



Town of Boxborough, Massachusetts Planning Department Staff Report – Special Permit

Prepared by: Simon Corson, Town Planner

July 30, 2021

Site: 871 Massachusetts Avenue

Applicant and Owner Name: High Quality Landscape Construction, Inc.

Applicant and Owner Address: 871 Massachusetts Avenue, Boxborough, MA 01719

Engineer Name: Level Design Group, LLC

Engineer Address: 249 South Street, Unit 1, Plainville, MA 02762

Legal Notice: Pursuant to MGL Chapter 40A and Sections 4202, 9100, and 9200 of the Boxborough Zoning Bylaw, a public hearing will be held before the Boxborough Zoning Board of Appeals on August 3, 2021 at 7:35 P.M. to consider the application received from High Quality Landscape & Construction, property owners, for the extension of a pre-existing non-conforming use at 871 Massachusetts Avenue.

The subject property is located in the Business Zoning District and is identified as Assessor's Parcel #14-201-000.

This public hearing will be held via Zoom videoconferencing. All details will be made available on the Zoning Board of Appeals agenda when posted, a minimum of 48 hours prior to the meeting on the town web site at www.boxborough-ma.gov.

For questions, please call the Zoning Board of Appeals Office at the Boxborough Town Hall at 978-264-1722 during normal office hours. Please refer to the calendar on the Town website, www.boxborough-ma.gov, for possible continuations.

Zoning District(s): Business

Zoning Approval Sought: Special Permit under Section 4202 for the extension of a pre-existing non-confirming use

Date of Application: July 7, 2021

Date(s) of Public Hearing: August 3, 2021

I. Project Description

1. **Subject Property:** The project site is located on the north side of Massachusetts Avenue/Route 111, approximately 1,450 feet south of the intersection of Massachusetts Avenue and Middle Road. The property consists of approximately 1.9 acres with 284 feet of frontage. To the north, the property abuts Town of Boxborough-owned land with forested walking trails. To the west, the property abuts Town of Boxborough-owned land containing the Department of Public Works. To the east, the property abuts a single-family home. Two buildings are currently located on-site, a 1,600 s.f. single story structure which serves as the facility's office space and a 3,030 s.f. maintenance and garage building. The site also

contains an outdoor material storage and processing area and paved parking lot for employees and fleet vehicles. The site also contains two temporary tent style structures which are located where the truck canopy structure is proposed to be erected.

2. Proposal: The Applicant is proposing to construct a 4,920 s.f. Truck Canopy Accessory Structure. The proposed building would be a covered truck port style building with no exterior or interior walls and contains no habitable space. The use of the building would be to provide a covered area to park logging equipment and other landscaping trucks and vehicles to keep them protected from the elements.

3. Nature of Application: The Applicant is seeking a Special Permit for the extension of a pre-existing non-conforming use. The site was originally approved and developed by-right as it exists today with the issuance of Site Plan Approval by the Planning Board in 2008.

4. Surrounding Neighborhood: The project site is located in a Business Zoning District on the north side of Massachusetts Avenue/Route 111, approximately 1,450 feet south of the intersection of Massachusetts Avenue and Middle Road. The property abuts the Town of Boxborough-owned Steele Farm, a large municipal property, some of which is protected with a conservation restriction. There is a mix of business and residential uses in this area.

III. Comments

Board of Selectmen: The Board of Selectmen did not provide any comments regarding the proposed project.

Board of Health: In an email to the Town Planner on July 9, 2021, the Board of Health Agent stated the following:

“The Board of Health has no concerns with this proposal.

Jim”

Building Department: In an email to the Town Planner on July 9, 2021, the Building Commissioner indicated the following:

“I have no comment on the ZBA application for 871 Mass Ave.

I will conduct a full code review when we receive the building permit application.

Respectfully,

Frank Ramsbottom
Building Commissioner”

Historical Commission: In an email to the Town Planner on July 9, 2021, the Chair of the Commission indicated the following:

“This application does not impact the historic structure labeled “existing office” and so has no historic impact.”

Littleton Electric Light Department (LELD): In an email to the Town Planner on July 12, 2021, Engineering and Operations Manager, Patrick Laverty indicated the following:

“The only comment LELD has is to ask the application to inform us if they will need to increase their electric service to accommodate the truck canopy structure.”

Police Department: The Police Chief did not provide any comments regarding the proposed project.

Public Works Department: In an email to the Town Planner on July 9, 2021, the Public Works Director indicated the following:

“I have no comment at this time.

