



# TOWN OF NORTHBOROUGH PLANNING BOARD

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Approved 11/25/08

## Planning Board and Zoning Board of Appeals Joint Meeting Minutes October 7, 2008

**Planning Board Members Present:** Rick Leif, Bob Rosenberg, Michelle Gillespie, George Pember, Daniel Lewis

**ZBA Members Present:** Dick Rand, Dick Kane, Gerry Benson, Dan Ginsberg

**Others Present:** Kathy Joubert, Town Planner; Bill Farnsworth, Inspector of Buildings/Zoning Enforcement Officer; Kara Buzanoski, DPW Director

Chairman Leif opened the Planning Board meeting at 7:07 pm.

Chairman Rand opened the ZBA meeting at 7:07 pm.

### **New Town Administrator Introduction**

John Coderre, newly appointed Town Administrator, introduced himself to the Board members and explained he developed and distributed a list of questions for board members and department heads to answer. He stated he is in the process of meeting with department heads individually as part of his transition. He explained his goal is to make sure he touches base with board members and department heads, as well as community groups, so people know him and will feel comfortable contacting him. If boards would like to discuss anything with him, he stated he would be happy to meet with them as a group preferably, but would have no problem meeting with board members individually as well. He stated if there is anything about a board or committee they would like him to know or would like assistance with he would like the opportunity for, and would welcome, their input. He stated he would be happy to come back before the boards to discuss this if desired.

### **Discussion with Kara Buzanoski, DPW Director re: Town Sewer**

Kathy Joubert, Town Planner, introduced Kara Buzanoski and noted a history of sewer service in Northborough from Ms. Buzanoski had been distributed to those present, as follows:

#### ***SEWER PROJECT***

*The Town does not treat its own sewerage, but instead, operates a collection system of sewer pipes that bring sewerage to the Marlborough Westerly Wastewater Treatment Plant where it is treated and discharged into the Assabet River. When the sewer system was started in the mid 1960's it was designed to service only the central portion of Town. While sewer pipe installation did not start until the 1970's, in 1964 land was purchased for a sewage treatment plant of our own on Boundary Street.*

*In the late 1960's when the Town of Northborough attempted to obtain approvals from the Massachusetts Department of Environmental Protection (DEP) and the Federal Environmental Protection Agency (EPA) regulators for our sewerage treatment plant, the Town was told that since Marlborough was building a plant across Boundary St, that the regulators would not allow two plants across the street and side-by-side with each other on the river. As a result, the Town of Northborough was required to become a tenant in the Marlborough Westerly Wastewater Treatment Plant by entering into an Intermunicipal Agreement with the Town of Marlborough for sewerage treatment.*

*In 1970, the Town of Northborough entered into the first of two twenty-year agreements with Marlborough for 800,000 gallons per day (gpd). The Marlborough Westerly plant has a design capacity of 2.9 million gallons per day (mgpd). Therefore, Marlborough's portion is 2.1 mgpd and ours is .8 mgpd. While sewer pipe installation has continued into the present from a Master Plan that was initially generated in the early 1980's, our sewer capacity at the Westerly Plant hasn't changed since the original 1970 contract. It has remained at 800,000 gpd for thirty-four years.*

*In the late 1970's the Town hired the engineering firm of Camp Dresser & McKee (CDM), to begin developing the sewer system and mapping out the sewer service area for the Town. We use that same 1970 sewer service area map to this day. It is estimated that the sewerage to be contributed by the users in the original sewer service area will utilize the full 800,000 gpd of sewer capacity. Therefore, as long as our capacity at the treatment plant remains at 800,000 gpd, we cannot provide sewer to any other parts of Town currently outside of the sewer service area.*

*Currently, 46% of the Town's population has access to sewer services; however, there are approximately 1500 sewer accounts serving approximately 4400 people or 30% of the Town's 14,600 population. The Sewer Department has been operating as an Enterprise Fund since 1998. Sewer rates are reviewed and adjusted yearly. The fund currently has an accumulated surplus of over \$100,000 that is used to augment revenues.*

### **ASSABET CONSORTIUM STUDY**

*In 2000, Town Meeting authorized \$500,000 to study the Town's current sewer needs through the Assabet River Consortium Study. The Assabet Consortium Study is a collaboration of the six towns whose sewerage treatment plants discharge to the Assabet River; these include Northborough, Marlborough, Westborough, Shrewsbury, Hudson and Maynard. As part of the discharge permit for each sewerage treatment plant (there are four) each Town must produce a study that evaluates the effect of the treatment plant's discharge on the Assabet River. The engineering firm of Fay, Spofford & Thorndike, was hired to do the study for the Town of Northborough. They inventoried the Board of Health records for septic system failures, excessive pumping, building department records for building construction, soils maps, and zoning and other applicable files and information to calculate the sewer capacity necessary to service the entire Town of Northborough. They determined that the Town, including existing users, would need 1.5 million gallons of sewer capacity per day. This means that there is not enough capacity in the existing sewage treatment plant for us to provide sewer to everyone who needs it. Marlborough's consultant determined that Marlborough also needed additional capacity. Between Northborough & Marlborough we need a total of 4.4 million gallons of sewage treatment capacity. With the plant already permitted for 2.9 mgpd, the deficit is 1.5 mgpd.*

