



TOWN OF NORTHBOROUGH

Town Offices

63 Main Street

Northborough, Massachusetts 01532

508-393-5019 ~ 508-393-6996 Fax Planning Board

Approved 7-17-07

Planning Board
Meeting Minutes
May 21, 2007

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

Others Present: Kathy Joubert, Town Planner; Fred Litchfield, Town Engineer; John Twohig, Goulston & Storrs; Paul Gallagher, Riverview Realty Trust; Ken Stafford, VHB, Henry R. Charest, Jr.

7:00pm **Review of Preliminary Subdivision Plan "Riverview Way",**
located off Hudson Street, Maps 53, 54, 63, 64 Parcel 64-15
Applicant: **Riverview Realty Trust**
Engineer: **Vanasse Hangen Brustlin, Inc. (VHB)**
Date Submitted: **April 18, 2007**
Decision Due: **June 1, 2007**

Kathy Joubert

- Applicant must file preliminary plan when proposing subdivision in Industrial district
- Parcel includes two zoning districts - residential and industrial
- Previous Stop & Shop filing - residential district off Main Street (77 Main Street)
- Proposed subdivision coming off of Hudson Street - industrial part of the property
- Preliminary plan shows 5 lots with a 400-foot cul-de-sac
- Packets sent to members originally had letter to Town Administrator and Board of Selectmen explaining process
- By state statute, filing preliminary subdivision plan protects property from future zoning changes
- MGL Chapter 40A Section 6 - allows for protection of property from zoning changes
- Bylaw passed at Town Meeting - haven't received approval from Attorney General yet

- Bylaw changed at Town Meeting allows for a single retail use in Industrial B to be limited to 5000 square feet
- Can have multiple retail uses, but each individual establishment limited to 5000 square feet
- Jamie Terry, Board of Health Agent, submitted review of subdivision by email
- By state statute the Board of Health must review subdivision plans within 45 days of submission
- Also have review letter from Fire Chief and from Town Engineer
- When preliminary plan submitted, Planning Board by state statute, should make a decision, one way or the other
- Decision deadline date for this plan is June 1st
- Preliminary plan - does not require a public hearing, board asks questions, not required to take questions from the audience
- Notice to abutters not required, but we send notice to applicants

Kathy Joubert

- A draft decision is available for board to edit tonight

Ken Stafford, VHB - presented plans

- 2 lots with frontage off Hudson Street
- 2 lots will be off new road - Riverview Way
- 5th lot has frontage on Riverview Way and Main Street
- Part of property in Industrial district, part in Residential district
- 420-foot dead-end cul-de-sac road
- Access off Hudson Street
- A straight-forward subdivision, designed in conformance with Northborough's subdivision regulations
- Sidewalks proposed on both sides of street
- Not looking for any waivers or variances
- Received comments from Fire Chief and Town Engineer
- Responded to Fire Chief's comments
- A lot are issues that can be addressed in Definitive Subdivision Plan
 - Riverview Way may be confused with River Street - will address that
 - Minor issues on plans
 - Locations of hydrants
 - Use is Industrial, but uses of individual lots haven't been defined
 - When we know tenants, use will be more definite
 - Can address easement
 - Rick Leif, Don Hewey, Bob Rosenberg, George Pember, Michelle Gillespie Comments related to subdivision standards - truck maneuvering and fire apparatus moving in the site
 - We have no issues with Fire Chief's comments
- Re: Town Engineer's letter

- Portion of Hudson Street is on part of parcel - provide easement or give taking so Hudson Street is contained in the right of way
- New roadway goes in - balance of impervious area for subdivision roadway
- Not an immediate need for detention pond - will use for water quality
- As plan for lots developed, may use detention pond individual lots
- Will address stormwater on individual lots
- Some details related to detention will work through for Definitive plan

Rick Leif

- Is entire parcel used in the subdivision, one way or the other?
- Do the five lots use all the land?

Ken Stafford

- Yes
- Lot 3 is the largest - about 5 acres

Rick Leif

- Plan shows 50-foot buffer required when Industrial abuts Residential
- Seems to come right to the cul-de-sac
- Confused as to how the lot on the southerly side of Riverview Way is usable for anything

Ken Stafford

- Will look at it as we go forward - may consolidate with other land
- Sheet 3 shows the size of the lots

Kathy Joubert

- Minimum lot size in Industrial B district is 10,000 square feet, with frontage of 50 feet

Rick Leif

- Will significant slope on southerly side be taken out and leveled - may be lot #4

Ken Stafford

- Yes, would have to be leveled out
- Will probably have access from the cul-de-sac

Bob Rosenberg

- Town Engineer addressed the right of way - how about the pavement?
- Looks like Hudson Street might not be as wide as the proposed subdivision road

- Would want to end up with road in front of the subdivision as wide as the subdivision road

Fred Litchfield

- Will look more closely with Definitive - will look at truck traffic, etc.
- Right of way is limited
- Perhaps a widening for equipment
- Hard to widen it in one small section

Bob Rosenberg

- Want to make sure there's enough pavement
- On Definitive plan would like to make sure that Hudson Street, in front of the subdivision road, is 26 feet wide
- Fire Chief asked question about location of hydrant
- You have a hydrant proposed?

