



TOWN OF NORTHBOROUGH Zoning Board of Appeals

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Approved 11.28.17

Zoning Board of Appeals Meeting Minutes October 24, 2017

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

Others in attendance: Kathy Joubert, Town Planner; Fred Litchfield, Town Engineer; Robert Frederico, Building Inspector; Elaine Rowe, Board Secretary

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

Public Hearing to consider the petition of Daniel Yarnie, dba Yarnie Property Management, LLC, for a Variance/ Special Permit/ Special Permit with Site Plan Approval/ Special Permit, Groundwater Protection Overlay District, to allow the use of a hair salon and 3 residential apartment units in the building located on the property at 89 West Main Street, Map 62, Parcel 64, in the Downtown Business District & Groundwater Protection Overlay District Area 3

Chairman Rand explained that the board had received a letter from the applicant requesting a continuance to the next meeting. Ms. Joubert mentioned that the project is still before the Groundwater Advisory Committee, and has been modified a few times. She voiced her understanding that the applicant has asked Mr. Frederico for a zoning determination as they are thinking about changing the number of residential units.

Jeffrey Leland made a motion to continue the hearing to November 28, 2017 at 7:00PM. Fran Bakstran seconded; motion carries by unanimous vote.

Bond reduction for Church Street Village – Mr. Litchfield indicated that the bond was reduced to \$30,000 a couple of years ago and the town has been waiting for the applicant to submit the certification on the drainage. He stated that, while it would also be nice to get an as-built plan, this requirement was not included as a condition in the decision so he has given up on pursuing it. He noted that he had received a letter from the applicant in August but has not yet had a chance to review it. He explained that the engineer has provided confirmation that basin #4 is adequate, though it was constructed without an outlet, but he neglected to certify the other three basins that discharge to the town's catch basin. He voiced concern about basin #4 and about the drainage overall. He advised the board that, since the applicant has provided 25% of what was required, the board can return 25% of the bond if they choose to do so.

Jeffrey Leland made a motion to release \$7,500 of the bond. Fran Bakstran seconded; motion carries by unanimous vote.

261 Main Street – Ms. Joubert explained that she had received a request from Waterman Design on behalf of their client requesting an extension of the special permit issued for the project at 261 Main Street. She noted that the decision technically expired this past Monday, but she and Mr. Frederico agreed to address the extension request.

Jeffrey Leland made a motion to extend the special permit for the project at 261 Main Street. Mark Rutan seconded; motion carries by unanimous vote.

Consideration of Minutes - Fran Bakstran made a motion to approve the Minutes of the Meeting of August 22, 2017 as submitted. Brad Blanchette seconded; motion carries by unanimous vote.

Proposed bylaw change for upcoming Town Meeting – Ms. Joubert provided board members with a copy of an email from Town Counsel, dated December 16, 2016, regarding special permits. She then explained that the town has typically held that special permits run with the applicant and variances run with the land, but Town Counsel has indicated that a special permit does run with the land unless it is specifically stipulated in the zoning bylaw that it runs with the applicant. She suggested the boards may want to include new language in the bylaw to clarify the matter. Mr. Leland indicated that he will need some time to carefully consider such action. Ms. Joubert suggested that members of the board review Town Counsel’s email for further discussion at a future meeting.

Mr. Rutan asked if this will cause problems in the event that a potential purchaser comes to the board for a special permit. Ms. Joubert suggested that, in such a case, the property owner would likely not be the applicant of record.

Members of the board opted to take time to review the memo and will make a decision once they have had time to think it over.

Mr. Leland asked if anyone has ever challenged this. Ms. Joubert indicated that they have not, as the town has always indicated that a special permit runs with the applicant. Ms. Bakstran asked about the project at Northborough Crossing due to changes in ownership. Ms. Joubert commented that most of the approvals for that project were in the form of variances.

Signage – Mr. Frederico recalled that Ms. Bakstran had raised questions about signage at the last meeting, and noted that he has taken the following actions:

- Contacted dental office and they have decreased the brightness intensity on the sign.
- identified a number of signs that either need to be re-permitted or removed.
- Developed a method to track signage issues and will be contacting owners by mail to remedy.
- Removed multiple lawn signs (approximately 75)

- Removed numerous yard sale signs and mailed them back to the address postage due

137 West Main Street – Ms. Bakstran recalled that Mr. Litchfield was going to visit the site and check the grade on the slope and asked if he had done so. Ms. Joubert agreed to check with Mr. Litchfield and advise. Ms. Bakstran noted that there was supposed to be a 4-foot retaining wall with a gradients slope, but it looks like it was simply sheared off. Mr. Frederico indicated that the applicant had asked if they could install the plantings before the weather gets bad and he agreed to let them do so.

Northborough Crossing – In response to a question from Mr. Leland about signage at the Northborough Crossing development, Mr. Frederico expressed a need to do a site visit to identify all of the sign violations that need to be addressed.

Duplexes – In response to a question from Mr. Blanchette about proposed changes to the bylaw for duplexes, Ms. Joubert explained that the Planning Board will be working with a consultant to determine what modifications to the bylaw are recommended. She noted that the consultant, Judy Barrett, is scheduled to meet with the Planning Board on November 15th and invited members of the ZBA to attend.

Recreational Marijuana – Ms. Joubert noted that both the Board of Selectmen and Planning Board voted to propose a bylaw to prohibit recreational marijuana, medical marijuana, and associated paraphernalia sales in town. In response to a question from Ms. Bakstran about vape cigarettes, Ms. Joubert explained that they fall under the jurisdiction of the Board of Health.

Ms. Joubert mentioned that there are currently two gas stations in town that sell glass pipes who will be grandfathered. She also stated that there has been a great deal of conversation about the Snack Shack, whose owner has indicated that he plans to open a shop to sell paraphernalia, though he is currently unable to do so based on the moratorium in place. Ms. Joubert also noted that the Board of Health has a regulation prohibiting the sale of rolling papers.

Meeting adjourned at 7:37PM.

Respectfully submitted,

Elaine Rowe
Board Secretary