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Heep**

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Eric B. Reustle
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JF 17

June 16, 2026

SUBMITTED ELECTRONICALLY

David Williams, Chair
Zoning Board of Appeals
Cordaville Hall, Lower Level
9 Cordaville Road
Southborough, MA 01772

Town Clerk
Southborough Town House
17 Common Street
Southborough, MA 01772

Re: Appeal from Denial of Certificate of Occupancy and May 20, 2026 Notice of Zoning Violation Pursuant to G. L. c. 40A, § 8
Fayville Village History and Arts Center
40-42 Central Street, Southborough, MA 01745

Dear Mr. Williams,

The Southborough Historical Society, Inc. (the "Society") hereby appeals the Building Commissioner's: (1) denial of a certificate of occupancy for the Fayville Village History and Arts Center located at 40-42 Central Street in Southborough (the "Property"), which denial was based on "Planning Board request and local bylaw"; and (2) Notice of Zoning Violation dated May 20, 2026.

As described below, the Society's use of the Property is protected under the Dover Amendment, which bars municipalities from using zoning bylaws to restrict protected as-of-right uses except in certain limited respects. The Building Commissioner's denial of a certificate of occupancy and the asserted violation of the Town's Zoning Bylaw both rest on Section 174-10.J of the Town's Zoning Bylaw and do not concern any category of regulation permitted by G. L. c. 40A, § 3. In substance, the Town has invoked its Zoning Bylaw to prevent occupancy of a Dover Amendment protected use in violation of state law. The Zoning Board of Appeals should therefore overturn the Building Commissioner's decisions.

I. Background

The Society is a Massachusetts nonprofit corporation formed pursuant to Chapter 180 of the General Laws and recognized as exempt from federal income tax pursuant to Section 501(c)(3) of the Internal Revenue Code. As set forth in its Articles of Organization, the Society was formed for the following purposes:

Zoning Board of Appeals General Application Special Permit, Variance, & Appeal

General Application Form

(Please answer all the following – use additional pages as necessary)

APPLICATION INFORMATION

This Application is for (please check one):

☐ Special Permit
 ☐ Variance
 ☒ Appeal from a decision of the Building Inspector/Zoning Officer

Sections of the Zoning Bylaw Applicable to Application:

174-10.J

PROPERTY INFORMATION

Address: 40-42 Central Street

Map/Lot: 38/44, 38/45

Zoning District: RB

Book/Page: 68315/384

Total Land Area: ~0.71 acres

Lot Frontage: 338.3'

Present Use: Dover (educational use)

Proposed Use: No change

Check all applicable:

☐ 100' Wetland Buffer Zone

☐ 200' Riverfront Area

☐ Disturbing more than 1 acre

☐ Flood Plain

BUILDING COMMISSIONER REVIEW (OPTIONAL)

To avoid project delays, this Application and all supporting documentation should be reviewed by the Southborough Building Commissioner prior to filing with the Town Clerk. Please drop off your application and supporting documentation to the Building Department, 9 Cordaville Road, at least 15 days prior to the filing deadline. Incomplete applications will not be signed by the Building Commissioner.

This application has been deemed complete by the Southborough Building Commissioner.

Signature of Building Commissioner:

Date:

Zoning Board of Appeals

General Application

Special Permit, Variance, & Appeal

Town Clerk Filing Date

Hearing Date

PROPERTY OWNER/APPLICANT INFORMATION

The undersigned hereby certifies that they have read and examined this application, checklist, and the Board of Appeals Application Instructions and that the proposed project is accurately represented in this Application and supporting documentation, and hereby requests a hearing before the Board of Appeals with reference to the above application.

Applicant Name: Southborough Historical Society, Inc., by its President, Michael Weishan

Address: 40-42 Central Street, Southborough, MA 01745

Phone: 508-624-7640

E-Mail: michael.weishan@southboroughhistory.org

Signature: *Michael Weishan*

Date:

Applicant is: ☐ Owner ☐ Agent/Attorney ☐ Other (please explain):

Applicant Name:

Address:

Phone:

E-Mail:

Signature:

Date:

Applicant is: ☐ Owner ☐ Agent/Attorney ☐ Other (please explain):

Property Owner Name (if different from applicant):

Address:

Phone:

E-Mail:

Signature:

Date:

Property Owner Name (if different from applicant):

Address:

Phone:

E-Mail:

Signature:

Date:

APPLICANT REPRESENTATIVES

Please list any Applicant Representatives who will be present for or will prepare materials for the public hearing(s):

Name	Role (e.g. attorney, architect, etc)	Address	Telephone Number
Eric B. Reustle	Attorney	40 Grove St., Wellesley	617-489-1600
Anthony J. Riley	Attorney	40 Grove St., Wellesley	617-489-1600

**NOTE: any such Applicant representatives whose statements or work product are presented to the Board must disclose the nature and extent of any personal interest (beyond payment of customary fees for their services) related to the Application.*

Zoning Board of Appeals

General Application

Special Permit, Variance, & Appeal

Town Clerk Filing Date

Hearing Date

Checklist of Required Materials

Information to be submitted with Application

- ☒ **Application Fee:** Check payable to the Town of Southborough or online via ViewPoint
- ☒ **Completed General Application Form & Checklist**
- ☒ **Project Narrative:** a thorough description of the existing conditions and/or use; the proposed changes; justification of the proposal; and any other relevant information that the Board may need in reviewing the application
- ☒ **Existing Site Plan that includes the following:** location, square footage, and dimensions of lot and all structures on the property; height; setbacks of all such structures from the property lines; other relevant features such as driveways, parking, easements, streams, wetlands, wells, septic systems, etc. The plan must be prepared and stamped by a registered land surveyor.
- ☒ **Proposed Site Plan that includes the following:** location, square footage, and dimensions of lot and all structures on the property; height; setbacks of all such structures from the property lines; other relevant features such as driveways, parking, easements, streams, wetlands, wells, septic systems, etc. The plan must be prepared and stamped by a registered land surveyor.
- ☒ **Building elevations:** show existing conditions and proposed changes drawn to scale. For anything other than one- and two-family residential developments, all architectural plans must be prepared by a registered architect.
- ☐ **Photographs:** current photographs of the subject property, illustrating the appeal point(s).
- ☒ **Copy of the deed for the property:** can be obtained from the Worcester County Registry of Deeds
- ☒ **Certified list of abutters:** as obtained from the Assessor's office
- ☒ **Electronic files:** to be submitted via ViewPoint, the online permitting software
- ☐ **OPTIONAL:** Letters of support

Prepare the required documents as follows:

- ☐ **Town Clerk Application Packet** – deliver to Town Clerk's Office, 17 Common Street
 - One (1) copy application form & checklist
 - One (1) copy of all required & supporting materials (plans no larger than 11"x17")
- ☐ **Zoning Board of Appeals Packet** – submit on ViewPoint
 - Application fee (Checks made payable to the Town of Southborough)
 - One (1) copy application form & checklist
 - One (1) copy of all required & supporting materials (plans no larger than 11"x17")
 - One (1) copy of the Certified Abutters list as obtained from the Assessor's Office
 - One (1) legal ad form

June 16, 2026

SUBMITTED ELECTRONICALLY

David Williams, Chair
Zoning Board of Appeals
Cordaville Hall, Lower Level
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As described below, the Society’s use of the Property is protected under the Dover Amendment, which bars municipalities from using zoning bylaws to restrict protected as-of-right uses except in certain limited respects. The Building Commissioner’s denial of a certificate of occupancy and the asserted violation of the Town’s Zoning Bylaw both rest on Section 174-10.J of the Town’s Zoning Bylaw and do not concern any category of regulation permitted by G. L. c. 40A, § 3. In substance, the Town has invoked its Zoning Bylaw to prevent occupancy of a Dover Amendment protected use in violation of state law. The Zoning Board of Appeals should therefore overturn the Building Commissioner’s decisions.

I. Background

The Society is a Massachusetts nonprofit corporation formed pursuant to Chapter 180 of the General Laws and recognized as exempt from federal income tax pursuant to Section 501(c)(3) of the Internal Revenue Code. As set forth in its Articles of Organization, the Society was formed for the following purposes:

To study, collect, preserve, and house historical records and antiquities relating to the history of Southborough and its people, to interest and unite the townspeople in a finer public spirit, through a fuller understanding of the traditions and history, both past and in the making, of our town and its neighboring communities.

The Society collects and preserves documents relating to the Town of Southborough's history, makes those materials available to researchers and the public, offers educational programming concerning local history and research techniques, publishes books relating to the Town's history, and maintains a database of historic homes. Each of these activities furthers the Society's educational purposes by promoting interest in and understanding of the traditions and history of Southborough and its neighboring communities.

On October 5, 2022, the Society acquired the historical property located at 40-42 Central Street in Southborough (commonly known as "Fayville Hall") for renovation and use as the Society's new home. The Southborough Planning Board issued a Major Site Plan Approval ("MSPA") to the Society on or about July 26, 2023, after which the Society commenced renovation of the Property. The Society intends to operate the Property in furtherance of its educational purpose. The Society will offer educational programs at the Property, with a particular emphasis on local history, collect and preserve historical records for use by researchers, and publish books and other materials on topics of historical interest.

On December 26, 2025, the Society notified the Building Commissioner that all major construction had been completed and requested issuance of a certificate of occupancy. At that time, only limited outstanding items associated with the MSPA remained, consisting primarily of site-related conditions such as landscaping and parking lot work. These items did not implicate structural systems, egress, fire protection, or any other health or safety requirements under either the State Building Code or the MSPA itself.

The Building Commissioner initially declined to issue a temporary certificate of occupancy ("TCO") absent Planning Board approval. The Society thereafter sought Planning Board approval and, on January 12, 2026, the Planning Board voted to issue a TCO, subject to conditions including periodic reporting and an expiration date of May 1, 2026.

As of May 1, 2026, certain minor items related to conditions imposed in the MSPA remained outstanding.¹ None of those outstanding items, however, relate to the State Building Code or the Society's eligibility to receive a certificate of occupancy, and nothing has changed since the original TCO issued that would make the property less safe or pose a risk to public health. The Society therefore requested an extension of the TCO while it continued to complete or seek modification of the remaining planning-related conditions.

¹ The Society has submitted an application to the Town seeking modification of the MSPA to resolve the outstanding items, which relate primarily to landscaping and the parking lot.

On May 15, 2026, the Building Commissioner requested a description of the “exigent circumstances” supporting issuance of a new TCO.² The Society promptly responded, explaining its ongoing compliance efforts and previously scheduled programming at the Property.³

On May 19, 2026, the Building Commissioner denied the Society’s request for an extension, stating that the decision was “based on Planning Board request and local bylaw.”⁴ On May 20, 2026, the Building Commissioner issued two cease-and-desist letters to the Society stating: “On May 11, 2026, the Planning Board voted to revoke and not extend the Temp CO for your ongoing project citing local zoning 174-10 J.”

II. The Town’s Zoning Bylaw

For a project subject to site plan review, Section 174-10.J of the Town’s Zoning Bylaw permits issuance of a temporary certificate of occupancy “after satisfactory completion of all items essential to public health and safety and sufficient bonding acceptable to the Planning Board is provided to the Town to cover all outstanding items.” As described above, the Planning Board approved, and the Building Commissioner issued, a TCO after concluding that no bond was required and that all items essential to public health and safety had been completed.

III. The Dover Amendment

General Laws c. 40A, § 3, commonly known as the Dover Amendment, provides in paragraph 2:

No zoning ordinance or by-law shall ... prohibit, regulate or restrict the use of land or structures ... for educational purposes on land owned or leased by ... a nonprofit educational corporation; provided, however, that such land or structures may be subject to reasonable regulations concerning the bulk and height of structures and determining yard sizes, lot area, setbacks, open space, parking and building coverage requirements.

This statute prohibits the use of zoning bylaws to regulate land owned by a nonprofit educational corporation and used for educational purposes except with respect to those topics specified in the statute, and limits regulation of the specified topics to “reasonable” regulations. The scope of protected uses and “reasonable” regulations are discussed below.

The Office of the Attorney General has issued Guidance on Regulation of Religious and Educational Uses of Land Under the Dover Amendment, Massachusetts General Laws c. 40A, § 3, a copy of which is attached hereto as Exhibit A, explaining the Dover Amendment and the limits it places on municipal authority to regulate protected uses.

² Email from M. Roubidoux to M. Weishan, May 15, 2026, 12:00 PM.

³ Email from M. Weishan to M. Roubidoux, May 15, 2026, 12:50 PM.

⁴ Email from M. Roubidoux to M. Weishan, May 19, 2026, 2:27 PM.

IV. Protected Uses

In *Regis College v. Town of Weston*,⁵ the SJC described the legislative history of the Dover Amendment, stating that the Legislature rejected a proposal to limit Dover Amendment protection to schools and traditional educational institutions.⁶ This rejection “provides an indication that the Legislature did not want the protection of the Dover Amendment to be limited only to those facilities closely analogous to traditional schools and colleges.”⁷ Accordingly, an organization seeking the protection of the Dover Amendment is not required to show that its proposed activities are analogous to a traditional educational institution.⁸

Instead, education under the Dover Amendment is a “broad and comprehensive term”⁹ encompassing a wide range of activities that are educational in the sense that such activities involve “the process of developing and training the powers and capabilities of human beings.”¹⁰ Massachusetts courts have found the following activities to be educational:¹¹

- A summer arts program for educators and art students;¹²
- A radio station presenting informative programming;¹³
- A library and associated parking garage;¹⁴
- Promotion of the cognitive and physical wellbeing of elderly persons;¹⁵
- A community residence to prepare former mental patients for independent living;¹⁶ and
- A residential facility for adults with mental disabilities.¹⁷

Educational uses protected by the Dover Amendment also include uses that are secondary and incidental to the primary educational use, such as parking garages,¹⁸ spaces to feed and house personnel,¹⁹ and athletic-field lighting and snack bars used in connection with an educational organization’s facilities.²⁰ Accordingly, accessory uses related to the functions of an educational

⁵ 462 Mass. 280, 286 (2012).

⁶ *Id.*, citing 1972 House Doc. No. 5009 at 84.

⁷ *Id.* at 286 (internal quotations omitted).

⁸ *Id.* at 287.

⁹ *Regis Coll.* 462 Mass. at 286, quoting *Mount Hermon Boys’ School*, 145 Mass. 139, 146 (1887).

¹⁰ *Mount Hermon Boys’ School v. Gill*, 145 Mass. at 146.

¹¹ In determining the scope of educational activities protected by the Dover Amendment, Massachusetts courts have relied on judicial interpretations of the term “educational” issued in connection with the real estate tax exemption. *Regis Coll.* 462 Mass. at 289, FN12 (“In construing the educational exemption to the Dover Amendment, we have often looked to decisions addressing tax exemptions”).

¹² *Cumington School of Arts, Inc. v. Bd. of Assessors of Cumington*, 373 Mass. 597 (1977) (cited in *Fitchburg Housing Auth. v. Bd. of Appeals of Fitchburg*, 380 Mass. 869 (1980)).

¹³ *Worcester County Christian Communications, Inc. v. Bd. of Appeals of Spencer*, 22 Mass. App. Ct. 83 (1986).

¹⁴ *Trustees of Tufts Coll. v. City of Medford*, 415 Mass. 753 (1993).

¹⁵ *Lasell Village, Inc. v. Assessors of Newton*, 67 Mass. App. Ct. 414, 423 (2006).

¹⁶ *Fitchburg Housing Auth. v. Bd. of Appeals of Fitchburg*, 380 Mass. 869 (1980).

¹⁷ *Gardner-Athol Area Mental Health Association v. Zoning Board of Appeals of Gardner*, 401 Mass. 12 (1987).

¹⁸ *Radcliffe Coll. v. City of Cambridge*, 350 Mass. 613 (1966).

¹⁹ *Id.* at 618.

²⁰ *The Bible Speaks v. Bd. of Appeals of Lenox*, 8 Mass. App. Ct. 19 (1979); see also *Pellegrino v. City Council of Springfield*, 22 Mass. App. Ct. 459, 464-65 (1986) (incidental and/or related uses in support of Dover Amendment protected activity, which standing alone, may appear to violate zoning bylaw, are permitted due to relationship to larger project).

facility are protected under the Dover Amendment as well.

In order to come within the scope of the Dover Amendment, an organization must demonstrate two things:

1. It is a nonprofit educational corporation; and
2. The primary or dominant use of the land will be for educational activities.²¹

Each of these elements is addressed below.

A. Educational Corporations

The SJC has stated the test for determining whether a corporation is an “educational corporation” as follows: “[t]he proper test in deciding whether a nonprofit corporation is an educational one is whether its articles of organization permit it to engage in educational activities, a question easily answered by a review of documents filed with the State.”²² This test does not take into account the organization’s activities or the amount of educational activities in which it engages, but is limited to looking at the organization’s Articles of Organization to determine whether it is permitted to engage in any activities that fall within the broad definition of “education” described above.

As set forth in its Articles of Organization, the Society’s purposes authorize it to promote the public’s understanding of the traditions and history of the Town of Southborough and its neighboring communities. As such, the Society’s Articles of Organization authorize it to engage in activities that fall well within the broad scope of educational activities protected by the Dover Amendment.

B. Primary or Dominant Use

The “primary or dominant use” standard requires that a project’s primary or dominant purpose be educational for Dover Amendment protection to apply.²³ This means that educational purposes must predominate over non-educational purposes.²⁴ As described above, the Society intends to use the Property primarily for the Society’s own educational programs and functionally related uses, such as administrative offices. The Society expects that it will make a portion of the Property available for use by third parties, but estimates that such use will account for approximately 1% of the use of the Property based on the amount of space that will be available for third-party use and number of hours during which such space will be available. As such, the Society’s educational activities are the primary or dominant use of the Property.

²¹ *Regis Coll. v. Town of Weston*, 462 Mass. at 287-91.

²² *Gardner-Athol Area Mental Health Association v. Zoning Board of Appeals of Gardner*, 401 Mass. at 15-16.

²³ See *Regis Coll. v. Town of Weston*, 462 Mass. at 290-91; *McLean Hospital Corporation v. Town of Lincoln*, 483 Mass. 215 (2019).

²⁴ See *Regis Coll. v. Town of Weston*, 462 Mass. at 290.

V. Reasonable Regulation of Educational Uses

The Dover Amendment prohibits municipalities from regulating or restricting the use of land or structures for educational purposes on land owned or leased by a nonprofit educational corporation through a zoning bylaw, provided that municipalities may impose “*reasonable*” regulations concerning:

- the bulk and height of structures;
- determining yard sizes,
- lot area,
- setbacks,
- open space,
- parking; and
- building coverage requirements.²⁵

Any zoning regulation of a Dover Amendment use must therefore be: (1) a permissible type of regulation, as set forth in the Dover Amendment; and (2) reasonable.

There are several ways in which an applicant may demonstrate that a regulation is unreasonable.²⁶ Among them, Massachusetts courts have held that a zoning requirement is unreasonable if it imposes excessive costs on the applicant without significantly advancing legitimate municipal concerns.²⁷ Moreover, although local requirements may be enforced against a protected use if they relate to a legitimate municipal purpose and bear a rational relationship to the concern identified,²⁸ their imposition and enforcement cannot lawfully nullify the protected use, which is the practical effect of the Building Commissioner’s actions here.

VI. Application to the Society

The Society satisfies each requirement for protection under the Dover Amendment. First, it is a nonprofit educational corporation, and its Articles of Organization expressly authorize it to engage in educational activities, including the preservation and dissemination of historical knowledge and the provision of educational programming. Second, the Society’s primary and dominant use of the Property is educational, consisting of research, archival preservation, public programming, and related activities. Any incidental third-party or non-educational uses are de minimis and do not alter the Property’s dominant educational character.

Because the Society’s use is protected by the Dover Amendment, the Town may regulate that use only through reasonable dimensional and site-related requirements of the type expressly permitted by the statute. Section 174-10.J of the Town’s Zoning Bylaw, as applied here, does not regulate any of the categories permitted by the Dover Amendment. Instead, it has been used to

²⁵ G.L. c. 40A, §3.

²⁶ *Martin v. Corp. of Presiding Bishop of the Church of Jesus Christ of Latter-Day Saints*, 434 Mass. 141, 151 (2001).

²⁷ *Rogers v. Town of Norfolk*, 432 Mass. 374, 383-84 (2000); *Trustees of Tufts Coll.*, 415 Mass. at 763.

²⁸ *Rogers v. Town of Norfolk*, 432 Mass. at 378.

condition, and ultimately prohibit, occupancy of the Property based on planning-related conditions unrelated to health and safety or any permissible dimensional control.

The record demonstrates that the Society completed all items essential to public health and safety before issuance of the TCO, and nothing has changed with respect to the safety or code compliance of the Property since that time. The remaining items referenced by the Planning Board concern landscaping and other site conditions that do not implicate the State Building Code or the safety of occupants. The continued denial of occupancy on that basis therefore constitutes an unlawful use of the Zoning Bylaw to restrict a protected educational use.

Moreover, to the extent Section 174-10.J is construed to authorize the withholding or revocation of occupancy for reasons unrelated to health and safety, that application would be unreasonable as applied to a Dover Amendment use. The denial of occupancy prevents the Society from carrying out its core educational mission, imposes substantial operational, financial, and reputational burdens, and does not materially advance any legitimate municipal interest recognized under G. L. c. 40A, § 3.

VII. Conclusion

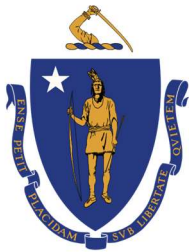
For these reasons, the Southborough Historical Society, Inc. respectfully requests that the Zoning Board of Appeals overturn the Building Commissioner's May 19, 2026 denial of the certificate of occupancy, annul the May 20, 2026 Notice of Zoning Violation and cease-and-desist letters, and direct that the Society be permitted to occupy the Property consistent with its protected educational use under G. L. c. 40A, § 3.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric B. Reustle", with a long horizontal flourish extending to the right.

Eric B. Reustle

EXHIBIT A



THE COMMONWEALTH OF MASSACHUSETTS OFFICE OF THE ATTORNEY GENERAL

ONE ASHBURTON PLACE
BOSTON, MASSACHUSETTS 02108

ANDREA JOY CAMPBELL
ATTORNEY GENERAL

(617) 727-2200
www.mass.gov/ago

Guidance on Regulation of Religious and Educational Uses of Land Under the Dover Amendment, Massachusetts General Laws c. 40A, §3

For over 50 years, Massachusetts law has exempted educational and religious uses of land from certain local zoning regulations through the so-called “Dover Amendment,” Massachusetts General Laws chapter 40A, § 3. The statutory exemption is just one sentence long, but it has been given shape by dozens of court decisions applying it to a variety of real-life situations across the state. This guidance summarizes the law of the Dover Amendment as expressed through that case law. It is intended to help municipalities, developers, and residents to understand the types of land use that are exempted from local zoning requirements under the religious and educational use provision of the Dover Amendment and the practical implications of these exemptions.

