

ZBA

39-43 King Street

NORTHBOROUGH TOWN CLERK
RCUD 2021 SEP 22 PM 4:14



Town of Northborough

~~Planning Department~~

63 Main Street

Northborough, Massachusetts 01532-1994
(508) 393-5019 Office (508) 393-6996 Fax

www.town.northborough.ma.us

planning@town.northborough.ma.us

Application

Check one of the following:

- Site Plan Approval Amendment to originally approved on 5/16/2018 and extended on 9/24/2018 extended 5/16/22
- Special Permit ZBA Case No. 18-04 extended till 5/16/2022
- Common Driveway Special Permit 18-04
- Wireless Communications Facility Special Permit _____
- Wireless Communications Facility Site Plan Review _____
- Special Permit per Groundwater Protection Overlay District Bylaw _____

1. Name, address and phone number and email address of each applicant:

ZHS Trust (owner of 39-43 King St)
24 Sheryl Dr
Shrewsbury MA 01545
Northborough

TR: Rashid Shaikh 774-641-0851

2. The undersigned submits under oath the information and representations contained in all statements made herein for consideration by the Board in its determination of the application.

Yes No _____

3. The basis for this application is found in the following section(s) of the Northborough Zoning Bylaw:

7-03-050 D

4. Street address, map & parcel, and GIS map & parcel to readily identify the land which is subject of this application:

39 & 43 King St

Map 82 Parcels 30 & 31



5. Name and address of each holder of legal title to the land which is the subject of this application. List each name exactly as it appears in the deed under which such title is derived.

ZHS Trust - TR Rashid Shaikh

6. If the undersigned has/have any knowledge of a prior application concerning the land involved in this application, provide the date of the application and describe the application.

ZBA Case No. 18-04 Special Permit
Extended No. 16-12 Granted on 5/16/2018
extension granted on 9/24/19 till 5/16/2022

7. In addition to providing the information required in the Zoning Bylaw, briefly summarize the application and provide any additional information which you consider important in the determination of the Board's decision:

- Requesting Unit Count Change Letter :- Please see attached
- Delays due to town's Request to offer Public access thru 38 King St (owned by the Trust)
 - Mass DOT required modification in King St for safety
 - signed MOU with Town to convey land
 - changed from septic to sewer system
 - Industry Dynamic requires change of Mix and Unit Count
8. The name, mailing address, and phone number of each attorney, engineer, or other representative of the undersigned are as follows:

Sid Silveira - Architect
DMS Design LLC
1000 Cummings Center suite 339C
Beverly, MA 01915
PH 978-965-3470
Fax: 966-513-5573

ZHS TRUST
(39-43 KING ST ASSISTED LIVING)
24 Sheryl Drive Shrewsbury, MA 01545 · 774-641-0851
Email: rashidmshaikh@gmail.com

Chair Zoning Board of Appeals
Town of Northborough, MA

Dear Chair, We originally applied and received a Site Plan Approval and Special Permit to build 66 Units Assisted Living Facility at 39-43 King street on 5/16/18 under case No. 18-04 which was extended on 9/24/2019 till 5/16/2022. During the approval process ZBA members and neighbors made a request to grant an access from route 20 to King street through 38 king street which was not part of the project but it was owned by the same trust. We realized that granting such access to the public will make the traffic flow better and safer however that will adversely affect the best use of 38 King st as per our original plans.

After the approval, ZHS applied to Mass DOT for the new curb cut which received approval after (18 months) long deliberations, discussions, reviews and plan modifications – to ensure added public safety. It was suggested by the Town Engineer and Mass DOT traffic engineer to convert the southerly portion of king street to ONE WAY STREET from the main entrance of the assisted living to the rt 20 access point. The “Stop” signs were also added both at the king street and at new driveway access at king street to ensure further safety. Mass DOT wrote in its decision that the proposed changes along with new access makes the entire area safer enhancing site distances in both directions.

To satisfy all concerns ZHS agreed to all changes proposed by Mass DOT and the Town departments and then we further spend over a year to sign an MOU with the town to convey portion of 38 King street for the purpose of using King street access for public use. The time lost has new demands in the market for the unit mix and the minimum units count; all new facilities in the area have been built with 90+ units comprising of memory care (MC), Assisted Living (AL - requires deeper services) and Independent Living (IL with lesser Services) units. Our unit count was mainly derived by the 10,000 Gallon per day of septic limit. Realizing the market dynamics we have agreed to connect to the town sewer facility which is roughly 1000 ft away which will cause extra financial Burdon. We have the space to build more than 90 units in the same envelope without changing the building footprint or traffic flow. But we capped our facility to 88 units to be attractive, efficient and reasonable without changing the building footprint, at all.

