



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. 16-21

PROPERTY LOCATION: 269 Main Street

PETITIONER: Mohamed Kafel

PROPERTY OWNER: Christopher T. Gebo

RECORDED WITH WORCESTER DISTRICT REGISTRY OF DEEDS: Bk: 44329 Pg: 351

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This document is the decision of the Northborough Board of Appeals on the petition of Mohamed Kafel for a **Special Permit**, a **Special Permit Groundwater Protection Overlay District**, and **Special Permit Site Plan Approval**, to allow the use of an automotive repair and service garage; and a **Variance** to allow a proposed sign to be 14 feet in height, on the property located at 269 Main Street, Map 47, Parcel 04, in the Business East District and Groundwater Protection Overlay District Area 2.

APPLICATION

1. On October 23, 2016, 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**, a **Special Permit Groundwater Protection Overlay District** and **Special Permit Site Plan Approval** to allow the use of a proposed automotive repair and service garage; and a **Variance** to allow a proposed sign to be 14 feet in height, in the Business East District and Groundwater Protection Overlay District Area 2, on the property located at 269 Main Street.
2. Notice of the public hearing was duly published in "THE WORCESTER TELEGRAM & GAZETTE" on November 7, 2016 and November 14, 2016, and was mailed to abutters and other parties in interest October 26, 2016.

EXHIBITS

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

1. Application for Hearing before the Zoning Board of Appeals, including:
 - a. A cover letter to Connorstone Consulting Civil Engineers and Land Surveyors from George E. Pember, Attorney at Law, dated October 20, 2016, Re: Kafel purchase;
 - b. A Quitclaim Deed for 269 Main Street, Northborough, MA, recorded at the Worcester District Registry of Deeds on 05/29/2009, Bk: 44329, Pg: 351;
 - c. A Zoning Interpretation Request Form for 269 Main Street, Map 47, Parcel 04, submitted by Mohamed Kafel and signed by Joseph M. Atchue, Inspector of Buildings, on 8/4/2016;
 - d. A certified abutters list for parcels 300 feet from 269 Main Street signed by Julie Brownlee on behalf of the Northborough Board of

Assessors, dated 10-3-2016; and a Town of Northborough, MA map identified as 269 Main Street – Abutters, dated 10-3-16;

- e. A document entitled “Design Report” for 269 Main Street, Northborough, MA, dated October 20, 2016 and prepared for Mohamed Kafel by Connorstone Engineering, Inc., including a Project Narrative; Locus Map; Impervious Cover Calculation Sheet; Deed to Locus; Stormwater Drainage System Design Calculations; Hydrologic Report and Drainage Area Maps; NRCS Soil Data And Soil Testing Results; and Stormwater Operations and Maintenance Plan and Long Term Pollution Prevention Program;
- f. A set of five 24” x 36” plan sheets entitled “Proposed Site Plan of Land of 269 Main Street, Northborough, MA”, prepared for Mohamed Kafel, Applicant, by Connorstone Engineering, Inc., dated October 20, 2016, revised 11/18/16 and 11/22/16; signed, stamped and dated by Vito Colonna, Registered Professional Engineer, on 11/22/16; with sheets identified as: Sheet 1 of 5, Cover Sheet; Sheet 2 of 5, Proposed Site Plan; Sheet 3 of 5, Erosion Control Plan; Sheet 4 of 5, Construction Details; and Sheet 5 of 5, Proposed Site Plan;
- g. A set of four 24” x 36” architectural plans for “Moe’s Auto Service”, 269 Main Street, Northborough, MA, dated 11/15/16, prepared, signed and stamped by Daniel J. Wezniak, Silver Street Architects; with plan sheets identified as: Sheet A1.0, Rendered Front Elev; Sheet A1.1, First Floor Plan; Sheet A1.2, Front & Right Side Elevations; and Sheet A1.3, Rear & Left Side Elevations;
- h. A 22” x 18” color photometric plan for 269 Main Street, Northborough, MA, prepared by Ryan Thomson, ReflexLighting, dated 11/17/16;
- i. A 24” x 36” photometric plan for 269 Main Street, Northborough, MA, prepared by Ryan Thomson, ReflectLighting, dated 11/17/16;
- j. A set of four 11” x 8.5” sheets prepared by Exposé Signs & Graphics, Inc., for Northboro Automotive, dated 11/18/16, with the 1st sheet showing a colored 72-inch wide by 14-foot high, 2-sided monument sign; the 2nd page showing a 72” wide x 62” high 1-sided building sign for Northboro Automotive; the 3rd page showing an architectural drawing of the Front Elevation of Northboro Auto dated 11/21/16; and the 4th page showing a plan of an proposed building on Main Street-Route 20;
- k. A 2-page document entitled “Lumière” regarding Aspen 1900-OA LED Halogen incandescent bollard, dated August 4, 2016;
- l. A 3-page color document entitled “Lumark” regarding XTOR Crosstour MAXX LED wall pack luminaries, dated 11-08-2016; and

