



Approved 7/23/13

**Zoning Board of Appeals
Meeting Minutes
June 26, 2013**

Members in attendance: Richard Rand, Chairman; Mark Rutan, Clerk; Fran Bakstran; Richard Kane; Brad Blanchette, Alternate

Absent: Robert Berger; Jeff Cayer, Alternate

Others in attendance: Kathy Joubert, Town Planner; Fred Lonardo, Building Inspector; Fred Litchfield, Town Engineer; Elaine Rowe, Board Secretary; Kevin Carroll; Michael Sullivan, Connorstone Engineering; Tony Abu; Diane Reynolds; Peter Wikander; Jeff Leland; Chris Curtis, Compass Data Centers; Tom Lowe; Brian Kearney; Robert Lin

Chairman Rand called the meeting to order at 7:00PM.

Public Hearing to consider the petition of PAMJAM Realty LLC for a Variance/Special Permit to allow the use of two duplexes on two lots in the Residential C District, on the property located at 15 Pinehaven Drive, GIS Map 82, Parcels 12 & 13 (remanded to the Board of Appeals for a de novo rehearing after an appeal)

Chairman Rand explained that this hearing will be continued to the next meeting (July 23, 2013) as the matter must be heard by the same board members who heard it originally. Ms. Joubert stated that she had mailed a letter to all abutters explaining the situation.

Mark Rutan made a motion to continue the hearing to July 23, 2013 at 7:00PM. Fran Bakstran seconded, vote unanimous.

Public Hearing to consider the petition of Abu Construction for a Variance/Special Permit/Special Permit Site Plan Approval/Special Permit Groundwater Protection Overlay District to allow construction and use of a commercial building, with associated parking, access drives, utilities and landscaping, on the property located at 9 Monroe Street in Groundwater Protection Overlay District 3

Michael Sullivan of Connorstone Engineering discussed the location of the 22,000 square foot parcel and the applicant's plans for the construction of a 6,000 square foot commercial building. He noted that the property is in the downtown business zone, and stated that the 23 proposed parking spaces should be sufficient to serve the mix of medical and professional offices.

Mr. Sullivan stated that runoff will be handled using subsurface infiltration including a series of culvert chambers, leaching system and a stormceptor with deep sump catch basin. He also noted that town water and sewer connections are available from Monroe Street.

Mr. Sullivan explained that the plan originally included an outlet pipe but the Town Engineer voiced his preference that the overflow be connected into the drainage system in Monroe Street so the infiltration system has been increased to accommodate a 100-year storm event and the outlet pipe has been eliminated.

Mr. Sullivan stated that 15% open space is required, and the plan provides for 22%. He also discussed the orientation of the building. He noted that the bylaw stipulates that the building must face the street or a prominent feature, and voiced his opinion that it is appropriate to consider the monument a prominent feature. He also commented that having the building face Route 20 would require the board's approval, but would be preferable to having the side of the building face the main roadway. He also noted that 50% of the open space must be in front of the building and the ability to meet this requirement will depend on the orientation of the building.

Mr. Sullivan noted that a waiver from the board is also required for the access road.

Mr. Sullivan also discussed details of the lighting and landscaping plans. He noted that 4 light fixtures are proposed in the parking lot with 2 lights to be mounted on the southerly side of the building. For landscaping, he explained that ornamental grasses are proposed along the Route 20 side of the building, with 2 planting beds adjacent to the parking lot with arborvitae, and fencing to be installed around the dumpster. Other plantings will be included as specified on the plan. Mr. Sullivan stated that an additional waiver is needed for the planting bed to reduce the required buffer from the building from 8 feet to 4 feet to allow more open space.

Ms. Bakstran asked about measures to be taken during the construction phase to ensure that there are no negative impacts to the groundwater. Mr. Sullivan stated that a temporary sedimentation basin will be used to collect runoff. Ms. Bakstran asked if there is any way to save the existing building. Mr. Sullivan stated that it is economically feasible to do so.

Ms. Bakstran questioned access to the dumpster. Mr. Abu stated that access will be via two rear doors on the building, which are to be used by employees only. Ms. Bakstran asked about doors on the front of the building. Mr. Abu indicated that there will be four exterior doors.

