

  
**Town of Southborough**  
**BOARD OF APPEALS**  
SOUTHBOROUGH, MASSACHUSETTS 01772

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James F. Hegarty  
Town Clerk  
Town House  
17 Common Street  
Southborough, Massachusetts 01772

October 5, 2022

**Notice of Decision of an Application for a Special Permit and Variance**

**Property Address:** 241 & 245 Turnpike Road; Recorded Worcester Registry of Deeds Book 66866,  
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**Appellants:** Parkhaus 241 LLC  
241 & 245 Turnpike Road  
Southborough, MA 01772

**Application Filed:** August 1, 2022

**Public Hearing:** September 21, 2022 at 7:00 P.M.  
Virtual meeting through Zoom

**Sitting as a Board:** David Williams, Chair  
Craig Nicholson  
Paul Drepanos  
Michael Robbins  
Doris Cahill

**For the Appellants:** Katherine Garrahan, Esq., Attorney  
200 Crossing Boulevard, Suite 300  
Framingham, MA 01702

Nadja Stratton, Owner  
180 Canal Street, Suite 301  
Boston, MA 02114

David LaPointe, Civil Engineer  
144 Turnpike Road  
Southborough, MA 01772

**Procedural History:**

1. An application for a Special Permit and Variance was filed in the Office of the Southborough Building Department on August 1, 2022.
2. The application for the Special Permit and Variance is to allow for indoor recreational use with an accessory use for a private garage for more than 3 cars, and to allow a minimum setback of 43 +/- feet where a minimum of 75 feet is required. Relief was requested under Section 174-8.5 (C) 11; 174-8.5 (E) 3 (a); 174-25 (A) (2); and 174-25 (A) (3).
3. The record owner of the subject property is Parkhaus, 241 LLC, 180 Canal Street, Suite 301, Boston, MA 02114
4. A public hearing before the Zoning Board of Appeals was duly noticed in the Community Advocate on September 2, 2022, and September 9, 2022.
5. The applicant was heard at the September 21, 2022 Zoning Board of Appeals meeting after describing that the proposed use is permitted via special permit and will revitalize the property that has been vacant for many years, and that the existing topography of the site in addition to the presence of wetlands presented significant challenges for building design and location with regards to the 75-foot minimum front setback.
6. The public hearing opened on September 21, 2022 and closed the same evening.

**Plans/Documents:**

1. Letter from Building Commissioner/Zoning Enforcement Officer Laurie Livoli to Parkhaus 241, LLC, re: 214-245 Turnpike Road Special Permit & Variance – Proposed car storage 8/1/2022.
2. Brief in Support of Variance and Special Permit Applications prepared by Katherine Garrahan, ESQ of Bowditch & Dewey, LLP
3. Site Plan of Beals & Thomas, Inc -241 & 245 Turnpike Road
4. ALTA/NSPS Land Title Survey of Nitsch Engineering – 241 & 245 Turnpike Road
5. Architectural Renderings of Balance Architects – 241 & 245 Turnpike Road
6. Transportation Impact Assessment prepared by Vanasse & Associates, Inc
7. Copy of Deed
8. Owner Consent Letter
9. Certified Abutter's List – 241 & 245 Turnpike Road
10. Photographs of Existing Site
11. Legal Ad Billing Agreement

**Findings:**

1. The proposal constitutes a Special Permit and Variance under the Town of Southborough Zoning Bylaw.
2. The property is located in the BH Highway Business and Residential A Districts.
3. The applicant is seeking to build an indoor recreational facility with an accessory use for a private garage for more than 3 cars to be built with a minimum front yard setback of 43 +/- feet.
4. The proposal and evidence presented meet the criteria to grant the Special Permit and Variance:
  - a. The specific location is near uses which are similar to the Proposed Use, provision of adequate water and drainage poses no special public problems. The Project Site can accommodate the Project without substantial environmental damage due to wetland loss, habitat disturbance, or damage to valuable trees or other natural assets.
  - b. The applicant proposes to provide a use that contributes to the diversity of services available locally.
  - c. The proposed use and structure as developed will not detract from scenic views on public ways; and are designed to minimize visibility of parking and services through site arrangement and screening.
  - d. The proposed use and structure do not significantly increase traffic to the area surrounding the location from that of the Property's historical office and restaurant use; vehicular movement to, from, and within the Project Site is designed to be safe and convenient, and arranged not to disturb abutting properties.
  - e. The development will not outpace the Town's ability to provide off-site services, including schools, water, and road capacity.
  - f. The use or structure is in harmony with the general purpose and intent of the Zoning Code.
  - g. The hardship is related to the topography and layout of the land.
  - h. The proposed setback is consistent with the setback of nearby properties.
5. There are no objections from the public regarding this application, which is in harmony with the intent of the bylaw.

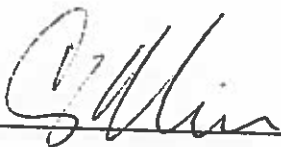
**Decision and Vote of the Board:**

At its meeting on September 21, 2022, the Zoning Board of Appeals voted unanimously (5-0-0) to grant the Special Permit and Variance pursuant to Sections 174-8.5 (C) 11; 174-8.5 (E) 3 (a); 174-25 (A) (2); and 174-25 (A) (3) to allow Parkhaus 241 LLC Indoor Recreational Use with an accessory use for a private garage for more than 3 cars, and to allow a 43 feet +/- front setback with the following condition:

1. The condominium covenants and restrictions stipulate that there will be no long-term, exterior parking of vehicles.

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. Nicholson and seconded by Mr. Robbins, with members voting by roll call as follows to grant the requested Special Permit:

David Williams	Aye
Paul Drepanos	Aye
Michael Robbins	Aye
Doris Cahill	Aye
Craig Nicholson	Aye

  
\_\_\_\_\_

Craig Nicholson, Clerk

Signing on behalf of the Zoning Board of Appeals

**\*\* 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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