What is the “Dover Amendment” and how does it protect religious and educational uses of land?

Since the 1920s, Massachusetts cities and towns have had certain authority to enact zoning by-laws and ordinances to control the use of land in their communities, subject to constraints imposed by the Legislature, the state constitution, and federal law. In 1950, the Legislature passed a law making it illegal for communities to use their zoning laws to restrict religious uses of land, including “religious, sectarian or denominational education[.]”. St.1950, c. 325, § 1. The Attorney General sued to enforce the new state law against the town of Dover, where a land use dispute had arisen between the town and a religious organization. In the resulting case, the Supreme Judicial Court confirmed that the Legislature has the power to restrict a town’s zoning activity. *Attorney General v. Inhabitants of Town of Dover*, 327 Mass. 601, 604 (1951). The Court also declared the town’s by-law invalid to the extent it conflicted with the new state law. *Id.* at 608. The state law exempting religious uses from local zoning rules thereafter became known as the “Dover Amendment.”

Over time, the Legislature expanded the Dover Amendment, first to protect secular educational uses and then to protect other state priorities like childcare centers, solar energy systems, farms, and accessory dwelling units. The full list of protected uses can be found in Section 3 of the Zoning Act, which is chapter 40A of the Massachusetts General Laws.

The current version of the Dover Amendment protects both religious and educational uses of land and creates balance by allowing cities and towns to impose certain “reasonable” regulations on them. The relevant text is found in the second paragraph of G.L. c. 40A, § 3:

No zoning ordinance or by-law shall...prohibit, regulate or restrict the use of land or structures for religious purposes or for educational purposes on land owned or leased by the commonwealth or any of its agencies, subdivisions or bodies politic or by a religious sect or denomination, or by a nonprofit educational corporation; provided, however, that such land or structures may be subject to reasonable regulations concerning the bulk and height of structures and determining yard sizes, lot area, setbacks, open space, parking and building coverage requirements.

This Guidance focuses on how courts have interpreted this protection of religious and educational uses. Most of the principles outlined below are generally applicable to all use protections contained in the Dover Amendment. *See, e.g., Tracer Lane II Realty, LLC v. City of Waltham*, 489 Mass. 775, 780 (2022) (using the “abundant case law interpreting that section’s other paragraphs” when interpreting the solar energy paragraph for the first time); *Petrucci v. Bd. of Appeals of Westwood*, 45 Mass. App. Ct. 818, 825, n.10 (1998) (trial court properly applied “reasonable regulations” caselaw from educational context to childcare use protected by third paragraph of Dover Amendment); 760 C.M.R. 71.03(3) (test for assessing reasonableness of zoning regulations when applied to a religious or educational use applies equally to protected-use accessory dwelling units). However, because uses protected under other paragraphs of the Amendment may be subject to greater, lesser, or different types of regulation, caution is advised when using this guidance in other contexts. *See, e.g., G.L. c. 40A, § 3*, eighth par. (unlike religious or educational uses, a handicapped ramp cannot be subject to dimensional lot regulations like setbacks or open space requirements); *Tracer Lane*, 489 Mass. at 780 (solar energy uses may be subject to regulations that cannot be applied to educational uses). *But see G.L. c. 40A, § 3*, third par. (like religious and educational uses, childcare centers are subject only to “reasonable regulations concerning the bulk and height of structures and determining yard sizes, lot area, setbacks, open space, parking and building coverage requirements”).

What is the purpose of the Dover Amendment’s religious and educational use protections?

The Dover Amendment limits local zoning discretion around religion and education “to foreclose the ‘local exercise of preferences as to what kind of educational or religious uses will be welcome’” in a community. *Hume Lake Christian Camps, Inc. v. Planning Board of Monterey*, 492 Mass. 188, 194 (2023) (quoting *Newbury Junior College v. Brookline*, 19 Mass. App. Ct. 197, 205 (1985)). It reflects a legislative decision that religious and educational uses are important to the state and should be “free from local interference.” *Crossing Over, Inc. v. City of Fitchburg*, 98 Mass. App. Ct. 822, 829 (2020). At the same time, the Dover Amendment expressly allows certain kinds of reasonable regulation of protected uses, creating a balance between “legitimate municipal concerns that typically find expression in local zoning laws” and the ability of religious and educational nonprofits to carry out their work. *Hume Lake*, 492 Mass. at 194 (citing *Trustees of Tufts College v. Medford*, 415 Mass. 753, 757 (1993)).

What is the legal test for determining whether a use is a religious or educational use protected by the Dover Amendment?

A proposed use of land or structures is protected by the Dover Amendment if both of the following are true:

1. The land is owned or leased by a “religious sect or denomination,” a “nonprofit educational corporation,” or the Commonwealth or one of its agencies, subdivisions or bodies politic;
2. A bona fide religiously or educationally significant goal is the primary or dominant purpose for which the land or structure will be used.

See G.L. c. 40A, § 3, par. 2. *See also, e.g., Hume Lake*, 492 Mass. at 195; *Regis College v. Town of Weston*, 462 Mass. 280, 285 (2012) (quoting *Whitinsville Retirement Society, Inc. v. Northbridge*, 394 Mass. 757, 760 (1985)).

What qualifies as a “nonprofit educational corporation” under the Dover Amendment?

A nonprofit organization does not need to look like a traditional school or have education as its primary goal or purpose to qualify as a “nonprofit educational corporation” under the first prong of the Dover Amendment test. *Gardner-Athol Area Mental Health Association, Inc. v. Zoning Board of Appeals of Gardner*, 401 Mass. 12, 16 (1987); *see also Regis Coll.*, 462 Mass. at 285. So long as a nonprofit corporation’s articles of organization allow it to engage in educational activities, the organization is considered “educational” for Dover Amendment purposes. *Gardner-Athol*, 401 Mass. at 15-16 (citing *Worcester County Christian Communications, Inc. v. Board of Appeals of Spencer*, 22 Mass. App. Ct. 83, 87 (1986)). The articles of organization of nonprofit corporations, including out-of-state corporations doing business in Massachusetts, are filed with the Secretary of the Commonwealth and available at <https://www.sec.state.ma.us/divisions/corporations/corporations.htm>.

What qualifies as a “religious sect or denomination” under the Dover Amendment?

Unlike an educational organization, a religious group need not be organized as a nonprofit corporation in order to seek protection under the Dover Amendment. G.L. c. 40A, § 3, second par.

Where a religious group is in fact registered as a nonprofit corporation, then it will satisfy the first prong of the Dover Amendment test if its articles of organization authorize it to engage in the religious (or educational activity) it proposes at a site. *See, e.g., Hume Lake Christian Camps, Inc. vs. Sawyer*, Case. No. 19 MISC 000386, 2022 WL 1256666, at *13 (Mass. Land Ct. Apr. 27, 2022), *rev’d on other grounds, Hume Lake Christian Camps*, 492 Mass. at 188 (an organization is a “religious sect or denomination” under the Dover Amendment if “its articles of

organization allow it to engage in religious activities”); *Timothy Hill Children's Ranch, Inc. v. Webb*, Case Nos. 08 MISC 382531, 09 MISC 404144, and 09 MISC 404850, 2012 WL 444018, at *9 (Mass. Land Ct. Feb. 10, 2012) (camp operator is “religious” under Dover where its articles of organization authorize it to “operate an educational outdoor camp to teach children and families leadership skills and life skills with a spiritual foundation which includes bible studies and church services”). Where a religious group is not organized as a nonprofit corporation, a subjective, good faith “system of belief, concerning more than the earthly and temporal, to which the adherent is faithful” may be sufficient for Dover Amendment purposes. *Needham Pastoral Counseling Center, Inc. v. Board of Appeals of Needham*, 29 Mass. App. Ct. 31, 34 (1990) (discussing but not deciding question of how to define “religion” in a Dover Amendment case). The definition of a religious sect or denomination may also be impacted by developments in federal law. See, e.g., *Catholic Charities Bureau, Inc. v. Wisconsin Labor and Industries Review Commission*, United States Supreme Court Case No. 24-154 (pending as of March 2025) (addressing role of state government in defining whether group is “operated primarily for religious purposes”).

What is an “educationally significant goal”?

Under Massachusetts law, “education” is a “broad and comprehensive term” that is not limited to “traditional or conventional educational regimes.” *Regis Coll.*, 462 Mass. at 285 (citing *Mount Hermon Boys’ School v. Gill*, 145 Mass. 139, 146 (1887)). Instead, education is understood broadly as “the process of developing and training the powers and capabilities of human beings” and “preparing persons for activity and usefulness in life.” *McLean Hospital Corp. v. Town of Lincoln*, 483 Mass. 215, 220 (2019) (quoting *Mount Hermon Boys’ Sch.* at 146 and *Fitchburg Housing Authority v. Board of Zoning Appeals of Fitchburg*, 380 Mass. 869, 875 (1980)).

As a result, in the context of the second prong of the Dover Amendment test, “[e]ducationally significant” uses are not “limited only to those facilities closely analogous to traditional schools and colleges.” *McLean Hosp.*, 483 Mass. at 220 (quoting *Regis Coll.*, 462 Mass. at 286). Similarly, whether a use is educational “does not, and should not, turn on an assessment of the population it serves.” *McLean Hosp.*, 483 Mass. at 222. Instead, courts have found an “educationally significant goal” for purposes of the Dover Amendment when, for example:

- the curriculum is narrowly targeted to serve the special needs of a particular population, contains therapeutic or other nonacademic training methods, or is delivered in a manner other than through classroom instruction;
- program participants do not resemble traditional school students in their demographic characteristics or educational goals;
- the program includes a residential or medical component; or
- an ancillary structure like a parking garage, or a recreational facility like a baseball field, supports the work of an educational institution.

The following cases illustrate the courts' generous interpretation of the "educationally significant goal" requirement. While this guidance separates these cases into categories for convenience, there is often overlap among the types of programs offered in each case.

Residential programs delivering targeted education and training to unique populations

Substance abuse treatment programs

- *Stanley Street Treatment & Resources v. City of Fall River*, Case No. 2273CV00372, 2024 WL 493561 (Mass. Super. Jan. 3, 2024). Residential substance abuse treatment program "offering 24-hour care in a structured environment," including relapse and overdose prevention counseling and education, HIV testing and education, TB testing and education, and tobacco use counseling and education. Program was led by social workers and drug treatment counselors; was founded on dialectical and cognitive behavioral therapy and motivational interviewing; and included both individualized treatment plans and group "education on harm reduction, tobacco cessation, life skills management, setting goals, gender identity, positive thinking, managing anxiety, relapse prevention strategies, coping skills, twelve step models, and understanding addiction and recovery."
- *Spectrum Health Sys. Inc. v. Framingham Zoning Bd. of Appeals*, Case No. 240789 (Mass. Land Ct. May 21, 1999). Facility providing substance abuse rehabilitation and mental health counseling services, with methadone administration for some participants.

Transitional programs for people experiencing homelessness

- *Brockton Coalition for Homeless v. Tonis*, Case No. 03-00226, 2004 WL 810296 (Mass. Super. Mar. 5, 2004). Temporary housing with education designed to "assist homeless families in obtaining permanent housing and in becoming economically and socially independent," including classes, group activities, and individual coaching and assistance with topics ranging from life skills regarding housing, employment, and personal finance to parenting through homelessness and coping with domestic violence.
- *Congregation of the Sisters of St. Joseph of Boston v. Town of Framingham*, Case No. 194216, 1994 WL 16193868 (Mass. Land Ct. Mar. 31, 1994). Residence with classrooms for educational programming to teach "homeless families, single mothers, persons with AIDS and other physical disabilities such as deafness and blindness, and persons recovering from addictive habits...how to care and provide for themselves and their families." Programming included basic life skills like housekeeping, budgeting, and childcare; vocational and job search training; and personal health care, with "adjunct counseling services as needed to support these educational programs."

Programs where education is integral to mental health treatment

- *McLean Hospital Corp. v. Lincoln*, 483 Mass. 215 (2019). Residential program for adolescent males experiencing "severe emotional dysregulation." The program, run by a psychiatric hospital, would offer a "skills-based curriculum" based on dialectical behavioral therapy over the course of 60 to 120 days and help resident participants "to

develop the emotional and social skills necessary to return to their communities to lead useful, productive lives.”

- *Harbor Schools, Inc. v. Board of Appeals of Haverhill*, 5 Mass. App. Ct. 600 (1977). Residential facility providing academic instruction in traditional academic subjects as well as therapeutic and rehabilitation support to teens with special needs (“‘Education’ and ‘rehabilitation’...are not mutually exclusive.”).
- *Caldeira v. Levesque*, Case No. 197854 (Mass. Land Ct. Oct. 13, 1995). Residential facility for adolescents who have been removed from their homes after sexual and/or physical abuse. Residents attend school separately but receive education and training on “social skills, academic skills, conflict resolution, depression control, and the like” at the residence.

Re-entry programs for people leaving institutions/incarceration

- *Fitchburg Housing Authority v. Board of Zoning Appeals of Fitchburg*, 380 Mass. 869 (1980). “Step down” residential facility for adults who were formerly institutionalized in psychiatric hospitals. Run by a mental health organization and staffed by social service workers, the facility would offer medical treatment as well as a “training program aimed at developing or learning social and interpersonal skills” to support eventual independent living.
- *MJ Operations, LLC v. Middleborough Zoning Board of Appeals, et al.*, Case No. 23 MISC 000458, 2025 WL 643720 (Mass. Land Ct. Feb. 21, 2025) (appeal taken March 2025). Twelve to 18-month residential program for formerly incarcerated people and other “disadvantaged and marginalized members of society” to receive “education and training in life and job skills” through “on-site education and training programs that are intended to assist participants with selecting and securing for full or part-time employment off-site and, eventually, becoming fully independent.”
- *Austen Riggs Ctr., Inc. v. Considine*, Case No. 288451, 2004 WL 1392279 (Mass. Land Ct. June 22, 2004). “Step down” facility aimed at helping people formerly institutionalized in psychiatric hospitals to develop independent living skills, with twice weekly program meetings and weekly workshops on vocational, interpersonal, and other life skills topics.

Longer term supportive housing programs

- *Campbell v. City Council of Lynn*, 32 Mass. App. Ct. 152 (1992), aff’d in part on other grounds, 415 Mass. 772 (1992). Group residence for elders with mental illness, run by senior services agency and providing “instruction in the activities of daily living” and “a basic understanding of how to cope with everyday problems and to maintain oneself in society.”

- *Watros v. Greater Lynn Mental Health and Retardation Ass'n, Inc.*, 421 Mass. 106 (1995). Barn on residential property to be renovated and “used to provide shelter and education for three mentally handicapped individuals and their caretakers” under a lease with a local nonprofit.
- *Gardner-Athol Area Mental Health Association, Inc. v. Zoning Board of Appeals of Gardner*, 401 Mass. 12 (1987). Residential care facility for four adults with mental disabilities offering training in “daily living, as well as vocational skills, with the goal of preparing them for more independent living.”
- *Seven Hills Cmty. Servs. v. Town of Saugus*, Case No. 278982 (Mass. Land Ct. Apr. 22, 2003). Residential facility for developmentally disabled adults with skill building in daily life activities like housekeeping, personal care, and meal preparation. Residents learn to become “as independent as possible in all facets of their lives so they may become contributing members of society.”

Vocational and technical skills training programs

- *Arts Empowering Life, Inc. vs. Judd*, Case No. 15 MISC 000373, 2017 WL 2721186 (Mass. Land Ct. June 23, 2017). Facility for teaching of percussion by a prestigious youth music school.
- *City of Worcester v. New England Institute & New England School of Accounting, Inc., et al.*, 335 Mass. 486 (1957). Professional school for accountants with vocational training in skills like typing and stenography.
- *But see Metrowest YMCA, Inc. vs. Hopkinton*, Case No. 287240, 2006 WL 1881885 (Mass. Land Ct. July 10, 2006). YMCA gym not covered where “[t]he overwhelming majority of those who use the Hopkinton site receive no instruction, and those that do, mostly receive it in connection with sports and exercise activities.”

Educational components of senior living communities

- *Regis College v. Town of Weston*, 462 Mass. 280 (2012). Requirement that residents of a residential community for older adults complete two college courses per semester on the adjacent campus while receiving individualized academic advising and curriculum planning and gaining opportunities to participate in both classes and extracurricular activities with degree-seeking college students could serve an educational purpose: “the promotion of the cognitive and physical well-being of elderly persons through academic and physical instruction.”

Ancillary structures affiliated with and supporting educational institutions

Parking

- *Trustees of Tufts Coll. v. City of Medford*, 415 Mass. 753 (1993)
- *Radcliffe College v. Cambridge*, 350 Mass. 613 (1966)

Dorms

- *Newbury Junior College v. Town of Brookline*, 19 Mass. App. Ct. 197 (1985)
- *Commissioner of Code Inspection of Worcester v. Worcester Dynamy, Inc.*, 11 Mass. App. Ct. 97 (1980)
- *The Bible Speaks v. Board of Appeals of Lenox*, 8 Mass. App. Ct. 19 (1979)

Athletic facilities

- *The Bible Speaks v. Board of Appeals of Lenox*, 8 Mass. App. Ct. 19 (1979)
- *Martha's Vineyard Reg'l Sch. Dist. vs. Oak Bluffs Planning Bd.*, Case No. 22 MISC 000294, 2023 WL 5704480 (Mass. Land Ct. Sept. 5, 2023)

What is a “religiously significant” goal?

As in the education context, Massachusetts courts have taken an expansive view of what is religiously significant under the second prong of the Dover Amendment test. A use qualifies as religiously significant if it is “something in aid of a system of faith and worship.” *Martin v. Corp. of Presiding Bishop of Church of Jesus Christ of Latter-Day Saints*, 434 Mass. 141, 150 (2001). Religiously significant uses “encompass more than just ‘typical’ religious uses, such as worship or religious instruction,” and include “accessory uses” that are “components of a broader religious project, and that facilitate the functioning of that project.” *Hume Lake*, 492 Mass. at 196. The use need not be “intrinsically religious” nor a “necessary element” of the particular religion. *Id.* Some examples follow.

- *Hume Lake Christian Camps, Inc. v. Planning Bd. of Monterey*, 492 Mass. 188 (2023). RV park for seasonal staff, volunteers, and family attendees of camp that has evangelical aims and religious content; RV park makes it easier to run and more attractive to attend the camp, and informal religious discussions are expected to occur in park
- *Martin v. Corporation of Presiding Bishop of Church of Jesus Christ of Latter-Day Saints*, 434 Mass. 141 (2001). Church steeple (and adding in dicta that church kitchen or church parking lot would be similarly exempt).
- *Jewish Cemetery Ass'n of Massachusetts, Inc. v. Bd. of Appeals of Wayland*, 85 Mass. App. Ct. 1105, 2104 WL 886907 (2014) (unpublished Rule 1:28 decision). Expansion of Jewish cemetery.
- *But see Needham Pastoral Counseling Center Inc. v. Board of Appeals of Needham*, 29 Mass. App. Ct. 31 (1990). Counseling center that does not proselytize or offer religious content *not* protected under the Dover Amendment.

When is education or religion the “primary” or “dominant” purpose of the proposed land use?

The Dover Amendment applies only if religion or education is the “primary or dominant” purpose for which the land or structures will be used. *Regis College*, 462 Mass. at 285. But *religion or education need not be the only purpose of the program*. It is common for religious or educational goals or activities to be intertwined with other goals and services, including housing, and courts have repeatedly cautioned against attempting to draw fine distinctions between the different aspects of an applicant’s program in assessing whether the Dover Amendment applied. *See, e.g., McLean Hosp.*, 483 Mass. at 220 (declining to attempt to separate “therapeutic” from “educational” aspects of program in assessing whether education was dominant). Similarly, the “primary or dominant” test does not turn on the percentage of the physical space that will be devoted to educational or religious activity, since ancillary structures like parking lots are still Dover-protected. *See, e.g., Tufts Coll.*, 415 Mass. at 757-762 (applying Dover analysis to college parking garage). Rather than taking a “piecemeal approach” or restricting the exemption to single-focus uses, the Dover Amendment requires looking at the use as a whole and ensuring that the educational or religious purpose is not “mere window dressing for a nonexempt use.” *Hume Lake*, 492 Mass. at 195 (internal quotes omitted).

The following cases illustrate how this test has been applied:

- *Hume Lake Christian Camps, Inc. v. Planning Bd. of Monterey*, 492 Mass. 188 (2023). RV park housing seasonal staff, volunteers, and family attendees of camp with evangelical aims and religious content has a primarily religious purpose. RV park makes it easier to run the camp and more attractive to attend it and thereby supports the operator’s evangelical mission.
- *McLean Hospital Corp. v. Town of Lincoln*, 483 Mass. 215 (2019). Residential program of psychiatric hospital that teaches emotional and behavioral skills to adolescents who experience severe emotional dysregulation is primarily educational. Given unique needs of participants, it is inappropriate for local zoning board to attempt to separate what is “educational” from what is “therapeutic” in the program.
- *MJ Operations, LLC v. Middleborough Zoning Board of Appeals, et al.*, Case No. 23 MISC 000458 (Mass. Land Ct. Feb. 21, 2025). Twelve to 18-month residential program is primarily educational rather than residential where it offers multi-format life and job skills training for formerly incarcerated people and others seeking to change their life trajectories and incorporates features of residential life, like paying rent, into curriculum.
- *Brockton Coalition for Homeless v. Tonis*, Case No. CA 03-00226, 2004 WL 810296 (Mass. Super. Mar. 5, 2004). Primary and dominant purpose of temporary shelter for homeless families—“assisting homeless families in obtaining permanent housing and in becoming economically and socially independent”—is educational given the shelter’s structured, mandatory program of life-skills training in various formats.
- *Fitchburg Housing Authority v. Board of Zoning Appeals of Fitchburg*, 380 Mass. 869 (1980). “Stepdown” residential facility for adults who were formerly institutionalized in

psychiatric hospitals is primarily educational, despite “therapeutic” elements. Run by a mental health organization and staffed by social service workers, the program would offer medical treatment as well as a “training program aimed at developing or learning social and interpersonal skills” to support eventual independent living.

