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*By Andrew Dowd at 4:10 pm, Jun 25, 2024*

# TOWN OF NORTHBOROUGH PLANNING BOARD

Town Hall Offices • 63 Main Street • Northborough, MA 01532 • 508-393-5019 • 508-393-6996 Fax

## DECISION

### **SITE PLAN APPROVAL**

**PROPERTY LOCATION:** 61-65 West Main Street & 10 Monroe Street

**PETITIONER:** Timothy P. McInerney, Town Administrator

**PROPERTY OWNER:** Town of Northborough

**RECORDED WITH WORCESTER DISTRICT REGISTRY OF DEEDS:** Bk: 68237 Pg 362 and Bk 68469 Pg 63

This document is the **DECISION** of the Northborough Planning Board on the petition of Timothy P. McInerney, Town Administrator, for Site Plan Approval for the construction of a 30,000 square foot municipal fire station, parking lot and associated improvements. The applicable property is located at 61 & 65 West Main Street, Map 63 Parcels 9 & 10, and 10 Monroe Street, Map 63 Parcel 7, in the Downtown Business District and Groundwater Protection Overlay District Area 3.

### APPLICATION

1. On March 18, 2024, the Applicant filed with the Town Clerk an Application for Hearing before the Planning Board for Site Plan Approval per Zoning Bylaws, Section 7-03-050A(1)(a).
2. Notice of the public hearing was duly published in "THE WORCESTER TELEGRAM & GAZETTE" on April 2, 2024 and April 9, 2024; posted by the Town Clerk on March 26, 2024 and mailed to abutters and other parties on April 1, 2024. The public hearing was held and testimony taken on April 16, 2024. With the Applicant's consent, the public hearing was continued to May 21, 2024, June 4, 2024 (no testimony taken), and June 18, 2024. All sessions of the public hearing when testimony was taken were broadcast live on Northborough Public Access Television and live streamed via ZOOM video and audio conferencing, allowing members of the public to participate in the hearing through real-time active participation, in accordance with Governor Baker's Executive Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, S20, dated March 12, 2020, Chapter 20 of the Acts of 2021, and Chapter 22 of the Acts of 2022. Three members of the Planning Board were present at all sessions when testimony was taken. Member Millie Milton recused herself from this matter. Member Anthony Ziton submitted written certification, a copy of which is marked Exhibit A, that he examined all evidence, which evidence included a video recording obtained at the April 16, 2024 session that he missed. After listening to the testimony, the Board closed the public hearing.

### EXHIBITS

The Planning Board relied on the following documents, in addition to the testimony presented at the public hearing, in making its decision:

