



TOWN OF NORTHBOROUGH Zoning Board of Appeals

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

Approved 8.22.17

Zoning Board of Appeals Meeting Minutes February 28, 2017

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

Others in attendance: Kathy Joubert, Town Planner; Fred Litchfield, Town Engineer; Elaine Rowe, Board Secretary; Amy Poretsky, Northborough Planning Board; John Grenier, JM Grenier Associates; Bob Gleason; Mike Wood, Signorama

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

Public Hearing to consider the petition of PAMJAM Realty, LLC, for a Variance/Special Permit/Special Permit, Groundwater Protection Overlay District, to allow an addition to the existing non-conforming use of a garage and office building on the property located at 111 Otis Street, Map 105, Parcel 49, in the Business South District and Groundwater Protection Overlay District Area 3

John Grenier of JM Grenier Associates and Bob Gleason appeared before the board to discuss the project proposed for the building, which currently houses the Central Massachusetts Mosquito Control operation. Mr. Grenier explained that Mosquito Control is looking to extend their lease, but is in need of additional office and garage space. He discussed plans for the addition to the building, expansion of the parking to the north along the frontage, and installation of an infiltration basin to capture all of the runoff. Mr. Grenier also mentioned that there is currently no drainage on the site, and runoff flows to the wetland to the east. He stated that the proposal includes capturing all of the runoff from paved surfaces, treatment of the runoff through catch basins on either side of the parking area and directing it to an infiltration basin where it will be detained, treated, and recharged. In addition, an oil/water separator will be provided downline from the catch basin to provide additional protection.

Mr. Grenier indicated that the section to the rear of the building will continue to be used for storage, and noted that all materials are received on pallets that include spill containment. He noted that a floor drain connected to the oil/water separator will also be installed.

Mr. Grenier commented that Mosquito Control has been a tenant in the building since 1985 and there have been no incidents to date. He also indicated that he has met with the Design Review Committee

(DRC) and has agreed to re-sheet any of the wall panels so that the front of the building will be consistent with the rest of the structure.

Mr. Grenier explained that he had received a comment letter from the Town Engineer as well as some requests from the DPW and has agreed to incorporate their comments/requests into the plans.

Mr. Rutan noted that the existing plan shows a shed and two storage trailers, and questioned what is currently stored in them. Mr. Grenier indicated that he is unsure, but assumes that they will be removed following expansion of the building. Mr. Rutan voiced his desire to condition the decision to include a stipulation that no storage trailers will be allowed. Mr. Grenier agreed to the condition.

Chairman Rand asked about the quantity of chemicals stored onsite during peak season. Mr. Grenier explained that the chemicals used are very expensive, so are ordered on an as-needed basis. Mr. Litchfield stated that a total of approximately 400 gallons of the chemicals used are onsite at any given time. In response to an additional question from Chairman Rand, Mr. Grenier confirmed that the chemicals are stored in a secure, temperature-controlled area inside the building. Mr. Blanchette reiterated that there have been no major spills since 1985. Mr. Grenier commented that there have not been any minor spills either.

Ms. Joubert noted that the Fire Chief also provided a comment letter, in which he indicates that he has no concerns about what is being done at the site. Chairman Rand asked about the oil/water separator. Mr. Grenier explained that flows will be directed to the sewer system.

Mr. Litchfield informed the board that the applicant had been before the Groundwater Advisory Committee (GAC) and indicated that the expansion is primarily for office space and parking, with no increase in the chemical storage expected. He noted that the GAC supports the proposal as it results in a significant improvement in stormwater quality.

