



# TOWN OF NORTHBOROUGH Zoning Board of Appeals

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## DECISION

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**ZBA CASE NO. 13-06**

**PROPERTY LOCATION: 9 Monroe Street**

**PETITIONER & PROPERTY OWNER: Abu Construction**

**RECORDED WITH WORCESTER DISTRICT REGISTRY OF DEEDS: Bk: 14624 Pg: 252**

This is the DECISION of the Northborough Zoning Board of Appeals on the petition of Abu Construction for a Special Permit with Site Plan Approval and Special Permit Groundwater Protection Overlay District to allow construction and use of a commercial building, with associated parking, access drives, utilities and landscaping, on the property located at 9 Monroe Street in Groundwater Protection Overlay District 3, Map 63 Parcel 160.

### APPLICATION

1. On April 24, 2013, 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 per Section 7-03-050A(1)(a) and (c) for construction of a new commercial development and a Special Permit Groundwater Protection Overlay District per Section 7-07-010D(3)(c)[3], to allow a commercial use within Groundwater Protection Overlay District Area 3, on the property located at 9 Monroe Street.
2. Notice of the public hearing was duly published in "THE WORCESTER TELEGRAM & GAZETTE" on June 10, 2013 and June 17, 2013, and was mailed to abutters and other parties in interest on June 6, 2013.

### EXHIBITS

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

1. Application for Hearing before the Zoning Board of Appeals including:
  - a. A "Calculation Sheet for Increase to Impervious Surface: Groundwater Protection Overlay District" for 9 Monroe Street, signed by A. Anthony Abu, dated 4/18/13;
  - b. A 3-page document entitled "Project Narrative";
  - c. A map entitled "Northborough, MA GIS Viewer, for 9 Monroe Street, dated 4/3/13;
  - d. A map showing a site location in Northborough;
  - e. A Quitclaim Deed for 9 Monroe Street, Northborough, MA, recorded at the Worcester District Registry of Deeds on October 19, 1992, Book 14624 Page 252;
  - f. A map entitled "Land in Northboro, Mass surveyed for Francis Doyle, signed and stamped by James W. Chisholm, Registered Land Surveyor, dated 8/10/92;

- g. A certified abutters list of parcels 300 feet from 9 Monroe Avenue, with a cover sheet dated April 9, 2013, signed by Susan M. Reagan for the Board of Assessors, and including a Northborough, MA GIS Viewer map entitled "9 Monroe, Northborough", dated 4/8/13;
  - h. A document entitled "Stormwater Drainage System Design";
  - i. A document entitled "Stormwater Operations and Maintenance Plan and Long-Term Pollution Prevention Plan", 9 Monroe Street, Northborough, MA;
  - j. A document entitled "Operation and Maintenance Guidelines", Contractor & Recharger, Stormwater Chambers;
  - k. A set of six 24" x 36" plan sheets entitled "9 Monroe Street Development", prepared by Connorstone Consulting Civil Engineers and Land Surveyors, dated April 1, signed and stamped by Vito Colonna, Civil Registered Professional Engineer, on 4-22-13; with sheets identified as: Cover Sheet, 1 of 1; Proposed Site Plan, 2 of 5; Proposed Erosion Control Plan, 3 of 5; Proposed Landscape Plan, 4 of 5; Construction Details, 5 of 5; and Lighting Plan, 1 of 1;
  - l. A letter to Northborough Zoning Board of Appeals from Vito Colonna, P.E., Connorstone Engineering, Inc., Attention: Richard Rand, Chairman, dated June 25, 2013, Subject: Groundwater Advisory Committee Comments, 9 Monroe Street, Map 63, Parcel 160;
  - m. A set of five 24" x 36" plan sheets entitled "9 Monroe Street Development", prepared by Connorstone Consulting Civil Engineers and Land Surveyors, dated April 1, 2013, revised 6/14/2013 and 6/25/2013, signed and stamped by Vito Colonna, Civil Registered Professional Engineer, on 6/25/13; with sheets identified as: Cover Sheet, 1 of 1; Proposed Site Plan, 2 of 5; Proposed Erosion Control Plan, 3 of 5; Proposed Landscape Plan, 4 of 5; and Construction Details, 5 of 5;
  - n. A lighting plan entitled "Project: 9 Monroe St, Northborough, MA, by Techlight, dated 7-2-13; and
  - o. A set of two 24" x 36" architectural plan sheets for Abu Construction, 9 Monroe Street, Northborough, prepared by Reardon & Company, dated 6/26/13, with sheets identified as: A.1 and A.3
2. A letter to the Zoning Board of Appeals from Fire Chief David Durgin, dated April 26, 2013, Subject: 9 Monroe Street – Special Permit with Site Plan Approval and Special Permit (per 7-07-010, Groundwater Protection Overlay District);
  3. A letter to Dick Rand, Chairman, Zoning Board of Appeals, from Michelle Gillespie, Chairman, Design Review Committee, Re: Monroe Street, dated June 25, 2013; and
  4. A letter to Dick Rand, Chairman, Zoning Board of Appeals, from Rick Leif, Chairman, Planning Board, Re: Monroe Street, dated June 25, 2013.

