



TOWN OF NORTHBOROUGH PLANNING BOARD

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Approved 1/8/08

Planning Board Meeting Minutes November 20, 2007

Members Present: Don Hewey, Rick Leif, Bob Rosenberg, George Pember and Michelle Gillespie

Others Present: Kathy Joubert, Town Planner; Bill Farnsworth, Inspector of Buildings/Building Enforcement Officer; Fred Litchfield, Town Engineer; Barbara St. Andre; Kris Black, Lori Giannotti, Carolyn Harrington, Jennifer An; John Twohig, Kevin O'Flaherty, Gertrude Merkel

Chairman Leif opened the meeting at 7:00 pm

Continued Public Hearing for Special Permit per Groundwater Protection Overlay District and Site Plan Review for Saint Gobain at 9 Goddard Road, Map 17 Parcels 9 & 11; Applicant: Saint Gobain; Engineer: Nitsch Engineering; Date Submitted: September 18, 2007; Decision Due: December 14, 2007 for Site Plan and 90 days from close of hearing for Special Permit

David Woodbury, representing Saint Gobain, requested a continuance of the hearing until December 3rd via an email message to Kathy Joubert.

Michelle Gillespie moved to continue the hearing for Saint Gobain, 9 Goddard Road, to December 3, 2007 at 7:00 pm in the Selectmen's Meeting Room. George Pember seconded the motion and the vote was unanimous to continue the hearing.

Continued Discussion for 77 Main Street Site Plan Review; Applicant: Stop & Shop Supermarket Company; Engineer: VHB Inc.

Rick Leif stated Stop & Shop's attorney's responses to the conditions of the draft site plan approval were just recently received and the board members have only seen them briefly.

Kathy Joubert stated the original version of the draft site plan (prior to changes by Stop & Shop) is a culmination of staff comments from herself, Town Counsel, the Police Chief, DPW Director, Town Administrator, Town Engineer, Building Inspector, and town counsel.

Barbara Saint Andre, Town Counsel, advised the board they have the right to impose reasonable conditions on the site plan approval, but those conditions have to relate to criteria in the bylaw. She stated Stop & Shop may decide they are no longer agreeable to conditions they agreed to last year, and they have a right to do that. The board must make sure their conditions are supportable by the bylaw.

The Board members reviewed the draft decision at length, including the first three conditions. Barbara Saint Andre and Kathy Joubert explained that the majority of the conditions are the same as in the original decision to deny the site plan approval.

Rick Leif told the board members they need to come to the next meeting prepared as to how they want the conditions worded. He reminded them the board is under orders to complete their review in a fairly expeditious manner. They may need to revisit the site and figure out how they want the decision worded. They cannot review the site plan item by item now because they were tied up with traffic during the original review and didn't do all the work then. They must keep in mind they have only a certain number of meetings. They can't be doing this for months and the way it's been going tonight, he doesn't feel they're being productive.

Kathy Joubert stated the board is in a different and serious situation than it was before. The members are under a court order to produce and finalize a site plan approval in an expeditious manner. If the board fails to do this, the applicant could go back to the land court judge and the judge may issue the site plan review without any conditions. She stated it would be an atrocious mistake to have a supermarket built in town without any conditions.

Barbara Saint Andre stated the board doesn't have to finish it all tonight, but they have to keep moving on it in a reasonable manner. She reminded them they were not starting from scratch and that the judge wants it done as quickly as possible, otherwise they'll end up back at land court with no conditions, which would be the worst possible scenario.

Don Hewey moved to continue the review of the draft site plan approval for 77 Main Street to December 3, 2007 at 8:00 pm. Michelle Gillespie seconded the motion and the vote was unanimous.

Site Plan Review for New Apostolic Church at 66 East Main Street, Map 46 Parcels 118 & 119; Applicant: National Organization of the New Apostolic Church of North America; Engineer: Connorstone Engineering; Date Submitted: October 26, 2007; Decision Due: January 23, 2008

Tom DellaCroce from the New Apostolic Church and Mike Sullivan from Connorstone Engineering presented the project. Mr. Sullivan explained the proposal is to build a 1420 square-foot church with 32 parking spaces that will accommodate 125 parishioners. There are no zoning requirements for the number of parking spaces, however their other 325 churches throughout the United States use between 20 and 30 parking spaces for their parishioners.