- *Regis College v. Town of Weston*, 462 Mass. 280 (2012). College’s long-term residential community for older adults could be protected by Dover Amendment, but only if college demonstrated at trial that its goals were primarily educational by showing, for example, that residents would be held to the requirement that they complete two college courses per semester on the adjacent campus, that residents’ advising and curriculum plans would be developed in consultation with trained educators, and that residents would be truly socially and academically integrated into the broader college community.

But see:

- *Whitinsville Ret. Soc., Inc. v. Northbridge*, 394 Mass. 757 (1985). Nursing home offering optional courses to residents and giving less healthy residents the opportunity to interact with and thereby learn from healthier ones had “merely an element of education” and was not an “educational use” under the Dover Amendment.
- *Sullivan v. Heritage Plantation of Sandwich, Inc.*, Case No. 1472CV00560, 35 Mass. L. Rptr. 281 (Mass. Super. Sept. 10, 2018). Recreational outdoor activity park that offered brief instruction in the available recreational activities was not primarily educational.

Which local official evaluates whether a use is a religious or educational use protected under the Dover Amendment?

It varies by municipality. Some municipalities have by-laws or ordinances that specify where an applicant for a building permit should first make its claim of Dover protection, and applicants must follow the local rules so long as they are lawful. In other communities, there is no specialized local process.

In some communities, a local ordinance or by-law instructs the proponent of a Dover use to seek a determination of Dover Amendment protection from the designated local zoning enforcement official, who is typically the building inspector or commissioner. *See, e.g.*, City of Framingham Planning Board Rules and Regulations, Section 20.3.1, <https://www.framinghamma.gov/3997/Planning-Board-Rules-and-Regulations>. When in doubt, the zoning enforcement official can consult with the municipality’s lawyer—a wise practice given the extensive case law that governs the Dover Amendment’s scope—and determine whether the use qualifies for Dover protection. This is the default process where a community has not adopted a by-law or ordinance creating a Dover-specific practice.

In other communities, a local ordinance or by-law instructs the applicant to make their claim of Dover protection to a municipal land use board, which will hold a public hearing before making a decision. Given the extensive case law applicable to most Dover Amendment questions, any municipal board considering whether to extend Dover protections to a proposed

religious or educational use should strongly consider involving municipal counsel before and/or during the hearing to ensure that all decisionmakers have the appropriate legal foundation.

This Guidance, in combination with specific local by-laws setting forth the proper trajectory for a claimed Dover use in a particular community, may help members of the public understand how the Dover Amendment applies to a proposed use. Public understanding of the complexities of Dover Amendment exemptions is important to promote both active and informed public engagement at the local level and protection of religious and educational uses from local prejudice and interference.

Initial decisions about Dover protection can be appealed, by appropriate parties, to the local zoning board of appeals. G.L. c. 40A, §§ 8 and 14.

Which local regulations can a city or town impose on a Dover-protected religious or educational use?

A municipality cannot ban or restrict the use of a site for Dover-protected religious or educational activity, either by denying a permit or by putting conditions on the use that make it impossible or impractical to use the site as the applicant intends. While the municipality must not deny or excessively burden the protected use, it may impose “reasonable” dimensional requirements in one of the eight categories listed in the statute, G.L. c. 40A, § 3, second par.:

- bulk and height of structures;
- yard sizes;
- lot area;
- setbacks;
- open space;
- parking; and
- building coverage.

The Dover Amendment does not exempt religious or educational uses from state laws, including state health and safety codes, or from municipal rules that are separately authorized by or intended to enforce state laws. *See Southern New England Conference Ass’n of Seventh-Day Adventists v. Town of Burlington*, 21 Mass. App. Ct. 701, 706-07 (1986) (municipalities are independently empowered by state environmental law to regulate wetlands, and the Dover Amendment’s zoning exemption therefore does not apply regardless of whether the wetlands rules are incorporated into the local zoning code); *Spectrum Health Sys., Inc. v. City of Lawrence*, Case No. 1577CV00288 (Mass. Super. Ct. Mar. 9, 2015) (“[D]espite the language of the statute, the city [c]an also reasonably require Spectrum to comply with the provisions of the state’s building, health and safety codes.”).

What does it mean for a local zoning rule to be “reasonable” when applied to a Dover-protected religious or educational use?

It is unreasonable—and therefore not lawful—for a municipality to impose a local zoning regulation on a Dover-protected religious or educational use unless *all of the following* are true:

1. The rule concerns one of the eight dimensional restrictions specifically listed in the statute;
2. The rule otherwise applies to similar uses in the same zoning district; *and*
3. Applying the rule would not, in purpose or effect, nullify the use or excessively burden the use without sufficient benefit to the legitimate interests that the municipality typically protects through its zoning.

The threshold question for a municipality seeking to regulate a Dover-protected religious and educational use is therefore whether the rule it seeks to impose is an otherwise applicable dimensional regulation of the land or structures in one of the eight categories listed in the Dover Amendments second paragraph. If it is not, then the rule cannot be applied to the protected religious or educational use. *See, e.g., Darish v. Needham Zoning Board of Appeals*, Case No. 24 MISC 000097, 2024 WL 5205565, at *9 (Mass. Land. Ct. Dec. 24, 2024) (town cannot require landscaped transition area even if it “concerns” open space in some manner, because it is not the kind of “dimensional” regulation the Dover Amendment allows); *Martha’s Vineyard Reg’l Sch. Dist.*, 2023 WL 5704480, at *5 (town cannot apply local groundwater protection by-law to school’s athletic field because groundwater protection is not one of the “dimensional” regulations allowed by the Dover Amendment and, unlike wetlands protection, is not separately derived from state law); *Primrose School Franchising Co. v. Town of Natick*, Case No. 12 MISC 459243, 2015 WL 3477072, at *9 (Mass. Land Ct. May 29, 2015) (school enrollment cannot be capped to address traffic impacts of childcare center on surrounding neighborhood, because neighborhood traffic is outside the scope of permissible dimensional regulation of the use site itself); *Brockton Area Multi-Servs., Inc. vs. Lundberg*, Case No. 330728, 2008 WL 4000903, at *7 (Mass. Land Ct. Aug. 28, 2008) (blocking expansion of educational programming into third floor of existing building is not a permissible dimensional regulation of the building’s “height” but an impermissible regulation of its use). *See also Tracer Lane*, 489 Mass. at 780 (the “statutory protections for land use for education, religion, and childcare...allow only for reasonable regulations on such matters as bulk and height”).

If the municipal regulation falls into one of the eight permissible categories, then the municipality must determine whether the rule is reasonable *when applied to the use*. Reasonableness “will depend on the particular facts of each case,” *Tufts Coll.*, 415 Mass. at 759, but the following general rules apply:

The local rule cannot be applied if it would nullify the Dover-protected use.

A municipality cannot impose any zoning regulation—even one listed in the statute—if it would “nullify” the protected use, *i.e.*, if following the rule would be impossible or so difficult that the rule would have the effect of prohibiting the use. *See Sisters of Holy Cross of Mass. v. Town of Brookline*, 347 Mass. 486, 494 (1964) (town cannot apply dimensional requirements for

single-family homes to college dorms in same neighborhood because restrictions would virtually nullify Dover protection); *Campbell*, 415 Mass. at 779 (applying bulk and dimensional requirements would nullify Dover Amendment protection of an educational use where building to be used as a group home already occupied most of its small lot); *Caldeira* (Mass. Land Ct. Oct. 3, 1995) (in Dover-protected residential educational facility for adolescent victims of physical or sexual abuse, “dimensional regulation that has the effect of prohibiting or unreasonably limiting the use for educational purposes shall not be given effect”).

The local rule cannot be applied if the financial and other costs of compliance would outweigh the benefits to the municipality.

If a regulation is expressly allowed by the statute and would not “nullify” the use, the Dover Amendment still requires the municipality to balance the municipal interest in applying the rule with the burden imposed on the protected use. If the local regulation will “substantially diminish or detract from the usefulness of a proposed structure, or impair the character of the [property], without appreciably advancing the municipality’s legitimate concerns,” the rule will be considered unreasonable as applied to the project. *Tufts Coll.*, 415 Mass. at 757, 759.

Among other things, in deciding whether it may lawfully impose a zoning rule on a Dover-protected use, the municipality must consider the applicant’s financial burden of complying with the rule and assess whether compliance is necessary under the circumstances. “Excessive cost of compliance...without significant gain in terms of municipal concerns” renders a rule unreasonable as applied to a Dover-protected use. *Tufts Coll.*, 415 Mass. at 759-60. It is important to note that “[p]articulated proof as to cost of compliance is not required in every case.” *Rogers v. Norfolk*, 432 Mass. 374, 385 (2000) (internal quotation marks omitted). Instead, “the central question is whether application of the...requirement to the[] proposed project furthers a legitimate municipal concern to a sufficient extent to warrant requiring the [applicant] to alter her plans.” *Id.* See also *Radcliffe Coll.*, 350 Mass. at 619 (City may apply off-street parking requirement to campus expansion, but only as far as required new parking is proportional to any increase in car traffic attributable to the project); *Petrucci*, 45 Mass. App. Ct. at 825-27 (under *Tufts* test, it is unreasonable to apply local setback rules to childcare facility operating in barn where barn would have to be relocated on lot to conform to setbacks); *Austen Riggs Ctr.*, 2004 WL 1392279, at *5 (dimensional requirements could not reasonably be applied to a pre-existing non-conforming structure where applicant demonstrated that “compliance with the dimensional requirements will require the existing structure to be torn down and it would be impossible to replace it with a conforming structure for educational purposes” and there was no showing that requiring compliance would “advance the municipality’s legitimate concerns.”).

Similarly, “matters of aesthetic and architectural beauty” may be part of the “character” of land or structures, and so local zoning requirements that regulate them without a sufficient municipal justification can be unreasonable. *Martin*, 434 Mass. at 152 (citing *Petrucci*, 45 Mass. App. Ct. at 826-27) (Dover Amendment precluded application of zoning ordinance that would “disturb the sense of the building’s continuity” and ruin its “architectural integrity”). See also *Trustees of Boston College v. Bd. of Aldermen of Newton*, 58 Mass. App. Ct. 794, 804 (2003) (application of height and story requirements deemed unreasonable where it would bar college from hiding mechanical equipment under Gothic-style false roof matching rest of campus).

The local rule cannot have the effect of subjecting the use to discretionary approvals.

A municipality cannot impose a regulation that would have the effect of forcing a protected educational or religious use to obtain discretionary zoning relief, like a special permit, variance, or waiver. Eliminating local discretion to interfere with a protected use is at the heart of the Dover Amendment. If imposing an otherwise permissible dimensional regulation on a Dover-protected use would trigger a requirement that the project obtain a variance or other discretionary zoning relief, the regulation will be deemed unreasonable and invalid as applied to the use. *See Boston Coll.*, 58 Mass. App. Ct. at 802 (city's floor-area-ratio requirement cannot be applied to college campus where campus already exceeded FAR limit and zoning ordinance required special permit for any noncompliant construction).

The local rule cannot discriminate against the Dover-protected use.

Zoning laws that “facially discriminate” against religious and educational uses are invalid. *Trustees of Tufts College v. City of Medford*, 33 Mass. App. Ct. 580, 581 (1992), *aff'd*, 415 Mass. 753, (1993). Moreover, an otherwise permissible restriction would be unreasonable if it were applied only, or more stringently, to a religious and/or educational use.

How should a municipality decide which local zoning regulations are “reasonable” when applied to a religious or educational use protected under the Dover Amendment?

In some communities, the local zoning enforcement official (generally the building inspector or commissioner) determines which of the local zoning rules are lawful when applied to a Dover-protected use. The zoning enforcement official can consult with municipal counsel and ensure that the inquiry is properly cabined and does not venture into the type of discretion that the Dover Amendment prohibits but that might be more common in other contexts. *See Bay Farm Montessori Academy v. Duxbury*, Case No. 329566, 2007 WL 6954812 (Mass. Land Ct. May 25, 2007) (“The legitimate municipal concerns manifested in local zoning by-laws are properly served by the involvement of the zoning enforcement officer, rather than the exercise of discretion by an elected or appointed board. The zoning enforcement office is charged with the statutory responsibility to determine what is a reasonable regulation of an educational use.”), *aff'd* 75 Mass. App. Ct. 1103 (unpublished Rule 1:28 decision). In other communities, a municipal land use board conducts the assessment at a public hearing. In both cases, decisions may be appealed to the local board of appeals.

Regardless of the local procedure, a municipality seeking to impose conditions on a Dover-protected use should be specific and transparent in its decision-making and should make clear how, in imposing conditions on the use, the municipality has “str[uck] a balance between preventing local discrimination against an educational use and legitimate municipal goals advanced by reasonable zoning regulations.” *Sharon Bd. of Library Trustees vs. Brahmachari*, Case No. 20 MISC 000525, 2021 WL 4059907, at *4 (Mass. Land Ct. Sept. 2, 2021).

Can a municipality require the proponent of a Dover-protected religious or educational use to obtain a special permit?

No. Any process that gives the municipality discretion over the use of land or structures for religious or educational purposes is prohibited. A special permit is inherently discretionary. G.L. c. 40A, § 9. In addition, in some cases, obtaining a special permit requires showing that a use meets criteria that are impermissible under the Dover Amendment. *See, e.g.*, G.L. c. 40A, § 9, seventh par. (requiring that any reduction in parking requirements be shown to serve the public good).

Because a municipality does not have discretion to deny a special permit to a Dover-protected religious or educational use, the municipality cannot require a Dover project to go through the rigors of the special permit process or obtain a special permit before moving forward with the use. *See Campbell*, 415 Mass. at 775 & n. 5 (“As a general rule, a municipality cannot condition the use of property for an educational purpose on the grant of a special permit”); *Tufts Coll.*, 415 Mass. at 765 (“A local zoning law that improperly restricts an educational use by invalid means, such as by special permit process, may be challenged as invalid in all circumstances”); *The Bible Speaks*, 8 Mass. App. Ct. at 33 (municipal process that introduces discretionary review, “as a practical matter, enables the town to exercise its preferences as to what kind of educational or religious denominations it will welcome, the very kind of restrictive attitude which the Dover Amendment was intended to foreclose”); *Boston Coll.*, 58 Mass. App. Ct. at 802 & n.19 (city cannot require college to obtain G.L. c. 40A, § 6, finding through special permit process where rezoning rendered entire section of campus nonconforming to FAR limits and thus subject to special permit requirement; special permit processes “offend the spirit, if not the letter, of the Dover Amendment”); *Jewish Cemetery Ass'n of Mass.*, 85 Mass. App. Ct. 1105 2014 WL 886907 (development of site for Jewish cemetery is religious use and therefore exempt from special permit requirement for earth removal). *See also Bay Farm Montessori*, 2007 WL 6954812, at *2, *aff'd* 75 Mass. App. Ct. 1103 (unpublished Rule 1:28 decision) (invalidating site plan review that went beyond reasonable regulations specified in Dover Amendment and introduced discretionary decision making by planning board); *Forster v. Bd. of Appeals of Belmont*, 60 Mass. App. Ct. 1118, 2004 WL 323545, at *3 (Feb. 20, 2004) (unpublished Rule 1:28 decision) (affirming dismissal of neighbors’ appeal of decision by local board of appeals to allow school’s athletic field lights to exceed height requirement without regard to special permit requirement in zoning by-law; under Dover Amendment, board lacked discretion to limit height where necessary to the educational use).

Can a municipality require a religious or educational use to go through site plan review?

Yes, but only if the site plan review is limited to assessing whether one or more of the eight categories of permissible regulation may be imposed reasonably on the Dover-protected use in a manner that does not prohibit or unduly burden the use. *Y.D. Dugout, Inc. v. Bd. of Appeals of Canton*, 357 Mass. 25, 31 (1970) (site plan approval acts as a method for reasonably regulating as-of-right uses rather than for prohibiting them). Where site plan review is limited to an assessment of what may constitute “reasonable regulations concerning the bulk and height of structures and determining yard sizes, lot area, setbacks, open space, parking and building coverage requirements,” G.L. c. 40A, § 3, second par., it is permissible. *See Jewish Cemetery*

Ass'n of Mass., 2014 WL 886907 (site plan review by building commissioner appropriate where limited to reasonable regulations permitted under Dover Amendment); *see also, e.g.*, Town of Westford Zoning By-law (2025), §§ 9.4.2 and 9.4.7.2 (outlining special, limited site plan review process for Dover Amendment uses).

On the other hand, requiring a Dover Amendment project to go through a site plan review process that looks beyond the permissible factors or introduces any discretion over the use of the land is unlawful. *See Bay Farm Montessori*, 2007 WL 6954812, at *2-3, *aff'd* 75 Mass. App. Ct. 1103 (unpublished Rule 1:28 decision). *See also The Bible Speaks*, 8 Mass. App. Ct. at 33 (town cannot require applicant to submit site plan and “informational statement” with details about its landscaping plans, projections about the increased impact on municipal services, and other details outside the scope of what the town could lawfully regulate under the Dover Amendment); *Watros*, 421 Mass. at 115 (zoning restrictions other than those allowed by the statute do not apply to a Dover Amendment use).

What procedure should a municipality follow if the Dover-protected use will result in alteration or expansion of a pre-existing nonconforming structure or use?

At times, a religious or educational use will be proposed in a structure that is “nonconforming” to zoning or will replace an existing nonconforming use. A structure or use is considered “nonconforming” when it violates current zoning rules but is excused from complying with them because it pre-dates them.

Under ordinary circumstances, a pre-existing nonconforming structure or use cannot be extended or altered “unless there is a finding...that such change, extension or alteration shall not be substantially more detrimental than the existing nonconforming [structure or] use to the neighborhood.” G.L. c. 40A, § 6. But religious and educational uses are exempt from zoning requirements that prohibit them, create substantial burdens, or fall outside the eight permissible categories of reasonable regulation outlined in the Dover Amendment. As a result, Dover projects are often exempt from whatever regulation would otherwise create a nonconformity and therefore do not need any “Section 6 finding” to proceed. *See Watros*, 421 Mass. at 115 (nonconforming accessory structure used as barn can be used as congregate living facility for adults with disabilities and program staff without Section 6 finding because Dover Amendment exempts that use from local zoning rules that create nonconformity for barn). Put another way, a Dover-protected use is not “nonconforming” to any zoning by-law that cannot lawfully be imposed on it and therefore is neither extending nor altering any nonconformity. *Id.*

In practice, therefore, G.L. c. 40A, § 6, does not apply where a Dover-protected use will merely move into an existing structure, despite the nonconformity of the structure or its existing use. *Campbell*, 415 Mass. at 777, n. 6 (change of use in existing nonconforming structure does not require a finding under § 6 because of § 3’s use protection). In these circumstances, the municipality cannot require a “Section 6 finding” that the Dover-protected use will “not be substantially more detrimental...to the neighborhood.” G.L. c. 40A, § 6. The use cannot be denied or based on such neighborhood effects or conditioned on mitigating them.

By the same logic, where changes to structures are necessary to enable a Dover-protected use to proceed, or where it would be unlawful or unreasonable to apply the regulations creating a nonconformity to a particular Dover-protected use, no Section 6 finding is required. *See Petrucci v. Bd. of Appeals of Westwood*, 45 Mass. App. Ct. at 824-27. *See also Ellsworth vs. Mansfield*, Case No. 08 MISC 382311, 2011 WL 3198174, at *4 (Mass. Land Ct. July 25, 2011) (no Section 6 finding required because “effectively, G.L. c. 40A, § 3 removes the non-conformity (the lack of frontage) because it would not be a ‘reasonable regulation’ of the proposed school in these circumstances”).

Where a Dover applicant proposes to alter a nonconforming structure in a manner that can lawfully be regulated by the municipality under the Dover Amendment—*i.e.*, where the alteration of the structure triggers a zoning regulation that both falls into one of the eight categories of permissible regulation of religious and educational uses *and* can be reasonably applied without excessively burdening the use—then a Section 6 finding might be required as to that alteration – but not as to the use itself. *See Boston Coll.*, 58 Mass. App. Ct. at 802-803 (applying Dover Amendment analysis to redevelopment of preexisting nonconforming building on campus). In these circumstances, the Section 6 neighborhood-impacts analysis effectively folds into the “municipal interest” prong of the Dover Amendment reasonableness test and must be balanced with the impact on the protected use. *See Tufts Coll.*, 415 Mass. at 757, 759-60 (local regulation is unreasonable as applied to a religious or educational use if it will “substantially diminish or detract from the usefulness of a proposed structure, or impair the character of the [property], without appreciably advancing the municipality’s legitimate concerns”). No special permit can be required, even where local by-laws prescribe a special permit process for Section 6 findings. *Boston Coll.*, 58 Mass. App. Ct. at 802 & n.19.

Can a municipality require impact studies or “mitigation” fees or measures as a condition of permitting a Dover-protected educational or religious use?

Not unless the studies are necessary for the municipality to act in areas of statutorily authorized regulation. A religious or educational use protected under the Dover Amendment may very well have local impacts, including adding foot or automobile traffic or increasing the potential demand on municipal services like trash collection or law enforcement. A municipality cannot condition a use protected by the Dover Amendment on an applicant’s agreement to mitigate these effects, unless they fall into one of the eight categories of municipal regulation authorized by the statute, G.L. 40A, § 3, second para. Even in areas of permissible regulation, any mitigation required must be proportionate to the actual local impacts. *See Radcliffe Coll.*, 350 Mass. at 619 (city may apply off-street parking requirement to campus expansion, but only as far as required new parking is proportional to any increase in car traffic attributable to the project). *See also Sheetz v. County of El Dorado*, 601 U.S. 267 (2024) (“legislatively prescribed monetary fees,” such as those established by by-law or regulation, must meet the “essential nexus” and “rough proportionality” test of *Nollan v. California Coastal Comm’n*, 483 U.S. 825 (1987), and *Dolan v. City of Tigard*, 512 U.S. 374 (1994)).