Ms. Poretsky asked if the board had received a comment letter from the Planning Board, and noted that section 7-09-030 of the bylaw stipulates that parking shall be no closer to the street than the building. She indicated that the Planning Board had discussed the project and wondered if the parking can be pushed back and/or additional trees can be planted. Mr. Grenier stated that the applicant would have no issues with additional tree plantings along the frontage to provide screening from the roadway. He explained that elevations drop considerably in the back and the location of the parking is driven by an attempt to maximize the separation between the parking lot and the existing wetland. In response to a question from Chairman Rand, Mr. Grenier stated that the distance between the parking area and edge of the roadway is approximately 10 to 20 feet. Chairman Rand asked for clarification of the parking lot extension. Mr. Grenier indicated that it will be extended approximately 16 feet, to the edge of Otis Street. Ms. Joubert explained that the special permit granting authority can grant a special permit to allow up to 25% of the parking in front of the principal structure. Mr. Grenier commented that 10 of the 40 spaces will be located in front of the structure, and reiterated his agreement to add more trees.

Ms. Joubert noted that she was not present at the Planning Board meeting and asked Ms. Poretsky if the board members had discussed the number and types of trees that they would like to see. Ms. Poretsky indicated that the board had not discussed these specifics.

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

Public Hearing to consider the petition of Jane Abu, Manager, Five A Realty, LLC, for a Variance/Special Permit to allow proposed signage on the front and rear of an existing building to exceed the maximum area of 32 square feet on the property located at 6 Church Street, Map 63 Parcel 66

Citing a conflict of interest, Mr. Leland recused himself from the hearing.

Mike Wood from Signorama explained that he was hired to create signs for the business, and read a letter from the Abu's (copy attached) in their absence. He noted that three signs are required in order for the business to be seen from each of the three streets approaching the building, and the signs are to be the same size and colors as the temporary banners currently on the building. He emphasized the visibility issue and reiterated concerns about the business being seen when approaching from all three directions.

In response to a question from Ms. Bakstran, Mr. Wood confirmed that the signage will not be lit. Ms. Joubert asked if the drive-through feature will be retained. Mr. Wood indicated that it will be, though it is still unclear how it will be used.

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

In response to a question from Mr. Wood about the 20 day appeal period, Mr. Rutan explained that the applicant can secure a building permit before the appeal period has lapsed but any construction done during that period is at the applicant's own risk.

Proposed Zoning Bylaw revisions – Ms. Joubert provided the information packet that became public today. She noted that the details had previously been reviewed with the board, with the following two changes being made since that time:

1. The Planning Board did not feel as though there was sufficient time to reach an agreement about revisions to the bylaw for duplexes, so a one year moratorium on them is being proposed. Ms. Joubert noted that town staff and members of the Planning Board have discussed concerns about comments from residents that duplexes being constructed are getting progressively larger every year while lot sizes remain the same. She stated that staff is recommending that the required lot size be increased by 50%, with additional changes suggested to setbacks and frontage. She reiterated that, since the Planning Board could not come to a complete

consensus, a one year moratorium was proposed to allow time to analyze options and decide about how to proceed. Ms. Poretsky also expressed a desire to obtain input from the school boards about the impacts of these developments. She noted that duplexes are currently allowed in four zones and, based on her research on how other towns address duplexes, there may be a need to modify the zones in which they are allowed.

Ms. Joubert commented that the opinions of the school board should not be the argument presented at Town Meeting as it is not valid. She noted that the Avalon project is on target for what they had predicted, and enrollment in the elementary schools has been dropping in recent years. Ms. Bakstran agreed that the size of the buildings being placed on small lots is of concern, and voiced her opinion that it would not be good if the moratorium does not pass. Mr. Rutan stated that this board had felt that the duplexes constructed adjacent to the old Beezer's location were a significant improvement, fit on the lot, and represent the type of duplex development he would like to see. Ms. Joubert voiced her opinion that, while construction of large duplexes may still occur, increasing the required lot size and some of the dimensional regulations may result in the scale and appearance on the lot to be less extreme.

2. Ms. Joubert explained that another change being proposed by the Planning Board, in response to the proposed project on King Street, is to modify the regulations pertaining to multifamily developments. She noted that currently a maximum of 8 units are allowed by special permit in the Downtown Business and Business West districts, and the proposal is to reduce that to 6 units and at the same time increase the minimum required lot size. She reiterated that residents appear to be opposed to the density of these developments on small lots. Ms. Bakstran asked how many units would have been allowed in the King Street project if these proposed regulations had been in place. Ms. Poretsky indicated that only 4 units would have been allowed on each lot instead of the 8 that were proposed for each.

