



TOWN OF NORTHBRIDGE

ZONING BOARD OF APPEALS

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Approved on July 9, 2009

ZONING BOARD OF APPEALS

MINTUES OF MEETING

JUNE 11, 2009

This meeting was called to order at 7:00 P.M. by Chairman Thomas Hansson. Other members present were: Carol Snow, Sharron Ampagoomian, Diane Woupio, William Corkum, Stephen Witkus, Harold Hartmann, and newly appointed Associate Member Brett Simas. Also present was Brenda Ouillette, Administrative Assistant.

A motion was made by Stephen Witkus to approve of the minutes of May 14, 2009. Motion seconded by Harold Hartmann, the vote being unanimous.

Brett Simas did not vote on the minutes.

Reorganization of the Board

A motion was made by Sharron Ampagoomian to nominate Thomas Hansson as Chairman. The motion was seconded by Diane Woupio, the vote being unanimous.

A motion was made by Sharron Ampagoomian to nominate Carol Snow as Vice-Chairman. The motion was seconded by William Corkum, the vote being unanimous.

A motion was made by Diane Woupio to nominate Sharron Ampagoomian as Clerk. The motion was seconded by Thomas Hansson, the vote being unanimous.

Brett Simas did not participate in the vote.

Notice will be filed with the Town Clerk.

PUBLIC HEARING: 04-SP-09 LAURA A. LAVALLEE, APPLICANT

This hearing was held on the application of Laura A. Lavallee for a Special Permit pursuant to Article V, Section 173-12 of the Northbridge Zoning By-laws, Table of Use Regulations, in order to allow an accessory use to the existing residential use for an in-home hair salon and little girl's glamour and dress up parties.

The property, shown on Assessor's Map 16 as Parcel 6, is located at 824 Hill St., Whitisville, MA in a Residential-2 zoning district. The property is owned by Laura A. Lavallee.

Sharron Ampagoomian read the public hearing notice. Assigned to this hearing were: William Corkum, Carol Snow, Diane Woupio, Sharron Ampagoomian, and Thomas Hansson.

Ms. Lavallee was present and she stated that she would like to have an in-home salon for girls ages 4-12 as well as glamour and dress up parties. She will be converting a small bedroom at the rear of the house into the salon. The parking and entrance to the salon would be to the rear of the existing house. She would probably start out with being open just two days a week but eventually she would hope to have hours Wednesday thru Saturday 10:00 A.M. – 6:00 P.M. by appointment only. She will be doing little girls hair and nails as well as glamour parties. She stated that she is a licensed hairdresser licensed by the Board of Cosmetology and that the licensing board will have to approve the salon. She talked about signage and Mr. Hansson stated that she would be limited to what is allowed in a residential zoning district, not to exceed two square feet in surface area.

Member Sharron Ampagoomian raised issues with the layout of the house and a second means of egress as the salon will not have a separate exit to the outside. The salon will be off of the living area at the back of the main house. Ms. Ampagoomian stated that there was not enough information provided on the interior layout of the existing house to satisfy her concerns. Ms. Lavallee stated that it has to be approved by the licensing board and they may require another means of egress rather than the exit through the main house. Ms. Ampagoomian asked that a floor plan of the existing house be submitted for the record. Ms. Lavallee agreed to provide that information.

A letter dated May 26, 2009 was sent to the Zoning Board of Appeals by Norma A. Aldrich, abutter to the property. She expressed no objection with the Board granting the Special Permit but did request that the Board condition the permit to be exclusive to Laura Lavallee and terminate with the sale or rental of the property. A copy of the letter is on file.

Brian Saltiello, 806 Hill St., also an abutter to the property, stated that he had no objection, however should it become more viable or commercial he would like her to consider renting a commercial space. Chairman Thomas Hansson replied that if she wants to expand beyond the scope of the petition she would have to come back before the Board. Mr. Saltiello also asked that it be a condition that the Special Permit be granted exclusively to her and terminate with the sale or rental of the property.

Board Member William Corkum asked if everything would take place inside and Ms. Lavallee replied that there would be no outside activities.