For the same reasons, it is unlawful for a municipality to require the proponent of a protected religious or educational use to produce studies measuring the projected impact of the project on the neighborhood or municipality, unless a study is necessary to inform a decision about a regulation that can lawfully be imposed on the project. Questions about the fiscal impact

of a project on municipal services like public education for school-age children or neighborhood impacts like increased traffic are not relevant to the assessment of “reasonable regulations concerning the bulk and height of structures and determining yard sizes, lot area, setbacks, open space, parking and building coverage requirements.” Because such impacts cannot lead either to allowable regulations or to the prohibition of a use, they are not appropriate subjects for municipal consideration in the context of a Dover-protected religious or educational use. The fiscal effect of adding school children to the local population is an inappropriate subject for zoning consideration in any event. *See Bevilacqua Co. v. Lundberg*, Case No. 19 MISC 000516, 2020 WL 6439581, at *8–9 (Mass. Land Ct. Nov. 2, 2020), judgment entered, No. 19 MISC 000516 (HPS), 2020 WL 6441322 (Mass. Land Ct. Nov. 2, 2020) (because municipality must provide “fundamental public services” to public regardless of their ability to pay, considering whether an applicant for zoning relief would be a drain on municipal resources is inappropriate, particularly in the case of schoolchildren) and *160 Moulton Drive LLC v. Shaffer*, No. 18 MISC 000688 (RBF), 2020 WL 7319366, at *13-15 (Mass. Land Ct. Dec. 11, 2020), judgment entered, No. 18 MISC 000688 (RBF), 2020 WL 7324778 (Mass. Land Ct. Dec. 11, 2020) (same).

Can municipal decisions on Dover Amendment projects be challenged in court?

A “person aggrieved” by a decision of a local zoning board of appeals or special permit granting authority can appeal the decision in either the Land Court or the Superior Court. G.L. c. 40A, § 17. Not every person unhappy with the decision is a “person aggrieved” who can challenge the decision in court. A case can be brought only by 1) the original parties to the zoning board appeal, including the Dover applicant, or 2) a person who “sufficiently allege[s]” and “plausibly demonstrate[s]” through “credible evidence” a “measurable injury, which is special and different to [them], to a private legal interest that will likely flow from the decision.” *Id.*, third par. The standing requirement for nonparties was made more stringent in 2024, and project opponents now face a heavier burden to establish standing. St. 2024, c. 150, Section 11 (amending standing requirement for appeals of zoning decisions under G.L. c. 40A, § 17).

In addition, a person who brings a case challenging an approved special permit, variance, or site plan can be ordered to pay a bond of up to \$250,000 “if the court finds that the harm to the defendant or to the public interest resulting from delays caused by the appeal outweighs the financial burden of the surety or cash bond on the plaintiffs.” *Id.* A bond can be required even if the appeal is brought in good faith. Moreover, a party who appeals a zoning decision “in bad faith or with malice” can be ordered to pay the other parties’ costs, including reasonable attorneys’ fees, at the end of the case. G.L. c. 40A, § 17, sixth par.

Do state and federal fair housing laws apply to municipal decisions on Dover-protected religious and educational uses of land?

Yes. State and federal fair housing laws apply to municipal zoning and land use decisions. If a Dover-protected religious or educational use includes a residential component, the municipality’s approval process and decisions must comply with the Federal Fair Housing Act, 42 U.S.C. §§ 3601-3619, among other fair housing laws. The Fair Housing Act makes it unlawful to “make unavailable or deny” housing on the basis of a protected characteristic like

race, disability, or the presence of children. 42 U.S.C. § 3604. It is also unlawful “to coerce, intimidate, threaten, or interfere with” the exercise of fair housing rights or attempts to assist another person in exercising or enjoying such rights. 42 U.S.C. § 3617. *See also* G.L. c. 151B, § 4(4A) (state law equivalent); § 4(5) (making it unlawful for “any person” to “aid, abet, incite, compel or coerce” unlawful discriminatory conduct or attempt to do so); 804 C.M.R. § 2.01. In 2016, the U.S. Department of Housing and Urban Development and the Department of Justice published information for the public on the application of the Fair Housing Act in the zoning context. *See* HUD/DOJ Joint Statement on State and Local Land Use Laws and Practices and the Application of the Fair Housing Act (Nov. 10, 2016) (the “HUD/DOJ Statement”) (<https://www.justice.gov/crt/page/file/909956/dl?inline=>). The HUD/DOJ Statement summarizes several decades of federal case law interpreting the Fair Housing Act in the zoning and land use context and offers a useful guide to understanding the topic.

The fair housing laws prohibit both intentional discriminatory treatment and facially neutral policies that have unjustified discriminatory effects. Intentional discrimination occurs when a municipality or municipal officials treat a project differently because of a protected characteristic of either the permit applicant or the likely residents of the housing. Intentional discrimination can occur when municipal officials act on community bias, even if the officials themselves do not feel animus or hold prejudicial views. HUD/DOJ Statement at p. 3-4.

In one local Fair Housing Act case, *South Middlesex Opportunity Council, Inc. v. Framingham*, 752 F. Supp. 2d 85 (D. Mass. 2010), both the town and individual town officials faced claims of fair housing violations and defamation in connection with their attempts to delay and ultimately stymie the siting of supportive housing for people with disabilities. While the applicant in *South Middlesex* ultimately received a permit, it was subjected to more hearings and layers of process, over a longer period, than was normal and required. *Id.* at 97-98, 100-01. Town officials who opposed the project became involved in decisions outside their official purview. *Id.* at 98-99, 101-02. The Planning Board held repeated and lengthy public comment sessions, allowing comment on matters outside of those necessary for the Dover Amendment analysis. *Id.* at 97-102. All of these factors led the judge to find sufficient evidence for a jury to find intentional discrimination and deny the municipal defendants’ motions for summary judgment. *Id.* The court rejected the individual officials’ claims that they were immune from suit due to their official roles, even if the officials themselves did not hold discriminatory views and were only acting on the unlawful biases of town residents. *Id.* at 110-13. *See also* G.L. c. 40A, § 3, fourth par. (Under separate paragraph of Dover Amendment, municipalities cannot treat people with disabilities differently and specifically must treat congregate living arrangements among people with disabilities as they would families or other similarly sized groups of unrelated persons.) *Id.*; *BAK Realty, LLC v. Fitchburg*, 495 Mass. 587 (2025).

A discriminatory treatment claim can also be based on the protected characteristics of the developer of a project rather than its likely residents, as illustrated by another recent Massachusetts case. *See Valentin v. Town of Natick*, 633 F.Supp.3d 366, 371-73 (D. Mass. 2022) (denying town’s motion to dismiss Black developers’ Fair Housing Act claim where town planning board initially voiced approval of project but reversed after opposition movement to project arose, town board held approximately 29 hearings about project over 16 months, members of neighborhood opposition group made racist comments, and town board rejected town counsel’s opinion that project met requirements of bylaw).

Unlawful discrimination can occur even in cases where there is no intentional discrimination. A zoning or land use policy violates the Fair Housing Act where it has a substantial discriminatory effect on protected groups without a sufficient municipal justification. *Texas Dept. of Housing and Community Affairs v. Inclusive Communities Project, Inc.*, 576 U.S. 519 (2015).

Fair housing and other civil rights laws also require a municipality to make zoning-related reasonable accommodations for people with disabilities. If a change to the application of a rule, policy, or practice is necessary to afford people with disabilities an equal opportunity to use and enjoy a residential facility or program and it would not be an undue burden on the municipality to make the change, then civil rights laws may impose limitations on municipal zoning decisions beyond the Dover Amendment.

A municipality or municipal officials found liable for violating fair housing laws can be ordered to pay actual and punitive damages as well as the plaintiff's attorneys' fees. A court can also award injunctive relief. 42 U.S.C. § 3613(c). See also G.L. c. 151B, § 9 (providing for actual and punitive damages and mandatory attorney fee shifting "unless special circumstances would render an award unjust" in state law housing discrimination cases). Municipalities can consult with municipal counsel for additional information on fair housing laws; information for the public on fair housing law and how to report suspected discrimination is available on the Attorney General's website at <https://www.mass.gov/info-details/overview-of-fair-housing-law>.

TOWN OF SOUTHBOROUGH



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2026 MAY 13 A 7:38
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PLANNING BOARD

TOWN HOUSE · 17 COMMON STREET · SOUTHBOROUGH, MASSACHUSETTS 01772-1662
(508) 485-0710, ext. 3028 · FAX (508) 983-7752 · kquinn@southboroughma.com

May 12, 2026

James Hegarty
Town Clerk
Town of Southborough
17 Common Street
Southborough, MA 01772

Re: Notice of Vote – 40-42 Central Street
Southborough Historical Society History & Arts Center - Major Site Plan Approval
Temporary Certificate of Occupancy (TCO) – Recommend Revoking

Dear Mr. Hegarty:

Please be advised that at its regularly scheduled meeting on May 11, 2026, the Planning Board members voted 4/1/0 (Luttrell, Hoolahan, Braccio and Belniak in favor of; DeMuria against) recommending to the Building Commissioner to revoke the Temporary Certificate of Occupancy (TCO) as related to the Major Site Plan Approval of the 40-42 Central Street Southborough Historical Society History & Arts Center. It was indicated at the meeting that the proponent had not met conditions agreed upon for the TCO issued on January 13, 2026 and the TCO extension to May 11, 2026, as outlined in the Planning Board's Notice of Vote letters dated January 12, 2026 and April 28, 2026, respectively.

(Please note, as outlined in the Planning Board's prior Notice of Vote dated January 12, 2026, the Planning Board agreed to sign off on the TCO contingent upon the conditions as agreed to by the Southborough Historical Society (SHS), the Building Commissioner, and the Planning Board. One of the conditions was that the TCO shall expire on May 1, 2026. At the Planning Board's April 27, 2026 meeting, the Planning Board agreed to recommend to the Building Commissioner extension of the TCO to May 11, 2026 contingent upon the conditions outlined in the Notice of Vote dated April 28, 2026.)

Sincerely,

Karina G. Quinn

Karina G. Quinn, P.E.
Town Planner

Cc: Planning Board
Mark Robidoux, Building Commissioner
Jon Delli Priscoli, Southborough Historical Society
Michael Weishan, Southborough Historical Society

Attachments:
Planning Board Notice of Vote dated January 12, 2026
Planning Board Notice of Vote dated April 27, 2026

TOWN OF SOUTHBOROUGH

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2026 JAN 15 P 4: 38
SS



PLANNING BOARD

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(508) 485-0710, ext. 3028 · FAX (508) 983-7752 · kquinn@southboroughma.com

January 12, 2026

James Hegarty
Town Clerk
Town of Southborough
17 Common Street
Southborough, MA 01772

Re: Notice of Vote – 40-42 Central Street
Southborough Historical Society History & Arts Center - Major Site Plan Approval
Temporary Certificate of Occupancy

Dear Mr. Hegarty,

Please be advised that at its scheduled meeting on January 12, 2026, the Planning Board members voted 5/0 (Luttrell, Hoolahan, DeMuria, Braccio, Belniak) in favor of allowing a Temporary Certificate of Occupancy (TCO) related to the Major Site Plan Approval for 40-42 Central Street (Southborough Historical Society History & Arts Center) with conditions. The following is a description and background regarding the accepted terms.

Per Zoning Bylaw §174-10.J Compliance. The issuance of an occupancy permit will not be given prior to the satisfactory completion of all elements and conditions of the approved site plan. A temporary occupancy permit may be issued after the satisfactory completion of all items essential to public health and safety and sufficient bonding acceptable to the Planning Board is provided to the Town to cover all outstanding items.

The Planning Board agreed to sign off on the Temporary Certificate of Occupancy contingent upon the following conditions agreed to by the Southborough Historical Society (SHS), the Building Commissioner and the Planning Board:

- Any parking lot lighting shall be discussed and reviewed with Planning Board Vice-Chair, Marnie Hoolahan, prior to the installation to ensure code compliance.
- SHS shall provide 30-day updates to the Town Planner on the status and progress of the project on 2/12/26, 3/12/26 and 4/12/26.
- SHS shall submit a complete application and plans for the Modification of a Major Site Plan Approval including Lighting Plans by April 8, 2026. (The Planning Board agreed to waive the Application fee of \$520.00.)

SOUTHBOROUGH PLANNING BOARD

- SHS shall provide the required Town Engineering Consultant's peer review fee.
- The required Accessible Parking signage shall be installed prior to issuance of TCO.
- Failure to provide the 30-day updates identified above shall result in the revocation of the TCO.
- The TCO shall expire on May 1, 2026.

Sincerely,



Karina G. Quinn, P.E.
Town Planner

Cc: Planning Board
Mark Robidoux, Building Commissioner
Michael Weishan, Southborough Historical Society

TOWN OF SOUTHBOROUGH



PLANNING BOARD

TOWN HOUSE · 17 COMMON STREET · SOUTHBOROUGH, MASSACHUSETTS 01772-1662
(508) 485-0710, ext. 3028 · FAX (508) 983-7752 · kquinn@southboroughma.com

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2026 APR 29 A 9:08
[Signature]

April 28, 2026

James Hegarty
Town Clerk
Town of Southborough
17 Common Street
Southborough, MA 01772

Re: Notice of Vote – 40-42 Central Street
Southborough Historical Society History & Arts Center - Major Site Plan Approval
Temporary Certificate of Occupancy Extension

Dear Mr. Hegarty:

Please be advised that at its scheduled meeting on April 27, 2026, the Planning Board members voted 3/0/2 (Luttrell, DeMuria, and Braccio; Hoolahan and Belniak absent) in favor of recommending to the Building Commissioner to extend the Temporary Certificate of Occupancy (TCO) through May 11, 2026 as related to the Major Site Plan Approval of the subject project with the following actions to be performed by the proponent before the Planning Board's next scheduled meeting on May 11, 2026:

- Review the parking space requirement (28 spaces) to determine if able to accommodate with the current accessible parking space layout
- Address Building Commissioner's layout requirements of the accessible van parking space
- Address two accessible parking spaces that were required per Approved Site Plans
- Decide on delineation of parking spaces (utilize parking bumpers or the originally approved proposed posts with chains)
- Provide signage for the designated parking spaces related to Deed Easement
- Provide the peer review retainer fee for the Asbuilt Review

(Please note, as outlined in the Planning Board's prior Notice of Vote dated January 12, 2026, the Planning Board agreed to sign off on the TCO contingent upon the conditions as agreed to by the Southborough Historical Society (SHS), the Building Commissioner, and the Planning Board. One of the conditions was that the TCO shall expire on May 1, 2026.)

Sincerely,

Karina G. Quinn

Karina G. Quinn, P.E.
Town Planner

Cc: Planning Board
Mark Robidoux, Building Commissioner
Jon Delli Priscoli, Southborough Historical Society

TOWN OF SOUTHBOROUGH



BUILDING DEPARTMENT

9 CORDAVILLE ROAD · SOUTHBOROUGH, MASSACHUSETTS 01772-1662
(508) 485-0710

Mr. Michael Weishan, President
40-42 Central Street
Fayville Village History and Arts Center
Southborough MA 01172

May 20, 2026

Certified Mail

Re: 40-42 Central Street

Notice of Zoning Violation -Cease and Desist

Dear Mr. Weishan;

On May 11, 2026 the Planning Board voted to revoke and not extend the Temp CO for your ongoing project citing local zoning 174-10J. I received a complaint that the History and Arts Center recently held a function without an Occupancy permit as the temp CO had expired. This letter is to inform you that your property or the property you are in control of at **40-42 Central Street** is in violation of local zoning bylaw 174-10 J.

Remedy: Please Cease and Desist all events forthwith: In order to get a Temp CO, Planning needs to first sign off. Please work with the Planning Board to complete Site plan requirements.

In accordance with the statutory provisions for enforcement, whoever violates any provision of this bylaw shall be punished by a fine not exceeding \$300. for each offense, and each day that such violation continues constitutes a separate offense.

If you fail to bring the Property into compliance as indicated above, the Town may take any and all necessary action to enforce this order, including the filing of suit in a court of competent jurisdiction. Please be advised there may be no further notice before commencement of any suit. Pursuant to G.L. c. 40A, §§8 and 15, you may appeal this Cease-and-Desist Order to the Zoning Board of Appeals within 30 days from the date of this Order.

Your immediate attention to this matter is appreciated.

Respectfully,

Mark Robidoux, CBO
Building commissioner, Zoning Enforcement officer

From: Mark Robidoux <mrobidoux@southboroughma.gov>
Subject: RE: Temp CO
Date: May 19, 2026 at 2:27:24 PM EDT
To: Michael <michael.weishan@southboroughhistory.org>

Michael, please see link below , this will let you appeal my decision not to extend temp CO based on Planning Board request and local bylaw.
Good luck, Mark

<https://www.mass.gov/how-to/file-an-appeal-with-the-bcab>

From: Michael <michael.weishan@southboroughhistory.org>
Sent: Friday, May 15, 2026 1:31 PM
To: Mark Robidoux <mrobidoux@southboroughma.gov>
Cc: jay@mtclawyers.com; Mark Purple <mpurple@southboroughma.gov>; Kathy Cook <kcook@southboroughma.com>
Subject: Re: Temp CO

[EXTERNAL]

Hi Mark

I just spoke with Jack Shea of Jack Shea Construction. He was the main contractor for most of the building, and is a 30-year friend. He is willing to step in to be the licenses contractor of record to see this project to final if Jon truly wants out. We can discuss on Monday.

Thank you.

M

On May 15, 2026, at 12:00 PM, Mark Robidoux
<mrobidoux@southboroughma.gov> wrote:

Dear Mr. Weishan,

Please be advised that your temp CO has expired and the contractor of record Mr. Delli Priscoli has withdrawn his name from the permit. You are required to get a new CSL license holder to take over this permit until such time as project is completed to the satisfaction of the Planning Board. To the extent that circumstances dictate, I may be able to issue a new temporary CO but, given the continued failure to comply with the requirements of the Planning Board, it would be of limited duration and, in any event, would be the last temporary CO I issue until you have completed the project. To that end, please describe for me the exigent circumstances under which a temporary CO is sought. Your anticipated cooperation is appreciated. Many Thanks,

Mark

Mark Robidoux, CBO
Building Commissioner/ Zoning Enforcement
Officer

Town of Southborough
9 Cordaville Road
Southborough, MA 01772
508-485-0717

mrobidoux@southboroughma.gov

The substance of this message, including any attachments, may be confidential, legally privileged and/or exempt from disclosure pursuant to Massachusetts law. It is intended solely for the addressee.



Worcester South District Registry of Deeds Electronically Recorded Document

This is the first page of the document – Do not remove

Recording Information

Document Number	: 109015
Document Type	: DEED
Recorded Date	: October 05, 2022
Recorded Time	: 12:42:29 PM
Recorded Book and Page	: 68315 / 384
Number of Pages(including cover sheet)	: 5
Receipt Number	: 1474616
Recording Fee (including excise)	: \$155.00

MASSACHUSETTS EXCISE TAX
Worcester District ROD #20 001
Date: 10/05/2022 12:42 PM
Ctrl# Doc# 00109015
Fee: \$.00 Cons: \$100.00

Worcester South District Registry of Deeds
Kathryn A. Toomey, Register
90 Front St
Worcester, MA 01608
(508) 798-7717

MASSACHUSETTS STATUTORY QUITCLAIM DEED

Fayville Hall, LLC, a Massachusetts limited liability company, having a mailing address and usual place of business at 7 Eda Avenue, Carver, MA 02330 ("Grantor"),

in consideration of **ONE HUNDRED DOLLARS (\$100.00)** received,

grants to **The Southborough Historical Society, Inc.**, a Massachusetts nonprofit corporation, having a mailing address at 25 Common Street, Southborough, MA 01772 ("Grantee"),

with QUITCLAIM COVENANTS

The land, with the buildings and improvements thereon, situated on the easterly side of Central Street in the Town of Southborough, County of Worcester, Commonwealth of Massachusetts, as hereinafter described on the attached Exhibit A incorporated herein and made a part hereof.

The land is conveyed subject to a parking easement to the Town of Southborough, a municipal corporation, as reserved by the Town in deed dated October 22, 2019, and recorded in the Worcester District Registry of Deeds in Book 61335, Page 220, for eight (8) designated parking spaces contiguous to Central Street together with four additional spaces, the location of which will be in the discretion of Grantee with all such spaces to be designated by signage. Grantee will be allowed to utilize all such designated spaces during evening hours commencing at 5:00 p.m. and also during arts events conducted by Grantee on the property.

The Grantor states that the land described on Exhibit A was never used as a personal residence and no person claiming through the Grantor has the right of homestead in the said land.

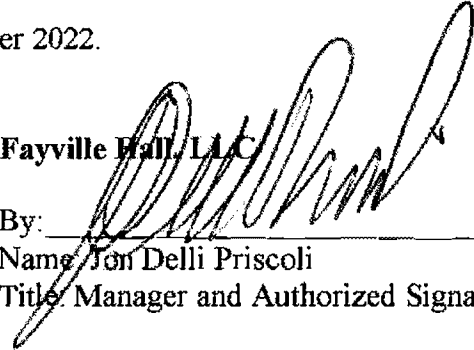
The Grantor states that it is not classified for the current taxable year as a corporation for federal income tax purposes.

For Grantor's title see deed from the Town of Southborough dated October 22, 2019, and recorded in the Worcester District Registry of Deeds in Book 61335, Page 220.

Property Address: 40 and 42 Central Street, Southborough, MA

Executed under seal as of the 30th day of September 2022.

Fayville Hall, LLC

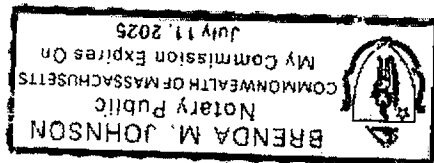
By: 

Name: Jon Delli Priscoli

Title: Manager and Authorized Signatory

COMMONWEALTH OF MASSACHUSETTS
COUNTY OF PLYMOUTH, SS.

On this 30th day of September 2022, before me, the undersigned notary public, personally appeared Jon Delli Priscoli, proved to me through satisfactory evidence of identification, which was a Massachusetts driver's license, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose, as Manager and Authorized Signatory of, and as the voluntary act of, Fayville Hall, LLC a Massachusetts limited liability company.




Notary Public
Printed Name: Brenda M Johnson
My Commission Expires: July 11, 2025

EXHIBIT A**40 Central Street**

A certain triangular shaped parcel of land situated at Fayville in the Town of Southborough, Worcester County, Massachusetts, shown on a map entitled "New York, New Haven and Hartford Railroad Real Estate and Right of Way Department Land in Southborough, Mass. To be Conveyed to Delina E. Berry, Scale: 1" = 100', Nov. 1940", and bounded and described as follows:

Northeasterly two hundred seventy-two and 25/100 (272.25) feet, more or less, by land now or formerly of the Trustees of Old Colony Railroad Company and New York, New Haven and Hartford Railroad Company in a line parallel to and distant thirty-three (33) feet southwesterly from the monumented base line of the railroad from Mansfield to Pratts Junction, measured at right angles thereto;

Southerly one hundred eighty-three and 46/100 (183.46) feet, more or less, by land now or formerly of Curtis Woods;

Southwesterly two hundred thirty-seven and 76/100 (237.76) feet, more or less, by the northeasterly sideline of Main Street (now Central Street) as laid out and established.

