

Town of Southborough
BOARD OF APPEALS
SOUTHBOROUGH, MASSACHUSETTS 01772

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James F. Hegarty
Town Clerk
Town House
Southborough, MA 01772

November 14, 2018

Notice of Decision for an Application for a Special Permit

Property Address: 154-156 Northboro Rd. Map 70 Parcel 2; Recorded Worcester Registry of Deeds Book 44802 Page 166 ("premises")

Appellants: Mr. Joel Aho, 438 Massachusetts Ave. Apt. 323, Arlington, MA. 02474

Application Filed: January 30, 2018
The Board opened the public hearing on February 28, 2018 at 7:15pm in the Public Meeting Room of Southborough Town Hall with regard to the petition for the appellants for the following:

Petition: Special Permit request is to allow for more than one principal permitted use pursuant to section 174-8 (2), private garages pursuant to section 174-8.6 C(10) and light manufacturing pursuant to section 174-8.6 C (11).

Sitting as a Board: Craig Nicholson, Chairman
Andrew R. Dennington
David Williams
Debbie DeMuria
Michael Robbins

For the Appellants: Mr. Joel Aho
438 Massachusetts Ave. Apt 323
Arlington, Ma. 02474

Mr. Christopher Alphen, Esq.
Blatman, Bobrowski & Haverty, LLC.
9 Damonmill Square
Concord, Ma. 01742

Mr. Paul Kirchner
Stamski and McNary
1000 Main St.
Acton, Ma. 01720

Procedural History:

1. An application for a special permit was filed in the Office of Southborough Building Department on January 30, 2018.
2. The application for a special permit to allow for more than one principal permitted use pursuant to sec. 174-8 C (2), private garages pursuant to sec. 174-8.6 C (10) and light manufacturing pursuant to sec. 174-8.6 C (11).
3. The record owner of the subject property is Nu-Yankee, LLC, 171 Locke Drive, Suite 114, Marlborough, MA.
4. A public hearing before the Zoning Board of Appeals was duly noticed in the Metro West newspaper on both Wednesday, February 14, 2018 and February 21, 2018.
5. Public Hearing for the special permit application opened on February 28, 2018 and continued until March 28, 2018, June 20, 2018, August 29, 2018, September 19, 2018 and the public hearing closed on October 17, 2018.

Plans / Documents:

1. An authorization letter from current owner, Nu Yankee, LLC, dated October 16, 2017.
2. Copy of quitclaim deed dated 9/3/2009, Book: 44802, Page: 166.
3. Letter from the Building Commissioner / Zoning Enforcement Officer Mark Robidoux to Mr. Aho dated January 17, 2018.
4. Partial copy of Purchase and Sale Agreement between Marcello Mallegni, Nu Yankee, LLC and Joel Aho dated June 12, 2017.
5. Town of Southborough expired special permit and variance decision dated August 21, 2008, Mountain View Park, LLC, 0 Northboro Rd.
6. Letter from Mr. Christopher J. Alphen, Esq., dated February 27, 2018, Applications for Special Permits and Variances 154-156 Northboro Rd. a/k/a 0 Northboro Rd. received at open public meeting on February 28, 2018.
7. Site Plan 154-156 Northboro Rd. latest revision October 11, 2018 by Stamski & McNary, Inc. 1000 Main St., Acton, MA. 01720, received by the board on October 16, 2018.
8. Letter from Mark Bobrowski, Esq., Protocol for New Tenants, dated August 23, 2018, received by the board on October 16, 2018.
9. Architectural plans by Boston Design Partners created December 28, 2017 with latest revision date September 28, 2018 received by the board on October 16, 2018
10. A copy of Town of Southborough Conservation Commission approval dated April 23, 2018 to grant a one year extension of storm water permit.

11. Letter from Town of Southborough Board of Health dated August 23, 2018, received by the board on September 11, 2018.
12. Town of Southborough Assessor's property card dated January 24, 2018.
13. Southborough certified abutters list dated January 8, 2018 as well as City of Marlborough abutters list dated February 7, 2018.
14. Google maps aerial views

Findings:

1. The proposal constitutes a request under the Town of Southborough Zoning Bylaw for a Special Permit for more than one principal permitted use pursuant to sec. 174-8 C (2).
2. The property is located in the Industrial park, IP zoning district.
3. The applicant is proposing construction of 1 building to include a centrally located mezzanine with offices A, B and C as well as (10) ten garage bays on either side of the mezzanine for a total of (20) twenty garage bays as depicted on site plan dated May 11, 2018 with latest revision dated October 11, 2018

Decision and Vote of the Board:

At its meeting on October 17, 2018, the Zoning Board of Appeals voted unanimously (5-0), to grant the special permit to allow more than one principal use pursuant to sec. 174-8 C (2), private garages pursuant to sec. 174-8.6 C (10) and light manufacturing pursuant to sec. 174-8.6 C (11) with conditions.

After review of all evidence and facts presented at this hearing, and after deliberations on the same, voted unanimously (5-0) on a motion made by Mr. Dennington, seconded by Mr. Williams, with member voting as follows to approve the special permit with the following conditions:

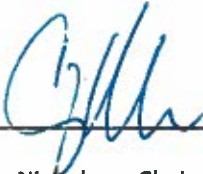
1. The applicant consult with the Planning Board with respect to appropriate screening for exterior storage; and the requirements specified in the "Protocol for New Tenants" memo by Mark Bobrowski, Esq. dated August 23, 2018 are incorporated into this decision as follows:
 - a. All uses will conform to the following definitions: Office – space or rooms used for professional, administrative, clerical and or similar uses. Storage – storage of inactive items, including but not limited to automobiles, boats, tools, construction trade products, raw materials and or manufacturing goods. Private garage – parking and storage of vehicles and or boats. Light manufacturing – processing, fabricating, assembly, packaging and or treatment of items taking place wholly within an enclosed building. Light manufacturing includes scientific research and development, including manufacturing, instruction and other activities clearly incidental thereto, and distribution of inactive items, including but not limited to automobiles, tools, construction trade products, raw materials and or manufactured goods.
 - b. Landlord acknowledges that the Building Inspector and first responders require information regarding the use and occupancy of the units on the premises in order that they may safely conduct inspections and address emergencies. Accordingly when a new tenant enters into a lease and takes possession of a unit in the premises, the landlord shall within thirty days thereafter, provide to the

Building Inspector information about the nature or type of the business, including manager's name, emergency contact information, number of employees and number of vehicles expected to park regularly on the property.

- c. This information shall include reasonable photographic evidence to depict the ongoing nature or type of business being conducted within the premises. The photographs shall include: Any area storing hazardous or flammable materials regularly used in the business; storage areas for goods or vehicles; area devoted to light manufacturing, if any.
- d. When a tenant terminates a lease for a unit on the premises, the landlord shall provide written notice to the Building Inspector when the unit has been cleaned and all goods and materials have been removed.
- e. Subsequent tenants shall follow the same protocol as set forth above.

with member voting as follows to approve the special permit.

Craig Nicholson	Approve with conditions
Andrew Dennington	Approve with conditions
David Williams	Approve with conditions
Debbie DeMuria	Approve with conditions
Michael Robbins	Approve with conditions



Craig Nicholson, 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