



Town of Northborough

Zoning Board of Appeals

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Approved 5-22-07

Zoning Board of Appeals Meeting Minutes March 27, 2007

Members in attendance: Richard Rand, Chairman; Mark Rutan, Clerk; Richard Kane; Sandra Landau, Alternate; Gerry Benson, Alternate; Dan Ginsberg, Alternate

Others in attendance: Kathy Joubert, Town Planner; Fred Litchfield, Town Engineer (arrived at 7:15PM); Bill Farnsworth, Building Inspector; John Coderre, Asst. Town Administrator; Elaine Rowe, Board Secretary; Attorney Mark Donahue; Chris Keenan, Quinn Engineering; Pat Dunford, VHB; Michael O'Hara, Rick Leif, Planning Board Chairman; Sue Brackett; Michele Rehill; Mary Crowley; John Stoddard, Jane Clark, Andrew Baum; Jean Langley; Jodie Martinson; Adrienne Rebello

Chairman Rand called the meeting to order at 7:02PM.

Continued Public Hearing to consider the petition of the Northborough Board of Library Trustees for a Variance/Special Permit to expand and renovate the existing Northborough Free Library and related parking areas on the property located at 34 Main Street, 7:03PM

Andrew Baum explained that the Planning Board voted to approve the reduction in parking at their meeting last week. They have also provided several comments to this board, none of which the applicant has any objection to.

Mr. Baum explained that the electrical transformer is to be located at the northeast portion of the site, primarily due to its size. The new rendering of the plan will show plantings of boxwoods around the perimeter that will be approximately 6 feet high at maturity. This will minimize the aesthetic impact of the large transformer.

Mr. Baum also noted that the plans were designed to complement the architectural and historical nature of the front of the building. He explained that the Planning Board voiced concern about the proposed lighting and the noise from the HVAC system. Mr. Baum stated that the noise generated by the existing HVAC system

was measured at 84 to 92 decibels at the property line, and noted that the new unit will be more efficient and much quieter.

Mr. Baum explained that 14-foot cutoff light fixtures are being proposed to ensure adequate light while minimizing impact to the neighbors. A lighting intensity plan was included in the packet that was submitted to the board. It was also noted that the lights will be on during normal hours of operation, and only key lights around the building and in the parking area will remain on overnight for safety reasons.

Mr. Baum discussed the existing row of mature spruce trees on the southerly portion of the access road that was the subject of concern at the last meeting. As requested by the board, he has evaluated the impact to these trees if the proposed parking in that area is eliminated. He noted that other aspects of the project will still cause the root systems to be compromised, resulting in a low chance of survival for these trees. He explained that eliminating these perpendicular parking stalls will result in a substantial reduction in parking, which is in violation of the bylaw.

Ms. Landau asked if Mr. Baum had discussed this with the abutter who voiced these concerns. Jean Langley explained that they had met last week and the Library has agreed to do some plantings on the neighbor's property, if he approves. She noted that it was a very productive meeting at which the abutter also provided input as to what he would like to see done with the lighting. Ms. Langley also explained that the Library has offered to hold further meetings and will try to address any concerns regarding the tree planting to the best of their ability.

Mr. Kane asked about the noise level for the HVAC unit, noting that levels of 84-92 decibels were read onsite. He also stated that being subjected to a level of 85 decibels for one hour will result in hearing loss. It was also noted that the old system was only 50% operational when it was started up.

Chairman Rand asked about the width of the access drive. Mr. Baum explained that there will be two 12-foot wide travel lanes with sufficient room for someone to back-up.

Mr. Ginsberg asked about the Fire Department's review. Mr. Baum noted that Mr. Litchfield had suggested trying to narrow up or reconfigure some of the parking, but this will diminish the turning radius for emergency apparatus. The plan as proposed, which Mr. Baum indicated has been reviewed and approved by Chief Durgin, was designed to provide adequate turning radius. Mr. Ginsberg asked about directional signage. Mr. Baum explained that there will be arrows painted on the pavement and one-way signage to assist with ensuring proper traffic flow. He also noted that the driveway as proposed is wide enough for cars to pass in the event of a car traveling in the wrong direction.

