



TOWN OF NORTHBOROUGH PLANNING BOARD

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Approved 10-11-11

Planning Board Meeting Minutes June 21, 2011

Members Present: Rick Leif, Leslie Harrison, Theresa Capobianco, George Pember

Others Present: Kathy Joubert, Town Planner; Bill Farnsworth, Inspector of Buildings/Zoning Enforcement Officer; Jesse Johnson, David A. Ross Associates, Scott Miller; Nick Jones, Kevin Jones and Don Tuttle, Jones Development Company; Robert Weidknecht, Beals and Thomas; Mike Kevitch, FedEx; Alex Zoher and Brian Paul, PDB Group

Chairman Leif opened the meeting at 7:00 pm.

Public Hearing for Definitive Subdivision "Stirrup Brook Estates II" located off of Stirrup Brook Lane, Map 52 Parcel 92 & Map 51 Parcel 18

Applicant:	Newbridge Construction Company
Engineer:	David E. Ross Associates, Inc
Date Filed:	May 23, 2011
Decision Due:	October 4, 2011

Scott Miller, Newbridge Construction Company and Jesse Johnson, Civil Engineer, David A. Ross Associates presented the project.

Mr. Johnson stated they had presented preliminary plans for the project previously for a 7-lot subdivision with a 400-foot cul-de-sac road off Stirrup Brook Lane that will be called Weber Lane. Although more lots would have fit on the property, they stayed with the more conservative 7 lots to allow for more green space.

Mr. Johnson stated utilities will be extended off of Stirrup Brook Lane to accommodate the development. Individual on-site sewage disposal systems will be provided. An open space buffer will be provided around the perimeter of the project to reduce impacts on the surrounding neighborhoods. Drainage will flow into an existing system because the detention basin built for Stirrup Brook Estates Phase 1 was designed to accommodate Phase II of the subdivision. Electricity has been brought to the site. Extensive testing has been done for the septic systems, and grading has been designed for each lot. A blue dash line on the plan shows 43,000 square feet of open space. The only disturbance in the open space area is the septic system, and it will be loamed and seeded after installation. The remaining area of open space will be untouched. Street trees will be placed every 100 feet and the sidewalk will be extended from Stirrup Brook. Mr. Johnson stated the design layout of the project meets all town requirements. They are asking for the following waivers:

1. A waiver from required Phase I Environmental Site Assessment submission
2. A waiver for a curb radii of not less than 30 feet
3. Sidewalk on one side

4. Open space shall contain minimum amount of frontage appropriate for zoning district
5. No disturbance or alteration to open space area
6. Installation of streetlights

The Applicant is asking for a waiver from the requirement of submitting a Phase 1 Environmental Study and a reduction of curb radius. The Applicant is proposing to locate the sidewalk up against the property line which will look better than having a grass strip of 1 foot between the property line and the sidewalk. In addition, the Applicant is seeking a waiver for frontage and disturbance of approximately 5000 square feet in designated open space area to accommodate the septic systems of lots 1 and 4. A drainage analysis of the flow showed runoff from a substantial area of the existing parcel flows to the property line of an abutter. To help reduce this runoff and alleviate the problem, a rain garden has been proposed between lots 6 and 7, and also on lot 7. Stormwater coming off the lot will travel through a designed narrow swale into a bio-retention area that will treat the runoff. Any overflow will continue on its current path. An Operation and Maintenance Plan has been provided, which basically involves keeping the system free of leaf debris. Silt is not an issue because runoff from houses will flow into drip trenches and the only runoff the system would treat is from driveways. With that treatment, it will be very clean runoff that will be dramatically reduced by the time it leaves the property.

Mr. Leif confirmed with Mr. Johnson that the proposed drainage system will manage existing runoff, as well as proposed runoff. Mr. Johnson stated that was correct, and explained they have taken the project to the next step by using the as-built level of impervious cover and topography of the site to determine how the detention basin will perform. The result is there will be less runoff post-construction than pre-construction.

Ms. Joubert noted all items in the Fire Chief's letter have been addressed. In addition, a letter from Natural Heritage/Division of Fisheries and Wildlife has been submitted and is a necessary part of the review process.

