



TOWN OF NORTHBOROUGH Zoning Board of Appeals

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DECISION

ZBA CASE NO. 16-03

PROPERTY LOCATION: 40 Bearfoot Road

PETITIONER: Amerco Real Estate c/o U-Haul International, Inc.

PROPERTY OWNER: Campanelli CQ Northborough LLC

RECORDED WITH WORCESTER DISTRICT REGISTRY OF DEEDS: Bk: 42231 Pg: 297

This document is the **DECISION** of the Northborough Zoning Board of Appeals on the petition of U-Haul International, Inc., for a Special Permit with Site Plan Approval, and a Special Permit, Groundwater Protection Overlay District, for the renovation of an existing warehouse facility and the proposed construction of a warehouse, both for self-storage use; and for the expansion/redesign of an existing parking lot with ten or more parking spaces, related to a commercial self-storage facility, on the property located at 40 Bearfoot Road, Map 29, Parcel 36.

APPLICATION

1. On March 17, 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 with Site Plan Approval and a Special Permit, Groundwater Protection Overlay District Area 2, to allow the use of a self-storage facility in an existing industrial building; and to allow the construction of a new warehouse building on the property located at 40 Bearfoot Road, in the Industrial District and Groundwater Protection Overlay District Area 2.
2. Notice of the public hearing was duly published in "THE WORCESTER TELEGRAM & GAZETTE" on March 21, 2016 and March 28, 2016 and mailed to abutters and other parties in interest on March 15, 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 Zoning Interpretation Request Form for 40 Bearfoot Road, submitted by Jim Blair, Amerco Real Estate, c/o U-Haul, signed by Joseph M. Atchue, Inspector of Buildings/Zoning Enforcement Officer, on 3/7/2016;
 - b. A certified abutters list for parcels 300 feet from 40 Bearfoot Road, signed by Julie Brownlee, for the Board of Assessors, dated 1/28/16; and a Northborough, MA GIS Viewer map for 40 Bearfoot Road, dated 1/28/2016;
 - c. A Quitclaim Deed for 40 Bearfoot Road, Northborough, Massachusetts, recorded at the Worcester District Registry of Deeds on 12/26/2007, Bk: 42231 Pg: 297;
 - d. A Quitclaim Deed for 40 Bearfoot Road, Northborough, Worcester County, Massachusetts 01532, recorded at the Worcester District Registry of Deeds, on November 10, 2015, Bk: 54556, Pg: 281;

- e. A ZBA decision for U-Haul International, Inc., 40 Bearfoot Road, Case No. 15-15, date-stamped by the Town Clerk on November 12, 2015;
- f. A letter to Fran Bakstran, Chairman, Northborough Zoning Board of Appeals, from Michael J. Scott, P.E., Waterman Design Associates, Inc., dated March 2, 2016, Re: Application for Site Plan Approval & Special Permit, 40 Bearfoot Road, Northborough, Massachusetts;
- g. A letter to the Zoning Board of Appeals from Fred Hurst, Captain, Fire Prevention, Northborough Fire Department, Subject: Site Plan Review-40 Bearfoot Road, dated March 7, 2016;
- h. A memo to Fran Bakstran, Chairman, Zoning Board of Appeals, from Michelle Gillespie, Chairman, Design Review Committee, RE: 40 Bearfoot Road, dated April 4, 2016;
- i. A document entitled "U-Haul – LED Site Master Quote" from R.C. Lurie, dated April 1, 2013;
- j. An email message from Randy Waterman to Kathy Joubert re: 40 Bearfoot Road, dated April 5, 2016, requesting to continue the public hearing to the May 24, 2016 ZBA meeting;
- k. A letter to Fran Bakstran, Chairman, Northborough Zoning Board of Appeals, from Fred Litchfield, Town Engineer, on behalf of the Groundwater Advisory Committee, re: 40 Bearfoot Road, dated May 20, 2016;
- l. An email message from Mike Scott to Kathy Joubert re: 40 Bearfoot Road dated May 24, 2016, requesting to continue the public hearing to the June 28, 2016 ZBA meeting;
- m. An email message from Jessica Andia to Kathy Joubert, re: 40 Bearfoot dated July 25, 2016, requesting to continue the public hearing to the August 23, 2016 ZBA meeting;
- n. Two documents relating to stormwater maintenance dated 8/25/16;
- o. A letter to Fran Bakstran, Chairman, Northborough Zoning Board of Appeals, from Michael J. Scott, P.E., Waterman Design Associates, Inc., re: Application for Site Plan Approval & Special Permit, 40 Bearfoot Road, Northborough, Massachusetts, dated August 29, 2016;
- p. A letter to the Zoning Board of Appeals from Chief David L. Parenti, Northborough Fire Department, Re: Application for Site Plan Approval & Special Permit for 40 Bearfoot Road, dated September 2, 2016;
- q. A letter to Dick Rand, Chairman, Northborough Zoning Board of Appeals, from Fred Litchfield, Town Engineer, on behalf of the Groundwater Advisory Committee, re: 40 Bearfoot Road, dated September 27, 2016; with attached stormwater documents submitted to the Groundwater Advisory Committee, by the Applicant, as follows:
 - i. A 6-page document entitled "UHaul Self Storage Rental Agreement" for U-Haul Moving and Storage, from U-Haul Moving & Storage of Apple Valley, with an executed date of 2/24/2016;
 - ii. A 3-page document entitled "Stormwater Management System Operation and Maintenance Plan, Long Term Pollution

