

July 12, 2016

Zoning Board of Appeals
Town Hall
Northborough, Massachusetts 01532

Reference: Scenic Road Decision
280 Newton Street
Northborough, Massachusetts
EDC Job No.: 3492

2016 JUL 13 11:23
NORTHBOROUGH TOWN HALL

Dear Board Members:

On behalf of Alan & Judith Gustafson, former owners and current owner Mark Wambolt Manager of 7th Group LLC of the above referenced project, we are writing to appeal the Scenic Road Decision of the Northborough Planning Board dated June 16, 2016 and attached herewith. The Planning Board has tied the building occupancy permits of 3 new Approval Not Required frontage lots to the roadway improvements project that was part of the Common Driveway Special Permit project for the Mohamad Z. Ramadan property located at 0 Newton Street which is opposite 280 Newton Street. Attempts to establish an equitable working arrangement with Mr. Ramadan were not successful and therefore tying the Gustafson/7th Group Project to the Ramadan Project is not acceptable. The scenic road provisions for the Town of Northborough Chapter 2-52-060 Considerations shall be based upon the following: preservation of Natural Resources and in each lot the driveway is situated in order to minimize impact to existing stone walls and trees; Environmental Values and each entry point onto Newton Street has minimized the affected footprint and work area; Historical Values and only existing stone walls would have historical significance which are properly protected; Scenic and Aesthetic Characteristics which are properly protected with each entry point; Public Safety with each driveway providing the minimum required site distance for both exiting and entering traffic flow; Compensatory Replacement of Trees or Walls and each driveway is sited in a manner to avoid existing street trees and will reuse the stone walls onsite at the adjacent driveway rounding; Sound Planning Consideration with each driveway substantially similar to those already present on Newton Street no special circumstances exist and no exceptions have been sought. There are no provisions contained within Scenic Road 2-52 that mandate that the applicant shall reconstruct the scenic roadway itself which is essentially what has been mandated by the Board and to require such of the former and current property owner applies an unjust hardship upon the property.

The specific relief sought from the Zoning Board would pertain to only the conditions listed on page 2 as they pertain to mandating that the proponent complete physical improvements to Newton Street and/or be tied to the completion of physical roadway improvements that were part of the Special Permit Decision for the 0 Newton Street Property. Thank you for your consideration of this request.

Very truly yours,

ENGINEERING DESIGN CONSULTANTS, INC.

A handwritten signature in black ink, appearing to read 'Peter S. Bemis', with a stylized, cursive script.

Peter S. Bemis



TOWN OF NORTHBOROUGH Zoning Board of Appeals

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

For Board Use Only:

Case No. _____

Filing Date: _____

APPLICATION FOR HEARING

(This form to be filed with Town Clerk)

Request is for: (check all that apply)

- ☐ Variance ☐ Special Permit ☐ Special Permit with Site Plan Approval
☐ Special Permit (per 7-07-010, Groundwater Protection Overlay District)
☒ Appeal ☐ 40B Comprehensive Permit

Property Information

1. Location of Property:

Street Address 280 NEWTON STREET

GIS Map # 7 Parcel # 8

Zoning District(s): RA Groundwater Protection Overlay District(s): _____

2. Name of Petitioner(s): 7TH GROUP LLC

Owner/ Tenant/ Agreed Purchaser/ Other (circle one)

Address: 19 PARMENTER RD SUTABINO, MA

Telephone #: (508) 400-9078 Email: hollerback@gmail.com

3. Name of Presenter(s): _____

Address: _____

Telephone #: (_____) _____ Email: _____

4. Name of Owner(s) of Property: 7TH GROUP LLC

Address: 19 PARMENTER RD. SUTABINO, MA

Telephone #: (508) 400 9078 Email: hollerback@gmail.com

5. Property Owner's Knowledge and Consent

I (we) have knowledge of, and consent to, the application for the project as presented.

Signature of Property Owner

MARK WAM BOLT

Please Print Name

7-12-16

Date

Project Information

1. Explain what you want to do or construct and state which provision(s) of the Zoning Bylaw requires you to obtain a Variance and/or Special Permit in order to do it:

NA

A. Variance: you must provide all of the following information:

1. Specifically, what are the soil conditions, shape or topography of your lot or structure which especially affect this lot, as distinguished from other lots in the zoning district in which it is located?

—

2. What is the hardship which is caused by the factors listed in 7A above?

—

3. What facts will support a finding that the relief sought and will not constitute substantial detriment to the public good?

—

4. What facts will support a finding that the relief sought may be given without nullifying or substantially derogating from the intent or purpose of the Zoning Bylaw?

