



TOWN OF NORTHBOROUGH Zoning Board of Appeals

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DECISION

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ZBA CASE NO. 17-08

PROPERTY LOCATION: 107 Otis Street

PETITIONER: Root and Sprout, LLC

PROPERTY OWNER: Adam Allison, LLC

RECORDED WITH WORCESTER DISTRICT REGISTRY OF DEEDS: Bk: 36260, Pg: 147

This document is the **DECISION** of the Northborough Zoning Board of Appeals on the petition of Root and Sprout, LLC, for a Special Permit to allow the indoor commercial recreational use of a facility specializing in fitness, diet, health and welfare issues for expecting and postpartum women, in the building located at 107 Otis Street, Map 105, Parcel 47.

APPLICATION

1. On May 23, 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 7-05-020G(3)(a), Use Regulations, Classification of Uses, Business Uses, Recreation and Entertainment, Commercial Recreation, Indoor, of the Northborough Zoning Bylaw, for the indoor commercial recreational use of a facility specializing in fitness, diet, health and welfare issues for expecting and postpartum women, in the building located at 107 Otis Street the Northborough Zoning Bylaw.
2. Notice of the public hearing was duly published in "THE WORCESTER TELEGRAM & GAZETTE" on June 12, 2017 and June 19, 2017; and was mailed to abutters and other parties of interest on June 9, 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 Zoning Interpretation Request Form for 107 Otis Street, submitted by Root & Sprout, LLC, c/o George P. Kiritsy; signed by Joseph M. Atchue, Inspector of Buildings/Zoning Enforcement Office, on 5/25/17;
 - b. A certified abutters list for parcels 300 feet from 107 Otis Street, dated 5.23.17; and a Northborough, MA GIS Viewer map for 107 Otis Street—300ft Abutters, dated May 23, 2017;
 - c. A 7-page document entitled "Memorandum in Support of Special Permit Application" for Adam Allison, LLC, Owner; and Root & Sprout, LLC, Applicant; submitted by Attorney George P. Kiritsy, dated May 23, 2017;

- d. A Quitclaim Deed for 107 Otis Street, recorded at the Worcester District Registry of Deeds on 05/04/2005, Bk: 36260 Pg: 147;
- e. A copy of Tax Map 105, Northborough, Massachusetts, highlighting 107 Otis Street, Parcel 47;
- f. An 8.5" x 11" map entitled "Oliver: MassGIS's Online Mapping Tool, Oliver Updates", with 107 Otis Street highlighted;
- g. An 8.5" x 11" "Approval Not Required (ANR) plan entitled "Plan of Land in Northborough, Mass., for Masoud Darvish by Seltec Engineering, Inc., dated 10.17.00, revised 10.25.00; signed by the Planning Board on 10/27/00; and
- h. A 24" x 36" plan entitled "As-Built Plan in Northborough, MA", dated October 15, 2001; revised February 13, 2002; prepared for Masoud Darvish by George E. Smith & Associates.

HEARING

Attorney George P. Kiritsy, representing the Applicant, Root and Sprout, LLC, and the property owner, Adam Allison, LLC, presented the Application, at a duly noticed public hearing of the Board on June 27, 2017 in Conference Room B of the Northborough Town Offices, 63 Main Street, Northborough, MA 01532. Voting members Richard Rand, Fran Bakstran, Jeffrey Leland, Brad Blanchette, and Mark Rutan were present.

Mr. Kiritsy explained the Applicant is proposing to use approximately half of the commercial space located in the existing building at 107 Otis Street for an educational resource facility for prenatal and postnatal women. The subject property is located in the Business South District and a Special Permit from the Zoning Board of Appeals is required for the proposed indoor commercial recreational use.

Mr. Kiritsy stated the facility will specialize in fitness, diet, health and welfare issues for expecting and postpartum women. Services will be provided either one-on-one directly between staff and client or in group sessions. He noted the facility is considered a for-profit educational center, with an indoor commercial recreational use component.

Mr. Kiritsy noted Barrett Family Wellness Center and the Sri Shirdi Sai Baba Temple are currently located in the subject building.

Stacey Paradise, 10 Lincoln Street, expressed support for the project as proposed.

No person in attendance expressed opposition to the project and the board received no letters in opposition to the project.

The hearing was closed on June 27, 2017.

FINDINGS OF FACT

1. The subject property at 107 Otis Street is located in the Business South District.
2. The Applicant is proposing to locate the indoor commercial recreational use of a facility for fitness, diet, health and welfare issues of prenatal and postnatal women in an existing 21,500 square foot, two-story commercial building located at 107 Otis Street.

3. In the Business South District, the use of indoor commercial recreation is allowed by **Special Permit** from the Zoning Board of Appeals, per Section 7-05-020G(3)(a), Use Regulations, Classification of Uses, Business Uses, Recreation and Entertainment, Commercial Recreation, Indoor, of the Northborough Zoning Bylaw.
4. The existing building is comprised of 4 units with common areas; and the indoor commercial recreational use as proposed will be located in approximately half of the existing building.
5. The proposed hours of operation are 7:00 am to 8:00 pm, Monday through Friday; and 8:00 am to 12:00 pm on Saturday.
6. An existing asphalt parking lot on the site contains 78 striped parking spaces; and there is an area of the site on which more parking spaces could be added, if needed. Since the building and parking areas are already built and established, vehicle and pedestrian access already exists. No alteration to the subject building or parking areas is proposed by the Applicant.
7. All required and convenient facilities exist on the site for the proposed use. The site is sufficiently serviced with Town water and private septic systems. There are facilities for onsite trash storage and removal through private vendors. The building has sufficient windows and lighting for the proposed use and has sufficient access and egress passages for the proposed facility. In addition, the building is equipped with an elevator and an onsite fire suppression system.
8. The use of an indoor commercial recreational facility as proposed is in substantial harmony with businesses in the surrounding area and the businesses that currently lease space in the subject building at 107 Otis Street.
9. The proposed use is entirely internal. There will be no adverse effect on neighboring properties, including no effect on view, sunlight, airflow or lighting; and there will be no excessive noise or offensive odors associated with the proposed facility for prenatal and postnatal mothers.
10. The indoor commercial recreational use of a facility for fitness, diet, health and welfare issues of prenatal and postnatal women, as proposed, will not adversely affect the neighborhood; there will be no nuisance or serious hazard to vehicles or pedestrians; and there will be no appreciable effect on traffic patterns in the neighborhood.
11. Adequate and appropriate facilities and staff will be provided for the proper operation of the proposed use on the site.

DECISION

1. On June 27, 2017, after due consideration of the Application, the Board voted unanimously to **GRANT a SPECIAL PERMIT** per Section 7-05-020G(3)(a), Use Regulations, Classification of Uses, Business Uses, Recreation and Entertainment, Commercial Recreation, Indoor, of the Northborough Zoning Bylaw, for the indoor commercial recreational use of a facility specializing in fitness, diet, health and welfare issues for expecting and postpartum women, in the building located at 107 Otis Street, Map 105, Parcel 47, in the Business South District.

1. 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.
2. 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."
3. 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**



RICHARD RAND, CHAIRMAN