



TOWN OF NORTHBOROUGH Zoning Board of Appeals

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Approved 5.28.19

Zoning Board of Appeals Meeting Minutes February 26, 2019

Members in attendance: Brad Blanchette, Chairman; Fran Bakstran, Dick Rand, Mark Rutan, Paul Tagliaferri and Leslie Harrison

Others in attendance: Kathy Joubert, Town Planner; Robert Frederico, Inspector of Building/Zoning Enforcement Officer; James Tetreault, Thompson-Liston Associates, Inc., Chris Ventzos, 7 Brody Way; Jose Valencia, 7 Brody Way; Abhishek Kapoor, 5 Brody Way; Howard Klatsky, 9 Brody Way; Tim Holland, 8 Brody Way; Scott Marchione, 2 Monument Drive; Tim Shay, Tshay, LLC; Nick Muskopf; Ryan Tarrath, Tom Graham, and Scott Stenstrom, Aspen Aerogels, Inc.,

Chairman Blanchette opened the meeting at 7:00pm.

To consider the petition of Aspen Aerogels, Inc., for a Variance/Special Permit/Special Permit with Site Plan Approval/Special Permit, Groundwater Protection Overlay District, to allow an increase in the volume of flammable liquids from 800 gallons to 1500 gallons, in the building located at 30 Forbes Road, Map 15, Parcel 18, in the Industrial District and Groundwater Protection Overlay District Area 3

Mr. Blanchette read a memo from Ryan Tarrant, R & D Engineering, dated February 25, 2019, regarding Aspen Aerogels, 30 Forbes Road, as follows:

“Based on the unanimous vote by the Groundwater Advisory Committee at the meeting on Tuesday, February 19, 2019 affirming that Aspen Aerogels is currently operating under the original 01-19 permit and by the recommendation of Robert Frederico, Building Inspector/Zoning Enforcement Officer, Aspen Aerogels would like to withdraw its Special Permit request without prejudice.”

In addition, Mr. Blanchette noted Fred Litchfield, Town Engineer, submitted a letter on behalf of the Groundwater Advisory Committee, dated February 26, 2019, regarding 30 Forbes Road, Building B, Map 15, Parcel 18, in which Mr. Litchfield states:

“The Groundwater Advisory Committee met on February 19, 2019 to review the petition of Aspen Aerogels, Inc. for a Special Permit from Section 7-07-010 D. (3) (c) [1] for the above referenced property. During the meeting the applicant presented a current list of chemicals and their quantities being used and/or stored on site at this time. Due to the elimination of the manufacturing portion of their business at this location the total quantity of hazardous chemicals being stored and/or used on site is now far less than the

Special Permit in ZBA Case No.01-19 allowed and therefore the Groundwater Advisory Committee agreed no amendment to the existing Special Permit was required.”

Ms. Bakstran motioned to accept the applicant’s withdrawal without prejudice; Ms. Harrison seconded the motion and the vote was unanimously in favor of the motion.

Continuing consideration of the petition of Kevin Labadini, Kevin Labadini Corporation, for a Variance/Special Permit/Special Permit, Groundwater Protection Overlay District, to allow the change of a pre-existing, nonconforming use (Industrial Waste Management and Disposal) to another non-conforming use (Landscaping Company/Contractor’s Yard), and construct a paved outdoor storage area, on the property located at 329-333 West Main Street, Map 81, Parcels 13, 14 and 15, in the Business West District and Groundwater Protection Overlay District Area 3

Mr. Blanchette read an email from the Applicant’s engineer, Mike Scott, WDA Design Group, to Kathy Joubert, Town Planner, dated February 11, 2019, regarding 329 West Main Street, that states, in part, the following:

“We did not make the deadline for the Groundwater Advisory Committee (GWAC) and have been continued; the same as with the Conservation Commission which was to meet tomorrow night. We are awaiting info from plumbing engineer, and once it has arrived, we will update the site plans and get them to the Town for the GWAC, CC and ZBA.

