



# TOWN OF NORTHBOROUGH PLANNING BOARD

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## DECISION

### PLANNING BOARD SPECIAL PERMIT FOR WAREHOUSE USE AND SPECIAL PERMIT WITH SITE PLAN APPROVAL

**PROPERTY LOCATION: 1 Lyman Street, Map 66 Parcels 9, 10 and 11**

**PETITIONER: Jeff Jiang, Cable Matters, Inc., 153 Northboro Road, Southborough MA 01772**

**PROPERTY OWNER: Ian Gow, and Ian Gow, Trustee of The Black Stone Trust, 146 Boston Road, Southborough MA 01772**

**RECORDED WITH WORCESTER DISTRICT REGISTRY OF DEEDS: Bk: 22918 Pg: 189 and Bk: 10089 Pg: 95**

This document is the DECISION of the Northborough Planning Board on the petition of Jeff Jiang, Cable Matters, Inc., for a Special Permit for a warehouse in the Industrial zoning district; and a Site Plan Approval to allow the construction of a 20,232 sq. ft. building plus one loading dock. The building contains a total of 6,000 sq. ft. of office space and 17,000 sq. ft. of warehouse space at 1 Lyman Street, Map 66 Parcels 9, 10 and 11. Paved parking and driveway access will be looped between Lyman Street and Bartlett Street with sufficient parking for the proposed uses, and safe access for emergency vehicles. The Lyman Street opening is to be exit only. The building will be connected to Town water and be serviced by a proposed on-site septic system.

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, the meetings of the Northborough Planning Board on this application were conducted via remote participation.

### APPLICATION

NORTHBOROUGH TOWN CLERK  
RCUD 2021 AUG 12 PM 1:43

1. On February 3, 2021, the Applicant filed with the Town Clerk an Application for Hearing before the Planning Board for:
  - a. Site Plan Approval per Zoning Bylaw section 7-03-050A(1)(a).
2. On March 16, 2021, the Applicant filed with the Town Clerk a revised Application for Hearing before the Planning Board for:
  - a. Site Plan Approval per Section 7-03-050A(1)(a) and (2) and D; and
  - b. Special Permit per section 7-05-030 Table of Uses, Table 1, Table of Uses, Part B. Commercial and Industrial Districts.
3. Notice of the March 16, 2021 public hearing was duly published in "THE WORCESTER TELEGRAM & GAZETTE" on February 25, 2021 and March 4, 2021; and was mailed to abutters and other parties on February 25, 2021.

The hearing opened on March 16, 2021 and was continued to April 20, 2021, May 18, 2021, and June 1, 2021 per a request from the applicant. The public hearing was closed on June 1, 2021 and

the deliberations occurred on June 15, 2021.

## EXHIBITS

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

1. Application for Hearing before the Planning Board, including:
  - a. Northborough Planning Board Application for Site Plan Approval and Special Permit;
  - b. Project Narrative dated November 20, 2020 prepared by Connorstone Engineering, Inc.;
  - c. Locus Mapping identifying site location;
  - d. Locus Deeds from Worcester District Registry of Deeds, Book 22918 Page 189 and Book 10089 Page 95;
  - e. Certified Plot Plan(s) from Worcester District Registry of Deeds, Plan Book 267 Plan 14, Plan Book 308 Plan 12, and Plan Book 568 Plan 42;
  - f. A certified abutters list for parcels 300 feet from 1 + 29 Lyman Street and 0 Bartlett Street, Northborough, MA, prepared by Tiffany Peters for the Town of Northborough Board of Assessors, and a GIS Viewer map of the site, both dated January 11, 2021;
  - g. Stormwater Report for Cable Matters – Site Plan, 1 Lyman Street, Northborough MA, prepared by Connorstone Engineering, Inc., dated March 19, 2020;
  - h. Zoning Interpretation Request Form prepared by Robert J. Frederico, Inspector of Buildings/Zoning Enforcement Officer, dated February 12, 2020;
  - i. Full-sized (24"x36") stamped and signed Proposed Site Plan with Cover Sheet, Existing Conditions Plan, Proposed Site Plan, Proposed Erosion Control Plan, and Construction Details dated February 19, 2020 and revised on March 20, 2020 – Design Edit, February 16, 2021 – Design Review Edits, March 24, 2021 – Design Review/Building Edits, April 16, 2021 – Building Edits, May 12, 2021 – Building Edits, and May 17, 2021 – Driveway Apron for 1 Lyman Street, Map 66 Lots 9, 10 And 11, Northborough MA, prepared by Connorstone Engineering, Inc.;

