



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: 14-09
PROPERTY LOCATION: 104 Otis Street, Units 21-22
PETITIONER: ATSE, LLC
PROPERTY OWNER: Vector Northborough Commercial Condominiums, LLC
& Apogee Realty of Northborough, LLC
RECORDED WITH WORCESTER DISTRICT REGISTRY OF DEEDS: Bk: 43040 Pg: 202

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This document is the **DECISION** of the Northborough Zoning Board of Appeals on the petition of ATSE, LLC for a **SPECIAL PERMIT** to allow the light manufacturing use of the assembly, production and testing of electrical and electromagnetic components and equipment; the design and development of software; and the ancillary office and warehouse uses in Units 21-22 of the building located at 104 Otis Street, Map 105 Parcel 28-21.

APPLICATION

1. On August 1, 2014, 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 1. Table of Uses, Part B, Commercial and Industrial Districts, Light Manufacturing, of the Northborough Zoning Bylaw, to allow the light manufacturing use of the assembly, production and testing of electrical and electromagnetic components and equipment; the design and development of software; and the ancillary office and warehouse uses in Units 21-22 of the building located at 104 Otis Street, Map 105 Parcel 28-21.
2. Notice of the public hearing was duly published in "THE WORCESTER TELEGRAM & GAZETTE" on August 11, 2014 and August 18, 2014 and was mailed to abutters and other parties in interest on August 8, 2014

EXHIBITS

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

1. Application for Hearing before the Zoning Board of Appeals including:
 - a. A 2-page document entitled "Project Information";
 - b. A Quitclaim Deed for 100 & 104 Otis Street, Northborough, MA, recorded at the Worcester District Registry of Deeds on 6/30/2008, Bk: 43040 Pg: 202;
 - c. A certified abutters list for parcels 300 feet from 104-A Otis Street, including a cover sheet signed by Susan M. Reagan, for the Town of Northborough Board of Assessors, dated July 31, 2014; and a GIS Viewer Map for 104-A Otis Street dated 7/31/14;
 - d. A set of three 24" x 36" plans entitled "Renovations and Alterations for A.T.S.E., 104 Otis Street, Northborough, MA 01532", prepared by Helicon Design Group, Inc., Architects, with 2 sheets identified as: Sheet A.101 and Sheet A.102, dated 7/19/14; and 1 sheet identified as "Gainsborough Industrial Park Condominiums Plan of Land in Northborough, Mass., Showing Phase #3D-Building #1", dated January 20, 1989.

HEARING

Attorney Brian Beaton, Bowditch & Dewey; Robert Hummel, ATSE, LLC, Applicant; and Allen Walpert, representing property owners Vector Northborough Commercial Condominiums, LLC and Apogee Realty of Northborough, LLC, presented the Application at a duly noticed public hearing of the Board on August 26, 2014 in Conference Room B of the Northborough Town Offices, 63 Main Street, Northborough, MA 01532. Voting members Richard Rand, Fran Bakstran, Mark Rutan, Robert Berger and Brad Blanchette were present throughout the proceedings.

Mr. Beaton explained the Applicant is seeking a Special Permit to locate the use of assembly, production and testing of electrical and electromagnetic components and equipment; the design and development of software; and the ancillary office and warehouse light manufacturing uses in Units 21 & 22 of the building located at 104 Otis Street. The previous tenant, Renewal by Anderson, has relocated. Renovations will be done within the building, including carpeting, repairing of walls and painting. There will be no changes to the outside of the building, to the parking area or to access to and from the site.

Abutter Lisa Sharp, 12 Lawrence Street, asked about noise and truck traffic that may be generated by the light manufacturing use as proposed. Mr. Hummel replied there will be no noise generated by the use and UPS trucks will be used for all shipping and receiving associated with the proposed use. The site is not large enough to accommodate larger trucks.

No persons present were opposed to the Application, and the board received no letters in opposition to the Application.

The hearing was closed on August 26, 2014.

