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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

January 29, 2024

Notice of Decision of an Application for a Special Permit

Property Address: 250 Turnpike Road, Southborough, MA 01772

Map/Lot: Map 27, Lot 2A

Book/Page: Book 67212, Page 69

Petitioner(s): Ferris Development Group, LLC
118 Turnpike Road, Ste 300
Southborough, MA 01772

Application Filed: November 1, 2023

Public Hearing: December 20, 2023 at 7:00 P.M.
Public Safety Training Room, 32 Cordaville Road
January 17, 2024 at 7:15 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 Petitioners: Brian R. Charville, Esq.
George T. Bahnan, Esq.
Ferris Development Group, LLC
118 Turnpike Road, Ste 300
Southborough, MA 01772

James Tetreault, PE, CPESC
Azimuth Land Design
118 Turnpike Road, Ste 200
Southborough, MA 01772

Procedural History:

1. An application for a Special Permit was filed in the Office of the Southborough Building Department and the Office of the Southborough Town Clerk on November 1, 2023.
2. The application for the Special Permit is to allow two uses and two buildings on one lot. Relief was requested under Section 174-8 C (2) of the Southborough Zoning Bylaw.
3. The record owner of the subject property is FD 250 Turnpike, LLC.
4. A public hearing before the Zoning Board of Appeals was duly noticed in the Community Advocate on December 6, 2023, and December 13, 2023.
5. The applicant was heard at the December 20, 2023, Zoning Board of Appeals meeting after describing they are proposing a contractor's yard building on the same lot as an existing self-storage building, which would create two uses and two buildings on one lot. The hearing was continued to January 17, 2024, per a request from the applicant to allow time to discuss the application with the abutters.
6. The public hearing opened on December 20, 2023, and closed January 17, 2023.

Plans/Documents:

1. Special Permit Application Form – 250 Turnpike Road
2. Project Narrative – 250 Turnpike Road
3. Stamped Set of Plans – 250 Turnpike Road, prepared by Azimuth Land Design, LLC, signed and stamped by James Tetreault, PE No. 38548, and Lawrence C. Greene, Jr., Registered Landscape Architect No. 1531, dated July 16, 2023, and revised through October 31, 2023, which includes: Existing Conditions Plan, Site Layout Plan, Grading Plan, Detail Sheet, Detail Plan, and Landscape Plan.
4. Architectural Drawings – 250 Turnpike Road, prepared by J Ferrera Associates, Inc., dated August 25, 2023, Sheet A-301 (Exterior Elevations) and Sheet A-201 (Overall Floor Plan).
5. Site Photographs
6. Deed – 250 Turnpike Road, Book 67212, Page 69
7. Certified Abutters List – 250 Turnpike Road & 0 Parkerville Road, dated October 26, 2023, and October 24, 2023, respectively.
8. Legal Ad Billing Agreement – signed by Brian Charville, dated October 25, 2023
9. Letter from Melissa Danza, Conservation Agent, re: Conservation Comments, dated December 5, 2023
10. Letter and Exhibits from Attorney John St. Andre, dated December 18, 2023
11. Response to Letter from Attorney John St. Andre from Attorney George Bahnan, dated December 20, 2023
12. Letter from Attorney Brian Charville re: Revised Site Plan, dated January 11, 2024
13. Revised Site Layout Plan – 250 Turnpike Road, prepared by Azimuth Land Design, LLC, signed and stamped by James Tetreault, PE No. 38548, dated July 16, 2023, and revised through January 9, 2024
14. Correspondence from Karina Quinn, Town Planner, with attached ANR Plan dated May 8, 2023, and Drainage Easement, dated November 1, 2023
15. Correspondence from Melissa Danza, Conservation Agent, re: Administrative Amendment for Revised Site Plan, dated January 17, 2023

Findings:

1. The application seeks a Special Permit under the Town of Southborough Zoning Bylaw.
2. The property is located in the Industrial and Residence A zoning districts.

3. The applicant is seeking to construct a 240' x 60' (14,400 sq ft) building, from which they will operate a contractor's yard on a lot that has an existing self-storage building.
4. Two uses and two buildings on one lot are allowed by special permit per Southborough Zoning Bylaw Section 174-8 C (2).
5. The applicant received a Special Permit for the self-storage building from the Zoning Board of Appeals on August 17, 2022.
6. A contractor's yard use under 50,000 sq ft is an allowed use by right under Southborough Zoning Bylaw Section 174-8.7 B (3).
7. The petitioner is proposing the contractor's yard use within a proposed structure with no external storage.
8. The petitioner is proposing the contractor's yard use entirely within the Industrial zoning district portion of the lot.
9. The petitioner has a current Order of Conditions and Stormwater Management Permit from the Southborough Conservation Commission but will need to file for an administrative amendment as a result of the revised plan submitted on January 11, 2024.
10. The petitioner will apply to the Southborough Planning Board for Major Site Plan approval.
11. The proposal and evidence presented meet the criteria to grant the Special Permit:
 - a. The proposal is located near uses similar to the proposed use.
 - b. There are no issues providing adequate water or drainage, and the proposed building's infiltration system will infiltrate 14,400 sq ft of area that is currently impervious parking lot.
 - c. There will be no substantial environmental damage due to the proposed use as there will be minimal site disturbance because the proposed building will be built on an existing parking lot.
 - d. The proposal will contribute to the diversity of services available locally.
 - e. The proposed use will not contribute to a significant increase in traffic.
 - f. The use sought and its characteristics are in harmony with the intent and purpose of Section 174-9 of the Southborough Zoning Bylaw:
 - i. The proposal is not in conflict with public health, safety, convenience, and welfare.
 - ii. The proposal is not substantially detrimental to the neighborhood or destructive of property values therein.

Decision and Vote of the Board:

At its meeting on January 17, 2024, the Zoning Board of Appeals voted unanimously (5-0-0) to grant the Special Permit pursuant to Section 174-8.2 C (2) to allow two uses, self-storage and contractor's yard, and two buildings on one lot with the following condition:

1. The contractor's yard building use is interior and wholly located in the Industrial Zone.

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

Doug Manz	Aye
Jamie Mieth	Aye
Paul Drepanos	Aye
Doris Cahill	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.

The Board of Appeals calls to the attention of the owner or applicant that pursuant to M.G.L. c. 40A, § 9, this Special Permit shall lapse within two years of the date of the grant, not including the time required to pursue or await the termination of an appeal referred to in M.G.L. c. 40A, § 17, if substantial use thereof has not sooner commenced, except for good cause.

**** 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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