## ADDITIONAL DOCUMENTS:

2. March 26, 2021 letter from Connorstone Engineering, Inc. to Planning Board RE: Proposed Site Plans for 1 Lyman Street last reviewed March 24, 2021; Proposed Planting Plan and Design Plant List, prepared by The Veron Company; and Architectural Renderings of the proposed building and landscaping;
3. April 16, 2021 letter from Connorstone Engineering, Inc. to Planning Board RE: Proposed Site Plan of 1 Lyman, Northborough MA, prepared by Connorstone Engineering, Inc. dated February 19, 2020, revised through 4/16/2021; Proposed Planting Plan and Planting List, prepared by The Veron Company; and Architectural Renderings/Elevations;
4. 8.5"x11" Turning Truck Exhibit for 1 Lyman Street prepared by Connorstone Engineering, Inc., not dated;
5. PowerPoint slides from Cable Matters Inc. RE: Explanation of warehouse processes, not dated;

6. Power Point slides from Cable Matters Inc. RE: Cable Matters Traffic Report, not dated;
7. Received March 29, 2021, set of 11"x17" architectural renderings, 9 pages, showing various building angles and planting schemes, not dated;
8. 8.5"x11" Proposed 1st Floor Plan, dated May 12, 2021, prepared by Alok Shanda for Cable Matters, Inc., 1 Lyman Street, Northborough MA;
9. 11"x17" Loading Dock View received May 18, 2021, not dated;
10. 11"x17", 4 pages, architectural renderings, not dated;
11. Letter dated March 27, 2021 to Planning Board from Ruediger Volk, 137 East Main Street;
12. Email dated June 1, 2021 from Attorney David Doneski, KP Law, town counsel to Kathy Joubert, Town Planner regarding questions from Planning Board on May 26, 2021 and May 27, 2021;

STAFF CORRESPONDENCE:

13. February 16, 2021 review letter from Fire Chief David L. Parenti to the Planning Board, RE: Site Plan Review for 1 Lyman St;
14. March 16, 2021 review letter to Kerri Martinek, Chairman, Planning Board from Fred Litchfield, Town Engineer, RE: 1 Lyman Street, Map 66 Parcels 9, 10 and 11;
15. May 18, 2021 memo to Kerri Martinek, Chairperson, Planning Board from Michelle Gillespie, Chairperson, Design Review Committee RE: 1 Lyman Street;
16. April 22, 2021 letter to Board of Selectmen from Normand D. Corbin, Chair, Historic District Commission RE: 1 Lyman Street Demolition Delay

LETTERS AND EMAILS RECEIVED IN OPPOSITION TO THE APPLICATION:

17. Letter dated March 15, 2021 to Planning Board from Anne Beckstrom and Steven Stone, 152 Bartlett Street;
18. Letter dated May 17, 2021 to Planning Board from Anne Beckstrom and Steven Stone, 152 Bartlett Street;

**HEARING**

A public hearing, after proper notice was given, was opened on March 16, 2021 and continued to the subsequent dates of April 20, 2021, May 18, 2021, June 1, 2021; and the hearing was closed on June 1, 2021.

Presentation of materials by the Applicant, discussions by the Board members, staff, and all interested parties occurred at the March 16, 2021, April 20, 2021, May 18, 2021, and June 1, 2021 session of the public hearing.