Mr. Rutan asked if the infiltration will handle both the parking lot and roof runoff. Mr. Sullivan confirmed that it will. Ms. Bakstran addressed the access road, which is currently just a known easement. Mr. Abu stated that the roadway is paved, and will be used as the driveway for the new building. Mr. Sullivan explained that the driveway will be centered more within the easement to make it a proper drive.

Chairman Rand asked if the applicant is agreeable to the sidewalk recommended by the Planning Board. Mr. Abu commented that he is still evaluating the situation and is not yet sure what he will do. Ms. Bakstran voiced her opinion that the Planning Board makes a good recommendation and justification.

Chairman Rand questioned the Design Review Committee process, and asked to see a copy of the rendering of the proposed building design. Mr. Abu explained that the proposed building will be similar in size to the one located at 96 West Main Street and will be traditional in style.

Ms. Bakstran asked the applicant to review the recommendations made by the Groundwater Review Committee in the Town Engineer's review letter dated June 26, 2013 (copy attached). Mr. Sullivan addressed them as follows:

- The commercial use as proposed is allowed within Groundwater Area 3 in accordance with section 7-07-010 D (1) (c) [3] provided there is no accessory use involving the manufacturing, storage, application, transportation and/or disposal of toxic or hazardous materials which would require a special permit under section 7-07-0 10 D (3) (c) [3] if proposed. At this time the application does not include any information regarding any accessory use involving the manufacturing, storage, application, transportation and/or disposal of toxic or hazardous materials and therefore this special permit is not required.

Mr. Sullivan commented that this request will need to be a condition of approval as it is not possible to generate a list of such materials until the tenants for the building are determined.

Mr. Lonardo stated that, once tenants for the property have been secured, if it is found that any potentially hazardous materials, the applicant will be required to come back to the board to present information about materials and quantities to be stored onsite. He noted that this information is typically disclosed through the building permit process.

- The application indicates the proposed building will be connected to Town sewer, Town water, and will use propane gas for heating.
- The application indicates a subsurface infiltration system and should include an overflow to the existing storm drain in Monroe Street.

Mr. Sullivan stated that this issue was addressed earlier in his presentation. He reiterated that the entire amount of runoff will be infiltrated with no discharge.

- At least one permeability test should be performed within the area of the proposed subsurface infiltration system to verify the rates of infiltration.

Mr. Sullivan confirmed that the applicant has agreed to perform a permeability test as indicated.

- The Stormwater Operations and Maintenance Plan shall be included in any approval.
- An as-built site plan shall be submitted to the Town Engineer for approval prior to the issuance of a certificate of occupancy. The as-built plan shall include, at a minimum, and as applicable to the project, a permanent benchmark, elevation of all pipe inverts and outlets, pipe sizes, materials, slopes; all other drainage structures; limits of clearing, grading and fill; all structures, pavement; contours; and all dates of fieldwork. Upon approval by the Town Engineer one (1) mylar and three (3) paper copies of the as-built plan shall be submitted in addition to an electronic copy compatible with the Town's GIS system and the Town's vertical datum (U.S.G.S. Datum of 1988).

Mr. Sullivan confirmed that an O&M Plan and as-built plan will be provided at the completion of the project.

Mr. Litchfield also discussed additional comments he included in his comment letter on behalf of the Public Works and the Engineering Departments:

- The applicant shall be required to install an asphalt sidewalk and berm on the easterly side of Monroe Street from approximately 20 feet south of the property line and extending to the sidewalk on West Main Street (a total of approx. 325 feet). A drain manhole and catch basin with a granite curb inlet shall also be installed on the easterly side of Monroe Street in order to capture the existing gutter flow.

Mr. Litchfield explained that the DPW no longer has the staff to do the sidewalk work that they have done in the past, so sidewalk work now goes out to bid instead of being handled in-house. He noted that the consensus was that if a sidewalk was going to be required, the town would make the applicant responsible for installing it instead of simply providing funds as has been done in the past.

- The applicant shall provide a new water service and cut off the old service at the corporation. The new water shut off shall be installed in the grass plot.
- The stormceptor 450 seems inappropriate in this location and should be re-evaluated and possibly increased to accommodate the number and size of pipes proposed to be connected before discharging to the subsurface infiltration system.

- The overflow pipe from the subsurface infiltration system shall be relocated to Monroe Street as opposed to discharging to the abutter at the rear of this site. There is also a drain line within the Town owned property to the north of this site which may also offer another alternative for discharging the overflow. The overflow pipe shall be assumed to be flowing full and have the capacity of all downstream pipes evaluated for this additional flow.

