



TOWN OF NORTHBOROUGH Zoning Board of Appeals

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Approved 6.25.19

Zoning Board of Appeals Meeting Minutes March 26, 2019

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

Others in attendance: Kathy Joubert, Town Planner; Robert Frederico, Inspector of Building/Zoning Enforcement Officer; Fred Litchfield, Town Engineer; Sally Chaves, 15 Buckhill Road; Amy Poretsky, 47 Indian Meadow Drive; Greg Caldicott, 23 Buckhill Road; Henry Squillante, 72 Crestwood Drive; Kerri Martinek, 16 Hemlock Drive; Don Doucett, 29 St. James Drive; Stephen MacDonald, 127 Brigham Street, Edward Hardy, 9 Buckhill Road; Chi Hae Kwan Leonard, 5 Buckhill Road; Karena and Erik Hansen, 6 Buckhill Road; Laura Ziton, 17 Franklin Circle; Jason Perreault, 27 Treetop Circle; Tim Kaelin, 42 Davis Street; Janice Fournier, 283 Davis Street; Jason Marchese, 19 Buckhill Road; Millie Milton, 50 Fay Lane; Marshall Gould, 370 Main Street, Worcester; Carol Chione, 15 Brigham Street; Danielle Lau, 35 Shady Lane Avenue

Chairman Blanchette opened the meeting at 7:00pm.

To consider the petition of Allen Hight for a Special Permit with Site Plan Approval to allow the addition of an attached accessory dwelling unit and garage on the existing single-family home that will exceed twenty-five percent of the existing gross floor area on the property located at 24 Lancaster Road, Map 28, Parcel 19

Mr. Hight stated he is seeking a Special Permit and Special Permit with Site Plan Approval to allow the addition of an attached accessory dwelling unit and garage on the existing single-family home.

Mr. Hight noted the proposed garage will be attached to the existing garage; and the new accessory dwelling unit will be located above the proposed garage, and above the existing garage. He explained that, due to some health issues, he and his wife need to add the additional space to accommodate his daughter and granddaughter who will be living with them.

Mr. Hight stated he is seeking a Site Plan Approval for the project per Section 7-03-050A(2), Administration and Enforcement, Site Plans, Applicability, Special Permit, of the Northborough Zoning Bylaw, which states, in part, *"a special permit with site plan approval shall be required for any use requiring a special permit, in which case the special permit granting authority shall also act as site plan approval authority"*.

Mr. Hight noted the small addition as proposed will be in harmony with the neighborhood; the site is an appropriate location for the existing single-family home with a proposed attached accessory dwelling unit, as it will only be used as additional living space; the use as developed will not adversely affect the neighborhood, and there will be no nuisance or serious hazard to vehicles or pedestrians.

Mr. Hight also stated that adequate and appropriate facilities will be provided for the proper operation of the proposed use, as the existing house and the proposed attached accessory dwelling unit addition will meet all existing codes; and the proposed use will conform to any special requirement of the special permit granting authority as stated in its written decision, as the deed will be registered and recorded restricting its use to a four-bedroom home.

Mr. Hight noted that the Inspector of Buildings/Zoning Enforcement Officer, was fine with the proposed project.

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

To consider the petition of Newcorr Realty, LLC, for a Variance/Special Permit/Special Permit with Site Plan Approval, to allow a 38,700± square foot addition to a pre-existing non-conforming building for warehouse storage, on the property located at 66 Lyman Street, Map 71, Parcel 3, in the Industrial District

James Almonte, WDA Design Group, representing the Applicant, Newcorr Packaging, LLC, was present. He stated he is submitting an Application for a Special Permit per Section 7-08-030, and a Special Permit with Site Plan Approval per 7-03-050(A)(2) of the Northborough Zoning Bylaw, for the construction of a 38,700± square-foot building addition and associated improvements. The addition will be located on the east side of the existing building and will be utilized exclusively for warehouse storage. A portion of the existing building is pre-existing non-conforming, as it projects into a 100-foot side yard setback. A portion of the proposed addition will project into the same side yard setback, but not closer than the existing building.

Mr. Almonte explained the site at 66 Lyman Street has frontage along Lyman Street and 685 feet along Railroad Drive contains approximately 13.5 acres of land. The property contains a two-story cardboard manufacturing facility with associated office space. The original building located on the site was constructed in 1987. An addition was constructed in 1998, which is the current building footprint. The property also contains paved parking/tractor-trailer storage, subsurface and surface drainage infrastructure, and is serviced by overhead electric, municipal water, gas and an on-site subsurface sewer disposal system. An active rail spur is located along the northerly side of building and provides access for deliveries to the building. The property is zoned Industrial and abuts the Residence C (RC) District along the northern property line. The site is also located within the Groundwater Overlay District Area 1.

