



# TOWN OF NORTHBOROUGH Zoning Board of Appeals

Town Hall Offices • 63 Main Street • Northborough, MA 01532 • 508-393-5019 • 508-393-6996 Fax

## DECISION

**ZBA CASE NO: 17-04**

**PROPERTY LOCATION: 100 Otis Street, Unit 1**

**PETITIONER: Jignesh Rajgor, Guru Prasad & Ravi Dasari**

**PROPERTY OWNER: Donnegan Realty Trust**

**RECORDED WITH WORCESTER DISTRICT REGISTRY OF DEEDS: Bk: 10971, Pg: 332**

2017 APR 14 AM 7:49

This document is the **DECISION** of the Northborough Zoning Board of Appeals on the petition of Jignesh Rajgor, Guru Prasad and Ravi Dasari for a **SPECIAL PERMIT** to allow the change of use of a warehouse for a packaging company to an indoor commercial recreational use (Jumper's Jungle Fun Center) in Unit 1 of the building located at 100 Otis Street, Map 105, Parcel 28.

## APPLICATION

1. On February 22, 2017, the Applicant filed with the Town Clerk an Application for Hearing before the Zoning Board of Appeals for the purpose of obtaining a **SPECIAL PERMIT** per Section 7-05-030, Table of Uses, Table 1. Table of Uses. Part B. Commercial and Industrial Districts of the Northborough Zoning Bylaw, to allow the change of use of a warehouse from a packaging company to an indoor commercial recreational use in Unit 1 of the building located at 100 Otis Street.
2. Notice of the public hearing was duly published in "THE WORCESTER TELEGRAM & GAZETTE" on March 13, 2017 and March 20, 2017 and was mailed to abutters and other parties in interest on March 2, 2017.

## EXHIBITS

Submitted for the Board's deliberation were the following exhibits:

1. Application for Hearing before the Zoning Board of Appeals, including:
  - a. A document entitled "Jumper's Jungle Family Fun Center Special Permit Narrative" to the Northborough MA – Zoning Board of Appeals from Jumper's Jungle Family Fun Center;
  - b. A Zoning Interpretation Request Form for 100 Otis Street, submitted by Jignesh Rajgor, and signed by Joseph M. Atchue, Inspector of Buildings/Zoning Enforcement Officer, on 1/9/2017;
  - c. A Condominium Unit Deed with Quitclaim Covenants for Unit No. 1, Gainsborough Industrial Park Condominium, Otis Street, Northborough, Massachusetts 01532, recorded at the Worcester District Registry of Deeds on November 25, 1987, Book 10971, Page 332;
  - d. A certified abutters list for parcels 300 feet from 100 Otis Street, Map 105, Parcel 28, Unit 1, dated February 21, 2017; and an 8.5" by 11" map entitled 100 Otis Street Unit 1 – 300ft Abutters, dated February 2, 2017;
  - e. An 8.5" by 11" unidentified plan showing the layouts of two rooms;

- f. A 24" x 36" plan entitled "Gainsborough Industrial Park, Lawrence Street, Northborough, MA for the Otis-Lawrence Group, Groton, MA, Ground Floor Plan & Mezzanine, dated 8-31-87, prepared by Stanley P. Miller Associates Inc.;
- g. Three 24" x 36" plan sheets entitled "Gainsborough Industrial Park" Condominium Plan of Land in Northborough, Mass, Owner Otis Lawrence Group Nominee Trust, Louis DeMinico, Trustee; dated October 13, 1987, prepared by Guerard Survey Co., & Assoc., stamped by Richard Wesley Guerard, Registered Professional Land Surveyor, recorded at the Worcester District Registry of Deeds on November 25, 1987, Plan Book 588, Plan 99; with sheets identified as follows: Showing Phase #1-D, Building #3, Parcel A, Proposed Buildings #1 and #2; Showing Floor Plan Unit #1, Building #3, Unit #1 Mezzanine and First Floor; and Showing Ground Floor & Mezzanine Floor Plan, Unit #2 – Building #3.

### **HEARING**

Applicant Jignesh Rajgor, Jumper's Jungle Family Fun Center, presented the Application at a duly noticed public hearing of the Board on March 28, 2017, in Conference Room B of the Northborough Town Office, 63 Main Street, Northborough, MA 01532. Voting members Richard Rand, Brad Blanchette, Jeffrey Leland and Mark Rutan were present throughout the proceedings.

