



TOWN OF NORTHBOROUGH Zoning Board of Appeals

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Approved 1-22-08

Zoning Board of Appeals Meeting Minutes November 27, 2007

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

Others in attendance: Kathy Joubert- Town Planner; Bill Farnsworth- Building Inspector; Eileen Dawson- Recording Secretary; Linda Grady-Backholm- applicant; Timothy Travers- applicant; Michael Murphy- Project Coordinator from Consigli; Jeffrey Howland, PE -representative of Graves Engineering, Inc., Mr. Paul Gallagher- resident at 386 West Main Street, Ms. Koykka - resident at 20 Southwest Cutoff, and Mr. Lowen- resident at 15 King Street.

Chairman Rand opened the meeting at 7:00PM.

Public Hearings:

7:00 pm - **To consider the petition of Linda M. Grady-Backholm for a Variance/Special Permit to allow an addition on a non-conforming lot/structure located at 215 Crawford Street**

Ms. Grady-Backholm explained the request for a variance to add a 14'x16' four season room on the back of the house exiting from the den. The added room would have a sliding entry and exit to the side of the yard with side steps. Ms. Grady-Backholm commented that the septic has been professionally inspected and her contractor has also commented that this project does not interfere with the septic system.

Mr. Farnsworth explained why this addition would be non-conforming to include: 40,000 square feet is required, this is 80,000 square feet, 150 feet is required from the back and sides of the property line, this is only 100 feet and 90 feet, and less than 50% of the existing structure is allowed, this is within that limit for impervious area.

Zoning Board of Appeals members discussed the property and voted to close the hearing and vote on the petition.

Mr. Rutan motioned, Mr. Kane seconded, and it was unanimously voted: "To close the public hearing for 215 Crawford Street."

Mr. Rutan motioned, Mr. Kane seconded, and it was unanimously voted: "To grant a special permit to allow an addition of a non-conforming lot/structure for 215 Crawford Street."

Mr. Farnsworth suggested that Ms. Grady-Backholm record this project with the Registry of Deeds.

7:15 pm - **To consider the petition of NorStar Group dba Timmy's Towing for a Variance/Special Permit to allow repair and storage of motor vehicles on the property located at 14 King Street**

Timothy Travers discussed the plans for 14 King Street, which is currently office space, to be used for the storage and repair of motor vehicles. Mr. Travers explained that he tows for the police department, fire department, and surrounding towns; he would like to store the impounded cars and offer full-service repair to vehicles that he tows to his site. Mr. Kane asked if Mr. Travers would fence in the area. Mr. Travers commented that the plan is to have a stockade fence: 6 feet high, with a tight weave so as to not see through, and a gate with a locked chain linked area.

Mr. Travers explains that he has 3 road service vehicles and his focus is on towing, emergency repair, and small fixes; his focus is not to have a repair service business. Board members discussed the concerns of neighbors regarding potential increase in traffic on King Street.

Mr. Farnsworth explained the bylaw details related to Mr. Travers' proposal. Board members discussed the bylaw and the desire to have repairs related to towed vehicles only and for the business not to become a full-service vehicle repair center.

Mr. Travers explained his plans to store his three \$75,000 value each vehicles inside to keep them cleaner, warmer, and dryer especially in the winter months. He explained that his primary desire is to offer service to vehicles related to tows. The proposed building would be 34'x80' to store approximately 15-28 vehicles, the repairs would be inside (unless a tire repair or other minor repair which could be done outside), vehicle transporting and driving would be entering/exiting from route 20, and the typical vehicle turn around would be 24 hours.

Board members asked if Mr. Travers has contracts with the police and fire; Mr. Travers commented that he is not at liberty to discuss the details of this question.

Mr. Lowen, 15 King Street, explained his concerns with repairs being on-site related to the watershed area, traffic on King Street related to safety, and oil or antifreeze leaking in the area. The previous owner of 14 King Street gave some history of the property, expressed thoughts that Mr. Travers has been willing to work with neighbors, and that he has done a 200% improvement to the property. Ms. Koykka, current owner, explained the details of all the work that Mr. Travers has done to clean-up the property. Board members discussed the 2 entrance/exits to the property and the idea of changing the address to reflect 10 Southwest Cutoff instead of 14 King Street. Mr. Travers

was advised to talk with the town assessor's office and check with Mass Highway. Mr. Travers agreed to call the assessors tomorrow.

Mr. Rutan motioned, Mr. Kane seconded, and it was unanimously voted: "To close the public hearing for 14 King Street."

Board members told Mr. Travers that after the next hearing, they would decide on the petition request.

7:55 pm - To consider the petition of Vanderlondo Pitol for a Variance/Special Permit to allow expansion of a non-conforming structure/use on the property located at 394 West Main Street

Mr. Pitol explained his interest in building on the left side of the house a 24'x20' building with a concrete floor to store 12 lawnmowers, 3 trailers, 1 bobcat, and 4 dump trucks. Mr. Pitol explained that he is interested in buying 394 West Main Street to live there and operate his business from this location; however, the purchase is contingent on him being able to locate his business there. Mr. Pitol explained the plan to build a 6 foot high fence between the property and the neighbor's property. Board members discussed approving a 30'x30' structure.

