



TOWN OF NORTHBOROUGH Zoning Board of Appeals

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Approved 7-22-14

Zoning Board of Appeals Meeting Minutes June 24, 2014

Members Present: Fran Bakstran, Mark Rutan, Brad Blanchette, Robert Berger, Dick Rand

Others Present: Kathy Joubert, Town Planner; Fred Litchfield, Town Engineer; Patty Johnson, John Grenier, Bob Gleeson, Gordon Maccabee, Helen J. Calverley, Janice Brown, Paul Gallagher, Carol Redden, Cathy Staniunas

Chairman Fran Bakstran opened the meeting at 7pm.

Consideration of the continued petition of Paul Gallagher for Variances and a Special Permit to allow the use of a two-family dwelling with associated parking on the property located at 16 Hudson Street in the Downtown Business District and Groundwater Protection Overlay District Area 3

Applicant Paul Gallagher, and Carol Redden, Engineer, H.S. & T. Group, Inc., were present and Ms. Redden presented the project. She explained an existing structure on the subject property at 16 Hudson Street has been demolished. The Applicant's original plan included construction of a 4-unit multi-family dwelling with parking in front of the building, which faced Hudson Street. However, due to the small size of the lot at 5,479 square feet in area, and in order to be more compliant with the zoning district, the Applicant amended the plans and is now proposing a two-story, two-family dwelling with two bedrooms per unit and a gross floor area of 3,000 square feet, 1500 square feet per floor. The front door will be on one side of the building and will face the parking area on the other side of the site, which will be comprised of 4 spaces, two per unit. A walkway will be constructed around portions of the proposed building.

Ms. Redden stated the subject property is located in the Downtown Business District and Groundwater Protection Overlay District Area 3. The Applicant is requesting a Variance to allow the use of a two-family dwelling in the Downtown Business District; a Variance to allow the construction of a two-family dwelling on a lot with less than the required 20,000 square feet in Groundwater Protection Overlay District Area 3; and a Special Permit to allow the use of a two-family dwelling in Groundwater Protection Overlay District Area 3.

Ms. Redden stated the project has been reviewed by the Fire Chief and the Groundwater Advisory Committee. The site is relatively flat with a mild slope from the front to the rear of the parcel. Stormwater management plans for the project will address any runoff from the site to neighboring properties. Recommendations of the Groundwater Advisory Committee and Fred Litchfield, Town Engineer, include adding an asphalt berm around the perimeter of the parking area to help guide stormwater into the proposed catch basin; revising the submitted hydrology and stormwater maintenance plan to verify the volume of runoff leaving the site shall not exceed the pre-development condition by more than fifteen percent (15%); performing a permeability test within the naturally occurring material beneath the proposed infiltration chambers, but not within any areas of fill; verifying the changes in impervious surface proposed as the project is built by submittal of a new calculation

sheet and an as-built drawing; recording of the stormwater operation and maintenance plan as part of the ZBA decision at the registry of deeds; and the submittal of an as-built plan as required by the Town Engineer prior to the issuance of a certificate of occupancy.

Ms. Redden stated the location of the proposed two-family dwelling is approximately 450 feet from Main Street. There are a number of two-family and multi-family buildings in the area similar to what is being proposed, so the two-family dwelling will fit in well with the character of the surrounding area.

In response to a question from Ms. Bakstran, Kathy Joubert, Town Planner, explained there are no setbacks from side and rear property lines in the Downtown Business District.

Ms. Joubert confirmed with Ms. Redden that the Applicant has addressed the sidewalk issue raised by Fire Chief David Durgin in his letter to the ZBA. Ms. Redden explained the Fire Chief was worried that fire apparatus might not be able to get into the parking lot, but decided the apparatus could pull up in front of the building because it will be very close to edge of pavement of Hudson Street.

Mr. Litchfield stated the Applicant filed for a Special Permit and Variance for the use of a two-family dwelling in Groundwater Protection Overlay District Area 3 and the Groundwater Advisory Committee unanimously voted to support the granting of the Special Permit and voted 3 in favor, 1 opposed to support the granting of the Variance. Mr. Litchfield stated there is no reason not to grant the Variance.