Mr. Ginsberg asked if there has been any further discussion about traffic trying to turn left onto Route 20. Mr. Baum noted that there are no signal lights proposed for this project. He voiced his understanding that the town is now going through the bid process to improve the traffic flow in the downtown area, though he is

unclear as to how that work will affect egress from Patty Lane. Mr. Ginsberg noted that a signal at the intersection at Hudson and Church Streets could ease the problem.

Mr. Rutan asked if the existing parking lot, with 32 parking spots, is full on a regular basis. Ms. Langley noted that there are times when it is, but most of the time it is short-lived. Mr. Rutan questioned whether the additional spots being proposed will ever be used. Ms. Langley stated that the lot is generally full between 3:00PM and 5:00PM daily. Ms. Brackett noted the proposed 100-seat meeting room, which will increase the parking requirement during times when it is in use. Mr. Kane asked about additional parking to support meeting room use. Ms. Brackett noted that there is an auxiliary parking lot on Hudson Street.

Chairman Rand questioned the expected longevity of the proposed addition. Ms. Crowley explained that the state requires that it serve for 20 years, but she is hopeful that it will be much longer, perhaps as much as 50 years. She noted that the new building is designed to be more efficient and more adaptable to change.

Ms. Joubert referred to a comment letter from the Planning Board (copy attached) and noted that there are two comments for the board's consideration. Chairman Rand read the letter into the record, including the following requests:

1. Minimize the appearance and provide a visual barrier – condition requirement for landscaping around the transformer, at a height and depth to provide adequate screening
2. Authorize a decrease in the number of parking spaces by allowing for 77% of the calculated amount of spaces to be built and remaining to be provided as reserve spaces at the municipal lot on Hudson Street and/or additional spaces on Patty Lane.

Mr. Rutan asked if the proposed boxwood hedge meets the Planning Board's requirements. Rick Leif, Planning Board Chairman, requested that the condition be worded to stipulate that the landscaping be done in a manner acceptable to the Library Board of Trustees.

Mr. Leif also explained that the Planning Board felt it was more important to provide as much parking as possible in lieu of saving trees in order to minimize the number of occasions that the Library is forced to use the auxiliary parking on Hudson Street. Mr. Rutan asked if there is on-street parking on Patty Lane. Ms. Joubert noted that there is none there now, but there is room for an additional 6 spaces. Mr. Rand questioned whether Patty Lane is wide enough for two lanes of traffic and parking. Ms. Joubert explained that more paving within the town's right of way will be necessary, and noted that it would be preferable to use the Hudson Street lot. She voiced her understanding that Jean Langley has also spoken with Trinity Church about the use of their parking lot.

Mark Rutan made a motion to close the hearing. Richard Kane seconded, vote unanimous.

Re-opening of the public hearing to consider the petition of Northboro Center Plaza, LLC for a Variance/Special Permit Site Plan Review for the construction of a retail building with drive through services on the property located at 14 West Main Street. (The Zoning Board of Appeals originally opened this public hearing on June 27, 2006, closed it on January 23, 2007, and voted to reopen it on February 27, 2007), 7:22PM

Ms. Joubert explained that the ZBA voted to reopen this hearing in order to consider comments from the Planning Board, voiced in a letter dated March 19, 2007 (copy attached). Mark Rutan read the comment letter into the record, including the following conditions to be considered:

1. The Planning Board recommended that the sidewalk be extended on the westerly side of the driveway over the existing landscaped area to provide better pedestrian access to the site from West Main Street.
2. The Planning Board asked the ZBA to work with the applicant to determine a delivery schedule that is acceptable and appropriate.
3. The Planning Board requested that the improvements to Church Street and Pierce Street, including the addition of the preemption signal, be completed prior to the reopening of the CVS store.

