



**Zoning Board of Appeals
Meeting Minutes
September 26, 2017**

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

Others in attendance: Fred Litchfield, Town Engineer; Robert Frederico, Building Inspector; Nadine Haranas, 20 Westbrook Road; Julanta MacDonald, 137 West Main Street; Anderson Huang, Anytime Fitness; Danielle & Bill Redfern, 6 Crawford Street; Attorney Robert Nislick; Jay Correia, 442 West Main Street; Mitch Cook, Lexus of Northborough; Attorney Marshall Gould; Richard Richie, 24 Westbrook Road; Ron MacDonald, Suburban Paving

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

Continued Public Hearing to consider the petition of Jay Correia for a Variance/Special Permit/Special Permit with Site Plan Approval/Special Permit, Groundwater Protection Overlay District, to allow the addition of a proposed office building on the property located at 442 West Main Street, in Groundwater Protection Overlay District Areas 2 and 3, Map 80, Parcel 33

Mr. Correia discussed landscape drawings prepared by Larry Greene of Waterman Design in an effort to come up with a solution to provide privacy for the neighbor affected by recent removal of bamboo from the easement. He explained that he had asked Mr. Greene to meet with Ms. Redfern to determine what is needed, and he understands that Ms. Redfern would like a 6-foot white vinyl fence to be installed bordering the easement line along with some additional plantings. Mr. Greene noted that plantings will not survive if they are not maintained, and will compete with the existing hemlocks.

Mr. Correia indicated that the original drawings show a row of existing arborvitae that have grown rather tall, but noted that Ms. Redfern has indicated that she is not in favor of using arborvitae. He commented that, based on conversations with Attorney Nislick, he is not confident that the matter can be resolved. He stated that he has been at this location for 17 years and hopes to remain for many more and wants to be a good neighbor. He also noted that, after reviewing the options, he decided to go with the fence that was recommended by Mr. Greene. He also recalled that the fence was to be installed prior to the commencement of construction but questioned the feasibility of doing so. He suggested that Ms. Redfern can install her own plantings if she chooses to, but he is reluctant to do so and just have them die. In response to a comment from Chairman Rand about the fence, Mr. Correia explained that the fence is nearly 10 sections. He also commented that he will have plenty of plantings on his side of the fence but believes that plantings behind the fence do not make sense. Chairman Rand

also discussed a retaining wall previously mentioned by Mr. Litchfield. Mr. Correia noted that a previous plan included a retaining wall, but it is no longer needed due to changes in the parking area.

Ms. Bakstran asked about the number of existing plants on the side of the parcel near the chain-link fence. Mr. Correia noted that there are 8 to 10. Ms. Bakstran also asked about the impact of a 6-foot fence installed 4 feet below grade. Mr. Correia stated that the proposed white fence is to be located on the high portion of the parcel.

Mr. Litchfield referred to his comment letter (copy attached). He explained that he had reviewed the revised Existing Conditions plan and the landscaping plan, and reiterated comments from his previous review letter provided on behalf of the Groundwater Advisory Committee (GAC) and DPW. His comments included the following:

- A reminder that the office space is all that is being requested and is all that should be approved as the lot is in the groundwater overlay area 3 and there have been no safeguards provided for anything that can be considered toxic or hazardous that might be stored on site.
- The Existing Conditions plan was revised but is not compatible with the town's GIS system so should be a condition of approval. Ms. Bakstran asked about the potential risk of approval without knowing if it is compatible. Mr. Litchfield stated that the issue can be dealt with when the as-built plan is submitted.
- The oil/water separator should also be shown on the as-built plan along with elevations.
- The Operations and Maintenance Plan (O&M) should include notifications to the Town Engineer before work is performed.
- Inclusion of standard language that inspection reports and annual reports are to be submitted to the town.

Mr. Litchfield noted that the applicant had resubmitted the original drainage calculations (from 1989) as requested and had indicated that the plan is basically the same. However, in re-reading the information, Mr. Litchfield noted that the applicant has indicated that the rooftop runoff will be recharged directly to the leaching basins but no information was provided for that design.

- Mr. Litchfield also suggested that, if the plantings within the landscape easement are to be maintained by Mr. Correia, some type of gate should be installed in the fence to allow him to do so.
- While the Town Engineer has been provided with a letter from the engineer confirming that the drainage is working, certification will be required confirming that the proper amount of stone was installed around the structures and that it meets the original design.