*Using the cost information generated by the Assabet Consortium Study, Marlborough and Northborough have requested and received preliminary approval for increased treated sewage discharge to the Assabet River. A draft permit has been issued by the EPA. The final permit is expected to be issued by the end of 2008.*

Ms. Buzanoski reported that, in terms of water capacity, there are 3 wells offline. They will be bringing the Lyman Street well back online first followed by the Brigham Street well. The average daily water use is 1 million gallons per day and that water comes from MWRA, via a pipe in Marlborough from Bartlett Street which connects into the system. DEP permits the Town to withdraw .76 million gallons per day.

As part of a town wide study process, the engineering consultants evaluated the entire town to see what areas would need sewer in the future. The only areas not in need are those in the northern area of town where the Planning Board has zoned for larger lots. DPW is targeting those areas where soil is not conducive to septic systems. The study period for the comprehensive wastewater management plan is 20 years.

Mr. Leif asked about The Loop/Avalon Bay project in terms of sewer allocation.

Ms. Buzanoski stated they had originally allocated 50,000 gallons per day in that area. As the project grew it exceeded that amount. If the project came online today, they could handle it but would like to get additional capacity so they can accommodate all waste-water capacity. The Loop/AvalonBay project is now up to 150,000 gallons per day.

Mr. Kane asked when the illicit discharge will be corrected.

Ms. Buzanoski stated in order to maintain a healthy sewer system part of what DEP requires is that no clean water be introduced into it. For a while there has been evidence of water in sewer system from illicit discharge. DEP is requiring Kevin Giblin, developer of The Loop/AvalonBay project, to address what they call "wet water flows" and to remove them from the system. Mr. Giblin paid for a town-wide study to be done and the sources of the illicit discharging have been identified. Ms. Buzanoski stated this has been helpful to the town.

Mr. Benson asked if Mr. Giblin solves the town's problem so his project can be hooked up, will the town be at its maximum.

Ms. Buzanoski replied the town won't be, they will be at 650,000 gallons per day.

Mr. Leif stated they are considering changing the zoning in that area from Industrial to commercial. He asked Ms. Buzanoski if this will have a negative impact on her plans.

Ms. Buzanoski stated they will have a sufficient amount and the Southwest Cutoff area will be covered.

Mr. Rosenberg asked how this will effect water the town can pump and how close is the town to its 65-gallon per person per day allowance?

Ms. Buzanoski stated they are kept at 767,000 gallons per day so all additional use is very expensive. She stated the town has been below the per person per day allowance for the last few years.

Mr. Rosenberg asked what happens to the per-individual use as the retail use is added.

Ms. Buzanoski stated that since she started working in the Water Department the town's average daily use has only been above 1 million gallons per day for two years, so even with additional users, they have been at that amount since 1991.

Mr. Rosenberg stated that retail development will use a lot of water and will work against us in our gallons per head count.

Ms. Buzanoski stated of residential, industrial and commercial use, only the residential portion is included in the 65 gallons per day per person calculation.

Ms. Joubert asked if the sewer on Route 9 can be looped into the town's existing sewer system.

Ms. Buzanoski stated they have tried for many years to connect to the Shrewsbury line. Shrewsbury wanted to have a connection to the Westborough line because a pipe on Route 9 would shorten their distance. But Westborough is not in favor of this. The Westborough plant presently is running at 5 million gallons per day but is designed for 7.5 million gallons per day and Northborough just wants 500,000 gallons per day. The cost of running the line down Route 9 is too expensive for Shrewsbury to do and Westborough won't do it. It would require a pump station. WalMart and Team Works would like sewer service and the town has always envisioned there would be a pump station in that area. The hotel and West Side Grill are on septic and they would like to connect to town sewer.

Mr. Rosenberg asked if the Water and Sewer Commission has a capital plan that addresses the cost of putting that service in place.

Ms. Buzanoski stated a plan was developed in 1988 and reaffirmed in 1998 that outlines sewer service in town. They don't have the sewer service area mapped for capacity, but the Master Plan build out for 800,000 gallons includes the Candle Factory (Whitney Street), Church Street and over on Pleasant Street at the Middle School - a centralized portion of town.

Mr. Rosenberg stated that altogether, the town is headed towards being permitted for a large quantity and doesn't have a plan for using it.

Ms. Buzanoski stated the Assabet Consortium Study, a study of the Town's current sewer needs through a collaboration of six towns whose sewerage treatment plants discharge to the Assabet River, is divided into 4 phases and the town is working on phase 3 right now.

#### **Performance Standards - Judi Barrett, Consultant, Community Opportunities Group**

Mr. Leif stated a memo from town staff recommends performance standards be removed from the zoning bylaw.