Mr. Leif noted the land reserved around the back of the property, as required by Natural Heritage, and the open space area, seem to be one and the same.

Mr. Johnson referred to plan sheet 101, stating it shows the open space easement and overlapping endangered species area.

Ms. Joubert stated instead of requiring an open space lot for small subdivisions, developers have been using it as a buffer from the back yards of abutting lots.

Mr. Johnson stated one lot has been conveyed to the Wiles so they will have more backyard area.

Ms. Joubert explained the Applicant is requesting a waiver on one side for sidewalks, and the Town Engineer will estimate the value of the sidewalk in present dollars. That money will be put in a sidewalk fund for the Department of Public Works.

Mr. Leif asked about the status of a suggested connection between lots 3 and 4, or 4 and 5, and the high school. Ms. Joubert stated she will talk to the Superintendent about it. Ms. Joubert noted there is access from the subdivision on the other side of the high school. Mr. Johnson said it would be located between lots 3 and 4. Ms. Harrison stated she would support it. Mr. Litchfield stated it could also have a handicap ramp.

Mr. Farnsworth stated the Applicant is proposing to relocate the driveway on the corner of Stirrup Brook Lane and Weber Lane to the Weber Lane side of the lot. He noted the Applicant's address would change to a Weber Lane address.

Mr. Litchfield stated lots 9 and 10 will be part of 3 ANR lots off Bartlett Street and will not be owned by the developer. Therefore, the owner will have separate agreements for lots 9 and 10. He noted he wanted those landowners to know where the property lines are since they are close to the subdivision. He suggested the board could handle it as a condition of the subdivision approval or a condition of a separate agreement.

Mr. Leif stated the board would agree with whatever Mr. Litchfield and the Applicant think is the best way to do it. All members agreed those lots should be marked.

Mr. Johnson noted one of the lots, #10, already exists and has been sold separately. The house on the lot will remain. Ms. Joubert noted it has an historic restriction on it.

Mr. Leif asked if the entire property is owned by one person. Mr. Miller stated it is, and 9 homes will be built. Mr. Litchfield emphasized he is fine with the separate agreements for the ANR lots.

Mr. Leif confirmed the slabs on lot 1 and 16 are going to be removed, as noted on the plans. Mr. Johnson said they used to be for accessory structures on the lots from the previous owner.

At the request of Mr. Leif, Ms. Joubert explained the waiver for the Phase 1 Environmental Analysis requirement. She stated Town Counsel directed this requirement to be added to the Subdivision Rules and Regulations in 1997, to adopt a standard to have this analysis done for areas the town would eventually own. In this case, it is basically for the roadway. The requirement is to make sure the site is clean when the town eventually adopts it at town meeting.

Mr. Litchfield stated that when a street is put up for acceptance, the Applicant has to supply a clean certificate of title as proof there is no hazardous waste on the site. He stated this is particularly necessary with farm land or manufacturing where materials are disposed of on the property. In this case it wasn't necessary because the records show the property was never used for anything other than a single-family home.

Mr. Leif asked what guarantee the developer gives the buyer if the environmental analysis is not done and there is a problem after the purchase. Mr. Miller replied any residential closing requires indemnification, indemnifying that to the best of their knowledge, there is no hazardous waste on the property. Mr. Litchfield stated the bank usually requires it.

Mr. Miller stated it's more of a timing issue, and the board could structure a condition that it be done prior to the release of the lots.

Mr. Litchfield stated the condition could be that a Phase 1 Environmental Analysis would be done before the actual construction of the house. That way, there would be a copy on record. Mr. Miller noted he does not want to buy the property and inherit a problem, either. Ms. Joubert suggested it could be done prior to the issuance of the building permit.

Mr. Johnson stated they need the open space waiver because they will be disturbing land for the septic system.

Mr. Litchfield asked if the reserve areas in the open space easement are there so that if the system were to fail 20 years from now it could be fixed. Mr. Johnson replied that would require a modification of the easement.

Mr. Leif stated he would be in favor of an agreement that the open space buffer will be accessible for maintenance of the septic system.