- The project will require a Notice of Intent to be filed with the Northborough Conservation Commission and an earthwork permit from the Earthwork Board.
- Provision of callouts and inclusion of trench detail for the water service installation
- All work within West Main Street will require an access permit from the state.

In response to a question from Chairman Rand, Mr. Litchfield stated that most of his questions and concerns can be dealt with through the as-built plan, and the only thing that needs to be submitted at this point are the recharge calculations for the rooftop runoff. He indicated that this can be addressed prior to the issuance of a building permit.

Ms. Bakstran discussed the landscaping plans dated June 2017 and August 2017 and questioned whether they are the same. Mr. Correia agreed to resolve the issue with the plan dates.

Attorney Nislick, representing the abutters at 6 Crawford Street, noted that one of his client's main concerns is that when Ms. Redfern visited town hall to see what was filed in terms of landscaping plans, the only document she was able to obtain was similar to what is being shown here tonight but it did not have the additional vegetation shown. He emphasized that the letter submitted this evening is based upon what he and his clients believe to be what was proposed and not what is shown here tonight. He mentioned the misunderstanding and noted that his clients were not aware of the additional plantings until the beginning of this evening's presentation. He explained that, following the August 22nd meeting, Mr. Correia's landscape architect did communicate by phone on one occasion and made arrangements to visit the property to look at the easement. He noted that Ms. Redfern had requested that evergreens be planted within the easement area close to the rear of the main section of Mr. Correia's lot, and suggested that 6-foot arborvitae and an 8-foot fence could be installed in front of them. He voiced his understanding that Mr. Greene was going to discuss the request with Mr. Correia and try to come to an agreement prior to tonight's meeting, however, there was no follow-up communication.

Danielle Redfern, 6 Crawford Street, explained that she had approached Mr. Correia on Sunday and asked if he had anything for her to review in advance of tonight's meeting. She noted that he told her that he had presented 3 different options for landscaping and offered to email them to her. She explained that, lacking receipt of anything from Mr. Correia, she had stopped in at town hall and picked up a copy of the plan presented this evening but did not find anything on file pertaining to the other options mentioned by Mr. Correia.

Mrs. Redfern confirmed that she and Mr. Greene had met at the site to discuss her wishes, at which time she had requested a fence with plantings behind it. She explained that, when she did not hear back from him following the visit, she visited Bigelow's Nurseries and they made suggestions for plantings that would work to provide the privacy screening she is seeking. She discussed her request for fast-growing evergreens, and noted that the easement area is 1200 square feet so provides plenty of room for plantings. She also voiced her desire that the new fence not be connected to her fence.

Mrs. Redfern noted that the meeting also involved her husband, Phil, and the abutter from 10 Crawford Street.

Phil Redfern, 6 Crawford Street, commented that the meeting with Mr. Correia went pretty much as already described, and they even took a walk on their deck to see what it would look like. He indicated that there had been some discussion that the fence with the plantings would supplement the visual barrier, and the landscape architect had commented that larger trees might not be possible so a taller fence was also to be considered. He also noted that he had explained to Mr. Greene that the existing hemlocks and fence are on his property.

Attorney Nislick noted that Mrs. Redfern had prepared a landscape plan that would be acceptable, which was included in their letter to the board. He noted that the plan shows the real position of the existing hemlocks, the line for the easement area, and the location of the 8-foot mature evergreens and an 8-foot fence proposed by the Redfern's. He voiced his opinion that this is a reasonable request under the circumstances. He also noted that his client had previously asked for the following additional conditions and asked that they also be imposed:

- Lighting from the project not visible on the Redfern's lot
- Location of the dumpster to be addressed, given concern about rodents.
- Request that entrances and exits at the rear of the building be for emergency use only
- No service entrance at the rear of the building
- Windows on the 2nd floor were discussed, and the Redfern's understand that there may be a building code issue that pertains to them.
- No vehicular traffic at the rear of the building
- Smoking to be prohibited anywhere on the property
- Concerns about the tight tank and septic tank. Attorney Nislick noted that Mrs. Redfern had checked with the town's Board of Health and found that no inspection reports or maintenance records have been filed with the town.
- Concern about a retaining wall between the petitioner's lot and the wetland area and privacy easement
- Assurance that the stormwater management standard has been met
- Seeking indemnification against any loss or damage should they suffer any harm

Ms. Bakstran asked Mr. Litchfield about the drainage calculations, since the property slopes back toward the Redfern's lot. Mr. Litchfield noted that the original drainage analysis that was done in 1998 separated it into two areas and the portion that flows toward the back of the lot has been reduced, with more flowing to the front where the catch basins are located. Mr. Correia also indicated that he has provided Mr. Litchfield with documentation confirming that the tight tank has been maintained for the past 16 years.

