



# TOWN OF NORTHBOROUGH

Town Offices

63 Main Street

Northborough, Massachusetts 01532

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

Approved 9/4/07

## Planning Board Meeting Minutes July 17, 2007

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

**Others Present:** Kathy Joubert, Town Planner; Fred Litchfield, Town Engineer; Jack Ferguson, CTM; Shirley Lundberg, Brent Trottier, Steve Venincasa, Gordon Kelly, Eleanor Raye

Chairman Leif called the meeting to order at 7:00 pm

### **Discussion with Charles Gobron, Acting Superintendent of Schools and Shirley Lundberg, Chairperson, Algonquin Building Committee RE: ARHS Site Plan Condition – Finalizing Use of Access Driveway**

#### **Kathy Joubert**

- To fulfill condition regarding use of secondary access driveway of site plan review decision, project back before Planning Board. Condition originally limited use to construction vehicles
- Town Administrator, High School staff, contractor and various Town Hall staff met several times
- Came up with a solution everyone in agreement with

#### **Jack Ferguson, CMT**

- Driveway off Route 20
- Many discussions with Fire Chief, Police Chief and other town staff on use
- Established right-in and right-out only access after discussing with State
- Keeps people from crossing traffic as they come and go
- Police Chief and Fire Chief thought safest thing to do
- Southborough buses and students will enter and exit via Route 20
- Northborough buses and students will enter and exit via Bartlett Street
- Northborough buses will stay in upper parking lot and Southborough buses will be in lower parking lot
- Parent drop off and pick up will be at gym entrance

#### **Rick Leif**

- Anything built as far as raised islands to make sure people don't make left turns?

#### **Jack Ferguson**

- Yes, we need to take that to the state because it's a state curb cut and will go to state after approval of Planning Board

**Kathy Joubert**

- We anticipate state will have the island elongated as you head east so there is a physical barrier

**Shirley Lundberg**

- Signage at top of Route 20 driveway also

**George Pember**

- Suggest an email to parents before the first day

Michelle Gillespie moved to accept the traffic plan showing right turns in and out of Route 20 entrance, George Pember seconded the motion and the vote was unanimous to approve.

***Old/New Business***

**Kathy Joubert**

- Stirrup Brook Bond Release Request of \$49,000
- Subdivision streets approved at Town Meeting
- Everything needed to be done has been done- plans recorded
- Contingent upon the developer's submittal of revenue to pay for Town Counsel's legal bills and amount of recording fee
- \$300 for recording fee, \$922.25 legal fees - total to be paid is \$1222.25

Michelle Gillespie moved to release the bond when the Town has received the check to pay for \$922.25 legal fees and \$300 in recording fees. George Pember seconded the motion and the vote was unanimous

***ANR Plans***

- 85 Newton Street: The Board reviewed and signed an ANR plan for 85 Newton Street, submitted by Ziad Ramadan

***Update on The Loop & AvalonBay***

**Kathy Joubert**

- Town has hired consultants to perform inspections
- ZBA considering holding special meeting (August 14th) to review the final site plan
- Applicant waiting for curb cut, water, and sewer state approvals
- Conservation Commission will soon issue Order of Conditions

***Maynard Woods – Well Testing***

- Board member Don Hewey recused himself during this discussion.

Developer Steve Venincasa was present for this discussion.

**Kathy Joubert**

- One set of well tests done by Laframbois and second testing done on same day by Aquatech
- Results submitted to Board of Health and DPW
- Comparing what was done in May 2007 to the original done in May 2003
- Memo attached to well results
- 62 Maynard Street – decrease of 4 gallons per minute – 50% decrease
- 80 Maynard street – decrease of 3 gallons per minute – 30% decrease and 28 feet in draw down
- Subdivision condition states if greater than 10% difference developer has to work with homeowners to either hydro-frac to improve capacity or drill new well if hydro fracture does not work

#### **Steve Venincasa**

- Intent of Planning Board condition was that no one would have a ruined well
- I would've corrected problem with these wells if there was a problem.
- Wells producing more than 5 per minute
- Original decision stated the tests would be one year from the date the 14 wells installed, technically not even held to this standard, though not arguing this point
- Tried to work with board and residents
- Intent of condition has been met
- Request money to be released

#### **Rick Leif**

- Letter created between Kellys, Heweys and yourself?
- What was that agreement?