Containing 21,436 square feet of land, more or less.

Together with all right, title and interest of the Grantor and its predecessors in title in and to that part of Main Street (now Central Street) adjoining said premises and lying southwesterly of a line parallel to and distant thirty-three (33) feet southwesterly from said monumented base line, measured at right angles thereto.

42 Central Street**Parcel 1:**

A certain tract of land situated in that part of Southborough called Fayville, containing seventy one hundred and forty square feet, be it more or less, and bounded as follows:

Beginning at an iron pin in the ground at the junction of Grove and Central Streets;

Thence running northerly by said Central Street fifty-two (52) feet to an iron pin in the ground at land now or formerly of Angelo Mainini;

Thence running easterly seventy-six and five tenths (76.5) feet to an iron pin in the ground at a corner;

Thence running northerly forty-nine and five tenths (49.5) feet by land now or formerly of said Mainini to land of The New York New Haven and Hartford Railroad Company at a point seventy-six and five tenths (76.5) feet distant from said Central Street;

Thence running easterly by land now or formerly of The New York New Haven and Hartford Railroad Company twenty-seven and nine tenths (27.9) feet to a corner at land of the George Wesley Nichols Building Association;

Thence running southerly in a straight line by land last named ninety-six (96) feet to said Grove Street;

Thence running westerly by said Grove Street one hundred and twenty and nine tenths (120.9) feet to the place of beginning.

Subject to the rights, if any, of the Post 44 Grand Army of the Republic as set forth in Deed from George Wesley Nichols Building Association to The Town of Southborough dated March 11, 1911 and recorded with the Worcester County Registry of Deeds in Book 1962, Page 46.

Parcel 2:

That certain parcel of land situated on the east side of Central Street in the Village of Fayville, Town of Southborough, and bounded and described as follows:

Beginning at an iron bolt driven into the ground at the easterly side of Central Street ;

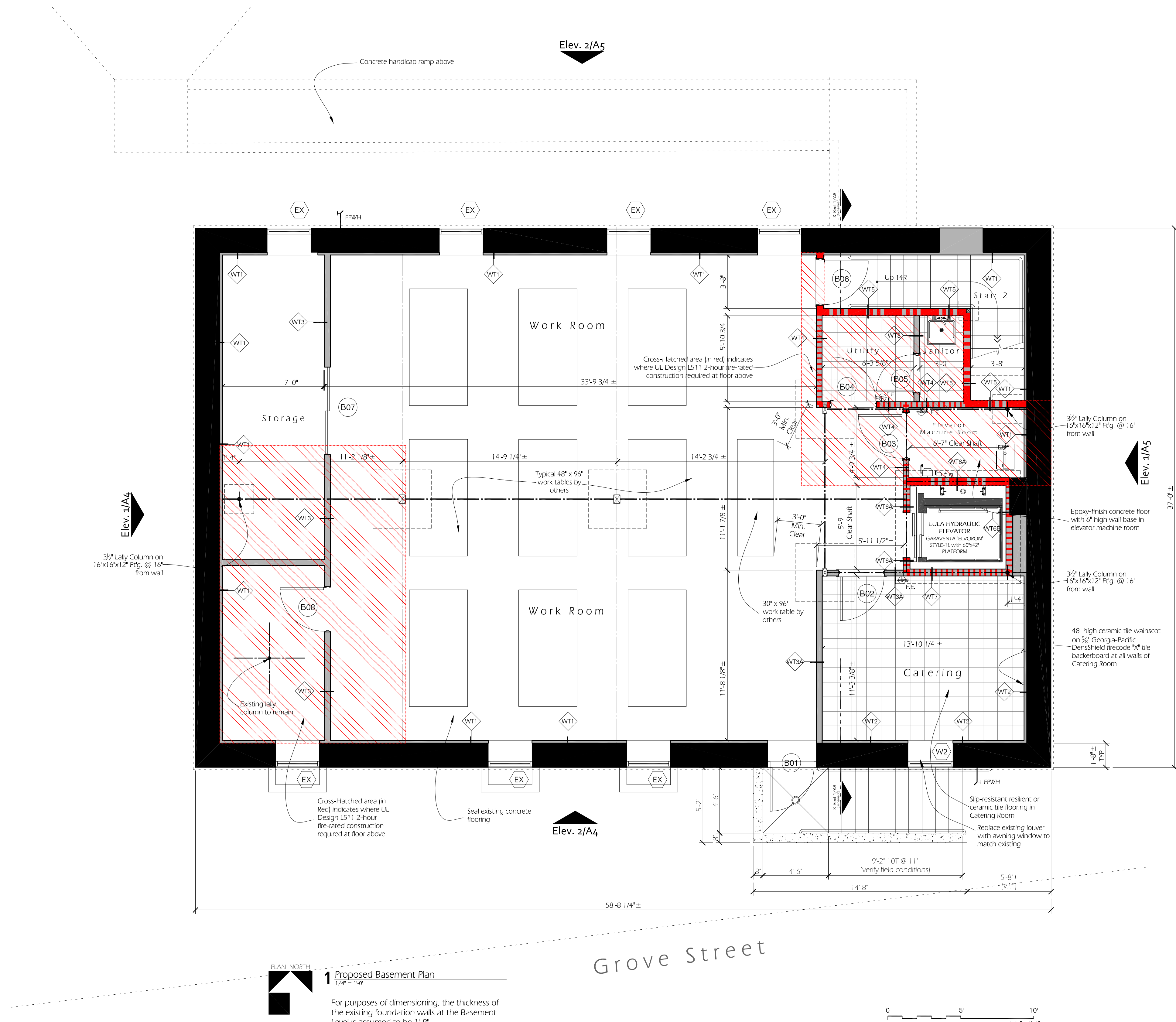
Thence running northerly on said street forty-nine (49) feet to a stone monument at land now or formerly of the New York New Haven and Hartford Railroad Company;

Thence running easterly by land now or formerly of said Railroad Company seventy-six and five tenths (76.5) feet, as the fence stands, to land of the Town of Southborough;

Thence running southerly, as the fence stands, by land of the Town of Southborough forty-nine and five tenths (49.5) feet to a corner;

Thence running westerly by last named land seventy-six and five tenths (76.5) feet to the point of beginning.

NOTE: CORRECT DRAWING FORMAT IS 24" x 36". ANY PORTION OF THIS DRAWING TO OTHER FORMAT DIMENSIONS HAS BEEN PROPORTIONALLY REDUCED OR INCREASED PROPORTIONATELY. THIS DOCUMENT WAS PREPARED SPECIFICALLY FOR THE PROJECT IDENTIFIED IN THIS TITLE BLOCK. IT IS NOT FOR GENERAL USE OR PUBLICATION. JOHN C. LYON & ASSOCIATES, INC. MAKES NO REPRESENTATIONS THAT IT IS APPROPRIATE FOR USE ON OTHER PROJECTS OR FUTURE MODIFICATIONS TO THIS PROJECT. REPRODUCTION OF THIS DOCUMENT IS NOT AUTHORIZED AND MAY RESULT IN LEGAL ACTION. COPYRIGHT AS OF DATE OF ISSUE. ALL RIGHTS RESERVED.

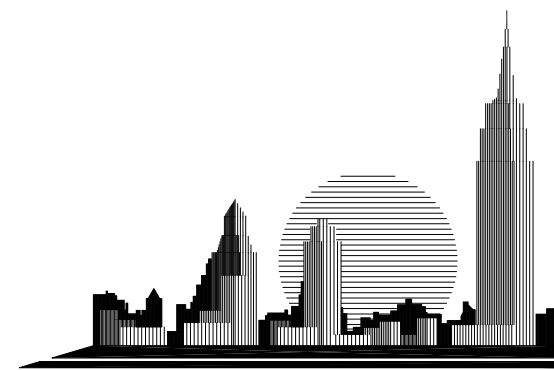


Wall Type Symbolology

- New Wall ~ 1 Hr. Fire-Rated, U.L. Design U341
- New Wall ~ 2 Hr. U.L. Fire-Rated
- Existing Wall Construction to Remain
- New, Non-Fire-Rated, Wall Construction

Wall Type Definitions

- WT1** (3½") Eggshell acrylic latex paint on primer on veneer plaster on ¾" gypsum blueboard on 6 mil polyethylene vapor barrier on 2x3 wood furring with ¾" shim space to existing foundation walls with 2" rigid polyisocyanurate insulation on sealed existing foundation walls. (Not Rated)
- WT2** (3½") 48" high ceramic tile wainscot with 6" high, coved ceramic tile wallbase on ¾" Firecode "X" Georgia-Pacific Dens-Shield tile backerboard on 6 mil polyethylene vapor barrier on 2x3 wood furring with ¾" shim space to sealed existing foundation walls ~ walls above wainscot to be semi-gloss acrylic latex paint on primer on veneer plaster on ¾" Firecode "X" gypsum blueboard on polyethylene vapor barrier. Provide 2" rigid polyisocyanurate insulation in stud spaces. (Not Rated)
- WT3** (4½") Eggshell acrylic latex paint on primer on veneer plaster on 5/8" gypsum blueboard each side on 2x4 wood stud framing with 3½" Thermafiber acoustic insulation in stud spaces. (Not Rated)
- WT3A** (4½") Side 1: 48" high ceramic tile wainscot with 6" high, coved ceramic tile wallbase on ¾" Georgia-Pacific Dens-Shield tile backerboard ~ walls above wainscot to be semi-gloss acrylic latex paint on primer on veneer plaster on ¾" gypsum blueboard. Provide 3½" Thermafiber acoustic insulation in stud spaces. Side 2: Eggshell acrylic latex paint on primer on veneer plaster on ¾" gypsum blueboard on 2 x 4 studs @ 16" max. o.c. (Not Rated)
- WT4** (4½") Eggshell acrylic latex paint on primer on veneer plaster on ¾" Firecode "X" gypsum blueboard each side on 2x4 wood stud framing with 3½" Thermafiber acoustic insulation (U.L. Design U314, 1-hour fire-rated)
- WT5** (6") Eggshell acrylic latex paint on primer on veneer plaster on 2 layers of 5/8" Firecode "X" gypsum blueboard each side on 2x4 wood stud framing with 3½" Thermafiber acoustic insulation (U.L. Design U301, 2-hour fire-rated)
- WT6** (6½") Shaft Side: 1" mold-resistant, fire-rated gypsum shaft liner on 4" galvanized metal C-H studs. Run shaft liner continuous, through floor structure, with intumescent fire sealant @ Basement Level up to intumescent fire sealant at underside of roof structure. Finished Side: Eggshell acrylic latex paint on primer on veneer plaster on ¾" Firecode "X" gypsum blueboard on ¾" Firecode "X" gypsum board. Extend from instumescnt fire sealant at floor up to intumescent fire sealant at underside of floor or roof structure above. Wall cavity to be insulated with 3" Thermafiber acoustic insulation. Roof sheathing within 5'-0" of shaftway to be ¾" fire-rated plywood. (U.L. Design U415, 2-hour fire rated)
- WT6A** (5½") Shaft Side: 1" mold-resistant, fire-rated gypsum shaft liner on 4" galvanized metal C-H studs. Run shaft liner continuous, through floor structure, with intumescent fire sealant @ Basement Level up to intumescent fire sealant at underside of roof structure. Finished Side: Eggshell acrylic latex paint on primer on veneer plaster on ¾" Firecode "X" gypsum blueboard. Extend from instumescnt fire sealant at floor up to intumescent fire sealant at underside of floor or roof structure above. Wall cavity to be insulated with 3" Thermafiber acoustic insulation. Roof sheathing within 5'-0" of shaftway to be ¾" fire-rated plywood. (U.L. Design U415, 1-hour fire rated)
- WT6B** (4") Shaft Side: 1" mold-resistant, fire-rated gypsum shaft liner on 2½" galvanized metal C-H studs. Run shaft liner continuous, through floor structure, with intumescent fire sealant @ Basement Level up to intumescent fire sealant at underside of roof structure. Opposite Side: ~ ½" shim space to existing masonry chimney.
- WT7** (5½") Shaft Side: 1" mold-resistant, fire-rated, gypsum shaft liner on 4" galvanized metal C-H studs. Run shaft liner continuous, through floor structure, with intumescent fire sealant @ Basement Level up to intumescent fire sealant at underside of roof structure. Finished Side: 48" high ceramic tile wainscot with 6" high, coved ceramic tile wallbase on ¾" Firecode "X" Georgia-Pacific Dens-Shield tile backerboard. Walls above wainscot to be semi-gloss acrylic latex paint on primer on veneer plaster on ¾" Firecode "X" gypsum blueboard. Extend from instumescnt fire sealant at floor up to intumescent fire sealant at underside of floor or roof structure above. Wall cavity to be insulated with 3½" Thermafiber acoustic insulation. Roof sheathing within 5'-0" of shaftway to be ¾" fire-rated plywood. (U.L. Design U415, 1-hour fire rated)
- WT8** (—7") Infill existing opening in exterior wall to match adjacent materials. Provide insulation and flash, counterflash, and seal to provide permanent weatherproof interface with existing construction.
- WT9** (8½") Plumbing Wall (both wall faces): 48" high ceramic tile wainscot with 6" high, coved ceramic tile wallbase on ¾" Firecode "X" Georgia-Pacific Dens-Shield tile backerboard on 2 x 8 studs @ 16" o.c. max. Walls above wainscot to be semi-gloss acrylic latex paint on primer on veneer plaster on ¾" Firecode "X" gypsum blueboard.

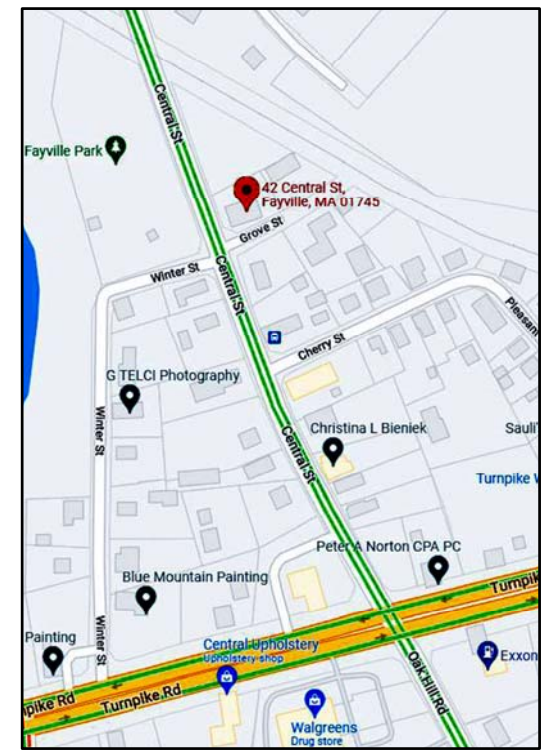


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jdarchmass5551@gmail.com

LOCUS MAPS



PROJECT

Renovations to...
Fayville Village Hall
42 Central Street
Southborough, MA
01745

OWNERS

CONSULTANT

DRAWING DESCRIPTION

Proposed Basement Plan

SEAL

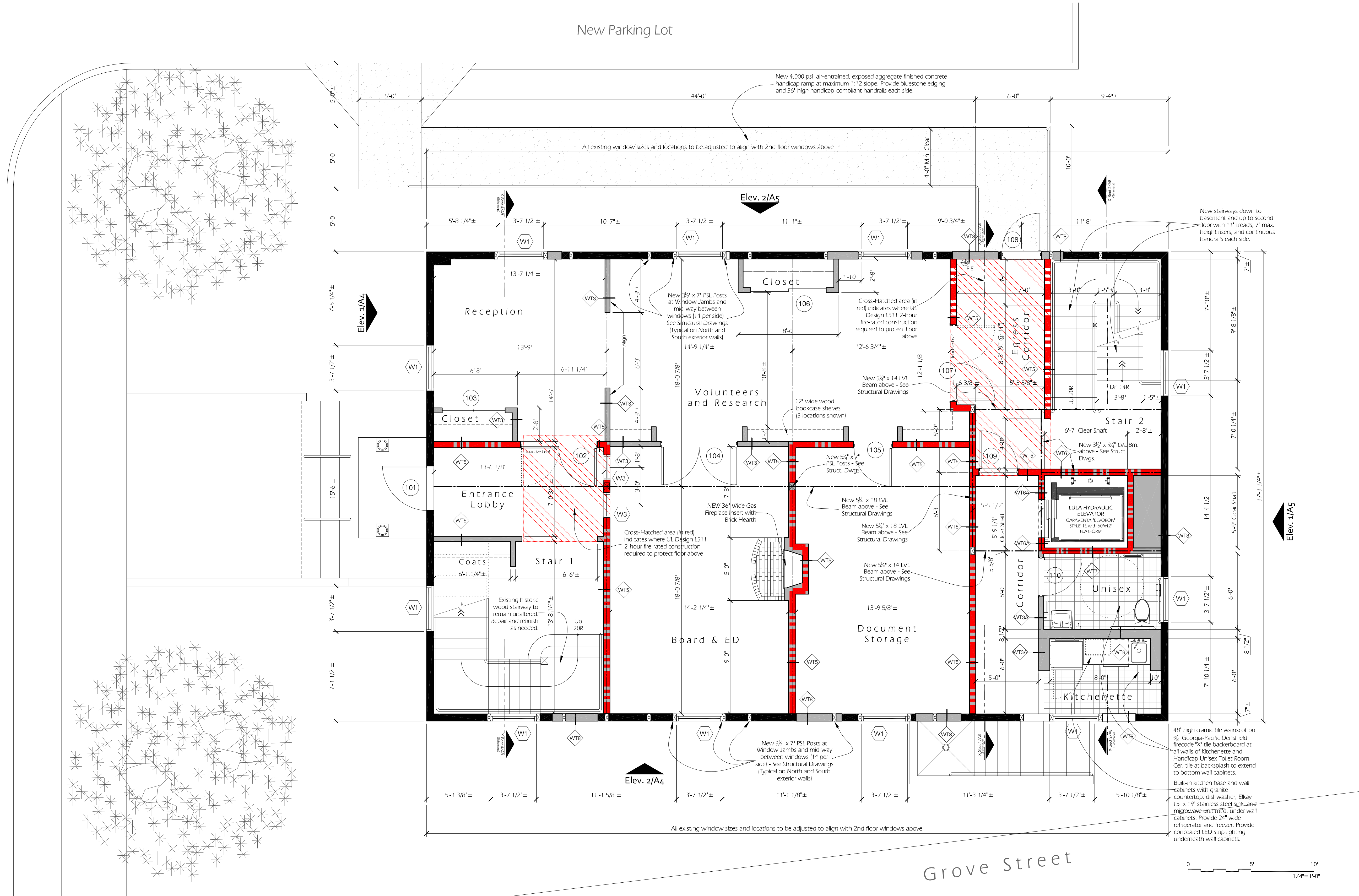
PROJ. No.
DRAWN BY
JCL
SCALE
1/4" = 1'-0"
DATE OF ISSUE
29 October 2022
REVISION DATE
23 February 2023

DRAWING TITLE

A1

NOTE: CORRECT DRAWING FORMAT IS 24" x 36". ANY PLOT OF THIS DRAWING TO OTHER FORMAT DIMENSIONS HAS BEEN "PLOTTED TO FIT". MEDIA OUTPUT SIZE, DRAWING, AND DETAIL SCALES MUST BE REDUCED OR INCREASED PROPORTIONATELY. THIS DOCUMENT WAS PREPARED SPECIFICALLY FOR THE PROJECT IDENTIFIED IN THIS TITLE BLOCK. IT IS NOT FOR GENERAL USE OR PUBLICATION. JOHN C. LYON, P.E., MAKES NO REPRESENTATIONS THAT IT IS APPROPRIATE FOR USE ON OTHER PROJECTS OR FOR FUTURE MODIFICATIONS TO THIS PROJECT. REPRODUCTION OF THIS DOCUMENT IS NOT AUTHORIZED AND MAY RESULT IN LEGAL ACTION. COPYRIGHT AS OF DATE OF ISSUE. ALL RIGHTS RESERVED.

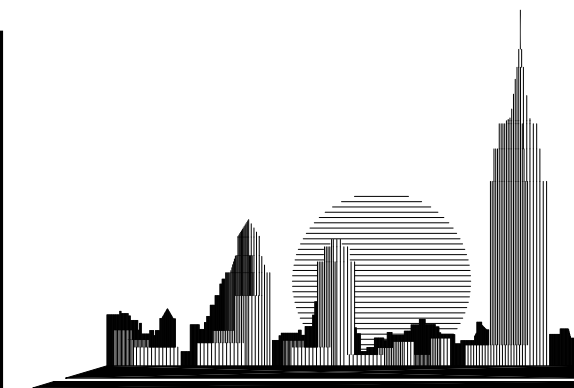
Central Street



1 Proposed First Floor Plan
1/4" = 1'-0"

For purposes of dimensioning, the thickness of the exterior walls at First and Second Floors is assumed to be 7"

APPROVED TOWN OF SOUTHBOROUGH PLANNING BOARD

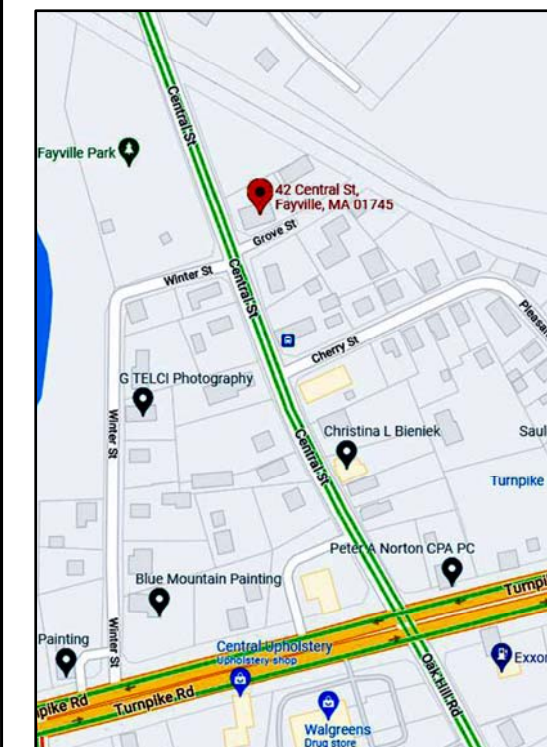


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LOCUS MAPS



PROJECT

Renovations to...
Fayville Village Hall
42 Central Street
Southborough, MA
01745

OWNER

CONSULTANT

DRAWING DESCRIPTION

Proposed
First Floor
Plan

SCALE

PROJ. NO.