Mr. Correia revisited the issue of the proposed arborvitae plantings. He noted that the existing hemlocks are 35 to 45 feet tall and appear to be thriving since the eradication of the bamboo whereas trees elsewhere on the property are dying due to lack of proper maintenance. He also suggested that

what the Redfern's are requesting is unrealistic, but he is happy to work with them toward a mutually agreeable solution. He noted that he has submitted a lighting plan that shows that there are no impacts to the Redfern's property.

In response to a question from Chairman Rand, Mr. Correia confirmed that the landscaping easement is on his property. Mr. Rutan asked Mr. Correia if he has any issues with a taller fence. Mr. Correia indicated that he does since he has already purchased 6-foot fencing. Attorney Nislick requested that the applicant be required to install the fence and plantings prior to the start of construction. Mr. Litchfield noted that the distance between the rear of the building and the proposed fence location is about 15 feet, so this should not be a problem.

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

Public hearing to consider the petition of Suburban Blacktop for a Variance/Special Permit/Special Permit with Site Plan Approval, to allow the proposed expansion of the existing parking lot to serve the building currently occupied as a dentist office, on the property located at 137 West Main Street, Map 62, Parcel 89

Chairman Rand recused himself and Mark Rutan assumed the role of Chair.

Mike Sullivan from Cornerstone Engineering introduced property owner, Julanta MacDonald DMD, and contractor Rob MacDonald who will be doing the proposed construction. He noted that he had previously been before the board for this project, which was originally developed by Tim Shay. He explained that the existing building and parking are shown on the plan, with 14 parking spaces required and 16 provided. He noted that the business is doing well and the owner is seeking to add 18 additional parking spaces including one handicapped-accessible space.

Mr. Sullivan explained that the grade rises up in the back of the lot, so a four-foot retaining wall is proposed with a 2-to-1 slope behind it. Mr. Sullivan commented that water flows toward Main Street and there is a trench drain across the entrance that picks it up and directs it to the manhole that discharges to the subsurface system. He indicated that he had evaluated the drainage for up to a 100-year storm event, and noted that the trench drain currently has a 4" pipe that will be increased to 8 inches and will flow to the manhole with two outlets to the culvert units, so any runoff associated with the increase in impervious coverage will be mitigated. Mr. Sullivan also noted that flowering crabapple, hosta and perennial plantings are proposed.

Mr. Rutan indicated that the board had received a comment letter from the Fire Chief dated August 24th (copy attached) in which he indicates that the proposal is acceptable. Mr. Rutan also noted that the board had received a review letter from the Town Engineer (copy attached). Mr. Sullivan confirmed that he has seen both letters.

In response to a question from Ms. Bakstran, Dr. MacDonald confirmed that there are 7 dental chairs in the office, utilized by her and two part time staff. She also noted that the practice has three hygienists and a receptionist. Ms. Bakstran asked why there is a need for so many parking spaces. Dr. MacDonald explained that the staff load and patient load are both quite high, with the practice seeing as many as 60 patients per day. She noted that some patients have had to park down the street and walk to the office due to the lack of sufficient parking. Ms. Bakstran asked if the additional parking will encroach on the required 25-foot wide landscape buffer. Mr. Sullivan indicated that it will not encroach any more than what was originally approved. He also suggested that the retaining wall is actually a landscaping feature, but agreed that this is open to interpretation. Ms. Bakstran recalled that a variance to allow parking in the front of the building was requested (and approved) in the original application because the topography in the rear was not conducive for the creation of parking, but it now appears that there is a way to do so. Mr. Sullivan indicated that the parking spaces in the front were pre-existing at the time of the original application.