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Ms. Ampagoomian asked how many sinks she would have. Ms. Lavallee replied that because of this particular age group of 4-12, one sink would probably be sufficient as most young children do not like their hair washed. Ms. Lavallee also stated that she only works with children. The number of sinks is mandated by the Licensing Board of Cosmetology.

The question was asked by Associate Member Brett Simas if she would ever imagine a time that she would not have enough parking. She replied that she has ample parking for 6-8 vehicles and most would be drop-off and pick-up. She has ample room for turn around also and a mirror at the end of her driveway that allows ample site distance to the upper side of Hill St.

Brian Saltiello asked Mr. Hansson what the scope of the petition was and what would the Board be allowing by granting this Special Permit. Mr. Hansson replied that should the Special Permit be granted, they would be allowing her to have dress-up parties and hair styling and nails for young girls out of her home Wednesday – Saturday 10 A.M. – 6 P.M. by appointment only.

A motion was made by Diane Woupio to close the public hearing and take the matter under advisement. The motion was seconded by William Corkum, the vote being 5-0 in favor.

After some discussion, Carol Snow made a motion to grant the Special Permit with the following conditions:

1. That the salon be approved by the State Licensing Board of Cosmetology and documentation of such shall be forwarded to the Building Inspector.
2. Hours of operation not to exceed Wednesday – Saturday 10:00 A.M. – 6:00 P.M. by appointment only.
3. The Special Permit is granted exclusively to the applicant, Ms. Laura Lavallee, and shall terminate with the sale or rental of the property.
4. No on-street parking.
5. All little girl's glamour parties shall be limited to the interior of the dwelling.
6. Signage not to exceed what is allowed in a residential area which is 2 sq. ft. in surface area.
7. That a floor plan of the existing house be submitted prior to the issuance of a Building permit/use permit.

Motion seconded by Diane Woupio, the vote being 5-0 in favor.

Carol Snow will write the decision.

PUBLIC HEARING: 05-SP-09 – DARREN & HAILEY VIOLETTE, APPLICANTS

This hearing was held on the application of Darren & Hailey Violette, 1665A Providence Road, Northbridge, MA for a Special Permit pursuant to Article IX, Section 173-30 A. (1) of the Northbridge Zoning By-laws, Extension and Alterations, in order to allow the removal of an existing 10 ft. x 16 ft. three season porch on a pre-existing, non-conforming structure and allow the construction of a 12 ft. x 16 ft. living room addition in the same location.

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The property, shown on Assessor's Map 21 as Parcel 263, is located at 1665A Providence Road, Northbridge, MA in a Residential-3 zoning district. The property is owned by Darren & Hailey Violette.

Sharron Ampagoomian read the public hearing notice. Assigned to this hearing were: Sharron Ampagoomian, Carol Snow, Diane Woupio, William Corkum and Thomas Hansson.

Present to discuss the application was Darren Violette. He stated that he would like to remove the 3 season porch that is presently there and replace it with a 12 ft. x 16 ft. addition. The new structure will be no closer to the back property line which abuts Riverdale Park but will extend an additional 2 ft. to the side. Currently he does not meet rear setback requirements.

No one spoke in opposition.

A motion was made by Diane Woupio to close the public hearing and take the matter under advisement. The motion was seconded by Sharron Ampagoomian, the vote being 5-0 in favor.

Board members agreed that the addition to the structure would not be substantially more detrimental than the existing nonconforming structure.

A motion was made by Carol Snow to grant the Special Permit to allow the construction of the 12 x 16 addition, motion seconded by Diane Woupio the vote being 5-0 in favor.

Diane Woupio will write the decision.

PUBLIC HEARING: 06-SP-09 – E.A. FISH DEVELOPMENT, APPLICANT

This hearing was held on the application of E.A. Fish Development, LLC for a Special Permit pursuant to Article V, Section 173-18 D. (2) of the Northbridge Zoning By-laws, Floodplain District use regulations, in order to allow the renovation of the Linwood Mill for residential and retail/commercial uses. The proposed activity is within a Floodplain District.