## **HEARING**

The Applicant, Tony Abu, Abu Construction, and Michael Sullivan, Engineer, Connorstone Consulting Civil Engineers and Land Surveyors, presented the Application at a duly noticed public hearing of the Board on June 26, 2013 and July 23, 2013, in Conference Room B of the Northborough Town Office, 63 Main Street, Northborough, MA 01532. Voting members Fran Bakstran, Dick Kane, Mark Rutan and Brad Blanchette were present at the meetings for this public hearing on June 26, 2013 and July 23, 2013.

At the meeting on June 26, 2013, Mr. Sullivan stated the Applicant is proposing to demolish the existing structures at 9 Monroe Street and construct a 5700 square-foot commercial building for personal or business service, medical office, retail store or office space use, which are uses allowed by right in the Downtown Business District. The proposal requires a Site Plan Approval and a Special Permit for commercial development in a Groundwater Protection Overlay District. The Applicant is also asking for a waiver to allow two driveways within 200 feet along the frontage of Monroe Street.

Mr. Sullivan explained the Applicant is proposing the front of the building to face West Main Street, rather than Monroe Street. A paved parking area in front of the front façade of the building has been proposed and a driveway to access the parking area and the entrance to the building will be located off Monroe Street. An additional driveway, behind the proposed building, also off Monroe Street, will not be for general public use. The building will be connected to Town water and sewer services in Monroe Street. Runoff from the site will be handled by a proposed stormwater management system. The Planning Board and Town staff has requested the Applicant construct a sidewalk from the terminus of the southerly point of the lot frontage at 9 Monroe Street to the intersection of Monroe Street and West Main Street.

Mr. Sullivan stated the proposed commercial building will fit in well with the surrounding businesses in the area and is appropriate for the site.

Several residents spoke in support of the project.

No one spoke in opposition to the project and the Board did not receive any letters in opposition to the project.

The hearing was closed on July 23, 2013.