Our total units count is 88 now with 59 parking for 39/43 king st assisted living facility. This makes 0.67 parking/unit ratio, highest in the area. The newest assisted living facility in Shrewsbury built by LCB offers same services and unit mix with 88 units and 52 parking spaces (.59 ratio) while Highland Assisted Living in Westborough has 130 units with 72 parking; a 0.55 unit/parking ratio.

Northborough Bylaws state 1/4 parking for each memory care/nursing facility type units plus 1 parking for each employee in the largest employees shift. The parking bylaw for assisted living is

not very clear. We believe, it requires one half parking per unit plus one parking for each employee. We are offering:

- 26 memory care units that need 4.5 parking spaces

- 62 assisted living units that need 31 parking spaces

- We require 36 parking spaces for residence and 9 for employees so total of 45 but we are providing 59. We will have 23 parking spaces available for employees and guests. There is no special requirement for employee counts or minimum parking ratio recommended by the Licensing agency (Executive Office of Elderly Affairs) however we plan to employ 9 FTEs in the morning shift, 7 in evening and 3 in the night shift.

LCB assisted living in Shrewsbury was built just two years ago with 88 units and offers similar services and product mix. If it uses 44 parking for 88 units then it only has just 8 parking spaces for employees and guests. LCB is 95% occupied and there is no parking issue because in these facilities not many people drive. Like I said our units/parking ration is far more generous than any facility in the area.

We are seeking amendment to the permit to attract the right operator to make it a success for this gateway location to Northborough. We are humbly seeking this amendment along with two years clock starting from the new approval since so much time is lost for other approvals. The last thing we want is a failed project that does not attract the right operator or management team

Thank you for your sincere consideration

Best Regards

Rashid Shaikh, TR

ZHS Trust



TOWN OF NORTHBOROUGH Building Department

Town Hall Offices • 63 Main Street • Northborough, MA 01532 • 508-393-5010 • Fax 508-393-3130

ZONING INTERPRETATION REQUEST FORM

Property Address: 39-43 King St Northborough, MA 01532

Does the Property Have: Public Water: Yes No Public Sewer: Yes No will be brought up

Current Use: VACANT/ABANDONED HOUSES

Proposed Use: 18-04 - 66 UNITS ASSIGNED living facility 5-6-18
SUBSTANTIAL Amendment Increase to 88 UNITS, ADD sewer,
CHANGE PARKING + ISLDG ACCESS. INCREASE Memory CARE UNIT.
NO PROPOSED CHANGE IN FOOTPRINT

Applicant Name: RASHID SHAIKH Phone Number: 774-641-0851

Email Address: RASHIDMSHAIKH@GMAIL.COM

For Official Use Only

Map & Parcel: 82-30 82-31 Property Zoning District: BW Floodplain, wetlands
Groundwater Protection Overlay District: Area 1 Area 2 Area 3 N/A
Lot Area Required 20K Have Street Frontage Required 150 Have
Setbacks Required 15/20/25 Have Bylaw Citation for Proposed Use: _____

Comments: _____

AMEND DECISION #2 S.P. 66 → 88 UNITS
AMEND DECISION #3 SITE PLAN APPROVAL Sewery driveway, Parking
<expired> DECISION #4 VARIANCE for SIGN.

REVISIT WITH CONCOM FOR POSSIBLE CHANGES, EXPIRATIONS.
REVISIT WITH D.R.C.?

Is the proposed use allowed in the Zoning District: Yes By PB By ZBA No
Does the use require a GPOD Special Permit: Yes No N/A Conservation required: Yes No
Special permit required: Yes No N/A Special Permit w/ Site Plan Approval: Yes No
Earthwork permit required: Yes No Design Review required(7-03-060): Yes No
Minor Site Plan Approval required: Yes No Historical/Scenic/Stone Wall required: Yes No

Signature: [Signature]

Date: 9-24-21

Robert J. Frederico
Inspector of Buildings/Zoning Enforcement Officer

This Zoning Interpretation is for informational purposes only. This Zoning Interpretation does not give permission to construct, alter, demolish or change the use of a property. This Interpretation may require a variance and/or special permit which is granted by either the Zoning Board of Appeals (ZBA)/Planning Board (PB) or both.



Town of Northborough Office of the Board of Assessors

63 Main Street, Massachusetts 01532-1994
— Mon, Wed, Thurs 8-4 / Tuesday 8-7 / Friday 7-12
508-393-5005 phone, 508-393-6996 fax

BOA

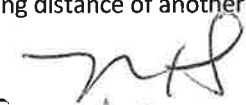
Certified Abutters List Request Please allow 10 business days.

