



TOWN OF NORTHBRIDGE

ZONING BOARD OF APPEALS

Aldrich School Town Hall Annex

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DOREEN A. CEDRONE

Approved on 10-8-15

ZONING BOARD OF APPEALS

MINUTES OF MEETING

September 3, 2015

This meeting was called to order at 7:15 P.M. by Thomas Hansson, Chairman. Other members present were:

William Corkum

Randy Kibbe

Kevin Quinlan

Also present was Deborah Rosebrooks, Administrative Assistant.

PUBLIC HEARING: (10-V-15) JAMES & CATHY WOELLER, APPLICANTS

This hearing was held to consider the application of James and Cathy Woeller, 153 Prescott Street, Whitinsville, MA 01588 requesting a Variance pursuant to Article VI, Section 173-19 of the Town of Northbridge By-laws to construct a breezeway and two car garages.

The property is located at 153 Prescott Road, Whitinsville, MA shown on Assessor's Map 1 as Parcel 66. The property is located in a Residential- 2 zoning district and is owned by James and Cathy Woeller.

Randy Kibbe read the public hearing notice. Assigned to this hearing were Thomas Hansson, William Corkum, Randy Kibbe and Kevin Quinlan.

James & Cathy Woeller were both present as well as their abutting neighbors. Mrs. Woeller stated that they wanted to put a breezeway with a two car garage addition on to their property. The lot at 153 Prescott is a non conforming lot, and from the back corner of the proposed garage there would only be 13'3" from the plot line, with a shortage of 1' 9".

Eugene and Frances Tancrell abutting neighbors at 143 Prescott Road stated they have No objections to this project.

A motion was made by William Corkum to close the public hearing and take the matter under advisement. The motion was seconded by Randy Kibbe the vote was 4-0 in favor.

Board members were in agreement that the Lots in that area are nonconforming and it would be a standard size garage. Abutting neighbors were not in opposition to the proposed new garage.

A motion was made by Randy Kibbe to grant the Variance for the property located at 153 Prescott Road for the construction of a breezeway and two car garage. The motion was seconded by William Corkum and the vote was 4-0 in favor.

PUBLIC HEARING: (06-SP-2015) WILLIAM R. RENAUD, APPLICANT

This hearing was held to consider the petition of William R. Renaud, 132-134 Linwood Ave, Whitinsville, MA for a Special Permit pursuant to Article V, Section 173-12 of the Town of Northbridge Zoning By-laws,

The property is located at 132-134 Linwood Ave., Whitinsville, MA shown on Assessor's Map 5 as Parcel 62. The property is located in a Business -2 zoning district and is owned by William R. Renaud.

Randy Kibbe read the public hearing notice. Assigned to this hearing were Thomas Hansson, William Corkum, Randy Kibbe and Kevin Quinlan.

Mr. Renaud explained to the board that he would like to utilize the space at this location for business office use, or associated storage. He will not use storage for anything that would be considered hazardous material. He has been renovating this building, and already has made a huge difference with the appearance of the building. He also stated he has adequate parking for 7-8 vehicles.

A motion was made by William Corkum to close the public hearing and take the matter under advisement. The motion was seconded by Randy Kibbe and the vote was 4-0 in favor.

Board members agreed that Mr. Renaud has made a great improvement on the property located at 132-1354 Linwood Ave.

A motion was made by Kevin Quinlan to grant the Special Permit to allow business offices and associate storage as long as Mr. Renaud complies with the business -2 zoning rules. The motion was seconded by Randy Kibbe and the vote was 4-0 in favor.

PUBLIC HEARING (8-SP-15) TYRE PLACE, APPLICANT

This hearing was held to consider the petition of Tyre Place, 2094 Quaker Street, Northbridge, MA for a Special Permit pursuant to Article V, Section 173-18.1 of the Town of Northbridge Zoning By-laws,

The property is located at 2094 Quaker Street, Northbridge, MA shown on Assessor's Map 27 as Parcel 39 & 44. The property is located in a Residential -2 zoning district and is owned by TYRE Place LLC.

Randy Kibbe read the public hearing notice. Assigned to this hearing were Thomas Hansson, William Corkum, Randy Kibbe and Kevin Quinlan.

Norman Gamache spoke on behalf of Thomas Barry aka Tyre Place LLC. Norman explained to the board that they are looking for a special permit for the purpose of a retreat lot for a single family home. The original petition was denied by the Zoning Board on March 18, 2015. This is a revised plan and all of the previous concerns have been resolved. Robert Zurich approached the board and has concern of ownership of the property being discussed, he feels there are some discrepancies, the deed states different, Attorney Robert Knapik states he has a chain of title all the way back to the 1880's. Thomas Barry states his family "the Barry's" have owned the property for thirty years the only access to the property was through a cow path off of Pudding Street. Mark O'Brian an abutter had a few concerns with the location of the proposed driveway, concerned it would be too close to his existing driveway and it was cleared up by Mr. Gamache.

A motion was made by Randy Kibbe to close the public hearing and take the matter under advisement. The motion was seconded by Kevin Quinlan and the vote was 4-0 in favor.

A motion was made by Randy Kibbe to grant the Special Permit to allow a retreat lot for a single family home to be constructed at the property located at 2094 Quaker Street with the stipulation of approval from the Planning Board, also important the first 50' are critical for drainage, and the line of sight with grade access. The motion was seconded by Kevin Quinlan and the vote was 4-0 in favor.

