



# TOWN OF NORTHBOROUGH Zoning Board of Appeals

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Approved 1.22.19

## Zoning Board of Appeals Meeting Minutes September 25, 2018

**Members Present:** Brad Blanchette, Chairman; Mark Rutan, Clerk; Fran Bakstran, Paul Tagliaferri, Dick Rand, Jeffrey Leland and Leslie Harrison

**Others Present:** Kathy Joubert, Town Planner; Bob Frederico, Inspector of Building/Zoning Enforcement Officer; Fred Litchfield, Town Engineer, Attorney George Pember, Alex Moheban, Hugo Correa, Paul Ruggieri, Bob Kody, Envision Homes; David Wolf, Ross Associates; Anthony Ziton

Chairman Brad Blanchette opened the meeting at 7:00 pm and introduced new Alternate board member, Leslie Harrison, to those present.

**Continued consideration of the petition of E & G Home Improvement, LLC, for Variances/Special Permit/Special Permit with Site Plan Approval/ Special Permit, Groundwater Protection Overlay District, to allow the renovation of an existing single-family home to a 2-family home on the property located at 343 Hudson Street, Map 30, Parcel 18**

Chairman Blanchette noted that alternate member Jeffrey Leland will take the place of member Dick Rand, who was not at the meeting for this public hearing on August 28, 2018.

Attorney George Pember, and Applicant Hugo Correa, E&G Home Improvement, LLC, were present at the continued public hearing. They reviewed the project information from the August ZBA meeting, and presented a revised Site Plan for the project, dated 09.06.18., along with floor plans and elevations plans that were not dated.

Mr. Leland asked Mr. Pember if the Applicant has rights in Overlook Park, and he replied he believes so, but has nothing in writing.

Ms. Bakstran asked Mr. Litchfield, Town Engineer, if the Groundwater Advisory Committee has reviewed the project. Mr. Litchfield the Committee recommended approval of the project, as the recharge area has been added to the site plan.

Mr. Rutan asked why a second egress from the basement is proposed; and Mr. Frederico, Inspector of Buildings/Zoning Enforcement Officer, explained egress is needed for each side of the basement.

Mr. Pember noted no driveways will be off of Hudson Street.

Ms. Joubert noted the issue with access to the house is unclear to her; and the board has not received documentation that confirms the Applicant has rights in Overlook Drive.

Ms. Joubert and Mr. Litchfield both stated that, after the Applicant is through with the Zoning Board of Appeals, the project will have to go before the Design Review Committee. It will also have to go before the Planning Board for site plan approval and, at that time, the issue of the access to the house and the Applicant's rights in Overlook Drive will need to be addressed.

Mr. Rutan motioned to close the hearing. Ms. Bakstran seconded the motion and the vote was unanimously in favor of closing the hearing.

**To consider the petition of Alexander Moheban for a Variance/Special Permit to allow a proposed message board, for the purpose of advertising a dental office, to be 24 square-feet in area, on the property located at 267-281 Southwest Cutoff, Map 106, Parcel 12; and Map 109, Parcels 9, 33, and 34, in the Industrial District and Groundwater Protection Overlay District Area 3**

Applicant Alexander Moheban presented the Application. He reviewed his plans for a proposed revised double-sided, internally-illuminated Pylon sign for his Northborough Family Dental business. He noted the subject sign is located at the site of his current dental office at 293 West Main Street; and the proposed message board will be slightly larger than the one on his current sign. The static part of the existing sign will be smaller, and the overall size of the revised sign will be 40 square-feet. A new full-color 9mm electronic message center is proposed; and a new aluminum address panel with vinyl letters are proposed. The size of the revised sign will be 56 square feet in area, including a 32 square-foot static sign advertising "Northborough Family Dental"; and the proposed message board will be 24 square-feet in area.

Mr. Moheban noted he needs a larger area for the proposed message board and needs a Variance for the proposed revised sign, as the property is in the Industrial District which requires a freestanding sign to be not more than 20 square feet in area. The location of the revised sign will help drivers in the area to find his dental office and the size of the proposed message board will allow messages to be larger and easier to read.

Mr. Moheban stated his project has been before the Design Review Committee and the Conservation Commission; and will be before the Earthwork board next month.

In response to questions from Ms. Bakstran and Mr. Frederico, Mr. Moheban stated his property at 267-281 Southwest Cutoff is lower than the Carewell Urgent Care of Northborough and Umass Memorial Medical Group site at 333 Southwest Cutoff; the hours of operation of his dental office will be generally 8am to 5pm; the address of the dental office will be on the subject sign; and the existing sign at 293 West Main Street is not large enough, as it is, to be seen if used at the new office at 267-281 Southwest Cutoff.

Resident Anthony Ziton, 17 Franklin Circle, suggested the proposed sign should be the same size as the one at Dr. Moheban's current office at 293 West Main Street; expressed concern that the proposed larger sign will be setting a precedent; and believes signs like those could eventually be located in the downtown area.

Mr. Rutan motioned to close the hearing; Mr. Rand seconded the motion and the vote was unanimously in favor of closing the hearing.

