



TOWN OF NORTHBOROUGH PLANNING BOARD

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Approved 9-20-11

Planning Board Meeting Minutes August 30, 2011

Members Present: Rick Leif, Leslie Harrison, Theresa Capobianco, George Pember, Michelle Gillespie (arrived @ 7:15 pm)

Others Present: Kathy Joubert, Town Planner; Chuck Black, Kendall Homes, Inc.

Chairman Leif opened the meeting at 7:00 pm.

Public Hearing Re: Scenic Road application for 96 Ball Street

Applicant:	Kendall Homes, Inc.
Engineer:	Ducharme & Dillis Civil Design Group Inc.
Date Files:	June 29, 2011
Decision Due:	September 20, 2011

Developer Chuck Black, Kendall Homes, Inc., presented the application. He stated he bought the lots at 88 Ball Street, 92 Ball Street and 96 Ball Street. He has built a home on 88 Ball Street and a home is under construction on 92 Ball Street. The property at 96 Ball Street has a stone wall across the entire front property line and a portion of the wall will have to be removed to put in the driveway. He stated the proposed location of the 96 Ball Street driveway is the best place for sight distance, and he will try to re-expose the wall.

Ms. Joubert distributed copies of an aerial photograph of the property which shows the wall on 96 Ball Street as completely covered by vegetation.

Ms. Capobianco asked Mr. Black if he had removed the brush to see the condition of the wall.

Mr. Black noted he has asked the Town to trim the vegetation because the sight distance is not good coming in and out of the driveway.

Ms. Joubert confirmed it is Mr. Black's intention to use the wall as a focal point and that he will work with the town to take all the brush away.

Mr. Leif asked Mr. Black if he could take out the overgrowth so it wouldn't grow back.

Mr. Black replied that he could.

Mr. Leif stated the scenic road regulations require that stones removed will be used to fill in empty spots in the wall. He told Mr. Black the board would like to add a condition to their decision that he would agree to expose the wall on 96 Ball Street and 92 Ball Street to get the look of the wall back and reuse the stones to make a nicer entry way or to fill in some gaps in the wall.

Mr. Black stated he might take some of the stones from 96 Ball street and use them for repairs to the wall on 92 Ball Street.

Ms. Gillespie arrived at 7:15 pm.

Ms. Joubert stated she will add a condition to the decision about taking out the vegetation and using the removed stones to repair the wall at 92 Ball Street as well as on the subject property.

Ms. Capobianco motioned to close the hearing, Ms. Harrison seconded the motion and the vote of the four members present throughout the hearing was unanimously in favor of closing the hearing.

Ms. Capobianco motioned to approve the scenic road application, Ms. Harrison seconded the motion and the vote of the four members present throughout the hearing was unanimously in favor of approving the scenic road application. The decision for the scenic road application was signed by the board.

Bond Release for Copley Woods

Doug MacDonald, developer of the Copley Woods subdivision, requested a release of all funds remaining in the subdivision bond account. In a letter to Planning Board, Town Engineer Fred Litchfield stated the subdivision streets, Copley Drive and Dartmouth Drive, were accepted as town streets at 2011 Town Meeting and the bond may now be returned to Mr. MacDonald. The remaining funds in the account total \$37,960 plus interest.

Ms. Harrison moved to release the remaining \$37,960 plus interest in the bond account for the Copley Woods subdivision, Ms. Capobianco seconded the motion and the vote was unanimously in favor of releasing the funds.

429 Whitney Street Update

Ms. Joubert informed the Board that DEP recently issued a Cease and Desist order to Santo Anza for his Boston site. Regarding the 429 Whitney Street site, Mr. Anza had asked about bringing in stump grindings. DEP told him he couldn't do it. An enforcement conference is being set up with Mr. Anza by DEP. DEP is at the site almost every day. The Town is not allowed on the site. The Building Inspector, Bill Farnsworth, tried to get a court injunction for the Board of Health Agent, Town Engineer and himself to inspect the site, but the court ruled in favor of the land owner. Mr. Anza has not stopped the composting of material and this is not allowed

by town bylaws. Mr. Farnsworth issued a Cease and Desist order on July 15th and Mr. Anza appealed it. That case was before the ZBA on August 23, 2011 and neither Mr. Anza, nor anyone representing him, was present. The ZBA closed the hearing and hasn't issued a decision yet, but it is being drafted in-house, along with Town Counsel. A vote on the decision will be held at a ZBA meeting on September 6th. The town does not have any jurisdiction over the operation of a solid waste facility; only the state has that authority. Mr. Anza still continues to bring in garbage and other compost materials and has never received permission to do composting.

Update on WCF Consultant

Ms. Joubert reported she spoke with David Maxson, the consultant who worked on the cell tower bylaw for Weston, and who has been recommended by other towns. She stated the WCF meeting the board would like to have will be limited to the technical aspects of cell towers, including where the industry is today and where it's going, as well as technical information from Mr. Maxson. She stated Mr. Maxson charges \$900 for 4 hours and those funds are available to the board in a Brigham Woods mitigation account. Part of the money in that account was used for the zoning bylaw update and some will be used for the final pieces of the design review guidelines she's working on with Judi Barrett. Mr. Maxson will review the town's WCF bylaw, give a presentation to the board and address the board's list of questions. The next Planning Board meeting he is available to attend is on October 18th. Since Mr. Pember is away that day, Ms. Joubert stated she will ask Mr. Maxson about possible meeting dates of October 11th, 12th and 13th. If none of those dates work for him, she will schedule his presentation on October 18th.

The meeting was adjourned at 8:00 pm.

Respectfully submitted,

Debbie Grampietro
Board Secretary