DATE of REQUEST 9/22/2021 PROPERTY ADDRESS(es) 39-43
 REQUESTING COMPANY Zhs Trust MAP/PARCEL(s) 45/105
 CONTACT PERSON Rashid Shaikh OWNER(s) Kavdika, A
 PHONE 774 641 0851 OWNER MAILING ADDRESS(es) 6 Carruth D
 EMAIL rashidmshaikh@gmail.com

REQUESTING BOARD	APPLICABLE REGULATIONS	ABUTTERS / DISTANCE
<input type="checkbox"/> Planning Board – Scenic Road	Town Code Chapter 2-52-050	Owners within 100' of property
<input type="checkbox"/> Planning Board – Site Plan	Planning Board Rules & Regulations Section 7.2 D(5)	Owners within 300' of property
<input type="checkbox"/> Planning Board – Special Permit	MGL Chapter 40A Section 11	Owners within 300' of property
<input type="checkbox"/> Planning Board - Subdivisions	MGL Chapter 41A Section 81T	Owners within 300' of property
<input checked="" type="checkbox"/> ZBA – Zoning Board of Appeals	MGL Chapter 40A Section 11	Owners within 300' of property
<input type="checkbox"/> Conservation Commission	MGL Chapter 131, Section 40, MA Wetlands Protection Act & the Northborough Wetlands Protection Bylaw	100' of property, unless otherwise stated
<input type="checkbox"/> Board of Health	Dependent on project	Owners within 100' of property
<input type="checkbox"/> Board of Selectman: Fuel Storage	MGL Chapter 148, Section 13	Abutting owners & directly opposite
<input type="checkbox"/> Board of Selectman: Liquor License	MGL Chapter 138, Section 15A	Abutting owners, & any school, church, or hospital within 500' of property
<input type="checkbox"/> Board of Selectman: Pole Petition	MGL Chapter 166, Section 22	Abutting owners & directly opposite
<input type="checkbox"/> Board of Selectmen: Street Acceptance		Owners with driveways on the street
<input type="checkbox"/> DPW – Dept of Public Works	Dependent on project	Dependent on project: ___ feet
<input type="checkbox"/> Engineering: Earth Works	Northborough Town Bylaws: Part 2 - General Legislation, Chapter 2-28, Earth Removal	Owners within 100' of property
<input type="checkbox"/> Other		

To the Requesting Board/s: We certify that, from our Real Estate Property Lists, the following persons attached hereto appear as owners of specified by the appropriate regulation (including, but not limited to, owners of land directly opposite said proposed activity on any public or across a body of water), as amended to the best of our knowledge and belief. If the property is within abutting distance of another Town, pl Office for another abutters list.

DATE of CERTIFICATION 9/23/2021


 Tiffany Peters for the Board of Assessors
tpeters@town.northborough.ma.us

39-43 King Street
 Certified Abutters List - 300' radius

ID	Site Address	Owner Name	Owner Name 2	Owner Address 1	Owner Address 2
082.0-0028-0000.0	19 KING STREET	SOWDEN LINDA L L.E.	SOWDEN EDWIN J	19 KING STREET	NO
082.0-0029-0000.0	29 KING STREET	29 KING STREET LLC		4 WYNDEMERE DRIVE	SO
082.0-0021-0000.0	34 KING STREET	JOHNSON BELMA		34 KING STREET	NO
082.0-0020-0000.0	38 KING STREET	ZHS TRUST	SHAIKH RASHID Trustee	24 SHERYL DRIVE	SH
082.0-0030-0000.0	39 KING STREET	ZHS TRUST	SHAIKH RASHID Trustee	24 SHERYL DRIVE	SH
082.0-0031-0000.0	43 KING STREET	ZHS TRUST	SHAIKH RASHID Trustee	24 SHERYL DRIVE	SH
082.0-0019-0000.0	21-25 SOUTHWEST CUTOFF	KOTA SUBU M Trustee	OFFICE EQUITY REALTY TRUS	4 WYNDEMERE DRIVE	SO
082.0-0005-0000.0	22 SOUTHWEST CUTOFF	GARCIA JOSE L AND	GARCIA HELEN F	18 SOUTHWEST CUTOFF	NO
082.0-0004-0000.0	26 SOUTHWEST CUTOFF	GARCIA JOSE L AND	GARCIA HELEN F	18 SOUTHWEST CUTOFF	NO
082.0-0003-0000.0	30 SOUTHWEST CUTOFF	OUELLETTE JEAN M		30 SOUTHWEST CUTOFF	NO
082.0-0002-0000.0	38 SOUTHWEST CUTOFF	SHAY TIMOTHY D TRUSTEE	38 SW CUTOFF REALTY TRUST	214 GREEN STREET	NO
095.0-0012-0000.0	50 SOUTHWEST CUTOFF	86-88 MAIN STREET LLC		PO BOX 253	SO
095.0-0013-0000.0	51 SOUTHWEST CUTOFF	NORTH TEE LLC		51 SOUTHWEST CUTOFF	NO
095.0-0014-0000.0	57 SOUTHWEST CUTOFF	TOWN OF NORTHBOROUGH	VACANT LAND	63 MAIN STREET	NO
082.0-0016-0000.0	243 -265 WEST MAIN STREET	MANEY WILLIAM D & JANE S Trustees	MANEY REALTY TRUST	302 CHURCH STREET	NO

