



**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:

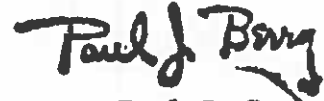
1. The original Zoning Board of Appeals Application thereof was filed with me as said Town Clerk on **May 26, 2005 at 2:00 PM.**
2. The Southborough Board of Appeals Decision dated **July 27, 2005** relative to a petition of **The Realty Associates Fund VI, L.P., 118-120 Turnpike Road for Special Permits and Variances**, was filed with the Town Clerk on **August 15, 2005 at 2:45 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 **6th day of September 2005** at **9:00 A.M.**

A True Copy Attest:

  
Paul J. Berry, Town Clerk

TOWN SEAL



Paul J. Berry  
Town Clerk

**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

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**NOTICE OF DECISION  
The Realty Associates Fund VI, L.P.  
118-120 Turnpike Road  
(37-4)**

Notice is hereby given that the Zoning Board of Appeals voted to *Grant* The Realty Associates Fund VI, L.P. (the "Applicant") (i) a Special Permit to permit office uses in excess of 50,000 square feet in accordance with Section 174-8.5.C(1) (the "Office Use Special Permit") of the Town of Southborough Zoning Bylaw (the "Zoning Bylaw"), (ii) a Special Permit to maintain more than one (1) principal building on a lot in accordance with Section 174-8.C(2) of the Zoning Bylaw (the "Multiple Building Special Permit", (iii) a seventy-five (75) foot variance from the frontage requirements of Section 174-8.5.E(2) of the Zoning Bylaw to allow a total frontage at the Property of 125 feet, and (iv) a thirty-three (33) foot variance from the side yard setback requirements of Section 174-8.5.E(3)(c) to allow a total side yard setback of seventeen (17) feet with respect to Building #1 shown on the Variance Plan, as that term is defined below. This Decision relates to the property located at and known as 118-120 Turnpike Road, Southborough, Massachusetts (the "Property").

The Notice of Public Hearing was (i) published in the Metrowest Daily News on June 7, 2005 and again on June 14, 2005, (ii) posted on a bulletin board in the Town Hall at least fourteen (14) days prior to the public hearing, and (iii) mailed, postage prepaid, at least fourteen (14) days prior to the public hearing to the Applicant and all parties in interest.

The Zoning Board of Appeals held a duly noticed public hearing on the Applicant's request for zoning relief on June 22, 2005. At the request of the Applicant, the Zoning Board of Appeals rescheduled the hearing for July 27, 2005. The following members of the Zoning Board of Appeals were present on the date of the rescheduled hearing: Salvatore M. Giorlandino, Acting Chairman; Fred Scott, Regina McAuliffe, Sam R. Stivers, and Peter C. Norden. At the rescheduled hearing, the Applicant waived the Applicant's request for a front yard setback variance.

**The Zoning Board of Appeals received the following documents into evidence:**

1. The application for the Special Permits and Variances submitted by the Applicant (the "Application").

2. The Plan entitled "ALTA/ACSM Land Title Survey, Plan of Land in Southborough, Massachusetts (Worcester County), Prepared for: Archon Group", prepared by Schofield Brothers of New England, Inc., and dated January 10, 2002.

3. A letter from Peter C. Johnson, Town of Southborough Inspector of Buildings/Zoning Officer dated July 13, 2005 regarding the Application.

4. A Plan entitled "Zoning Variance Plan of Land in Southborough, MA, Prepared for: CentreMark Properties", prepared by Schofield Brothers of New England, Inc. and dated July 20, 2005 (the "Variance Plan").

**The Zoning Board of Appeals made the following findings with respect to the Application:**

1. The Property is located at and known as 118-120 Turnpike Road, Southborough, Massachusetts.

2. Two (2) commercial buildings are located on the Property. The two (2) buildings contain approximately 160,904 gross square feet.

3. The Property is located in the Highway Business and Residential A Zoning Districts. The two (2) buildings are located on the portion of the Property located in the Highway Business Zoning District.

4. The Property and the buildings are used for offices.

5. The Property has been used in its current configuration for at least ten (10) years.

6. The Applicant is proposing no construction or change in the existing use of the Property as part of this Application.

7. The issuance of the Office Use Special Permit and the Multiple Building Special Permit is in harmony with the intent and purpose of the Zoning Bylaw.

8. The issuance of the Office Use Special Permit and the Multiple Building Special Permit shall not conflict with public health, safety, convenience or welfare and shall not be substantially detrimental or offensive to the neighborhood or destructive to property values.

9. The issuance of the Office Use Special Permit and the Multiple Building Special Permit will not have any adverse effect on the Town or the vicinity after consideration of location, activity type and mix, visual consequences, access and development rate.

10. The buildings located on the Property are compatible and there will be no impact on traffic circulation or land use patterns.

11. The Property has 125.73 feet of frontage on Turnpike Road/Route 9.

12. The building shown on the Variance Plan as Building #1 is set back only 17.1 feet from the property shown on the Variance Plan as "N/F Shrubs and Trees, Inc."

13. The Property contains approximately 20.5 acres but is unusually narrow at Turnpike Road/Route 9. This unique shape could significantly limit the improvements that may be made to the buildings on the Property. Accordingly, a literal enforcement of the provisions of the Zoning Bylaw would involve a substantial hardship to the Applicant because the Applicant would be prevented from completing improvements that are necessary to maintain a viable business or commercial enterprise on the Property.

14. The desired relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the Zoning Bylaw because the proposed variances will not alter the location of the buildings or result in a change of the use conducted at the Property.

**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 application as per Plan entitled "Zoning Variance Plan of Land in Southborough, MA, Prepared for: CentreMark Properties", prepared by Schofield Brothers of New England, Inc. and dated July 20, 2005. The Board also finds that although the May 2, 1984 decision by the Southborough Board of Appeals authorized a third building, the variance was never exercised and a third building is not permitted by this decision.**

  
*Salvatore M. Giorlandino, Acting Chairman* DS

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

**Notice: Rights Granted by a Variance:** If the rights authorized by a variance are not exercised within one year of the date of grant of such variance, such rights shall lapse; provided, however, that the permit granting authority in its discretion and upon written application by the grantee of such rights may extend the time for exercise of such rights for a period not to exceed six months; and provided further, that the application for such extension is filed with such permit granting authority prior to the expiration of such one year period. If the permit granting authority does not grant such extension within thirty days of the date of application therefor, and upon the expiration of the original one year period, such rights may be re-established only after notice and a new hearing pursuant to the provisions of Massachusetts General Laws, Chapter 40A, s. 10.

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

**Date: August 10, 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 Special Permits and Variances have been granted:

**To: The Realty Associates Fund VI, L.P.**

**Address: 118-120 Turnpike Road (37-4)**

**Town: Southborough, Massachusetts**

affecting the rights of the owner with respect to land or buildings at:  
**118-120 Turnpike Road, Southborough, Massachusetts (37-4)**

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.

  
Salvatore M. Giorlandino, Acting Chairman *DS*

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Town Clerk