Mr. Sullivan stated the site is just over an acre in size, with 156 feet of frontage. They plan to level-off the site by filling in low areas and, therefore, there will not be a lot of earth moved off-site. They will be working minimally within 100 feet of a wetland line and will not have to file with the Conservation Commission. The lot is in two zones, with the building area in the Residential C district and the rear of the property in the Business B district. The project meets the dimensional requirements of both districts. Soils on the site are sands and gravels and the percs and permeability tests have been done. The proposed drainage system will mitigate storm events and satisfy DEP requirements. The plan meets required sight distances in both directions.

Signage proposed includes a simple sign with the name of the church and service hours. Service hours are Wednesdays at 8:00 pm and Sundays at 10:30 am. They do not hold extra meetings as those are held off-site at homes of parishioners. Any weddings or other church events would be done on Sundays only.

The board reviewed the floor plans and the plans for the design of the front of the church.

John Morrow of 3 Memorial Drive had concerns about a possible over-flow of cars that would have to park in the street for some events held at the church. Mr. DellaCroce stated the parking will be adequate 98% of the time. There may be some overflow where they would have to rely on using East Main Street for parking. Those few occasions will occur, but the number of cars would be approximately a dozen cars parked on the street.

Board members pointed out that during the months of April through October, the Little League parking lot would be full. Several times during the season there is overflow parking on East Main Street also, and church overflow parking could be added. The Fire Chief also expressed concern about overflow parking on Memorial Drive in his review letter.

Kathy Joubert stated even though there are no restrictions on parking on the surrounding public streets, any applicant should be able to handle their own parking needs on their site.

Mike Sullivan stated they might be able to increase the parking spaces if they pushed the detention basin back, however the grading would get more difficult and they would have to put in subsurface drainage or build walls along the property line, which would be costly. They have not made plans to expand the parking lot in the future. He noted there is no parking between the No Parking signs at the ball park, but no signs anywhere else.

Bill Farnsworth stated they only need one van-accessible handicap parking space, which could be changed to a different location on the site to accommodate more parking. The plan as presented shows two handicap-accessible parking spaces in front of the church.

Kathy Joubert stated the applicant could talk with the Fire Chief and Police Chief about their experiences with church issues and their thoughts on using a public street for parking.

Rick Leif stated the baseball area is very heavily traveled and the church could possibly end up with an overflow situation from church events conflicting with busy days on the baseball fields. He suggested the Police Chief may have some input on that and possibly the church may need to contract a police detail.

George Pember stated the parking lot behind the police station is part of the police station and not part of the ball field. Mr. DellaCroce stated he talked with the Police Chief in regard to that parking area. Parking close to the station belongs to the police department and the rest is town parking.

Rick Leif stated there may be an area down there that isn't used by baseball overflow or the police department. He suggested staff could discuss the overflow parking situation and Kathy could write a condition around whatever she, the Town Engineer, Fire Chief and Police Chief think is a reasonable way to handle it.

George Pember stated if the applicant can't come up with satisfactory parking, they will have to require additional parking spaces.

Mike Sullivan confirmed he received the Town Engineer's letter and agrees with everything stated. Fred Litchfield, Town Engineer, stated they are all standard items that Mr. Sullivan can address, however he asked Mr. Sullivan to include an operation maintenance plan with an inspection log.

Mr. Morrow stated his concern is the parking issue on Memorial Drive. He explained that once or twice a year people park on the street when the baseball parking lot is full and it makes driving down the street very tight. He questioned whether a fire truck could get down the street under these conditions. In winter they lose roadway on each side because the town uses a small plow. He was also worried that the number of parishioners may grow in the future. He added that, other than the obstruction of the roadway, he thinks the church is a great use of the property.

Kathy Joubert stated she will have a draft decision for the board to review prior to the next meeting.

George Pember moved to continue the site plan review to December 3, 2007 at 7:30 pm. Michelle Gillespie seconded the motion and the vote was unanimous.