#### **Steve Venincasa**

- At time testing done, it was agreed wells were strong and producing large quantities of water Didn't expect it to carry on further after that day, though it was agreed wells were strong and no problems

#### **Eleanor Raye**

- Reason test done outside from a long hose, because it needed to be done the same way as the original testing in 2003.
- Made little sense to us, but they said we wanted it the same way as it was the first time

#### **Steve Venincasa**

- Wells were running strong

#### **Don Hewey**

- Wasn't present, but the comment was that it matched the last test, which was done in October 2006
- People doing test agreed it matched the last test

#### **Steve Venincasa**

- Conditioned upon pump itself
- If a larger pump used in there, could've gotten more water out of it

#### **Rick Leif**

- Establish a baseline and establish further testing off the baseline

- Makes sense all tests would be done the same way and could compare results to each other
- Rick read letter dated 1/30/2007
- If testing shows less than 10% difference then property owners agreed nothing else would be done
- Wells showed more than a 10% difference
- Seems pretty clear as to what was agreed to

#### **Steve Venincasa**

- Willing to honor any agreement but I think there's a flaw in the way test results done

#### **George Pember**

- Board doesn't have right to say what's fair
- We have to interpret and enforce original agreement
- Original agreement says a 10% difference
- If all done in same fashion, then there was more than a 10% decrease

#### **Rick Leif**

- In an attempt to do what was acceptable to all parties, asked all involved to execute a letter

#### **Steve Venincasa**

- Agreed for 2 reasons
- Did not believe Maynard Woods wells effected those wells
- If there really was a problem I would recognize it

#### **Rick Leif**

- Letter drawn up was for that purpose

#### **Gordon Kelly**

- Spoke with Steve about problem
- Steve claimed testing wasn't done at same time of year as done 3 years before
- Homeowner had nothing to do with testing
- Gave him benefit of the doubt and also tested again at their own expense
- Tests in following May very similar to those done in September
- Wanted to see if at different times of year we got different results
- Had 3 tests and all have same results
- Goes back before Steve, to when Bob Moss brought up that people were upset that many houses going in with septic systems
- Bob said don't worry about it and I'll test everyone's well and if problems, well take care of it. Didn't think it was a good idea at the time.
- Not an exact science – it was quality and quantity tested
- Have both problems and can't prove Maynard Woods involvement
- Will have to spend \$5000 for filtration just to take care of the quality of the water
- In my case, was 8 gallons per minute and no less than 5 gallons per minute, on the two hour tests
- Steve inherited problem from Bob Moss

#### **Michelle Gillespie**

- What does hydro-fracing of well mean and cost?

**Steve Venincasa**

- Cost is from \$1000 - \$5000
- Process is to seal well and inject high-pressure water to open up more veins in the ground

**Rick Leif**

- Part of solution would be to give them \$4000, let them walk and you walk away with your money
- Hydro-fracing could be done and if it comes back the way we want, you get your bond
- Or board has to come up with a solution
- Tired of seeing the case come before us

**Eleanor Raye**

- We don't want the money – we want him to do it for \$4000.

**Steve Venincasa**

- Having a hard time with this – wells are not broken

**Rick Leif**

- Reason condition exists was to avoid this argument
- Do work and get work back to where they were or negotiate with parties for \$4000
- Ball is in developer's court
- Board's decision is that he needs to execute the conditions of the letter

George Pember moved that, based on the board's review and finding that two wells do not meet the 10% standard, the letter dated January 30, 2007 is in effect, and Steven Venincasa will continue to work with abutters to remedy the problems. Michelle Gillespie seconded the motion and the vote was 4 in favor, 0 opposed.

Mr. Hewey joined the other members for the remainder of the meeting.

**Green Street Common Driveway****Kathy Joubert**

- Received letter from Gino DeFeudis re: developer has never finished road
- Not finished because developer has not finished the houses
- First, common driveway approved for 5 lots in April 2002 – 4 developed and 5th lot for sale
- Developer is doing everything he's supposed to be doing
- Building permit and occupancy permits done
- May be slower than homeowner wants, but developer is doing what he's supposed to be doing
- Had developer write into deeds that plowing, etc., is shared responsibility
- Developer on hook for costs until road finished
- Has to finish road in compliance with decision
- Doesn't need to do the top coat until project finished
- Have \$25,000 stabilization bond and \$11,000 provided for off-site sidewalks
- Developer has done everything – no violations – has submitted as-built a few years ago as required also
- Three houses occupied and 4th under construction

- Decision needs to be followed, but homeowner is thinking it's a subdivision
- If he has an issue he needs to contact developer
- No time frame on bond
- Propose following up with a letter to Mr. DeFeudis explaining difference between common driveway and subdivision

**Bob Rosenberg**

- Any other residents discomforted?

