



TOWN OF NORTHBOROUGH Zoning Board of Appeals

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Approved 1.22.19

Zoning Board of Appeals Meeting Minutes October 23, 2018

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

Others Present: Kathy Joubert, Town Planner; Bob Frederico, Inspector of Building/Zoning Enforcement Officer; Jason Driscoll, 205 Brewer Street; Don Jackson, 209 Brewer Street; Andrew Serrato, Serrato Signs, LLC; William and Ann Rawstron, 1 Mentzer Avenue; Janice Brown, 18 Franklin Circle; Paul Gallagher, 15 Colonial Drive, Shrewsbury; Susan Stasaitis, 318 Green Street; Jennifer Wolfe, Just Variances

Chairman Blanchette opened the meeting at 7pm.

To consider the petition of Jason Driscoll for a Special Permit to allow the use of a professional office for training, walking and occasional boarding of dogs on the property located at 205 Brewer Street, Map 26, Parcel 13, in the Residential B District and Groundwater Protection Overlay District Area 3

Applicant Jason Driscoll presented the Application, stating he is a certified canine trainer and behaviorist with over 12 years of experience providing in-home training. He noted the name of his business is "Woofster County Canine Club LLC".

He stated he specializes in behavioral issues, new puppies, leash training, basic obedience training, among other services. He explained he would like to start a dog training, dog walking and occasional dog boarding business at his house in Northborough; and also would like to train and walk dogs at his clients' houses. Mr. Driscoll stated he needs a Special Permit allow dog boarding of not more than three dogs at a time in his house, as boarding dogs is considered a home personal service. He noted his property is wooded and there is a lot of space between his property and this neighbor's property.

Mr. Driscoll explained he has two dogs of his own and will have no more than three dogs boarded at a time. Most of the time, the boarded dogs will be in his finished basement with his dogs, except when he takes them out in his large fenced-in back yard for exercise or when they have to go to the bathroom.

Mr. Driscoll noted he has a 2-year old child, and his wife works from their home four days a week, so he does not want to have either one of them disturbed by barking dogs.

Mr. Frederico confirmed the business of boarding dog is a home personal service; and noted up to three dogs are allowed in a home personal service, but more than 3 dogs constitutes a kennel and is not allowed in the Residential B District.

Ms. Joubert noted that, on behalf of the Planning Board members, she asked Andrew Dowd, Town Clerk, how many dogs residents can own, and Mr. Dowd told her there isn't any limit as to how many dogs a person may own.

In response to questions from Mr. Tagliaferri, Mr. Driscoll explained this is a new business for him; and dogs to be occasionally boarded at his house are mostly there over a weekend and are owned by the Applicant's clients and relatives. The dogs to be occasionally boarded will be supervised by a certified trainer and will never be left alone outside.

In response to questions from Ms. Bakstran, Mr. Driscoll responded he will not have a kennel on the site, and there is a shed on the site and a pile of wood that is covered by a tarpaulin.

In a letter to the Town of Northborough Zoning Board of Appeals from David Parenti, Fire Chief, dated September 13, 2018, Subject: Variance, Special Permit, And Special Permit with Site Plan Approval, dated September 4, 2018 for 205 Brewer Street, Chief Parenti stated he reviewed the Special Permit request and has no concerns at this time.

Abutter Don Jackson, 209 Brewer Street, who lives next door to the Applicant, was present and stated he has had no problem with Mr. Driscoll dogs to date, as barking has not been an issue so far, but he may sell his house in the near future and doesn't want barking dogs to be a detriment to potential buyers. He stated he would like Mr. Driscoll to take down the existing sign for his business, as he believes it has already deterred prospective home buyers and may lower the value of his property. He noted noise is the issue, along with his perception of it being a problem if he needs to sell his house. He also stated he would not want Mr. Driscoll to have a sign for his business on the front of his property.

Mr. Driscoll noted he will take the sign down if Mr. Jackson wants to move.

Abutter Christine Thorn, 100 Green Street, sent an email message to the Northborough Planning Office, in which she expressed opposition to the Application and stated that she already has problems with noise pollution from I-290 and from neighbors who live near her; and believes the noise from any dogs Mr. Driscoll may have on his property may contribute to the noise pollution she is already experiencing.

Resident and Planning Board member Amy Poretsky, 47 Indian Meadow Drive, sent a letter to the Northborough Planning Office, by email, in which she expressed opposition to the Application, and stated she believes the special permit is not in harmony with the general purpose and intent of the zoning bylaw; is not in substantial harmony with the Northborough Master Plan and other plans approved or amended from time to time by the Northborough Planning Board; the proposed site is not an appropriate location for such use; and it will adversely affect the neighborhood.

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

The public hearing was closed on October 23, 2018.

To consider the petition of Andrew Serrato, Serrato Signs LLC, for a Variance/Special Permit to allow a proposed Pylon sign to exceed the maximum allowed square-footage and maximum allowed height with more than ten tenants, and with less than the required front yard setback, on the property located at 386 West Main Street, Map 81, Parcel 9, in the Business West District and Groundwater Protection Overlay District Area 2

Applicant Andrew Serrato, Serrato Signs, LLC, and Paul Gallagher, Property Owner, Pendleton Square, presented the Application.