Mr. Almonte stated the property is bounded to the north by an active rail line of Consolidated Rail Corp, to the east by Lyman Street and other industrial properties, to the south by Railroad Drive and associated industrial property, and to the west by Juniper Hill Golf course, Town-owned land, and a portion of Stirrup Brook. A small portion of the westerly side of the property contains an area within a FEMA Special Flood Hazard Area associated with Stirrup Brook. No portion of the site or land directly abutting the parcel is located within a designated area of priority habitat of rare species, wildlife or vernal pools, according to the Natural Heritage Atlas dated August 2017.

Mr. Almonte explained the elevations around the building generally range from 280-284, while the area from Lyman Street down to the front portion of the building ranges from 282 to 318 near the road. The small infiltration basin located in the front of the building has a bottom elevation of 278. Elevations along the parking area and up to Railroad Drive generally range from 282-308. The rear (west) parking area is relatively flat, ranging in elevation from 282-284.

Mr. Almonte stated on October 17, 2017, WDA delineated a segmented wetland along the westerly side of the site associated with Stirrup Brook. The banks along this section of the brook and site are generally steep and defined historic fill, stones and natural steep embankments. Additionally, they delineated the mean annual high-water of Stirrup Brook along this boundary. The wetland areas are generally comprised of wooded shrub and tree species, with limited herbaceous understory, mainly comprised of red maple, cotton wood, black gum, speckled alder, pepper bush, glossy buckthorn, winterberry, and sensitive fern. Upland areas are mainly wooded with oak, red maple, cherry, witch hazel, and sugar maple. Several areas of dense inclusions of invasive species were not noted along the bank and adjacent historically disturbed upland areas, consisting of Japanese knotweed, multiflora rose, tartarian honeysuckle, and bittersweet.

Mr. Almonte stated no new employees will be required to support the subject facility. An area of gravel will be paved to provide access to this addition. On October 15, 1998, a Variance was granted for the construction of a building addition without the need for additional parking, per Case No. 98-19. As part of the findings associated with that permit, it was determined that the existing pavement area that currently stores tractor trailers is

sufficient to provide 253 parking spaces, far in excess of the number of spaces required by the present and proposed use at this time. Since no new employees are required to support the proposed building addition, no new parking spaces are needed or proposed.

Mr. Almonte noted other improvements include the construction of a subsurface infiltration system. The overflow pipe from the new subsurface infiltration system will tie into a new pretreatment unit and a new inline manhole which will convey flows to the existing stormwater system and eventually to the downstream on-site detention basin. In preliminary discussion with the Town and specific comments received from the Town Engineer, Mr. Litchfield identified the 2 existing double catch basins and associated leaching galleys located in the paved parking area at the west end of the site as potential maintenance or upgrade areas. These systems were installed during the building expansion and site development in 1998. Overflow from these galleys conveys periodic flows via 8" PVC culverts out to the slope adjacent to Stirrup Brook. These catch basins and galleys will be cleaned and inspected by camera to confirm functionality. If needed the existing catch basin structures can be updated and replaced with a deep sump catch basin or water quality treatment unit as part of the allowed maintenance of the stormwater system. As designed, the project will meet the standards of the Town of Northborough and the Massachusetts Department of Environmental Protection (MassDEP) Stormwater Management Regulations.

Mr. Almonte stated the Applicant has currently filed a Request for Determination of Applicability (RDA) with the Northborough Conservation Commission. No work is proposed with the 100-foot wetland buffer zone other than the potential maintenance to the existing drainage structures.

Mr. Almonte noted the proposed project does not constitute a substantial detriment to the public good and does not derogate from the intent of the Town of Northborough Municipal Code. The building addition and associated improvements is in full accordance with applicable sections of Municipal Code.

Mr. Almonte stated the proposed addition will be utilized exclusively for warehouse storage and not new employees will be required to support the facility; an area of gravel will be paved to provide access to the proposed addition; the project will result in improvements to the site; and the proposed use and associated improvements conform to the applicable zoning requirements.