Attorney Mark Donahue displayed the site plan for context while he addressed the request for the sidewalk extension. He noted that, while elimination of the landscaped area and construction of additional sidewalk is physically possible, it will put pedestrians directly into the parking area and he does not believe that this is the best approach. Mr. Rutan asked if there is a better location to cut in. Attorney Donahue explained that there is no option that does not result in putting pedestrians into a parking space. Ms. Landau agreed that there appears to be no way to avoid entering into the parking lot at some point. Mr. Keenan from Quinn Engineering suggested installing a striped sidewalk across the parking lot to provide some level of protection.

Mr. Leif explained that the Planning Board will be proposing some zoning changes to the downtown area in order to make it more pedestrian-friendly. He noted that this project is being proposed in advance of that work, and does not work well for pedestrian traffic. He reiterated the safety concerns with pedestrian access from West Main Street. Attorney Donahue agreed that this site is not well suited for pedestrian traffic, and commented that it is too late in the process to consider redesigning the entire project for better pedestrian access.

Mr. Kane noted that the Planning Board meeting included some discussion about the fence between this property and the building housing Tom's Marketplace. He discussed the walkway to Tom's that will remain, and an existing stone wall that he understands will not be disturbed. Attorney Donahue confirmed that the portion of walkway within the CVS property will be landscaped in some fashion.

With regards to the delivery schedule, Attorney Donahue suggested language that stipulates that the applicant will endeavor to control deliveries based on internal circulation issues, and prevent substantial impacts to traffic in and around the site. He also noted that use of the drive-through lanes will be a key factor in the

scheduling deliveries, and suggested that CVS will exercise this control for their own benefit.

Mr. Rutan stated that he is accustomed to considering these types of concerns as they pertain to residential impacts, and questioned whether store deliveries are typically done during the day. Pat Dunford from VHB stated that there are typically one or two truck deliveries per week, and these are normally scheduled around 8:00AM to ensure optimum store operating efficiency. Mr. Kane voiced his opinion that the store will exert their own control over the delivery schedule. Chairman Rand agreed, and noted that this store has been in operation for years. Attorney Donahue suggested that, if the board feels strongly, they can include a condition that limits deliveries to normal business hours. Mr. Kane voiced his opinion that it is not necessary to put a restriction in the decision.

Chairman Rand asked about the status of the pre-emption signal. Attorney Donahue noted that both the pre-emption issue and cash contribution are already included in the draft decision.

Mr. Rutan asked Ms. Joubert if there is any chance that a delay could arise with regard to the pre-emption system that might result in the building being completed but occupancy being denied or delayed because of this condition in the decision. Mr. Litchfield explained that the signal work will be done in two parts, and that the opticon units can be installed in the existing equipment.

Chairman Rand noted that the RFP has been issued for the downtown signals and questioned whether this will change how the island is configured. Mr. Litchfield explained that the configuration of the island could change, but that the equipment could still be utilized. Mr. Leif explained that the Planning Board included this condition in their comment letter because of its importance to the Fire Chief.

Mr. Kane noted that adding a left-turn lane from the site onto Route 20 will require permission from Mass. Highway. Ms. Joubert noted that Mass. Highway has jurisdiction over the entire driveway. Mr. Kane suggested that the decision stipulate that these details need to be worked out with Mass. Highway prior to occupancy. If not, the applicant should be required to come back to the board with an alternative solution. Ms. Joubert stated that the applicant will be required to get a curb-cut permit before an occupancy permit can be issued. Mr. Farnsworth confirmed that a condition of obtaining a building permit requires the applicant to have a curb-cut permit, or a letter stating that one is pending.

Mr. Dunford from VHB voiced his understanding that Mass. Highway will begin reviewing the document once the local approvals are complete. During that time, he believes that the applicant is permitted to commence construction of the project (at his own risk) with the understanding that the occupancy permit will not be issued without a curb-cut permit.

Mr. Kane agreed that item #3 in the comment letter from the Planning Board has already been addressed in the draft decision.

