



# TOWN OF NORTHBOROUGH Zoning Board of Appeals

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

## DECISION

**ZBA CASE NO. 20-01**

**PROPERTY LOCATION: 440 Green Street**

**PETITIONER and PROPERTY OWNER: Cindy and Tom Beals**

**Recorded with the Worcester District Registry of Deeds: Bk: 15577, Pg.: 364**

This document is the **DECISION** of the Northborough Zoning Board of Appeals to consider the Appeal of Cindy Beals from a zoning enforcement order issued by the Inspector of Buildings/Zoning Enforcement Officer on August 29, 2019 in accordance with Section 7-03-080 of the Northborough Zoning Bylaw. The Applicant is appealing the enforcement order which directs the Applicant to comply with Section 7-05-010F of the Northborough Zoning Bylaw. This section does not allow the storage, parking or placement of unregistered motor vehicles which are unfit for use, permanently disabled or have been dismantled unless they are wholly contained within a building or in an area unexposed to the view of the public and abutters. The Applicant currently has on their property located at 440 Green Street, Map 11, Parcel 6, in the Residential A District displays of antique farm equipment; construction equipment with associated parts; and motor vehicles that are unregistered and therefore are not an allowed use.

## APPLICATION

1. On November 27, 2019, the Applicant filed with the Town Clerk an Application for the petition of Cindy Beals for an Appeal of the zoning enforcement order, to allow the current residential use on the site, with storage; displays of antique farm; construction equipment and associated parts; and motor vehicles that are unregistered and therefore are not an allowed use, on the property located at 440 Green Street, Map 11, Parcel 6, in the Residential A District.
2. Notice of the public hearing was duly published in "THE WORCESTER TELEGRAM & GAZETTE" on January 6, 2020 and January 13, 2020; and was mailed to abutters and other parties in interest on January 3, 2020.

## EXHIBITS

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

Application for Hearing before the Zoning Board of Appeals, including:

- a. A Zoning Interpretation Request Form for 440 Green Street, submitted by Applicant Cindy Beals and signed by Robert J. Frederico, Inspector of Building/Zoning Enforcement Officer, on 11.1.19;

- b. A certified abutters list for parcels 300 feet from 440 Green Street, Northborough, MA, signed by Julie Brownlee for the Town of Northborough Board of Assessors, and a GIS Viewer Map of the site, both dated 9.19.19;
- c. A Quitclaim Deed for 440 Green Street, Northborough, MA 01532; recorded at the Worcester District Registry of Deeds on September 22, 1993; Book, Page 364;
- d. A letter from Cindy & Thomas Beals, 440 Green Street, Northborough, MA, 01532; 508.393.7402 T; dated November 13, 2019, to “To whom it may concerned”;
- e. An 8.5’ x 11’ color document entitled “Town of Northborough, MA,” Property Information, Property ID identified as 440 Green Street, Map 11, Parcel 06 dated July 24, 2019, and identified as “Green Street Drainage”;
- f. A 24” x 36” black and white plan identified as “Proposed Sewer Disposal System” , dated October 8, 2002, Sheet 1 of 1; prepared for Applicant Thomas Beals, for 440 Green Street, Northborough, MA; prepared by Connorstone Consulting Civil Engineers and Land Surveyors, 276 West Main Street, Northborough, Massachusetts, 01532; and
- g. Three color 10” by 8” inch photos of various areas of the subject property showing some vehicles.

## **HEARING**

Applicant Cindy Beals, along with her husband, Thomas Beals, presented the Appeal Application at a duly noticed public hearing of the Board on January 28, 2020, in Conference Room B of the Northborough Town Offices, 63 Main Street, Northborough, MA 01532. Public hearing Voting members Brad Blanchette, Chairman; Paul Tagliaferri, Richard Rand, Mark Rutan, Fran Bakstran; and Alternate member, Leslie Harrison, were present throughout the proceedings.

Ms. Beals stated she is seeking an appeal of the enforcement order which directs the Applicant to comply with Section 7-05-010F of the Northborough Zoning Bylaw, to allow the current residential use on their property including vehicle storage; displays of antique farm equipment; and construction equipment and associated parts, and motor vehicles that are unregistered and therefore are not allowed.

