



# 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: 17-02**

**PROPERTY LOCATION: 111 Otis Street**

**PETITIONER & PROPERTY OWNER: PamJam Realty, LLC**

**RECORDED WITH WORCESTER DISTRICT REGISTRY OF DEEDS: Bk: 35470, Pg: 384**

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RECEIVED FOR DEED

This document is the **DECISION** of the Northborough Zoning Board of Appeals on the petition of PAMJAM Realty, LLC, for a Special Permit with Site Plan Approval and Special Permit, Groundwater Protection Overlay District, to allow an addition to the existing non-conforming use of a garage and office building on the property located at 111 Otis Street, Map 105, Parcel 49.

## APPLICATION

1. On January 13, 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 with Site Plan Approval** and a **Special Permit, Groundwater Protection Overlay District** to allow an addition to the existing non-conforming use of a garage and office building on the property located at 111 Otis Street, in the Business South District and Groundwater Protection Overlay District Area 3.
2. Notice of the public hearing was duly published in "THE WORCESTER TELEGRAM & GAZETTE" on February 13, 2017 and February 20, 2017 and was mailed to abutters and other parties in interest on January 25, 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 submitted by PAMJAM Realty LLC for 111 Otis Street, signed by Joseph M. Atchue, Inspector of Buildings, dated 12/5/16;
  - b. A Quitclaim Deed for 111 Otis Street, Northborough, Massachusetts, recorded at the Worcester District Registry of Deeds on 01/07/2005, BK: 35470, Pg: 384;
  - c. An 8.5" by 11" Approval Not Required (ANR) plan entitled "Plan of Land, Otis Street, Northboro, Massachusetts, prepared for Frank Tetreault by E.J. Flynn, Engineers, Inc., recorded at the Worcester District Registry of Deeds on June 6, 1984, Plan Book 520, Plan 48;
  - d. A certified abutters list for parcels 300 feet from 111 Otis Street, Map 105 Parcel 49, dated October 18, 2016; and an 8.5" by 11" color map entitled 111 Otis Street – 300ft Abutters, dated October 18, 2016;
  - e. A Stormwater Management Report for 111 Otis Street, Northborough, Massachusetts, dated January 9, 2017, prepared for PamJam Realty, LLC by J.M. Grenier Associates Inc., stamped and signed by John M. Grenier, Registered Professional Engineer on 1-9-17; and

- f. A set of 24" x 36" plan sheets entitled "Site Expansion Plan for 111 Otis Street, Northborough, Massachusetts 01532" dated January 9, 2017, revised February 21, 2017; prepared for PAMJAM Realty, LLC by J.M. Grenier Associates, Inc., and R.W. Hart Associates, Inc., stamped and signed by John M. Grenier, Registered Professional Engineer, on 1-9-17, with sheets identified as: Cover, Sheet 1 of 8; Existing Conditions Plan, Sheet 2 of 8; Layout Plan, Sheet 3 of 8; Grading and Drainage Plan, Sheet 4 of 8; Utility Plan, Sheet 5 of 8; Lighting/Photometric Plan, Sheet 6 of 8; Erosion & Sedimentation Control Plan, Sheet 7 of 8; and Detail Plan, Sheet 8 of 8; and a conceptual photometric plan for 111 Otis Street showing "Outer Perimeter" and "Parking Lot" lighting, designed by Robert J. Lindstrom, dated 10/25/16.
2. A letter to the Zoning Board of Appeals from David Parenti, Fire Chief, dated January 23, 2017, Subject: Special Permit with Site Plan Approval and Special Permit (per 7-07-010 Groundwater Protection Overlay District), 111 Otis Street; and
3. A letter to Dick Rand, Chairman, Northborough Zoning Board of Appeals, from Fred Litchfield, Town Engineer, on behalf of the Groundwater Advisory Committee, dated February 28, 2017, RE: 111 Otis Street, Map 105, Parcel 49.