DRAWN BY

JCL

SCALE

1/4" = 1'-0"

DATE OF ISSUE

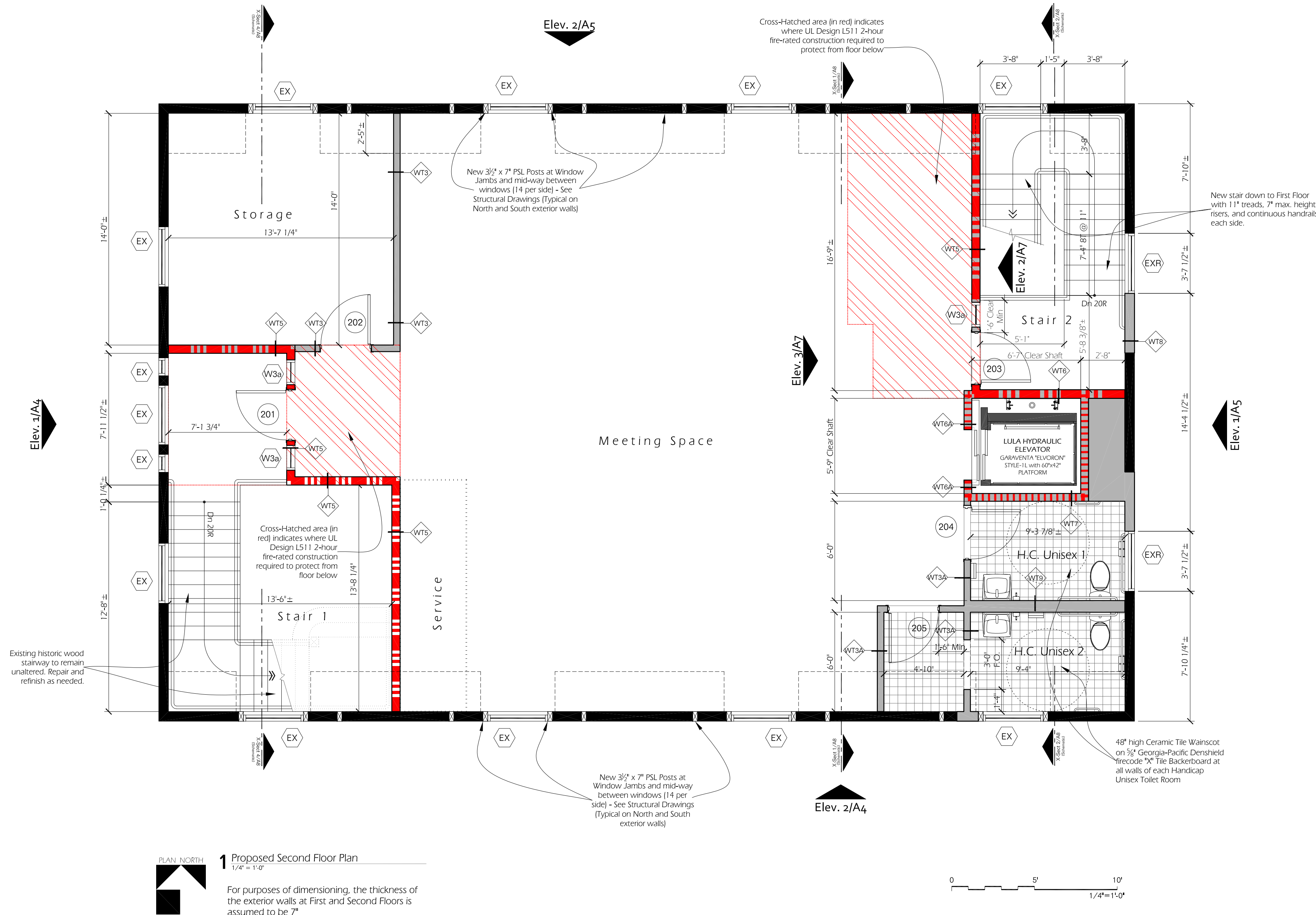
29 October 2022

REVISION DATE

23 February 2023

DRAWING TITLE

A2



1 Proposed Second Floor Plan
1/4" = 1'-0"

For purposes of dimensioning, the thickness of the exterior walls at First and Second Floors is assumed to be 7"

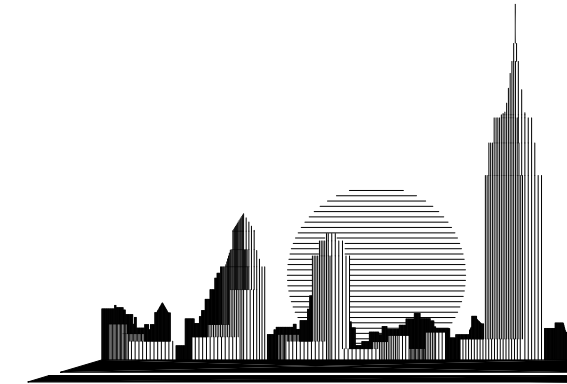
Wall Type Symbolology

- New Wall ~ 1 Hr. Fire-Rated, U.L. Design U341
- New Wall ~ 2 Hr. U.L. Fire-Rated
- Existing Wall Construction to Remain
- New, Non-Fire-Rated, Wall Construction

Wall Type Definitions

- WT1** [3 3/4"] Eggshell acrylic latex paint on primer on veneer plaster on 5/8" gypsum blueboard on 6 mil polyethylene vapor barrier on 2x3 wood furring with 3/8" shim space to existing foundation walls with 2" rigid polyisocyanurate insulation on sealed existing foundation walls. (Not Rated)
- WT2** [3 3/4"] 48" high ceramic tile wainscot with 6" high, coved ceramic tile wallbase on 5/8" Firecode "X" Georgia-Pacific Dens-Shield tile backerboard on 6 mil polyethylene vapor barrier on 2x3 wood furring with 3/8" shim space to sealed existing foundation walls ~ walls above wainscot to be semi-gloss acrylic latex paint on primer on veneer plaster on 5/8" Firecode "X" gypsum blueboard on polyethylene vapor barrier. Provide 2" rigid polyisocyanurate insulation in stud spaces. (Not Rated)
- WT3** [4 3/4"] Eggshell acrylic latex paint on primer on veneer plaster on 5/8" gypsum blueboard each side on 2x4 wood stud framing with 3 1/2" Thermafiber acoustic insulation in stud spaces. (Not Rated)
- WT3A** [4 3/4"] Side 1: 48" high ceramic tile wainscot with 6" high, coved ceramic tile wallbase on 5/8" Georgia-Pacific Dens-Shield tile backerboard ~ walls above wainscot to be semi-gloss acrylic latex paint on primer on veneer plaster on 5/8" gypsum blueboard. Provide 3 1/2" Thermafiber acoustic insulation in stud spaces.
Side 2: Eggshell acrylic latex paint on primer on veneer plaster on 5/8" gypsum blueboard on 2 x 4 studs @ 16" max. o.c. (Not Rated)
- WT4** [4 3/4"] Eggshell acrylic latex paint on primer on veneer plaster on 5/8" Firecode "X" gypsum blueboard each side on 2x4 wood stud framing with 3 1/2" Thermafiber acoustic insulation (U.L. Design U314, 1-hour fire-rated)
- WT5** [6"] Eggshell acrylic latex paint on primer on veneer plaster on 2 layers of 5/8" Firecode "X" gypsum blueboard each side on 2x4 wood stud framing with 3 1/2" Thermafiber acoustic insulation (U.L. Design U301, 2-hour fire-rated)
- WT6** [6 1/2"] Shaft Side: 1" mold-resistant, fire-rated gypsum shaft liner on 4" galvanized metal C-H studs. Run shaft liner continuous, through floor structure, with intumescent fire sealant @ Basement Level up to intumescent fire sealant at underside of roof structure.
Finished Side: Eggshell acrylic latex paint on primer on veneer plaster on 5/8" Firecode "X" gypsum blueboard on 5/8" Firecode "X" gypsum board. Extend from intumescent fire sealant at floor up to intumescent fire sealant at underside of floor or roof structure above.
Wall cavity to be insulated with 3" Thermafiber acoustic insulation. Roof sheathing within 5'-0" of shaftway to be 3/4" fire-rated plywood. (U.L. Design U415, 2-hour fire rated)
- WT6A** [5 5/8"] Shaft Side: 1" mold-resistant, fire-rated gypsum shaft liner on 4" galvanized metal C-H studs. Run shaft liner continuous, through floor structure, with intumescent fire sealant @ Basement Level up to intumescent fire sealant at underside of roof structure.
Finished Side: Eggshell acrylic latex paint on primer on veneer plaster on 5/8" Firecode "X" gypsum blueboard. Extend from intumescent fire sealant at floor up to intumescent fire sealant at underside of floor or roof structure above.
Wall cavity to be insulated with 3" Thermafiber acoustic insulation. Roof sheathing within 5'-0" of shaftway to be 3/4" fire-rated plywood. (U.L. Design U415, 1-hour fire rated)
- WT6B** [4"] Shaft Side: 1" mold-resistant, fire-rated gypsum shaft liner on 2 1/2" galvanized metal C-H studs. Run shaft liner continuous, through floor structure, with intumescent fire sealant @ Basement Level up to intumescent fire sealant at underside of roof structure.
Opposite Side: ~ 1/2" shim space to existing masonry chimney.
- WT7** [5 5/8"] Shaft Side: 1" mold-resistant, fire-rated, gypsum shaft liner on 4" galvanized metal C-H studs. Run shaft liner continuous, through floor structure, with intumescent fire sealant @ Basement Level up to intumescent fire sealant at underside of roof structure.
Finished Side: 48" high ceramic tile wainscot with 6" high, coved ceramic tile wallbase on 5/8" Firecode "X" Georgia-Pacific Dens-Shield tile backerboard. Walls above wainscot to be semi-gloss acrylic latex paint on primer on veneer plaster on 5/8" Firecode "X" gypsum blueboard. Extend from intumescent fire sealant at floor up to intumescent fire sealant at underside of floor or roof structure above.
Wall cavity to be insulated with 3 1/2" Thermafiber acoustic insulation. Roof sheathing within 5'-0" of shaftway to be 3/4" fire-rated plywood. (U.L. Design U415, 1-hour fire rated)
- WT8** [~ 7"] Infill existing opening in exterior wall to match adjacent materials. Provide insulation and flash, counterflash, and seal to provide permanent weatherproof interface with existing construction.
- WT9** [8 3/4"] Plumbing Wall (both wall faces): 48" high ceramic tile wainscot with 6" high, coved ceramic tile wallbase on 5/8" Firecode "X" Georgia-Pacific Dens-Shield tile backerboard on 2 x 8 studs @ 16" o.c. max. Walls above wainscot to be semi-gloss acrylic latex paint on primer on veneer plaster on 5/8" Firecode "X" gypsum blueboard.

APPROVED TOWN OF SOUTHBOROUGH PLANNING BOARD

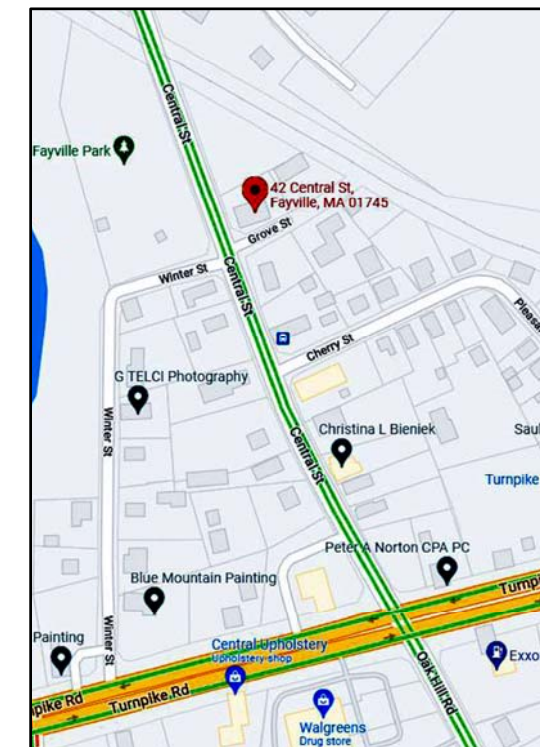


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jclarchmass5551@gmail.com

LOCUS MAPS



PROJECT

Renovations to...
Fayville Village Hall
42 Central Street
Southborough, MA
01745

OWNER

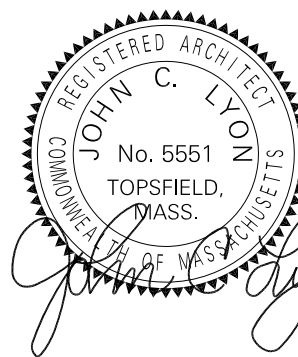
CONSULTANT

DRAWING DESCRIPTION

**Proposed
Second
Floor Plan**

SCALE

PROJECT NO.



DRAWN BY

JCL

SCALE

1/4" = 1'-0"

DATE OF ISSUE

29 October 2022

REVISION DATE

23 February 2023

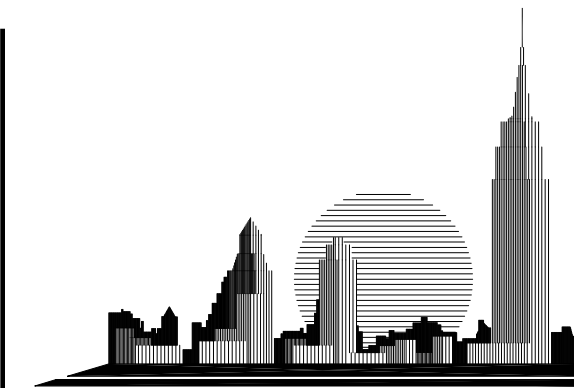
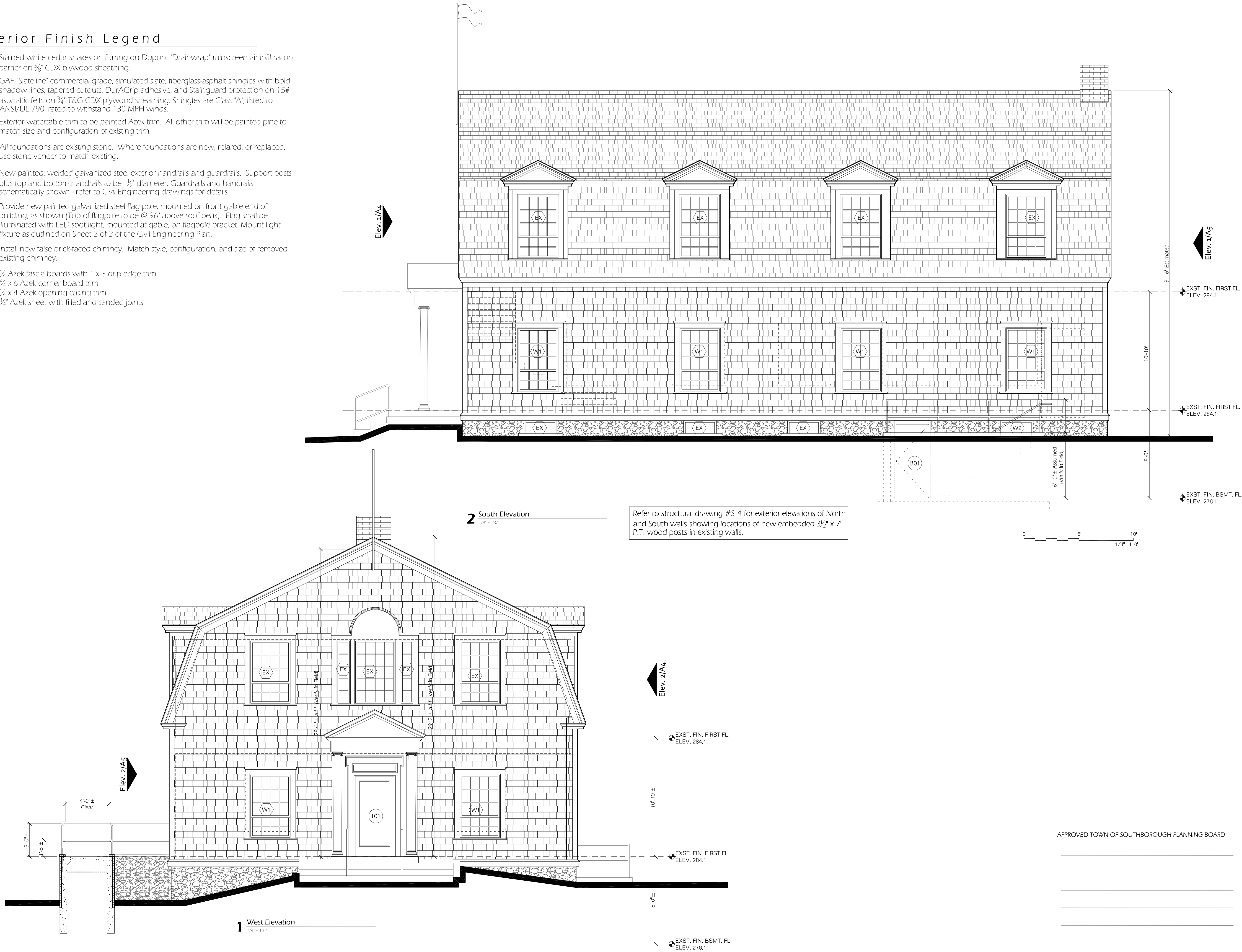
DRAWING TITLE

A3

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Exterior Finish Legend

- EF01 Stained white cedar shakes on furring on Dupont "Drainwrap" rainscreen air infiltration barrier on $\frac{5}{8}$ " CDX plywood sheathing.
- EF02 GAF "Slateline" commercial grade, simulated slate, fiberglass-asphalt shingles with bold shadow lines, tapered cutouts, DurAGrip adhesive, and Stainguard protection on 15# asphaltic felts on $\frac{3}{4}$ " T&G CDX plywood sheathing. Shingles are Class "A", listed to ANSI/UL 790, rated to withstand 130 MPH winds.
- EF03 Exterior watertable trim to be painted Azek trim. All other trim will be painted pine to match size and configuration of existing trim.
- EF04 All foundations are existing stone. Where foundations are new, reaired, or replaced, use stone veneer to match existing.
- EF05 New painted, welded galvanized steel exterior handrails and guardrails. Support posts plus top and bottom handrails to be $1\frac{1}{2}$ " diameter. Guardrails and handrails schematically shown - refer to Civil Engineering drawings for details
- EF06 Provide new painted galvanized steel flag pole, mounted on front gable end of building, as shown (Top of flagpole to be @ 96" above roof peak). Flag shall be illuminated with LED spot light, mounted at gable, on flagpole bracket. Mount light fixture as outlined on Sheet 2 of 2 of the Civil Engineering Plan.
- EF07 Install new false brick-faced chimney. Match style, configuration, and size of removed existing chimney.
- EF08 $\frac{1}{4}$ Azek fascia boards with 1 x 3 drip edge trim
 $\frac{1}{4}$ x 6 Azek corner board trim
 $\frac{1}{4}$ x 4 Azek opening casing trim
 $\frac{3}{4}$ " Azek sheet with filled and sanded joints

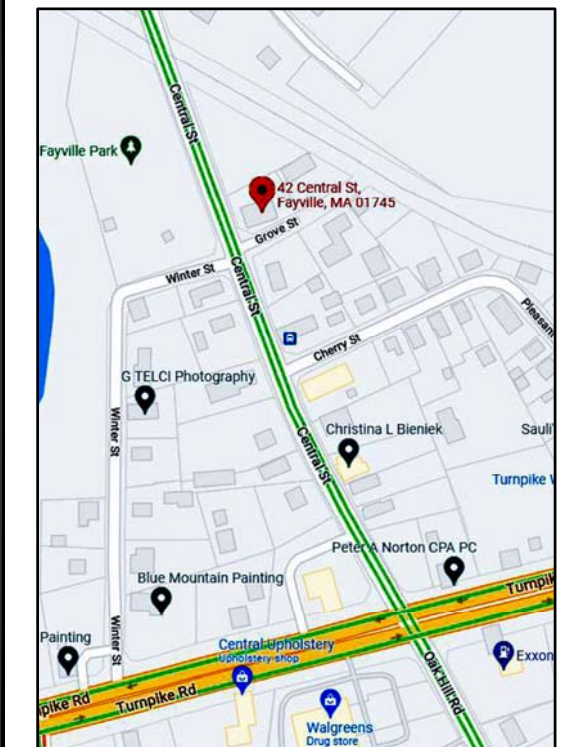


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jclarchmass5551@gmail.com

LOCUS MAPS



PROJECT

Renovations to...

Fayville Village Hall

42 Central Street
Southborough, MA
01745

OWNER

CONSULTANT

DRAWING DESCRIPTION

Proposed Exterior Elevations

SCALE

PROJ. NO.

DRAWN BY

SCALE

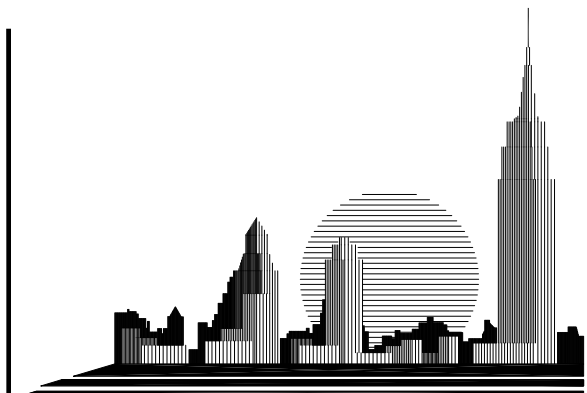
DATE OF ISSUE

REVISION DATE

DRAWING TITLE

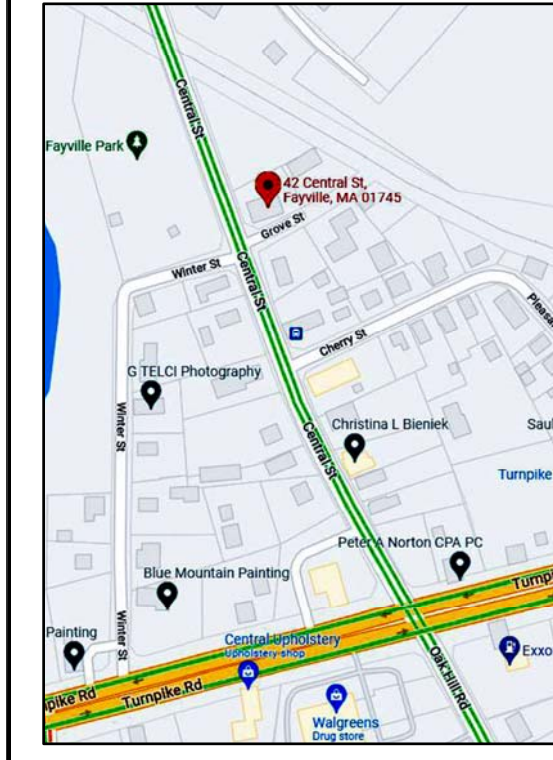
A4

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jclarchmass5551@gmail.com

LOCUS MAPS



PROJECT

Renovations to...
Fayville Village Hall
42 Central Street
Southborough, MA 01745

OWNER

CONSULTANT

DRAWING DESCRIPTION

Proposed
Exterior
Elevations

APPROVED TOWN OF SOUTHBOROUGH PLANNING BOARD

SCAL. PROJ. NO. DRAWN BY: JCL. SCALE: 1/4" = 1'-0". DATE OF ISSUE: 29 October 2022. REVISION DATE: 3 February 2023.