1. Application for Hearing before the Planning Board signed by Timothy P. McInerney, Town Administrator, on behalf of the Town of Northborough, on March 5, 2024 and stamped received by the Town of Northborough on March 7, 2024, including:
  - a. A Zoning Interpretation Request Form for 61-65 West Main Street, submitted by the Town of Northborough, signed by Robert J. Frederico, Inspector of Buildings/Zoning Enforcement Officer, dated March 7, 2024;
  - b. A certified abutters list for parcels 300 feet from 61 West Main Street, 65 West Main Street, and 10 Monroe Street, Northborough, MA prepared by the Northborough Board of Assessors, dated March 15, 2024, and a GIS Viewer Map of the site, titled "61 West Main Street (63-9), 65 West Main Street (63-10). 10 Monroe Street (63-7) – Abutters 300 ft.", dated March 15, 2024;
  - c. A deed for 61-65 West Main Street, Northborough, Worcester County, Massachusetts, recorded at the Worcester District Registry of Deeds on September 20, 2022, Bk: 68237, Pg: 362;
  - d. A deed for 10 Monroe Street, Northborough, Worcester County, Massachusetts, recorded at the Worcester District Registry of Deeds on November 9, 2022, Bk: 68469, Pg: 63;
  - e. A letter to the Town Clerk's Office from James Jackson, P.E., Pare Corporation, dated March 18, 2024, RE: Application for Planning Board Site Plan Review, New Northborough Fire Station, 65 West Main Street, Northborough, Massachusetts 01532, Pare Project No. 23141.00;
  - f. A set of plans entitled: "Northborough Fire Station, 63 Main Street, Town of Northborough, MA", dated March 18, 2024, last revised May 14, 2024, prepared by Pare Corporation, 8 Blackstone Valley Place, Lincoln RI and HKT Architects, 24 Roland Street, Suite 301, Charlestown, MA;
  - g. Revised plan sheet C3.0, dated June 10, 2024, prepared by Pare Corporation, 8 Blackstone Valley Place, Lincoln RI;
  - h. Revised roof elevation showing snow guards dated May 30, 2024;
  - i. Existing Conditions Plan, dated September 1, 2023, prepared by Chappell Engineering Associates, LLC, 201 Boston Post Road West, Suite 101, Marlborough, MA;
  - j. A map entitled: "Figure 1: Site Locus Map", dated March 2024 prepared by Pare Corporation, 8 Blackstone Valley Place, Lincoln, RI;
  - k. A map entitled: "Town of Northborough Groundwater Protection Overlay District Map", dated October 2002, prepared by the Northborough MIS/GIS Department;
  - l. A plan of freestanding sign entitled: "Building Monument Sign", dated May 30, 2024, prepared by HKT Architects, 24 Roland Street, Suite 301, Charlestown, MA;
  - m. A document entitled: "Stormwater Management Report, Northborough Fire Station, 61 & 65 West Main Street, Northborough, Massachusetts", dated March 2024, prepared by Pare Corporation, 10 Lincoln Road, Foxborough, MA;
  - n. A document entitled: "Stormwater Operation and Maintenance Plan, Long Term Pollution Prevention Plan, Northborough Fire Station, 61 & 65 West Main Street, Northborough, Massachusetts", dated March 2024, prepared by Pare Corporation, 10 Lincoln Road, Foxborough, MA;
  - o. A document entitled: "Responses to the Town of Northborough Planning Review Comments Dated April 10, 2024", dated May 14, 2024, prepared by Pare Corporation;

- p. A letter to the Planning Board, from Janet M. Slemenda, HKT Architects Inc, dated May 9, 2024;
  - q. A set of buoyancy calculations for proposed detention basins;
  - r. A document entitled: "Responses to the Town of Northborough Planning Review Comments Dated April 10, 2024", dated May 14, 2024, prepared by Pare Corporation;
  - s. A document entitled: "Responses to the Town of Northborough Site Plan Review Comments Dated April 11, 2024", dated May 14, 2024, prepared by Pare Corporation;
  - t. An email from Janet Slemenda, HKT Architects Inc, to Laurie Connors, Planning Director and Michelle Cilley, Planning Clerk, dated May 30, 2024, RE: Northborough Fire Department;
2. Planning Director Questions, Comments and Recommendations dated April 10, 2024.
  3. A letter to Kerri Martinek, Planning Board, from Fred Litchfield, Town Engineer, dated April 11, 2024, RE: 61-65 West Main Street, Map 63, Parcels 7, 9 and 10;
  4. An email from Grace B. Williamson to the Planning Board dated April 14, 2024, RE: for April 16<sup>th</sup> mtg – abutting homeowners concerns and requests for firehouse;
  5. A letter to Mr. James Jackson, PE, Pare Corporation from Vincent Vignaly, Conservation Agent, dated May 2, 2024, RE: New Northborough Fire Station, Stormwater Management and Land Disturbance Permit, 65 West Main Street, Northborough, MA;
  6. A letter to the Planning Board, from Amy Poretsky, Chairperson of the Design Review Committee, dated May 14, 2024, RE: 61-65 West Main Street;
  7. A letter to Kerri Martinek, Planning Board, from Fred Litchfield, Town Engineer, dated May 16, 2024, RE: 61-65 West Main Street, Map 63, Parcels 7, 9 and 10;
  8. Planning Director Questions, Comments and Recommendations dated May 17, 2024;
  9. An email from Fred Litchfield, Town Engineer, to Laurie Connors and Planning Board, dated May 21, 2024, RE: Updated Decision;
  10. A letter to the Northborough Planning Board, from Scott Charpentier, DPW Director, dated May 22, 2024, RE: Proposed Fire Station;
  11. An email to Laurie Connors, Planning Director, from James Jackson, PE, Pare Corporation, dated June 10, 2024, RE: Northborough Fire Station Supplemental Plans;
  12. A letter to Kerri Martinek, Planning Board, from Fred Litchfield, Town Engineer, dated June 17, 2024, RE: 61-65 West Main Street, Map 63, Parcels 7, 9 and 10;
  13. Email exchange between Amy Dunlap, HKT Architects Inc., and Neal Aspesi, Northborough Fire Department, dated June 17, 2024, RE: NFS- Sidewalk info needed.