Mr. Almonte stated the proposal is an appropriate land use for this area, will allow the applicant to better serve their clients and will promote economic development for the Town, the site is located in the Industrial District and is currently being utilized as an industrial use which is an appropriate and approved use the district;

The use will not adversely affect the neighborhood in that the entire addition will be located on the locus property, in an Industrial-zoned district and is compatible with other uses in the area. The addition will be utilized exclusively as warehouse space and will be no new employees required to support this facility. To date, the existing site and its uses have successfully co-existed with the neighboring uses.

The proposed addition will be utilized strictly for warehouse storage space and no new employees will be required to support this facility. All of the activities associated with this addition will take place inside the facility. There will be no other changes to the site other than a small area of gravel on the south side of the building being converted to pavement for the delivery of equipment. Therefore, there will be no nuisance or serious hazard to vehicles or pedestrians.

All utility connections to the proposed facility will be handled internally from the existing building. A subsurface detention basin will handle stormwater from the site and the roof of the building. No new employees are required to support this addition so no new parking is needed or proposed. Therefore, adequate and appropriate facilities will be provided for the operation of the proposed use.

The Applicant will ensure that the proposed use(s) conforms to any special requirements of the special permit grading authority (Zoning Board of Appeals). Such special requirements, if any, are yet to be determined.

No work is proposed within resource areas, and all proposed development is in conformance with Massachusetts Wetlands Protection Act and the Town of Northborough Wetlands Bylaw & Wetlands Regulations. No historically significant buildings or property will be adversely affected by this proposal.

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

To consider the petition of Stephen MacDonald Construction, Inc., for a Variance/Special Permit to allow the use of a “CrossFit ForceField” gym to be located in Building A, 172 Bearfoot Road, Map 28, Parcel 65, in the Industrial District

Applicant Stephen MacDonald, Stephen MacDonald Construction, Inc., and Peter Bemis, Engineer, Engineering Design Consultants, Inc., presented the project.

Mr. Bemis explained Mr. MacDonald is seeking a Variance to allow the use of a “CrossFit ForceField” gym, to be located in one of the two buildings on the site identified as 172A Bearfoot Road, which is in the Industrial District. He noted the Building Inspector determined the use of a Crossfit gym, as described, is an Indoor Commercial Recreation Use, per Section 7-050-020G(3)(a) of the Northborough Zoning Bylaw, and is a use that is not allowed in the Industrial District.

Mr. Bemis noted the Planning Board has already approved the Site Plan for the development at 172 Bearfoot Road by permitting the construction of two single-story buildings that each will be 4,000 square feet in area. CrossFit ForceField will be the first tenant in the building and is excited about being able to fit out the new space to fit their exact needs.

Mr. Bemis stated the subject CrossFit ForceField gym is currently located in Northborough at 94 Main Street; and the employees of the 94 Main Street facility will relocate to the 172A Bearfoot Road facility. He noted there will be 10 parking spaces available for the patrons of the proposed CrossFit ForceField gym; and the 172B Bearfoot Road building will have the same number of parking spaces, each including one handicapped-accessible space, for a total of 20 available parking spaces on the site.

Mr. Bemis explained a hardship exists on the land as the property abuts Bearfoot Road, a two-lane connector roadway that is industrially zoned from the intersection of Solomon Bond Road to the rear lot line of residences that front Whitney Street along the north side of Bearfoot Road. Properties along the roadway are commercial businesses within the Industrial Zone ranging from U-Haul and National Grid to office, research and development-type buildings.

Mr. Bemis stated that, per Section 7-05-020, Use Regulations, Classification of Uses, Business Uses, Recreation and Entertainment, Commercial Recreation, Indoor, of the Northborough Zoning Bylaw, the definition of “commercial recreation, indoor”, in part, is as follows:

“A facility operated as a business, open to the public, for a per-visit or membership for indoor recreation purposes such as tennis, racquetball, swimming, ice skating, roller skating or similar activities, including a health club, or athletic club”.

In addition, per Section 7-05-030 Use Regulations, Table 1, Part B, Commercial and Industrial Districts, of the Northborough Zoning Bylaw, the use of a Commercial Recreation, Indoor is not allowed in the Industrial District. Therefore, a **Variance** is required for the proposed use of the proposed Commercial Recreation, Indoor CrossFit ForceField gym in the Industrial District.

In closing, Mr. Bemis stated a literal enforcement of the applicable provision of the Zoning Bylaw would involve substantial hardship; the use of the proposed Crossfit ForceField gym will not adversely affect the abutting landowners’ uses and purposes of their properties; the Variance may be granted without substantial detriment to the public good; the number of vehicle trips per day will not be significant for this use as compared to the activities on the abutting connector/collector roadway; and the adjacent land uses are substantially similar in purpose and scope, and will in no way be adversely affected by the CrossFit ForceField’s operations.

