



TOWN OF NORTHBOROUGH Zoning Board of Appeals

Town Hall Offices • 63 Main Street • Northborough, MA 01532 • 508-393-5019 • 508-393-6996 Fax

Approved 6.23.15

Zoning Board of Appeals Meeting Minutes March 24, 2015

Members Present: Richard Rand, Fran Bakstran, Brad Blanchette, Mark Rutan

Others Present: Nick Antanavica, Inspector of Buildings/Zoning Enforcement Officer; Fred Litchfield, Town Engineer; Mike Sullivan, Connorstone Engineering; Dan Wezniak, Silverstreet Architects; Jeffrey Leland, Leland Law Associates; Laurie Carbonneau; Paul Shattuck, Stephanie Allen, Patrick Caine, Jude Kostas

Chairman Rand opened the meeting at 7pm.

Continued consideration of the petition of Mali Realty I, LLC for a Variance/Special Permit/ Special Permit with Site Plan Approval/Special Permit Groundwater Protection Overlay District to allow the reconstruction of a pre-existing, non-conforming building, including an 1,800 square-foot addition, paved parking, drainage and landscaping for retail, medical and professional office uses, with less than the required front yard setback, lot frontage and lot area, on the property located at 25 West Main Street, Map 63, Parcels 154 & 166

Mike Sullivan, Connorstone Engineering, representing the Applicant, Laurie Carbonneau, stated legal issues have been solved with the abutting property owners Paul Shattuck and Jeffrey Leland. Ms. Carbonneau has spoken to Mr. Shattuck several times. They have been to two Design Review Committee meetings and the plans presented tonight reflect comments from the committee. Mr. Sullivan presented the revised layout plan and landscape/lighting plan, dated March 23, 2015. Nothing has changed in the front of the building since the first time they were before the ZBA. They discussed changing the parking, as they had proposed 11 spaces and had an excess of open space. The open space was revised to the 15% requirement which allowed them to increase the parking area to 14 spaces, including the required handicapped-accessible space (#5). The concrete dumpster pad with privacy fence was moved to the west rear corner of the site. In addition, the proposed plan has been revised to provide a maintenance connection between the proposed parking area and the abutting parking lot of Shattuck Pharmacy. The proposed modification has increased the impervious area and, as a result, the proposed drainage system has been modified to accommodate the increase. A deep sump hooded catch basin has been added for pretreatment and the proposed drywell has been expanded to accommodate the increased impervious cover. This change will result in a higher quality of water leaving the site than what is currently leaving. Mr. Sullivan noted the landscape plan has been revised and includes a planting bed and a sitting area. Mr. Sullivan explained Ms. Carbonneau has purchased land on Gale Street and plans to use it to create a paved area for snow storage.

It was noted Paul Shattuck, Shattuck Pharmacy, was concerned that, due to the proposed construction, his property would be affected during work hours and his customers would have problems using his driveway that may be blocked by construction vehicles working at 25 West Main Street. Mr. Sullivan

suggested they set up a meeting to discuss these concerns and work out a resolution that would not impact Mr. Shattuck or his customers.

Mr. Shattuck stated a lot of things have happened in the last month since the last meeting. He has had several conversations with Ms. Carbonneau. She has addressed his concerns and kept him up to date. He stated he has full confidence that her plan will work well, and is in support of her plans.

Michelle Gillespie, Chairman, Design Review Committee, was present and explained that, at their last meeting, the Committee suggested the Applicant add a parking space. Due to the amount of snow that fell this winter, they thought it would open up the parking area and help with the flow for emergency vehicles and snow storage.

Mr. Rutan asked about lighting in front of the building. Mr. Sullivan explained there is a utility pole there and a light will be added onto it.

Dan Wezniak, Silverstreet Architects, presented the architectural plans for the project. They have made adjustments in order to stay off Mr. Shattuck's property. Most of the building that is not on Mr. Shattuck's side will be taken down and the proposed building will be staggered to get as much square footage as they could for parking spaces. Mr. Rutan asked if there will be pillars on the Route 20 side of the building. Mr. Wezniak explained there is no extra overhang on the center. It will be all flush, like what is existing there now.