Ms. Beals read a letter she included in their Application, as follows:

*“Let me first introduce my self and my husband. We are Cindy and Tom Beals and live at 440 Green Street, Northborough, MA. My husband grew up in this home that was purchased from his mother in the early nineties. Recently we have had a complaint filed by Julianne Hirsh who resides in the neighborhood and lives about a ½ a mile from our home. I am assuming Ms. Hirsh travels past our home and thus notices out backyard and its contents. This area can be viewed from the street. Several of our antique tractors as well as a small antique dump truck are in view. This is not uncommon in our area due to our rural location. (We abut Davidian Bros. Farm, with Tougas Farm right around the corner.) Originally this collection*

*had been stored in a Quonset Hut on the property. (metal frame structure with a canvas covering.) This Quonset Hut collapsed due to the snow load that accumulated on it a few years ago. Recently we removed the remaining structure exposing the collection and contents. We have not had the funds to replace this structure but are making this area more presentable and to comply with the bylaws. This is an ongoing project. My husband and son have been in process of cleaning up the area and disposing of anything that is not necessary or in use. The remaining farm equipment, antiques, etc., will be managed in a way to conform with the zoning by-laws. Please allow us adequate time to rectify the problem. Thanks for your time and attention with this matter.”*

Ms. Beals stated they have a collection of antique tractors and miscellaneous construction equipment. Some materials and vehicles have been removed since the Application was submitted. She noted their intent was to have it all in an enclosure, (a 20-foot by 35-foot Quonset Hut), and/or behind the fence. Due to snowstorms, the Quonset Hut was damaged and they have not repaired it yet.

At the inquiry of the board members and staff, Ms. Beals stated there is an antique tractor and two pick-up trucks that are not registered; and several vehicles and trailers do have plates.

Ms. Harrison stated there is an option to register the vehicles.

In response to a question from Mr. Tagliaferri regarding the site, Mr. Beals stated it is 1.83 acres.

Bob Frederico, Building Inspector/Zoning Enforcement Officer, stated the original complaint regarding the property was from Julianne Hirsh in August 2019. He noted the Applicant has cleaned-up the site and the intent is to fence-in, or house, the equipment.

Mr. Beals stated their intent is to install a fence that will shield the equipment so that it is not visible from the street or the neighbors. He explained that forty-five feet of temporary fence is in place now; and proposed fencing will be placed along the left side, and parallel to, Green Street.

Mr. Beals noted they will not be adding to the collection.

Mr. Blanchette confirmed with Mr. Frederico that the unregistered vehicles are the issue.

Michael Pannell, 318 Green Street, stated he enjoys seeing the old farm equipment and it is no impact to him. He noted minimum remediation is all that should be required.

Nancy Harlan, 1 Smith Road, stated she drives and walks by the site and it has been unsightly, but effort has been made by the owner to clean it up, and it looks better.

Julianne Hirsh, 19 Smith Road, expressed concern with possible environmental impacts of the vehicles to the groundwater.

No other person spoke in opposition to the Application, and the board received no letters in opposition of the Application.

The hearing was closed on January 28, 2020.

## **FINDINGS OF FACT**

1. The subject property at 440 Green Street is in the Residential A District, and the use on the site is residential, with storage, displays of antique farm and construction equipment, and associated parts.
2. In the Residential A District, the use of unregistered vehicles are not allowed per Section 7-05-010F, Use Regulations, General Provisions, Unregistered motor vehicles, which are unfit for use, permanently disabled or have been; or dismantled or otherwise inoperative, shall not be stored, parked or placed upon any land in the town unless wholly contained within a building or an area unexposed to the view of the public and abutters or in an area properly approved for the keeping of the same by the same junk dealers, of the Northborough Zoning Bylaw.
3. Two pick-up trucks on the site are not registered.
4. Motor vehicles that are unregistered are not allowed on the site.
5. Several vehicles and trailers on the site are registered.
6. The subject collections were stored in a Quonset Hut on the property, but it collapsed due to the snow load that accumulated on it a few years ago.
7. The Applicants have not had the funds to replace the Quonset Hut, but are working on the subject area to make it more presentable and to comply with the Zoning Bylaws.
8. The Applicants are in the process of cleaning up the area and disposing of anything that is not necessary or not in use.
9. The Applicants intend to install a fence that will sufficiently screen the collection. In addition, 45-feet of temporary fence is proposed to be placed along the left side, and parallel to, Green Street.
10. The Applicants noted they will not be adding to the-collection.
11. Mr. Blanchette confirmed with the Applicant that three unregistered vehicles are located on the property.

## **DECISION**

1. **On January 28, 2020**, after due consideration of the **Appeal**, the Board voted unanimously to deny the Applicant's appeal and to support the Building Inspector's determination that the two subject trucks are not registered and therefore are not allowed on the site located at 440 Green Street, Map 11, Page 6, per Section 7-05-010F of the Northborough Zoning Bylaw.
2. In addition, the Board added the condition that the proposed screening shall be in place within 6 months of the date of this **Decision**.

**TOWN OF NORTHBOROUGH, MASSACHUSETTS  
ZONING BOARD OF APPEALS**

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**BRAD BLANCHETTE, CHAIRMAN**