



# TOWN OF NORTHBOROUGH Zoning Board of Appeals

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May 28, 2019  
Meeting Minutes  
Zoning Board of Appeals

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

Others Present: Kathy Joubert, Town Planner; Michael Turco, Peter Wikander, John Salvucci, Constanzo Salvucci, George Pember, John Grenier, Mo Bayou, Millie Milton, Henry Squillante, Larry Armanini, Lisa Maselli

Meeting began at 7:00pm, called to order by B. Blanchette, Chairman.

## Public Hearings:

### 275 Hudson Street

Petition of Michael Turco for a Variance/Special Permit to add a proposed third bay onto the side of the existing two-car garage that will be less than the required 15 feet from a side property line, on the property located at 275 Hudson Street, Map 35, Page 41, in the Residential C District and Groundwater Protection Overlay District Area 2.

M. Turco presented his petition for the addition of a third bay to add to existing two bay garage and also to add a workshop to the rear of the garage. Proposed bay will be eight feet from the side property line. Responding to questions from members of the Zoning Board of Appeals, M. Turco stated he would have adequate space between the garage and property line to access the rear of his property for any future septic system maintenance. There is an existing fence along the property line between his property and 277 Hudson Street. The additional bay cannot be added to the other side of the property due to the topography on that portion of the site.

John and Constanzo Salvucci, 277 Hudson Street, expressed concern with the garage being so close to their property line and possibly affecting the health of the trees that form a vegetated border between the town properties. Their front door is located on the side of the house facing the proposed garage and they have concerns about possible noise.

Larry Armanini, 184 Rice Avenue, is concerned with precedent being set by allowing a garage so close to a property line. The Board assured him no precedent would be set if the variance was granted as each application before the Board is considered solely on its merits.

F. Bakstran made motion to close the hearing, second by P. Tagliaferri. All were in favor of closing the hearing.

### 148 Main Street

Petition of Central One Federal Credit Union for a Variance/Special Permit, to allow a proposed double-sided free-standing sign to include a 17.52 square-foot changeable-copy message area;

and to be an overall height of 13.7 feet, on the property located at 148 Main Street, Map 53, Parcel 133, in the Business East District.

At the request of the Applicant, F. Bakstran made motion to accept continuation request to the June 25, 2019 meeting at 7:00pm, second by M. Rutan, all board members in favor of continuing the hearing for 148 Main Street to the June meeting.

#### **14 Monroe Street**

Petition of Peter Wikander for a Variance/Special Permit to build a proposed garage on the footprint of the existing garage and an unfinished second-story for additional storage, on the pre-existing, non-conforming lot, on the property located at 14 Monroe Street, Map 63, Parcel 6 & Map 63, Parcel 5, in the General Residential District.

P. Wikander presented his petition for the rebuilding of the existing garage using the same location of the existing garage and a second story for storage will be added, thus resulting in a structure six feet taller than the existing garage. New footings will be installed. A variance is being sought for the addition of the second story as accessory structures are limited to one story per the zoning bylaws; a variance is being sought for the garage to be located within ten feet of the house; and a variance is being sought for the setbacks of the rebuilt garage.

In response to questions from the board members, P. Wikander responded there will not be any plumbing in the garage and the garage cannot be relocated to the other side of the house due to the location of the septic system.

F. Bakstran made a motion to close the hearing, second by Mr. Rutan, and all members were in favor of closing the hearing.

#### **41 Talbot Road**

Petition of John Rahaim, ACR Corporation, for a Variance/Special Permit/Special Permit with Site Plan Approval/Special Permit per Groundwater Protection Overlay District, to allow the addition of a 1,550 square-foot addition to an existing warehouse building for the purpose of storing steel components and a motor vehicle, on the property located at 41 Talbot Road, Map 71, Parcel 18; and Map 71, Parcel 19; in the Industrial District and Groundwater Protection Overlay District Area.

M. Rutan made motion to allow the petitioner to withdraw his application without prejudice. Second by D. Rand and all members voted in favor.

#### **1C Belmont Street**

Petition of 240 Turnpike Inc. for a Variance/Special Permit to allow the elimination of the condition, in both ZBA Case No. 15-14 and ZBA Case No. 16-17, that requires the existing subject sign to be the only use on the property located at 1C Belmont Street, Map 109, Parcel 2, in the Highway Business District.

G. Pember, attorney for the petitioner, provided a summary of the previous ZBA decisions for this property. Case no. 15-14 and case no. 16-17 contain a condition stipulating only one use on the property known as 1C Belmont Street and the petitioner chose the one use to be the freestanding pylon sign which has been constructed on the parcel. The petitioner would now like

to add a commercial building to the site in addition to the existing freestanding sign. G. Pember stated the original commercial use proposed and approved in 2014 was a used car lot and he believes although approved by this board, the board might have had some prejudice against the use and that is why the board limited the site to only one use, the car lot or the sign.