Please accept this email as a request to continue the hearing until March.”

Mr. Rutan motioned to continue the public hearing for 329-333 West Main Street to the March 26, 2019 meeting of the Zoning Board of Appeals; Mr. Rand seconded the motion and the vote was unanimously in favor of the motion.

To consider the petition of TShay, LLC for a Variance/Special Permit/Special Permit, Groundwater Protection Overlay District, to allow the front setback of a proposed single-story office building to be greater than the maximum allowed 20 feet; and to allow a proposed parking area to be located behind the proposed single-story office building, on the property located at 109 West Main Street, Map 62, Parcel 68, in the Downtown Business District

Engineer James Tetreault, Thompson-Liston Associates, Inc., Applicant Tim Shay, TShay, LLC; and Nick Muskopf, Stoneridge Development, were present.

Mr. Tetreault presented the Application stating the Applicant proposes to construct a 3,600 square-foot building for office use and is requesting a Variance from Section 7-06-030 to allow the front setback to be greater than 20 feet; and a Variance from Section 7-09-030(C)(a), to allow more than 25% of the parking to be in the front of the building. The proposed 40-foot by 90-foot single-story building will have three office units; and the previously existing single-family home on the site was demolished.

Mr. Tetreault presented the site plans and explained the site is located in the Downtown Business District and slopes downward to West Main Street (Route 20). Because West Main Street is a state road, the Massachusetts Department of Transportation (MassDOT) is involved with the project, and has told the Applicant that he cannot connect to West Main Street drainage unless there is nothing else he can do. Therefore, the Applicant is proposing to have a front setback of 148.8 feet because there are visible ledge outcrops in the middle and rear of the site. In addition, the site also has a drop of 18 feet from the back of the lot to its frontage along West Main Street. Therefore, the only place where collected runoff

can be infiltrated is in the front of the lot. He noted the soils on the site are good and will allow them to do the proposed drainage on the site.

Mr. Tetreault explained the Applicant is also proposing to locate four parking spaces in the front of the site and ten parking spaces, including two handicapped-accessible spaces, on the side of the building, which meets parking requirements. He noted the four spaces in the front of the site will be located there because of the topography and the presence of ledge in the rear of the site that would require blasting if the spaces were located there.

Mr. Tetreault stated the front third of the site is located in Groundwater Protection Overlay District Area 3 and the commercial development of business or professional offices is permitted in Area 3 on lots of at least 20,000 square feet as long as the impervious cover of the building lot is not increased over existing conditions by more than 40%; and the increase in the post-development new runoff volume must not exceed existing conditions by more than 15%.

Mr. Tetreault explained the lot has an area of 25,265 square-feet. The original single-family use of the property had a total impervious cover of 4,431 square feet, the runoff from none of which is infiltrated. The proposed use on the site will create a total impervious cover of 14,042 square-feet and all but the beginning of the access drive will have its runoff captured and directed to an infiltration structure sized to accept the proposed building. The site will be served by utility connections to water, sewer, cable TV, electricity and telephone lines in West Main Street. There are no wetland resource areas within 100 feet of the site. The Applicant will file an application for Site Plan Approval with the Planning Board; and an application for a Highway Access Permit with MassDOT.

Mr. Shay and Mr. Muskopf noted the building will have one story and no basement.

Mr. Tetreault explained the lighting plan shows there will be no lights shining into the homes on Brody Way. He noted the project went before the Design Review Committee and they were fine with the landscaping.

Mr. Rutan asked about trash collection and snow storage. Mr. Shay explained they will be using the Town's Solid Waste contractor for the collection of trash and recycling on the site, as there will be no room for a dumpster; and snow storage will be located on both sides of the driveway.

Ms. Joubert noted the Applicant is before the board tonight for two Variances only; and he will be going before the Planning Board for Site Plan Approval in the future.

In response to a question from Mr. Rand regarding lighting on the site, Mr. Tetreault stated there will be just wall packs and recessed lighting to illuminate the parking areas.

