



**Zoning Board of Appeals
Meeting Minutes
November 27, 2012**

Members in attendance: Richard Rand, Chairman; Mark Rutan, Clerk; Fran Bakstran; Rob Berger, Alternate; Jeffrey Cayer, Alternate

Members excused: Richard Kane

Others in attendance: Kathy Joubert, Town Planner; Fred Leonardo, Building Inspector; Elaine Rowe, Board Secretary; Don Tuttle, Hillside FXF; Attorney George Pember; David O'Connor, D & S Entertainment; Jeff Kwass, ViewPoint Sign and Awning; Kaffee Kang, Kang Associates, Inc.; Paul Gallagher; Jim Almonte, Waterman Design Associates; Rick Leif

Chairman Rand called the meeting to order at 7:00PM and noted that all five members present will vote on tonight's hearings.

Continued Public Hearing to consider the petition of D & S Entertainment LLC for a Variance/Special Permit to allow indoor commercial recreation and commercial amusement uses in the Industrial District on the property located at 444 Whitney Street, GIS Map 15, Parcel 21.

Attorney George Pember explained that the applicant would like to pass over this hearing and move to the hearing for 30 Forbes Road.

Public Hearing to consider the petition of D & S Entertainment, LLC for a Variance/Special Permit to allow indoor commercial recreation and commercial amusement uses in an Industrial District on the property located at 30 Forbes Road, GIS Map 15 Parcel 18

Attorney George Pember discussed the location of the property, and noted that the shape and topography of the lot are impediments to development. He explained that the property curves in toward the back of the lot, which makes it difficult, if not impossible, to have a loading dock that is critical for industrial use.

Attorney Pember noted that Aspen Aerogels occupies the front portion of the building, but the landlord is stuck without a tenant for approximately 1/3 of the building. He voiced his opinion that this appears to be a good match for both his client and the landlord.

Attorney Pember reiterated that the slope at the back of the property creates a hardship for the landlord, who has found it difficult to find a tenant for this industrial property. He stated that, if a variance is granted, it will not substantially violate the intent of the bylaw. He noted that having a tenant in the space will result in the building being maintained and the taxes being paid. He also noted that the business will create jobs, primarily for high school students.

Mr. O'Connor distributed information about the nature of the business, as well as a parking survey confirming that there is sufficient parking onsite. Mr. Berger asked about the typical age group for visitors to Mr. O'Connor's facility. Mr. O'Connor indicated that, though there is a fair amount of business from adult clients, the majority of his customers are between 6 and 19 years of age. Mr. Berger noted that he had seen online that another SkyZone facility had a ball pit and questioned whether Mr. O'Connor's site will as well. Mr. O'Connor confirmed that it will. Chairman Rand asked if the business is seasonal. Mr. O'Connor stated that he will operate year round, but noted that use will be higher in the winter months and on weekends. Ms. Bakstran asked about the business that shares the space. Attorney Pember noted that Aspen Aerogels makes products for insulation. Ms. Bakstran asked if there are any concerns that the Aspen Aerogels business could be a problem for customers using SkyZone. Mr. O'Connor noted that his peak operating hours (dinnertime Friday through dinnertime Sunday) are opposite those of Aspen Aerogels, so he does not anticipate any issues. Mr. Rutan asked Mr. O'Connor if he has been involved with this type of business in the past. Mr. O'Connor stated that he has not, but noted that his wife has worked for a similar operation. Mr. Berger asked if the facility will include any inflatable amusements. Mr. O'Connor indicated it will not. Mr. Cayer asked about truck traffic. Mr. O'Connor noted that Aspen Aerogels has one truck that makes deliveries every other day. Ms. Bakstran asked if there will be a food and beverage concession. Mr. O'Connor stated that there will be no kitchen, and all food and beverages served will be prepackaged. Mr. Rand asked how many employees the business will have onsite at any given time. Mr. O'Connor estimated 20 employees will be needed during peak hours of operation.

Ms. Bakstran asked if the business will include a video arcade or an ATM. Mr. O'Connor stated that it will not. Ms. Joubert discussed questions that Mr. Berger had raised in an email relative to any licenses that might be required for the business. She noted that Mr. Leonardo voiced his understanding that no licenses are needed as long as there are no inflatable amusements. Ms. Joubert stated that she had spoken with other town departments and the response from them was the same.

Ms. Joubert noted that the Fire Chief has not provided a comment letter, but has been speaking with the Building Inspector and anticipates that all of his issues will be addressed through the building permit process. Mr. Leonardo voiced concern about the material that the ball pit is made of, and the potential for injury. Mr. Cayer asked if there are any regulations on the number of egress points for an industrial use vs. an entertainment use. Mr. Leonard confirmed that there are, and indicated that it will be addressed during the building permit process.