Prevention Plan" for U-Haul, 40 Bearfoot Road, Northborough, MA, revised September 2016; and

- iii. A 4-page document entitled "CDS Inspection and Maintenance Guide" by CONTECH Engineered Solution.
 - r. An email message from Mike Scott to Kathy Joubert re: 40 Bearfoot Road dated August 10, 2016, requesting to continue the public hearing to the September 27, 2016 ZBA meeting.
2. A 24" x 36" plan entitled "ALTA/ACSM Land Title Survey, Bearfoot Rd, Northborough, MA, dated 5/29/15, signed by Thomas R. Callahan, Registered Professional Land Surveyor;
 3. A set of three black and white 24" x 36" plan sheets entitled "Site Plan, 40 Bearfoot Road", dated 2/11/16 and revised on 8/29/16, prepared for Amerco Real Estate Company by Waterman Design Associates, Inc., stamped and signed on 8/29/16 by Michael Scott, Registered Professional Engineer, with sheets identified as: Sheet C1.01, Site Plan; Sheet C2, Details; and Sheet C2.01, Details;
 4. A set of five 11" x 17" color photos and architectural renderings entitled "Preliminary Imaging" for U-Haul of Northborough, 40 Bearfoot Rd, Northborough, MA 01532, dated 9/22/2016;
 5. A 24" x 36" color plan identified as "Planting Plan, 40 Bearfoot Road", dated 9/19/16 and revised on 9/27/16, prepared for Amerco Real Estate Company by Waterman Design Associates, Inc., stamped and signed on 9/27/16 by Michael Scott, Registered Professional Engineer; and
 6. A 24" x 36" plan identified as "Photometric Siteplan" dated 9/26/16, prepared for U-Haul of Northborough, 40 Bearfoot Road, Northborough, MA 01532, by Amerco Real Estate Company.

HEARING

Applicant Jeffrey Vaine, Amerco Real Estate Company/U-Haul Construction Department; Attorney Marshall Gould; and Michael Scott, Waterman Design Associates, were present at a duly noticed public hearing of the Board on April 5, 2016 in Conference Room B of the Northborough Town Offices, 63 Main Street, Northborough, MA 01532. The hearing was continued to May 24, 2016, June 28, 2016, July 12, 2016, August 23, 2016 and September 27, 2016, at the requests of the Applicant, while the project was reviewed by the Design Review Committee, the Groundwater Advisory Committee, and the Conservation Commission. Voting members Richard Rand, Fran Bakstran, Brad Blanchette, Jeffrey Leland and Mark Rutan were present throughout the proceedings

At the meeting on September 27, 2016, with Mr. Vaine, Mr. Gould and Randy Waterman, Waterman Design Associates, in attendance, Mr. Gould presented the project, stating the Applicant is requesting Site Plan Approval and a Special Permit per Groundwater Protection Overlay District, for work associated with the conversion of an existing, unoccupied 61,530 square-foot building for self-storage use; and for the proposed construction of a 2,500 square-foot free-standing warehouse building for a U-Haul business on the property at 40 Bearfoot Road. The subject warehouse on the property is currently vacant. There are mowed and maintained areas on the site, as well as a gravel overflow parking area. Additional improvements to the parking area are proposed and will decrease impervious surface on the site. The property also contains two detention basins, a drainage swale and associated drainage infrastructure.

Mr. Gould noted the information included in the original Application has been updated and the plans have been revised based on comments from Town staff, the Groundwater Advisory Committee and the Conservation Commission.

A ZBA decision for Case No. 15-15, 40 Bearfoot Road for U-Haul International, Inc., granted variances to allow, among others, the use of self-storage and warehouse storage, and the use of appropriate signage for the U-Haul business.