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

Continued consideration of the petition of Kevin Labadini, Kevin Labadini Corporation, for a 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

Applicant Kevin Labadini, Kevin Labadini Corporation; Taylor Smith, Waterman Design Group; Attorney Marshall Gould, representing ACV Enviro; Attorney Paul Cranston, representing Mr. Labadini; and David Patterson, Turf Manager; were present.

Mr. Gould reiterated the zoning history of the site, stating the Business B District allowed contractors yards until 2009. In 2009 it changed from the Business B District to the Business West District, and contractor's yards were removed as an allowed use.

Mr. Gould explained the history of the Zecco, Inc. site, stating Zecco bought out Metcalf & Eddy to ACV Enviro in 2000. At that time, the industrial waste on the site was removed.

Mr. Cranston explained there will be 20 vehicles and 12 trailers on the site, half of which will be parked on the site and half will go home with the employees. He noted it is a half-hour process for the trucks to leave the site in the morning, and they leave the site between 6:00am-6:30am. They are open Monday through Friday from 6:00am to 3:00pm-4:00pm; and are open on Saturdays with a smaller crew and for less hours. Three to four trailers go out every day. They also do snow plowing and do not use salt or sand for snow removal.

Mr. Gould stated ACV does not store vacuum trucks on the site today, but rather uses the site for a business office and equipment storage. He noted there is no longer a full-time mechanic on the site.

David Patterson, Turf Manager, explained the fertilizer and diesel will be separated in different locations. Fertilizer will be brought to the site and mixed with water. It will all be mixed at the site and stored on the site in a containment container unit.

Fred Litchfield, Town Engineer, noted the Groundwater Advisory Committee approved the project with conditions.

Mr. Gould stated the proposed use is less detrimental than the previous use of an industrial waste removal company.

Over thirty-five residents and abutters submitted petitions in opposition of the proposed project on March 20, March 25, and March 26, 2019, including the following:

Jennifer Ogonowski, Danielle Lau, William Donovan, Jessie Vitorino, Kerry Gentile, Robin Gallagher, Sara Ulius-Sabel, Sherry Clark, Julie Anderson, Kair Tucker, Cassie Lee, Tania Danushersky, Samantha Sawyer, Kanchana Dasari, Jenilee Lugo, Jason Marchese, Liz Nolan, Kathy Kaminsky, Jeanette Morgan, Kristen Raymond, Tiffany Cudding, Kathy Reilly, William Eburn, Genevieve Belfer, Debra Weiner, Laura Wyrsh, Lindsey Moussa, Satnam Kandola, Laura Ziton, Christine Thorn, Kerri Martinek, Chi Hae Kwan Leonard; Scott Leonard, Mark Notash, Carol Chione, Greg Caldicott, Deirdre Watkins, Melanie Palmer, Melissa Dunn, Suzanne Cieslica, Rebecca Mihopoulos, Shari Shadorfa, Anthony Ziton, Linda M. Grady Backlor, George Backlor, Jr., Shannon Archibald, Mary Archibald, Alan Archibald, Rikki Bezzant, Tristan Bessant, Matthew Adams, Megan Varnes, Joan Maddox, John Maddox, Sandra Coombs, Beth Koose, Alison Chan

Abutters and residents present who expressed opposition to the proposed project were: Sally Chaves, 15 Buckhill Road; Amy Poretsky, 47 Indian Meadow Drive; Greg Caldicott, 23 Buckhill Road; Henry Squillante, 72 Crestwood Drive; Kerri Martinek, 16 Hemlock Drive; Edward Hardy, 9 Buckhill Road; Chi Hae Kwan Leonard, 5 Buckhill Road; Karena and Erik Hansen, 6 Buckhill Road; Laura Ziton, 17 Franklin Circle; Janice Fournier, 283 Davis Street; Jason Marchese, 19 Buckhill Road; Millie Milton, 50 Fay Lane; Carol Chione, 15 Brigham Street and Danielle Lau, 35 Shady Lane Avenue. Their oppositions to the proposed project included: worries about hazardous waste that has been stored on the site in the past; their worries about the possible changes to the Business West District; they don't want the industrial non-conforming uses in the surrounding neighborhoods; they believe the proposed use is more detrimental to the neighborhood; the project doesn't conform to the Zoning Bylaw's decision; they are worried about noise from the site; they are worried about chemical fires; they are worried about pesticides that could cause respiratory diseases; they are worried about children from the local daycare getting sick; and they feel the Applicant will be adding something that will be substantially worse to the site.

