



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. 15-10

PROPERTY LOCATION: 290 West Main Street, Units 10 & 11

PETITIONER: Stephanie Allen, NGU Restaurant Group, LLC

PROPERTY OWNER: FAB Realty Trust

RECORDED WITH WORCESTER DISTRICT REGISTRY OF DEEDS: Bk: 22086 Pg: 47

This document is the **DECISION** of the Northborough Zoning Board of Appeals on the petition of Stephanie Allen for a Special Permit to allow a change of ownership of the Bistro Limoncello restaurant located in Units 10 and 11 of the existing building at 290 West Main Street, Map 82, Parcel 10.

APPLICATION

1. On February 12, 2015, 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, Part B, Hospitality and Food Service, of the Northborough Zoning Bylaw, to allow a change of ownership of the Bistro Limoncello (a restaurant serving alcohol) located in Units 10 and 11 of the existing building at 290 West Main Street.
2. Notice of the public hearing was duly published in "THE WORCESTER TELEGRAM & GAZETTE" on March 9, 2015 and March 16, 2015 and was mailed to abutters and other parties in interest on February 25, 2015.

EXHIBITS

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

1. Application for Hearing before the Zoning Board of Appeals, including:
 - a. A Certified Plot Plan for West Main Street, Northboro, Ma., dated February 23, 2006, prepared, signed and stamped by Robert W. Hart, Registered Land Surveyor, for owner Fab Realty Trust;
 - b. A Quitclaim Deed for 290 West Main Street, Northborough, Massachusetts, recorded at the Worcester District Registry of Deeds on November 24, 1999, Bk: 22086 Pg: 47; and
 - c. A certified abutters list for parcels 300 feet from 290 West Main Street signed by Julie Brownlee for the Board of Assessors, dated February 12, 2015; and a Northborough, MA GIS Viewer map for 290 West Main Street dated 2/12/2015.

RECEIVED
NORTHBOROUGH TOWN CLERK
2015 APR 17 AM 11:41

HEARING

Applicant Stephanie Allen and Patrick T. Caine, NGU Restaurant Group, LLC; and Attorney Jude J. Kostas, presented the Application at a duly noticed public hearing of the Board on March 24, 2015, in Conference Room B of the Northborough Town Offices, 63 Main Street, Northborough, MA 01532. Voting members Richard Rand, Fran Bakstran, Brad Blanchette and Mark Rutan were present throughout the proceedings.

Ms. Allen and Mr. Caine, co-owners of the Bistro Limoncello restaurant, explained they received a liquor license from the Board of Selectmen at their meeting on March 23, 2015 and are before the board now for a special permit to allow their change of ownership of the restaurant, which serves alcohol. Ms. Allen noted there will be no change in the operation of the restaurant and currently they are working on the inside of the restaurant. The hours of operation of the restaurant are 9am -10pm, Sunday through Thursday; and 11am – 11pm, Friday and Saturday. Mr. Caine noted the hours in which alcohol can be served is 11am – 12am, per their liquor license,.

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

The hearing was closed on March 24, 2015.

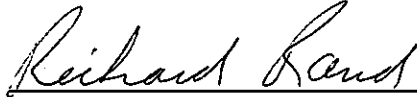
FINDINGS OF FACT

1. The subject property at 290 West Main Street is located in the Business West District and Groundwater Protection Overlay District Area 3.
2. The Bistro Limoncello restaurant, which serves alcohol, is currently located in Units 10 and 11 of the existing building at 290 West Main Street.
3. The Applicant, Stephanie Allen, along with Patrick Caine, are the new owners of the Bistro Limoncello restaurant and are doing business under the name of NGU Restaurant Group, LLC. They plan to continue serving alcohol in the Bistro Limoncello restaurant.
4. In the Business West District, the change of ownership of a restaurant serving alcohol requires a Special Permit per Section 7-05-030, Table 1., Table of Uses., Part B., Commercial and Industrial Districts., Businesses Uses, Hospitality and Food Service, of the Northborough Zoning Bylaw.
5. At a meeting of the Board of Selectmen on Monday, March 23, 2015, NGU Restaurant Group, LLC., received a license to serve liquor at the Bistro Limoncello restaurant located in Units 10 and 11 of the existing building at 290 West Main Street.
6. The hours of operation of the subject restaurant under the new ownership of NGU Restaurant Group, LLC., will remain the same; and the hours in which alcohol is allowed to be served in the subject restaurant are included in the liquor license issued by the Board of Selectmen.
7. There will be no changes to the operation or exterior of the subject restaurant due to the requested change of ownership. In addition, parking and traffic flow will remain the same. Therefore, adequate and appropriate facilities will be provided for the proper operation of the restaurant under the new ownership of NGU Restaurant Group, LLC.; there will be no nuisance or serious hazard to vehicles or pedestrians; and the requested change of ownership will not adversely affect the neighborhood.
8. NGU Restaurant Group, LLC, the new owners of Bistro Limoncello, will conform to any special requirements of the special permit granting authority as stated in its written decision.

DECISION

1. On March 24, 2015, after due consideration of the Application, the Board voted unanimously to **GRANT** a **SPECIAL PERMIT** to NGU Group, LLC., (Stephanie Allen and Patrick Caine), to allow the change of ownership of the Bistro Limoncello, a restaurant serving alcohol, located in Units 10 and 11 of the existing building at 290 West Main Street in the Business West District, per Section 7-05-030, Table 1., Table of Uses., Part B., Commercial and Industrial Districts., Businesses Uses, Hospitality and Food Service, of the Northborough Zoning Bylaw, with the following condition:
 - a. The hours of operation of the restaurant shall be limited to 8am – 12am, 7 days per week.
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



RICHARD RAND, CHAIRMAN