- m. A 9-page document entitled "DMF" with information on DRD2 Recessed LED Downlight General New Construction 4", 5", 6" Aperture, Product Specification.
2. A letter to the Zoning Board of Appeals from David Parenti, Fire Chief, dated October 31, 2016, Subject: Special Permit (per 7-07-010) Groundwater Protection Overlay District 269 Main Street;
3. A letter to Dick Rand, Chairman, Zoning Board of Appeals, from Fred Litchfield, Town Engineer, on behalf of the Groundwater Advisory Committee, dated November 18, 2016, RE: 269 Main Street, Map 47, Parcel 4;
4. A memo to Dick Rand, Chairman, Zoning Board of Appeals, from Michelle Gillespie, Chairman, Design Review Committee, RE: 269 Main Street, Dated November 22, 2016; and
5. A 3-page document dated November 22, 2016, to ZBA members from resident Amy Poretsky, including a page showing photos of current repair shops, used auto sales, and gas stations.

HEARING

Attorney George Pember, representing the Applicant, Mohamed Kafel; Michael Sullivan, Engineer, Connorstone Engineering; Dan Wezniak, Architect, Silver Street Architects, and Andy Clark, Exposé Signs, presented the Application at a duly noticed public hearing of the Board on November 22, 2016 in Conference Room B of the Northborough Town Office, 63 Main Street, Northborough, MA 01532. Voting members Richard Rand, Fran Bakstran, Jeffrey Leland, Brad Blanchette and Mark Rutan were present throughout the proceedings.

Mr. Pember noted the Applicant was overseas and therefore unable to attend the meeting. He explained the site is in the Business East District and Groundwater Protection Overlay District Area 2 and requires a Special Permit Site Plan Approval for construction of a new commercial building; a Special Permit for the use of an auto repair shop; and a Special Permit to allow the proposed use in Groundwater Protection Overlay District 2. In addition, a Variance for a proposed 14-foot high sign is required. Mr. Pember noted the Applicant's auto repair business is currently located in a building on Bartlett Street, but he needs more space and wants to own the building in which he will run his business.

Mr. Sullivan explained the proposed plan includes demolition of an existing abandoned single-family home and driveway constructed around 1944, and the construction of a proposed 3,600 square foot (60-foot x 60-foot) building for the use of an auto repair shop and service garage. He stated the use of the auto repair shop is allowed by Special Permit in the Business East District. A paved parking area and driveway will be located off Main Street; and sufficient parking and safe access for emergency vehicles will be provided. The proposed building will be connected to Town water and a new septic system is proposed.

Regarding stormwater management, Mr. Sullivan stated in order to mitigate the runoff from the increase in impervious area, a large drywall has been proposed, which will receive runoff from the proposed roof and parking areas. The system is designed to infiltrate the entire 100-year storm event, which will control the rate and volume of runoff leaving the site. Deep sump catch basins and an oil/grit separator have been provided for pre-treatment of runoff.

Mr. Sullivan explained the proposed development will increase impervious surface by 13,170 square feet, however, the area recharged by the infiltration of the drywells is 16,270 square feet, which reduces the impervious surface on the site to 1,150 square feet.

Mr. Sullivan noted the proposed project will also require two Access Permits from MassDOT for the two curb cuts and the water connection.

Mr. Sullivan stated the Groundwater Advisory Committee, the Design Review Committee, and Town staff have reviewed the project.

Nilton Lisboa, 156 East Main Street, requested a 4-foot high by approximately 120-feet in length fence be installed along his property line that abuts the subject site for the safety of a child who resides in the abutting home.

Resident Al Aldrich, 370 Davis Street, expressed concerns about the groundwater and vehicular circulation on the site.

Resident Amy Poretsky, 47 Indian Meadow Road, expressed opposition to the project, citing groundwater concerns, compliance with the Community Development Plan, and the proposed use in the Business East District; and submitted a 3-page letter to the Board.