Ed”

III. Compliance with Section 4202

This section of the Zoning Bylaw indicates that no Special Permit will be granted unless the Zoning Board of Appeals shall have found that such proposed change, alteration, or extension shall not be substantially more detrimental to the neighborhood than the existing nonconforming use. As a condition of the recent site plan approval decision, the Planning Board requests that the Zoning Board of Appeals give due consideration to the setbacks of the adjacent residential property and site the proposed building accordingly. So long as the Zoning Board of Appeals takes this condition into account in their deliberations, the Town Planner finds the proposed extension of an existing non-conforming use is not substantially more detrimental to the neighborhood than the existing nonconforming use.

IV. Compliance with Section 9204 Decision

No application for a Special Permit shall be granted unless the Special Permit Granting Authority shall find that the structure(s) and/or use(s) proposed shall not have adverse effects which outweigh its benefits on either the town or the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site. The determination shall include consideration of each of the following:

1. Social and community needs which are served by the proposal.

The proposal is to construct a 4,920 square foot truck canopy accessory structure at 871 Massachusetts Avenue. Boxborough’s 2030 Master Plan (the “Master Plan”) lists community aspiration which include focusing economic development on existing commercial areas and attracting and retaining businesses. High Quality Landscape Construction, Inc. is proposing this truck canopy to allow for improved services in the winter when weather conditions can negatively impact vehicles that are stored without cover from the elements. This applicant has a landscaping company that serves the local and regional market. As such, the Town Planner finds social and community needs are served by the proposal.

2. Traffic flow and safety.

Vehicular traffic to and from the property over the last few years has been fairly minimal. The proposed truck canopy will not change the traffic generated by the property and it will remain consistent with the other properties in the surrounding neighborhood. This project will not increase the number of employees at the site, and will not increase the number of vehicle trips per day entering and exiting the site. No changes are being proposed to the driveway or existing access to the property as part of this application. Therefore, the Town Planner finds the proposed truck canopy will not have an adverse impact to the safety or traffic environment on Massachusetts Avenue.

3. Adequacy of utilities and other public or private services, including storage or disposal of sewage, refuse or other wastes, and drainage and/or retention of surface water.

The proposed structure will be utilized as a canopy to cover existing vehicles and equipment which are currently stored in that area in the existing paved parking lot. There are no proposed modifications to the existing stormwater management system as the structure is located within an existing impervious parking lot. The Planning Board has conditioned the recent site plan approval decision to require that a Spill Control and Countermeasures Control Plan or similar plan, be in place to address containment of oil and grease or other leaks from vehicles parked beneath the structures. Additionally, the applicant is required to provide annual sampling and testing from the groundwater monitoring well per Condition 14 of the 2008 Site Plan Approval Decision. Therefore, the Town Planner finds that this application meets these criteria.

4. Density of population, intensity of use, neighborhood character and social structures.

The proposed extension of an existing non-conforming use is consistent with the use intensity and neighborhood character of the surrounding area. As a condition of the recent site plan approval decision, the Planning Board requests that the Zoning Board of Appeals give due consideration to the setbacks of the adjacent residential property and site the proposed building accordingly. With due consideration of this condition, the Town Planner finds this application will not adversely impact the population density, intensity of the use of the property, or the neighborhood character.

5. Impacts on the natural environment.

No new impervious area will be created at the property due to this proposal. The proposed truck canopy should not have an impact on the property's ability to drain water, nor should it change existing stormwater flow paths. Based on the above, the Town Planner finds there will be no adverse impact on the natural environment.

6. Impacts on health.

This proposal is for a covered truck port style building with no exterior or interior walls and will contain no habitable space. Given the conditions included in the Planning Board's recent site plan approval decision regarding sampling and testing from the groundwater monitoring well, as well as the requirement for the creation of a plan to address containment of oil and grease or other leaks from vehicles parked beneath the structures, the Town Planner finds the proposed truck canopy will not have any adverse health impacts on the immediate area or the community.

7. Potential fiscal impact, including tax contribution, diminution or enhancement of neighboring property values, and creation of new employment opportunities.

The proposed truck canopy will have a positive impact on the property's tax base contribution because the proposed changes will enhance the property's value and increase its tax contribution to the Town. Additionally, the project will create some new, temporary, construction jobs in the community. Therefore, the Town Planner finds the proposed amendments to the project will result in a positive fiscal impact to the community.