



TOWN OF NORTHBOROUGH PLANNING BOARD

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DECISION

PLANNING BOARD SPECIAL PERMIT, SPECIAL PERMIT WITH SITE PLAN APPROVAL AND SPECIAL PERMIT PER GROUNDWATER PROTECTION OVERLAY DISTRICT

PROPERTY LOCATION: 180, 186 & 200 Bartlett Street

PETITIONER: Robert J. Devereaux Corp, 10 Emerson Place, #2E, Boston MA 02114

PROPERTY OWNER: CB Development LLC

RECORDED WITH WORCESTER DISTRICT REGISTRY OF DEEDS: Bk: 49374 Pg: 182; BK: 23137 Pg: 156

This document is the **DECISION** of the Northborough Planning Board on the petition of Robert J. Devereaux Corp, for Special Permit, Special Permit with Site Plan Approval and Special Permit per Groundwater Protection Overlay District, to allow the use of two buildings and the majority of the property located at 180, 186 & 200 Bartlett Street, Map 66, Parcel 7, as a training center, contractor's yard and for trailer and small equipment maintenance. The existing automotive repair use was allowed by a variance granted in 2007 and will continue. The property is located within the Industrial District and Groundwater Protection Overlay District Area 1 and Area 3.

APPLICATION

NORTHBOROUGH TOWN CLERK
ROUD 2022 MAY 12 11:31:57

1. On January 14, 2022, the Applicant filed with the Town Clerk an Application for Hearing before the Planning Board for:
 - A Special Permit per Zoning Bylaws, Section 7-05-030, Table 2, Part B Contractors Yard; and
 - Special Permit with Site Plan Approval per Zoning Bylaws, Section 7-03-050A(2).
2. Notice of the public hearing was duly published in "THE WORCESTER TELEGRAM & GAZETTE" on February 14, 2022 and February 21, 2022 and mailed to abutters and other parties on February 14, 2022.
3. On March 14, 2022, the Applicant filed with the Town Clerk an Application for Hearing before the Planning Board for:
 - A Special Permit per Zoning Bylaws, Section 7-07-010D(3)(c)[4 and 5].
4. Notice of the public hearing was duly published in "THE WORCESTER TELEGRAM & GAZETTE" on April 3, 2022 and April 10, 2022; posted by the Town Clerk on March 30, 2022 and mailed to abutters and other parties on April 1, 2022.
5. The public hearing was held on March 1, 2022, March 15, 2022 (no testimony taken), April 19, 2022, and May 3, 2022. The public hearing was 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

EXHIBITS

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

1. Two Applications for Hearing before the Planning Board, including:
 - a. Cover letter from Pierce Atwood to Kerri A. Martinek, Chair of the Planning Board, dated January 6, 2022;
 - b. A Quitclaim Deed for 200 Bartlett Street, Northborough, MA, 01532, recorded at the Worcester District Registry of Deeds on 12/26/1991, Bk: 13894 Pg: 46;
 - c. Variance Decision for ZBA Case No. 21-12 that was filed with the Town Clerk on November 24, 2021;
 - d. Variance Decision for ZBA Case No. 07-10 that was filed with the Town Clerk on September 11, 2007 and recorded in Worcester Deeds Book 42447, Page 322;
 - e. Special Permit Decision for ZBA Case No. 08-04 that was filed with the Town Clerk on March 7, 2008 and recorded in Worcester Deeds Book 42802, Page 358;
 - f. Order of Conditions for DEP #247-1208;
 - g. A certified abutters list for parcels 300 feet from 200 Bartlett Street, Northborough, MA, signed by Brian Fernandes for the Town of Northborough Board of Assessors, and a GIS Viewer map of the site, both dated December 16, 2021;
 - h. A Zoning Interpretation Letter dated April 12, 2021 with attachments from Robert J. Frederico;
 - i. Letter from Northborough Town Engineer to Dick Rand, Chairman of the Northborough Zoning Board of Appeals, dated October 25, 2021;
 - j. Letter from GEI Consultants to Robert J. Devereaux Corp. dated February 4, 2022;
 - k. Document entitled "Narrative for Special Permit and Site Plan Application", undated.
 - l. Document entitled "Narrative for Groundwater Protection Overlay District Special Permit", undated.
 - m. Document entitled: "Stormwater Report for R.J. Devereaux Corp. Proposed Site Plan, 200 Bartlett Street, Northborough, MA" dated November 23, 2021, prepared by Connorstone Engineering, Inc.
 - n. Document entitled: "Traffic Impact and Access Study Proposed R.J. Devereaux Development, Northborough, MA" dated January 2022, prepared by Green International Affiliates, Inc.
 - o. A Site Plan consisting of 6 sheets entitled: "Proposed Site Plan of 200-220 Bartlett Street in Northborough, Massachusetts", dated November 23, 2021, last revised May 2, 2022, prepared by Connorstone Engineering Inc.; and