The hearing closed on November 22, 2016.

FINDINGS OF FACT

1. The subject property at 269 Main Street is in the Business East District and entirely in Groundwater Protection Overlay District Area 2.
2. The subject property is triangular-shaped, with a west side property line of 334.74 feet; an east side property line of 125.36 feet; and front property line of 398.46 feet.
3. The Applicant is proposing to demolish an existing, abandoned single-family home and to construct a 3,600 square-foot building for the use of an auto repair shop and service garage.
4. In the Business East District, the use of an auto repair shop and service garage is allowed by Special Permit per Section 7-05-030, Use Regulations, Table of Uses, Table 1. Part B, Commercial and Industrial, of the Northborough Zoning Bylaw. In addition, a Special Permit with Site Plan Approval is required for the proposed auto repair shop and service garage per Section 7-03-050, Administration and Enforcement, Site Plans, of the Northborough Zoning Bylaw.
5. In Groundwater Protection Overlay District Area 2, the demolition of an existing house on the site and the construction of a proposed 3,600 square-foot building for the use of an auto repair shop and service garage requires a Special Permit per 7-07-010D(3)(b)[6], Groundwater Protection Overlay District, Use Regulations, Special Permits, Commercial Activities, of the Northborough Zoning Bylaw.
6. The Applicant is proposing to locate a 72" wide by 14-foot high, 2-sided internally illuminated monument sign on the site, which will have a digital reader board and an area for a sign indicating the auto repair shop is a Massachusetts Motor Vehicle Inspection Station. In the Business East District, the maximum allowed height of a free-standing sign for one or two tenants is 10 feet, as measured from the ground to the highest point of the

sign, or twelve feet to the top of the sign structure. Therefore, a **Variance** from **Section 7-09-040G(1)(b)[1]** Development Regulations, Signs in Business Districts, Business East, is required to allow the proposed free-standing 2-sided internally-illuminate monument sign to be 14 feet in height from the ground to the highest point of the sign.

7. The Applicant is proposing to construct a steel-frame building with metal clad exterior for the use of an auto repair shop, with an office waiting area, storage area, 2 bathrooms that are both handicapped-accessible, and 6 drive-through bays.
8. The Applicant is proposing to locate 16 parking spaces on the site and the required number of parking spaces for the proposed 3,600 square-foot commercial use of an auto repair shop and service garage is 12 spaces.
9. Three snow storage areas are provided; two behind the building and one on the southwest side of the property.
10. The new septic system area and septic system, along with reserve parking, are located on the southwest side of the property. The proposed use will generate less than 15,000 gallon; and the estimated daily flow is 450 gallons per day.
11. A 4-foot high by approximately 120-feet in length fence will be installed along the shared rear property line of 156 East Main Street and 269 Main Street for the safety of a child who resides in the abutting home.
12. A black vinyl-clad chain link fence with black vinyl slats will be located around the dumpster located behind the building.
13. Proposed plantings for the site include evergreens on the northeast and southwest sides of the site; along with white paper birch, miscellaneous perennials, Delaware valley white azalea and feather red grass in front of the sidewalk located in the front of the building.
14. Open space required for the site is 20 percent (6,584 square feet) of the lot area of 32,921 square feet, and the Applicant is proposing 47.1 percent (15,509 square feet) of open space on the site.
15. In a letter to the Zoning Board of Appeals from David Parenti, Fire Chief, dated October 31, 2016, Subject: Special Permit (per 7-07-010) Groundwater Protection Overlay District 269 Main Street, Chief Parenti states he reviewed the Special Permit for the site; the plan as presented is acceptable; and the building will need a basic fire alarm system that can be monitored by a private Central Alarm System.
16. In a memo to Dick Rand, Chairman, Zoning Board of Appeals, from Michelle Gillespie, Chairman, Design Review Committee, RE: 269 Main Street, dated November 22, 2016, the Design Review Committee recommended approval of the project, based on the final revised plans agreed upon by the Applicant on November 22, 2016, and with the following conditions:
 - *A revised photometric plan based on the LED light selection for the freestanding sign shall be submitted to the Building Inspector and Town Planner for final review and approval prior to the issuance of a building permit;*