Mr. Litchfield explained that there have been situations where there has been infiltration on projects in town, and if maintenance is not done by the applicant, there are issues with overflow so he would like to ensure that the town gets some relief on that. He suggested that runoff should be directed to the storm drain in the street if possible.

Mr. Litchfield also noted that there is a drain line that runs across the town property that may be low enough, and suggested that the applicant work with the town to explore the possibility of utilizing it.

Mr. Litchfield discussed the sidewalk to be installed up against the edge of the berm. He suggested that the applicant install a catch basin on one side of the road with a drain manhole across the street to capture the water. He noted that the applicant had not received this information until earlier today, and may wish to continue the hearing to allow for further discussion. Mr. Sullivan stated that this work represents a major expense for a relatively small project and the applicant would prefer not to be required to do it. He also questioned how it relates directly to the project proposed.

Mr. Lonardo asked if the property abuts any residential districts. Mr. Sullivan stated that he does not believe so. Mr. Lonardo noted that there is a 10 foot buffer required around all parking areas if they abut a residential zone. Mr. Sullivan voiced his opinion that the project plans are in compliance with this requirement.

Mr. Lonardo asked about the types of lighting fixtures to be used and the height of the poles. Mr. Abu explained that the two outside lights are proposed to be 20 feet in height, and agreed to reduce their height if at all possible. He also noted that two additional fixtures will be wall-pacs on the back of the building. Mr. Rutan asked if the lighting fixtures will shine down. Mr. Abu confirmed that they will. Ms. Bakstran asked what times the fixtures will be programmed to be on. Mr. Abu suggested that the timer will be set to turn them off at either 10:00PM or 11:00PM. Mr. Lonardo commented that there is no requirement for the lights to be off at a particular time unless the board wishes to set one. Mr. Abu noted that the project is a professional building, so nobody is expected to be on the property overnight.

Ms. Bakstran noted that the parking is proposed for the front of the building, and suggested that the board could request that the lights be turned off at an early time since there are residential properties nearby. Mr. Abu stated that he would prefer not to, but would do so at the board's request.

Mr. Lonardo voiced his desire to define the lighting pole height, and noted that the DRC had suggested a lower height but did not define the specifics. Mr. Abu commented that he would also prefer a lower pole height, but that the appropriate height will be

determined by the lighting consultant. Ms. Bakstran noted that the parking lot is at a lower elevation than the building. Mr. Rutan suggested that the parking lot lights will be masked by the building. Mr. Abu reiterated that he will work with the lighting consultant to see if the height of the poles can be reduced.

Ms. Joubert asked Mr. Sullivan to reiterate the waivers that are being requested. Mr. Sullivan noted that they are as follows:

- 2nd access (section 7-09-030-C1a) 200 feet
- Section 07-08-030-c2b – the applicant is requesting that the buffer required between the building and planting bed be reduced from 8 feet to 4 feet.

Mr. Sullivan also noted that a special permit is required under groundwater, and that no variances are being requested.

Ms. Joubert discussed the comment letter from the Planning Board, dated June 25, 2013 (copy attached), in which they strongly support the addition of the sidewalk. She explained that situations have changed in town with the installation of the new DPW Director and the staffing issues within that department. She reiterated that the request for sidewalks is completely consistent with what the town has been doing for the past 20 years, and voiced her opinion that it is one of the most important issues we have addressed. She also noted that, with all of the new development and work being done in the downtown area, there is a continued interest in providing sidewalks wherever possible. She stated that, ideally, the town would like to see a sidewalk installed all the way up Monroe Street to the corner of Gale Street, but she understands that the applicant does not own this entire stretch.

Ms. Joubert also discussed the comment letter from the Design Review Committee (DRC), dated June 25, 2013 (copy attached). She noted that the DRC is comfortable with all details of the plan, with the exception of the height of the lighting poles. She explained that the DRC wanted more lights in the parking lot and fewer on the building, but the pole height was of concern. Since the applicant is agreeable to reducing the height of the poles if possible, there are no remaining issues of concern to the DRC.

Ms. Joubert addressed signage for the building, and voiced her understanding that it will be similar to the signage at 96 West Main Street.