SOWDEN LINDA L L.E.SOWDEN EDWIN J
19 KING STREET
NORTHBOROUGH MA, 01532

ZHS TRUSTSHAIKH RASHID Trustee
24 SHERYL DRIVE
SHREWSBURY MA, 01545

KOTA SUBU M Trustee
OFFICE EQUITY REALTY TRUST
4 WYNDEMERE DRIVE
SOUTHBOROUGH MA, 01772

OUELLETTE JEAN M
30 SOUTHWEST CUTOFF
NORTHBOROUGH MA, 01532

NORTH TEE LLC
51 SOUTHWEST CUTOFF
NORTHBOROUGH MA, 01532

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NORTHBOROUGH MA, 01532

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CUTOFF REALTY TRUST
214 GREEN STREET
NORTHBOROUGH MA, 01532

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NORTHBOROUGH MA, 01532

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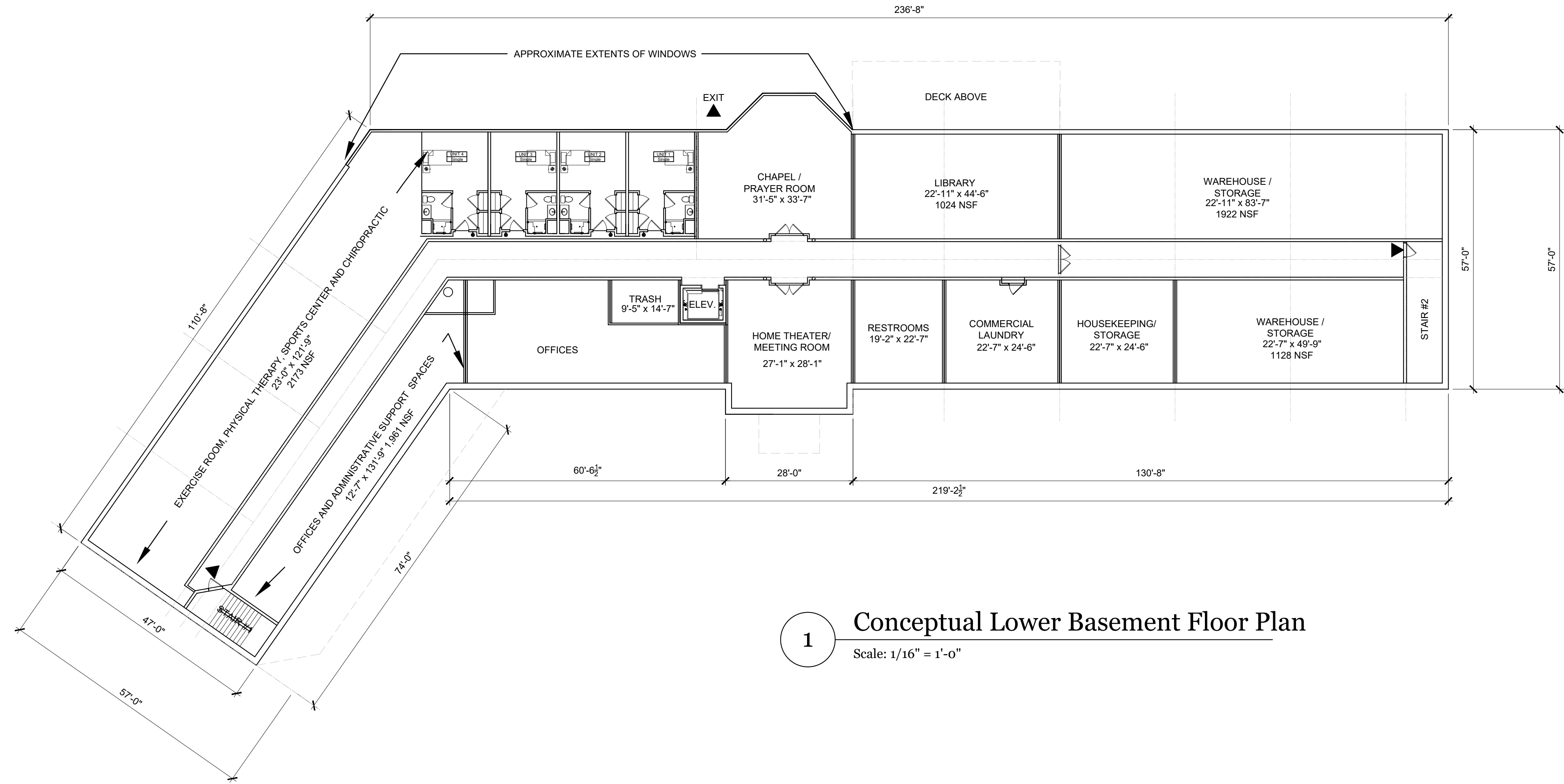
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NORTHBOROUGH MA, 01532