- *Twelve evergreen trees shall be added along the easterly property line and five evergreen trees shall be placed along the westerly property line. Birch trees and ornamental grasses will also be added to the property. The Applicant will be proposing a revised landscape plan at the November 22nd ZBA meeting; and*
 - *A black vinyl fence shall be installed around the dumpster.*
17. The subject lot is 32,291 square feet in area; and the total impervious surface, including the existing dwelling and driveway, is 4,250 square feet. The allowable expansion of the impervious surface on the site is 11,468 square-feet.
 18. The total impervious surface on the site from the proposed auto repair shop and service garage will be 17,420 square feet, which is a 13,170 square-foot increase to impervious surface on the site. However, a proposed large drywell that will receive runoff from the proposed roof and parking area has been proposed and will reduce the impervious surface on the site to 1,150 square feet.
 19. A subsurface drain system is proposed on the northeast side of the property. The proposed design includes tight tanks for collection of floor drains.
 20. The street drainage system has been designed from calculations based upon the 25-year storm to ensure capacity to convey stormwater. Stormwater treatment prior to discharge has been provided per the Stormwater Standards.
 21. The proposed plans have been designed to comply with State and Local Regulations to protect the quality and quantity of the underlying groundwater resources.
 22. A list and description of hazardous materials for use or storage on the site has been submitted to the Town Engineer.
 23. There are no known regulated wetland resource areas within 100 feet of the subject site.
 24. In a letter to Dick Rand, Chairman, Zoning Board of Appeals, from Fred Litchfield, Town Engineer, on behalf of the Groundwater Advisory Committee, dated November 18, 2016, RE: 269 Main Street, Map 47, Parcel 4, Mr. Litchfield states the Groundwater Advisory Committee voted to recommend the approval of the requested Special Permit. The proposed use of an auto repair shop on the subject site meets the requirements of Groundwater Protection Overlay District Area 2, as impervious surface on the site will be less than current impervious surface.
 25. The proposed use of an auto repair shop will be appropriate for the subject commercially-zoned property, as that use is specifically permitted in the Business East District with a Special Permit from the Zoning Board of Appeals, and will allow the applicant to better service his growing customer base. The proposal is in substantial harmony with the Northborough Zoning Bylaw.
 26. An old, abandoned home located on the subject property will be demolished and the proposed auto repair shop as presented will be an improvement to the site. In addition, there are other commercial entities operating in the surrounding area. Therefore, the use as developed will not adversely affect the neighborhood.

27. All work associated with the operation of the proposed auto repair shop will be done in the building off of Main Street and the amount of traffic entering and existing the site will be minimal. Therefore, there will be no nuisance or serious hazard to vehicles or pedestrians.
28. The new building will be designed to appropriately provide a facility for the proposed use of an auto repair shop. Therefore, adequate and appropriate facilities will be provided for the proper operation of the proposed use.
29. The proposed use will conform to any special requirements of the Special Permit Granting Authority as stated in its written decision.

DECISION

1. On November 22, 2016, after due consideration of the Application, the Board voted unanimously to **GRANT** a **SPECIAL PERMIT** and to **GRANT** a **SPECIAL PERMIT WITH SITE PLAN APPROVAL** per Sections 7-05-030, Use Regulations, Table of Uses, Table 1. Part B, Commercial and Industrial; and 7-03-050A(1) and (2) , Applicability, New Commercial Structure, to allow the use of an auto repair shop and service garage on the property located at 269 Main Street, Map 47, Parcel 4, per the plans as follows:
 - a. A set of five 24" x 36" plan sheets entitled "Proposed Site Plan of Land of 269 Main Street, Northborough, MA", prepared for Mohamed Kafel, Applicant, by Connorstone Engineering, Inc., dated October 20, 2016, revised 11/18/16 and 11/22/16; signed, stamped and dated by Vito Colonna, Registered Professional Engineer, on 11/22/16; with sheets identified as: Sheet 1 of 5, Cover Sheet; Sheet 2 of 5, Proposed Site Plan; Sheet 3 of 5, Erosion Control Plan; Sheet 4 of 5, Construction Details; and Sheet 5 of 5, Proposed Site Plan;
 - a. A set of four 24" x 36" architectural plans for "Moe's Auto Service", 269 Main Street, Northborough, MA, dated 11/15/16, prepared, signed and stamped by Daniel J. Wezniak, Silver Street Architects; with plan sheets identified as: Sheet A1.0, Rendered Front Elev; Sheet A1.1, First Floor Plan; Sheet A1.2, Front & Right Side Elevations; and Sheet A1.3, Rear & Left Side Elevations;
 - b. A 22" x 18" color photometric plan for 269 Main Street, Northborough, MA, prepared by Ryan Thomson, ReflexLighting, dated 11/17/16;
 - c. A 24" x 36" photometric plan for 269 Main Street, Northborough, MA, prepared by Ryan Thomson, ReflectLighting, dated 11/17/16; and
 - d. A set of four 11" x 8.5" sheets prepared by Exposé Signs & Graphics, Inc., for Northboro Automotive, dated 11/18/16, with the 1st sheet showing a colored 72-inch wide by 14-foot high, 2-sided monument sign; the 2nd page showing a 72" wide x 62" high 1-sided building sign for Northboro Automotive; the 3rd page showing an architectural drawing of the Front Elevation of Northboro Auto dated 11/21/16; and