- p. A landscape plan consisting of 1 sheet entitled: "Planting Plan for 200 Bartlett Street-Northborough MA" and associated plant list, undated, prepared by the Veron Company;
 - q. A set of 14 sheets entitled Perspective Views dated February 13, 2022;
 - r. A set of 8 color sheets depicting the site plan (both typical and maximum use), building elevations and floor plans, dated January 21, 2022, prepared by Dario Designs Inc. An updated typical use plan is dated April 25, 2022.
2. An email dated January 21, 2022 from R.J. Devereaux Corp to Planning Board Clerk;
 3. A letter dated February 7, 2022 from Dario Designs Inc. RE: Proposed Renderings;
 4. Email exchange between the Northborough Planning Board Chair, Town Engineer, Town Counsel and Paula Devereaux RE: Follow up from Town Counsel regarding 3/1/22 PB Meeting;
 5. A letter dated February 23, 2022 from the Fire Chief to the Planning Board Chair;
 6. Town Planner Questions, Comments and Recommendations document dated March 28, 2022;
 7. A letter dated April 19, 2022 from the Town Engineer to the Planning Board Chair;
 8. Town Planner Questions, Comments and Recommendations document dated April 28, 2022;
 9. An email dated May 2, 2022 from Connorstone Engineering Inc. with updated site plan sheet 3 last revised May 2, 2022.
 10. A letter dated May 2, 2022 from the Principal Assessor.

FINDINGS OF FACT

1. The subject property at 180, 186 & 200 Bartlett Street is located within the Industrial District and Groundwater Protection Overlay District Area 1 and Area 3.
2. The Applicant is proposing to use the property as a contractor's yard; including a training center in the building at 180 Bartlett St, and a repair and maintenance facility inside the building at 200 Bartlett St. The existing automotive repair use was allowed by variance granted in 2007 and will continue at 186 Bartlett Street.
3. A Special Permit is required per Zoning Bylaws, Section 7-05-030 Table of Uses, Table 2, Part B to allow a contractor's yard on the subject property.
4. Per Zoning Bylaws, Section 7-07-010D(2)(a)[7], automotive and repair shops are prohibited in Groundwater Protection Overlay District Area 1. The Applicant secured a Use Variance dated November 24, 2021 for an automotive repair use on the property that is accessory to the contractor's yard use within Groundwater Protection Overlay District Area 1.
5. In Groundwater Protection Overlay District Area 3, a Special Permit is required per Section 7-07-010D(3)(c)[4 and 5] Groundwater Protection Overlay District, Use Regulations, Area 3, Industrial Use. The property meets the 60,000 square feet area requirement in Section 7-07-010D(3)(c)[4].
6. Site Plan Approval is required per Section 7-03-050A(2), Administration and Enforcement, Site Plans, Applicability, Special Permit with Site Plan Approval, for any use requiring a special permit, in which case the special permit granting authority shall also act as site plan approval authority.
7. The proposal is in substantial harmony with the Northborough Master Plan and with the purposes of the Zoning Bylaw.