Mr. Farnsworth explained the request for a variance is due to the non-conforming lot: this is a 20,000 square foot lot and 40,000 square feet is required; 150 feet of frontage is required, this has 100 feet of frontage, and 25 feet on sides and 50 feet in back - these back and side requirements are met. Board members discussed that no hazardous material would be permitted to be stored on-site and that the site is in a groundwater protection overlay area. The Board explained to Mr. Pitol that his plan for a full commercial business may require other special permits or variances.

Mr. Paul Gallagher, 386 West Main Street, discussed his concerns with bobcats, trucks, and other equipment being parked in the front of the property and requested that conditions be put in place to keep the vehicles in the rear of the property and to keep the area attractive. Mr. Pitol commented that he would park all vehicles in the back or in the new structure. Mr. Pitol explained his plan to put a stone wall and garden in the front yard.

Mr. Farnsworth explained water recharge issues and the need for a permit related to the groundwater bylaw. Ms. Joubert explained to Mr. Pitol that if the Board issues a special permit this evening, this is only to build a shed; this approval does not guarantee that a business could be operated from this location. Ms. Landau suggested consulting with an attorney to review the purchase and sale document before having the Board vote and to ask the Board for a continuance of the hearing until next month. The Board suggested that Mr. Pitol submit a second petition regarding operating a business to discuss at the January 22, 2008 Zoning Board of Appeals meeting.

Mr. Rutan motioned, Mr. Kane seconded, and it was unanimously voted: "To continue the hearing for 394 West Main Street on January 22, 2008 at 7:00pm."

Ms. Joubert reminded Mr. Pitol that December 21st is the application deadline for the January 22nd 2008 ZBA meeting.

Board members discussed the petition for NorStar Group. Mr. Farnsworth commented that the repair and storage of vehicles does require a special permit in the bylaw. Board members agreed to grant the permit.

Mr. Rutan motioned, Mr. Kane seconded, and it was unanimously voted: "To approve the special permit to allow repairs and storage at 14 King Street with the stipulation that repairs be done in the garage and a solid fence up to 6' and no more than the length of the building be added according to the site plan."

Old/New Business

- Discussion re: 172 Main Street development - Mr. Murphy and Mr. Cowen explained the interest in constructing a 1-2 story building with 7,000-8,000 square feet of space for only dental/oral surgery businesses. Mr. Howland explained the perc tests done on site, and explained that the septic and abandoned leach field is being looked at in more detail. Ms. Joubert explained that only 1 special permit for a non-professional building and dental office is needed. She commented that a new permit is not needed for the plan to remove the house on the property and build a building. Ms. Joubert explained that a site plan review is needed and December 21st is the deadline to file an application for the January 22, 2008 meeting.
- Discuss December Meeting Date - 4th Tuesday is December 25th.
Ms. Joubert commented that no applicants have filed for this month, a joint meeting with the Planning Board is planned for December 11th, and the next ZBA meeting is scheduled for January 22, 2008. Ms. Joubert suggested not having a meeting in December; Board members agreed.

Mr. Kane motioned, Mr. Rutan seconded, and it was unanimously voted: "To not have a Zoning Board of Appeals meeting in December 2007."

- Approval of Minutes
Board members discussed approving Open Meeting Minutes of August 28, 2007, Open Meeting Minutes of September 25, 2007, and Executive Session Minutes from joint meeting of October 29, 2007.

Board members agreed to wait until the December 11th joint meeting with the Planning Board before voting on the 3 sets of minutes.

- Update on Comprehensive Zoning Reorganization
Ms. Joubert explained zoning research, zoning bylaws, and proposed a potential solution to the present issue of which board should be the special permit granting authority (SPGA) and site plan review board for the business districts. Proposal is for ZBA to be the SPGA and site plan review authority for the Business East, Business West, and Highway Business Districts and for the Planning Board to be the SPGA and site plan review authority for the Downtown Business district and the Neighborhood Transition district. Ms. Joubert has discussed with the Planning Board and they are in favor of this compromise.

Board members discussed the route 20 downtown areas, areas with multi-families, areas for business use, the site plan reviews usually falling under the Planning Board, and special permits and variances usually falling under the ZBA. Ms. Joubert explained that the subcommittee had many discussions and proposals and she felt that the proposed division was a good plan. Board members discussed the thoughts on Ms. Joubert's proposal and 4 of the 6 Board members would like to keep the bylaw regarding SPGA and site plan review in the business districts as presently written today. The current bylaw provides for the ZBA to be the SPGA and site plan review authority for all business districts.

Mr. Farnsworth explained his thoughts that the proposal would bring consistency, be easier to know where to send the applicants, and to know which governing board/committee would handle each request. He explained that each board could still be consulted for advice and comments.

The Board asked that the zoning remain the same.

Ms. Joubert discussed Town meeting coming up and explained that she would like to propose a 5 member Board with 2 alternates. Ms. Joubert and Board members discussed how this change would give applicants a better chance at approval. Currently with a 3 member Board, the votes need to be unanimous for a special permit, but the 5 person Board would allow a 4 out of 5 member vote. Board members agreed with the proposal of a 5 member board. Ms. Landau shared her past experience trying to get a 5 member board with no positive results. Mr. Kane expressed some reservation with this proposed change. Board gave its informal agreement to increasing the board size to 5 members and 2 alternate members. Ms. Joubert will pursue this with the Town Administrator and Board of Selectmen.

At 9:40pm, Board member agreed to adjourn.

Mr. Kane motioned, Mr. Rutan seconded, and it was unanimously voted: "To adjourn the Zoning Board of Appeals meeting."

Respectfully submitted,

Eileen Dawson
Recording Secretary