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

The hearing was closed on September 27, 2016.

FINDINGS OF FACT

1. The subject site at 40 Bearfoot Road is 10± acres in size and is located in the Industrial District and almost entirely in Groundwater Protection Overlay District Area 2.
2. The Applicant, Amerco Real Estate Company/U-Haul International, Inc., is proposing to locate a self-storage facility in the existing 61,530 square-foot building on the subject site; and a 2,500 square-foot warehouse is proposed in the rear of the subject site.
3. A Site Plan Approval is required per Section 7-03-050A(1)(a) and (c), Administration and Enforcement, Board of Appeals, Applicability, New Construction and Land Clearing, of the Northborough Zoning Bylaw, for the renovation of an existing warehouse facility; the proposed construction of a warehouse for industrial use; and for the construction of a new parking lot, or the expansion or redesign of an existing parking lot with ten or more parking spaces, for an industrial use.
4. In Groundwater Protection Overlay District Area 2, the use of a self-storage facility and the use of a warehouse requires a Special Permit per Section 7-07-010D(3)(b)[5], Overlay Districts, Groundwater Protection Overlay District, Use Regulations, Special Permit, Area 2, Industrial Developments, of the Northborough Zoning Bylaw, as the site is more than 60,000 square feet in area.
5. The proposed U-Haul self-storage facility in the existing 61,530 square-foot warehouse building will be on two floors and will include 943 storage units. In addition, a 3,000 square-foot sales room with office space and a small area for the sale of boxes and packing material, has been proposed, along with interior parking spaces and a pull-through garage at the back of the facility.
6. A new 2,497 square-foot warehouse building and loading dock area are proposed in the rear of the site and will be built over existing pavement.
7. The existing entrance and egress driveway will remain and will continue to serve as the main access from Bearfoot Road.
8. Municipal water and sewer services are located on the site.
9. The project as proposed will meet all dimensional regulations of the Northborough Zoning Bylaw.
10. Eight parking spaces will be added in the front of the building and will connect to an existing drive for display vehicles. A gravel parking area located at the southwesterly corner of the lot will remain as a reserve parking area.
11. Parking requirements for the proposed development are a total of 50 spaces, and the Applicant proposes 57 spaces, including three handicapped-accessible spaces.
12. Snow storage areas are proposed in the rear, and along the east side, of the parking area in front of the proposed new warehouse facility.
13. Existing pavement in the northwest corner of the site will be removed, loamed and seeded, and will allow for improved drainage and water quality; restoration of a portion of a wetland buffer; and a decrease to the overall impervious surface on the site.
14. At their meeting on September 12, 2016, the Conservation Commission issued an Order of Conditions for the proposed project at 40 Bearfoot Road, DEP #247-1117.

15. Information provided by the Applicant indicates the site will have an approximate increase in impervious cover of 4.75%, which is below the 15% maximum increase. In addition, a drainage analysis of the site verifies the increase in post-development net runoff volume does not exceed existing conditions by more than 15%, and there is actually more than a 69% reduction in each storm evaluated.
16. A document entitled "U-Haul Self Storage Rental Agreement" for U-Haul Moving and Storage, from U-Haul Moving & Storage of Apple Valley, prohibits the storage of toxic and hazardous materials on the site.
17. A Stormwater Management System Operation and Maintenance Plan, a Long Term Pollution Prevention Plan and an Inspection and Maintenance Guide has been submitted by the Applicant and approved by the Town Engineer and the Groundwater Advisory Committee.
18. 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 September 27, 2016, Mr. Litchfield states the Groundwater Advisory Committee voted to recommend approval of the requested Special Permit and offered their comments.
19. At their meeting on September 27, 2016, the Design Review Committee approved architectural rendering plans dated September 22, 2016; a planting plan dated September 27, 2016; and a photometric plan dated September 26, 2016, for the proposed project.
20. Sign variances granted to U-Haul International, Inc., per ZBA Case No. 15-15, 40 Bearfoot Road, allowed:
 - the size of all free-standing signs to be no greater than 400 square feet in area;
 - a sign proposed at the entrance to the site to be no larger than 100 square feet in area; and
 - a free-standing sign on the rear of the property (abutting Route I-290) to be no more than 45 feet in height, as measured from the ground to the highest point of the sign or sign structure, and to be no more than 100 square-feet in area, with 20 square-feet of changeable copy message.
21. Hours of Operation for the U-Haul business will be 24 hours a day, 7 days per week, with employees present Monday through Saturday from 7am to 7pm, and on Sundays from 9am to 5pm.
22. The front of the subject site is on Bearfoot Road; the rear of the site abuts Route I-290; and the site is bounded by similar uses along Bearfoot Road. Therefore, the proposed site is an appropriate location for the use of a U-Haul storage facility in an existing warehouse building and a proposed new warehouse building; and the use as developed will not adversely affect the neighborhood.
23. Vehicular and pedestrian routes are designed in accordance with the Town of Northborough and Americans with Disabilities Act requirements. The proposed development will utilize pre-existing entrance and egress driveways; and some existing paved areas will be removed in order to concentrate vehicular circulation within the site; reduce extraneous driveways and site access points, and provide for sufficient parking for the proposed uses. Therefore, there will be no nuisance or serious hazard to vehicles or pedestrians.
24. The project as proposed meets the Groundwater Protection Overlay District Area 2 requirement that the impervious surface of the subject lot shall not exceed existing conditions by more than fifteen (15) percent.