Regarding item #10 in Mr. Litchfield's review letter, Mr. Pember stated he would like to see the trees be more dense on the lots of which the applicant is in control.

Mr. Litchfield stated he would like to reserve review of the kinds and types of trees, and suggested the applicant try to push them back behind the edge of the right of way so they'll have space to grow. He also suggested the applicant may be able to work something out with the owners of the other two lots. Mr. Litchfield stated if the applicant can't work something out with those owners, he will required 2 trees to be planted somewhere along the back edge of the right of way.

Ms. Harrison asked for clarification regarding the strip of land between the property and the edge of the sidewalk.

Mr. Johnson explained that, with the existing stone wall close to the edge of the sidewalk, he thought it would be better to have the sidewalk against the stone wall.

Mr. Litchfield stated it allows more room for storage and DPW is in agreement with it.

Mr. Pember asked for clarification of item #12 of Mr. Litchfield's review letter.

Mr. Johnson stated the sidewalk is proposed to terminate at the end of the cul-de-sac.

Mr. Litchfield stated that, from a practical point of view, it works out better to end the walk at the driveway. It eliminates the need for a wheelchair ramp right at the part where the road opens up to the cul-de-sac. By putting the sidewalk at the end of the driveway, it makes it more secure.

Mr. Pember confirmed the remainder of the roadway would be 350 feet.

Mr. Litchfield stated that is what he estimated. The width of the paved area is 26 feet.

Regarding #20 of Mr. Litchfield's review letter, Mr. Pember asked which homeowner would be responsible for the operation and maintenance plan?

Mr. Johnson stated he and Mr. Miller talked about the proposed rain garden between lots #6 and #7, and the one on #7. The DPW doesn't want to have anything to do with that after the home is purchased. It will be put in the deed for the operation and maintenance plan to lots 6 and 7. At the time of the sale, Mr. Johnson stated he will set up a check list that tells the buyers what they need to look for that will be easy for them to do.

Mr. Johnson stated monuments for easements will be deeded to the owner.

Mr. Litchfield stated if the easement is deeded to the town it will be bounded. If it is not deeded to the town, or another individual other than the property owner, it will not be bounded.

Regarding the drainage easements, basins and rain gardens, Mr. Litchfield stated the DPW does not have the labor force to maintain any of these structures. They will go in to repair them in an emergency.

Mr. Johnson stated rain gardens are very attractive when properly done. If someone is buying a house that is this nice, then they are probably more inclined to maintain it. If it is constructed properly and maintained, it should be fine.

Mr. Litchfield questioned if something should be in the deed saying they are part of the drainage structure and also in the decision, to put the onus on the homeowner.

Ms. Joubert suggested keeping the hearing open until she has information from the high school on the connection of the subdivision to the school.

Mr. Johnson noted that, regarding #15 of Mr. Litchfield's review letter, they reduced the cul-de-sac diameter from 90 feet to 74 feet and the Fire Chief was ok with it.

The next meeting was scheduled for July 12, 2011.

Mr. Pember moved to continue the hearing to July 12, 2011, Ms. Harrison seconded the motion and the vote was unanimously in favor.

300 Bartlett Street, FedEx Freight Facility – Site Plan Approval

Robert Weidknecht, Beals and Thomas; Mike Kevitch, FedEx; Alex Zocher, Design Builders; Brian Paul, PDB Group; Don Tuttle, Developer; Kevin Jones, President, Jones Development; and Nick Jones, Jones Development, were present.

Mr. Weidknecht clarified their application is for Site Plan Approval and an Earth Removal permit.

Mr. Kevitch stated he is the managing director of services for FedEx Freight for the continental United States, Mexico and Canada, which includes about 500 sites. The operating division of FedEx Corporation is a 6.5 billion dollar corporation, and was voted one of the most admired companies in the world with 200,000 employees in every country in the world. The company is operating as a FedEx Express, with day to day delivery to homes, and supplies a big revenue base for the company. The proposed FedEx Freight will combine the Westborough and Shrewsbury sites in the Northborough facility. There will be between 75-80 employees and maybe some additional employees from Northborough. The hours of operation are 24 hours, Monday through Friday, some hours on Saturdays and the facility will be closed on Sundays.