FINDINGS OF FACT

1. The subject property at 104 Otis Street is located in the Business South District.
2. The Applicant, ATSE, LLC, is proposing to locate the light manufacturing use of assembly, production and testing of electrical and electromagnetic components and equipment; the design and development of software; and the ancillary office and warehouse uses in Units 21 & 22 of the subject building at 104 Otis Street.
3. The proposed use as presented is defined as "light manufacturing" in Section 7-05-020(l)(1) of the Northborough Zoning Bylaw.
4. The Applicant will be manufacturing electric motors, generators and power electronics.
5. The Applicant is leasing Units 21-22 of the building at 104 Otis Street, which is part of the Gainsborough Industrial Park. The previous tenant was Renewal by Anderson, a window and door sales and installation company.
6. The Applicant is planning to renovate the inside of the units by installing new carpeting, repairing walls and painting; and is not proposing to modify the outside of the premises, nor construct additional buildings or parking areas.
7. No hazardous materials are packaged with the products associated with the light manufacturing use as presented.
8. The epoxy resins associated with the light manufacturing use as presented will be stored in containers no larger than 55-gallons.
9. There are five people currently employed by ATSE and that number may increase up to 20 employees, in the long term.
10. Truck traffic associated with the light manufacturing use as presented will be limited to UPS trucks for shipping and receiving.

HEARING

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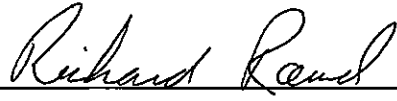
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6. The Applicant is planning to renovate the inside of the units by installing new carpeting, repairing walls and painting; and is not proposing to modify the outside of the premises, nor construct additional buildings or parking areas.
7. No hazardous materials are packaged with the products associated with the light manufacturing use as presented.
8. The epoxy resins associated with the light manufacturing use as presented will be stored in containers no larger than 50-gallons.
9. There are five people currently employed by ATSE and that number may increase up to 20 employees, in the long term.
10. Truck traffic associated with the light manufacturing use as presented will be limited to UPS trucks for shipping and receiving.

11. There will be no noise concerns associated with the light manufacturing use as presented.
12. The proposed light manufacturing use is in substantial harmony with the economic development objectives set forth in the Town's Community Development Plan and the purposes of the Northborough Zoning Bylaw, as it will result in the reuse of an existing building within an industrial park. The proposed use will maintain productive utilization of the subject building and site, and will generate tax revenue for the town. As a result, granting the Special Permit will allow the subject building to be used for its highest and best use and will provide benefits to the town.
13. The subject building is an appropriate location for the proposed use as it consists of an existing building which is part of the Gainsborough Industrial Park. The proposed use will take place within the building and will not result in the construction of any new building or parking areas.
14. The subject site has adequate access allowing for the safe and efficient flow of traffic, and has sufficient utilities for the light manufacturing use as presented. The subject site at 104 Otis Street is located in close proximity to Route 9. The industrial park contains adequate parking. The Applicant will utilize the existing access to Otis Street and the proposed use will not result in any material change to the operation of the existing access to the industrial park from Otis Street, nor adversely affect the neighborhood.
15. The proposed use will take place within Units 21-22 of the existing building located at 104 Otis Street. Adequate and appropriate facilities already serve the subject building and site.
16. The light manufacturing use as proposed will conform to any special requirements of the special permit granting authority as stated in its written decision.
17. The light manufacturing use as proposed will not adversely impact the natural environment. The Applicant is proposing to utilize an existing building and will not conduct any site work or construct any new buildings or parking areas; and the proposed use is compatible with historic development patterns for the town and will have no impact on historically significant buildings.

DECISION

1. On August 26, 2014, after due consideration of the Application, the Board voted unanimously to **GRANT** the **SPECIAL PERMIT** to allow the light manufacturing use of the assembly, production and testing of electrical and electromagnetic components and equipment; the design and development of software; and the ancillary office and warehouse uses as presented, in Units 21-22 of the building located at 104 Otis Street, Map 105 Parcel 28-21, in the Business South District.
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.
3. The **SPECIAL PERMIT** shall not take effect until a copy of the decision bearing the certificate of the Town Clerk is recorded with the Worcester District Registry of Deeds in accordance with the provisions of Massachusetts General Laws, Ch. 40A, Sec. 11 and 15 stating that "twenty (20) days have elapsed after the decision has been filed in the office of the Town Clerk and no appeal has been filed, or if such appeal has been filed it has been dismissed or denied."
4. If the rights authorized by the **SPECIAL PERMIT** are not exercised within two years from the time of granting, it shall lapse in accordance with the provisions of Massachusetts General Laws, Ch. 40A, Sec. 10.

TOWN OF NORTHBOROUGH, MASSACHUSETTS
ZONING BOARD OF APPEALS

A handwritten signature in cursive script, reading "Richard Rand", written in black ink. The signature is positioned above a horizontal line.

RICHARD RAND, CHAIRMAN