



TOWN OF NORTHBOROUGH PLANNING BOARD

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Approved 4-5-11

Planning Board Meeting Minutes February 17, 2011

Members Present: Rick Leif, Leslie Harrison, Daniel Lewis, George Pember, Michelle Gillespie

Others Present: Kathy Joubert, Town Planner; Fred Litchfield, Town Engineer; Attorney Kay Doyle, Kopelman & Paige, Andrew Liston, Thompson-Liston Associates, Santo Anza, SA Farms LLC, Attorney Francis Parisi, Joanne and Scott Stocklin, Emerson Chandler, Millard Berryman, Joe Kelly, Sandra Chaurette, Telford Knepper, Richard Kane, Eileen Ward, James Miller, James and Gigi Casella, Gretchen Matthews, Mary Ellen Webster, Matthew Gillis, Gina Babcock

Chairman Leif opened the meeting at 7:00 pm in the Melican Middle School Library.

Schedule Balloon Test for 211 Main Street Proposed WCF

Attorney Francis Parisi, representing the Applicants US Wireless and T-Mobile, stated he filed an application today with the Planning Board for a Special Permit and Site Plan Review, and with the Zoning Board of Appeals for a Dimensional Variance, for a Wireless Communication Facility. One requirement of the WCF bylaw is for a balloon test to be scheduled. He stated he is proposing to put the balloon up on Saturday, March 5th from 8:00 am to 12:00 pm and in case of inclement weather, the rain date would be March 12th, from 8:00 am to 12:00 pm.

Ms. Joubert noted the balloon test will be advertised in the legal ads of the Telegram & Gazette and that legal ad will be included in a notice to abutters. The ZBA hearing for the Application will be held on March 22nd, and the Planning Board hearing will be held on April 5th.

Ms. Harrison moved to approve the balloon test date of Saturday, March 5, 2011 from 8:00 am to 12:00 pm. Mr. Pember seconded the motion and the vote was unanimously in favor.

Continued site plan review for 429 Whitney Street

Andrew Liston, Thompson-Liston Associates, presented a revised site plan (originally submitted on January 11, 2011), which shows an updated aerial and on-ground survey. Additional data has been added and full-size and reduced-size plans were submitted to those on the distribution list for the site plan approval. There was only one comment letter from staff which was from the Fire Chief, David Durgin. His comment was that he had no comment.

Mr. Liston stated parcels surrounding the site are shown, as well as the additional filling area for the creation of a compost area. A blown-up view of an area of the plan shows piles that will be turned until there is usable compost for the animals. Also shown are livestock pens and trailers, which serve as shelter for the animals from weather, and areas for feeding.

Mr. Leif stated the purpose of continuing the meeting was to get a more detailed plan of what was done and what was left to be done. He confirmed the two areas that have work left to be done from a grading standpoint are the rectangular area where the compost will be located and the other is the expansion of the livestock and trailer area where some of the existing slope needs to be pulled back, as shown on the plan.

Mr. Liston stated there is a berm along the outer edge to control extraneous movements of the rocks. Water will seep and not rush off or flow off the site. He stated he cannot say absolutely that there will not be any other grading done on the site. There may be incidental grading between the two areas over time, but no substantive work is planned for that area.

Mr. Litchfield stated he looked at the plan, and the areas of slope shown on the plan are steeper than that normally approved. He recommends an as-built plan by an engineer be submitted with a statement certifying that the slopes are stable.

Mr. Liston stated it appears to be stable, but he does not know what is there because he did not do it.

Mr. Litchfield stated he agrees it is most likely adequate, but he wants to have a person with proper credentials certify it.

Mr. Liston stated Mr. Anza said he could make it a gentler slope.

Mr. Litchfield stated he wants it more stable and gentler. He suggested there is a need to do some exploration to see what is under there.

Mr. Leif stated the bottom line is it would have to be stabilized to the satisfaction of the Town Engineer.

Ms. Joubert stated those conditions can be included with the site plan approval, along with other conditions outlined in the zoning bylaw.

Mr. Pember asked if there were any concerns about the composting area and the slope to the wetlands.

Mr. Litchfield stated he was not concerned because a plan inset shows a small berm cutting the water off from the compost area and heading it toward the east, diverting it from the wetlands.

Mr. Liston stated it is also not a paved surface, it is all rock, so the water will seep into the ground.

Mr. Anza noted that area is outside the 100-foot buffer and there is also grass.

Mr. Leif stated this is not a public hearing, and the Board is not required to take comments from the public. However he stated the Board will take comments now, but only as they relate to grading and clearing. He noted the plan does conform with the zoning bylaw according to the Town Engineer and Town Planner, so Mr. Anza is entitled to site plan approval. Mr. Leif asked those in attendance if they had any comments or questions. Since there was no response from the audience, Mr. Leif asked the board members if one of them wanted to make a motion to approve the site plan with normal site plan conditions and with those conditions approved by the Town Engineer, as discussed.

Ms. Harrison moved to approve the revised site plan as presented this evening with conditions approved by the Town Engineer. Mr. Pember seconded the motion and the vote was 4 members in favor. Mr. Lewis recused himself from the voting as he was not present at the November meeting when the site plan was first discussed.