DRAWING TITLE

A5

January 14, 2026

Re: Fayville Village Hall

42 Central Street

Southborough MA, 01745

Mr. Novak,

Thank you again for your continued guidance through this transition since the resignation of the previous Architect of Record. The attached submission is in support of receiving a final Certificate of Occupancy and includes the following documents that you requested:

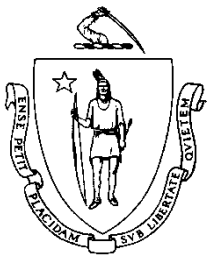
- Final Construction Control Document; dated 14 January 2026
- Hastings Consulting; Existing Building Code Report

As previously acknowledged, we understand that for you to issue a final certificate of occupancy, you require the appropriate construction control documents which are herein provided, with your understanding that we were NOT involved in any manner with the project until construction was nearly complete. We can attest, with the town's prior acceptance of the Hastings Consulting Code Report, and with fulfilment of any further building code requirements set forth by the town, that the building is worthy of final Certificate of Occupancy. We would ask therefore that this disclaimer be accepted as a part and parcel attachment to the Construction Control Documents.

We thank you for your understanding in this matter and for your continued support for the Fayville Village Hall project.

Sincerely,

Matthew DesSureault, AIA



Final Construction Control Document

To be submitted at completion of construction by a
Registered Design Professional
for work per the ninth edition of the
Massachusetts State Building Code, 780 CMR, Section 107

Project Title: **Date:** **Permit No.**

Fayville Village Hall January 14, 2026

Property Address:

42 Central Street, Southborough, MA 01745

Project: Check (x) one or both as applicable:

New construction

Existing Construction

X

Project description:

I MA Registration Number: 953608 Expiration date: 08.31.2026, am a *registered design professional*, and I have prepared or directly supervised the preparation of all design plans, computations and specifications concerning:

Architectural
Fire Protection

Structural
Electrical

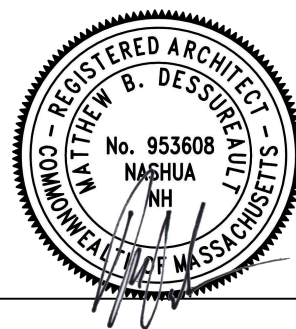
Mechanical
Other: Describe

for the above named project. I, or my designee, have performed the necessary professional services and was present at the construction site on a regular and periodic basis. To the best of my knowledge, information, and belief the work proceeded in accordance with the requirements of 780 CMR and the design documents approved as part of the building permit and that I or my designee:

1. **Have reviewed**, for conformance to this code and the design concept, shop drawings, samples and other submittals by the contractor in accordance with the requirements of the construction documents.
2. **Have performed** the duties for registered design professionals in 780 CMR Chapter 17, as applicable.
3. **Have been present** at intervals appropriate to the stage of construction to become generally familiar with the progress and quality of the work and to determine if the work was performed in a manner consistent with the construction documents and this code.

Nothing in this document relieves the contractor of its responsibility regarding the provisions of 780 CMR 107.

Enter in the space to the right a "wet" or electronic signature and seal:



Phone number: 603.933.3405

Email: mattd@mbdzn.com

Building Official Use Only

Building Official Name:

Permit No.:

Date:

Fayville Village Hall

42 Central Street
Southborough, Massachusetts



Existing Building Code Report

Prepared By: Kevin S. Hastings, P.E., LEED AP

Date: October 19, 2025

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Introduction

Fayville Village Hall is an existing two-story multi-purpose assembly. The purpose of this report is to review the existing conditions and occupancy of the building. This code summary is based on a site visit conducted on September 26, 2025 to review the existing conditions and a review of the renovation plans. The renovation work was substantially complete at the time of the site visit, but construction of some elements was not yet complete (i.e. exterior ramp, elevator, etc.).

Following is a list of applicable codes:

Code Type	Applicable Code (Model Code Basis)
Building	780 CMR: Massachusetts State Building Code, 10 th Edition • Amended 2021 International Building Code (IBC) • Amended 2021 International Existing Building Code (IEBC)
Fire Prevention	527 CMR: Massachusetts Fire Prevention Regulations
Accessibility	521 CMR: Massachusetts Architectural Access Board Regulations 2010 ADA Standards
Electrical	527 CMR 12.00: Massachusetts Electrical Code • Amended 2023 National Electrical Code (NFPA 70)
Mechanical	2021 International Mechanical Code (IMC)
Plumbing	248 CMR: Massachusetts Plumbing Code
Elevator	524 CMR: Massachusetts Elevator Code Amended 2013 ASME A17.1
Energy Conservation	Stretch Energy Code (225 CMR 23) • 2021 International Energy Conservation Code (IECC)

International Existing Building Code

The International Existing Building Code with Massachusetts amendments allows for 3 separate compliance methods, the Prescriptive Method (in general, altered areas must comply with the code for new construction), Work Area Method (level of compliance is based on the classification of work), and Performance Compliance Method (numerical method that allows tradeoffs for deficiencies). This report is based on the Work Area Method.

1. Work Area and Classification of Work:

The requirements in the IEBC are based on the classification of the work as a Repair or Alteration Level 1, 2 or 3. This is based on the extent of the project “work area”, which is defined as the area within which architectural reconfiguration will occur (IEBC Chapter 2). Areas where the only work will be new finishes, furnishings, or installation of new building

systems are not classified as part of the work area. The levels of work area defined as follows:

Repairs	The patching or restoration or replacement of damaged materials, elements, equipment or fixtures for the purpose of maintaining such components in good or sound condition with respect to existing loads or performance requirements.
Level 1 Alteration	No architectural reconfiguration, no work area.
Level 2 Alteration	Aggregate size of work areas (architectural reconfigured area) does not exceed 50% of the gross building area.
Level 3 Alteration	Aggregate size of all work areas (architectural reconfigured area) exceeds 50% of the gross building area.

Based on the proposed plans, more than 50% of the building area has been reconfigured and therefore it is classified as a Level 3 Alteration.

2. Occupancy Classification:

- Use Group B (Community Hall / Historical Museum)
- Use Group B (Office / Work Rooms)
- Use Group S-1 (Storage)

In order to avoid adding sprinkler protection the occupant load of the Meeting Space on the top floor must be limited to 49 people maximum so that the space can be classified as a Use Group B occupancy.

3. Construction Type:

The building most closely resembles Type VB construction based on the wood-framed structure.

4. Fire Resistance Ratings:

The building is of Type VB construction does not require any fire rated structure. New stair and elevator shafts will be fire rated as indicated in the plans. Although the plans indicate that the stairs and elevator will have a 2-hour rating, since they only connect 3 stories no more than a 1-hour rating is required (IBC 713.4). The stairs can also be classified as exit access stairs in accordance with IBC Section 1019.3 and therefore do not require a fire rating.

5. Interior Finishes:

The existing interior finish of walls and ceilings in the work area must comply with the code requirements for new construction (IEBC 803.4). All newly installed wall and ceiling finishes, and interior trim materials must also comply with IBC Table 803.11 (IEBC 702.1, 702.2, 702.3). The requirements are summarized below:

Walls & Ceilings (IBC Table 803.11) – Non-Sprinklered

Use Group:	A	B & S
Corridors & Exit Access Stairs	Class A	Class B
Rooms	Class C	Class C

Typical interior finishes generally consist of drywall which is a Class A finish.

6. Means of Egress:

Existing means of egress in existing buildings are generally not required to comply with current code requirements unless, if in the opinion of the building official there are an inadequate number of means of egress, insufficient egress width, or inadequate lighting and ventilation, or hazardous conditions exist (780 CMR 102.6.4, IEBC 804.2). The existing building includes the main front entry/exit and a rear means of egress which are enclosed and provide sufficient egress for the proposed occupancy.



The only potentially hazardous egress conditions were noted during the site visit is that the interior stairs do not have compliant handrails on both sides and the front exterior stairs do not have any handrails (required by 521 CMR (see Section 11 of this report)). The applicant is seeking relief and/or alternative approval from local officials to address this items.

7. Fire Protection Systems:

The building has an existing fire alarm and smoke detection system as well as portable fire extinguishers. These systems must be maintained and routinely inspected and tested in accordance with NFPA 10 and NFPA 72.

The IEBC requires sprinkler protection throughout work area of a Level 2 Alteration if the work area work area (defined as the architecturally reconfigured area) exceeds 50% of an individual floor area (IEBC 804.2.2). Based on the proposed plans, the gross floor area of the building is approximately 6,000 ft². For a Use Group A-3 occupancy the building code requires sprinkler protection if the gross building area is more than 5,000 ft² (780 CMR Table 903.2). **In order to avoid adding sprinkler protection the occupant load of the Meeting Space on the top floor must be limited to 49 people maximum so that the space can be classified as a Use Group B occupancy.**

8. Energy Code Provisions for Existing Buildings

The Massachusetts Stretch Code as adopted by the Town of Southborough adopts the 2021 International Energy Conservation Code (IECC) with Massachusetts Amendments (225 CMR 23). Alterations to an existing building, building system or portion thereof must conform to the provisions of the IECC as those provisions relate to new construction without requiring the unaltered portions of the existing building or building system to comply (IECC C503.1). Although this code does not have a full-compliance threshold, any new equipment must also comply with the Stretch Code amendments to the 2021 IECC.

9. Ventilation Requirements

For a future Level 2 Alteration, all reconfigured spaces must provide mechanical or natural ventilation in accordance with the International Mechanical Code (IEBC Section 809). It appears the existing source of fresh air for all spaces is provided via natural ventilation through operable windows as permitted by the IEBC and Mechanical Code.

The building has existing natural ventilation via windows as well as mechanical ventilation.

10. Structural Provisions for Existing Buildings

Structural alterations to the existing building must be evaluated by a registered structural engineer to determine compliance with the IEBC.

11. Accessibility for Persons with Disabilities

Massachusetts Architectural Access Board Regulations

If the building undergoes future alterations, the work must comply with the requirements of the Massachusetts Architectural Access Board Regulations (521 CMR). For existing building alterations the requirements of 521 CMR are based on the cost of the proposed work:

- A. If the cost of the proposed work is **less than \$100,000**, only the new work must comply.
- B. If the cost of the proposed work is **greater than \$100,000** then all new work must comply and the existing building must include an accessible public entrance, toilet room, telephone and drinking fountain (if public phones and drinking fountains are provided) (521 CMR Section 3.3.1(b)). Exempt work when calculating the cost of work includes roof repair or replacement, window repair or replacement, and repointing and masonry repair work unless the exempt work exceeds \$500,000.
- C. If the cost of the proposed work is **greater than 30% of the full and fair cash value** of the existing building, the entire building is required to comply with 521 CMR (521 CMR Section 3.3.2). There is no exempt work, i.e. the entire project costs apply to determining the 30% criteria.

The cost of all work performed on a building in any 36-month period must be added together in determining the applicability of 521 CMR (521 CMR Section 3.5). The full and fair cash value of the existing building is determined by using the 100% equalized assessed value of the building on record with the city assessor's office. Based on the Southborough Assessors Office on-line database, the assessed value of the building (not including the land) is \$192,100 (See Appendix). The Massachusetts Department of Revenue's website indicates the assessment ratio for Southborough is 0.95. Therefore, the 100% equalized assessed value is \$202,210 and full compliance with 521 CMR would be required if the cost of future work exceeds \$60,663.

If the cost of a future renovation triggers the 30% threshold, all portions of the building open to the general public must be upgraded to comply in full with the current requirements of 521 CMR. Any employee-only areas and staff work areas are not required to comply with 521 CMR, as long as public access is not permitted.

Since the cost of work exceeds the 30% threshold, full compliance with 521 CMR is required. Although the building will be generally accessible, there were various non-compliant elements, including the following (**note this is not a comprehensive list**):

1. All entrances must be accessible (521 CMR 25.1). The proposed plans include an accessible side entrance (although the ramp has yet to be installed) but not an accessible front entrance.



Front Entrance

2. Accessible toilet rooms (521 CMR 30.1). Although the renovation plans include accessible toilet rooms, the construction is was not compliant at the time of the site visit, however the owner has reported the toilet rooms will be altered as necessary to comply.



3. Compliant stair handrails on both sides of all stairs (interior and exterior) (521 CMR 27.4). Both interior stairs only include a handrail on one side that is not oval or round in cross section and neither interior stairs include extensions as required by 521 CMR. The exterior stairs from the Basement and front entrance also do not include compliant handrails on both sides of the stair. Many of the handrails are not round or oval in cross section, lack extensions, and are not continuous at intermediate landings.

The applicant is seeking relief and/or alternative approval from local officials to address these items.

Variances to the requirements of 521 CMR are also granted by the Access Board when it can be shown that full compliance is “impracticable” (521 CMR 4.1), which is defined as follows:

IMPRACTICABLE/IMPRACTICABILITY:

(a) Compliance with 521 CMR would be technologically unfeasible; or

(b) compliance with 521 CMR would result in excessive and unreasonable costs without any substantial benefit to persons with disabilities.

This may include technical variance for specific items to allow reduced or alternate accessibility in lieu of full compliance, or a request to delay compliance for a limited time period can also be requested. Variance from 521 CMR can be applied for at any time using the Board’s application. Once received, the Board will review the variance request at their meeting (without a hearing) and will vote to either approve the variance, deny the variance, or require that the applicant attend a hearing to review the request in more detail with the Board. If the Board denies the variance request, the applicant can request a hearing to present the case in more detail to the Board.

Or a variance based on historical conditions is also allowed as follows:

3.9 HISTORIC BUILDINGS

An historic building or facility that is listed or is eligible for listing in the National or State Register of Historic Places or is designated as historic under appropriate state or local laws may be granted a variance by the Board to allow alternate accessibility. If a variance is requested on

the basis of historical significance, then consultation with the Massachusetts Historical Commission is required in order to determine whether a building or facility is eligible for listing or listed in the National or State Register of Historic Places. The Massachusetts Historical Commission may request a copy of the proposed variance request and supporting documentation to substantiate the variance request and its effect on historic resources. A written statement from the Massachusetts Historical Commission is required with the application for variance.

Appendix: Assessed Value

Unofficial Property Record Card - Southborough, MA

General Property Data

Parcel ID	38-0000-045-0	Account Number	F_654398_2933244
Prior Parcel ID			
Property Owner	SOUTHBOROUGH HISTORICAL SOCIETY	Property Location	42 CENTRAL STREET
Mailing Address	25 COMMON STREET	Property Use	GASB-IMP-EDU
City	SOUTHBOROUGH	Most Recent Sale Date	10/5/2022
Mailing State	MA	Legal Reference	68315-384
Zip	01772	Grantor	FAYVILLE HALL LLC
ParcelZoning	RB	Sale Price	101
		Land Area	0.230 acres

Current Property Assessment

Card 1 Value	Building Value	192,100	Xtra Features Value	0	Land Value	258,900	Total Value	451,000
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Building Description

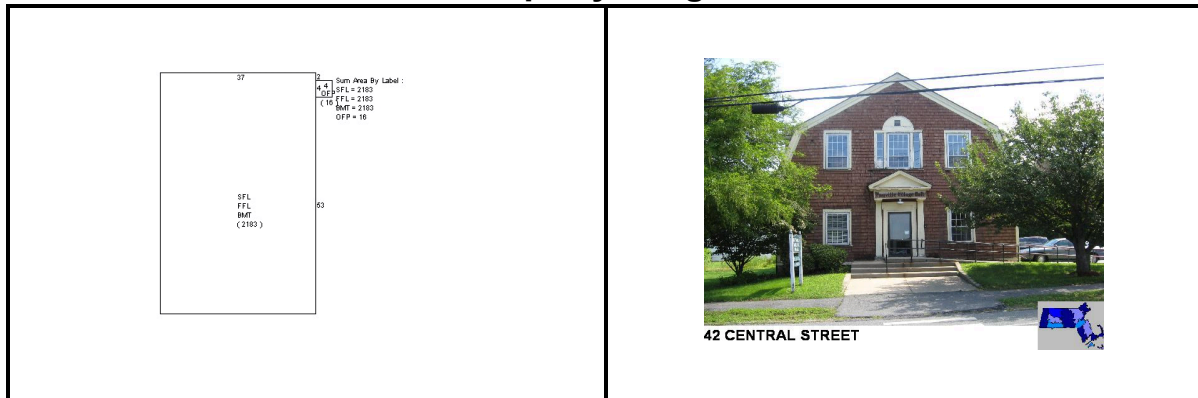
Building Style	OFFICE	Foundation Type	FLDSTN	Flooring Type	HARDWOOD
# of Living Units	0	Frame Type	D	Basement Floor	CONCRETE
Year Built	1912	Roof Structure	GAMBREL	Heating Type	FHW
Building Grade	AVERAGE-GOOD	Roof Cover	ASPHALT-SHNG	Heating Fuel	GAS
Building Condition	N/A	Siding	WOODSHNGL	Air Conditioning	0%
Finished Area (SF)	4366	Interior Walls	PLASTER	# of Bsmt Garages	0
Number Rooms	0	# of Bedrooms	0	# of Full Baths	0
# of 3/4 Baths	0	# of 1/2 Baths	2	# of Other Fixtures	0

Legal Description

Narrative Description of Property

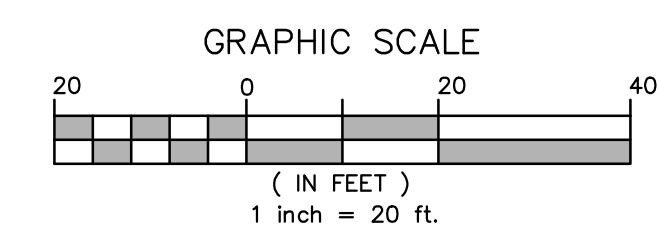
This property contains 0.230 acres of land mainly classified as GASB-IMP-EDU with a(n) OFFICE style building, built about 1912 , having WOODSHNGL exterior and ASPHALT-SHNG roof cover, with 1 commercial unit(s) and 0 residential unit(s), 0 room(s), 0 bedroom(s), 0 bath(s), 2 half bath(s).

Property Images



Disclaimer: This information is believed to be correct but is subject to change and is not warranted.