Ken Stafford

- Hydrants at Pierce Street/Hudson Street and River Street/Hudson Street
- Chief wanted to show existing hydrants on the plan
- Would also be hydrants on the street

Bob Rosenberg

- Would want to make sure Fire Chief agrees with hydrants on Definitive plan

Don Hewey

- Based on typography map and grading, looks like filling the lot half-way to even off for slopes on southern side

Ken Stafford

- A balance coming off Hudson Street - dropping down but not as steep as we could make it
- Could do 8% , doing 6%
- Moving dirt from up-slope side to down-slope side of driveway

Michelle Gillespie

- Kara Buzanoski, DPW Director, indicated taking the island out - comes down to maintenance issue

Fred Litchfield

- Applicant should speak with DPW sometime between now and filing of definitive plan
- Sometimes DPW has maintenance issues with islands and doesn't want to see them. In some locations DPW has approved of islands within the clu-de-sac. Need to check with DPW.

Michelle Gillespie

- Do you know what you're going to build?

Ken Stafford

- Could be self-storage or some kind of warehouse
- Similar to what is there today
- Could go with small retail - have some flexibility
- When we get to definitive plan, program will be defined to address traffic and fire issues

Michelle Gillespie

- No access off Main Street proposed?

Ken Stafford

- No.

Michelle Gillespie

- Have talked about saving that for open space access to Assabet River

George Pember

- 2 lots with frontage on Hudson Street and pretty good slope on Riverview Way. Curious as to how you'll get driveway and still have usable space on lots
- Would like to see prohibition of driveways off Hudson Street

Ken Stafford

- Fill will be required on those two lots, possibly retaining wall
- Will work with type of building, structure and site to make it work

Rick Leif

- Based on location of this in town, some concept of a retail village, shops, stores, would fit in with both our short-term and long-term vision for the town there.
- Currently zoned Industrial, but in terms of where Planning Board is going, something like small retail and residential is desirable.

Don Hewey

- Hard to have questions without knowing what might go there
- Will definitive plan have more specifics?

John Twohig

- May not have that developed, but can still move forward
- What we have for those lots may not be formalized.

Bob Rosenberg

- Re: George's point about driveways on Hudson Street - can lot 1 be designed so that it's fronting on Riverview Way?
- Required frontage is 50 feet
- Would want to get the driveway off Hudson Street

Ken Stafford

- Has enough frontage
- Lines aren't set in stone

Rick Leif

- Make sure that lots viable considering buffers required
- Lots 1, 2 & 3 are straightforward
- Lot 4 has major slope - need to see grading and slope
- How would lot 5 be done to be viable lot with 50 foot buffer required?

Don Hewey

- 50 foot buffer from residents plus 20 foot setback from street
- Would be a pretty narrow structure
- Doesn't make sense to me

Bob Rosenberg

- Once Fire Chief is clear on where hydrants are on definitive plan, want to hear if he has concerns
- Would like the definitive plan to create a width on Hudson Street at least as great as proposed subdivision road
- Resulting paved width of Hudson street should be at least as great as proposed subdivision road per subdivision regulations

Mr. Rosenberg read section 10-36-050.

George Pember

- Driveways for lots 1 & 5 should be off the proposed subdivision street and not off Hudson Street

Don Hewey

- What is process if some of proposed subdivision in 100 foot buffer of the river
- Would they have to come to Conservation Commission before us?

Kathy Joubert

- No local requirement that applicant must come before one board first. Filings can be done in any order.

Rick Leif

- Sense would be that Kathy's proposed letter of comments would be sufficient
- Plan very general - nothing to take a vote on
- Will save our approval for a regular hearing

Bob Rosenberg

- A vote would indicate we are in concert with the content of the letter

Rick Leif

- Vote to agree to send the letter to applicant
- Will finalize letter tonight and get it to applicant as soon as possible

7:50 pm - Update on Zoning Reorganization Project by Kathy Joubert and Rick Leif

Rick Leif

- Each revised section of zoning subjected to 3-reading process

Kathy Joubert

- Planning Board will get complete document at the end of the subcommittee process
- Slated to finish at end of June or beginning of July
- No Planning Board feedback to Subcommittee once section done

Rick Leif

- Thought we were going to use them to have joint meetings with ZBA

Kathy Joubert

- Some special permits are going to be done by Planning Board and some by ZBA
- Big discussion was who will end up doing site plan review - split process, all ZBA or all Planning Board

