



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. 14-10

PROPERTY LOCATION: 94 Main Street

PETITIONER: HWD Enterprises LLC

PROPERTY OWNER: Euclid L. Stone

RECORDED WITH WORCESTER DISTRICT REGISTRY OF DEEDS: Bk: 52394 Pg: 237

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This document is the **DECISION** of the Northborough Zoning Board of Appeals on the petition of HWD Enterprises, LLC for a Special Permit to allow the use of a health club (cross-fit gym) in the Business East District on the property located at 94 Main Street, Map 64, Parcels 19 & 20.

APPLICATION

1. On August 26, 2014, 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** to allow the use of a health club (cross-fit gym) in the Business East District on the property located at 94 Main Street, Map 64, Parcels 19 & 20, per Section 7-05-030, Table 1. Table of Uses, Part B, Commercial and Industrial Districts, Recreation and Entertainment, Commercial Recreation, Indoor, of the Northborough Zoning Bylaw.
2. Notice of the public hearing was duly published in "THE WORCESTER TELEGRAM & GAZETTE" on September 15, 2014 and September 22, 2014 and was mailed to abutters and other parties in interest on September 9, 2014.

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 94 Main Street dated 8/20/14;
 - b. An "Existing Building Checklist" form for 94 Main Street signed by Harry W. Dale on 8/20/14;
 - c. An "Application for Plan Examination and Building Permit for Structures Other Than One or Two-Family Dwelling" form for 94 Main Street signed by Harry W. Dale on 8/26/14;
 - d. A Quitclaim Deed for "94 Main Street, Northborough, MA 01532" recorded at the Worcester District Registry of Deeds on 06/05/2014, Bk: 52397 Pg: 237;
 - e. A certified abutters list for parcels 300 feet from 94 Main Street, including a cover sheet signed by Susan M. Reagan, for the Town of Northborough Board of Assessors, dated August 20, 2014, and a

Northborough, MA GIS Viewer map entitled "94 Main Street, Northborough, MA" dated August 20, 2014;

- f. A document entitled "Calculation Sheet for Increase to Impervious Surface: Groundwater Protection Overlay District, for 12 Mill Street" dated 6/6/14; and
- g. Two undated and unsigned 8.5" x 11" layout plan sheets showing square-footage of rooms, with rooms identified as Front Desk/Reception Area; Changing Stall, Rest Room, Utility Closets and Main Area of Gym; and one also showing "Fuel Tank Box In", 2 garage doors and one door.

HEARING

Applicants Harry (Will) Dale and Richard Dale, HWD Enterprises, LLC, presented the Application at a duly noticed public hearing of the Board on September 30, 2014 in Conference Room B of the Northborough Town Office, 63 Main Street, Northborough, MA 01532. Voting members Richard Rand, Fran Bakstran, Robert Berger and Mark Rutan were present throughout the proceedings.

The Applicants explained they want to open a fitness facility called Crossfit Forcefield on the property at 94 Main Street, which is currently zoned for business. They will be locating in the back part of the main building, which is a garage with 2 overhead doors. Formerly, a landscape company was located in this portion of the building. Minor modifications will be made to the office space. They stated they do not believe parking will be an issue, because the facility will not be like a Planet Fitness with lots of traffic, but more like a Yoga studio with scheduled classes for 5 to 20 people at a time doing a scheduled workout, and classes will not overlap. Will Dale stated he will be the only staff person when the business starts up.

Sue Kelly, who owns the property at 94 Main Street along with her father, Euclid Stone, was present and expressed support of the proposed use, stating it will be beneficial to the town and is a great location for the fitness facility.

No person present spoke in opposition to the project and no letters in opposition to the project were received by the Board.

The hearing was closed on September 30, 2014.

FINDINGS OF FACT

1. The subject property at 94 Main Street is located in the Business East District.
2. The Applicants are proposing to locate a fitness facility, Crossfit Forcefield, in the rear portion of the main building on the subject site.
3. In the Business East District, the commercial recreational indoor use of a health club or athletic facility is allowed by Special Permit, per Section 7-05-030, Table 1. Table of Uses, Part B, Commercial and Industrial Districts, Recreation and Entertainment, Commercial Recreation, Indoor, of the Northborough Zoning Bylaw.
4. The Applicants propose to locate their fitness facility in approximately 2,850 square feet of the rear portion of the main building, which will include a front desk/reception area, a

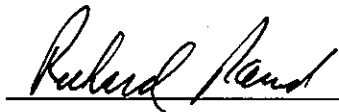
changing area, restrooms and storage closets after renovations, per illustrations submitted with the Application.

5. The existing restroom facilities will be upgraded to meet the requirements of the Americans with Disabilities Act (ADA).
6. The main building on the site is the location of several existing businesses, including Aluminum City, Heritage Renovation, Bill's Barber Shop, D-Signs, DeLux Cleaning Service and The Natural Landscape. There are also trailer homes on the site and an apartment is located on the second floor in the front portion of the main building.
7. The proposed fitness facility, Crossfit Forcefield, will be open from 5:30am to 9:00pm, Monday through Friday; and 9:00am to 12:00pm on Saturdays.
8. The proposed fitness facility will only operate at specific times and will offer classes for up to 20 people who must sign up in advance in order to participate. There will be a morning class, a lunch-time class and a night class.
9. The only staff member working at the facility during its start-up period will be Applicant Will Dale.
10. The parking area on the site is not lined so as to indicate the number of parking spaces available. In accordance with Section 7-03-050A.(3), a minor site plan review by Town staff and the Applicant will address the parking layout of the site prior to the issuance of a Certificate of Occupancy.
11. Signage for the proposed fitness facility will be in accordance with Town signage bylaws.
12. The subject site, located in the Business East District, is zoned for business use and several businesses are located on the site. Therefore the use as proposed is in 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 the Northborough Zoning Bylaw.
13. The subject site is an appropriate location for the use of a fitness facility open to the public for membership.
14. The use as proposed will offer a morning class, a noon class and a night class, each with a limit of 20 people, and will generate minimal traffic. In addition, the Applicant proposes to upgrade the restroom facilities to meet requirements of the Americans with Disabilities Act, and therefore, there will be no nuisance or serious hazard to vehicles or pedestrians, and adequate and appropriate facilities will be provided for the proper operation of the use.
15. The Applicant proposes to renovate only the inside of the main building in which the fitness facility will be located. Therefore, 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.

DECISION

1. On September 30, 2014, after due consideration of the Application, the Board voted unanimously to **GRANT** a **SPECIAL PERMIT** per Section 7-05-030, Table 1. Table of Uses, Part B, Commercial and Industrial Districts, Recreation and Entertainment, Commercial Recreation, Indoor; of the Northborough Zoning Bylaw, to allow the use of a health club (cross-fit gym) in the Business East District on the property located at 94 Main Street, Map 64, Parcels 19 & 20.
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

A handwritten signature in cursive script, appearing to read "Richard Rand", is written over a horizontal line.

RICHARD RAND, CHAIRMAN