The application was accompanied by Site Plans entitled Proposed Site Plan with Cover Sheet, Existing Conditions Plan, Proposed Site Plan, Proposed Erosion Control Plan, and Construction Details dated February 19, 2020 and revised on March 20, 2020 – Design Edit, February 16, 2021 – Design Review Edits, March 24, 2021 – Design Review/Building Edits, April 16, 2021 – Building Edits, May 12, 2021 – Building Edits, and May 17, 2021 – Driveway Apron for 1 Lyman Street, Map 66 Lots 9, 10 And 11, Northborough MA, prepared by Connorstone Engineering, Inc.

The Board reviewed the application, the plan(s), and all other materials and information submitted prior to

the close of the public hearing. They received and gave due consideration to the testimony given at the public hearing.

Deliberations and decision voting occurred at the June 15, 2021 Planning Board meeting.

Members Chairperson Kerri Martinek, Michelle Gillespie, Amy Poretzky, Anthony Ziton, and Millie Milton were present throughout the proceedings.

## **FINDINGS OF FACT**

### **APPLICABLE LAW AND DECISION CRITERIA:**

Under By-law § 7-03-050(A)(2), “A special permit with site plan approval shall be required for any use requiring a special permit.” The Applicant has applied for one (1) Special Permit under the By-law and, thus, the Special Permit with Site Plan Approval for which it applied is required.

By-law § 7-03-050(D) (Special Permit with Site Plan Approval), states, in pertinent part that:

- “The procedures ... for a special permit with site plan approval shall be the same as any other special permit and shall conform to the requirements of MGL C. 40A, § 9, as amended, and the provisions of Section 7-03-040. § 7-03-050(D)(1) (Procedures); and
- “The decision criteria for a special permit with site plan approval shall be as set forth in Section 7-03-040.” § 7-03-050(D)(3) (Decision criteria).

### **Section 7-03-040 Special Permit Criteria**

As set forth in § 7-03-040(C), the Planning Board may only approve a special permit upon its written determination that the adverse effects of the proposed use will not outweigh its beneficial impacts to the town or the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to the site. In addition to any specific factors that may be set forth elsewhere in this bylaw, the determination shall include consideration of each of the following:

1. The proposal is in substantial 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 this bylaw;
2. The proposed site is an appropriate location for such use;
3. The use as developed will not adversely affect the neighborhood;
4. There will be no nuisance or serious hazard to vehicles or pedestrians;
5. Adequate and appropriate facilities will be provided for the proper operation of the proposed use;
6. The proposed use will conform to any special requirements of the special permit granting authority as stated in its written decision; and
7. The proposal could not be reasonably 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.

### **Section 7-03-050 Site Plans**

As set forth in § 7-03-050(C)(2), the Planning Board shall approve a site plan if it determines that:

- (a) The site plan meets all applicable requirements of this bylaw;
- (b) Given the location, type and extent of land use proposed by the proponent, the design of building form, building location, egress points, grading, and other elements of the site plan could not reasonably be altered to:

- [1] Reduce clearing and grading on the site, or reduce the volume of cut and fill, the number of removed trees, the length of removed or altered stone walls, the area of wetland vegetation displaced, the extent of stormwater flow increase from the site, soil erosion, or threat of air or water pollution,
- [2] Reduce the risk of groundwater contamination from on-site wastewater disposal systems or operations on the premises involving the use, storage, handling, or containment of hazardous substances,
- [3] Improve pedestrian, bicycle or vehicular safety, both on the site and egressing from it,
- [4] Improve access to each structure for fire and other emergency service equipment,
- [5] Reduce visual intrusion by controlling the visibility of parking, storage, or other outdoor service areas viewed from public ways or premises residentially used or zoned,
- [6] Achieve greater consistency and compatibility with the surrounding area as to building design or scale, or site design,
- [7] Reduce glare from headlights, reduce light trespass from luminaires onto adjacent lots or the street, or light overspill into the night sky,
- [8] Avoid the removal or disruption of historic, traditional or significant structures or architectural elements, and
- [9] Reduce obstruction of scenic views from publicly accessible locations; and