J. Grenier, PE, engineer for the petitioner, provided a summary of the site and the reasons the petitioner would now like to construct a commercial building. The site is 3.5 acres with 700 feet of frontage on route 9. There is an existing septic system and well on the site. The proposed commercial building, size not determined yet, would complement the existing Northboro Crossing shopping complex.

In response to the presentation, F. Bakstran questioned the statements from the applicant incorporated in the 2010 ZBA decision by J. Grenier when he stated the septic system was undersized for the proposed 5000 square foot building so how in 2019 can the system support a 7500 square foot building? M. Rutan corrected G. Pember in that the board was not prejudice against a used car lot and in fact approved the used car lot. D. Rand questioned the lack of landscaping around the freestanding sign and why hasn't the landscaping been installed given the decision was issued in 2015.

J. Grenier responded the parcel could be subdivided into two lots, one for the existing sign and one for the proposed commercial building. Retail has the lowest septic flows and the existing system would probably be adequate for the proposed commercial building. He also believes the tax revenue generated from the commercial building would be a positive outcome for the town. F. Bakstran pointed out previous statements from the past decisions were made by the applicant regarding the sign variance was needed in order to generate tax revenue as the land was undevelopable.

Resident Lisa Maselli, 13 Maple Street, questioned the size of the septic system and how would it support commercial development; also noted no landscaping has been done in accordance with the previous ZBA decision and why hasn't the applicant fulfilled that requirement; and without knowing what type of commercial business would locate there, how can the board properly evaluate the traffic impact.

Resident Henry Squillante, Crestwood Drive, stated the Master Plan currently underway is encouraging development along Route 9.

Resident Millie Milton, 50 Fay Lane, asked if any consideration could be given to removing the sign and then allowing commercial development on the site.

J. Grenier reiterated the increase in revenue by siting a commercial building on this property; many boards will be involved in the site plan review of the building and site; and a traffic study will be done as part of the site plan review and also as part of the curb cut application to the State MA DOT.

F. Bakstran made motion to close the hearing, second by M. Rutan, all members in favor of closing the hearing.

## **Decisions:**

### **275 Hudson Street**

Board members discussed being aware of encroachment near abutter's property line; applicant was aware a two-car garage existed on the property before he purchased it; concerns with access to septic system in rear of house if third bay were to be allowed; existing buffer of trees would be comprised by the construction; topography on the other side of the house warrants relief from the setbacks on this side of the house; and the abutters arborvitae do spill onto 275 Hudson Street.

M. Rutan made motion to grant the Variance for the side yard setback encroachment to within eight feet of the side property line, second made by D. Rand. One member in favor and four opposed. Motion does not pass. Variance is not approved.

### **14 Monroe Street**

Board members discussed there is no increase in any encroachment due to reconstruction of the garage as the applicant will be using the same location as the existing garage; no detriment to abutters; better curb appeal; the structure is unsafe as it is today; and proposal is to reconstruct the garage and add a second for storage all of which is a reasonable request.

M. Rutan made motions to grant variance for the second story, grant variance for the side and rear setbacks, and grant a variance for the ten foot setback from the existing house. F. Bakstran seconded the motion and all members were in favor of the motions. Three variances were approved.

### **1C Belmont Street**

Board members discussed applicant is now looking to have two uses on the property when previously he made the decision to have one use on the property. An option does exist for the applicant to remove the sign in order to be compliant with the previous ZBA decisions and then construct his commercial building. **During the public hearings in 2015 for the proposed sign, the applicant stressed to the board that the sign was critical for revenue for him as the property was undevelopable but now the land is apparently developable although no new information was submitted to the Board by the applicant to show why the land could now be developed when it couldn't be in 2015. The applicant's engineer, John Grenier, stated in 2015 the costs to develop a commercial building on the site were too high, along with the inability and cost of bringing water and sewer to the site. The applicant and his engineer also stated in 2015 they had explored a specialty retail or restaurant but due to the inability to expand the septic system and the lack of town water and sewer in the area, these reasons provided a hardship as to the site only being able to be used for the sign.**

P. Tagliaferri made a motion to approve the variance to allow elimination of condition 3.c. in ZBA Case No. 15-14 which limits the use of the property to a single use being a freestanding sign, second was made by D. Rand, and the vote was no members in favor of the motion. Therefore the variance is not granted.

## **Old/New Business:**

**Master Plan Update** – F. Bakstran, chairman of the Master Plan Steering Committee (MPSC), summarized the June 4, 2019 Master Plan meeting at which the MPSC voted to finalize and

approve the economic development and historic/natural/cultural recommendations. The MPSC will be reviewing the first draft of the Master Plan towards the end of the summer and a presentation of the final document will be scheduled in the fall as a joint meeting with the Board of Selectmen and Planning Board. F. Bakstran and B. Blanchette both reiterated the number of opportunities the public has had over the past fourteen months so far to participate in the process and the representation has been broad at the various meetings and workshops held over the past year.

**Next ZBA meeting will be held June 25<sup>th</sup>.**

Meeting adjourned at 9:00pm.

Respectfully submitted by,  
Kathy Joubert  
Town Planner