**To consider the petition of Paul Ruggieri for a Variance/Special Permit to allow the addition of an attached 4-car garage with a second floor above, to be located on a parcel with less than the required lot area of 20,000 square feet, (13,200 square feet), on the property located at 29 Rice Avenue, Map 45, Parcel 124, in the Residential C District and Groundwater Protection Overlay District Area 3**

Applicant Paul Ruggieri; Bob Kody, Envision Homes; and David Wolf, Ross Associates, presented the Application.

Mr. Wolf explained the Applicant is proposing to demolish an existing single-car garage on the subject site and construct a two-story, four-car garage with two doors. Part of the second floor of the proposed garage will be a family room; and the other side will be open, with a lift for the Applicant to use to work on his cars.

Mr. Wolf stated the subject property is 13,200 square feet in area and 24,000 square feet in area is required for the use of a four-car garage. Therefore, the Applicant is seeking a **Variance** to allow the use of a proposed four-car garage in the Residential C District with less than the required 24,000 square feet in area.

Mr. Wolf noted a letter from resident Stephen Vorderer, 8 Kerry Craig Circle, to the Zoning Board of Appeals, in support of the project, was included in the Application. In addition, letters from Chuck and Nancy Silverman, 33 Rice Avenue; and William and Barbara Stanney, 5 Kerry Craig Circle; to the Zoning Board of Appeals, in support of the project from were submitted at the public hearing.

Ms. Bakstran motioned to close the public hearing; Mr. Rand seconded the motion and the vote was unanimously in favor of closing the public hearing.

## **DECISIONS**

### **29 Rice Avenue:**

Ms. Bakstran motioned to grant a **Variance** to allow the addition of an attached 4-car garage with a second floor above, to be located on a parcel with less than the required lot area of 20,000 square feet, (13,200 square feet), on the property located at 29 Rice Avenue; Mr. Rand seconded the motion and the vote was unanimously in favor of the motion.

### **267-281 Southwest Cutoff:**

Ms. Bakstran motioned to grant a **Variance** to allow a proposed message board on a freestanding internally-illuminated double-sided Pylon sign, to be 24 square-feet in area, for the purpose of advertising a dental office, on the property located at 267-281 Southwest Cutoff. Mr. Rutan seconded the motion, and the vote was unanimously in favor of the motion, with the following conditions:

- a. The proposed 24 square-foot electronic message center (message board) may be lit between the hours of 6:00am to 10:00pm.
- b. The sign shall be turned off at 10:00pm each evening.

### **343 Hudson Street:**

1. Mr. Tagliaferri motioned to grant a Variance to allow the lot area of the subject site, for development of a two-family home, to be 21,344 square feet in area, on the property located at 343 Hudson Street. Mr. Leland seconded the motion and the vote was unanimously in favor of the motion.
2. Mr. Tagliaferri motioned to grant a Variance to allow the lot area of the subject site in Groundwater Protection Overlay District Area 2, to be 21,346 square-feet, on the property located at 343 Hudson Street. Mr. Leland seconded the motion and the vote was unanimously in favor of the motion, with the following conditions:
  - a. The impervious cover shall be limited to the amounts shown on the plan dated September 20, 2018 as prepared by Connorstone Engineering which indicates the existing impervious area of 6,273 sf will be reduced by 495 sf resulting in a proposed impervious area of 5,778 square feet.
  - b. The rights and/or ownership the subject site has within Overlook Park shall be confirmed by the Applicant and provided to the Town Engineer prior to the issuance of any building permit.
  - c. All roof runoff shall be recharged in accordance with the Massachusetts Department of Environmental Protection Stormwater Policy.
3. Mr. Tagliaferri motioned to grant a **Special Permit** to allow the lot area of the subject site in Groundwater Protection Overlay District Area 2, to be 21,346 square-feet, on the property located at 343 Hudson Street. Mr. Leland seconded the motion and the vote was unanimously in favor of the motion.
4. Mr. Tagliaferri motioned to grant a **Site Plan Approval** for the use of a two-family home on the subject property that requires a **Special Permit** from the Zoning Board of Appeals, to allow the conversion of an existing single-family home to a two-family home, on the property located at 343 Hudson Street. Mr. Leland seconded the motion and the vote was unanimously in favor of the motion.

### **OLD/NEW BUSINESS**

#### **261 Main Street, Case No. 15-13 - Request for a one year extension from October 22, 2018**

Ms. Bakstran motioned to grant an extension of the Site Plan Approval and Special Permits requested by Joseph Rinaldi, AR Realty Trust, issued for 261 Main Street, ZBA Case No. 15-13, from October 22, 2018 to October 22, 2019. Mr. Rand seconded the motion and the vote was unanimously in favor of the motion.

**Master Plan:** Ms. Bakstran stated the Master Plan Steering Committee will be holding a public forum on October 4<sup>th</sup> at Algonquin Regional High School from 6pm to 8am. She also noted the second survey is on the website.

**Approval of Minutes:** Mr. Rutan motioned to approve the minutes of March 27, 2018; Ms. Bakstran seconded the motion and the vote was unanimously in favor of the motion.

**Decisions to be signed:** The ZBA decisions for 318 Main Street and 34 John Edward Drive were signed by Chairman Blanchette.

The meeting adjourned at 8:40pm.

Respectfully submitted,

Debbie Grampietro,  
ZBA Administrative Assistant