**GENERAL FINDINGS:**

1. The subject property at 1 Lyman Street is in the Industrial District. 1 Lyman Street, shown on Assessors' Map 66 Parcels 9, 10 and 11 is entirely within Groundwater Protection Overlay District Area 1. A variance to allow the warehouse use in Area 1 was granted on July 1, 2020 by the Zoning Board of Appeals.
2. An appeal of the Zoning Board of Appeal's decision was filed in Worcester Superior Court, No. 2085CV00960.
3. The subject site contains 4 acres.
4. The subject property directly abuts Northborough's Residential C zoning district on the West and the Industrial zoning district on the North, South and East.
5. The proposed work includes demolition of the existing structures and construction of a proposed warehouse and office space consisting of a 20,232 sq. ft. building; containing a total of 6,000 +/-sq. ft. of office space and 17,000 +/- sq. ft. of warehouse space. The warehouse includes one loading dock.
6. Thirty-two parking spaces are required and forty-two parking spaces have been provided.
7. The access drives have been verified by staff to provide safe access for emergency safety

vehicles.

8. A minimum 200 feet of stopping sight distance has been provided at the intersection with Bartlett Street.
9. The industrial warehouse use is allowed by a Special Permit in the Industrial District.
10. A Special Permit with Site Plan Approval per Section 7-03-050A(2) is required for any use requiring a special permit, in which case the special permit granting authority shall also act as site plan approval authority.
11. At the May 6, 2021 meeting of the Design Review Committee, the Committee members unanimously voted to recommend approval of the Site Plan.
12. The subject site will be serviced by municipal water and private on-site septic system.

### **SPECIFIC FINDINGS:**

1. The Board finds that the Special Permit application adheres to the above applicable law and decision criteria, including, without limitation, Zoning Bylaw Sections 7-03-040(C)(1)-(7), in that the project, given its size and scale, is located in an appropriate setting for its use; that the project will not adversely affect the neighborhood in which it is situated; that it will not create nuisance and hazard to pedestrians and vehicles in the area within and surrounding the site; that adequate facilities are provided; and that the proposal is in substantial harmony with the Northborough Master Plan and other plans approved or amended from time to time by the Planning Board, and with the purposes of the Zoning Bylaw.
2. The Board finds that the Site Plan application adheres to the above criteria, including, without limitation, Zoning Bylaw Sections 7-03-050(C)(2)(a), (b)[1-9], and (c) in that the project will not derogate from the purpose of the Zoning Bylaw in that the project meets all applicable requirements of this bylaw; and given the location, type and extent of land use proposed by the proponent, the design of building form, building location, egress points, grading, and other elements of the site plan could not reasonably be altered and therefore meet the above criteria; and any variances required from the Zoning Board of Appeals have been granted.

### **DECISION**

1. On June 15, 2021 after due consideration of the Application, and following the Planning Board's deliberative session in which all members gave input, the Board unanimously voted to APPROVE a SPECIAL PERMIT per section 7-05-030 Table of Uses, Table 1, Table of Uses, Part B. Commercial and Industrial Districts.
2. Vice Chair Amy Poretsky moved to approve the application. The motion was seconded by Anthony Ziton. There was no further discussion by the Board.
  - a. The following members of the Planning Board voted to approve the application: Kerri Martinek, Amy Poretsky, Anthony Ziton, Millie Milton, and Michelle Gillespie.
3. On June 15, 2021, after due consideration of the Application, and following the Planning Board's deliberative session in which all members gave input, the Board unanimously voted to APPROVE a **SPECIAL PERMIT WITH SITE PLAN APPROVAL** per Section 7-03-050A(1)(a) and (2) and D subject to the following conditions:
  - a. Approval is for the project as presented in the application and supporting documents provided

to the Board, with specific references to Site Plan with Cover Sheet, Existing Conditions Plan, Proposed Site Plan, Proposed Erosion Control Plan, and Construction Details dated February 19, 2020 and revised on March 20, 2020 – Design Edit, February 16, 2021 – Design Review Edits, March 24, 2021 – Design Review/Building Edits, April 16, 2021 – Building Edits, May 12, 2021 – Building Edits, and May 17, 2021 – Driveway Apron for 1 Lyman Street, Map 66 Lots 9, 10 And 11, Northborough MA, prepared by Connorstone Engineering, Inc.; statements, and related materials, so that a change from the application approved would require coming back before the Planning Board to apply for a modification of the Special Permit.