8. The site is an appropriate location for the proposed use. The property abuts existing industrial uses.
9. The proposed development will not create a nuisance or serious hazard to vehicles or pedestrians.
10. The proposed development meets, and will not derogate from, the purpose of the Northborough Zoning Bylaw.
11. The proposed development will be serviced by private on-site sewage disposal and public water. The on-site sewage disposal shall use less than or equal to 220 gallons per day per 10,000 square feet of lot area.
12. The proposed development satisfies criteria 1-9 as specified in Zoning Bylaws, Section 7-03-050C(2)(b).
13. Post-development net runoff volume will not exceed existing conditions by more than 15%.
14. The impervious lot coverage is not increased by the proposed development by more than 40%.
15. The proposed development will not, during construction or thereafter, impair ambient groundwater quality or reduce existing recharge capacity beyond that allowed by the Groundwater Protection Overlay District Bylaw.
16. The proposed development will not adversely affect the quality or the yield of an existing or potential water supply.
17. The granting of the Special Permits will not constitute substantial detriment to the public good and may be given without nullifying or substantially derogating from the intent or purpose of the Northborough Zoning Bylaw.
18. There was no opposition; by letter, email or during the public hearing on Live Zoom.

DECISION

1. On May 3, 2022, after due consideration of the Application and closing the public hearing, the Board voted unanimously (5-0) to **GRANT** a **SPECIAL PERMIT** per Section 7-05-030, Table 2, Part B Contractor's Yard, a **Special Permit** per Section 7-07-010D(3)(c)[4 and 5], and **Special Permit with Site Plan Approval** per Section 7-03-050A(2), to allow a proposed training center, contractor's yard, trailer and small equipment maintenance, and associated improvements located at 180, 186 & 200 Bartlett Street with conditions, safeguards, and limitations on time or use set forth as follows:
 - a. The Applicant shall comply with all applicable laws, bylaws, rules, regulations, codes, and obtain all necessary permits and approvals.
 - b. Prior to the start of any site work, the Applicant and his/her construction supervisor shall attend a pre-construction meeting with the Town Planner, Town Engineer, Building Inspector, and other pertinent municipal officials.
 - c. Prior to the start of any site work, the Town Engineer shall review and approve a final set of plans provided by the Applicant, verifying that all conditions of approval have been met. The final set of plans shall include the same revision date on all sheets and the following information:
 - i. The new addresses in the title block;
 - ii. A new area light at the easterly driveway entrance;
 - iii. Detail of a bike rack;

- iv. Detail showing the transition from the sidewalk with 6" concrete curb reveal to the flush sidewalk abutting ADA-compliant parking spaces;
 - v. Confirmation that there shall be no on-site disposal of any waste or process materials, no outside storage of toxic or hazardous materials, have controlled/contained drainage facilities in areas of potential spillage or release, adequate contingency plans in case of spillage or release and approved routing of suppliers and haulers of any toxic or hazardous materials to or from the site. The proponent for a building or occupancy permit must demonstrate on an annual basis to the Building Department and Board of Health that all applicable federal, state and Town of Northborough licenses, permits and standards for the handling, use, storage, and disposal of any regulated materials have been obtained or met.
- d. Prior to the start of any site work, the Applicant shall provide the following information:
- i. A cut sheet of proposed area light fixtures specifying pole height and design;
 - ii. A revised sketch of the proposed freestanding sign which specifies sign materials and lighting, if any;
 - iii. Evidence of approval by the Massachusetts Department of Environmental Protection (DEP) of any industrial waste treatment or disposal system or any wastewater treatment system over fifteen thousand (15,000) gallons per day capacity; and
 - iv. Analysis by a technically qualified expert certifying that the quality and supply of the underlying groundwater resources will not be degraded to the point whereby a hazard to public health or ecological damage results.
- e. Prior to issuance of a building permit, the Applicant shall submit the status report from a Licensed Site Professional (LSP) regarding environmental compliance of any, and all previous contamination found on-site.
- f. Hours of operation related to construction of the project (site work only) 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. Under the direction of the Town Engineer, roadside vegetation within the right-of-way should be selectively cleared and trimmed to improve sight distance at the proposed site drives.
- h. Pavement markings and associated STOP bars shall be provided at the site access driveways. These should conform to MUTCO standards.
- i. All regulatory and warning signs to be installed shall be consistent with current Manual on Uniform Traffic Control Devices (MUTCO) standards and guidelines.
- j. All turning radii shall follow the American Association of State Highway and Transportation Officials (AASHTO) standards. In addition, all angle of approach and angle of departure grades shall be 8 degrees or less. An 8-degree angle of approach is equal to a 14% change in grade.
- k. The Applicant shall ensure proper maintenance of plantings on the site in perpetuity, including replacement of dead or diseased plantings in the following planting season.