## HEARING

Applicant Bob Gleeson, PAMJAM Realty, LLC, and John Grenier, Engineer, J.M. Grenier Associates, Inc., presented the Application at a duly noticed public hearing of the Board on February 28, 2017, in Conference Room B of the Northborough Town Office, 63 Main Street, Northborough, MA 01532. Voting members Richard Rand, Fran Bakstran, Brad Blanchette, Jeffrey Leland and Mark Rutan were present throughout the proceedings.

Mr. Grenier explained the Central Massachusetts Mosquito Control Project located on the site at 111 Otis Street, wants to extend their lease with the owner of the property, PAMJAM Realty, LLC, and needs to expand their office and storage garage space. As a result, the Applicant is proposing to construct a 1,770 square-foot addition on the front of the building for additional office space; as well as a 1,840 square-foot addition off the rear of the building for additional storage space. The parking area will be expanded, with some of the spaces located in front of the building; and a proposed infiltration system will handle all stormwater runoff. In its current condition, there is no drainage system on the site, and runoff from the parking area and building roof flows over land to wetlands.

Mr. Grenier stated the project has been before the Design Review Committee and the Groundwater Advisory Committee; and has been reviewed by the Director of Public Works, the Fire Chief and the Planning Board.

Mr. Grenier explained the Central Massachusetts Mosquito Control Project has been located at the site since 1985 and is a pre-existing, non-conforming use in the Business South District. The site is also located in Groundwater Protection Overlay District Area 3. He noted a Special Permit is required for the proposed project for the expansion of a non-conforming use in a groundwater protection district; and a Special Permit with Site Plan Approval is required to allow a portion of the proposed additional parking spaces to be located in front of the building.

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

The hearing was closed on February 28, 2017.

## **FINDINGS OF FACT**

1. The subject property at 111 Otis Street is located in the Business South District and Groundwater Protection Overlay District Area 3.
2. The subject site is 93,707 square feet in area, containing 25,863 square feet of impervious surface area. The existing slopes range from 2% to 40%; and the site drains towards the east. The remaining portion of the site that is not developed and will remain wooded.
3. The existing building on the site is 8,763 square feet in area. The Applicant is proposing to expand the existing building by adding a 1,770 square-foot (22 foot by 80.5 foot) addition on the front of the building for additional office space; and a 1,840 square-foot addition off the rear of the building for additional storage (garage) space.
4. The Applicant is proposing a total of 39 parking spaces on the subject site, including 1 handicapped-accessible space, which meets the parking space requirement for the proposed expanded office use of 10 spaces and the proposed expanded storage space of 29 spaces. However, 10 of the 39 proposed parking spaces are located in front of the building and therefore a Special Permit is required per Section 7-09-030C(2)(a), Development Regulations, Off-Street Parking and Loading, Location of Off-Street Parking, of the Northborough Zoning Bylaw, to allow 25% of the required off-street parking spaces to be located in front of the principle structure.
5. The Central Massachusetts Mosquito Control Project has been located on the site since 1985; and is pre-existing and non-conforming in the Business South District.
6. The majority of the site is located in Groundwater Protection Overlay District Area 3 and a Special Permit is required for the proposed expansion of the existing building per Section 7-07-010D(3)(c)[1] Overlay Districts, Groundwater Protection Overlay District, Use Regulations, Special Permits, Area 3, Expansion of Existing Nonconforming Uses, of the Northborough Zoning Bylaw.
7. The proposed total impervious surface will be 32,022 square feet. The total percentage of impervious area in the post-development condition is 34.1%, which is an increase of 6.6% compared to the existing conditions, and which meets the requirement of Section 7-07-010D(3)(c)[1] of the Northborough Zoning Bylaw, that the increase in post-development net runoff volume shall not exceed existing conditions by more than fifteen percent (15%).
8. Proposed stormwater management facilities will be installed to treat both existing and proposed pavement runoff. An oil/water separator will be installed prior to discharge to the infiltration basin. One of two subcatchments will direct runoff from the existing and proposed pavement areas through a stone-lined swale into an infiltration basin; and the other subcatchment basin will direct runoff from the building, lawn and woods to the east.
9. A total of approximately 440 gallons of materials are used by the Central Massachusetts Mosquito Control Project. They will be stored and contained in a secure area, in their own chemical storage room that is temperature-controlled and sectioned off from the rest of the garage space in the event of a spill.
10. An existing septic system and septic tank will be removed, and the site will be connected to Town sewer service from Otis Street.
11. Two existing storage trailers and a shed will be removed from the site, and an existing well will be abandoned.
12. In a letter to the Zoning Board of Appeals from David Parenti, Fire Chief, dated January 23, 2017, Subject: Special Permit with Site Plan Approval and Special Permit (per 7-07-010 Groundwater Protection Overlay District), 111 Otis Street, Chief Parenti stated he has no concern with the