Mr. Rutan discussed the review letter from Mr. Litchfield dated September 26th, in which he requests the following conditions:

- Earthwork permit to be required
- Applicant should check with Mass Department of Transportation to determine if an amended curb cut permit to access a state highway is required. Mr. Sullivan voiced his opinion that the project falls below the threshold, so no filing is needed.
- Snow storage area should be provided.
- Mr. Rutan discussed Mr. Litchfield comments that the two new spaces proposed at the end of the aisle appear to be difficult to exit. Mr. Sullivan agreed and offered to work with Mr. Litchfield to find a more appropriate solution.
- Proposed dumpster area should be screened. Mr. Sullivan indicated that a new location is being proposed. Mr. Litchfield suggested that the new space is constrained and will likely be difficult for the truck to access, but noted that the extension of the turnaround may prove helpful for this situation.
- Both the previous and proposed stormwater plans required the submission of an annual report to the town, but none have been provided to date. Mr. Sullivan noted that the new owner was likely not aware of this requirement and he agreed to review the O&M Plan with the owner to ensure compliance.
- Detail of the proposed retaining wall should be added to the plan. Mr. Sullivan agreed to do so. Mr. Frederico reminded Mr. Sullivan that retaining walls in excess of 4 feet high (measured from the bottom of the footing to the top of the wall) need to be engineered.
- An as-built plan must be submitted to the town upon completion of work and prior to the issuance of an occupancy permit.

Ms. Bakstran asked Mr. Litchfield to clarify whether the encroachment within 25-foot landscape buffer requires a waiver. Mr. Litchfield confirmed that it does, though it does not encroach any more than what was originally approved so the board needs to simply reaffirm that the waiver covers the new area of encroachment. He also suggested that any expansion of the turnaround

area will require an additional waiver.

In response to a question from Mr. Leland, Mr. Sullivan confirmed that the existing dumpster pad will be removed.

A woman who identified herself as an abutter noted that the area is already dug up and asked about the work that will be done. She indicated that this is very close to her property line, and questioned why a 4-foot retaining wall is even needed. Mr. Sullivan explained that the slope will be cut back, a wall will be installed at the toe of the slope and a more gradual slope will be created. The abutter also mentioned that the dumpster is located at the back of the property near abutting houses, and the neighbors are disturbed when it is emptied in the early morning hours (between 6AM – 7AM). Ms. MacDonald stated that the trash truck has been coming on Mondays between 10AM – 11AM, but the abutter disagreed. Mr. Sullivan suggested that Ms. MacDonald arrange for the trash removal vendor to come in the late morning and she agreed to do so. The abutter cited safety concerns and asked if fencing will be installed along the retaining wall. Mr. Sullivan indicated there are no plans to do so.

Richard Richie, 24 Westbrook Road, stated that the subject property borders across his entire back yard. He explained that, he could previously not see Route 20 from his yard but he now can since the hill has eroded. He voiced his understanding that the applicant is planning to install a retaining wall and requested a privacy fence. He indicated that the property abuts a residential area and commented that the work will result in an invasion onto his property, especially from headlights of cars in the parking area. He reiterated his request for a privacy fence along the top of the bank. In response to a question from the applicant, the board indicated that a fence can be required as a condition in the decision. Dr. MacDonald agreed to accommodate the request if required by the board.

Ron MacDonald from Suburban Paving noted the presence of trees at the top of the embankment and asked if it would be possible to do additional plantings to provide more of a buffer. He also noted that the proposed retaining wall is not intended to be a structural wall, but is simply intended to keep the wood chips from falling onto the pavement.

Mr. Blanchette voiced his opinion that it would make more sense to keep the parking spaces and paint them as “no parking” for the dumpster area, along with the two spaces that Mr. Litchfield has indicated will provide sufficient turnaround area for vehicles. Mr. Sullivan noted that, for the short period of time in question, the applicant would prefer to block off parking spaces with cones when the trash truck is expected instead of permanently losing those two spaces.

Mr. Litchfield asked how the applicant had arrived at the additional 18 spaces, and questioned whether they are all really necessary. Mr. Sullivan agreed to give the issue closer consideration. Mr. Litchfield asked if the applicant would like to continue the hearing until the matter can be addressed. Mr. Sullivan suggested that he and Mr. Litchfield can work out the details. Mr. Litchfield asked if it is possible to accommodate the dumpster appropriately without needing a waiver. Mr. Sullivan expressed an ability to do so, and asked the board to allow him to work the matter out with Mr. Litchfield so that the hearing can be closed tonight. Mr. Rutan asked the abutter about installation of plantings instead of a privacy

fence. Mr. Richie indicated that he would be agreeable so long as it will facilitate his privacy, and reiterated that he does not want to see cars, lights, or traffic along Route 20. Mr. Rutan commented that a 30-foot buffer should allow installation of sufficient plantings to provide adequate screening. Mr. Litchfield asked if there is any flexibility with the wall to allow provision of a flat space to install the plantings. Mr. Sullivan indicated that it should be workable.