- l. The deed(s) shall define responsibility for maintaining the drainage system.
- m. The septic system shall be replaced and inspected in accordance with the requirements of the Northborough Board of Health.
- n. Shields shall be utilized on area lights to ensure that there is no spillover of light onto abutting properties, including the property N/F owned by Funnlore Realty Trust, LLC.
- o. The entire site shall be regraded and repaved to include a berm around the entire limit of the paved surfaces to allow the drainage system to capture all runoff. The site plan shall include a drainage system design which shall be in conformance with all Federal, State, and local stormwater regulations.
- p. The accessory use of automotive repair, including washing of vehicles, shall be contained within the maintenance building located in Groundwater Overlay District Area 3.
- q. An annual inspection for review of chemicals and volumes.
- r. The servicing and maintenance of vehicles and equipment shall be limited to vehicles and equipment owned and/or used in the ordinary course of business by R. J. Devereaux as the owner of the property. The owner or subsequent owners of this property shall also be limited to servicing and maintaining vehicles and equipment owned and/or used in the ordinary course of the business owned by the property owner. The service and maintenance of other vehicles not owned or used by the property owner shall be prohibited.
- s. Servicing of small and large autos shall be owned or in the care, custody or control of the present owner, their subcontractors, or their employees;
- t. No fueling of vehicles shall occur on-site.
- u. There shall be no storage of toxic or hazardous materials underground.
- v. The total volume of chemicals allowed to be stored on site shall be 758 gallons. The material list of chemicals and proposed floor plan for the proposed maintenance building, (both are attached) should be referenced in any approval for future reference. The proposed floor plan is intended to be for reference only and modifications within the building are acceptable provided the floor drains capture the entire floor area and there are adequate storage cabinets for all chemicals listed above.
- w. The proposed maintenance building shall be equipped with floor drains connected to a tight tank which is to be sized to accommodate all chemicals stored within the building and any sprinkler water discharged during a catastrophic event for a period of time to be determined by the Fire Chief.
- x. Each of the proposed buildings shall be heated with natural gas.
- y. The construction materials stored on site shall be permanently covered.
- z. No sodium-based de-icing agents shall be utilized on site.

- aa. Snow shall be piled within snow storage areas only. The paved snow storage area shall be the last one utilized for snow storage. Snow piles shall not exceed 6' in height. Excess snow shall be disposed of off-site.
 - bb. Any substantial modification shall be subject to Planning Board review and approval. The Planning Board shall determine what constitutes a substantial modification.
 - cc. An as-built site plan shall be submitted to the Town Engineer and Town Planner for review and 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, 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 each of the infiltration areas were built in accordance with the approved plan and will function as designed. The as-built plan shall also indicate any areas where the as-built conditions deviate from the approved plan. A minimum of one completed inspection report shall be submitted with the as-built plan. 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).
- 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. This **DECISION** shall not take effect until a copy 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 **DECISION** 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. 9.

**TOWN OF NORTHBOROUGH, MASSACHUSETTS
PLANNING BOARD**



KERRI MARTINEK, CHAIRPERSON