Mr. Serrato stated there is an existing 30 year old, 12 square-foot freestanding Pylon sign on the subject site at 386 West Main Street that advertises some of the tenants of the Pendleton Square building. The owner of the property wants to remove the existing sign and install a 64 square-foot freestanding Pylon sign that will accommodate up to fifteen tenants. He noted the existing sign is located near the front of the site and is too small to be seen by people driving on West Main Street. Currently, there are tenants in the building that are not advertised on the existing sign because there is no room for them.

Mr. Serrato noted the maximum allowed size of a freestanding Pylon sign in the Business West District is fifty square-feet; and the maximum allowed number of tenants on a Pylon sign is ten. Therefore, Variances are required from Section 7-09-040G(1)(b)(2)[a], to allow a proposed freestanding Pylon sign to be 64 square feet in area; and to allow up to 15 tenants on the proposed freestanding Pylon sign.

Mr. Serrato explained the property owner wants to locate the proposed sign in the same area of the site on which the existing sign is located but 8 feet closer to the property line of West Main Street. Between the edge of the pavement and the property line there is a grassed area approximately 25 feet in depth as part of the road layout. The front property line of the subject site abuts 22 feet of grassy area that is owned by the Commonwealth of Massachusetts.

Mr. Serrato stated the parking area on the site spreads from the front of the building to the front property line of the site; and the existing freestanding 12 square-foot Pylon sign is located near the front property line. The front property line of the subject site abuts 22 feet of grassy area that is owned by the Commonwealth of Massachusetts.

Ms. Bakstran asked Mr. Serrato if there will be a sight issue, as the proposed sign will be higher and closer to West Main Street. Mr. Serrato stated it will not; and Mr. Frederico agreed.

Mr. Tagliaferri asked Mr. Serrato how the sign will be lit and what hours the lights will be on. Mr. Serrato stated the sign will be ground-lit on both sides; and Mr. Gallagher stated the lights will be on from dusk to midnight every evening.

Ms. Joubert confirmed the existing sign will be demolished.

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

The public hearing was closed on October 23, 2018.

To consider the petition of Jennifer Wolfe, Just Variances, for a Variance/Special Permit to allow the installation of 3 wall signs, 2 blade signs and 2 tenant signs for an “Old Navy” store, to exceed the maximum allowed signage area of 100 square-feet, in the Northborough Crossing retail development on the property located at 9012 Shops Way, Map 106, Parcel 7, in the Highway Business District

Applicant Jennifer Wolfe, Just Variances, representing Old Navy, presented the Application.

Ms. Wolfe stated she is requesting a Variance, from Section 7-09-040G(1)(c)[3] of the Northborough Zoning Bylaw, to allow the installation of 3 wall signs, 2 blade signs and 2 tenant signs for an “Old Navy” store, to exceed the maximum allowed signage area of 100 square-feet, in the Northborough Crossing retail development on the property located at 9012 Shops Way. She explained a proposed sign on the front of the Old Navy building will be 100 square feet; a proposed wall sign on the side of the building will be 60 square-feet in area; and a proposed wall sign on the rear of the building will be 60 square feet in area. In addition, two blade signs are proposed, both being 3.9 square feet in area. The total square footage of signs for the Old Navy store is 215 square feet.

Ms. Wolfe explained the established Northborough Crossing retail development is located at the corner of Route 9 and Route 20, off Boston Turnpike. The elevation of the proposed Old Navy store is in a set of in-line tenants that sits the furthest back from Route 9 and results in a lack of visibility of the proposed Old Navy building from both the Route 9 and Route 20. In addition, the size of the Old Navy store is classified as a Junior Anchor Tenant, and will be in the competitive market of retailers in the same industry in the same Northborough Crossing retail development.

Ms. Wolfe stated the proposed signs are consistent with signs on other buildings in the development, including Kohl’s, which is across from the proposed Old Navy building. The size of the proposed signage, as it relates to the distance of the storefront setback in the development, will not exceed maximum lumens output of 3200 per set of letters.

Ms. Wolfe noted a proposed wall sign on the front of the building will be 101.6 square-feet in area, and is described as Custom Fabricated “Old Navy” Face Lit White Channel Letters – Exterior; a wall sign proposed to be on the side of the building is 57 square-feet in area, and is described as Custom Fabricated “Old Navy” Face-Lit White Channel Letters – Exterior; a wall sign proposed to be on the rear of the building is 57 square-feet in area and is described as Custom Fabricated “Old Navy” Face-Lit White Channel Letters – Exterior; and two Non-Illuminated Blade Signs, both being 3.9 square feet in area, will be on the front elevation at the entrance of the store.

Ms. Bakstran was not in favor of the wall sign proposed to be on the rear of the building. Mr. Tagliaferri also agreed, stating there is no reason for the proposed rear sign to be there. Mr. Rutan agreed, noting there is no entrance or parking in the rear of the building. He noted if they allowed it for the Old Navy building, other stores may want to have signs in the rear of their buildings. Ms. Bakstran stated the wall sign proposed for the rear of the store would not be needed for patrons to know where the Old Navy building is located.