PUBLIC HERARING (7-APP-15) APPEAL ROBERT KNAPIK TRUSTEE ONBEHALF OF DOUGLAS ROAD INDUSTRIAL RELATY TRUST

This hearing was held to consider the petition of Attorney Robert Knapik Trustee of Douglas Road Industrial Realty, 279 Douglas Road, Whitinsville, MA for an Appeal on the decision made by the Building Inspector/Zoning Officer - James Sheehan that a compost facility is not allowed use in an Industrial- 1 Zoning District.

The property is located at 279 Douglas Road, Whitinsville, MA shown on Assessor's Map 3 as Parcel 122 & 123. The property is located in an Industrial -1 Zoning District and is owned by Douglas Road Industrial Realty Trust.

Randy Kibbe read the public hearing notice. Assigned to this hearing were Thomas Hansson, William Corkum, Randy Kibbe and Kevin Quinlan.

Attorney Robert Knapik asked the Board to overturn the decision of the Building Inspector-Zoning Officer; he feels that he has overstepped his authority. Mr. Knapik continues to explain the DEP has created a solid waste ban in October 2014 , creating a great demand for compost facilities. This site is where they want to construct a new compost facility. He explains in detail how this facility would work. This proposed facility would manufacture compost through a 5-7 day period, there will be about 15 tons per day and they will not be accepting any slaughter or sewerage at this site, Is Mr. Sheehan predicting the future?

Mr. Sheehan, Building inspector/Zoning Officer spoke to the board stating the reasons for his decision. The Industrial -1 Zoning does allow refuse facilities under the usage group called

community facilities, the community facility must be owned and operated by a government or Chartered nonprofit organization. This facility is neither. Mr. Sheehan continues with the Manufacturing use on this zone, manufacturing rules stat it must not be: offensive, injurious, noxious by reason of refuse, fumes and odor. This facility does not meet the criteria. Mr. Sheehan spoke of his visit at the facility in Marlborough he said there was a terrible smell while he was there, he spoke with an engineer who stated that there have been a huge abundance of complaints about smell and the City of Marlborough is currently in a Federal law suit at this time because of this facility.

James Sheehan states he has been in constant contact with Town Council on this matter from day one to ensure he is looking out for the best interest of the Town. He has done much research on these types of facilities, the common problem are all similar.

Who has a license to operate this plant? What about the buffer zone...the closest resident is 300 feet away, this is a tight neighborhood. Mr. Sheehan says he is not in charge of for seeing the future.

James Berkowitz spoke to the board stating that this facility will only take 10 ton a day and will be in a tight tank (truck) there will be a bio-filter in the building to control the smell. He also stated that he has attended a class already on this process and there will be hands on training before the system is up and running.

Mike Wilkes of 3 Cliffe Road, States he objects to this facility to be constructed at 279 Douglas Road, He has a petition with 132 signatures of abutting neighbors who also do not want this. He also submitted letters of complaints of the Rocky Hill Farm smell and noise, Mr. Knapik would like the residents statement removed, he feels anyone could have wrote these letters.

Roger Matthews 2713 Providence Road concerned for odor in that neighborhood, he said he has spoken to a worker at U-Mass, Amherst they have a similar compost at the school. He would be happy to share his phone number.

Christopher Caron 164 Hastings Ave. is concerned for the Noise and the smell, you cannot predict the future and You cannot record smell....how close is the building to the buffer zone?

Joe Wesgan 148 Hastings Ave., What will prevent this facility from bringing in more in the future? Also The road now is not good for any truck traveling on it, how will this impact with more?

Denise O'Brian, Town council was consulted from the Beginning of this mess? Yes, was the answer from Building Inspector?

Shellie Buma of Heritage Dr., on 12-30-01 planning boards there were two lots on Douglas Road ,the Facility has four, they only appealed two... 4-9-15 the 2 lots do not have a street address, This is not the question at hand says Tom Hanson, the question is did the building inspector or did he not determine in his authority. Ms. Buma continues stating that the applicant wants everyone to believe there will be no smell, the applicant cannot overcome this burden, and the building inspector is Correct. She has a long list of creditors and the setbacks are critical 2000-3500 feet, she notes that is all the way to the Ballmer School. Biofilters are incificant, they do not work well in the snow or rain, odor is a common problem it can make people sick, it can

travel a long way, these facilities are a nascence, Nelson Wendell managed Marlboro and promised no smell, the city of Marlboro filed a law suit in 2013 due to the odors. Tom Hanson said this is all getting off track time to close open to public.

A motion was made by Randy Kibbe to close the public hearing and take the matter under advisement. The motion was seconded by William Corkum and the vote was 4-0 in favor.

Mr. Knapik feels that it would be a good idea for the Board and Building Inspector to visit the Nantucket Facility; He feels it is more comparable to this proposed facility. The Building inspector does not feel that this would change his decision, but the Zoning Board is more than welcome to go see for themselves.

The Board Members discussed amongs themselves the findings Tom asked if they felt the Building Inspector overstepped his authority? Did he determine corredtly? Bill Stated he felt he did his homework , he came in with his notes. Randy said "we are not experts "and Jim did act on the facts Kevin felt that the building Inspector did his job, he did his work. Tom asked Bill again, he said I told you, Jim did his job... Randy motioned to uphold the decision of the Building Inspector, Seconded by Bill. The vote was a 4-0 in favor of the Building Inspector.

There was a brief discussion under old business for an extension for Arcade Properties (4-V-2015). Motion made by Tom Hansson to grant an extension for a shed to rear of property line. Motion was seconded by Bill Corkum. Vote 4-0 in favor.

There being no further business, the meeting was adjourned.

Attested by,

Deborah Rosebrooks
Administrative Asst.

**THESE MINUTES ARE SUBJECT TO THE APPROVAL OF THE ZONING BOARD
OF APPEALS**
(Approved on _10-8-15)