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

DECISIONS

24 Lancaster Road:

Mr. Tagliaferri motioned to Grant a Special Permit to allow the proposed addition of an attached accessory dwelling unit on the property located at 24 Lancaster Road in the Residential B District. Mr. Rand seconded the motion and the vote was unanimously in favor of Granting the Special Permit, per the plans submitted and identified as:

- a. An 18" x 24" black and white Approval Not Required plan entitled "Plan of Land, Lancaster Road, Northboro, Massachusetts", dated 8-11-87, for Owner: Brendon Noel Const., Co., prepared by E.J. Flynn Engineers, signed and stamped by Theodore Brahm, Registered Professional Land Surveyor on 2/26/19; recorded at the Worcester District Registry of Deed, Plan Book 583, Plan 96, on Sept. 15, 1987;
- b. An 11" x 17" black and white plan entitled "ZBA Petition Plan, 24 Lancaster Road, dated Feb. 26, 2019; prepared for Allen & Marie Hight, Northborough, MA 01532, by Connorstone Engineering Consulting Civil Engineers and Land Surveyors, signed and stamped by Varoujan H. Hagopian, Professional Land Surveyor, on 2/26/19; and
- c. A 24" x 36" black and white plan entitled "Hight Residence, 24 Lancaster Road, Northborough, MA", identified as "Sheet A1.1", dated 02.14.19, prepared by Daniel J. Wezniak, AIA, Silver Street Architects.

Mr. Tagliaferri motioned Grant a Special Permit with Site Plan Approval for an addition to the existing home located at 24 Lancaster Road, in the Residential B District. Mr. Rand seconded the motion and the vote was unanimously in favor of granting the Special Permit with Site Plan Approval.

66 Lyman Street:

Mr. Tagliaferri motioned to Grant a Special Permit to allow a 38,700± square foot addition to a pre-existing non-conforming building for warehouse storage, on the property located at 66 Lyman Street, Map 71, Parcel 3, in the Industrial District. Mr. Rand seconded the motion and the vote was unanimously in favor of granting the Special Permit, per the plans submitted and identified as:

- a. A set of five 24" by 36" plan sheets entitled "Town Permits for Newcorr Packaging, 66 Lyman Street, in Northborough, Massachusetts, Worcester County", dated February 20, 2019; prepared for Newcorr Realty, LLC.; prepared by WDA Design Group, and signed and stamped by Patrick J. Schollard, Registered Land Surveyor; with sheets identified as

follows: Sheet C1.01, Existing Conditions Plan; Sheet C1.02, Existing Conditions Plan; Sheet C2.01, Layout and Materials Plan; Sheet C3.01, Grading and Drainage Plan; and Sheet C4.01, Construction Details; and

- b. Per the conditions in a letter to Brad Blanchette, Chairman, Zoning Board of Appeals, from Fred Litchfield, Town Engineer, RE: 66 Lyman Street, Map 71, Parcel 3, dated March 26, 2019.

Mr. Tagliaferri motioned to Grant a Special Permit with Site Plan Approval to allow a 38,700± square foot addition to a pre-existing non-conforming building for warehouse storage, on the property located at 66 Lyman Street, Map 71, Parcel 3, in the Industrial District. Mr. Rand seconded the motion and the vote was unanimously in favor of granting the Special Permit with Site Plan Approval.

172 Bearfoot Road:

Ms. Bakstran motioned to Grant a Variance to allow the use of a “CrossFit ForceField” gym, to be located in one of the two buildings on the site identified as 172A Bearfoot Road, in the Industrial District. Mr. Rand seconded the motion and the vote was unanimously in favor of granting the Variance, per the plans submitted and identified as:

- a. An 8.5” x 11” black and white architectural plan entitled “Site Development, 172 Bearfoot Road, Northborough, Massachusetts 01532”, identified as “1 of 1, Architectural Floor Plan & Elevations, Buildings #172A & 172B Bearfoot Road, Northborough, Massachusetts”, dated 2/5/18; and
- b. A set of four 24” x 36” black and white plan sheets entitled “Site Plan, #172 Bearfoot Road, Northborough, Massachusetts”, dated December 15, 2017, with sheets identified as follows: 1 of 3, Layout & Materials/Grading & Utilities; 2 of 3, Landscape & Lighting; 3 of 3, Details; and 1 of 1, Stormwater Pollution Prevention Plan.