Ms. Joubert discussed the review letter from the Fire Chief dated April 26, 2013 (copy attached), which she believes the applicant has not yet seen. She noted that the Chief references water supply pipes not shown on the plan, and is requesting a minimum of an 8-inch pipe. He also indicates a need for a fire hydrant, with recharger and related drain structure capable of supporting 42 tons. Mr. Sullivan stated that the applicant did not anticipate the need for a fire hydrant.

Mr. Lonardo asked about a sprinkler connection to the building. Mr. Sullivan stated that there are no sprinklers planned. Mr. Lonardo stated that the issue of whether the building is required to have sprinklers or not will come out during the building permit process. Mr. Abu voiced his opinion that sprinklers are not required.

Mr. Abu voiced concern about the request that he install sidewalks. He explained that, as a builder in town for many years, he was one of the first developers required to put in sidewalks. He commented that, for this project, he owns 167 feet of frontage and the town is asking him to install 340 feet of sidewalk. He noted that this project is very small in size, and suggested that adding in these types of things will result in the project not being economically feasible. Chairman Rand stated that the town can still require the installation of sidewalks. Mr. Abu stated that there is nothing in the bylaw requiring a sidewalk for this type of project. Ms. Joubert stated that this is not an unusual request, and noted that the town has imposed this requirement for numerous other projects in town.

Mr. Abu asked about the construction of the requested sidewalk, specifically how to hold the berm on the street side in place. Mr. Litchfield suggested that it could be keyed into the asphalt. Mr. Abu reiterated that he only owns a portion of the property where sidewalk installation is being requested. Mr. Litchfield stated that he is not able to negotiate the sidewalk issue as it is a directive from the DPW Director. Ms. Bakstran commented that sidewalks have previously been done in-house by DPW staff, using money from a fund provided by developers. She suggested that the town continue to obtain money for the sidewalk fund and wait until we do have staff to continue with the sidewalk work. She voiced her opinion that it is unfair to ask the applicant to do this on his own. Mr. Rutan commented that the town may never have sufficient staff to do the work. Ms. Joubert confirmed that the DPW has been understaffed and that they expect to continue to be. Because of this situation, there has been a policy change with regards to sidewalks and she foresees that any sidewalk funds acquired moving forward will need to be at the prevailing wage rate.

Mr. Sullivan asked if the sidewalk could be done as a joint project between the applicant and the town. Mr. Litchfield stated that the town does not have the staff to do so. Mr. Abu indicated that he will need to discuss the matter with the DPW Director, and reiterated that the sidewalk requirement and associated expense may make it difficult for him to move forward with the project.

Kevin Carroll, 45 Auger Ave, expressed concern about asking a developer to install a sidewalk on town property and suggested that the town should use CPC money to have this work done. He also discussed other locations in town where sidewalk installation should be more of a priority.

Mr. Carroll also voiced his opinion that the majority of the water problem is due to the flow coming off the hill where the water tank is located, and he does not believe that the town should require the applicant to resolve a problem that he is not creating.

Diane Reynolds, 36 Crestwood Drive, noted that the walk from Crestwood Drive to the Post Office is quite challenging, and that location should be a higher priority for sidewalks. She also stated that, while she agrees with having sidewalks throughout town, she does not agree that Mr. Abu should be responsible for the installation being requested. She also emphasized the safety concerns for children using Assabet Park, and asked what the town is going to require for sidewalks along Gale Street. Ms.

Bakstran reiterated that the town does not have the means to install sidewalks with taxpayer money. Mr. Abu commented that taxes in town are high, and noted that there are no school impacts generated from his proposed project.

Ms. Reynolds also asked about drainage during development, specifically given the close proximity to Assabet Park. Mr. Lonardo suggested that construction fencing be installed.

Peter Wikander, 14 Monroe Street, noted the elevation change between the building and the lot, and asked if the proposed building will be built at the same level as the existing structure. Mr. Sullivan confirmed that it will be essentially the same. Mr. Abu stated that the first floor of the new building is approximately 5 feet lower than the existing. Mr. Wikander asked about the proposed setback. Mr. Sullivan stated that it will be 8.5 feet.

Jeff Leland, 22 Pleasant Street, commented that this property has been on the market for some time and the adjacent property has been vacant for even longer. He voiced his opinion that Mr. Abu's project is well suited for the parcel.