Mr. MacDonald agreed to meet with the neighbors to discuss some options and find some plant varieties that will provide a thick buffer. Mr. Litchfield suggested that the decision should stipulate a minimum of 6 plants or a quantity needed to provide adequate screening.

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

Public hearing to consider the petition of Anytime Fitness for a Variance/Special Permit to allow a proposed wall sign to be located on the south side of the building at 10,010 Shops Way, Unit R1, Map 109, Parcel 15

Anderson Huang of Anytime Fitness Northborough discussed his request for a variance to allow an additional sign on the south side of the building at 10010 Shops Way, similar to that which was granted to St. Vincent's, for better visibility. He explained that the building is elevated off of Route 20 making the business hard to see, so he is asking to be allowed additional signage on the back of the building.

In response to a question from Chairman Rand, Mr. Huang confirmed that the sign will be located on the back portion of the unit he is renting, and the landlord has already approved it. Ms. Bakstran asked about other signage for the business. Mr. Huang indicated that he will have a sign above his front door, as well as one on the freestanding pylon. Mr. Blanchette asked about hours of operation for the business and hours of illumination for the sign. Mr. Huang explained that the business operates 24 hours a day, so the plan would be for the signs to be illuminated for the duration as well, with the board's approval. In response to a question from Ms. Bakstran, Mr. Huang indicated that the lettering on the sign is stationary. Mr. Rutan noted that the town's sign bylaw stipulates that no signs can be illuminated between midnight and 6AM unless they are for police, fire, or other public safety operations. Mr. Huang reiterated his desire for the signs to be illuminated 24 hours a day, and agreed to come back to the board to seek a variance for that.

Ms. Bakstran commented that, for now, the signs can be illuminated between 6AM and midnight, 7 days a week. Mr. Leland asked if the sign for St. Vincent's goes off at midnight. Attorney Gould indicated that he was unsure.

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

Public hearing to consider the petition of Lexus of Northborough for a Variance/Special Permit to replace an existing primary freestanding sign that is 35.6 feet in height with a 117 square foot face,

with a primary freestanding sign that is 35 feet in height with a face of not more than 100 square feet, on the property at 14-24 Belmont Street, Map 109, Parcels 27 & 28

Attorney Marshall Gould and Mitch Cook appeared before the board to discuss the application. Attorney Gould explained that an error was found in the application and noted that the pylon sign is to be 35 feet and not 35 feet 6 inches as indicated.

Attorney Gould stated that the project was originally the subject of a 2002 variance and special permit application and decision when Northborough Lexus came into town. He explained that Lexus Corporate will often require dealerships to use specific sign contractors, which was the case for this facility. He noted that the owners at the time did not realize that the sign installed was 35 feet high instead of the 27 feet 10 inch sign that was approved. He commented that the sign contractor does a lot of work in Shrewsbury, where the bylaw allows 35 foot signs, so that is what they did. He noted that the existing sign has been there for 15 years and nobody realized that it was wrong. He also noted that the sign was supposed to be 10' x 10', but is actually 10' 10" x 10' 10".

Attorney Gould explained that, in 2016, Lexus Corporate decided to change the architecture of facilities that include changes to signage and all dealerships nationwide will be required to comply. He noted that the previous black and gold logo will now be platinum and gold, and signs are to be 35 feet high. Attorney Gould agreed to provide the board with a copy of the letter from Lexus confirming these requirements.

Attorney Gould reiterated that the sign is to be replaced with a 35 foot sign, but the face will be less than 100 square feet. He noted that the lettering on the sign has been moved down 4-feet, 10-inches from the top so that the actual sign is 29 feet, 1 ½ inches with the structure to be 35 feet high. Attorney Gould stated that the applicant only learned that the existing sign is not in compliance with the bylaw when they met with the Building Inspector about the proposed changes, at which time he was referred to the ZBA. He reiterated that the structure is already there and this was simply an innocent mistake. He commented that the sign is consistent with those on Route 9 in Shrewsbury, and requested that it be approved. He emphasized that the actual sign will be less than 100 square feet, which is in compliance with the bylaw. He also voiced his opinion that the application meets the grounds for hardship, and indicated the need for the sign to be prominent enough to be seen by vehicles travelling down the hill.