**Kathy Joubert**

- No

**Bob Rosenberg**

- Would town would get involved with Police and Fire Departments saying no access?

**Fred Litchfield**

- Driveway crosses multiple property lines – all residents have ownership in driveway and their deeds reflect they are responsible for maintenance of common driveway

**Bob Rosenberg**

- Acknowledge letter and explanation that process is still continuing is appropriate

Town Planner will send letter to resident.

**Woodstone Road**

**Kathy Joubert**

- Have received letters from residents asking Town to finish the road was not completed by the developer when the developer went bankrupt in the early 1990's
- Town is committed to bringing road to Town Meeting 2008 for acceptance
- About \$75,000 in mini bonds Town acquired thru foreclosures

**Fred Litchfield**

- Not enough bond money. Will require DPW funds to complete road

**George Pember**

- Not fair to the town
- People who bought lots knew what they were buying into
- A private road

**Fred Litchfield**

- Town has assumed the road
- Have plowed, sanded, and fixed road
- School buses go up there

**Bob Rosenberg**

- We created subdivision
- We're still on hook to provide public access

**CMRPC Representative:** Bob Rosenberg

**Brigham Woods Mitigation Funds**

**Kathy Joubert**

- Joint meeting held with Judi Barrett in June, and 2 – 3 others discussed, were not part of the contract – original or amended
- More subcommittee meetings have been added
- Judi and office manager are pulling funds from public meetings portion of her contract which was set aside for public informational meetings
- We can either ask Judi for amendment to contract to include another 2 or 3 joint meetings or meetings get conducted without Judi

**Rick Leif**

- Would she be more valuable to us by getting zoning for us rather than being at joint meetings?
- Premature to talk about spending more than \$60,000
- May want to hold off deciding how to spend rest of money until we get down to end of zoning project
- If \$60,000 sufficient, we can start talking about remainder
- If useful to have Judi around for more things other than what was budgeted, could talk about that.
- Can discuss how we would spend remainder based on requests made by departments

**Kathy Joubert**

- Some of the requests on the list are no longer valid

**Rick Leif**

- Suggestion is to get updated list and then see how much more we'll need Judi for and for what and whether we need to extend contract or not

**November 8, 2007 will be a Conflict of Interest Law workshop** for all town boards. Board members are encouraged to attend. RSVP to MJ Fredette in Town Administrator's office.

**Zoning Subcommittee Update**

**Rick Leif**

- Sections 7-03, Zoning Districts; 7-04, Use Regulations and Table of Use Regulations; and 7-07, Non-Conforming Uses and Structures, are final stage
- Planning Board will be seeing those final drafts
- Also working on 7-05, Table of Dimensional Regulations
- 7-05 fairly complicated – has taken 2 meetings so far
- 7-08, Development Regulations, on the horizon
- Main issue with 7-04 – final decision of subcommittee is in residential zoning districts ZBA should be SPGA
- In BB East, BB West, Highway and Industrial districts Planning Board will be SPGA
- Will be planning next joint meeting between Planning Board and ZBA to get agreement on Section 7-04

- Questions and comments should be sent to Judi by email
- Public Land district hasn't been discussed yet but still references in bylaw

**Michelle Gillespie**

- As you go through this and review it, we will always be reviewing with ZBA?

**Rick Leif**

- Ultimately both boards use zoning bylaw
- Both will have to agree to whole new bylaw
- Trying to get there by not waiting until the whole thing is done, but having joint meetings when key sections are completed
- We could say we want Judi at all the joint meetings – 3 more probably
- Will have to discuss how much more money we would need
- First turn out rest of zoning pages to present to ZBA

***Approval of Minutes***

- May 21, 2007: Bob Rosenberg moved to approve the minutes as amended, George Pember seconded and the vote was unanimous.
- June 5, 2007: George Pember moved to approve the minutes as amended, Don Hewey seconded the motion and the vote was unanimous.

**Michelle Gillespie**

- Re: The Loop – while working with them, will you get into specific plantings?
- Noticed developers have a list of invasive plants
- Can you research the invasive plants and steer them away from them?

**Kathy Joubert**

- Yes

Michelle Gillespie move to adjourn the meeting. George Pember seconded the motion and the vote was unanimous. The meeting adjourned at 9:30 pm.

Respectfully submitted,

Debbie Grampietro  
Planning, Engineering  
Zoning Board of Appeals