Site Plan Review for 160 Otis Street, Map 105 Parcel 27; Applicant: Abraham Properties, Inc.; Engineer: RJ O'Connell & Associates, Inc.; Date Submitted: October 26, 2007; Decision Due: January 23, 2008

David Petkewicz of RJ O'Connell & Associates, Inc. explained the plans for the proposed continuation of three buildings at 160 Otis Street. Nicko Abraham and Dennis Connolly from Abraham Properties, Inc. were also present. Mr. Petkewicz explained they have separated the property into three separate lots. A small triangular-shaped portion of land within a groundwater overlay area, 8829 square feet in size, was separated from the other three lots and is unbuildable.

They have reviewed the plans with town staff and have come up with a composite plan. On one side, the existing building is a condo association. Rather than continuing it, they have created thirty-one 20' x 60' units, 240 feet of office space and parking on the remaining portion. The parking area is twice what's necessary. They've moved the driveway to center it more on the lot in consideration of delivery trucks and fire truck access. Site distance will be better in both directions and an easement would be granted for circulation if necessary. They have increased the size of the detention pond and discharge off site is half what it was before. Maintenance of water collection will be the responsibility of both the condo association and Abraham Properties, Inc.

Dennis Connolly stated the development will be phased and will have 14 bays. At anytime time, the owner of the development can add to the deed and diminish the size of the project.

Bob Rosenberg stated he is concerned about the creation of an unbuildable lot and uncomfortable with decreasing the value of the land because of it.

Dave Petkewicz responded that it is his understanding that the project would fall under groundwater regulations if it was in a groundwater zone. That is why they separated the groundwater area from the project.

Bill Farnsworth stated that if the use is not overlapping into the groundwater area, they can take out the groundwater area and make it an unbuildable lot so everything else does not sit in a groundwater overlay area.

Kathy Joubert confirmed with Nicko Abraham that the biggest change is that the units will be rented or leased as opposed to being sold.

Mr. Connolly stated all the offices will be on one side and the garage doors will be on the back side. The leasable units will be a little smaller than the units purchased from the condo association.

Fred Litchfield stated he wants a log of all inspections performed on an annual basis. Most of the conditions of his review letter are similar to his letter of a couple of years ago. He reminded the applicant of the Earth Removal permit and stated the bond is still affected and conditions are still in effect. He stated that, in his opinion, there is nothing else that needs to be done to subdivide the property as far as earth removal goes.

Kathy Joubert explained the applicant is back before the board because they are subdividing. Ownership is not a zoning issue. It used to be one lot, now its two lots and its being treated as two different projects.

Bill Farnsworth stated it's a modification to a previously approved site plan

Fred Litchfield stated drainage and ownership still apply because the work is being done to the total lot.

Dennis Connolly explained parking will be in front of the garage door and there whether the customer chooses to use it or not. They've added a truck dock for manufacturing use.

George Pember asked if there is any protection if someone wants to use hazardous chemicals.

Bill Farnsworth stated there will be a review by the fire department. As tenants apply for building permits they will have to list the chemicals they will use and what they're using has to be compatible with the zoning district. Building permits will be issued per unit.

Fred Litchfield stated the whole point of Parcel A being labeled as unbuildable and the rest of the lot not in a groundwater overlay district is that now the plan falls under a regular site plan/building permit process and not under the part of the bylaw that deals with groundwater.

Michelle Gillespie stated the businesses in this area have done a good job with their landscaping and she would like to see a little more. Mr. Abraham stated his will match the neighborhood. He plans on purchasing the land and keeping it.

Don Hewey asked where the entrances are, what the size of the parking spaces is and stated he would like to see wheel stops for public safety.

Don Connolly stated the entrances face each other and the plan shows the largest parking spaces the town requires and will probably never be needed.

Kathy Joubert stated that in the first decision the board didn't require wheel stops because it's not a pedestrian-oriented location and not customer-based.

Dave Petkewicz stated 99% of their use is commercial. Wheel stops make plowing difficult, can require manual plowing and annually someone trips on them.

Bob Rosenberg stated the existing building has an internal hallway and since there is no internal hallway planned now, he thinks there needs to be some way to insure the doors will be open in the building.

Bill Farnsworth stated opening the door is not an issue. What the tenant needs for pedestrian access is how the parking area will be designed. The tenant won't lease it if they can't get access to the space.