Mr. Rajgor stated he wants to locate a Jumper's Jungle Family Fun Center at 100 Otis Street, Unit 1, which is currently vacant. The former use of the unit was a warehouse for a packaging company and he is requesting a Special Permit for the change of use.

Mr. Rajgor explained a Jumper's Jungle Family Fun Center is an indoor recreation center that offers birthday parties, special events, and open play sessions, all in an interactive jungle-themed environment encouraging all family members to get active. Activities include climbing and sliding down the different slides and obstacles, jumping and dunking play balls in the bouncers, and challenging friends in various sport games.

Mr. Rajgor noted the location for the recreation center is in a densely populated area with many families who need this service and they will only require a small number of parking spaces during their business hours. Installation of carpeting is planned and parents/guardians are required to stay with their children at all times. Safety rules will be posted before entering the recreation area and surveillance cameras will be installed throughout the facility. There will be no preparation of food on the site; and all snacks and drinks sold will be prepackaged in non-glass containers from vending machines.

Mr. Rajgor stated adequate and appropriate facilities will be provided for the Jumper's Jungle Family Fun Center and there will be no adverse impacts to the surrounding area. He noted this facility will serve as a positive enhancement to the community and will give families a place to enjoy their children's development through family bonding and well-needed physical fitness.

Abutters Janet Croshaw, 30 Lawrence Street and Brian Russell, 10 Hillside Road; along with Jodi DelRe, owner of the business located in Unit 2, 100 Otis Street, expressed concerns for the safety of the families attending the proposed indoor recreational facility because of the heavy tractor-trailer traffic on Lawrence Street; the trucks that access the site; and the trucks that use the parking spaces in the front of the building 24 hours a day, 7 days a week.

The Board received no letters of opposition to the project.

The hearing was closed on March 28, 2017.

## **FINDINGS OF FACT**

1. The subject property at 100 Otis Street is located in the Business South District.
2. The Applicant is proposing to locate the indoor commercial recreational use of a "Jumper's Jungle Family Fun Center" in Unit 1 of the building on the subject property. Currently, Unit 1 is vacant; and a packaging facility was located there previously.
3. The Applicant is requesting a Special Permit to allow the use of an indoor commercial recreational use in Unit 1, 100 Otis Street, per Section 7-05-030, Table of Uses, Table 1. Table of Uses. Part B. Commercial and Industrial Districts of the Northborough Zoning Bylaw.
4. The proposed "Jumper's Jungle Family Fun Center" will offer birthday parties, special events and open play sessions for a maximum total of 24 children. Open gym will be available on weekdays; and birthday parties will be held on weekends. Parents are required to stay with their children at all times. There will be 5 inflatables; two party rooms for 10-12 children; a front desk area; and a vending machine. No food will be prepared on the site. Clients may bring in prepared food such as pizza and birthday cakes.
5. The hours of operation for the proposed indoor commercial recreational use are 9am – 6pm on weekdays; and 9am to 8pm on weekends.
6. There will be 1-2 staff members on the site on weekdays; and 3-4 staff members on the weekends.
7. Unit 1 has 14 dedicated parking spaces available for the patrons of the indoor commercial recreational use.
8. There are nine total units in the subject building at 100 Otis Street and some of the businesses located there rely heavily on tractor-trailer truck use, in the front and back of the building, for delivery and shipping of goods.
9. There are parking spaces in the front of the building for the use of tractor-trailer trucks 24 hours a day, every day.
10. New Castle Building Products is located at 80 Lawrence Street, which abuts the subject site, and generates tractor-trailer truck traffic on Otis Street, as well as Lawrence Street.
11. Due to the heavy truck traffic on the site, it is not an appropriate location for the indoor commercial use of the proposed "Jumper's Jungle Family Fun Center".

## **DECISION**

1. **On March 28, 2017**, after due consideration of the Application, the four members present voted unanimously to **DENY** the **SPECIAL PERMIT** in accordance with Section 7-03-040 C.(2) and (4) Special Permit for the indoor commercial use of a "Jumper's Jungle Family Fun Center", due to the proposed site not being an appropriate location for such use and the presence of the many tractor-trailer trucks that access the site on a 24-hour basis which may cause hazard to the children attending the facility, along with their family members.
2. Appeals, if any from this decision shall be made pursuant to Massachusetts General Laws, Ch. 40A, Sec. 17 and shall be filed within twenty (20) days after the date of filing of this decision in the office of the Town Clerk.

**TOWN OF NORTHBOROUGH, MASSACHUSETTS  
ZONING BOARD OF APPEALS**



**RICHARD RAND, CHAIRMAN**