additions as proposed, however final review of the building plans will be need to determine if all fire code concerns have been addressed.

13. In a letter to Dick Rand, Chairman, Northborough Zoning Board of Appeals, from Fred Litchfield, Town Engineer, on behalf of the Groundwater Advisory Committee, dated February 28, 2017, RE: 111 Otis Street, Map 105, Parcel 49, Mr. Litchfield states the Groundwater Advisory Committee determined the expansion of the existing nonconforming use is not substantially more detrimental to the water supply than the existing use, and offered their comments.
14. The project was reviewed by Scott Charpentier, Director of Public Works, and he offered his comments regarding the proposed plans.
15. The Applicant met with the Design Review Committee and they were in support of the plans as presented.
16. The Planning Board reviewed the project and requested the Applicant add trees in front of the new parking area.
17. The proposed building expansion is compatible with other business uses in the area. The installation of the stormwater management facilities will ensure compliance with the Zoning Bylaw.
18. The proposed building expansion is compatible with other business uses in the area. The site has been designed to ensure groundwater is protected as floor drains will be installed at all overhead door locations and stormwater management facility will be constructed to treat all impervious runoff in accordance with DEP Stormwater Management Standards. All potentially hazardous materials will be stored within the building in appropriate containers. Therefore, the site is an appropriate location for the proposed expansion of the existing use.
19. The proposed building expansion will not negatively impact adjacent business uses. The proposed stormwater management system will ensure groundwater is protected in the area. This portion of Otis Street sees limited pedestrian traffic and the current entrance from the site onto Otis Street will be utilized. Therefore, the proposed building expansion will not negatively impact adjacent business uses, and will not create a hazard to vehicles and pedestrians.
20. The proposed site expansion is in compliance with density and setback requirements, and sufficient parking is provided for the use; and therefore adequate and appropriate facilities will be provided for the proper operation of the proposed use.
21. The proposed use will conform to any special requirements of the special permit granting authority as stated in its written decision.
22. The proposed site expansion has been designed to reduce any potential impacts. Proposed stormwater management facilities have been designed in accordance with DEP Stormwater Standards. The facilities will treat pavement runoff which is currently untreated. The proposed building expansion is compatible with other business uses in the area. Therefore, the proposal could not reasonably be altered to reduce adverse impacts on the natural environment, to be compatible with historic development patterns of the town, or to preserve historically significant buildings.

#### **DECISION**

1. **On February 28, 2017**, after due consideration of the Application, the Board voted unanimously to **GRANT a SPECIAL PERMIT with SITE PLAN APPROVAL** per Section 7-09-030C(2)(a), Development Regulations, Off-Street Parking and Loading, Location of Off-Street Parking; and Section 7-03-050A(2), Administration and Enforcement, Site Plans, Applicability, Site Plan Approval, of the Northborough Zoning Bylaw, to allow twenty-five percent (25%) of the required off-street parking

spaces to be located in front of the principle structure as proposed, on the property located at 111 Otis Street, Map 105, Parcel 49.