Revisions

#	Date:



Assisted Living At:
39-43 King Street
Northborough, MA

Conceptual Lower Basement Floor Plan
Scale: 1/16" = 1'-0"
Date: 9/7/2021
Drawn By: DMS Team

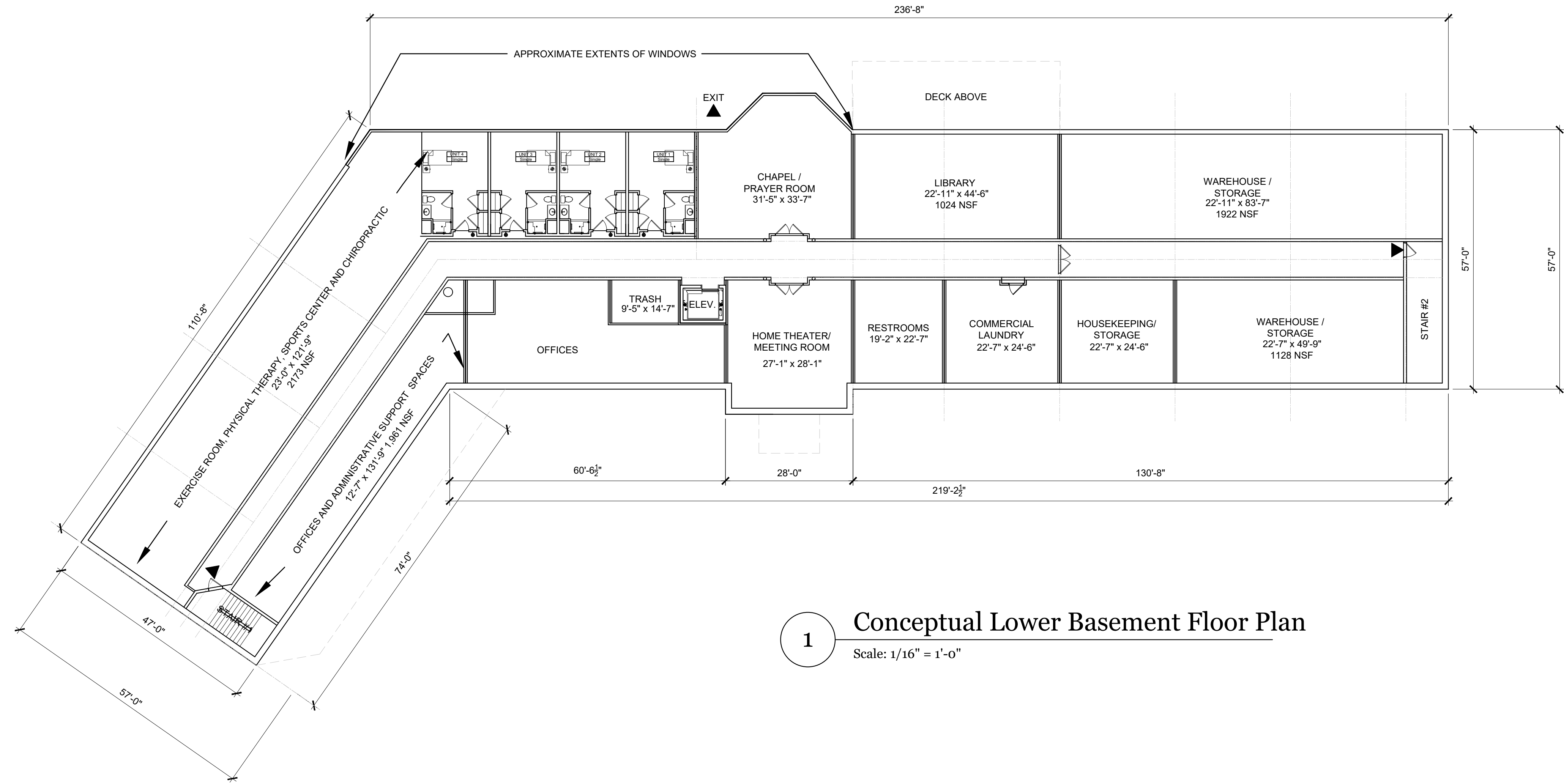
DMS design, llc
Architecture & Interior Design
100 Cummings Center, Suite 339C
Beverly, MA 01915
Phone: 978-965-3470
Fax: 866-513-5573