Chairman Rand asked about the number of parking spaces. Mr. O'Connor stated that there are currently 146 or 161 available, but at maximum capacity his facility should only need about 75. Chairman Rand asked if other tenants in the building use the parking area. Mr. O'Connor stated that they do not.

Mr. Berger asked Mr. O'Connor how the ball pit is monitored to ensure that there is no debris or hazard in the pit. Mr. O'Connor stated that the ball pit is cleaned weekly, when everything is removed, cleaned, and put back.

Ms. Joubert asked about the number of employees. Mr. O'Connor mentioned that he expects to hire a total of 75 or more, most of which will be part time with only 4 to 6 being full time staff.

Mr. Rutan asked if everything is set up on a flat floor. Mr. O'Connor noted that the space will need to be custom designed from scratch, with the trampoline area to be on a raised platform. Mr. Rutan asked about the depth of the foam pit. Mr. O'Connor stated that it will be 6 feet deep.

He also noted that the business has adopted the safety standards from the association that monitors gymnastics.

Mark Rutan made a motion to close the hearing. Fran Bakstran seconded, vote unanimous.

Attorney Pember explained that, if the board approves the project at 30 Forbes Road, the applicant intends to withdraw the application for 444 Whitney Street. Chairman Rand stated that the board will require a written request for the withdrawal of that application.

Mr. Rutan stated that he has no issues with the proposal. Ms. Bakstran agreed. Mr. Rutan asked if Aspen Aerogels had voiced any objections to the proposal. Mr. O'Connor noted that they had been made aware of tonight's hearing, so their absence would lead him to believe they have no objections.

Public Hearing to consider the petition of ViewPoint Sign & Awning for a Variance/Special Permit to allow a proposed free-standing monument sign to exceed the required maximum size of 42 square feet on the property located at 300 Bartlett Street, GIS Map 67, Parcel 6

Jeff Kwass from ViewPoint Sign discussed his proposal to install a 6 foot high monument sign of 58.5 square feet, which is larger than what is allowed in the bylaw. He explained that, due to the scale of the site, distance of the building from the road, and the height of the hill, the building is not visible from the road.

Mr. Rutan asked if the top of the sign is at the 6-foot mark. Mr. Kwass confirmed that it is. Chairman Rand voiced his understanding that the applicant had initially received approval for the sign from the previous building inspector. Mr. Kwass confirmed that to be the case. Mr. Leonardo explained that the applicant had been given verbal approval to install the larger sign, but on review it was noted that its size exceeds what is allowed in the zone.

Chairman Rand asked if the sign is to be lit. Mr. Kwass confirmed that it is.

Fran Bakstran made a motion to close the hearing. Mark Rutan seconded, vote unanimous.

Public Hearing to consider the petition of the Northborough Affordable Housing Corporation for an Amendment to an existing 40B Comprehensive Permit to allow the addition of 4 new units on the property located at 1 Centre Drive, GIS Map 54, Parcel 89

Rick Leif explained that the Northborough Affordable Housing Corporation is a private, nonprofit organization formed in 2008 to develop more affordable housing in town. He stated that when the new senior center was built on Bearfoot Road, the Corporation proposed creating additional housing in the space formerly occupied by the senior center, with funding obtained from the Community Preservation Fund. He noted that an RFP was issued in 2010, and later that year was awarded to the Northborough Affordable Housing Corporation. Unfortunately it was discovered that, due to a miscommunication between the DHCD and the Northborough Housing Authority, the RFP was not done properly so it was rescinded and reissued. Mr. Leif stated that, in June of this year, the DHCD officially appointed the Northborough Affordable Housing Corporation as the developers of the project.

Mr. Leif explained that the Corporation has \$652,000 in funds to develop the project. He stated that there was a change to the building code in 2012 that will require the new building to have sprinklers and two means of egress for each unit, neither of which were part of the original plan.

Therefore, the Corporation will be going back to the Community Preservation Committee with a request for an additional \$50,000.

Mr. Leif explained that Ms. Joubert had suggested that the Corporation request an amendment to the existing 40B Comprehensive Permit to cover the construction of the additional 4 units. He noted that waivers are needed for the following:

- Parking – there are 33 parking spots for 32 existing units, but the bylaw requires 1.5 spots per unit. Mr. Leif stated that there have been no issues with parking onsite, so the Corporation is seeking a waiver of this requirement.
- Side Yard setback – the new building will not be the required 20 feet from the side lot line.
- Groundwater – at the time the original project was permitted, there was no groundwater bylaw in town. Presently, multifamily housing is not permitted in groundwater zones, so a waiver of this restriction is needed.