Rick Leif

- Thought as sections were done, we would have additional joint meetings
- June 12th meeting would be joint meeting for section 7-10
- When 7-04 done, would have meeting and talk with ZBA about that process
- Would be on-going meetings as sections were done

Kathy Joubert

- Process can be to get completed sections to Planning Board and Zoning Board of Appeals and then schedule joint meetings on those particular sections.
- Need to have everybody ready to discuss section 7-10 at June 12th joint meeting

Bob Rosenberg

- Judi was encouraging us to let subcommittee complete their task
- If you start having meetings on final drafts of all other sections, will get bogged down again
- Understand situation different with section 7-10
- Need to let subcommittee finish and not give them direction on everything

Rick Leif

- ZBA is meeting tomorrow night and will tell them we'd like to have a joint meeting on June 12th
- If subcommittee doesn't complete the whole thing when they say, and if we don't start talking about this until summer, it's going to be more difficult in summer to schedule joint meetings and at our first joint meeting we may uncover things that would be better to uncover sooner.
- Once ZBA and Planning Board start meeting, it may force us to meet on other things
- Once subcommittee has made final comments, it's up to us to say yes we like them or have Judi make other changes
- Would like to have the whole thing done and agreed to by Planning Board early in September and use fall to publicize it and by the time we start looking at Town Meeting, all we have to do is work on wording, etc.

Michelle Gillespie

- How about starting to do it on cable?
- People watch it and hear the history
- Better than all of a sudden coming before town meeting - less threatening

Kathy Joubert

- Judi and I talked about doing one or two cable shows
- Myself, Judi and members of subcommittee - talking about process, what they'll be seeing, public hearings, going out to public talking to various groups
- Talked about preparing something for the website and posting it on What's New section when completed

Michelle Gillespie

- Cable is good avenue to use
- Has been done for Community Preservation, Community Development Plan and Inclusionary Zoning

Rick Leif

- Will confirm tomorrow afternoon that section 7-10 is done
- When 7-10 done, will suggest it be made clear that ZBA and Planning Board will have joint meeting

Kathy Joubert

- Everyone is available on June 12th

Rick Leif

- Will talk to ZBA tomorrow night

Don Hewey

- Once section finalized, will come out with minutes from the subcommittee

Michelle Gillespie

- Will it be very different from the current?

Rick Leif

- Yes, go back to the old zoning first and then look at the new
- Won't be able to compare the two side by side
- Will have to proof each section
- Big fear is that we'll print the new zoning and somewhere down the road will find that something was left out
- Will have to be a group proof-reading effort in the end

Don Hewey

- How complete or final is it going to be when we get it?
- We are ultimately responsible for the zoning
- I only attended a couple of meetings, and remember the only discussion was on parking.
- It was unclear as to how it would come out.

Rick Leif

- Once you see it, it will be complete
- And at that point it is up to us and if I have an issue it becomes an issue of this committee

Don Hewey

- May not be a fair use of Judi's time if we keep changing it

Rick Leif

- You'll get the final product

Old/New Business

Covenant Extension for Brigham Woods

Kathy Joubert

- Covenant expires on July 5th 2007
- Wrapping up project
- Applicant has requested the Board extend covenant for 2 years

- Proposing road acceptance at 2008 town meeting
- Would propose covenant be extended to July 1, 2008

Michelle Gillespie moved to extend the covenant for the Brigham Woods subdivision to July 1, 2008. George Pember seconded the motion. Discussion: Bob Rosenberg stated he agrees with Kathy Joubert's observations. The Board voted unanimously to extend the covenant.

Old/New Business

Reappointment of Jason Perreault to Financial Planning Committee

George Pember moved to reappoint Jason Perreault to the Financial Planning Committee. Bob Rosenberg seconded the motion and the vote was unanimous to approve.

Consideration of M.G.L. c. 61 sec. 8 – Conversion of Land to Commercial Use and Notice to Northborough of its First Refusal Option – Parcels located off Southwest Cutoff for the proposed AvalonBay & The Loop project

Kathy Joubert explained that, by law, the Planning Board, Conservation Commission, Assessors, and Board of Selectmen receive a copy of the Purchase and Sale and those boards are requested to send back their recommendations to the Board of Selectmen (BOS).

The Purchase & Sale Agreement, between Kevin Giblin and Robert and Mary Borgatti, for the property on Southwest Cutoff is for portions of the land that are currently under Chapter 61 protection. The purchase price is \$11.5 million dollars, which is the price the Town would have to pay if they wanted to purchase it.

The Board members agreed the town did not have the money to purchase the land. Also, the addition of the AvalonBay affordable units in town, which are part of the project, along with the considerable revenue the town will receive from the retail development, are more advantageous to the town than ownership of the land would be.