Mr. Rand reminded the board that the Old Navy store does not have two sides to their building and has only the one wall sign that is on the side of their building that faces the Kohl’s building.

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

The public hearing was closed on October 23, 2018.

Decisions

205 Brewer Street:

Mr. Rutan motioned to **GRANT** a **SPECIAL PERMIT** to allow the use of a professional office for occasional boarding of dogs, along with training and walking of dogs, on the property located at 205 Brewer Street; Mr. Rand seconded the motion and the vote was unanimously in favor of the motion, due to the fact that the proposed site is an appropriate location for the use, as it is wooded and there is plenty of space between the Applicant's property and his neighbor's property at 209 Brewer Street; the use of the home occupation as presented will not adversely affect the neighborhood; there will be no nuisance or serious hazard to vehicles or pedestrians; and adequate and appropriate facilities will be provided for the proper operation of the proposed use.

With the following conditions:

- a. The Special Permit shall run with the owner's business, currently known as "Woofster County Canine Club, LLC".
- b. There shall be no out-buildings on the site that are associated with the Applicant's business.
- c. Boarding of dogs shall be limited to up to three dogs on the subject site.
- d. All dogs on the site shall not be left unattended.
- e. All dogs on the site shall be kept inside at night.

386 West Main Street:

Mr. Tagliaferri motioned to **GRANT** a **VARIANCE** to allow a proposed freestanding, ground-lit Pylon sign to be 64 square-feet in area, on the property located at 386 West Main Street; Mr. Rutan seconded the motion and the vote was unanimously in favor of the motion, as the existing sign on the site is 30 years old and too small to accommodate any more than the existing 3 tenant panels on the sign; the location of the front property line of the subject site abuts the right-of-way owned by the Commonwealth of Massachusetts and is approximately 25 feet in depth abutting the edge of pavement of West Main Street, making it necessary for the proposed sign to be 64 square-feet in area and 8 feet closer to the subject front property line in order to be seen; the need to have space for tenant panels on the subject sign to accommodate the tenants; the relieve sought will not constitute substantial detriment to the public good and may be given without nullifying or substantially derogating from the intent or purpose of the Northborough Zoning Bylaw.

With the following conditions:

- a. The sign as proposed will not exceed 70 square-feet in area.

Mr. Tagliaferri motioned to **GRANT** a **VARIANCE** to allow up to 15 tenants to be advertised on a proposed freestanding, ground-lit Pylon sign, on the property located at 386 West Main Street, Mr. Rutan seconded the motion and the vote was unanimously in favor of the motion, as the Pendleton Square building on the site accommodates up to 15 tenants.

9012 Shops Way:

Ms. Bakstran motioned to **Grant** three **Variances** on the property located at 9012 Shops Way, as follows:

- a. A **VARIANCE** to allow a front wall sign to be 102 square-feet in area (4 feet by 25.5 feet);
- b. A **VARIANCE** to allow a side wall sign to be 59.25 square-feet in area (3 feet by 19.75 feet) and
- c. A **VARIANCE** to allow a second blade sign to be 3.9 square feet (3 feet by 1.3 feet).

Mr. Rand seconded the motion and the vote was unanimously in favor of the motion, due to circumstances relating to the lack of visibility of the subject building at 9012 Shops Way from both Route 9 and Route 20; the size of the proposed signage that will not cause obstacles for vehicular traffic; and will not harm wildlife or pedestrian traffic; and will not cause detriment to the subject shopping center.

Ms. Bakstran motioned to **DENY** a **VARIANCE** to allow a proposed rear wall sign, to be 59.25 square-feet in area (3 feet by 19.75 feet) to be located on the rear of the subject building, on the property located at 9012 Shops Way. Mr. Rand seconded the motion and the vote was unanimously in favor of the motion, as there is no entrance or parking area in the rear of the subject building; the wall sign proposed for the rear of the building would not be needed for patrons to know where the Old Navy building. Therefore, there is no reason for the proposed rear sign to be there.

Old/New Business

Master Plan Committee Update: Ms. Bakstran informed those in attendance that there will be a meeting of the Master Plan Steering Committee on November 1st at the Northborough Free Public Library in the Large Meeting Room at 34 Main Street, starting at 7:00pm. The agenda includes reviews of the October 4th Public Forum; First and Second survey results, and Alignment of Goals, Public Forums, and Survey Comments. She noted results of the second survey will be finalized and incorporated in the Vision and Goals; and there was a review of recommendations.

Next Steering Committee Meeting Dates: The next Steering Committee meetings will be held on January 3, 2019 and March 7, 2019

Approval of Minutes: The ZBA minutes of August 28, 2018 were approved.

Distribution of document from Amy Poretsky re: Nonconforming Bylaw update

Ms. Joubert explained that at this time, the Planning Board has not made a determination as to proceed with proposing this amendment at the 2019 town meeting. The Planning Board would

like input from the ZBA before considering this proposal. ZBA members will review the info and discuss it at the next meeting.

The meeting adjourned at 8:45pm.

Respectively Submitted,

Debbie Grampietro
ZBA Administrative Assistant