

Town of Southborough
BOARD OF APPEALS
SOUTHBOROUGH, MASSACHUSETTS 01772

9 CORDAVILLE ROAD
SOUTHBOROUGH, MASSACHUSETTS 01772-1662
508-485-0717 ext. 1

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2021 MAY 26 P 4: 24 *AMB*

James F. Hegarty
Town Clerk
Town House
17 Common Street
Southborough, Massachusetts 01772

May 26, 2021

Notice of Decision of an Application for a Special Permit

Property Address: 325 Turnpike Road, Southborough, MA 01772; Map 26, Lots 10 and 2

Appellants: Ken's Foods, Inc, One D'Angelo Drive, Marlborough, MA 01752

Application Filed: March 11, 2021
The Board opened the Public Hearing on April 21, 2021 at 7:00 P.M. in a virtual meeting through Zoom with regard to the petitions for the appellants for the following:

Petition: Special Permit to allow the expansion of the existing building to exceed 50,000 square feet for the allowed and previously permitted purpose of wholesale distribution, storage and manufacturing in the Industrial Park and Residential A Districts. Relief is requested under Section 174-9, 174-25 (A) (2) and 174-8.6 (C) (1).

Public Hearing: April 21, 2021 at 7:00 P.M. and May 19, 2021 at 7:15 P.M.
Virtual Meeting through Zoom

Sitting as a Board: David Williams, Chair
Doris Cahill
Paul Drepanos
Michael Robbins
Craig Nicholson

For the Appellants: Ken's Foods, Inc, Applicant
One D'Angelo Drive
Marlborough, MA 01752

James Bourne, Ken's Foods Inc. Site Supervisor
One D'Angelo Drive
Marlborough, MA 01752

Procedural History:

1. An application for a Special Permit was filed in the Office of the Southborough Building Department on March 11, 2021.
2. The application for the Special Permit is to allow the expansion of the existing building to exceed 50,000 square feet for the allowed and previously permitted purpose of wholesale distribution, storage and manufacturing in the Industrial Park and Residential A Districts. Relief is requested under Section 174-9, 174-25 (A) (2) and 174-8.6 (C) (1).
3. The record owner of the subject property is Ken's Foods, Inc, One D'Angelo Drive, Marlborough, MA 01752.
4. A public hearing before the Zoning Board of Appeals was duly noticed in the MetroWest Daily News on Wednesday April 7, 2021 and April 14, 2021.
5. The Public Hearing opened on March 17, 2021 and was continued to May 19, 2021.
6. The public hearing was closed on May 19, 2021.

Plans/Documents:

1. Certified Copy of Abutters List.
2. Public Hearing Notice for publication in the MetroWest Daily news on 4/7/2021 and 4/14/2021.
3. Billing Authorization Form for Gatehouse Media.
4. Worcester South District Registry of Deeds Electronically Recorded Document Number 37870 – Notice of Decision on Application for Variance dated April 3, 2019.
5. Notice of Decision for an Application for a Special Permit & Variance dated July 3, 2016.
6. Notice of Decision for a Special Permit Application dated November 12, 2015.
7. Notice of Decision for a Special Permit Application dated October 1, 2014.
8. Petition of Western Electric Company Findings of Fact and Decision dated August 4, 1970.
9. Warehouse expansion floor plans dated February 19, 2021.
10. Warehouse Expansion Special Permit Plan dated February 19, 2021.
11. Letter to Southborough ZBA from William Pezzoni, Esq. re: Special Permit Modification – 325 Turnpike Road, Southborough, MA dated March 9, 2021.
12. Letter from Doris Cahill to Katie Barry re: Ken's Foods Plans dated March 25, 2021.
13. Letter from Deborah DeMuria and Kevin Farrington to the ZBA re: Comments to Ken's Foods Special Permit Application of March 11, 2021, to the ZBA dated April 19, 2021.
14. Letter from Marnie Hoolahan to ZBA re: Comments to Ken's Foods Special Permit Application of March 11, 2021, to the ZBA dated April 20, 2021.

15. Letter from Heather Alker, Interim Public Health Director, and Mary Lou Woodford, Chair Board of Health, to the ZBA dated May 18, 2021.
16. Letter from Marc Wallace, QEP, INCE, to David Williams re: David Coate Consulting Ken's Food Facility Noise Analysis – Sound Study Peer Review dated May 18, 2021.
17. Letter from Debbie DeMuria to ZBA re: Comments on Ken's Foods Special Permit Application of March 11, 2021 dated May 18, 2021.
18. Letter from Nathaniel Stevens, Esq. to ZBA re: 325 Turnpike Road (Ken's Foods, Inc.) – Application for Special Permit Our File No. 2984.

Findings:

1. The proposal constitutes a Special Permit under the Town of Southborough Zoning Bylaw.
2. The property is located in the Industrial Park and Residential A Districts.
3. The applicant is seeking to allow the expansion of the existing building to exceed 50,000 square feet for the allowed and previously permitted purpose of wholesale distribution, storage and manufacturing which requires a Special Permit from the Zoning Board of Appeals.
4. The addition on the east side of the property at 325 Turnpike Road will not adversely affect the town or the vicinity. The petitioner has described the addition on the east side as resulting in no increase in activity, traffic or noise.
5. The relief requested is not substantial, is allowed by special permit and will have no impact on parking or incoming or exiting traffic. The petitioner described less traffic at the location due to the increase in storage capacity resulting in less truck trips from their Marlborough site to this location.
6. There were objections from the public regarding noise complaints on the west side and truck traffic off of Route 9. The Board found the noise and truck traffic issues to be irrelevant to this petition.
7. The Board found the proposed addition is in harmony with the intent of the bylaw.
8. The Board agreed to send a memo of concerns to the Planning Board to include noise on the west side and monitoring of truck traffic.

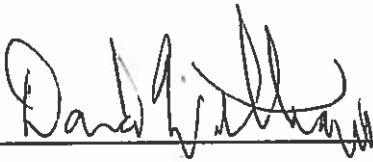
Decision and Vote of the Board:

At its meeting on May 19, 2021, the Zoning Board of Appeals voted unanimously (5-0-0) to grant the Special Permit pursuant to Section 174-9, 174-25 (A) (2) and 174-8.6 (C) (1) to Ken's Foods, Inc. to expand the existing building to exceed 50,000 square feet for the allowed and previously permitted purpose of wholesale distribution, storage and manufacturing in the Industrial Park and Residential A Districts.

After review of all evidence and facts presented at this hearing, and after deliberation of the same, the Board voted unanimously (5-0-0) on a motion made by Mr. Nicholson and seconded by Mr. Drepanos, with members voting by roll call as follows to grant the requested Special Permit:

| | |
|----------------|-----|
| David Williams | Aye |
| Doris Cahill | Aye |

| | |
|-----------------|-----|
| Paul Drepanos | Aye |
| Michael Robbins | Aye |
| Craig Nicholson | Aye |



David Williams, Chair

Signing on behalf of the Zoning Board of Appeals

**** NOT VALID FOR RECORDING UNTIL CERTIFIED BY THE TOWN CLERK OF SOUTHBOROUGH ****

In accordance with Sec. 11 of Ch. 40A of Massachusetts General Law, I hereby certify that twenty (20) days have elapsed after the within decision was filed in the office of the Southborough Town Clerk, and that no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied.

Attest: _____

Date: _____

James F. Hegarty, Town Clerk
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