighborhood or destructive of property values. The proposed accessory apartment is consistent with the Town's Housing Policy to promote housing to satisfy the diverse needs of town residents.

Therefore, the Board of Appeals, based on the evidence presented at the hearing, including but not limited to the facts presented above, voted unanimously [5-0] to

Grant the Special Permit as requested with the following conditions:

- 1) *There shall be no commercial storage in the garage;*
- 2) *One of the two dwellings on the lot shall be owner occupied;*
- 3) *Subject to required Board of Health approvals and certification that adequate provisions have been made for drainage and for the disposal of sewage and waste generated by the occupancy of the apartment.*

K. Griffith

Kenney E. Griffiths, Chairman

Notice: Appeals, if any, shall be made pursuant to Massachusetts General Law, Chapter 40A, s.17, and shall be filed within twenty (20) days after the filing of this notice in the Office of the Town Clerk, Town Hall, Southborough, Massachusetts.

**The Commonwealth of Massachusetts
Town of Southborough
Board of Appeals**

Date: January 24, 2005

**Certificate of Granting of Variance or Special Permit
(General Laws Chapter 40A, Section 11)**

The Board of Appeals of the Town of Southborough hereby certifies that a Special Permit has been granted:

To: Richard A. Saunders

Address: 71 Mt. Vickery Road

Town: Southborough, Massachusetts

affecting the rights of the owner with respect to land or buildings at:

71 Mt. Vickery Road, Southborough, MA (20-22H)

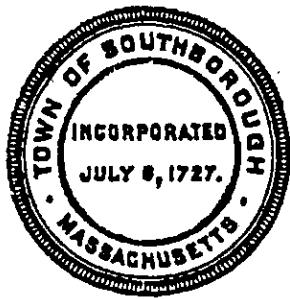
And the said Board of Appeals further certifies that the decision attached hereto is a true and correct copy of its decision granting said variance - special permit, and that copies of said decision, and of all plans referred to in the decision, have been filed with the Planning Board and the Town Clerk.

The Board of Appeals also calls to the attention of the owner or applicant that General Laws, Chapter 40A, Section 11 (last paragraph) provides that no variance or special permit, or any extension, modification or renewal thereof, shall take affect until a copy of the decision bearing the certification of the Town Clerk that twenty days have elapsed after the decision has been filed in the Office of the Town Clerk and no appeal has been filed 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. The fee for such recording or registering shall be paid by the owner or applicant.



Kenney E. Griffiths, Chairman

Town Clerk



**OFFICE OF THE SOUTHBOROUGH
TOWN CLERK
17 COMMON STREET
SOUTHBOROUGH, MASSACHUSETTS
01772-1662
(508)-485-0710**

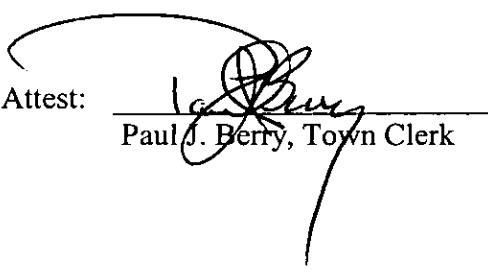
**BOARD OF APPEALS
CERTIFICATION
(20 DAYS HAVE ELAPSED)**

I, Paul J. Berry, Town Clerk of the Town of Southborough, Massachusetts, hereby certify as follows:

1. The original Zoning Board of Appeals Application thereof was filed with me as said Town Clerk on **December 13, 2004** at **4:15 PM**.
2. The Southborough Board of Appeals Decision dated **January 11, 2005** relative to a petition of **Richard A. Saunders, 71 Mt. Vickery Road**, for a **Special Permit** was filed with the Town Clerk on **February 2, 2005** at **1:15 PM**.
3. **Twenty (20) days have elapsed** since filing the Zoning Board of Appeals Decision with the Town Clerk; and
4. No appeal therefrom has been filed.

Witness my hand and the Town Seal of Southborough this **23rd** day of **February 2005** at **9:00 AM**.

A True Copy Attest:


Paul J. Berry, Town Clerk

TOWN SEAL

ATTEST: WORC. Anthony J. Vigliotti, Register