Ms. Joubert noted there is no review letter from the Planning Board regarding this project, but the Applicant did come before the Planning Board and the members were more concerned about the original plan to build a multi-family dwelling due to the small size of the lot. They were fine with the amended proposal as presented tonight.

Ms. Bakstran noted the driveway is in a difficult area for backing out due to the traffic volumes on Hudson Street.

Abutter Helen Calverley, 14 Hudson Street, expressed concern about runoff from the subject property flowing onto her property, which is lower than the subject property. She explained she is concerned about problems when bad weather occurs and her main concern is flow coming into the back of her property. Ms. Redden stated the stormwater plan is designed so that runoff from the site post-construction will not increase by more than 15% of the existing runoff. Mr. Litchfield stated the neighbor will not see water coming out of the pipe, except during large storm events.

Mr. Rand motioned to close the public hearing, Mr. Blanchette seconded the motion and the vote was unanimously in favor of closing the public hearing.

Consideration of the petition of Patricia Johnson for a Variance and Special Permits to allow the use of a two-family dwelling in the Downtown Business District and Groundwater Protection Overlay District Area 3 on the property located at 12 Mill Street.

Applicant Patricia Johnson, and John Grenier, Engineer, J.M. Grenier Associates, Inc., representing the Applicant, were present.

Mr. Grenier presented the plans for the project, stating the existing home on the property located at 12 Mill Street will be demolished and a two-family dwelling, each unit with two bedrooms, is proposed. The property is located in the Downtown Business District and Groundwater Protection Overlay District Area 3. The property is also within 200 feet of Cold Harbor Brook, and a portion is within a 100-foot wetland

buffer. A variance is required to allow the use of a two-family dwelling in the Downtown Business District. Special permits are required for the use of a two-family dwelling in a groundwater district; and to allow the reconstruction of the pre-existing, non-conforming home on the property.

The existing home is approximately 75 feet from the front property line and the proposed two-family dwelling will be located approximately 60 feet from the front property line. A new septic system has been designed for the two-family use to replace an existing cesspool that has not been used for approximately 10 years. The new septic system will be located in the front yard, under the driveway.

The proposed project has been reviewed by the Conservation Commission and Groundwater Advisory Committee. The Conservation Commission closed the hearing for the project at their June meeting. The Order of Conditions has not been issued and the plans are under review. The Groundwater Advisory Committee is in support of the project.

Mr. Grenier stated multi-family dwellings are allowed in the Downtown Business District, but would be hard on the proposed septic system, and therefore they are proposing the two-family dwelling with a total of 4 bedrooms. There are other duplexes and multi-family dwellings on Mill Street, so the proposal will be in keeping with the feel of the existing neighborhood. He stated Mill Street is residential and not like the Downtown Business area.

In response to a question from Ms. Bakstran, Mr. Grenier stated access to the property is from the driveway.

In response to a question from Mr. Berger, Mr. Grenier stated there is no sewer on Mill Street. Sewer would have to be pumped up because of the elevations. It would be problematic for utilities and would be cost-prohibited.

Abutter Cathy Staniunas, 14 Mill Street, raised concerns about runoff going onto her property, and the condition of Mill Street before and after the proposed construction. She explained she has complained to the DPW and Town Administrator. She gets a lot of overflow all over her front yard and when it rains, her front yard settles where the water collects. She doesn't want any more water coming onto her property. She asked if the street will be fixed after the project is finished. She said Mill Street hasn't been paved in years and it's sinking. She also noted she has a pathway from her property to the house at 12 Mill Street and she wants it blocked-off so no one will drive onto her property.

Mr. Litchfield stated all of Ms. Staniunas' issues are addressed on the plans. Runoff will be contained within their lawn area and plantings and a berm are located where the pine trees are. Regarding Mill Street, Mr. Litchfield stated a new water line may be coming in from the street if the current connection is not adequate. If that happens, the Applicant would be required to repave the street if that area was cut up.

Ms. Bakstran stated paving of the street is not an issue the ZBA can address.

Ms. Staniunas wanted confirmation that the plans cannot change to include more units than proposed. Mr. Litchfield responded the septic system would not support more units, so they could not be increased per the plan submitted.