Ms. Reynolds asked how the driveway location for the proposed project will affect traffic using the driveways for the bank nearby. Mr. Abu noted that the street is not a busy one. Mr. Sullivan commented that the bank driveways are 50 feet away.

Mr. Abu requested that the hearing be continued to July 23, 2013. Ms. Bakstran asked Mr. Abu to provide an answer about the height of the lighting poles at the next meeting.

Mark Rutan made a motion to continue the hearing to July 23, 2013 at 7:00PM. Richard Kane seconded, vote unanimous.

Public Hearing to consider the petition of Lowe's Variety & Meat Shop, Inc., for a Variance/Special Permit/Special Permit, Groundwater Protection Overlay District, to allow an above-ground generator with a self-contained diesel fuel storage tank to be located behind the building at 255 West Main Street in Groundwater Protection Overlay District Area 3

Tom Lowe discussed his plan to install a generator large enough to power his store during power outages. He stated that the installation will include the generator, installed on a pad with a double-walled fuel tank with electronic leak detector that will be connected to his store alarm. He stated that the generator and tank are to be located behind the store adjacent to the new electrical meters. Mr. Rutan asked if any of the other businesses in the plaza are seeking to do the same thing. Mr. Lowe stated that no additional generators have been proposed. Ms. Bakstran asked if locating the generator in close proximity to the electrical meters is an issue. Mr. Lonardo confirmed that it is not. Ms. Bakstran voiced support for the proposal, as residents of the town rely on Mr. Lowe's store being open.

Mr. Rutan asked about access for fuel deliveries. Mr. Lowe noted that the entire area is paved, so it will be possible for a fuel truck to drive directly up to the tank.

Mr. Rutan asked if the generator will be run only in the case of an electrical outage in town. Mr. Lowe noted that there will be an automatic transfer switch to engage the generator when the power goes out. Other than those times, he will need to do a weekly test, which will typically be done during his normal business hours.

Kevin Carroll, 45 Auger Ave, voiced his opinion that it is in the public interest to ensure that Lowe's Market can remain open during instances of power outages.

Diane Reynolds, 36 Crestwood Drive, agreed with Mr. Carroll. She commented that Mr. Lowe has done much for the town, and we all benefit from his presence.

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

Public Hearing to consider the petition of Andrew Wolthers, Littlejohn Engineering Associates, for a Variance/Special Permit/Special Permit Site Plan Approval/Special Permit, Groundwater Protection Overlay District, to allow the addition of an electronic data center facility, storage of hazardous material (diesel fuel for generators) and parking reductions on the Iron Mountain facility site located at 175 Bearfoot Road in Groundwater Protection Overlay District Area 3

Chris Curtis of Compass Data Centers discussed plans for the addition of an electronic data center facility on the Iron Mountain property. He noted that Iron Mountain has an existing 500,000+ square foot facility, with extra land at the front of the property near Bearfoot Road. He explained that Iron Mountain is now offering a data storage service, and is proposing to construct the data storage facility to support this service.

Mr. Curtis stated that the proposed building will be 21,000 square feet, with minimal staff, and will not impact the town's infrastructure. He noted that the building will generate revenues with low impact.

Mr. Kane asked about any negative aspects of the project. Mr. Curtis commented that there are many more positives than negatives.

Mr. Rutan asked about fire suppression. Mr. Curtis stated that the existing system is quite robust, with Iron Mountain having its own 8-inch fire line coming into the building. He explained that the pipe to the data center will have no water until an alarm is triggered to avoid damage from unintentional leaks. He also stated that the diesel generators have dual tanks with a leak detection system. He commented that this facility has one of the most advanced systems, and that it is well monitored and managed.

Chairman Rand asked about diesel storage. Mr. Curtis indicated that there will be 8,000 gallons stored in an above ground tank on a concrete pad, and each building will have at least one additional generator. He noted that the applicant would like to be permitted to have the ability to build and install a total of 6 generator sites. Mr. Litchfield voiced his understanding that there will be 2 generators per phase, with 4,000 gallons

per generator for a total of 24,000 gallons of fuel storage. He confirmed that 24,000 gallons was the volume reviewed and approved by the Groundwater Advisory Committee.

