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TOWN OF NORTHBOROUGH Zoning Board of Appeals

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Northborough Zoning Board of Appeals

Zoom Meeting Minutes

November 28, 2023

Approved March 26, 2024

In accordance with the provisions of MGL Chapter 40A, Section 9, the Northborough Zoning Board of Appeals held a meeting on Thursday, November 28, 2023 at 7pm to consider the application below. Pursuant to Chapter 2 of the Acts of 2023, An Act Relative to Extending Certain COVID-19 Measures Adopted During the State of Emergency, signed into law on March 29, 2023, this meeting was conducted via remote participation. No in-person attendance by members of the public was permitted.

Members (Remotely): Paul Tagliaferri, Chair; Fran Bakstran, Suzy Cieslica, Mark Rutan, Brad Blanchette; Jeff Gribouski, Alternate.

Staff (Remotely): Laurie Connors, Planning Director; Robert Frederico, Zoning Enforcement Officer and Building Inspector.

Continuation of the consideration of the petition for a Variance, submitted by Om Shri Jagadamba LLC, for relief from the requirement to submit a Disposal Works Construction Permit issued by the Board of Health with a building permit application to allow reconstruction of the structure on the property located at 27 Belmont Street, Map 109, Parcel 20, in the Highway Business Zoning District and Groundwater Protection Overlay District Area 2.

Ms. Connors said the Applicant intends to withdraw the application as he intends to submit a septic plan to the Board of Health for approval, but since this has not yet been done, he is asking for a continuance without testimony to January. Mr. Frederico confirmed. Mr. Rutan made a motion to continue to January 23, 2024 at 7pm. Ms. Bakstran seconded the motion. Roll call vote followed, all were in favor.

Discussion regarding the request from David Cooley to reopen the public hearing and possible decision for 129 Maple Street for a Special Permit to reconstruct a nonconforming structure destroyed by fire, Special Permit for use in a Groundwater Protection Overlay District, and Site Plan Approval for a proposed five-unit, 4600-square foot multifamily structure and associated site work on the property located at 129 Maple Street, Map 52, Parcels 17/18/29 in the Residential C Zoning District and Groundwater Protection Overlay District Area 2.

Chair Tagliaferri noted a letter dated November 8, 2023 was received from the Applicant's Attorney which requested that the case be reopened.

Ms. Connors said the Attorney believed some of the information discussed during the deliberation was incorrect; he was present and wanted to speak to that, he could identify the statement he believed was incorrect but could only correct it in an open public hearing.

The Chair said the Board must decide if the public hearing should be reopened or if Board felt there was sufficient information to deliberate the case that evening.

Mr. Blanchette felt it was unnecessary to reopen the public hearing; the Applicant has had ample time to present his case, and he didn't believe there was any new information to be presented.

Ms. Bakstran said that the Attorney is saying the Board deliberated on information that he believed to be factually incorrect. She felt the Board should hear that and then determine if the public hearing should be reopened or not.

Mr. Rutan was agreeable to reopening the public hearing and having the discussion with the Attorney in an open forum, the Applicant has gone through considerable expense.

Ms. Cieslica felt that reopening the public hearing would set a dangerous precedent. Ms. Bakstran said that precedent had already been set; a public hearing had recently been reopened by the ZBA.

Chair Tagliaferri noted that the draft decisions forwarded to the Board from Ms. Connors had been reviewed by Town Counsel. He went over the findings of fact as listed in the decisions. He stated that his reason for denial was that the original 1850 style farmhouse was roughly 3900 sf and that the proposed structure is 2-3 times larger, with units ranging from approximately 780 sf to 1,600 sf. He felt that approval of the project would set a bad precedent for any sort of pre-existing non-conforming use or structure.

Ms. Bakstran said the proposal was for a five-unit rental property; it is a bigger building with larger units which sits on a site that is larger due to the consolidation of lots. She didn't agree that a larger structure is detrimental to the neighborhood, it is a different style of rental property that is more current, modern, and desirable. She noted that densely populated housing is a need in the state and the country. She felt the size of the five-unit, townhouse structure did not warrant a denial just because the proposed size is larger than what was pre-existing non-conforming.