Richard Kane made a motion to close the hearing. Mark Rutan seconded, vote unanimous.

DECISIONS:

14 West Main Street (CVS) - Board members were given copies of a draft decision for the CVS project. Ms. Joubert noted that the draft does not reflect tonight's hearing or any other conditions to be added. She explained that the board needs to vote on the decision tonight or schedule a special meeting, since there is no meeting scheduled before the April 23rd decision deadline.

Mark Rutan commented that the only substantial change is recommendation #1 from the Planning Board's comment letter. Mr. Ginsberg noted that there are no other issues to be addressed this evening, so the board is free to deliberate on this decision as long as necessary.

Mr. Farnsworth commented that the latest plan revision is January 2007. Attorney Donahue stated that a revised plan, incorporating all of the changes and conditions, will be submitted.

Mr. Kane asked Ms. Joubert for a copy of the Planning Board memo incorporated into the decision by reference.

Richard Kane made a motion to approve the draft decision. Chairman Rand recused himself based on the fact that he missed the last meeting. Ms. Joubert stated that Town Counsel has indicated that this is not necessary since the matter came up merely as a discussion point and no new information was provided. Chairman Rand appointed Sandra Landau as the third voting member in his place, and asked Mark Rutan to serve as Chairman.

Sandra Landau seconded the motion made by Richard Kane, vote unanimous.

34 Main Street (Library renovation) - Voting members for this decision were Mark Rutan, Richard Kane, and Sandra Landau

Sandra Landau made a motion to approve the request for a special permit and special permit with site plan review and requested that the two conditions, including the parking space waiver proposed by the Planning Board in their memo dated March 19, 2007 be incorporated into the decision. Mr. Kane noted that this decision includes a special permit with site plan review approval and a special permit due to the groundwater overlay district. He noted that the board has received comment letters from the Groundwater Advisory Committee (GAC), Fire Chief, Planning Board, and Town staff.

Ms. Landau noted that the site plan will show the snow storage location requested by the GAC, as well as the boxwood hedges requested by the Planning Board. She noted that the requirement for an Operation & Maintenance Plan, maintenance log, and as-built plan are standard conditions. Mr. Farnsworth suggested that the decision stipulate that there be "landscaping acceptable to the

Library Board of Trustees” instead of something more specific that he will be required to hold the applicant to.

Richard Kane seconded the motion made by Sandra Landau, vote unanimous.

Ms. Joubert agreed to draft a decision incorporating all of the comments and conditions and send it to the members for review and comment.

Minutes of the Meeting of February 27, 2007 – Richard Kane made a motion to approve the Minutes of the Meeting of February 27, 2007 as amended. Mark Rutan seconded, vote unanimous.

OTHER BUSINESS:

35 West Main Street - Mr. Kane asked about the status of the application for 35 West Main Street. Ms. Joubert noted that the owner has not filed yet. Mr. Farnsworth commented that there has not yet been a discussion with the Fire Chief, which he had recommended be done before coming back to this board.

Next Meeting - Mr. Kane asked about the meeting schedule. Ms. Joubert noted that only one application has been submitted thus far, and the applicant has been notified that there is a question as to the date of the next meeting. Mr. Farnsworth expressed knowledge of a potential for two more applications. Mr. Kane noted that the next meeting is May 22nd, but Ms. Joubert stated that there had been some discussion about holding a meeting on May 8th. Members of the board agreed to hold their next meeting on May 22nd.

Town Counsel - Mr. Kane voiced his appreciation to Ms. Joubert for soliciting an opinion from Town Counsel about the re-opening of the CVS hearing.

Zoning Changes - Mr. Rand asked about the zoning change proposed for Town Meeting, and asked if it will preclude the Stop & Shop project. Ms. Joubert noted that the Stop & Shop project is exempt from the zoning change as it was pending prior to the change.

Adjourned at 8:22PM.

Respectfully submitted,

Elaine Rowe
Board Secretary