The board scheduled a meeting to sign the site plan approval on February 24th at 7 pm in Conference Room B of the Town Hall.

Scott Stocklin, 12 Patrick Drive, asked Mr. Leif why review of the project is limited to the Planning Board.

Mr. Leif stated the purview for this project is site plan approval, based on the Building Inspector's determination that the use being proposed is allowable and that the board needed to hold a site plan review. The only area of site plan approval that applies to this project is grading and clearing. That is what the Planning Board is limited to.

Mr. Stocklin stated people in the community do not have the opportunity to talk about this. It feels like this project gets run through the Planning Board by only looking at a narrow component. The Zoning Board of Appeals requires a 4 out of 5 super majority. Neighbors will be subjected to rats and vermin drawn to the site by the animal feed.

Mr. Leif stated he does not dispute their concerns, but it is not a Planning Board issue. He also stated approximately 100 people attended the November 2010 Planning Board and voiced their concerns about this project. The purpose of the meeting tonight is to do what the board can do, which is to manage the town's zoning bylaw. It is not to say that the concerns are not valid, but for the purpose of the board, the only part of the bylaw they can review is clearing and grading. A vote has been taken and this is not a public hearing.

Joanne Stocklin, 12 Patrick Drive, questioned Mr. Leif as to why he did not recognize a woman in the audience who had had her hand raised when he asked for comments. The woman identified herself as Gigi Casella, 70 Coolidge Circle.

Mr. Leif stated he did not see her hand raised and it had appeared to him that no one had any questions or comments. He restated that when he asked for comments, no one raised any questions, the vote has already been taken, and the site plan has been approved.

Gina Babcock, 54 Coolidge Circle, Jim Casella, 70 Coolidge Circle, and Ms. Stocklin, were adamant that Ms. Casella did have her hand raised, and that the vote was purposely taken before the neighbors had a chance to speak.

Ms. Gillespie responded that the Board did ask if anyone had any questions before they took the vote and no one responded from the audience. This is the second meeting for this site plan approval and the first meeting, held in November 2010, was 3 hours long. It is not within the jurisdiction of the Planning Board to address concerns and questions that are not related to land clearing and grading.

Ms. Babcock argued there was more the Planning Board could do than just issue the site plan approval, but they would not do anything. She disagreed that the Building Inspector had made a determination that the use was agricultural. Ms. Babcock argued the board has to address the use, which is illegal and inappropriate for the site.

Mr. Leif stated the use has been determined to be agricultural.

Attorney Mark Lanza arrived at the meeting at this time, and asked Mr. Leif if he could speak on behalf of his clients in the audience.

Mr. Leif stated the vote has been taken and there is nothing more the Planning Board can do regarding this situation, so he will not take anymore comments from the audience. He suggested people could attend the Zoning Board of Appeals meeting on February 22nd, where their questions and comments could be heard by a board who has jurisdiction over the issues of the Building Inspectors determination, and the agricultural use as opposed to the fill operation.

Attorney Kay Doyle responded also, stating the Zoning Board of Appeals is addressing the use issue and they are dealing with whether or not the proposed use as presented is legal. The Planning Board has very limited jurisdiction and has acted with the conditions allowed under the bylaw. They have looked at the amended plan in detail and have acted accordingly based on their jurisdiction and the plan before them. She suggested those concerned may consult their attorneys about their next step. She stated the Board has acted upon the motion and there isn't anything in addition to what they have done that they could do because their jurisdiction is limited per the site plan approval bylaw. Ms. Doyle stated she is sympathetic to the issues presented by the neighbors, but the Zoning Board of Appeals is the Board to hear those concerns.

Mr. Leif stated the board is hearing the neighbors' concerns and is not unsympathetic. However, the board has to act according to the Building Inspector's decision.

Ms. Babcock stated the whole process is ridiculous, and it is time the board do something here instead of putting it aside, as should have been done in the beginning. She also threatened it would be unlikely Mr. Leif would get enough votes to remain on the Planning Board.

Ms. Joubert stated the only jurisdiction of the board is clearing and grading. It has already been determined by the Building Inspector that the use of the property is an agricultural use.

Audience members shouted insulting comments at the Town Planner and the board members, forcing Mr. Leif to end the discussion and move on to the next item on the agenda.

Proposed Zoning Changes for Town Meeting

Ms. Joubert stated the flood plain bylaw will be altered due to changes in the flood plain maps and that change will be presented at Town Meeting. A public hearing will be held in April.

211 Main Street WCF application

Ms. Joubert gave a brief overview of the application submitted for the 211 Main Street (Police Station) Wireless Communication Facility.

Minutes

The Board approved the January 4, 2011 meeting minutes.

Future Meeting Dates

The board will be meeting on March 8th, April 5th and May 3rd.

Adjournment

Ms. Gillespie moved to adjourn the meeting, Mr. Pember seconded the motion and the vote was unanimously in favor of adjourning. The meeting adjourned at 8 pm.

Respectfully submitted,
Debbie Grampietro
Board Secretary