—

Special Permit

NA

Submit written information with this application to show compliance with the following requirements of Section 7-03-040 C.:

1. The proposal is in substantial harmony with the Northborough Master Plan and other plans approved or amended from time to time by the Northborough Planning Board, and with the purposes of this bylaw;
2. The proposed site is an appropriate location for such use;
3. The use as developed will not adversely affect the neighborhood;
4. There will be no nuisance or serious hazard to vehicles or pedestrians;
5. Adequate and appropriate facilities will be provided for the proper operation of the proposed use;
6. The proposed use will conform to any special requirements of the special permit granting authority as stated in its written decision; and
7. 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.

B. Special Permit with Site Plan Review/Approval - 7-03-050A(2) & 7-09-020

1. Attach a copy of the site plan which includes contents as required per 7-03-050 D and 7-09-020

C. Special Permit under Chapter 7-07-010 of the Zoning Bylaw (Groundwater Protection Overlay District)

1. Attach a copy of all plans and documents as required under 7-07-010 D(4)(a)

D. Appeal

1. State the specifics of the appeal.

PLANNING BOARD SCENIC ROAD DECISION 6/16/16
DECISION BEYOND SCOPE OF CHAPTER 2-52
SEE COVER LETTER OUTLINING SAME

- E. If you have any knowledge of a prior application, petition or appeal concerning the subject property, describe the case and the dates thereof and attach a copy of any decision issued in connection with the above.**

WE HAVE NO KNOWLEDGE OF A PRIOR
PETITION WITH THE BOARD

This page to be completed on day of applying with the Town Clerk.

Signed this _____ day of _____, _____

COMMONWEALTH OF MASSACHUSETTS

WORCESTER, ss

Date: _____

Then personally appeared the above-named, _____, and made oath and said that the foregoing statements and representations contained in the application herein and attachments hereto are true and accurate to the best of her/his knowledge, information and belief, before me,

Notary Public

My commission expires: _____

OFFICE OF THE TOWN CLERK

Date: _____

Application herein, including list of abutters from the Board of Assessors and filing fee of \$ _____ received this date.

Town Clerk



TOWN OF NORTHBOROUGH PLANNING BOARD

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

June 16, 2016

SCENIC ROAD DECISION

Location:

280 Newton Street
Northborough MA 01532
Map 7 Parcel 8

Owner/Applicant:

Alan and Judith Gustafson
280 Newton Street
Northborough MA 01532

Subsequent Owner:

Mark Wambolt, Manager
7th Group LLC
19 Parmenter Road
Southborough MA 01772
(WSRD Cert of Title 17496)

Engineer:

Engineering Design Consultants, Inc.
32 Turnpike Road
Southborough MA 01772

PROCEDURAL BACKGROUND

On behalf of Alan and Judith Gustafson, Peter Bemis of Engineering Design Consultants Inc. filed a Scenic Road Application on March 30, 2016 in accordance with Section 2-52 Scenic Roads of the Northborough General Code. Applicant proposes to remove and rebuild approximately eighty feet (80') of stonewall within the Town right-of-way for the construction of four single-family home driveways.

A plan entitled "Scenic Road Plan 280 Newton Street Lots 1-4" dated March 20, 2016 and prepared by Engineering Design Consultants, Inc. was filed with the Application.

PUBLIC HEARING

The Planning Board held a public hearing on April 19, 2016, May 11, 2016, June 7, 2016 and June 16, 2016. The public hearing was closed on June 16, 2016. Mr. Bemis was present throughout the hearing. Mark Wambolt, Manager, 7th Group LLC, developer, was also present at the May 11, 2016, June 7, 2016 and June 16, 2016 meetings.


Town Engineer provided a review letter dated April 19, 2016.

Department of Public Works provided a review letter dated April 1, 2016.

DECISION

On June 16, 2016 the Planning Board voted, four in favor, none opposed, to approve the Scenic Road Application for the removal and rebuilding of approximately eighty feet (80') of stonewall to allow construction of four single-family home driveways with the following conditions:

1. The stones removed from each driveway opening shall be re-used to create proper returns so as to maintain the existing stone wall as much as possible.
2. Applicant shall lower Newton Street in the vicinity of Station 8+05 resulting in a high point of 328.12. High point shall meet existing roadway grades with a vertical curve length of between 150 feet and 220 feet.
3. The roadway shoulder, approximately from Station 6+70 to Station 8+70, shall be graded with a minimum 2 foot shoulder and subsequent 4H:1V recordable slope to a private retaining wall to be placed a minimum of 8 feet back from the roadway edge, such that roadside guardrail is not warranted.
4. Prior to any work being performed in Newton Street, the Applicant shall obtain an Order of Conditions from the Conservation Commission.
5. No Certificate of Occupancy for Lots 1, 2 or 4 shall be issued until such time the roadway improvements from Station 3+40 to Station 15+0 have been completed in accordance with the plan entitled "Roadway Improvements, Newton Street, Northborough MA" with revision date of October 21, 2014 prepared by Connorstone Engineering and to the satisfaction of the Town Engineer. With respect to Lot 3 the current driveway on the premises shall not be removed and a new driveway as shown on said plan shall not be installed until such time the roadway improvements from Station 3+40 to Station 15+0 have been completed in accordance with the plan entitled "Roadway Improvements, Newton Street, Northborough MA" with revision date of October 21, 2014 prepared by Connorstone Engineering and to the satisfaction of the Town Engineer.
6. Upon completion of the work covered by this Scenic Road Decision, the Applicant shall submit an as-built plan to the Town Engineer. The as-built shall include at a minimum and as applicable to the project, elevation of all pipe inverts and outlets, pipe sizes, materials, slopes, all other drainage structures, limits of clearing, grading and fill, all structures, pavement and contours, and dates of all fieldwork. Upon approval by the Town Engineer, one Mylar and three paper copies of the as-built plan shall be submitted in addition to an electronic copy compatible with the Town's GIS system. The as-built plan shall be based on the 1988 NGVD vertical datum.



Theresa Capobianco, Chairman
Northborough Planning Board

108558



2016 00108558

Cert: 17496 Bk: 88 Pg: 96

Page: 1 of 0 03/25/2016 02:57 PM WD

QUITCLAIM DEED

MASSACHUSETTS EXCISE TAX
Worcester District ROD #20 001
Date: 03/25/2016 02:57 PM
Ctrl# 152266 08183 Doc# 00108558
Fee: \$2,950.00 Cons: \$625,000.00

WE, ALAN R. GUSTAFSON and JUDITH R. GUSTAFSON, a married couple of Northborough, Worcester County, Massachusetts

For consideration paid, and in full consideration of SIX HUNDRED TWENTY-FIVE THOUSAND and 00/100 (\$625,000.00)

Grants to 7TH GROUP LLC, a limited liability company with a principal place of business at 19 Parmenter Road, Southborough, MA

WITH QUITCLAIM COVENANTS

A certain parcel of land with buildings thereon in Northborough, Worcester County, Massachusetts, bounded and described as follows:

Westerly by Newton Street twelve hundred fourteen and 72/100 (1214.72) feet; Northerly, Northeasterly and Northerly by Lot 3 and Lot A1 as shown on a plan hereinafter described five hundred fifty-three and 35/100 (533.35) feet;

Easterly and Southeasterly by land now or formerly of Robert L. MacAlister et ux eleven hundred fifty-five and 51/100 (1155.51) feet; and Southwesterly by land now or formerly of Walter M. Coolidge et al. three hundred two and 39/100 (302.39) feet;

All of said boundaries are determined by the Court to be located as shown on subdivision plan #6281-F drawn by Ewald & Maschi, Surveyors, dated December 30, 1968 as modified and approved by the Court, filed in the Land Registration Office, a copy of a portion of which is filed with Land Registration Certificate #7353. Being Lot 4 on said plan.

Also another parcel of land situated in said Northborough bounded and described as follows:

280 Newton Street, Northborough, Ma 01532

MS

Northerly by Lot A1 as shown on a plan hereinafter described eighty (80) feet; Easterly by Lot 72 on said plan five hundred nineteen and 32/100 (519.32) feet; and Westerly by Lot 4 on said plan four hundred ninety-six and 05/100 (496.05) feet. All of said boundaries are determined by the Court to be located as shown on sub-division plan #6218-K, drawn by Ewald & Maschi Inc., Surveyors, dated June 22, 1970 as modified and approved by the Court, filed in the Land Registration Office, a copy of a portion of which is filed with Land Registration Certificate #7354.

Being Lot 74 on said plan.

All rights of Homestead are hereby released, we do under oath depose, and say that there are no other individuals entitled to claim the benefit of an estate of homestead in and to the property.

Being the same premises conveyed to the Grantors by Deed dated February 26, 1975, 1983 and filed with the Registered Land Section of the Worcester County District Registry of Deeds as Document No. 30564 on Certificate of Title No. 8630.

Northerly by Lot A1 as shown on a plan hereinafter described eighty (80) feet; Easterly by Lot 72 on said plan five hundred nineteen and 32/100 (519.32) feet; and Westerly by Lot 4 on said plan four hundred ninety-six and 05/100 (496.05) feet. All of said boundaries are determined by the Court to be located as shown on sub-division plan #6218-K, drawn by Ewald & Maschi Inc., Surveyors, dated June 22, 1970 as modified and approved by the Court, filed in the Land Registration Office, a copy of a portion of which is filed with Land Registration Certificate #7354.

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