The property, shown on Assessor's Map 5 as Parcel 47, is located at 670 Linwood Avenue, Linwood, MA in an Industrial-1 zoning district. The property is owned by Linwood Mill, LLC, 1167-7 Providence Road, Whitinsville, MA.

Sharron Ampagoomian read the public hearing notice. Assigned to this hearing were: Sharron Ampagoomian, Diane Woupio, Carol Snow, William Corkum, and Thomas Hansson.

Notice of the Special Permit application was sent to the Board of Selectmen, Board of Health, Department of Public Works, the Building Inspector, Conservation Commission and the Planning Board. Written comments were received from all the departments prior to this meeting, copies of which are on file. Copies were provided to the applicant as well.

Mark Anderson, Heritage Design Group, presented the application. Also present was Matthew Mittelstadt, Director of E.A. Fish Development.

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Matt Mittelstadt gave a brief overview of the proposed project. The proposed “Linwood Mill Lofts” is located on the site of the former Linwood Mill. The applicant is proposing to renovate the mill under the Historic Mill Adaptive Reuse Overlay District By-law. The owner of the property is William and Patricia Giannopoulos. They are proposing a mixed use project with commercial uses on the lower level of the mill and 75 units of senior housing on the floors above. The one bedroom units will average 600 sq. ft. and the 13 2 bedroom units will average about 1000 sq. ft. The age restriction will be limited to 55 years of age and older. Currently part of the lower level is being used for retail. There are 3 floors in the rear building and 5 floors in the main building in front.

Mark Anderson gave a brief technical overview of the project and stated that the mill itself is not changing. Since the closing of the textile mill, the building has been used for retail and manufacturing purposes. Minimal grading work will be done to facilitate the construction of the required number of parking spaces and stormwater treatment devices. All proposed work is within previously disturbed areas. Currently stormwater runoff from the entire site drains directly into Linwood Pond or the Mumford River. The design plan utilizes Stormceptor units and bio-retention areas to treat stormwater runoff prior to being discharged into the pond. Eighty percent of the total suspended solids will be removed from the runoff over the entire site prior to discharge. Stormceptor units are catch basin like structure that contain a series of weirs and baffles that collect and trap sediment and oil prior to the stormwater exiting the structure. The bio-retention areas are shallow depressions planted with vegetative species that can handle being in standing water for several hours or up to a day. After the existing parking lot is regarded, there will be an increase of 59 cubic feet of flood storage creating a positive impact on the property.

No one spoke in opposition.

A motion was made by Diane Woupio to close the public hearing and take the matter under advisement. The motion was seconded by William Corkum, the vote being 5-0 in favor.

Board members were in agreement that the project would not have a negative impact on the character of the neighborhood but would enhance it. The site is appropriate for the use as it currently has retail in the existing mill but the property abuts residential homes to the east so the residential component of the development will not be a new use to the neighborhood. and the impact on the floodplain district would be negative. The project is being developed under the guidelines of the Historic Mill Adaptive Reuse Overlay District By-law.

A motion was made by Diane Woupio to grant the Special Permit to allow work in the floodplain district. The motion was seconded by Sharron Ampagoomian, the vote being 5-0 in favor.

Thomas Hansson will write the decision.

CONTINUED PUBLIC HEARING: CHAPTER 40B -13-CP-07 - COMPREHENSIVE PERMIT APPLICATION- GRANITE HILLS

This hearing was continued from May 14, 2009. Meetings scheduled for December 11, 2008, January 9, 2009, February 12, 2009, were continued at the applicant's request. Due to the absence of one of the voting members on March 12, 2009, the applicant chose to continue until April 9, 2009. However, on April 9, 2009 one of the voting members could not be in attendance and the applicant chose to request a continuance until this evening. Previous meetings took place on August 9, 2007, and October 11, 2007, and September 11, 2008, and November 13, 2008. A meeting scheduled for September 13, 2007 was rescheduled due to the absence of one of the voting members. Meetings scheduled for November 8, 2007, and December 13, 2007, and January 10, 2008, February 14, 2008, and March 13, 2008, and April 10, 2008, May 8, 2008, July 10, 2008, and August 14, 2008 were continued at the applicant's request. For the August 14, 2008 meeting, the applicant was given the option of continuing due to the advance notice of the absence of one of the voting members rather than substituting an alternate in his place, and elected to continue the hearing to a date when all voting members would be present.