Mr. Litchfield stated that a separate 10 inch water main to service the new building and the application has accommodated that in the revised plans submitted last week, which incorporated comments made by the Fire Chief and the DPW Director. Ms. Bakstran asked if there will be an issue if the board approves a plan with a 10-inch main and town staff later approves an 8-inch main. Mr. Litchfield confirmed that there will not be. Ms. Bakstran asked if Mr. Litchfield is satisfied that the Fire Chief's concerns have all been addressed. Mr. Curtis confirmed that the Fire Chief's requests have been accommodated in the revised plans. Mr. Litchfield suggested that the board include the Chief's requests as conditions of the decision.

Mr. Litchfield explained that the applicant is required to post a bond to ensure stabilization of the site during construction. He noted that an Earthworks Permit is required in the Industrial Zone, which will include conditions for bonding, hours of operation, etc. He stated that these conditions have been reviewed and the applicant has expressed no issues with compliance.

Mr. Litchfield discussed his review letter dated June 25, 2013 (copy attached) that includes several conditions from the Groundwater Advisory Committee (GAC), as well as some from engineering and the DPW, one of which is the requirement to mill and overlay a section of Bearfoot Road. He asked that this be included as a condition of the decision. Mr. Curtis commented that the applicant takes issue with the requirement to mill and overlay a 900 linear foot section of Bearfoot Road. He voiced shock about the request, and does not know why the town would make it the applicant's responsibility, especially given that this is not even part of the roadway that is used by the Iron Mountain facility.

Ms. Bakstran noted that the applicant is seeking a variance for a reduction in parking, and voiced her opinion that it makes sense.

Brian Kearney, 212 Whitney Street, stated that he had received letters about the project as an abutter to the property and asked to see a copy of the plan. Mr. Kearney noted that a right of way exists on Whitney Street between him and his neighbor for an underground electrical feed. He asked if there is any digging proposed in that area. Mr. Curtis stated no digging is proposed in that area. He noted that each building will have its own independent transformer, and that service will come in off of Bearfoot Road.

Robert Lin, 290 Whitney Street, discussed noise generated from the Iron Mountain property throughout the night, and asked about additional traffic and noise that will be generated by three additional buildings. Mr. Curtis commented that the impact will be low, and the only time that large trucks will be needed for these buildings will be during initial construction. He also noted that most of the deliveries will occur during the day.

Mr. Lonardo suggested that pre-development and post-development noise tests be required Chairman Rand voiced his opinion that these were appropriate when the large

facility was constructed, but did not agree that they are necessary for the data center. Mr. Rutan asked about air conditioning. Mr. Curtis stated that the facility will have rooftop units. Mr. Rutan asked about lighting. Mr. Curtis indicated that it will be minimal.

Mr. Lin asked about security onsite. Mr. Curtis stated that there will be a guard on duty 24 hours a day, 7 days a week. In addition, there will be a fence around the outside equipment and the applicant is seeking permission to install perimeter fencing. He explained that Iron Mountain has not yet decided whether to install the perimeter fence, but is seeking permission for an 8-foot fence in the event they ever choose to do so.

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

Public Hearing to consider the petition of Northborough Commons, LLC, for a Variance/Special Permit/Special Permit, Groundwater Protection Overlay District to allow a proposed horizontal mixed-use development, consisting of a single-story building for retail use and a 2-story building with retail use on the first floor and residential use on the second floor, on the property located at 61 and 65 West Main Street in Groundwater Protection Overlay District Area 3

Ms. Joubert explained that the applicant had sent an email requesting a continuance to the next meeting.

Mark Rutan made a motion to continue the hearing to July 23, 2013 at 7:00PM. Fran Bakstran seconded, vote unanimous.

Public Hearing to consider the petition of 318 Post Road Corporation for a Variance/Special Permit to allow in Groundwater Protection Overlay District Area 3, the expansion of the existing on-site sewage disposal system to service a proposed restaurant to be located in the building at 318 Main Street

Ms. Joubert indicated that the applicant has requested a continuance.

Fran Bakstran made a motion to continue the hearing to July 23, 2013 at 7:00PM. Brad Blanchette seconded, vote unanimous.

DECISIONS:

255 West Main Street – Mr. Rutan indicated that he has no issues with the project as proposed. Members of the board agreed.

Fran Bakstran made a motion to grant a special permit to allow for an above-ground generator with a self-contained diesel fuel storage tank, not to exceed 200 gallons of diesel fuel, to be located behind the building at 255 West Main Street in Groundwater Protection Overlay District Area 3. Richard Kane seconded, vote unanimous.