Ms. Joubert explained that the Planning Board is seeking input and support from the ZBA on these two articles. Chairman Rand stated that he is in favor of increasing the minimum required lot sizes but does not support the proposed moratorium. Ms. Bakstran indicated that she would be reluctant to decide until after the public hearing scheduled for March 21. Chairman Rand agreed. Ms. Bakstran also suggested that the town be prepared with a back-up plan, should it appear that the moratorium may not pass.

Chairman Rand asked about changes to the regulations for auto repair facilities. Ms. Poretsky noted that there are 26 such facilities currently in town, 12 of which are on Main Street. She commented that she has heard multiple complaints and requests that the town not allow any more of them. She explained that the proposal is to remove them from the Main Street area (no impact to existing businesses) and leave them in the Industrial and Highway Business districts. Given the efforts to beautify the downtown area, Ms. Poretsky emphasized the importance of ensuring that these facilities are appropriately located.

Ms. Joubert noted that the Board of Selectmen will hold a public hearing about the adoption of the stretch code, which Joe Atchue will speak to during Town Meeting. She also explained that there is no cost to the town to become a green community, and doing so allows the town to pursue grant money. Ms. Poretsky asked about costs to homeowners for future renovations and/or additions. Ms. Joubert agreed to obtain this information for the Planning Board's consideration. Ms. Bakstran voiced her understanding that Massachusetts is striving to be 100% with regards to renewable energy. Ms. Joubert mentioned that there is a great deal of concern about the potential impacts of becoming a green community, and she agreed to clarify the specifics with Mr. Atchue.

Ms. Joubert indicated that the last article (page 9) will be passed over if the moratorium on 2-family dwellings passes.

Common Driveway article – In response to a question from Chairman Rand about the common driveway article, Ms. Joubert explained that the requirements are not changing and the article simply seeks to clarify some confusion by directing developers to the subdivision rules and regulations.

Moratorium on recreational marijuana – Ms. Joubert explained that a moratorium is being suggested to allow the state to develop regulations, at which points towns can act.

DECISIONS:

111 Otis Street – Mr. Rutan voiced his opinion that this will result in improvements on the site, and he also indicated that he would be in favor of allowing the additional parking spaces with tree screenings. Mr. Leland agreed.

Mark Rutan made a motion to grant a special permit with site plan approval to allow an addition to the existing non-conforming use of a garage and office building on the property located at 111 Otis Street with conditions as stipulated in the comment letter from the Groundwater Advisory Committee dated February 28, 2017 (copy attached) and the condition that the existing exterior trailers and sheds are to be permanently removed from the property. Jeffrey Leland seconded; motion carries by unanimous vote.

Mark Rutan made a motion to grant a special permit with site plan approval to allow twenty-five percent (25%) of the required off-street parking to be located in front of the principle structure as proposed with conditions as stipulated in the comment letter from the Groundwater Advisory Committee dated February 28, 2017 (copy attached). Jeffrey Leland seconded; motion carries by unanimous vote.

Mark Rutan made a motion to grant a special permit, groundwater overlay protection district, with conditions as stipulated in the comment letter from the Groundwater Advisory Committee dated February 28, 2017 (copy attached). Jeffrey Leland seconded; motion carries by unanimous vote.

6 Church Street – Mr. Rutan voiced his opinion that the proposed signs are somewhat minimal, which is why the additional sign is needed.

Mark Rutan made a motion to grant a variance to allow an extra sign on the third side of the building located a 6 Church Street and to allow an increase in the total sign area up to a maximum of 67 square feet (2 signs to be 13' x 2' each and one to be 10' x 1.5'). Fran Bakstran seconded; motion carries by unanimous vote with Jeffrey Leland abstaining.

Consideration of Meeting Minutes was deferred to the next meeting.

Meeting adjourned at 8:15PM.

Respectfully submitted,

Elaine Rowe
Board Secretary