- b. There shall be no outside storage of products or materials; the loading dock shall be kept clear of visible trash or discarded shipping materials.
- c. The parking lot lights located on the poles shall be shut off by 9 pm each evening; after 9 pm, minimum security lighting shall be confined to wall packs shown in the Site Plan.
- d. All landscaping on the Site Plan(s) shall be maintained in perpetuity.
- e. Deliveries shall be limited to the hours of 9:00am to 8:00pm Monday through Friday. No deliveries shall occur on Saturday and Sunday.
- f. For this project to proceed, Worcester Superior Court, No. 2085CV00960 must be resolved.
- g. The Fire Chief shall approve the final location of the fire hydrant prior to the issuance of the building permit.
- h. The ten parking spaces located on the south side of the building shall not be striped and will instead be labeled “No Parking” on the pavement.
- i. The Lyman Street driveway opening shall be restricted to exit only from the site and shall be labeled as such with appropriate signage to give instruction for both exiting and entering the driveway (i.e. Do Not Enter, Exit Only). Tractor trailers will only be allowed to utilize the Lyman Street opening to exit the site; Instructions shall be given to commercial drivers to turn right only at the Lyman/Bartlett intersection.
- j. The Bartlett Street driveway opening shall be for entrance and exiting purposes. Commercial drivers will only be allowed to exit right onto Bartlett Street heading in an easterly direction. No left turns will be allowed for commercial drivers utilizing the Bartlett Street opening onto Bartlett Street.
- k. The building shall be heated with natural gas.
- l. No road salt or sand shall be stockpiled on site.
- m. The applicant shall consider connecting to town sewer if a connection is available within 800 feet of the property line at the time of construction.
- n. There shall be no storage of toxic or hazardous chemicals beyond an amount normally found in a single-family home.
- o. The applicant shall adhere to all the requirements of section 7-07-010D(3)(b)(5).
- p. The Stormwater Operations and Management Plan and Long-term Pollution Prevention

Program shall be provided to the Town Engineer and shall be recorded by the Applicant with the Board's decision. The Town Engineer shall be afforded the opportunity to inspect the work. The Town Engineer shall be provided copies of the contract and invoices for all work performed. All material removed from the drainage system shall be properly disposed of off-site.

- q. All changes to the property shall be shown on an as-built site plan to 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 a list of all discrepancies from the approved plan. The as-built plan shall also 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. The as-built plan shall also include certification the drainage system was built in accordance with the approved plan and will function as designed. 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).
- r. A completed Operation and Maintenance inspection report shall be submitted with the as-built plan prior to the issuance of an occupancy permit.
- s. The applicant will be required to pay a Water Privilege fee in the amount of \$5,600 prior to obtaining a building permit and a Sewer Privilege fee of \$18,200 if a sewer connection is available.
- t. The applicant will be required to obtain a permit from the Earthwork Board prior to any site work.
- u. The applicant will be required to obtain road opening permits for both the water and sewer connections (if applicable) prior to any site work.
- v. The applicant will be required to obtain a permit from the Conservation Commission prior to any site work.
- w. A final set of plans verifying all conditions of approval have been met shall be reviewed and approved by the Town Engineer prior to the start of any site work. The final set of plans shall include the same revision date on all sheets.

Millie Milton moved to approve the application. The motion was seconded by Vice Chair Amy Poretsky. There was no further discussion by the Board.

The following members of the Planning Board voted to approve the application: Kerri Martinek, Amy Poretsky, Anthony Ziton, Millie Milton, and Michelle Gillespie.

- 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.



**NORTHBOROUGH PLANNING BOARD**



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**KERRI MARTINEK, CHAIRPERSON**