In response to a question from Mr. Blanchette regarding access to the building, Mr. Tetreault stated there will be doors for each of the office units.

Mr. Frederico and Ms. Joubert stated the Applicant has done a good job with project.

Abutters Abhishek Kapoor, 5 Brody Way; Chris Ventzos and Jose Valencia, 7 Brody Way; Timothy Holland, 8 Brody Way; and Scott Marchione, 2 Monument Drive, were present. They all expressed concerns about the proposed project, including the lighting from the site that may shine into their houses; people who might park on the site during the night, as has happened on the Applicant's building at 113 West Main Street; and noise from truck and other vehicular traffic on West Main Street; all of which they believe will impact their privacy. They suggested several ways the building could be reconfigured more to their liking, mostly including relocating the building more to the front

or side of the lot or redesigning the building to an L-shape on the site with parking in the front.

In response to their concerns and suggestions, Mr. Tetreault explained the reason for the proposed location of the building is because there are visible ledge outcrops in the middle and rear of the site. In addition, he noted that, if the building was moved forward the parking area would be in the rear of the site and would require blasting of the ledge.

Scott Marchione, 2 Monument Drive, was concerned as to how far back the proposed building will be from his property and how he will know when the Applicant goes before other boards for the project.

Ms. Joubert replied the project will be going to the Planning Board and the Earthworks Board; and he will receive a meeting notice from both boards.

Ms. Bakstran motioned to close the hearing; Mr. Rand seconded the motion and the vote was unanimously in favor of the motion.

Old/New Business

Master Plan Update: Ms. Bakstran stated a Public Forum was held on February 13th at the Northborough Free Library. She noted approximately 30 people attended and they were a good group. They were all interested in the downtown area and they had different ideas as to how they would like the downtown to evolve. Ms. Bakstran stated it is a very transparent process. She also noted the next meeting of the Master Plan Steering Committee will be held on March 7th in the Northborough Free Public Library's Large Meeting Room at 34 Main Street, at which they will go through the last draft of their recommendations.

109 West Main Street Decision

Ms. Bakstran stated that, although she doesn't like parking in the front of the site, the side parking is not bad and there are only 4 spaces in front of the building. She also noted that, if they vote against the project, everything the abutters want they won't get because the building could be pushed up to the front of the site and the parking could be in the back of the site, overlooking the rear of their homes.

Mr. Rutan stated the site is in the Downtown Business District and the building will have just three business office units that will not have patrons arriving at the site every 5 minutes.

Mr. Tagliaferri noted that cars entering the site will be ten-feet below grade and therefore headlights will not impact the surrounding neighborhood. In addition, there will be no impact on the neighborhood from the lights on the site because they will be pointed downward.

Ms. Bakstran noted the only house that is near the building is 1 Brody Way.

Ms. Joubert noted the Design Review Committee suggested the Applicant use the town's solid waste program rather than a dumpster for collection of trash and recycling, because a dumpster would have to be located near the rear of the site and could have a negative impact on the neighborhood.

Mr. Tagliaferri reminded the members that, if the Variances were denied, the Applicant could go to MassDOT to ask to tie into the groundwater and if that happens, he could move the building up front and push the parking spaces to the rear. In addition, the Applicant could build a 40-foot high by 40-foot wide house or building with up to 3 stories, which he could do by right.

The members agreed the proposed project is the best use of the land for the surrounding abutters.

Ms. Bakstran motioned to grant a **Variance** to allow the front setback to be no more than 150 feet, on the property located at 109 West Main Street, in the Downtown Business District. Mr. Rutan seconded the motion and the vote was unanimously in favor of the motion.

Ms. Bakstran motioned to grant a **Variance** to allow a proposed parking area to be located in front of the a proposed single-story office building, on the property located at 109 West Main Street, in the Downtown Business District. Mr. Rutan seconded the motion and the vote was unanimously in favor of the motion.

The meeting adjourned at 8:30pm

Respectfully Submitted by,

Debbie Grampietro
ZBA Administrative Assistant