## **WAIVERS**

On June 18, 2024, after closing the public hearing, the Planning Board considered the Applicant's request for waivers and voted to grant the following waivers from the application fee and requirements of the Zoning Bylaws and Planning Board Rules and Regulations:

1. Waiver of all application and advertising fees;

2. Waiver of Zoning Bylaw Section 7-09-030(E)(6) – Waiver of the requirement for a continuous landscaped strip not less than 5 feet wide located between the sidewalk and right-of-way line of the street;
3. Section 7.2(C) - Waiver from the required scale of 1"=40';
4. Section 7.2(C)(7): Waiver of the requirement to extend contours at least 50 feet beyond the site boundaries;
5. Section 7.2D(1)(a): Waiver of the requirement to submit a detailed traffic impact analysis.

#### **FINDINGS OF FACT**

1. The subject property is located at 61-65 West Main Street, Map 63, Parcel 9 and Map 63, Parcel 10, and 10 Monroe Street, Map 63, Parcel 7, in the Downtown Business District.
2. The proposed application is to construct a 30,000 square foot fire station, 53 parking spaces and associated improvements.
3. The municipal fire station is classified as an exempt use in accordance with Zoning Bylaw Section 7-05-020A.(2). It requires site plan approval from the Planning Board in accordance with Zoning Bylaw Section 7-03-050A.(1)(a), Administration and Enforcement, Site Plans, Applicability, All new construction of any municipal, institutional, commercial, industrial, or multifamily structure or purpose.
4. Within the Groundwater Protection Overlay District, a municipal fire station, which is a necessary public facility, is a by-right use per Zoning Bylaw Section 7-07-010D(1)(a)(6).
5. The subject property consists of two lots on West Main Street totaling 3.54 acres and 412.7 feet of frontage and one lot on Monroe Street consisting of .43 acres and 10 feet of frontage.
6. The Table of Density and Dimensional Regulations (Zoning Bylaw Section 7-06-030) specifies that the minimum front yard setback in the Downtown Business District is 6 feet, and the maximum front yard setback is 20 feet. The Applicant obtained a dimensional variance (ZBA Case No. 24-01) from the Zoning Board of Appeals to locate the proposed building up to 40 feet from the front lot line, which constitutes 20 feet of relief.
7. The Applicant obtained a dimensional variance (ZBA Case No. 24-01) from the Zoning Board of Appeals to install a wall sign of up to 172 square feet, which constitutes 140 feet of relief. Zoning Bylaw Section 7-09-040G.(1)(a)[1][b] specifies that the maximum size of a wall sign in the Downtown Business District is 32 square feet.
8. The proposed development is in substantial harmony with the Northborough Master Plan and with the purposes of the Northborough Zoning Bylaw.
9. The proposed development, as amended by the conditions below, satisfies site plan approval decision criteria 1-9 as specified in Zoning Bylaws, Section 7-03-050C(2)(b).