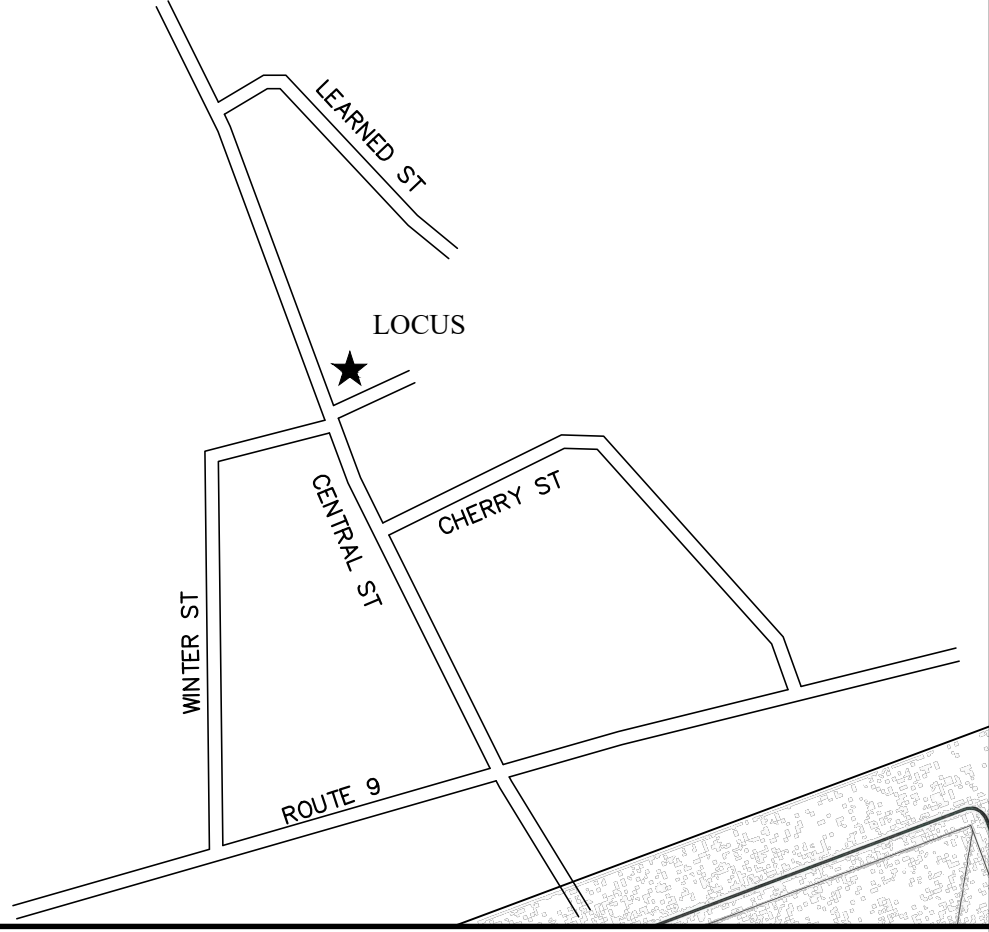
—GPS ASBUILT SURVEY PERFORMED JANUARY 15, 2026



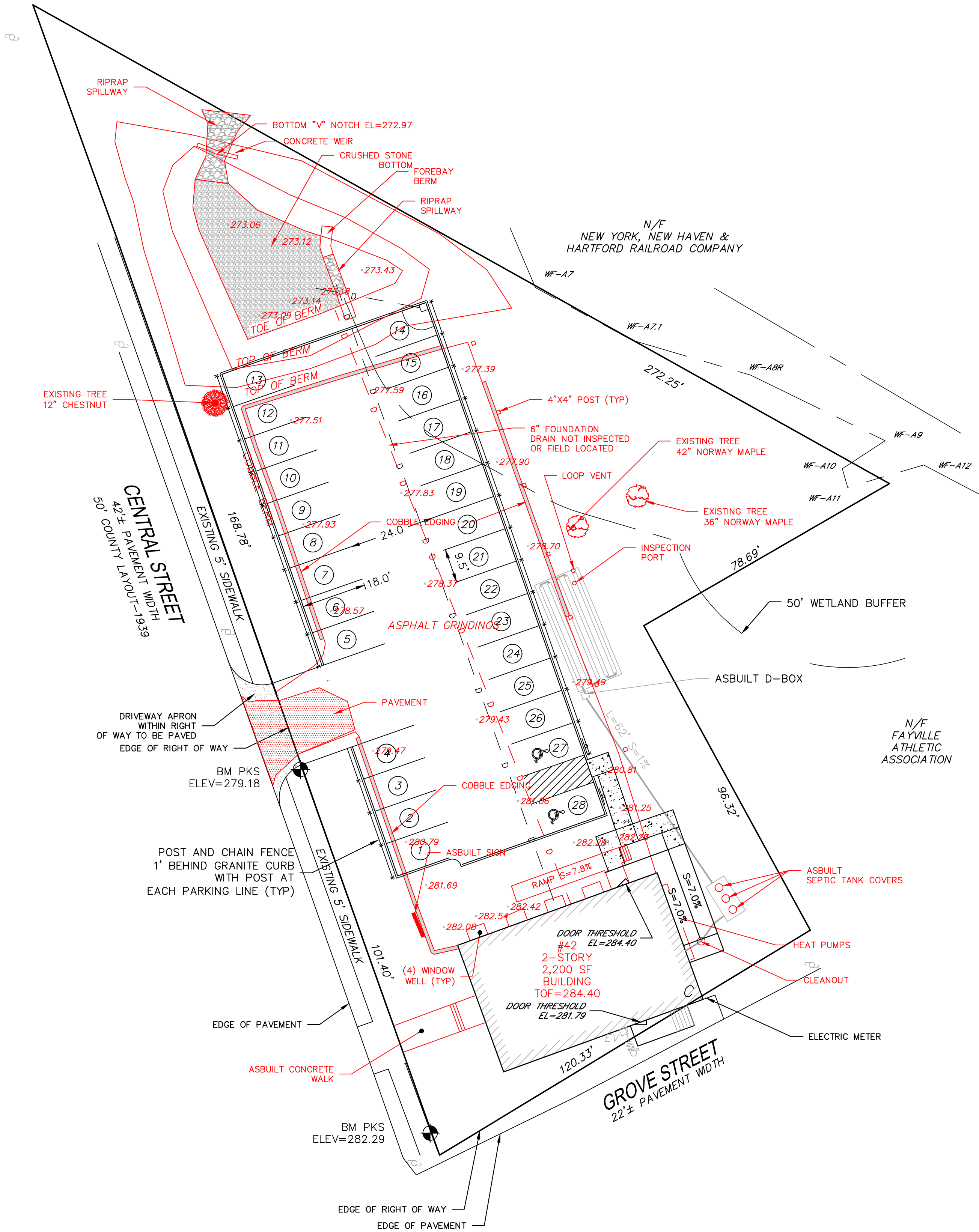
May 14, 2026

CONTRACTOR TO
VERIFY ACTUAL
LOCATION OF
EXISTING UTILITY
SERVICES IN THE
FIELD PRIOR
TO CONSTRUCTION.

TOWN OF SOUTHBOROUGH



LOCUS MAP - (NOT TO SCALE)



APPROVED BY THE SOUTHBOROUGH
PLANNING BOARD

DATE: _____
BEING A MAJORITY



MARK A. ELBAG, JR., PE
PROFESSIONAL ENGINEER REG #48449

ZONING REQUIREMENTS

ZONING DISTRICT: RESIDENCE B	
ASSESSOR PARCELS M38 B44.45	
AREA	25,000 SQ. FT.
FRONTAGE	125 FT.
FRONT YARD	30 FT.
SIDE YARD	15 FT.
REAR YARD	35 FT.
FLOOR AREA RATIO	0.30
BUILDING HEIGHT	2-1/2 STORIES

TYPICAL LEGEND

PROPERTY LINE	---
SETBACK	---
EASEMENT	---
STONEWALL	-----
TREE LINE	~~~~~
WELL	⊕
EXISTING CONTOUR	---100---
PROPOSED CONTOUR	---100---
SPOT ELEVATION	99x59
SILT FENCE	---
HAYBALE	---
BENCHMARK	⊕

OVERLAY ASBUILT
PLAN

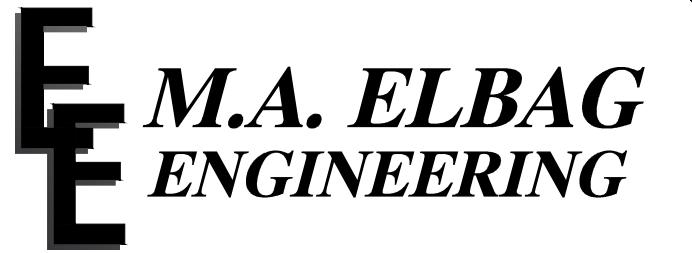
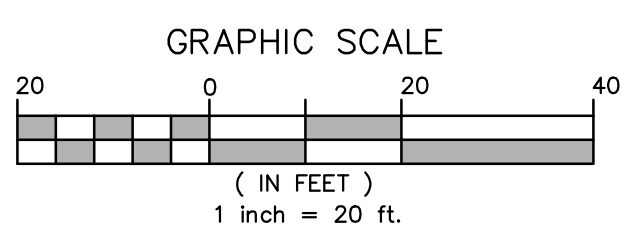
PREPARED FOR:
**SOUTHBOROUGH HISTORICAL
SOCIETY**
17 COMMON STREET
SOUTHBOROUGH, MA

PROPERTY ADDRESS:
**40-42 CENTRAL STREET
SOUTHBOROUGH, MA**

PLAN TITLE:



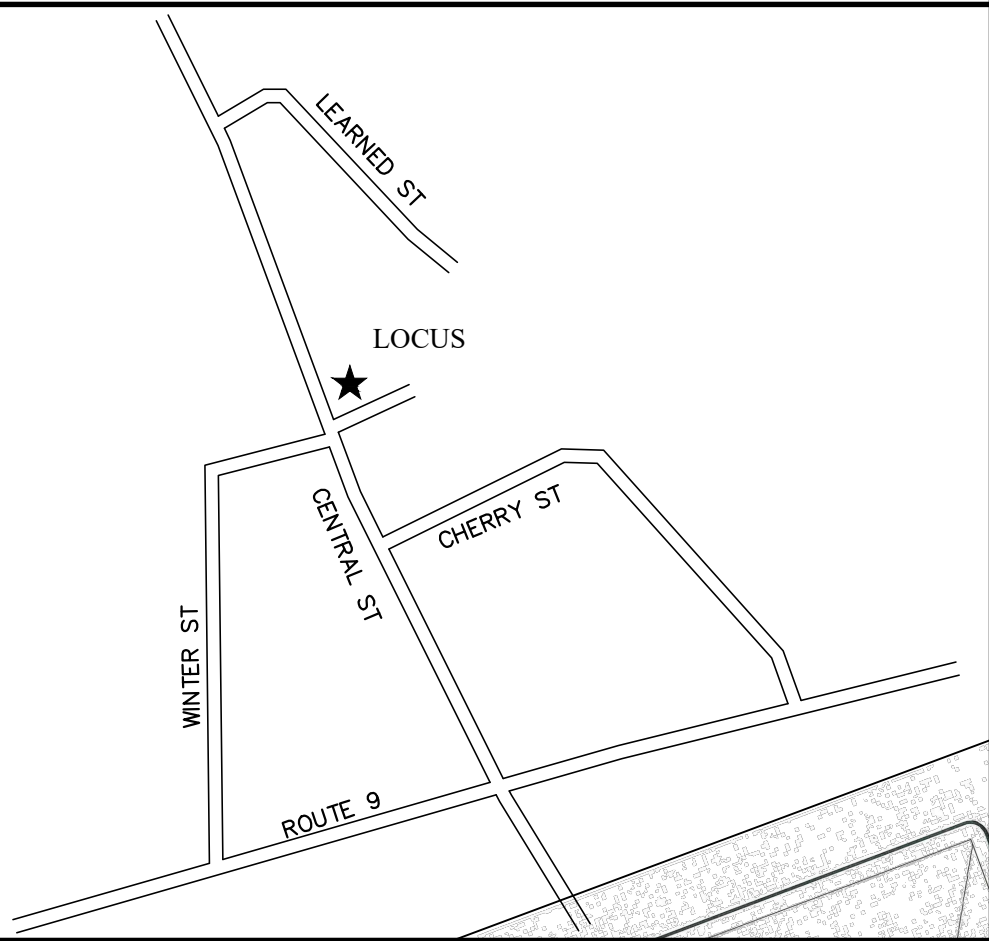
CONTRACTOR TO
VERIFY ACTUAL
LOCATION OF
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FIELD PRIOR
TO CONSTRUCTION.



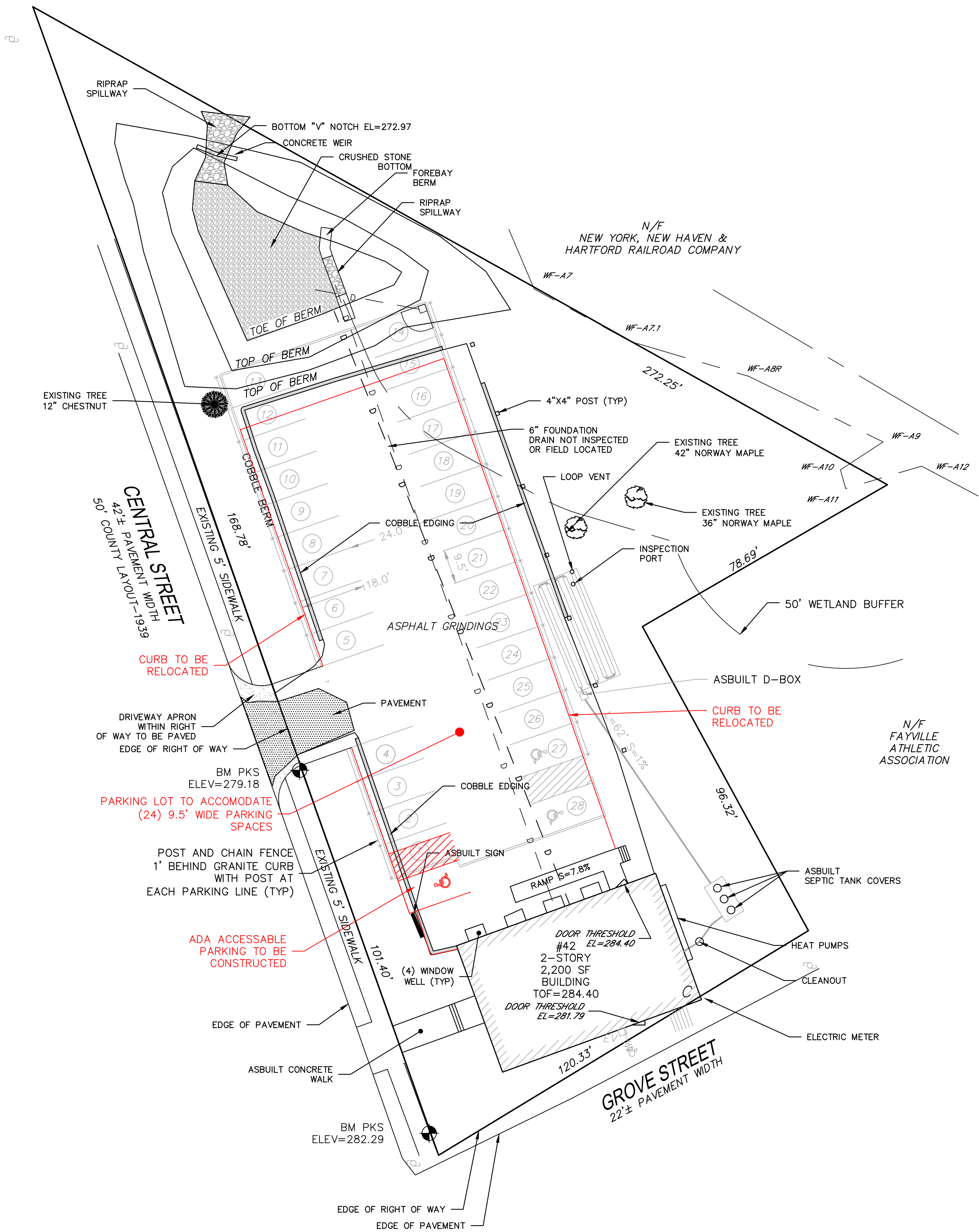
P.O. BOX 636
RUTLAND, MA 01543
Phone: (508) 726-1199
maelbag@gmail.com

May 14, 2026

TOWN OF SOUTHBOROUGH



LOCUS MAP - (NOT TO SCALE)



APPROVED BY THE SOUTHBOROUGH
PLANNING BOARD

DATE: _____
BEING A MAJORITY



MARK A. ELBAG, JR., PE
PROFESSIONAL ENGINEER REG #48449

ZONING REQUIREMENTS	
ZONING DISTRICT: RESIDENCE B	
ASSESSOR PARCELS M38 B44.45	
AREA	25,000 SQ. FT.
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FRONT YARD	30 FT.
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REAR YARD	35 FT.
FLOOR AREA RATIO	0.30
BUILDING HEIGHT	2-1/2 STORIES

TYPICAL LEGEND

PROPERTY LINE	---
SETBACK	---
EASEMENT	---
STONEWALL	---
TREE LINE	---
WELL	---
EXISTING CONTOUR	---
PROPOSED CONTOUR	---
SPOT ELEVATION	---
SILT FENCE	---
HAYBALE	---
BENCHMARK	---

PROPOSED
MODIFICATIONS PLAN

PREPARED FOR:
**SOUTHBOROUGH HISTORICAL
SOCIETY**
17 COMMON STREET
SOUTHBOROUGH, MA

PROPERTY ADDRESS:
**40-42 CENTRAL STREET
SOUTHBOROUGH, MA**

PLAN TITLE:

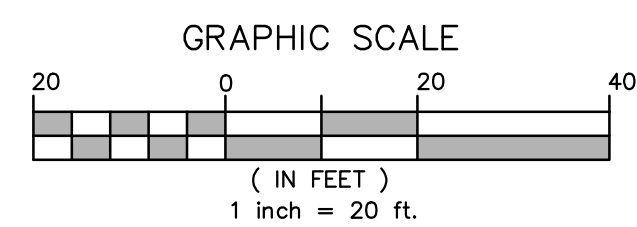
**M.A. ELBAG
ENGINEERING**

P.O. BOX 636
RUTLAND, MA 01543
Phone: (508) 726-1199
maelbag@gmail.com

May 14, 2026



CONTRACTOR TO
VERIFY ACTUAL
LOCATION OF
EXISTING UTILITY
SERVICES IN THE
FIELD PRIOR
TO CONSTRUCTION.





300 feet Abutters List Report

Board of Assessors

17 Common Street Southborough, MA 01772

May 27, 2026

Subject Properties:

Parcel Number: 38-0000-044-0
Property Address: 40 CENTRAL STREET

Mailing Address: SOUTHBOROUGH HISTORICAL
SOCIETY
25 COMMON STREET
SOUTHBOROUGH, MA 01772

Parcel Number: 38-0000-045-0
Property Address: 42 CENTRAL STREET

Mailing Address: SOUTHBOROUGH HISTORICAL
SOCIETY
25 COMMON STREET
SOUTHBOROUGH, MA 01772

Abutters:

Parcel Number: 37-0000-006-0
Property Address: WHITE BAGLEY ROAD

Mailing Address: DEPT OF CONSERVATION AND
RECREATION DIVISION OF WATER
SUPPLY PROTECTION
251 CAUSEWAY STREET OFFICE OF
WATERSHED MANAGEMENT
BOSTON, MA 02114

Parcel Number: 38-0000-028-0
Property Address: 2 WINTER STREET

Mailing Address: LAMSA DEAN AND JAMES KOCIK TRS
DAL(50%) AND JEK(50%) LIV TRST
2 WINTER STREET
SOUTHBOROUGH, MA 01772

Parcel Number: 38-0000-029-0
Property Address: 4 WINTER STREET

Mailing Address: SHARMA SATYENDRA AND PARUL
4 WINTER STREET
SOUTHBOROUGH, MA 01772

Parcel Number: 38-0000-041-0
Property Address: 51 CENTRAL STREET

Mailing Address: COLLEARY, JAMES J AND MAUREEN M
51 CENTRAL STREET
FAYVILLE, MA 01745

Parcel Number: 38-0000-042-0
Property Address: 47 CENTRAL STREET

Mailing Address: OSBER JENNIFER A HIGGINS BRENDAN
L
47 CENTRAL ST
SOUTHBOROUGH, MA 01772

Parcel Number: 38-0000-043-0
Property Address: 45 CENTRAL STREET

Mailing Address: MCSHERA PATRICK J TRS MCSHERA
DENISE M TRS
45 CENTRAL ST
FAYVILLE, MA 01745-1003

Parcel Number: 38-0000-045-A
Property Address: CENTRAL STREET

Mailing Address: SOUTHBOROUGH TOWN OF FAYVILLE
PLAYGROUND
17 COMMON STREET
SOUTHBOROUGH, MA 01772

Parcel Number: 38-0000-046-0
Property Address: 6 GROVE STREET

Mailing Address: FAYVILLE ATHLETIC ASSOCIATION
P O BOX 351 6 GROVE STREET
FAYVILLE, MA 01745

CERTIFIED COPY



300 feet Abutters List Report

Board of Assessors

17 Common Street Southborough, MA 01772

May 27, 2026

Parcel Number: 38-0000-047-0
Property Address: 9 GROVE STREET

Mailing Address: NEW ENGLAND CENTER FOR CHILDRE
33 TURNPIKE ROAD
SOUTHBOROUGH, MA 01772

Parcel Number: 38-0000-048-0
Property Address: 7 GROVE STREET

Mailing Address: BURNELL, DAVID A
P O BOX 3364
FAYVILLE, MA 01745

Parcel Number: 38-0000-049-0
Property Address: 46 CENTRAL STREET

Mailing Address: PARKER DOROTHY F AND MARY C
PO BOX 357
MILTON, MA 02186

Parcel Number: 38-0000-050-0
Property Address: 50 CENTRAL STREET

Mailing Address: PARKER JOHN, M, D AND E
PO BOX 357
MILTON, MA 02186

Parcel Number: 38-0000-051-0
Property Address: 6 CHERRY STREET

Mailing Address: NEW ENGLAND CENTER FOR
CHILDREN
33 TURNPIKE ROAD
SOUTHBOROUGH, MA 01772

Parcel Number: 38-0000-052-0
Property Address: 8 CHERRY STREET

Mailing Address: NEW ENGLAND CENTER FOR CHILDREN
INC
33 TURNPIKE ROAD
SOUTHBOROUGH, MA 01772

Parcel Number: 38-0000-053-0
Property Address: 16 CHERRY STREET

Mailing Address: NEW ENGLAND CENTER FOR CHILDREN
INC
33 TURNPIKE ROAD
SOUTHBOROUGH, MA 01772

Parcel Number: 38-0000-053-A
Property Address: 12 CHERRY STREET

Mailing Address: NEW ENGLAND CENTER FOR CHILDREN
INC
33 TURNPIKE ROAD
SOUTHBOROUGH, MA 01772

Parcel Number: 38-0000-059-0
Property Address: 54 CENTRAL STREET

Mailing Address: FRIAS THERESA MICHAEL A TRS
ALTER REALTY TRUST
68 BEAMAN LANE
MARLBOROUGH, MA 01752

Parcel Number: 47-0000-001-0
Property Address: CENTRAL STREET

Mailing Address: DEPT OF CONSERVATION AND
RECREATION DIVISION OF WATER
SUPPLY PROTECTION
251 CAUSEWAY STREET OFFICE OF
WATERSHED MANAGEMENT
BOSTON, MA 02114

Parcel Number: 47-0000-052-0
Property Address: 10 LEARNED STREET

Mailing Address: LAURIE, ROBERT C
10 LEARNED STREET
SOUTHBOROUGH, MA 01772

Parcel Number: 47-0000-053-0
Property Address: 14 LEARNED STREET

Mailing Address: BRAND RYAN AND SAMANTHA
14 LEARNED STREET
SOUTHBOROUGH, MA 01772



300 feet Abutters List Report

Board of Assessors

17 Common Street Southborough, MA 01772

May 27, 2026

Parcel Number: 47-0000-054-0
Property Address: 20 LEARNED STREET

Mailing Address: WANG YONGXU AND XIAODONG CHEN
20 LEARNED STREET
SOUTHBOROUGH, MA 01772

Parcel Number: 47-0000-055-0
Property Address: 27 JOHN STREET

Mailing Address: 50% AK & MB TRS OF A KAUL TR 50%
MB & AK TRS OF M BHAN TR
27 JOHN STREET
SOUTHBOROUGH, MA 01772

Parcel Number: 47-0000-056-0
Property Address: LEARNED STREET

Mailing Address: NEW ENGLAND CENTER FOR CHILDREN

33 TURNPIKE ROAD
SOUTHBOROUGH, MA 01772

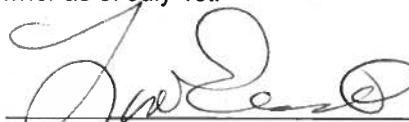
Parcel Number: 47-0000-057-0
Property Address: 32 CENTRAL STREET

Mailing Address: SANTOS LOURIVAL
24 HAGAR STREET
MARLBOROUGH, MA 01752

Parcel Number: 47-0000-058-0
Property Address: 34 CENTRAL STREET

Mailing Address: MILLER, SCOTT E AND LAUREN J TRS
RICHEY MILLER REVOCABLE TRUST
34 CENTRAL STREET
SOUTHBOROUGH, MA 01772

This list contains the certified list of owners on record with the Town of Southborough.
The mailing address is for the property owner as of July 1st.


Authorized Signature

CERTIFIED COPY