Mr. Grenier noted they will be doubling the footprint of the existing home and making it a 2-story building. He confirmed for Mr. Rutan that the existing building will be demolished and the proposed two units will be side by side.

Ms. Joubert noted a letter was submitted from the Historical Commission after they received notice of an application for a demolition permit for the site. In their letter, the Historical Commission stated they did not find the building to be historically or architecturally significant.

Mr. Rand motioned to close the hearing, Mr. Rutan seconded the motion and the vote was unanimously in favor of closing the hearing.

Decisions

16 Hudson Street

Mr. Rand stated the project is straight-forward. Ms. Bakstran stated it is a good use of the property. Ms. Joubert noted there is a single-family home next door and the Northborough Housing Authority's senior housing is on the other side of the street. In addition, there are some single-family homes across the street and a multi-family dwelling near Cumberland Farms. There is quite a mix in that area. Ms. Bakstran stated it is small and will fit in the area, and will be less expensive than other options. No septic system has been proposed, so there are no groundwater issues. Mr. Rutan agreed the proposed use is a good fit.

Mr. Rutan motioned to grant a VARIANCE from Section 7-05-030, Table 1. Table of Uses. Part B., Commercial and Industrial Districts, to allow the use of a two-family dwelling in the Downtown Business District; a VARIANCE from Section 7-07-010D(3)(c)[6], Groundwater Protection Overlay District, Use Regulations, Area 3, Two-family and multifamily residential development, to allow a proposed two-family dwelling to be located on a site with less than the required lot area in Groundwater Protection Overlay District Area 3; and a SPECIAL PERMIT per Section 7-07-010D(3)(c)[6], to allow the use of a two-family dwelling in Groundwater Protection Overlay District Area 3 on the property located at 16 Hudson Street; with all 6 conditions included in the Groundwater Advisory Committee's review letter. Mr. Rand seconded the motion and the vote was unanimously in favor of granting the Variances and Special Permit.

12 Mill Street

Ms. Bakstran noted the Downtown Business setback of not more than 20 feet from the front property line really had to do with Main Street. This proposal makes it more like a neighborhood. She stated they should include all conditions of the Groundwater Advisory Committee's review letter. Mr. Rand stated he would like to have the Operation and Maintenance Plan include the word "stormwater" to make it clearer. Mr. Rutan stated the Operation and Maintenance Plan should be provided so the homeowners going forward will maintain it. He stated it is specific enough and the applicant knows what Mr. Litchfield means and will get it recorded with the decision at the registry. Ms. Bakstran noted Mr. Rand's point is that it should be defined. Mr. Litchfield stated he will work with Mr. Grenier during the appeal period.

Ms. Bakstran stated the conditions of the decision will include the issues expressed by the neighbor. Both Mr. Litchfield and Ms. Joubert agreed the plan now addresses those concerns and the Applicant has no obligation regarding the condition of the roadway as it is right now. The Applicant will need to get an Order of Conditions from the Conservation Commission. In the past, the Building Inspector

cannot enforce another board's decision, so she would not include #2 in the decision and what's on the plan now is what the Conservation Commission wanted.

Mr. Rutan motioned to grant a VARIANCE from Section 7-05-030, Table 1, Part B, to allow the use of a two-family dwelling in the Downtown Business District; and SPECIAL PERMITS per Section 7-07-010D(3)(c)[6], to allow the use of a two-family dwelling in the Groundwater Protection Overlay District Area 3; and Section 7-08-020B of the Northborough Zoning Bylaw, to allow the reconstruction of a pre-existing, non-conforming dwelling, on the property located at 12 Mill Street, with all conditions included in the Groundwater Advisory Committee's letter, except condition #2. Mr. Rand seconded the motion and the vote was unanimously in favor of granting the requested Variances and Special Permit.

Election of Officers

Mr. Rand was nominated for Chairman by Mr. Berger and Mr. Rutan, and accepted the nomination. Mr. Rutan was nominated for Clerk by Ms. Bakstran and Mr. Berger, and accepted the nomination.

All members voted in favor of the slate of nominated members. Ms. Joubert noted the board still needs 2 alternative members.

The meeting adjourned at 8:15pm.

Respectfully submitted,

Debbie Grampietro
Administrative Assistant