the 4th page showing a plan of an proposed building on Main Street-Route 20;

And with the following conditions:

- a. Illuminated signs on the site shall be turned off from 10pm to 6am.
 - b. A black vinyl fence shall be located along the rear property line of the property located on Map 47, Parcel 11;
 - c. A revised photometric plan based on the LED light selection for the freestanding sign shall be submitted to the Building Inspector and Town Planner for final review and approval prior to the issuance of a building permit; and
 - d. Twelve evergreen trees shall be added along the easterly property line and five evergreen trees shall be placed along the westerly property line. Birch trees and ornamental grasses will also be added to the property.
2. On November 22, 2016, after due consideration of the Application, the Board voted unanimously to **GRANT a SPECIAL PERMIT, GROUNDWATER PROTECTION OVERLAY DISTRICT**, per Section 7-07-010, Overlay District, Groundwater Protection Overlay District, Area 2, to allow the use of an auto repair shop and service garage on the property located at 269 Main Street, in Groundwater Protection Overlay District Area 2, with the following conditions:
 - a. The applicant shall demonstrate and certify on an annual basis to the Building Department and Board of Health that all applicable federal, state and Town of Northborough licenses, permits and standards for the handling, use, storage and disposal of any regulated materials have been obtained or met.
 - b. The project shall require a permit to be filed with the Earthwork Board prior to the start of any earth moving operations on site.
 - c. Prior to the issuance of a Certificate of Occupancy, the applicant shall submit the volume of washer fluid, used oil and antifreeze (new or used) to be stored within the building. The list of chemicals shall also be accompanied by a description and size of the proposed storage containers and the measures proposed to protect all storage containers inside the building from corrosion and leakage and to provide for the control of spills.
 - d. No outside storage of any toxic or hazardous chemicals shall be allowed.
 - e. The applicant shall submit calculations verifying the size of the tight tank including the floor plan with grading to insure proper containment of any spills.
 - f. The applicant shall submit a description of how or where all of the materials will be stored within the building.

- g. The applicant shall submit a list of potentially toxic or hazardous wastes to be generated, how they will be stored and the disposal methods of each.
 - h. The applicant must obtain a curb cut permit from MassDOT prior to receiving a building permit, which shall also include a new connection to the six inch cast iron waterline if required by the Public Works department. If a new water connection is required it must be a one inch copper pipe and the existing service shall be abandoned at the corporation with an abandonment saddle.
 - i. The gravel parking area shown on the westerly side of the lot shall be eliminated and be loamed and seeded or be paved which will require a revised drainage report.
 - j. The Operation and Maintenance plan submitted with the Drainage Report dated October 20, 2016 shall be amended to include inspection and maintenance of the Tight Tank.
 - k. The Stormwater Operations and Maintenance Plan and Long-Term Pollution Prevention Plan, dated October 19, 2016, prepared for Mohammad Kafel and prepared by Connorstone Engineering, Inc., shall be recorded at the Worcester Registry of Deeds. Per condition #2 in the report, the Town Engineer shall be notified before maintenance work is performed and shall be afforded the opportunity to inspect the work. Copies of all inspection reports, contracts and invoices for the work performed shall be provided to the Town Engineer annually.
 - 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. On November 22, 2016, after due consideration of the Application, the Board voted none in favor, 5 opposed to **GRANT a VARIANCE** from **Section 7-09-040G(1)(b)[1]** Development Regulations, Signs in Business Districts, Business East, to allow a proposed free-standing 2-sided internally-illuminate monument sign to be 14 feet in height from the ground to the highest point of the sign, on the property located at 269 Main Street, as the maximum allowed height of a monument sign in the Business East District is 10 feet, or twelve feet to the top of the sign structure.
 4. 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.

5. 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."
6. If the rights authorized by the **SPECIAL PERMITS** 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