This hearing is being held on the application of Granite Hills Development Corporation, 910 Boston Post Road, Suite 260, Marlborough, MA for a diversified housing project filed pursuant to MGL Chapter 40B Comprehensive Permit. The property, located on Highland Street, consists of approximately 30 acres of land and as shown on Assessor's Map 15 as Parcel 86. The proposed project, known as Granite Hills consisting of 124 townhouse style condominium units within a Residential 2 zoning district is shown on a Definitive Site Plan entitled "Granite Hills" prepared by Heritage Design Group dated June 29, 2007, revised February 1, 2008, March 3, 2008, and January 21, 2009, February 27, 2009, and June 2, 2009.

Present this evening were Mark Anderson, Heritage Design Group, and Attorney Robert Knapik, Attorney for the applicant. Also present on behalf of the Town was Attorney Laura Pawle from Kopelman and Paige.

One of the remaining issues for the Board was the recommendation of the Safety Committee that there be adequate off-street parking available which the consultant for the Board, Cullinan Engineering, did not feel was adequate. Mr. Anderson presented the Board with a plan showing additional 10 off-street guest parking spots. This adequately addresses that concern and will be incorporated into the final set of plans. The entire development has 36 off-street guest parking spots.

Attorney Knapik reviewed the request for waivers. The applicant has requested a waiver from Section 173-12, Table of Use Regulations, Section 173-19, Table of Area Regulations, and Section 173-49, Site Plan Review by the Planning Board.

Attorney Knapik explained his requests for the waivers. The waiver from Table of Use Regulations would allow multi-family use of the land in a Residential-2 zoning district. The By-law states that multi-family homes are not allowed in a Residential-2 zoning district.

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The second one concerns waivers from the dimensional requirements concerning offsets to property lines. The use is not allowed so there are no standards for setback requirements established.

The third waiver concerns Site Plan Review by the Planning Board. Chapter 40B regulations allow the Zoning Board of Appeals to be the one-stop shopping Board.

Attorney Pawle reminded the Board that this is not a subdivision of land and is not subject to Subdivision Control but because there are no regulatory standards that address a condominium development of this nature, it is sometimes helpful to compare the proposal to the design requirements under Subdivision Control. Even though Subdivision Rules and Regulations do not apply, this project does comply with the design requirements except for the following which Attorney Knapik then reviewed with the Board.

- Waive the requirement to provide access to all abutting parcels of land.
- Allow the roadway to be built to minor road design standards even though the average daily traffic numbers exceed 500 vehicle trips per day.
- Waive the requirement of a leveling area for 75 ft. at a maximum slope of 3% and allow the leveling area between the edge of pavement on Highland Street and the beginning of the vertical curve of “Road A” of 63 feet in length at a slope of 3%, and the leveling area at the intersection of “Road A” and “Road B” of 68 feet in length at a slope of 3%.
- Waive the 500 feet dead end roadway length limit and allow the roadways as shown on the Site Development Plans. Road “C” is approximately 1700 feet.
- Waive the limit of 18 units to be served on a dead end street and allow the number of 54 units within the 1700 feet.
- Waive the requirement to submit evidence of complete financial arrangements with private utility companies prior to approval.
- Waive the requirement for vertical granite curbing and allow bituminous curbing. The roads within this development will be totally private and will be maintained by the Association.
- Waive the requirement for vertical granite curbing and allow bituminous curbing at the intersection of the development’s roadways and existing public ways.
- Waive the requirement for concrete sidewalks and allow asphalt sidewalks. All of the internal infrastructure will be private and maintained by the Association.

Attorney Pawle then reviewed with the Board the draft decision noting minor changes.