25. Adequate and appropriate facilities for the proper operation of the proposed uses are provided and the proposed uses will conform to any special requirements of the special permit granting authority as stated in its written decision.

DECISION

1. On September 27, 2016, after due consideration of the Application, the Board voted unanimously to **GRANT** a **SPECIAL PERMIT** Section 7-07-010D(3)(b)[5], Overlay Districts, Groundwater Protection Overlay District, Use Regulations, Special Permit, Area 2, Industrial Developments, of the Northborough Zoning Bylaw, to allow the use of a self-storage facility in an existing vacant 61,530 square-foot warehouse building, and the use of a proposed 2,497 square-foot warehouse building, on the property located at 40 Bearfoot Road, in the Industrial District and entirely in Groundwater Protection Overlay District Area 2, as the increase in post-development net runoff volume as proposed will not exceed existing conditions by more than fifteen (15) percent.
2. On September 27, 2016, after due consideration of the Application, the Board voted unanimously to **GRANT** a **SPECIAL PERMIT SITE PLAN APPROVAL**, per Section 7-03-050A(1)(a) and (c), Administration and Enforcement, Board of Appeals, Applicability, New Construction and Land Clearing, of the Northborough Zoning Bylaw, for the renovation of an existing warehouse facility and the proposed construction of a warehouse for industrial use; and for the expansion/redesign of an existing parking lot with ten or more parking spaces, for an industrial use, on the property located at 40 Bearfoot Road, Map 29, Parcel 36, in the Industrial District, per the plans submitted and approved as follows:
 - a. A 24" x 36" plan entitled "ALTA/ACSM Land Title Survey, Bearfoot Rd, Northborough, MA, dated 5/29/15, signed by Thomas R. Callahan, Registered Professional Land Surveyor;
 - b. A set of three black and white 24" x 36" plan sheets entitled "Site Plan, 40 Bearfoot Road", dated 2/11/16 and revised on 8/29/16, prepared for Amerco Real Estate Company by Waterman Design Associates, Inc., stamped and signed on 8/29/16 by Michael Scott, Registered Professional Engineer, with sheets identified as: Sheet C1.01, Site Plan; Sheet C2, Details; and Sheet C2.01, Details;
 - c. A set of five 11" x 17" color photos and architectural renderings entitled "Preliminary Imaging" for U-Haul of Northborough, 40 Bearfoot Rd, Northborough, MA 01532, dated 9/22/2016;
 - d. A 24" x 36" color plan identified as "Planting Plan, 40 Bearfoot Road", dated 9/19/16 and revised on 9/27/16, prepared for Amerco Real Estate Company by Waterman Design Associates, Inc., stamped and signed on 9/27/16 by Michael Scott, Registered Professional Engineer; and
 - e. A 24" x 36" plan identified as "Photometric Siteplan" dated 9/26/16, prepared for U-Haul of Northborough, 40 Bearfoot Road, Northborough, MA 01532, by Amerco Real Estate Company.

And with the conditions, as follows:

- f. Dimensions and locations of all free-standing signs shall be added to the approved site plan and submitted to the Zoning Board of Appeals for review and approval prior to the issuance of any building permit and any occupancy permit. The addition of 2 pole lights and 3 wall pacs shall be added to the approved site plan prior to the issuance of any building permit and any occupancy permit.
- g. The Applicant shall obtain a permit from the Earthwork Board prior to the start of any construction.

- h. The revised Operation and Maintenance Plan has been amended to include a copy of the Manufacturer's maintenance manual for the Stormwater Treatment Units and annual notification shall be provided to the Town Engineer before any work is performed and the Town Engineer shall be afforded the opportunity to inspect the work.
 - i. 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. 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."
- 4. 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.
- 5. 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.

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



RICHARD RAND, CHAIRMAN