175 Bearfoot Road – Ms. Bakstran stated that she has no issues with the project as proposed. Members of the board agreed. Ms. Joubert reminded the board members about the Earthwork Permit requirements, since the town has no other mechanism to address these issues other than to condition them in the decision.

Ms. Bakstran voiced her opinion that it is a bit of a reach to try to incorporate a requirement for roadwork in Bearfoot Road as part of this project. Members of the board agreed that the work needed in Bearfoot Road should not be the applicant's responsibility.

Mr. Lonardo stated that the address for the new building will be 171 Bearfoot Road, and noted that even though the new data center occupies the same lot as Iron Mountain's main facility, it will have its own address. He also reiterated his request for ambient noise testing, especially since the property abuts residential properties.

Mr. Litchfield referenced the request for approval for 24,000 gallons of fuel storage, and suggested that he would like to have the ability for an in-house review if the applicant ever opts to change the plan from six 4,000 gallon tanks to a single 24,000 gallon tank.

Fran Bakstran made a motion to grant a variance for the Iron Mountain facility to be located at 171 Bearfoot to allow for a parking reduction as outlined in the plan titled "ZBA Site Plan Submittal" dated June 20, 2013. Richard Kane seconded, vote unanimous.

Mark Rutan made a motion to grant a special permit to allow for diesel fuel storage, not to exceed 25,000 gallons, on the property located at 171 Bearfoot Road. Fran Bakstran seconded, vote unanimous.

Mark Rutan made a motion for Site Plan Approval with the following conditions:

- Erosion Control measures shall be installed to prevent the movement of material to resource areas or from leaving the site.
- Earth moving operations shall occur between the hours of 7 AM and 5 PM weekdays and between 7 AM and 12 Noon on Saturdays. No earth moving operation shall be conducted on Sundays or Holidays unless permitted by this Board.
- Heavy vehicle traffic shall maintain reasonable noise levels and speeds.
- Any spillage on public roads shall be cleaned up at the end of each day's activity.
- Dust nuisance shall be kept to a minimum during operations.
- No cuts greater than 6 feet shall be left at the end of each day. No dangerous conditions such as potential slides of unsupported buildings and banking shall be allowed.

- No stumps or other debris shall be buried on the site.
- The project shall be brought to final grade as shown on the plans as approved by this board and all disturbed areas shall be restored prior to the end of the construction season
- A minimum of 4 inches of compacted loam, shall be placed on all disturbed areas.
- All excess loam shall be kept within the Town of Northborough.
- Any change to the natural drainage shall be designed to meet the requirements of the DEP Stormwater Management Policy, the Town Engineer and all local regulations. No drainage shall enter onto a town road without the approval of the Department of Public Works.
- Upon completion of the work covered by this Permit, the applicant shall submit an as-built plan. The as-built plan shall include, at a minimum, and as applicable to the project, elevation of all pipe inverts and outlets, pipe sizes, materials, slopes; all other drainage structures; limits of clearing, grading and fill; all structures, pavement; contours; and all dates of fieldwork.
- Upon completion of all the above conditions, the Zoning Board of Appeals shall forward a letter to the treasurer and bonding agency (as appropriate) indicating all monies and interest posted to complete this project shall be returned to the applicant.
- This Permit is for the removal of up to 1000 cubic yards of borrow material.
- The infiltration basins shall be installed as soon as the site is cleared and grubbed and all site run off shall be directed toward one or the other of each basin. These basins shall act as sedimentation basins during construction and until the site is stabilized.
- All existing loam and topsoil shall be stockpiled and kept on site until the project is completed.
- A maximum of 6.63 acres may be disturbed.
- Tire scrubbers shall be installed and maintained to the satisfaction of the Town Engineer.
- A bond in the amount of \$45,000 shall be posted prior to the start of any work, to

insure the complete stabilization of all disturbed areas if the project is not completed in accordance with the approved plan.