And with the following condition:

The Site Plan shall be revised to reflect 9 additional parking spaces for a total of 19 spaces, including the required handicapped-accessible spaces, for the use of the proposed “CrossFit ForceField” gym in the building at 172A Bearfoot Road.

329-333 West Main Street:

Mr. Rutan stated he is of two minds on this project, as there is the building with primarily garages that may or may not be torn down and used by industrial-size trucks that the board may have no control over. He noted that there is a tire shop and a welder on the site and there is the thought that this might be too much for the neighborhood.

Mr. Tagliaferri stated that, in a letter to the Town of Northborough Zoning Board of Appeals from the Northborough Fire Department, David Parenti, Fire Chief, dated November 29, 2018, Subject: Application for Special Permit 329-333 West Main Street, Chief Parenti stated, in part, as follows: ***‘Based upon the submitted inventory from the applicant, the facility is required to apply for the following Northborough Fire Department permits: 1. Class I Flammable Liquids; 2. Class II Combustible Liquids; 3. Class IIIB Combustible Liquids; 4. Flammable Gas (acetylene); and 5. Hazardous Materials Permit for an Oxidizing Gas.***

Mr. Tagliaferri noted the chemicals and other hazardous materials requested were requested in the past and were not allowed even when there were no houses near the site.

Ms. Bakstran read from Chapter 7-08, Nonconforming Uses and Structures, Special Permit of the Northborough Zoning Bylaw, that states *“The Zoning Board of Appeals may grant a special permit to reconstruct, extend, alter or change a nonconforming structure in accordance with this section **only if it***

determines that the reconstruction, extension, alteration or change shall not be substantially more detrimental than the existing nonconforming structure to the neighborhood, and in making such determination, the Zoning Board of Appeals shall consider whether the proposed use is different in character or in its effect on the neighborhood or on the property in the vicinity.”

Ms. Bakstran noted there could be only one issue that determines if the board finds the reconstruction, extension, alteration or change to be substantially more detrimental than the existing nonconforming structure to the neighborhood. She also stated the board needs to look at the non-conforming issue and work on do something about it.

Mr. Rand stated the use of trucks on the site at 6am is not a good thing for the neighborhood, as well as the noise from lawnmowers and other machinery will be.

Ms. Harrison agreed with the problems of noise and truck traffic.

Mr. Blanchette stated he believes the proposed project **does not** meet the criteria necessary to grant the Special Permit, as follows:

1. *The proposal is in substantial harmony with the Northborough Master Plan and other plans approved or amended from time to time by the Northborough Planning Board, and with the purposes of this bylaw;*
2. *The proposed site is an appropriate location for such use;*
3. *The use as developed will not adversely affect the neighborhood;*
4. *There will be no nuisance or serious hazard to vehicles or pedestrians;*

Mr. Rutan motioned to Grant a Special Permit to allow the change of a pre-existing, non-conforming 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, in the Business West District. Ms. Bakstran seconded the motion and the vote was unanimously **OPPOSED** to granting the Special Permit, as the Board found the following:

- a. *The proposed use is not in substantial harmony with the Master Plan;*
- b. *The proposed site is not an appropriate location for the use based on 2009 re-zoning changes;*
- c. *The proposed use will increase the nuisance of noise and fumes to abutting neighborhood and pedestrians; and*
- d. *The proposed use is substantially more detrimental than the existing non-conforming use to the neighborhood based on the increase of traffic, chemicals and the use of the property.*

Mr. Rutan motioned to Grant a Special Permit with Site Plan Approval, to allow the change of a pre-existing, non-conforming 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, in the Business West District. Ms. Bakstran seconded the motion and the vote was unanimously **OPPOSED** to granting the Special Permit with Site Plan Approval.

Mr. Rutan motioned to Grant a Special Permit per Groundwater Protection Overlay District, to allow the change of a pre-existing, non-conforming 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, in Groundwater Protection Overlay District Area 3. Ms. Bakstran seconded the motion and the vote was unanimously **OPPOSED** to granting the Special Permit per Groundwater Protection Overlay District Area 3.

OLD/NEW BUSINESS

Approval of Minutes: Ms. Bakstran motioned to approve the minutes of February 26, 2019; Mr. Rutan seconded the motion and the vote was unanimously in favor of approving the minutes.

The meeting adjourned at 11pm.

Respectfully Submitted by

Debbie Grampietro

ZBA Administrative Assistant