2. **On February 28, 2017**, after due consideration of the Application, the Board voted unanimously to **GRANT a SPECIAL PERMIT, GROUNDWATER PROTECTION OVERLAY DISTRICT** per Section 7-07-010D(3)(c)[1] Overlay Districts, Groundwater Protection Overlay District, Use Regulations, Special Permits, Area 3, Expansion of Existing Nonconforming Uses, of the Northborough Zoning Bylaw, to allow the proposed expansion of the existing building on the property located at 111 Otis Street in Groundwater Protection Overlay District Area 3, per the plans submitted and identified as:

- a. A set of 24" x 36" plan sheets entitled "Site Expansion Plan for 111 Otis Street, Northborough, Massachusetts 01532" dated January 9, 2017, revised February 21, 2017; prepared for PAMJAM Realty, LLC by J.M. Grenier Associates, Inc., and R.W. Hart Associates, Inc., stamped and signed by John M. Grenier, Registered Professional Engineer, on 1-9-17, with sheets identified as: Cover, Sheet 1 of 8; Existing Conditions Plan, Sheet 2 of 8; Layout Plan, Sheet 3 of 8; Grading and Drainage Plan, Sheet 4 of 8; Utility Plan, Sheet 5 of 8; Lighting/Photometric Plan, Sheet 6 of 8; Erosion & Sedimentation Control Plan, Sheet 7 of 8; and Detail Plan, Sheet 8 of 8; and a conceptual photometric plan for 111 Otis Street showing "Outer Perimeter" and "Parking Lot" lighting, designed by Robert J. Lindstrom, dated 10/25/16.

And with the following conditions:

- b. The property owner shall install trees and shrubs between the parking lot and the road which block the view of the vehicles in the parking lot from persons driving past on Otis Street.
- c. The storage trailers and shed on the property shall be removed and no replacement shall be allowed in the future unless they are approved by the Board of Appeals.
- d. The project shall require a permit to be filed with the Earthwork Board prior to the start of any earth moving operations on site.
- e. The handicapped access isle is shown on the wrong side of the vehicle and shall be revised.
- f. The trench detail for the work in Otis Street shall comply with the Town of Northborough Department of Public Works standards.
- g. Notes regarding the separation between the proposed water and sewer lines shall be added to the plan.
- h. Clean-outs shall be required at all changes in direction of the proposed sewer line.
- i. The Operation and Maintenance plan shall be amended to include annual notification to the Town Engineer before the work is performed and the Town Engineer shall be afforded the opportunity to inspect the work. The Town Engineer and the Groundwater Advisory Committee shall be provided copies of the contract and invoices for all work performed along with an annual report summarizing the work performed. All material removed from the drainage system shall be properly disposed of off-site.
- j. The floor drains within the chemical storage room shall be connected to a tight tank (minimum 1000 gallon capacity).

- k. The plan does include computations to verify the size of the proposed infiltration system but does not verify the permeability of the soils in the area proposed for the infiltration basin and should. A minimum of two permeability tests shall be performed within the proposed infiltration area.
  - l. An as-built site plan shall be submitted to the Town Engineer for review and approval prior to the issuance of a certificate of occupancy. The as-built plan shall include, at a minimum, and as applicable to the project, a permanent benchmark, elevation of all pipe inverts and outlets, pipe sizes, materials, slopes; all other drainage structures; limits of clearing, grading and fill; all structures, pavement; contours; and all dates of fieldwork. Upon approval by the Town Engineer one (1) mylar and three (3) paper copies of the as-built plan shall be submitted in addition to an electronic copy compatible with the Town's GIS system and the Town's vertical datum (U.S.G.S. Datum of 1988).
3. 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.
4. The **SPECIAL PERMITS** 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."
5. If the rights authorized by the **SPECIAL PERMITS** are not exercised within two years from the time of granting, they shall lapse in accordance with the provisions of Massachusetts General Laws, Ch. 40A, Sec. 10.

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

  
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**RICHARD RAND, CHAIRMAN**