Chair Tagliaferri stated that the Zoning Bylaws are clear in terms of multi-family being prohibited within the residential zone. The Applicant can rebuild the same size within the same footprint and still provide affordable one-bedroom units.

Ms. Cieslica said she was in agreement with all the statements made by the Chair. She agreed with Ms. Bakstran regarding the need for more housing but said it was not appropriate in that area of the town.

Mr. Blanchette made several comments as to why he did not support the proposal; both the town and the neighborhood were not in support, that area does not allow for multi-family homes, and that no affordable housing was proposed by the Applicant.

Mr. Rutan said he felt that the reason why it hasn't been reconstructed is because it wasn't economical. They either have a derelict building which exists as a hazard and detriment to the neighborhood, or they can propose other solutions. Mr. Cooley's proposal was reasonable and a reflection of what can be built in today's economics.

There were no further comments.

Mr. Rutan made a motion to waive Planning Board Rules and Regulations Section 7.2C(4) relative to the locus plan. Ms. Cieslica seconded. Roll call vote followed, all were in favor.

Mr. Rutan made a motion to waive Planning Board Rules and Regulations Section 7.2D(1) relative to the Development Impact Statement. Ms. Bakstran seconded. Roll call vote followed, all were in favor.

Mr. Rutan made a motion to grant a Special Permit for nonconforming, multifamily use in a Groundwater Protection Overlay District in accordance with Zoning Bylaw Section 7-07-010D.(3)(b)[1 & 2], Findings of Fact 1-10 and Conditions of Approval a-k. Ms. Bakstran seconded. Roll call followed, all were in favor.

Mr. Rutan made a motion to grant a Special Permit with Site Plan Approval to reconstruct a nonconforming preexisting multifamily structure destroyed by fire at 129 Maple Street in accordance with Zoning Bylaw Section 7-08-020(A & B), Section 7-08-060A.(3) and Section 7-03-050A(2) in accordance with Findings of Fact 1-13. Ms. Bakstran seconded. Roll call vote was as follows: Mr. Rutan-aye; Ms. Bakstran-aye; Mr. Blanchette-nay; Ms. Cieslica-nay; Chair Tagliaferri-nay.

OLD/NEW BUSINESS

Consideration of Minutes from September 5—Mr. Rutan made a motion to approve the minutes from September 5 as submitted. Mr. Blanchette seconded. Roll call vote was as follows: Mr. Rutan-aye; Mr. Blanchette-aye; Mr. Gribouski-aye; Ms. Cieslica-aye; Chair Tagliaferri-aye (Ms. Bakstran was absent).

Consideration of Minutes from September 26—Mr. Rutan made a motion to approve the minutes from September 26 as submitted. Ms. Bakstran seconded. Roll call vote was as follows: Mr. Rutan-aye; Ms. Bakstran-aye; Mr. Blanchette-aye; Ms. Cieslica-aye; Chair Tagliaferri-aye.

Hearing Schedule--Mr. Rutan made a motion to cancel the December 26th ZBA meeting. Ms. Bakstran seconded the motion. Roll call vote followed, all were favor.

MPIC Update--Chair Tagliaferri asked if Ms. Bakstran was still a part of the Master Plan Implementation Committee (MPIC). Ms. Bakstran said she was a representative of the Council on Aging. She provided an update; Weston and Sampson will be presenting a Downtown Revitalization Plan to the Select Board who will then make decisions on prioritizing some of the recommendations, and that the Planning Board will be tasked with creating or changing zoning amendments to accommodate some of those priorities.

Fire Station Building Committee—Ms. Connors said the Fire Station Building Committee had invited the Design Review Committee and the MPIC to attend their next meeting.

ATM 2024 Proposed Zoning Amendments—Chair Tagliaferri wanted to continue the practice of having a joint meeting with the Planning Board for the purpose of providing input for the proposed zoning amendments being discussed at the next Town Meeting. Ms. Connors suggested late January or early February was best; at that point, they should know all the articles they plan to present.

Ms. Bakstran made a motion to adjourn the meeting. Mr. Rutan seconded the motion. Roll call vote followed, all were in favor.

The meeting was adjourned at 8:06pm.

Respectfully Submitted by
Michelle Cilley, ZBA Board Secretary