#### **DECISION**

1. On June 18, 2024, after due consideration of the Application and voting on the requested waivers, the Board voted 4 in favor to **GRANT SITE PLAN APPROVAL** per Section 7-03-050A(1)(a) to allow the construction of a 30,000 square foot fire station, parking lot and associated improvements on the subject property located at 61-65 West Main Street and 10 Monroe Street with conditions, safeguards, and limitations on time or use set forth as follows:

- a. The Applicant shall comply with all applicable bylaws, rules, regulations, and codes, and, prior to construction activities, obtain all necessary permits and approvals, including a Land Disturbance and Stormwater Management Permit from the Conservation Commission and a State Highway Access Permit from the Massachusetts Department of Transportation (MassDOT). The Land Disturbance and Stormwater Management Permit and, if at all possible, State Highway Access Permits shall be included within the bid documents.
- b. Prior to construction activity, the Applicant shall submit a final set of plans, with the same revision date, for Town staff review and approval and incorporation into the bid documents. All comments from all approvals, including the Land Disturbance Permit, shall be addressed in the final set of plans including the design of a sidewalk extension (with AAB-compliant ramp at the curb cut) to the easterly driveway of 73-79 West Main Street (driveway serving the Hillside Grill), subject to MassDOT approval, as part of the State Access Permit. The distance is approximately 160 linear feet.
- c. Prior to construction activity, the construction contractor shall submit spec sheets for devices or approved equivalents to be used at the site for staff or consulting engineer review and approval. The Operations and Maintenance and Long-Term Pollution Prevention Plans shall be updated with the selected products' maintenance procedures per manufacturer requirements;
- d. If required by the Planning Director, prior to construction activity, the Applicant shall pay \$6,500 to the Town of Northborough for deposit into a special account established by the Town Treasurer under M.G.L Chapter 44, Section 53G for technical review services, including inspecting the work and reviewing submittals, including the as-built plan. If the balance of the account is less than  $\frac{1}{4}$  of the initial deposit, the Applicant shall deposit with the Treasurer such additional funds as are required by the Planning Director to pay for any outstanding work. If the Applicant fails to restore the account balance and the account balance is insufficient to pay incurred professional and technical review fees, the Board shall place a stop work order on construction activities by not authorizing additional professional and technical work, including inspections, until outstanding invoices are paid. Ninety days following the Town's approval of the work and the final as-built plan, the Planning Department shall return any excess amount in the account attributable to that project, including any interest accrued, to the Applicant or the Applicant's successor in interest.
- e. Prior to construction activity, the Applicant shall attend a pre-construction meeting with the Planning Director, DPW Director, Conservation Agent, Building Inspector, Fire Chief, and other pertinent municipal officials. The purpose of the meeting will be to discuss the construction schedule and expectations.
- f. Hours of operation related to construction of the project shall be limited to 7:00 AM to 7:00 PM, Monday through Saturday. No site work shall take place on Sundays and legal holidays.
- g. All construction debris shall be disposed of in compliance with applicable local and state laws.
- h. Throughout construction activity, a dumpster shall be maintained on the job site to dispose of construction debris.
- i. A port-o-john shall be maintained on the job site throughout construction activity.