A2



Revisions

#	Date:

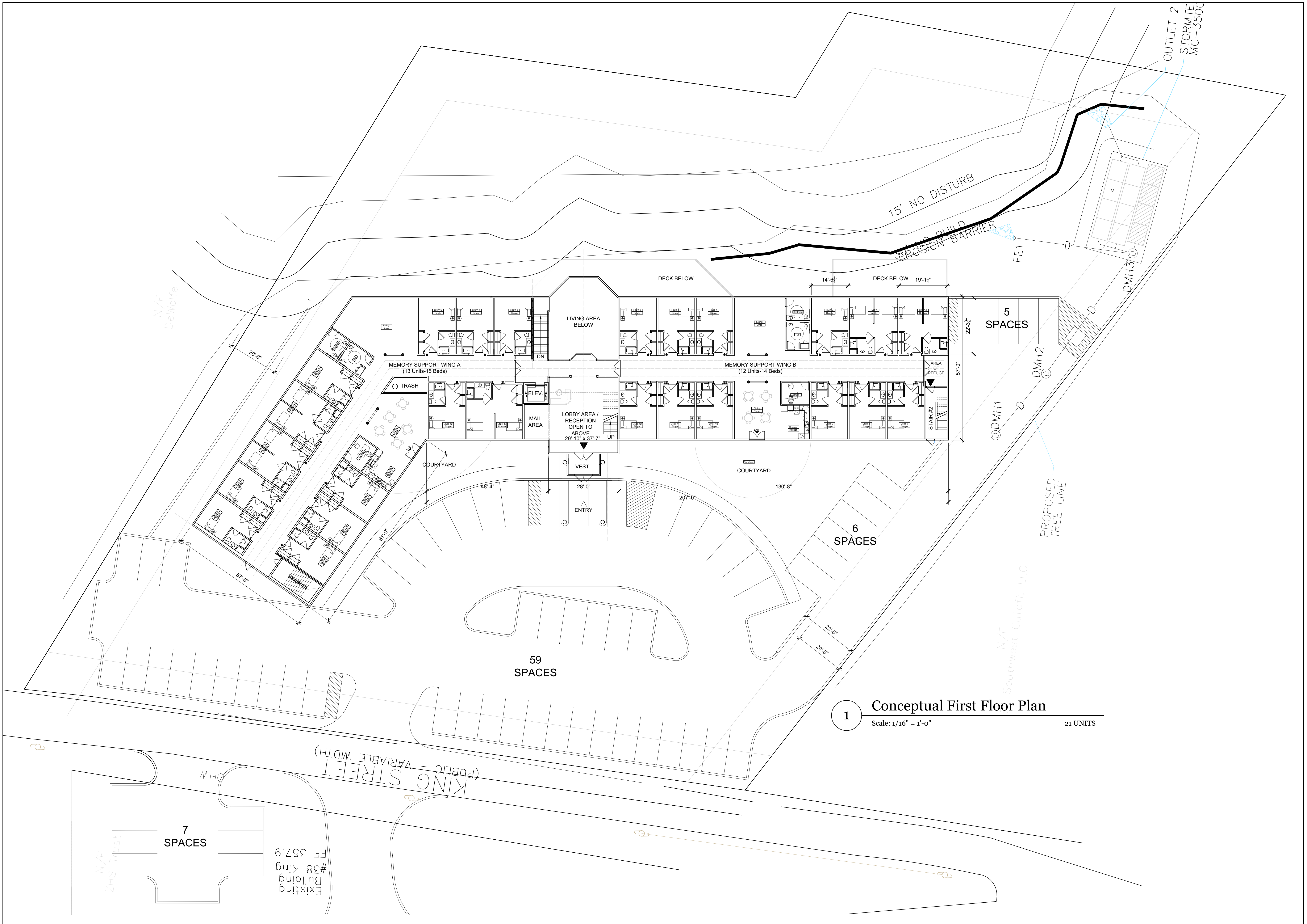


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Assisted Living At:
39-43 King Street
 Northborough, MA