Mr. Kevitch explained palletized freight is shipped from business to business, and will be coming in from the Boston area or possibly the West coast. Most shipments will be coming in and going out of town on Route 495. It could serve a combination of both small and large businesses. The only type of trucks would be 54-foot freight facility trucks and smaller trucks. Either of these types of trucks could be used to deliver in Northborough, however there would be no residential deliveries.

Mr. Leif stated the board always has concerns about traffic patterns in relation to industrial sites next to residential neighborhoods.

Mr. Kevitch stated there could be deliveries to Main Street in Northborough, but it would be unlikely they would make deliveries to the center of town. He stated their facility is in close proximity to interstate highway systems, which will be their main point of ingress and egress, and they want nothing to do with neighborhoods.

Ms. Harrison asked for clarification regarding the proposed operation at the site.

Mr. Kevitch stated that, for example, a pallet of computer goods coming in from Sony in California could go to a hub (distribution center) in any number of places, then go the Northborough hub, which would be the end of the line facility, and then a local user would pick it up.

Ms. Capobianco asked if the shipments included any hazardous waste.

Mr. Kevitch stated it would be nothing that was open.

Ms. Capobianco stated she is an attorney and 6 years ago she was involved in a case with FedEx in which she represented a traffic engineer. She stated she wanted the applicant to know she had had this prior relationship.

Mr. Kevitch stated he was fine with that.

Ms. Capobianco was concerned about the trucks going through neighborhoods to get to sites on Otis Street, for example.

Mr. Kevitch stated they can strongly recommend a traffic pattern for the drivers, but they can't enforce it unless it's against the law.

Mr. Pember stated that when A. Duie Pyle came in, one of the board's concerns was that they would use Maple Street. They assured the board they would instruct the drivers not to use it, but they have been doing it anyway.

Mr. Kevitch asked if it is prohibited and Mr. Pember stated it is not.

Mr. Litchfield stated the town is working on that through a truck exclusion. The town has been looking for the trucking terminals in the area to be more proactive with the drivers, but state regulations require a minimum of 5% to 8% of traffic be trucks for truck exclusions.

Mr. Kevitch stated the company absolutely does not want any bad press. If the issue is to avoid a residential street, they will do anything and everything in their power to keep the drivers off that street. However, if there is no forceful way to enforce it, they don't know any way to enforce it.

Mr. Farnsworth stated the issue with A. Duie Pyle is it was written in their decision that they would not use that route. He stated he has seen their operation and they can track their trucks at any given time of the day and their speeds. Every once in a while one of their trucks comes through the town. They do their best, but it can't be 100% enforced.

Mr. Pember noted they go right down Maple Street and Ridge Road.

Mr. Litchfield stated the Police Chief sent a letter to the trucking company.

Mr. Kevitch stated he would try to get 100% compliance.

Mr. Litchfield noted that drivers from other parts of the country rely on their GPS.

Mr. Kevitch presented pictures of the landscaping of their facilities in Eppingham and Wichita, Kansas, stating they take a lot of pains to make their landscaping nice.

Mr. Weidknecht explained the site using an aerial photo, which included part of the Gutierrez (A. Duie Pyle) property and the railroad aqueduct. He stated the site is a wooded hill that tapers off in all directions. They have gone through the process of testing for bedrock. The testing went down very deep and they found no bedrock. Basically it is a till soil site, dense and very difficult to work when wet. They want to work in the summer because of it. Water, sewer, and overhead electric and gas utilities will be brought in from the street.

Mr. Weidknecht presented a map showing the overall facility footprint, including 5,000 square feet of office space, a loop shed area, a fueling area with a 20,000 gallon underground tank, and docks at the rear of the building. Tractor trailer parking is planned throughout the site. The site is highly secure, and the entire facility is fenced and has security cameras. The fence is between the vehicular area and the employee parking area, which includes approximately 93 employee spaces and 11 visitor's spaces, entering through a secure gate. The driveway will come in just short of the high point, and analysis shows they will have adequate sight distance. They will incorporate an ice melt facility for the 5% grade of the truck entrance.