#### **FINDINGS OF FACT**

1. The subject property at 9 Monroe Street is 22,000 square-feet in area and is located in the Downtown Business District and partially in Groundwater Protection Overlay District Area 3.
2. The Applicant is proposing to demolish the existing building (photography studio), garage and driveway, and construct a 5700 square-foot commercial building for a medical and professional office uses on the site.
3. New construction of a commercial building requires Site Plan Approval per Section 7-03-050A(1)(a), Site Plans, Applicability, of the Northborough Zoning Bylaw.
4. The front of the proposed medical/professional commercial building will face West Main Street.
5. In the Downtown Business District, the use of commercial development is allowed by right, however the use of new commercial development in Groundwater Protection Overlay District Area 3 requires a Special Permit per Section 7-07-010D(3)(c)[3] of the Northborough Zoning Bylaw.
6. A parking area consisting of 23 spaces (22 standard spaces and 1 handicapped-access space) parallel to West Main Street has been proposed and should be sufficient for parking associated with the medical/professional uses of the proposed commercial building.
7. Construction of a new parking lot with 10 or more parking spaces associated with new commercial construction requires Site Plan Approval per Section 7-03-050A(1)(c), Site Plan Approval, Applicability, of the Northborough Zoning Bylaw.
8. The Applicant is proposing two driveways off Monroe Street to service the medical/professional building. A 22-foot driveway is proposed for access to the parking area and building entrance in front of the building. A second 12-foot wide service driveway will be located behind the building, which is not intended for general public use.

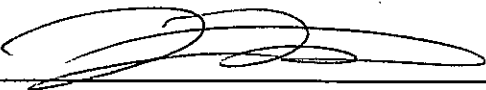
9. Section 7-09-030C(1)(a), Development Regulations, Off-street parking and loading, Access driveways and interior circulation, allows for an additional access driveway for one way traffic may be provided for each two hundred feet of frontage and all such additional access driveways shall be at least two hundred feet apart measured from the centerline of each access driveway. The Applicant is requesting a waiver to allow an access driveway into the parking area in the front of the building off Monroe Street and an additional service driveway in the rear of the building off Monroe Street to be less than 200 feet apart, as the frontage of 9 Monroe Street is 167.12 feet and both access driveways will accommodate two way traffic.
10. The proposed use is in substantial harmony with the Northborough Master Plan and the purposes of the Zoning Bylaw as the facility and structures to be constructed to replace the vacant building were designed so as to accommodate public safety and convenience. The facility will aesthetically and architecturally blend with the downtown business area.
11. The proposed project has been designed to accommodate traffic to and from the site; proper lighting will be in place; parking is limited to a single area immediately adjacent to the front of the building; and the proposed use will not cause nuisance or serious hazard to vehicles or pedestrians.
12. The construction of this facility will conform to any special requirements of the Zoning Board of Appeals, as stated in this written decision.
13. Adequate and appropriate facilities will be provided for the proper operation of the proposed facility in Groundwater Protection Overlay District Area 3.

#### **DECISION**

1. **On July 23, 2013**, after due consideration of the Application, the Board voted unanimously to **GRANT a SPECIAL PERMIT WITH SITE PLAN APPROVAL WITH CONDITIONS** per Section 7-03-050A(1)(a) and (c) and a **SPECIAL PERMIT GROUNDWATER PROTECTION OVERLAY DISTRICT** per Section 7-07-010D(3)(c)[3]. The following conditions shall apply:
  - a. The Applicant shall be responsible for designing and installing an asphalt sidewalk and berm on the easterly side of Monroe Street from the intersection of West Main Street and Monroe Street to the southern terminus of the frontage for 9 Monroe Street;
  - b. The Applicant shall be responsible for installing a drain manhole and catch basin with a granite curb inlet on the easterly side of Monroe Street to capture the existing gutter flow;
  - c. The Applicant shall relocate the overflow pipe from the subsurface infiltration system to Monroe Street and it shall not be discharged to the abutting property at the rear of the site;
  - d. Height of the light poles shall not exceed twenty (20) feet; and
  - e. An as-built site plan shall be submitted to the Town Engineer for 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 and slopes; all other drainage structures; limits of clearing, grading and fill; all structures, pavement and 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 (USGS Datum of 1988).

2. On July 23, 2013 after due consideration of the Application, the Board voted unanimously to **GRANT** a **WAIVER** to allow an additional service driveway in the rear of the building off Monroe Street without an additional 200 feet of frontage and for both access driveways to accommodate two way traffic.
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, it shall lapse in accordance with the provisions of Massachusetts General Laws, Ch. 40A, Sec. 10.

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



**FRAN BAKSTRAN, CHAIRMAN**