Ms. Bakstran voiced her opinion that the new design is much nicer. She mentioned that it is possible to see through the base of the existing sign and questioned whether the new sign with the solid base will interfere with the line of sight. Mr. Frederico indicated that this should not be an issue.

Mr. Leland asked for clarification about whether the location of the new sign is a few feet farther back on the property than the existing. Attorney Gould agreed that it does appear to be,

Mr. Frederico noted that the proposal calls for the removal and replacement of the existing sign and foundation. He advised that, since the base will be modified from two pole stanchions to a single

monopole, it will need to be re-engineered and will require an engineer's stamp. In addition, the new sign will need to include the street number address as required in the bylaw.

In response to a question from Mr. Blanchette about plans for additional signage in the future, Attorney Gould confirmed that there are no plans for any further signs. He also indicated that all other existing signs are in compliance with the bylaw.

Mr. Litchfield expressed a desire for the applicant to provide details to confirm that the sign meets the setback requirements, especially given the large size of the structure. Attorney Gould voiced his understanding that signs are not required to meet setbacks. Mr. Frederico confirmed that permitted signs are not required to meet side and front setbacks. Mr. Litchfield emphasized the need to ensure that the sign is generally in the same location or further back on the property, and suggested that the board include this as a stipulation in the decision along with a verification that the sign was built according to the limits of the permit that is granted.

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

DECISIONS:

442 West Main Street – Mr. Rutan voiced his understanding that the applicant has already purchased the fencing for the project, which is the reason he cannot comply with the request for an 8-foot fence. Mr. Leland noted that an 8-foot fence would require a variance, but Mr. Litchfield clarified that only the section that is within the setback would need a variance. Ms. Bakstran commented that a 6-foot fence with trees that will grow above it makes more sense to her. Chairman Rand commented that arborvitae will take a fair amount of time to grow. Mr. Rutan noted that Mr. Correia continues to mention arborvitae but it appears that Ms. Redfern would prefer several different species. Ms. Bakstran noted that Bigelow Nurseries had suggested three different types of trees for privacy. She emphasized that Ms. Redfern appears to be primarily interested in privacy, based on the fact that she went through the trouble of getting a privacy easement so she wouldn't have to look at a parking lot and is now frustrated with the fact that we will be looking at a building. Ms. Bakstran also questioned the building size, given the small size of the parcel. Mr. Leland noted that the abutter does have the right to install further plantings per the deeded easement, so the board does not need to fulfill all of her requests. Mr. Litchfield commented that the abutter's intention was to ensure that Mr. Correia could not go in and wipe out all of the vegetation, which he did when he removed the bamboo that was providing decent screening for the abutter. Ms. Bakstran voiced her opinion that some of the requests are reasonable to ensure privacy, though she was uncertain how much to include in the decision. Mr. Rutan expressed a desire to require some type of egress at the rear of the building for emergency situations. Mr. Litchfield noted that the building is placed as far back on the lot as possible while still meeting the 25 foot setback. Mr. Leland asked if the board can enforce a "no smoking" requirement and Ms. Bakstran voiced concern about the lack of handicapped accessibility for the second floor.

Fran Bakstran made a motion to approve a special permit/special permit groundwater with the following conditions:

- A solid 6 foot high fence is to be installed along the landscaped easement as shown on the landscape plan dated Sept. 21, 2017, and not attached to the existing fence
- 8 mature evergreen trees of at least 6 feet tall at time of planting are to be planted in the landscape easement and within at least 5 feet of the fence on the easement side of the fence prior to the issuance of a building permit.
- All conditions included in Fred Litchfield's Groundwater Advisory Committee (GAC) comment letters dated August 21, 2017 and September 26, 2017 are to be included.
- Conditions per the Design Review Committee (DRC) letter dated Aug 18, 2017 regarding replacement of light poles with wall pack lighting.
- Screening to be installed around dumpster at the location as shown on the plan dated Sept 21, 2017.
- Any pumping records from the tight tank, as referenced in the GAC letter, are to be submitted annually to the Board of Health.