George Pember moved to recommend to the Board of Selectmen to not exercise it's right to purchase the property. Michelle Gillespie seconded the motion and the vote was unanimous.

Kathy Joubert left the meeting to prepare documents for the Board to sign.

Newton Street Approved Scenic Road Application - Ziad Ramadan

Don Hewey stated it looks as though Ziad Ramadan has taken out a considerable amount of the wall and asked what the Board could do to make sure he puts the wall back in the same condition as it was originally.

In addition, Mr. Hewey was concerned about changes in the number and location of the lots after viewing a copy of the plan for 85 Newton Street which was submitted to the Board of Health for approval of a septic system. Mr. Hewey did not believe the plan submitted to the Board of Health was the plan approved by the Planning Board. The proposed septic system was located on Lot 4, which didn't exist on the original plan and the septic system is located within the wetland buffer.

Rick Leif stated the Board should ask Kathy to work with the Town Engineer and the Building Inspector and let them know there is information that indicates the applicant may be in violation of the conditions of the scenic road permit and the plan he's using may not be the same ANR plan the Board signed.

Kathy Joubert returned to the meeting.

Zoning Reorganization Project

Bob Rosenberg

- Final draft of 7-10 leaves it a little undefined as to the Planning Boards input to ZBA
- Think 7-10 needs to evolve further
- Citizen Planner Training Collaborative (CPTC) has 3 sets of model site plan review bylaws - each bylaw addresses likelihood of how site plan evolved and how every community ended up with an unclear process and ended up with a good final product
- When discuss with ZBA, would like us to at least propose we follow the CPTC approach
- Discussion tomorrow in Section 3 - new zoning district called Public Lands
- What does it accomplish? Was unclear at the last meeting as to whether there was an achievable goal in it and would hope we don't create a new district distinction that will be confusing
- Could affect abutters when public land changed
- Haven't heard what goes into that district
- Only public land that would really matter is town's public because state's public land is not available

Kathy Joubert

- One of the benefits of public land (town land) is that if the town was to dispose of it and wants to sell it, you can write your request for proposals with conditions you want to put on the land and/or use.

Don Hewey

- Confusing but sounds like it could help the housing situation.

Consideration of M.G.L. c. 61 sec. 8 – Conversion of Land to Commercial Use and Notice to Northborough of its First Refusal Option – Parcels located off Southwest Cutoff for the proposed AvalonBay & The Loop project

Kathy Joubert presented a memo from the Planning Board to the Board of Selectmen stating they recommend the Board of Selectmen not exercise the Town's right to purchase the property. Rick Leif initialed the memo.

Riverview Way Preliminary Subdivision Plan

Kathy Joubert presented a comment letter from the Planning Board to the applicant, Riverview Realty Trust, for the Board to review.

George Pember moved to send the letter to Riverview Realty Trust. Michelle Gillespie seconded the motion and the vote was unanimously in favor.

George Pember

- After filing a preliminary subdivision plan, does the applicant have to take any action over the next 8 years?

Kathy Joubert

- They have to come back with a definitive plan within 7 months.
- There's a time frame for the definitive plan unless they keep getting extensions, but there needs to be a conclusion.

George Pember

- If we vote to disapprove the definitive subdivision plan, does that end it?

Kathy Joubert

- If the applicant appealed, it wouldn't end it.

George Pember

- Is it the action of filing the definitive plan that grandfather's the property or is the approval of the definitive plan?

Kathy Joubert

- Will check on this.

85 Newton Street Scenic Road, continued

Rick Leif explained to Kathy Joubert that the applicant, Ziad Ramadan, is doing things on his property to the wall outside of what the Planning Board wanted him do.

Kathy stated she would talk with the Building Inspector about setting up a time for them to do an inspection at the site.

Don Hewey stated it is specifically the 4th cut to the non-existent lot. The stone wall was totally bulldozed out and some rocks have been pushed back in place. One rock is massive. It doesn't look like old material and is not in keeping with the intent of the Planning Board's approval of the scenic road permit.

Rick Leif suggested putting an update on this situation on the next agenda.

Meeting Schedule

- June 5th is next meeting - No filings for this meeting
- June 12th is joint meeting between Planning Board and ZBA
- Kathy is on vacation the last 2 weeks of June
- July meeting: July 17th

For Next Meeting

- Discussion on Section 7-10
- Newton Street Scenic Road - Ziad Ramadan
- Election of Officers

Adjournment

George Pember moved to adjourn the meeting. Don Hewey seconded the motion and the vote was unanimous to adjourn. The meeting adjourned at 9:15 pm.

Respectfully submitted,

Debbie Grampietro, Administrative Assistant
Engineering, Planning & Zoning Board of Appeals