- j. When earth movement or blasting activities occur at the Project site, a water truck shall be available as conditions warrant to mitigate blowing and spreading of dirt and dust; and water shall be sprayed onto ground and surface areas and equipment as frequently as is necessary to minimize dust and ameliorate any potential dust impacts to any adjoining property or roadways.
- k. A staff or consulting civil engineer acting on behalf of the Planning Board shall conduct inspections at appropriate intervals in the construction schedule.
- l. Prior to issuance of a building permit, the Applicant shall submit the results of at least two permeability tests within the areas to be utilized for surface water and drainage infiltration in order to verify all assumptions made in the design of the drainage system. At least 48 hours prior to the testing, the staff or consulting engineer shall be provided with notice and an opportunity to witness the testing.
- m. Prior to construction of the retaining wall, the Applicant shall submit the spec sheet showing the selected wall face and color for Planning Board review and approval. The stamped retaining wall design shall be filed with the Planning Director and the Building Inspector.
- n. Subject to MassDOT approval, a sign warning of a signal ahead shall be installed at a MassDOT-approved location along Route 20 in the eastbound direction.
- o. Water and sewer services shall be designed and installed in accordance with the requirements of the Northborough DPW. Prior to issuance of a building permit, the project will be required to pay a Sewer Privilege fee in the amount of \$27,300 and a Water Privilege fee in the amount of \$7,000 or obtain waivers from these fees from the Water and Sewer Commissioners.
- p. Hydrants and other fire suppression services and connections shall be designed, installed and inspected in accordance with the Building Code in conjunction with Northborough Fire Department requirements.
- q. At the time of installation of the underground concrete vault detention system, the actual groundwater elevation shall be confirmed in the field and documented for future reference. Also, final buoyancy calculations shall be submitted to the staff or consulting engineer for review and future reference.
- r. The Applicant shall install a sidewalk extension to the easterly driveway of 73-79 West Main Street (driveway serving the Hillside Grill) that is compliant with AAB/ADA requirements in accordance with the design approved by MassDOT (see condition b);
- s. Prior to issuance of a Certificate of Occupancy for the building under the State Building Code, the Applicant shall complete the following:
  - i. Submit a completed Stormwater Operation and Maintenance Inspection Report to the Town Engineer or Consulting Engineer.
  - ii. Submit a Maintenance Agreement for Planning Director review and approval if the Northborough DPW is unable to perform the required maintenance and/or provide replacement products for the systems selected during construction.
  - iii. Submit an as-built plan of the entire site, which shall include, at a minimum and as applicable to the project, a permanent benchmark, elevation of all utilities, pipe inverts and outlets, pipe sizes, materials, slopes; all drainage structures; limits of clearing, grading and fill; all structures, pavement; contours; and all dates

of fieldwork. The drainage system shall also be certified by a Professional Engineer stating the drainage system was built substantially in accordance with the design and will perform as designed. Upon approval by the staff or consulting civil 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. The as-built plan shall be based on the Town's vertical datum (NAVD 88) and the horizontal datum (NAD 83).

- t. To the maximum extent feasible, no mature trees shall be disturbed or removed beyond the silt fence except where the Planning Director, in consultation with the Tree Warden, determines that they are dead, damaged, diseased, or impacting sight distance.
  - u. The Town shall ensure proper maintenance of plantings on the site in perpetuity, including replacement of dead or diseased plantings in the following planting season.
  - v. Snow shall be piled within the snow storage areas. To comply with public safety standards, snow piles shall not exceed 8' in height. Excess snow shall be disposed of off-site.
  - w. Modification to the freestanding sign design is subject to Design Review Committee review and Building Inspector approval.
  - x. Any substantial modification shall be subject to Planning Board review and approval. The Planning Director, Building Inspector and DPW Director shall determine what constitutes a substantial modification.
2. **SITE PLAN APPROVAL** 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."
3. If the rights authorized by the **SITE PLAN APPROVAL** are not exercised within two years from the time of granting, they shall lapse in accordance with the provisions of Massachusetts General Laws, Ch. 40A, Sec. 9.
4. 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  
PLANNING BOARD**



Kerri Martinek, Chairperson

## EXHIBIT A

I, Anthony Ziton, Member of the Planning Board, certify that I examined all evidence received at the April 16, 2024 session of the Planning Board relative to the application of the Town of Northborough for property located at 61-65 West Main Street & 10 Monroe Street, Northborough, Massachusetts, for Site Plan Approval per Section 7-03-050A.(1)(a) to construct a 30,000 square foot fire station, 53 parking spaces and associated improvements on the subject property located at 61-65 West Main Street & 10 Monroe Street. Said evidence includes a video recording of the April 16, 2024 meeting that I missed.



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