Conceptual Lower Basement Floor Plan
 Scale: 1/16" = 1'-0"
 Date: 9/7/2021
 Drawn By: DMS Team

A2



1 Conceptual First Floor Plan
 Scale: 1/16" = 1'-0" 21 UNITS



Revisions	
#	Date:

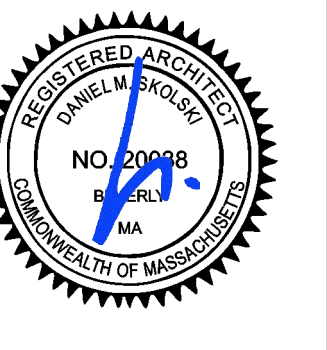
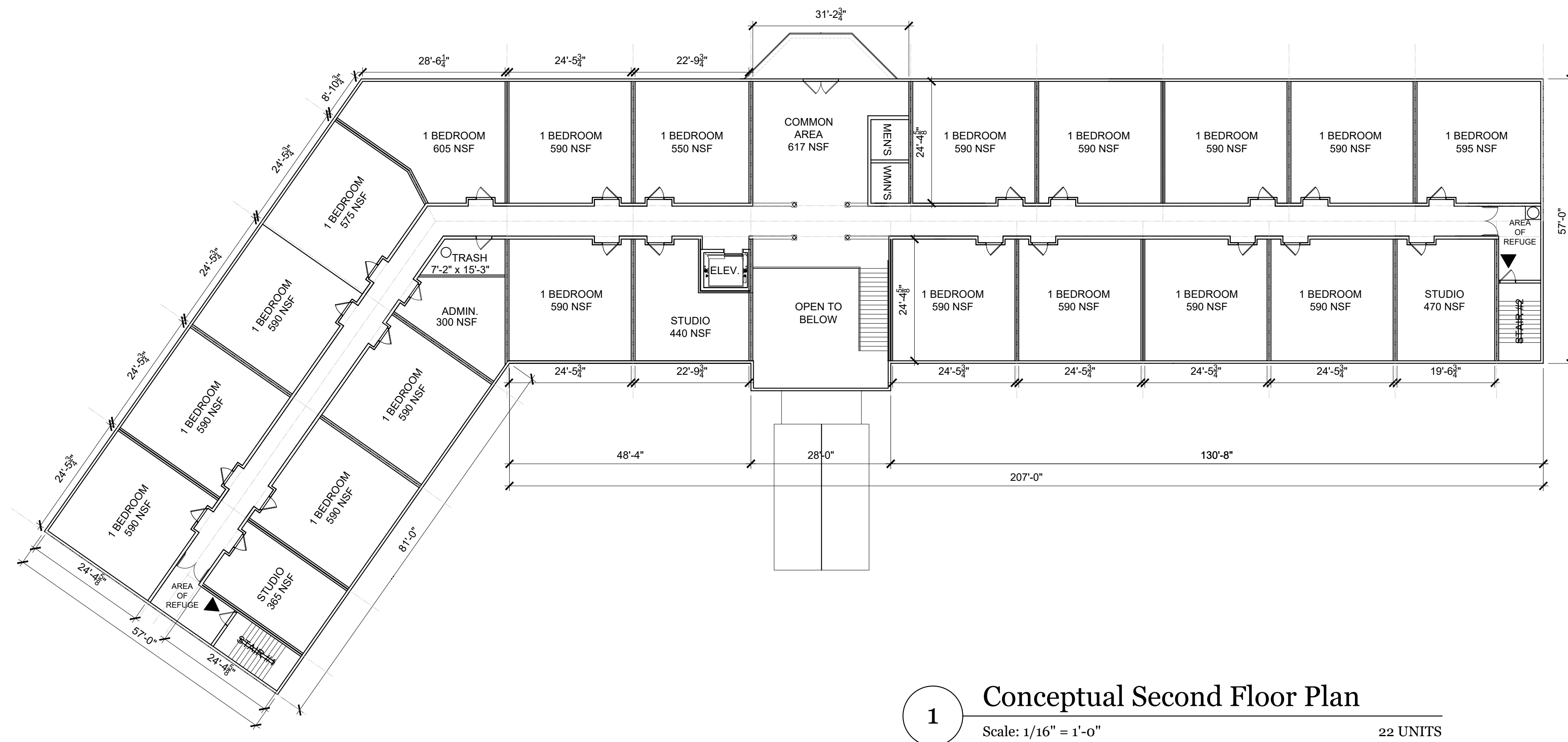
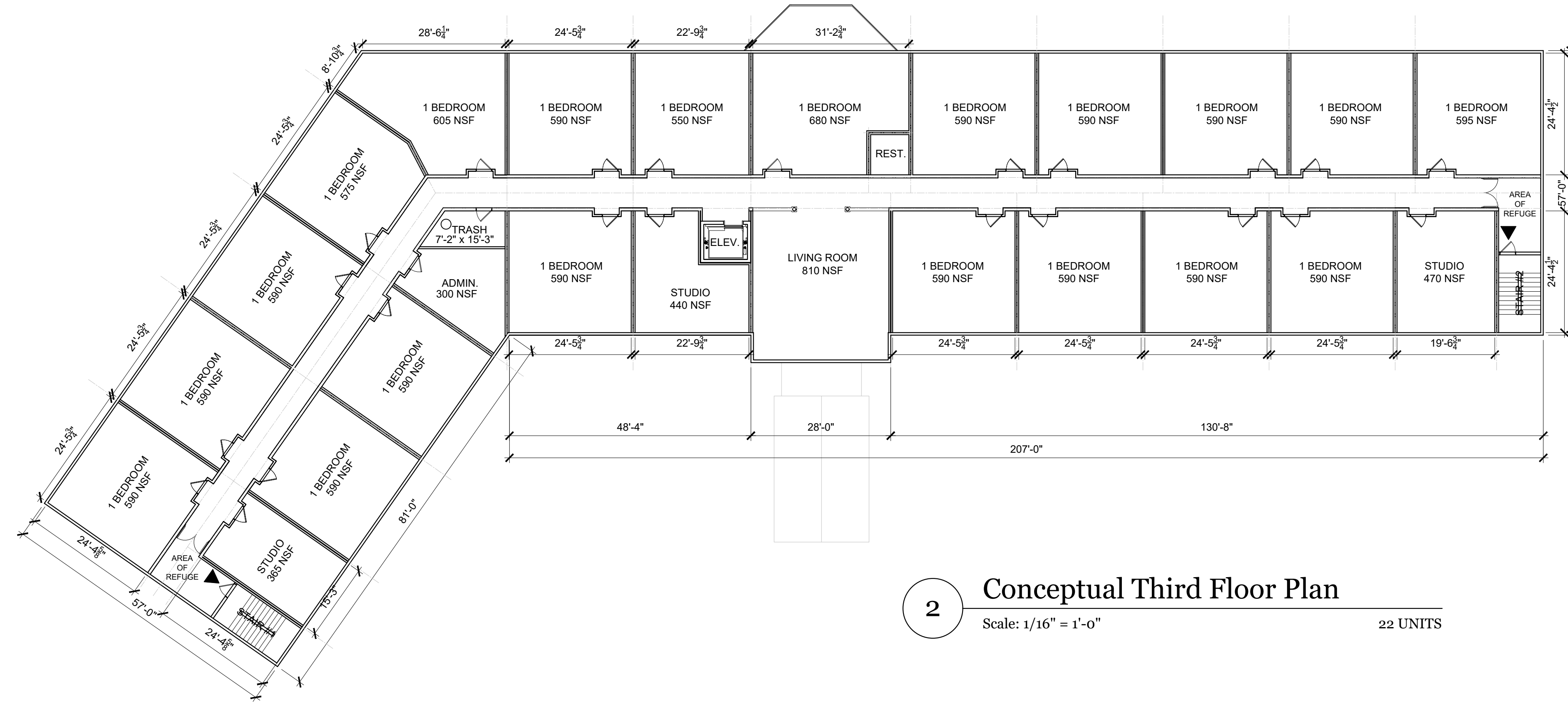
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Assisted Living At:
39-43 King Street
 Northborough, MA

Conceptual First Floor Plan
 Scale: 1/16" = 1'-0"
 Date: 9/7/2021
 Drawn By: DMS Team

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C:\Users\SShera\Dropbox (DMS Design, LLC)\Value Max Rashid Shah\Assisted Living-Northborough, MA\03 - Schematic Design\Floor Plans.dwg 9/7/2021



Revisions

#	Date:

DMS design, llc
 Architecture & Interior Design
 100 Cummings Center, Suite 339C
 Beverly, MA 01915
 Phone: 978-965-3470
 Fax: 866-513-5573

Assisted Living At:
39-43 King Street
 Northborough, MA

Conceptual
 Second Floor Plan
 Third Floor Plan
 Scale: 1/16" = 1'-0"
 Date: 9/7/2021
 Drawn By: DMS Team

A4