- The project currently has a special permit (Case No. 99-16) dated July 26, 1999 which allowed the project to construct a 97,400 s.f. addition and a 123,796 s.f. addition to an existing warehouse building and a 30% reduction in the parking requirements.
- The application is for the construction of a 56,020 s.f. data center to be built in 3 phases.
- Each phase will be equipped with two standby generators per phase and each generator is proposed to be equipped with a 4,000 gallon tank for diesel fuel. The diesel fuel tanks as proposed shall be equipped with double wall containment and leak detection alarms.
- The application indicates the proposed building will be connected to Town water.
- The Operation and Maintenance Plan included with the application should also include an annual report to the Town Engineer along with a record of all maintenance and inspection performed on the drainage system each year. The Town should also be given the opportunity to be present during the inspections and any required maintenance if desired. This annual report shall cover the entire drainage system at this address.
- The proposed impervious cover is changing and should be verified within the standard form generally used by the Building Department and be placed on file with the Building Inspector prior to the issuance of a building permit.
- At least one permeability test shall be performed within the each area of proposed infiltration in order to verify the assumed rates of infiltration, prior to the issuance of a building permit.
- An as-built site plan shall be submitted to the Town Engineer for approval prior to the issuance of the certificate of occupancy for the first phase of building. The as-built plan will then be updated prior to the issuance of the certificate of occupancy for each phase after the first. The as-built plan shall include, at a minimum, and as applicable to the project, a permanent benchmark, elevation of all pipe inverts and outlets, pipe sizes,

materials, slopes; all other drainage structures; limits of clearing, grading and fill; all structures, pavement; contours; and all dates of fieldwork. Upon approval by the Town Engineer one (1) mylar and three (3) paper copies of the as-built plan shall be submitted in addition to an electronic copy compatible with the Town's GIS system and the Town's vertical datum (U.S.G.S. Datum of 1988). The as-built plan shall cover the entire site at this address.

- The revised drainage calculations dated June 19, 2013 meet the requirements of section 7-07-0 10 D (3) (c) [4] of the Zoning Bylaw. However the emergency spillway elevation should be set at or slightly above the 100 year flood elevation for each basin and is not as currently shown on the revised plans.
- The proposed hydrants and gate valves shall be open right style and a model as specified by the Northborough DPW.
- Pre-construction and post-construction ambient noise testing shall be required.....

Brad Blanchette seconded, vote unanimous.

Dunia Gardens – Ms. Joubert explained that the builder is seeking permission to increase the decks for the next group of six units by 4 feet. She voiced her opinion that this would be acceptable, provided that the affordable units are constructed the same. Mr. Kane stated that he saw no need for larger decks. Ms. Joubert explained that the builder has indicated that buyers have requested larger decks. Members of the board agreed, as long as the decks on the affordable units are the same size as the others.

Mark Rutan made a motion to deem the change in deck size as not substantial, so long as the affordable units are constructed in the same manner. Richard Kane seconded, vote unanimous.

Westbrook Road – Kathy explained that the decision for this project was approved based on a plan that provided for a 6 foot high privacy fence, but the developer is now requesting permission to install a split rail fence. She stated that a 6-foot fence will be very close to the buildings and result in blocking sunlight from the first floor of the units. She also noted that the developer had agreed to install a fence along the entire rear property line, and is now apparently not complying with that agreement. Mr. Lonardo stated that the 6-foot solid fence that was installed is not the 4-foot fence with 2-foot of lattice topper that was approved in the decision.

Members of the board agreed to allow a 4 foot split rail with wire backing, and allow the 6 foot solid fence in lieu of the 4 foot with 2 foot lattice to remain provided that the fence on the property line of the abutter at 13 Westbrook Road is extended to the end of her side property line.

Fran Bakstran made a motion to allow the change to a 4-foot split rail fence with wire backing and to allow the 6-foot solid fence in lieu of the approved 4-foot fence with 2-foot lattice topper to remain provided that the fence on the property line of the abutter at 13 Westbrook Road be extended to the end of her side property line. Mark Rutan seconded, vote unanimous.

ELECTION OF OFFICERS

Ms. Bakstran voiced her desire to serve as Chair of the Zoning Board of Appeals, but indicated that she would support Chairman Rand remaining for another year if he has an interest in doing so.

Richard Kane nominated Fran Bakstran for the position of Chair. Mark Rutan seconded. The board voted unanimously to appoint Fran Bakstran as Chair.

Fran Bakstran nominated Mark Rutan for the position of Clerk. Richard Rand seconded. The board voted unanimously to appoint Mark Rutan as Clerk.

Adjourned at 9:23PM.

Respectfully submitted,

Elaine Rowe
Board Secretary