Jim Almonte from Waterman Design discussed the plan for the new construction on Centre Drive, off of Hudson Street. He noted that the site is 1.75 acres located in the downtown neighborhood district, with 100 feet of frontage on Hudson Street. He stated that the lot is not within 100 feet of any resources areas, but is located in the Groundwater 3 district. There are currently 32 units in five buildings, served by town water and sewer.

Mr. Almonte explained that the plan is to raise approximately half of the existing building and construct 4 new residential units within the same footprint. While the building will conform to the front setback requirements, he noted that the side setback will only be 16.8 feet so a waiver will be needed.

Mr. Almonte explained that the building will be aligned parallel to Centre Drive, with front doors off of Centre Drive that will be tied into the sidewalks. He also noted that a ramp will be added for handicapped accessibility.

Mr. Almonte stated that the utilities for the four new units will be underground, with one connection for all four units. He noted that the water and sewer connection will be from the front, with the gas and electric from the side. The traditional lighting fixtures will remain, with one of them being relocated further to the east. The landscaping plan calls for foundation plantings, with the portion along Hudson Street to be more heavily planted. Mr. Almonte explained that the planting material was approved by the Design Review Committee (DRC) earlier in the day.

Architect Kaffee Kang explained that the building will feature side by side units of one story, with one bedroom for senior citizens. She noted that unit #2 will be fully handicapped accessible, so is slightly larger than the others.

Mr. Rutan asked if the handicapped accessible unit requires a wider door. Ms. Kang stated that all exterior doors will be the same size. Mr. Berger asked if a hazmat survey has been done on the existing building. Ms. Kang confirmed that it has, and there are no issues. Mr. Cayer asked about the source of funding. Mr. Leif discussed the Community Preservation Act, adopted by the town several years ago, which provides funding for a variety of causes including affordable housing.

Ms. Bakstran asked if the units are 600 square feet in size. Ms. Kang confirmed that they are. Ms. Bakstran voiced her understanding that the laundry facilities for the entire complex were

contained in the old senior center. Mr. Leif stated that that portion of the building will remain. Ms. Joubert reiterated that only half of the existing building is being demolished, with the two-story section to be retained.

Mr. Rutan asked if the units will have central air conditioning. Ms. Kang stated that they will not. Ms. Joubert explained that the DHCD protocol requires that units added to an existing development be as similar as possible to the existing units. Chairman Rand asked if there is a contingency plan should the 33 parking spaces prove insufficient. Mr. Leif noted that there are arrangements to use part of the Trinity Church parking lot, as well as public parking located across Hudson Street.

Ms. Bakstran spoke in favor of the proposal. Ms. Joubert stated that she has a comment letter from the Police Chief in which he voices his support. She also received comments from the DRC, who is in favor of the plan as well.

Mark Rutan made a motion to close the hearing. Jeff Cayer seconded, vote unanimous.

DECISIONS:

30 Forbes Road – Members of the Board agreed that this is a good use for the property. Mr. Berger stated that his only concern is with truck traffic, but it appears that it will not be an issue. Mr. Rutan commented that customers entering and exiting create more of a hazard than the truck traffic.

Mark Rutan made a motion to grant a variance to allow indoor commercial recreation and commercial amusement uses on the property located at 30 Forbes Road, Unit C, based on the shape of the lot. Jeff Cayer seconded, vote unanimous.

300 Bartlett Street – Members of the board agreed that this a reasonable request, especially given the location.

Mark Rutan made a motion to allow a free-standing sign, not to exceed 60 square feet, on the property located at 300 Bartlett Street. Fran Bakstran seconded, vote unanimous.

1 Centre Drive – Mr. Rutan commented that this is a great use for the site. Members of the board agreed. Ms. Bakstran asked about the process for extending the 40B Comprehensive Permit. Ms. Joubert noted that she had spoken with someone at the state level, and they agreed that amending the Comprehensive permit would be the cleanest approach.

Mark Rutan made a motion to amend the 1982 comprehensive permit decision to allow construction of an additional 4 units with the following conditions/waivers:

- side setback to be no less than 15 feet
- allow less than 1.5 parking spaces per unit
- allow for a multifamily development in the Groundwater 3 district.

Fran Bakstran seconded, vote unanimous.

Minutes of the Meeting of September 25, 2012 – Mark Rutan made a motion to approve the Minutes of the Meeting of September 25, 2012 as submitted. Fran seconded, vote unanimous.

Adjourned at 8:19PM.

Respectfully submitted,

Elaine Rowe
Board Secretary