Mr. Rosenberg stated he found references to performance standards in proposed zoning and wanted to know what that was all about.

Ms. Barrett stated she would keep some performance standard-like language in there to communicate with the applicant that conformance with design standards would be required.

Ms. Joubert stated this was all done with the idea we would not have a section called performance standards. There are certain sections in this bylaw that Ms. Barrett felt needed some sort of standards. There is reference to a home occupation in a residential neighborhood. She questioned how that would get measured and stated it's more of an environmental measurement.

Bill Farnsworth, Inspector of Buildings/Zoning Enforcement Officer, stated this is right from the current bylaw which says if someone has a home occupation they must meet certain environmental standards. The Department of Environmental Protection regulates noise, air pollution, dust, vibration, fumes and smoke. The Fire Department follows regulations from the state. He stated he follows state, local and federal regulations that cover these things and he would be very comfortable if they were taken out of the bylaw.

Mr. Leif stated it comes down to enforcement. Removing performance standards and getting back to referring to state and federal regulations makes it simpler. He stated if staff who have to enforce these regulations feel that what's in the new proposed zoning bylaw is reasonable and they can work with it, that's fine with him.

Mr. Ginsberg stated it sounds like they are not needed.

Mr. Kane stated generally, in any document, if something doesn't have any significance it should be taken out to make the document as short as possible.

Mr. Rosenberg stated they have to pay attention to the DEP regulations they're falling back on. The town can't have more stringent regulations.

Mr. Farnsworth stated DEP has been meeting with building inspectors to explain their regulations. The Code Administrator for the State Building Code is working with DEP. Building Inspectors get this information all the time. Jamie Terry, the Board of Health Agent, does a lot of work with the Health Code. He explained there is constant education happening.

Mr. Rosenberg stated this particular standard applies to ambient noise, which is a moving target.

Mr. Farnsworth stated the DEP has a whole guideline on how to measure it and how to use it. He stated he deals with it on a regular basis, including an Oak Meadow Drive logging operation and Newcor.

Mr. Rosenberg asked what the baseline is that applies.

Mr. Farnsworth stated it's basically from what it is at the property lines. He explained he was out on a site when an engineer did it. They go up on the roof measuring before and after equipment is installed up there. There are engineers who specialize in nothing but noise mitigation. He stated he has asked for boards to have applicants set a base level around a building before they start construction. Then if a complain comes in and engineer can go out and check it. It has worked with three situations. It should be a site plan condition.

Mr. Ginsberg requested a vote be taken.

A vote was held to approve the submitted draft zoning bylaws without performance standards.

The vote was as follows:

- Daniel Lewis - in favor
- Michelle Gillespie - in favor
- Rick Leif - in favor
- Dick Kane - in favor
- Gerry Benson - in favor
- Dan Ginsberg - in favor
- Dick Rand - in favor
- Bob Rosenberg - opposed

#### **Outstanding Question RE: SPGA in new bylaw**

Mr. Leif stated it seems like the current process works today and does accomplish things for the town. He stated he would support the suggested changes to return to the way things are handled now.

Ms. Joubert stated Appendix A and the site plan approval section by Ms. Barrett would need to be changed accordingly to say ZBA would be the SPGA for Special Permits in the business district. References throughout would have to be changed. She stated the revised version now keeps special permits in the business district with ZBA and will still follow footnotes that say anything up to 5000 square feet in a business zone would be with the Planning Board, over 5000 square feet with special permit/site plan review would be with ZBA.

Mr. Farnsworth pointed that cell towers should be left as a special permit with the Planning Board on the bottom of page 4 in Appendix A.

A vote was held to approve changing the proposed bylaw to indicate ZBA as SPGA in the business district with exception of Wireless Communication Facilities and change language as needed to reflect that change.

The voting was as follows:

- Daniel Lewis - in favor
- Michelle Gillespie - in favor
- Rick Leif - in favor
- Gerry Benson - in favor
- Dan Ginsberg - in favor
- Dick Rand - in favor
- Bob Rosenberg - opposed
- Dick Kane - abstained

#### **Next Meeting - October 21, 2008**

At this meeting the final decision will be made on the whether or not changes in the Southwest Cutoff portion of the bylaw will be reviewed for 2009 Town Meeting or will be put off until 2010 Town Meeting. A new draft of the proposed zoning bylaw without the Southwest Cutoff portion will be distributed and each member will take a section to review for spelling errors, typographical errors, etc. Mr. Leif stated he would like to get a clean copy by December 1<sup>st</sup>. Town Counsel will need to get it by January 1<sup>st</sup>.

Mr. Lewis stated he had concerns with building height regulations and requiring more parking area/spaces than businesses need.

**September 16, 2008 meeting minutes:** The minutes were approved as amended on page 4.

Both boards adjourned at 9:00 pm.

Respectfully submitted,

Debbie Grampietro  
Board Secretary