Mr. Weidknecht stated there are infiltration areas on the site and pointed out stormwater basins on the site plan. He explained that, because the site is large, with 26 acres of disturbance, they have incorporated a national discharge elimination system, and erosion controls will be in place during the construction phase. There is also significant amount of snow storage area on all 3 sides of the site, and the driveway will be heated.

Mr. Weidknecht stated the site is balanced, with no materials leaving the site. A review letter from the Fire Chief included some minor modifications to hydrant locations. The Town Engineer submitted a comment letter and Mr. Weidknecht stated they were fine with the conditions he proposed. He stated they would like to have the hours of construction extended from 7 am – 5 pm, to 7 am – 7 pm for six days a week, due to the nature of the soils.

Using a locus map, Mr. Weidknecht pointed out residential sites in the area of the subject property, at the request of Mr. Pember. Mr. Weidknecht stated the nearest residential area is along Lyman Street. The zone cuts through the back of the high school and into a little bit of the residential area of Bartlett Street.

In response to a question from Ms. Joubert, it was determined that construction equipment would be kept on site. Ms. Joubert stated that, even though the site is isolated, there are residential areas around it, and the board might consider limiting hours for construction and/or site work.

Mr. Leif confirmed the current hours of operation are 7 am – 5 pm during the week, 7 am to noon on Saturdays, and the facility is closed on Sundays. The applicant is proposing to change those hours to 7 am – 7 pm from Monday through Saturday.

Ms. Joubert stated the board could state the hours will be 7 am – 7 pm Monday through Saturday, with no equipment leaving the site after 4 pm.

Mr. Jones stated they want to do as much work as they can during the summer months and the balance of the work next year will be the building.

Mr. Pember noted this time of year they could work until 9 pm without bringing overhead lights to the site. He suggested they would have to stop at 7 pm.

Ms. Capobianco asked Mr. Jones if they will need to haul material to the site.

Mr. Jones stated they will be moving materials around within the site.

Mr. Leif stated the site is hilly and will be relatively flat, but the actual area of the site where the buildings will be located is flat. He confirmed they will just be moving earth around the site, except for crushed stone they will bring in.

Mr. Weidknecht stated that was correct. No soil will be removed from the site and some trees will be removed from the site.

Ms. Capobianco stated she did not get a copy of the stormwater report and questioned if they anticipate snow will melt towards the A. Duie Pyle site.

Mr. Weidknecht stated runoff from melting snow will go through the detention and infiltration systems. He noted there was a lot of runoff from the A. Duie Pyle site.

In response to a question from Mr. Pember, Mr. Weidknecht stated runoff from a roof drain will be captured to go down to a subsurface infiltration system.

Mr. Pember, Ms. Harrison and Ms. Capobianco stated they were fine with the proposed hours of operation.

In response to a question from Mr. Leif, Mr. Weidknecht stated the project will be done in phases.

Mr. Kevitch explained that, historically, they have found it expensive to move from older facilities, and have found it more cost-effective to build out a site to accommodate for truck expansion. He stated they will build their outdoor capacity as they need it, and everything else will be built out.

Mr. Leif questioned how the town will know this is being done properly.

Ms. Joubert stated the site plan will show a 78-dock facility has been approved, and at the time of a proposed expansion, they will have to apply for a building permit. They would not be back before the Planning Board for it. She noted A. Duie Pyle did the same thing.

Mr. Weidknecht discussed the lighting of the site and stated the fixtures are the same as those used at A. Duie Pyle. They are within the parking area, but most are around the perimeter. They are a series of pole-mounted lights at 35-foot heights. He stated FedEx has very strict regulations, requiring two lights on each pole, and some roof mounts with the heads angled downward. He reviewed the photometric plan with the board.

Mr. Farnsworth stated the lighting is consistent with other industrial sites. The lights are directed into the site. He stated once the building permit application is submitted, he will look at the lighting in the final inspection process.