Ms. Bakstran asked Mr. Litchfield if there was a recommendation from the Groundwater Advisory Committee. Mr. Litchfield and Mr. Sullivan said they were all set with the Groundwater Advisory Committee.

Attorney Jeffrey Leland stated he has kept his family up to date, they are in agreement with Mr. Shattuck and are in favor of Ms. Carbonneau's plans and the changes presented tonight.

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

To consider the petition of Stephanie Allen for a Variance/Special Permit to allow a change of ownership of the Bistro Limoncello restaurant located in Units 10 and 11 of the existing building at 290 West Main Street, Map 82, Parcel 10

Applicant Stephanie Allen and Patrick T. Caine, NGU Restaurant Group, LLC; and Attorney Jude J. Kostas, were present. Ms. Allen and Mr. Caine, co-owners of the Bistro Limoncello restaurant, explained they received a liquor license from the Board of Selectmen at their meeting on March 23, 2015 and are before the board now for a special permit to allow their change of ownership of the restaurant, which serves alcohol. Ms. Allen noted there will be no change in the operation of the restaurant and currently they are working on the inside of the restaurant. The hours of operation of the restaurant are 9am - 10pm, Sunday through Thursday; and 11am – 11pm, Friday and Saturday. Mr. Caine noted the hours in which alcohol can be served are 11am – 12am, per their liquor license.

Mr. Kostas stated the name on the liquor license is NGU Restaurant Group, LLC., and it should be the same for the ZBA's special permit decision.

A brief discussion was held by the board regarding hours of operation of the restaurant.

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

Decisions

290 West Main Street, Units 10 & 11

Ms. Bakstran motioned to grant a Special Permit to NGU Restaurant Group, LLC., to allow their change of ownership of the Bistro Limoncello restaurant located in Units 10 and 11 of the existing building at 290 West Main Street, with the condition that the hours of operation for the restaurant shall be 8am to 12am, 7 days per week. Mr. Blanchette seconded the motion and the vote was unanimously in favor of the motion.

25 West Main Street

Mr. Rutan stated he is pleased that the neighbors are on board with this project. It will be a big plus for the town. Mr. Sullivan noted he gave Mr. Litchfield the new drainage calculations tonight. Mr. Litchfield had approved the other ones previously. Mr. Rutan confirmed with Mr. Litchfield that the revised drainage plan is a better one. Mr. Litchfield stated it is the same concept as before, but they have added a little more impervious cover and have revised the drainage plan to address the increase.

Mr. Rutan motioned to grant Site Plan Approval for a proposed non-residential addition to the existing building located on the property at 25 West Main Street and 10-Rear Gale Street, per the plans submitted. Ms. Bakstran seconded the motion and the vote was unanimously in favor.

Mr. Rutan motioned to grant a Variance to allow the front yard setback of a pre-existing, non-conforming building to be 6 inches from the front property line; and the width of the front property line (frontage) to be 43 feet, on the property located at 25 West Main Street and 10-Rear Gale Street. Ms. Bakstran seconded the motion and the vote was unanimously in favor.

Ms. Bakstran motioned to grant a Special Permit to allow the renovation and expansion of a non-conforming commercial use on a lot with less than 20,000 square feet (15,559 square feet) on the property located in Groundwater Protection Overlay District Area 3 at 25 West Main Street and 10-Rear Gale Street. Mr. Rutan seconded the motion and the vote was unanimously in favor.

Ms. Bakstran motioned to grant the following requested waivers:

- A waiver from Section 7-09-020C(5)(a)[1] to allow a landscape buffer on the west side property line to be 10-feet; and
- A waiver from Section 7-09-020D(4) to allow landscaping in the front yard of the site to be 25% of the total landscaping on the site.

2015 Zoning Proposed Zoning Amendments

Nick Antanavica, Inspector of Buildings/Zoning Enforcement Officer, reviewed the proposed zoning amendments with the board for the Annual Town Meeting on April 27th. He explained there is nothing drastic, mostly just clarifications and clearer language. Ms. Bakstran asked if any of the amendments affect used cars and Mr. Antanavica responded they do not; used cars are not allowed at all. Mr. Rand

suggested the definition of auto sales could be improved in the future. The board voted unanimously in favor of supporting the proposed zoning amendments.

The meeting adjourned at 8pm.

Debbie Grampietro
ZBA/Planning