Jeffrey Leland seconded the motion made by Ms. Bakstran. Mr. Rutan asked for clarification about the lighting, and noted that only the two poles closest to the building are to be replaced with wall packs. Ms. Bakstran amended her motion to stipulate that the two light poles currently adjacent to the building are to be replaced with wall packs. Jeffrey Leland seconded the amended motion; motion carries by unanimous vote.

137 West Main Street – Chairman Rand noted that he had recused himself from the hearing and asked Mark Rutan to assume role of chair for the discussion. Members of the board agreed that the reduction from 18 parking spaces to 16 was preferred. Mr. Leland commented that the abutters were seeking reasonable fencing or natural screening. Mr. Rutan mentioned that the applicant was hesitant to install fencing and suggested that the screening will likely be better. Mr. Litchfield noted that there is minimal to no maintenance required for the screening. Ms. Bakstran stated that the dumpster is not in an ideal location but there really is no other option. She suggested that the decision needs to emphasize that the four foot wall is measured from the base of the wall, which the applicant did not seem to understand. Mr. Litchfield stated that this is not critical as long as the wall does not exceed 10 feet from the bottom of the footing to the top of the wall.

Mr. Leland asked about including information about the waiver in the decision. Mr. Litchfield emphasized the need to address the waiver and that it is consistent with the previous approval.

Fran Bakstran made a motion to approve the special permit with site plan approval with the following conditions:

- A reduction of parking spaces from 18 to 16
- The waiver of the 25-foot setback for the landscaping buffer included in the decision for ZBA Case No. 14-01 is to be extended.
- The project engineer is required to work with the Town Engineer to ensure adequate access to the dumpster and an adequate turning radius is provided for the southerly most parking spaces to the satisfaction of the Town Engineer prior to the installation of final pavement.
- A reasonable natural landscaping buffer, with a minimum of 6 mature evergreen trees, is to be planted at the rear of the parcel abutting the properties at 20 and 24 Westbrook Road (Map 62, Parcels 82 and 83) and is to be verified by the Building Inspector prior to the issuance of an occupancy permit.
- All conditions as noted in Fred Litchfield's review letter dated September 26, 2018 (copy attached) are to be included.

Jeffrey Leland seconded the motion made by Ms. Bakstran; motion carries by unanimous vote with Richard Rand abstaining.

10,010 Shops Way, Unit R1 – Ms. Bakstran asked Mr. Frederico to have all of the temporary signs and banners removed at the site.

Members of the board indicated that they have no issues with the proposal.

Fran Bakstran made a motion to grant a variance to allow the placement of a sign on the south side of the building with the understanding that it can only be illuminated between 6AM – midnight per the sign bylaw. Brad Blanchette seconded; motion carries by unanimous vote.

14-24 Belmont Street – Mr. Rutan voiced concern about the fact that the original sign was not installed in compliance with what was approved. Mr. Frederico reiterated that the plan calls for the removal of the existing sign and base and installation of a new foundation and sign, which will need to be engineered and stamped, given the magnitude of the sign. Chairman Rand asked if Mass Highway has any concerns about placing something this substantial in close proximity to the roadway. Mr. Litchfield indicated that they would not in this instance, but expressed his desire that the new sign not be placed any closer to the roadway than the existing pylon sign. He also requested that the applicant be required to verify the exact location of the existing sign so that it is possible to confirm that the new sign is no closer.

Brad Blanchette made a motion to approve the petition for a variance/special permit to allow the existing freestanding sign of 35 feet 6 inches with a face of over 100 square feet with a primary sign 35 feet in height and with a face of not more than 100 square feet with the following conditions:

- Prior to the issuance of a Building Permit, applicant is required to provide a plan showing the location of the existing sign and the new sign to confirm that the new sign is no closer to the highway
- The street number address is to be added to the proposed sign
- Applicant is required to submit an as-built plan with clear representation of the sign location and dimensions, including the setback from Route 9

Jeffrey Leland seconded the motion made by Brad Blanchette; motion carries by unanimous vote.

Other business - Mr. Leland mentioned that some site work appears to have been done at the site of the former mini golf location on Route 9 where the pylon sign was proposed. Mr. Litchfield agreed to contact the landowner.

Meeting adjourned at 9:40PM.

Respectfully submitted,

Elaine Rowe
Board Secretary