George Pember stated he doesn't see any issue with traffic or pedestrian safety and doesn't think a reference to either one should be put in the site plan approval.

At the request of Bob Rosenberg, Mr. Petkewicz reviewed his calculations for parking. He stated his calculations were based on requirements for office and light industrial use.

Bill Farnsworth stated they will never need as much parking as they're proposing. They will have way too much pavement.

Bob Rosenberg stated he is concerned about lot A and the swale along the property line. They have seen no documentation on it and there are no comments that address the impact of this on the original building.

Kathy Joubert stated lot A is not part of the plan before the board.

Dave Petkewicz stated there will be no disturbance to lot A.

Bill Farnsworth explained that when grading and permits for the new proposal are reviewed by himself and the Town Engineer, there will not be any disturbance or changes to drainage or anything else that would affect the first building. If there were other than minimal impacts, the applicant would have to come back before the board.

Kathy Joubert reiterated that nothing to do with lot A is part of this site plan review.

Dennis Connolly stated they had a phased condo project, but there's no market for them right now. To have it as a three-phased condo project is not financially sound, so they are separating the storage from the condos so they won't be subject to the condo project.

Kathy Joubert stated she will have a draft decision ready for the next meeting.

Old/New Business

Brigham Woods Subdivision Modification

Fred Litchfield explained that, during the Brigham Woods subdivision process, there was concern from abutters about drainage. In response to this, he had asked for a swale along the southeasterly property lines to intercept water. At the time, the design engineer indicated that the way the site was carved out, less water would flow down and the roofs on Fairway Drive would drain to the streets. Therefore, the swale was not built. Now people are concerned about the removal of trees to build the swale because water is not anticipated and they feel the swale is not needed. Mr. Litchfield said he is OK with this. The detention basin is working quite well and goes through the drainage system as designed. There is much more rock on the site than originally encountered, therefore trees would be removed and blasting

would occur. The applicant would like the board to consider the release of the obligation to build the swale and allow them to have the streets approved at 2008 Town Meeting.

Charlie Macgregor of Brendon Properties stated he noticed from the beginning the runoff was not what was originally anticipated. The lots are stepped down and water has never been an issue. During road construction they had very heavy rain and there were no runoff problems.

Kathy Joubert stated Mr. Macgregor has a letter signed by three out of five abutters. He has talked with everyone except Paul Maher. Prior to the public hearing for this modification, the board will receive a letter signed by all abutters. A public hearing to amend the decision and remove that condition would have to be held and all abutters would be notified.

Fred Litchfield stated it's important the applicant appears before the Board of Selectmen in January to approve the streets at Town Meeting. They have to remove the swale condition before they can go to Town Meeting because it was specifically called out in the decision.

Michelle Gillespie moved to schedule the public hearing to amend the decision for the Brigham Woods subdivision on December 11, 2007 at 6:30 pm. Don Hewey seconded the motion and the vote was unanimous.

December 18th Meeting: The board decided there would be no meeting on December 18th.

Next ZBA Meeting: Kathy reviewed the three ZBA applications on the November 27th ZBA agenda.

Approval of Minutes: The minutes of October 16, 2007 and November 6, 2007 were approved with amendments.

Comprehensive Zoning Reorganization Update - Special Permit Granting Authority (SPGA) issue: Kathy Joubert explained she talked with ZBA Chairman Dick Rand about considering the Planning Board as SPGA for the Industrial District, Downtown Business District and the Neighborhood Transition District, and ZBA as SPGA for the Residential Districts, Highway District, BB East and BB West Districts. She stated Dick thought this might work for ZBA and liked the idea of the two boards splitting the business districts. In addition, Judi Barrett would include in the bylaw a condition that each board could send comments in writing to the other on projects when they chose to do so and the comments would be considered and not arbitrarily dismissed by the other board. Dick told Kathy he will talk with ZBA members at their next meeting on November 27th. Kathy stated she, Judi and Rick have been working diligently on a solution to this issue so the boards can move past it and go forward.

Rick Leif stated he thought it was a reasonable solution.

Michelle Gillespie stated they want to impress to the public that the two boards are working together.

All members of the Planning Board agreed with this solution.

The meeting adjourned at 11:00 pm.

Respectfully submitted,

Debbie Grampietro