Item 13 under pre-construction conditions pertains to the condition of Highland Street. Highland Street will be inspected before construction, during construction and after construction. Mr. Anderson stated that he would recommend to his client that they get together with the DPW and video tape the entire road and identify certain areas for a base line.

Ms. Ampagoomian expressed her concerns with item 24. She stated she felt 7:00 A.M. was too early for construction to begin and is very sympathetic with the neighbors regarding the noise rock crushing makes. Item 24 will be corrected to state that there will be no extremely loud

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construction activity such as rock crushing prior to 8:00 A.M. Monday thru Friday. The applicant was agreeable to that.

Also item 26 will be corrected to address setbacks from property lines for the rock crushing operations. Mr. Anderson stated that the Conservation Commission has established where they want the rock crushing operation to take place to protect any wetlands. Mr. Anderson stated that they would be agreeable to keeping the rock crushing operation 300 feet from abutting properties.

Item 41 will be corrected to include a 7 business day notice to any property owner within 750 ft. of the blasting zone who requests a blasting notice. The state requirement is 250 ft. This would be triple what the state law requires.

Chairman Thomas Hansson welcomed comments from the audience.

Liam Wright, 205 Highland St. asked what would prevent someone from driving up onto his property in the event of an accident. Mr. Anderson addressed that comment by replying that the road has about a 20 ft. cut in ledge so there will be a solid wall of ledge there. There will be a 20 ft. high wall of ledge for about 200 – 300 feet. The road will be below his property. Mrs. Wright asked how close the road was coming to her property line. Mr. Anderson replied that it will be 30 ft. at one point and 10 ft. at another point. Mr. Anderson stated he would work with them to provide a buffer for them including some type of vegetation should it be needed.

Robert Spencer, 286 Highland St. expressed his concerns about public safety due to the increase in traffic on Highland St. He expressed his concerns for the lack of sidewalks on Highland St. as well.

Tina Girard, 55 Highland St. stated that they will be going before the Safety Committee on June 17, 2009. She asked that the Board not close the public hearing until they meet with the Safety Committee. Mr. Hansson replied that this hearing has been going on for two years and all abutters at that time and listed by the Assessor's Office were notified of when the public hearing would first take place two years ago. Continuations took place from that day forward and meeting notices and agendas are posted on cable and on the bulletin board at the Town Hall.

Board Member Diane Woupio stated that there have been several meetings of the Safety Committee on this issue that no one attended. It is not the obligation of the Board to notify the abutters everytime there is a meeting whether it be with this Board or another Board on this issue. It is the responsibility of the Zoning Board to notify abutters of the first meeting. Continuations of the meeting are then posted on meeting agendas posted at the Town Hall and on cable. These hearings have been going on since August of 2007. All other Board and Committee meetings are also posted.

Ms. Girard stated that she was not an abutter.

Cory Briand 195 Highland St. expressed his concerns with speeding on Highland St. and the fact that Highland St. is not plowed adequately. Adding additional traffic will have a negative impact on Highland St.

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Marlene Bernard, 230 Highland St., expressed concerns with the potential for people to park in her yard. Mr. Hansson replied that her property is private and she could call the police to have the vehicles removed from the property.

Board Member Mr. Witkus stated that he did visit people on Rumonoski Dr. when this project started and those people did not attend previous meetings and they are not here tonight. He didn't know why those people didn't attend the meetings but in any case it is the Board's job to represent the town and not the developer and his issue is the number of units.

A motion was made by Diane Woupio to close the public hearing and take the matter under advisement. The motion was seconded by William Corkum, the vote being 4-1 in favor. Ms. Ampagoomian voted in opposition. Voting affirmative were Diane Woupio, William Corkum, Carol Snow and Thomas Hansson.

There being no further business, the meeting was adjourned.

Attested by,

Brenda M. Ouillette
Administrative Assistant

THESE MINUTES ARE SUBJECT TO THE APPROVAL OF THE ZONING BOARD OF APPEALS (Approved on July 9, 2009)