



# TOWN OF NORTHBOROUGH Zoning Board of Appeals

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Approved 12/15/2015

## Zoning Board of Appeals Meeting Minutes November 24, 2015

**Members in attendance:** Fran Bakstran, Chair; Mark Rutan, Clerk; Richard Rand; Brad Blanchette

**Members excused:** Jeffrey Leland

**Others in attendance:** Kathy Joubert, Town Planner; Joe Atchue, Building Inspector; Elaine Rowe, Board Secretary; Joseph Putnam, Putnam Associates; Fred Chitel; Scott Rudel, Reliant Builders; James Murphy; Robert Finberg

**Chair Fran Bakstran called the meeting to order at 7:00PM.**

**Continued public hearing to consider the petition of Robert Finberg for a Variance/Special Permit to allow the change of use of an existing 2-story garage to the use of a 2-story accessory dwelling unit on the property located at 259 Crawford Street**

Mr. Finberg introduced his architect, Joseph Putnam, who provided calculations for the square footage of the applicant's dwelling and the proposed accessory dwelling. Mr. Putnam stated the gross floor area of the single-family home is 5,696 square feet, consisting of a 1,911 square foot lower floor; a 2,464 square-foot first floor; and a 1,321 square-foot second floor. The gross floor area of the 26-foot by 26-foot proposed accessory dwelling unit will be 1,140 square feet.

Mr. Putnam noted that portions of the space in the accessory dwelling have ceilings that are less than 6 feet high, so those areas have not been included in the calculations. Mr. Rutan commented that the board had requested that dimensions be included on the plans. Ms. Joubert asked Mr. Atchue if the applicant will be required to submit dimensions when applying for their building permit. She noted that the accessory dwelling cannot exceed 1,424 square feet per the bylaw. Mr. Putnam stated that he would be happy to provide more detail if necessary. Ms. Bakstran stated that she was comfortable with the information provided, most specifically the understanding that the footprint of the existing garage is 26' x 26'. She noted that the board needed the dimensions of the main house in order to determine what is allowable for the accessory dwelling. Mr. Rutan agreed.

Mr. Rand asked if the board can include a condition that the accessory dwelling cannot be a used as a rental apartment. Ms. Joubert indicated that there would be no way to enforce such a condition.

Mr. Rutan asked if a 2-family dwelling is allowed by right in this district. Ms. Joubert confirmed that it is not and would require a special permit.

Brad Blanchette made a motion to close the hearing. Richard Rand seconded; motion carries by unanimous vote.

**Public hearing to consider the petition of James Murphy for a Variance/Special Permit to allow a pre-existing, non-conforming deck to be less than the minimum required distance from the rear property line on the property located at 15 Patriot Drive**

Mr. Murphy explained that the house, with 16' x 32' deck, was built in 1997. He noted that, in the process of applying for a building permit to convert the deck into a sunroom, he discovered that the deck is nonconforming and indicated that he was not made aware of this fact when he bought the home in 2001. Ms. Joubert commented that it was unclear when the deck was built, but confirmed that it is nonconforming because it encroaches in the rear setback. Mr. Rutan asked Mr. Murphy if he is confident that a 20 foot setback will be sufficient. Ms. Joubert noted that the deck is not being enlarged; the applicant is simply installing a sunroom on the existing structure.

Mark Rutan made a motion to close the hearing. Brad Blanchette seconded; motion carries by unanimous vote.

**Public Hearing to consider the petition of Amrit Sabha Adult Day Care, Inc., for a Variance/Special Permit/Special Permit with Site Plan Approval, to allow the use of an adult day care center on the 1st floor of the building located on the property at 155 Otis Street**

Scott Rudel, Reliant Construction Management and Fred Chitel, Space Planning and Interior Design, appeared on behalf of the applicant to discuss the proposal.

Mr. Rudel discussed the applicant's plans to occupy the majority of the first floor in one of the buildings on the property for use as an Adult Day Care facility. He noted the following design elements for the proposed construction:

- Design based on 156 participants
- staff-to-client ratio of 1:8
- Clients to be bussed in daily, so no excess traffic burden expected
- 122 parking spaces, 8 of which will be for handicapped use
- 3 ADA compliant entrances/egresses that will require minor repair only
- 1 public toilet for every 12 participants, with at least half to be ADA compliant
- Dining room and catering kitchen (no food preparation onsite)

In response to a question from Mr. Rand, Mr. Rudel indicated that the hours of operation will be 8:00AM to 4:00PM, 5 to 6 days a week. Mr. Blanchette asked about the client demographic.

Mr. Rudel noted that the facility is not age specific, and has more to do with levels of disability. Mr. Blanchette asked about outdoor facilities. Mr. Rudel noted that there will be a fenced in green area to be used as outdoor space.

Mr. Rutan asked about food service. Mr. Rudel noted that food deliveries will be brought in, and facilities will be determined based on the vendor hired to provide the catering services.

Ms. Joubert clarified that there is no site plan review required for this application, so the board is simply considering a special permit to allow the use of an adult day care.

Ms. Joubert also noted that the site is not in a groundwater district, and the landlord intends to connect to town sewer.

Richard Rand made a motion to close the hearing. Mark Rutan seconded; motion carries by unanimous vote.

#### **DECISIONS:**

**155 Otis Street (Adult Day Care)** – Ms. Bakstran emphasized the tremendous need for facilities of this type. Mr. Rutan voiced his opinion that this is an ideal location for this use.

Mr. Rutan made a motion to grant a special permit to allow the use of an adult day care facility. Richard Rand seconded; motion carries by unanimous vote.

**15 Patriot Drive** – Richard Rand made a motion to grant a variance to reduce the rear setback to 20 feet due to the shape of the lot. Brad Blanchette seconded; motion carries by unanimous vote.

**259 Crawford Street** – Ms. Bakstran stated that she is not opposed to the use, but does wish to be sure that the applicant complies with the stipulations in the bylaw. Mr. Atchue agreed to ensure that the dimensions are in compliance.

Mark Rutan made a motion to grant a special permit to allow an accessory dwelling, with gross floor area not to exceed 25% of the existing home (1424 square feet) as presented and based on the calculations provided. Richard Rand seconded; motion carries by unanimous vote.

**Consideration of Minutes** – Mark Rutan made a motion to accept the Minutes of the Meeting of November 10, 2015 as submitted. Brad Blanchette seconded; motion carries by unanimous vote.

**December meeting request** – Ms. Joubert explained that there had been an error made with regards to posting of the agenda for tonight's meeting. She noted that Tim Shay had submitted an application for the building at 38 Southwest Cutoff and, though notices and advertising were done appropriately, the hearing was not included on the agenda that was posted. Due to the

error, she asked the board members to consider holding a brief meeting on December 15, 2015 to hear this petition. Members of the board agreed.

**Decision for 70 Summer Street** – Members of the board were provided with the decision for 70 Summer Street for signature.

Richard Rand made a motion to adjourn. Brad Blanchette seconded; motion carries by unanimous vote.

Meeting adjourned at 7:43PM

Respectfully submitted,

Elaine Rowe  
Board Secretary