Mr. Kevitch stated the lighting is for safety and security, and all of it is contained within the site. The site has to be well-lit for the safety of the drivers and the employees. He noted the lighting around the perimeter is for security; to make sure the exterior perimeter is properly lit. The head of the lights will be aimed downward and will not spill over into another lot.

Mr. Farnsworth asked the applicant to establish a sound noise level before and after construction.

Mr. Kevitch agreed to that request.

Ms. Joubert stated that in 2002, the Gutierrez Company proposed a building on the corner of Cedar Hill. The building has never been built and the site remains vacant. A condition of the decision was that the company would do minor improvements to the intersection of Bartlett Street and Cedar Hill. It would be advantageous to the town to have this applicant make those improvements. It would be a slight reconfiguration to form a 90-degree "T" intersection.

Mr. Kevitch stated it's not reasonable for them to live up to an obligation of another entity.

Ms. Joubert stated it is not so much that the applicant would be asked to do something another applicant was asked to do, but that the subject property is much closer to that intersection, and it's appropriate to ask the applicant to do it.

Mr. Litchfield stated a person working for Gutierrez at the time said they would do it. Mr. Litchfield stated he would be happy if Mr. Kevitch had that discussion with the Gutierrez Company, as there is quite a bit of traffic on that street that comes from Marlborough. He encouraged the applicant to use whatever leverage they have with Gutierrez.

Kevin Jones stated it is not their issue. They have no control with Gutierrez as to their sites. He stated to have their site obligated to do the improvements is unreasonable. They are trying to come into town in good faith. To be thrown a curve where we have to talk about moving the street by 30 feet costs them time and money. He stated they have no idea what the agreement is. He suggested the town has the right to hold Gutierrez to their agreement when they come back to town for another project. He asked the board to consider that.

Mr. Pember asked Mr. Litchfield if his earth removal letter is the standard letter.

Mr. Litchfield stated it is, it's what the Earth Removal Board needs for the permit, with the standard earth removal language. The basis of the letter is for a bond.

Mr. Jones stated they don't intend to remove soil, but they may find they have to haul something out and don't want that prohibited.

Mr. Litchfield stated sometimes the Earth Removal Board will give an applicant a cursory maximum amount to cover it.

Mr. Jones stated if something comes up they would like flexibility to talk to Mr. Litchfield about it because they really don't want to haul anything out.

Mr. Litchfield stated it doesn't affect the earth removal permit, except for the impact on the residential area. He stated he is not concerned about it and typically leaves them some flexibility.

Mr. Weidknecht stated they will be importing 27,000 cubic yards for gravel, etc.

Mr. Litchfield suggested using that figure as a maximum amount for removal and for importation. He told the applicant that if they ran into a larger amount, they would need to come off the site.

Ms. Harrison asked about the earth removal hours.

Mr. Leif stated the trucks would be limited to earth removal hours and that trucks will not be able to leave the site after 5 pm on weekdays. Mr. Litchfield noted a 7 am start time does not mean trucks would be starting up at 6 am and starting work at 7 am.

Mr. Litchfield asked Mr. Kevitch if FedEx owned the site.

Mr. Kevitch replied they do not, Jones Development would be the owner of the site and FedEx would lease it, contingent upon approval.

Ms. Capobianco asked for clarification on the issues of the intersection.

Ms. Joubert stated it's an alignment issue and the town can discuss it with the Gutierrez Company.

The decision will include hours for construction, and hours for earth removal will change to match hours for construction. Hours for the earth removal operation will be extended indefinitely, or continue on through the winter. He stated he would not hold the applicant to exactly 8 weeks, but perhaps the hours would go back to normal times in December when it's dark.

Ms. Joubert stated she will draft the decision and send it to the board to review.

Ms. Harrison moved to approve the site plan for 300 Bartlett Street with the conditions listed in the Town Engineer's and Fire Chief's review letters. Ms. Capobianco seconded the motion and the vote was unanimously in favor of approval.

The next meeting will be held on July 12, 2011. The agenda will include election of officers and a continued discussion on the cell tower bylaw.

The meeting adjourned at 9:30 pm.

Respectfully submitted, Debbie Grampietro