



TOWN OF NORTHBOROUGH PLANNING BOARD

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Approved 9/17/14

Planning Board
Meeting Minutes
August 19, 2014

Members Present: George Pember, Leslie Harrison, Theresa Capobianco, Michelle Gillespie, Amy Poretsky

Others Present: Fred Litchfield, Town Engineer; David Durgin, Fire Chief, Ziad Ramadan, Kathleen Tendlak, Glenn French, Mark Donahue, Andrew Collins, Paula Thompson,

Chairman Capobianco called the meeting to order at 7:10pm

Public Hearing RE: Special Permit Common Driveway Newton Street

Applicant: Ziad Ramadan; Engineer: Connorstone Engineering; Date Filed: July 18, 2014

Decision Due: Within 90 days from close of hearing

Continued Public Hearing RE: Newton Street Scenic Road

Applicant: Noor Construction LLC; Engineer: Connorstone; Date Filed: May 20, 2014

Decision Due: Within 21 days from close of hearing

Ms. Capobianco read the public hearing notice for the proposed common driveway on Newton Street into the record.

Mr. Ramadan stated his proposed plan includes the construction of a common driveway and infrastructure to service 8 lots with frontage on Newton Street, identified as lots 6A – 6H. Each of the lots will be serviced by private wells for water supply and on-site septic system for wastewater disposal. Mr. Ramadan stated he is requesting a waiver from the subdivision regulations to allow 8 lots on the common driveway. The requested waiver would reduce the number of curb cuts off Newton Street and would reduce the amount of impervious cover.

Mr. Ramadan stated he is also requesting a waiver of the requirement to extend the water service to the common driveway. He explained he has spoken with Fire Chief David Durgin and intends to provide sprinkler systems in all the homes sharing the common driveway. He stated he has no problem with meeting the Chief Durgin's requirements.

Mr. Ramadan explained the proposed driveway is separated into several segments. Driveways servicing greater than two lots have 22-feet of pavement width and a maximum grade of 5%. This section is 755 feet long and ends in a cul-de-sac turnaround. Driveways servicing two lots have 18-feet of pavement width; and for driveways servicing one lot, stubs have been provided to the lot line, having a minimum width of 16 feet. He noted easements have been provided along the common driveway. The cul-de-sac turnaround has been designed to accommodate the turning movements of emergency vehicles, per preliminary discussions with the Fire Department.

Mr. Ramadan stated the proposed project would result in approximately 80 new vehicle trips per day on Newton Street. A minimum of 200 feet of stopping sight distance has been provided at the intersection with Newton Street, per subdivision requirements.

Regarding Mr. Ramadan's requested waiver of the requirement to extend the water service to the common driveway, Mr. Litchfield stated the Fire Chief stated in his letter of August 13, 2014, that it might be in the best interest of the Applicant to do an analysis for the houses, comparing sprinklers versus the water line. He referred to items #3 and #4 of the Fire Chief's letter, which reads as follows:

3. While both the applicant and Connorstone Engineering have represented their willingness to install residential/modified fire suppression sprinkler systems in each dwelling, it is my request that the option of providing municipal water to the end of the proposed cul-de-sac be explored and priced out as compared to residential first suppression sprinkler installation.

4. It should be further noted that if the applicant is allowed through a waiver to install fire suppression sprinklers in lieu of the domestic water supply, I will require a National Fire Protection Association (NFPA) 1 3R system with all closets, bathrooms, and any other rooms/areas equipped with fire sprinklers irrespective of their square footage.

Mr. Ramadan stated he thinks the houses should be sprinkled because it's a safer option and has not done the suggested analysis. Extending the water service would be less expensive than doing installing the sprinklers.

Ms. Capobianco stated the Fire Chief's letter refers to a life safety system for the residents that include all closets, bathrooms, and any other rooms/areas to be sprinkled. She noted she has not seen a waiver for this requirement and if a waiver had been applied for, the board would have the option of granting it. She stated she wants the board to know the difference between doing the sprinklers and bringing the water to the site. She confirmed that if the power goes out, the sprinklers will not work because they are dependent on electricity.

Mr. Ramadan responded that is true and there are no generators or batteries for backup if that should occur.

Ms. Capobianco confirmed the common driveway would be owned by the property owners. Mr. Ramadan stated that is true. It would be owned by the people who have a driveway easement on their property.

Ms. Poretsky noted the regulations require no more than 5 lots to be serviced by one common driveway.

Mr. Litchfield explained the board can waive that requirement and his letter states that he is in favor of that because the 8 lots are Approval Not Required (ANR) lots and do not need permits. Having one common driveway for all of them is far better and safer than creating 8 individual driveways.

Ms. Harrison questioned if it would be better to have two driveways as opposed to one and Mr. Litchfield stated one is better on Newton Street.

Ms. Gillespie asked if there would be an agreement that the property owners will be sharing the costs associated with the common driveway. Mr. Ramadan explained it will be in their deeds, just like a condo association. Mr. Litchfield noted it could be a condition in the common driveway decision.

Responding to questions from Mr. Pember and Ms. Poretsky, Mr. Litchfield stated the common driveway will be built to minimum town road standards. However, the width of the road may vary between 17' and 22' based on availability of easements from the existing property owners along Newton Street.

Mr. Pember expressed concern about the history of the Applicant and stated he doesn't want the owner of the first house built to have to wait until the last house is built before the common driveway has been completed. Mr. Litchfield suggested the board could request a bond requiring the base pavement and

drainage be completed at a certain point. He noted the final coat of asphalt should not be applied while construction vehicles are still accessing the site.

Mr. Pember suggested requiring the base coat of pavement with the drainage be in place prior to the issuance of the first certificate of occupancy. Mr. Litchfield agreed and added all utilities must be in before the base coat of pavement is applied.

Mr. Pember stated he is concerned that the first owner will have to wait 5 years to have the street finished if the other houses do not sell. Mr. Litchfield stated it would be market-driven and the home owner will become part owner of the street. The condition would be a maximum period of time, for example, after 4 lots have been completed or after 4 years, whichever comes first.

Mr. Ramadan stated he understands the concern and he cannot afford to keep the lots very long. He will immediately put a base coat on the common driveway, but may not do the driveways that branch off of it. He added he has no problem doing the final coat, but does not want to have it destroyed by heavy construction vehicles

Ms. Harrison agreed with requiring a condition of a number of lots or a number of years.

In response to a question from Ms. Capobianco, Mr. Ramadan stated his estimated time frame for completion of the common driveway is 2-3 years.

Ms. Gillespie asked what the selling price of the houses would be. Mr. Ramadan replied the market goes up and down, but he is estimated it to be between \$650,000 and \$850,000.

Continued hearing for 325 Newton Street Scenic Road Special Permit

Ms. Capobianco summarized information from the last meeting, stating that, as part of his original scenic road permit approval, Mr. Ramadan was required to complete road improvements to Newton Street prior to the issuance of an occupancy permit for 325 Newton Street. In order to complete the road work, Mr. Ramadan needs to obtain easements from several property owners on Newton Street. Ten months have passed since the building inspector reminded Mr. Ramadan of his obligations, no road work has been done and, as of the last meeting, no easements had been obtained. Mr. Ramadan had stated he was going to meet with the residents from whom he needed the easements and show them an updated plan for the proposed road work, prior to this meeting. He agreed to complete 650 feet of the 2250 feet total road work required (Phase 1) prior to the issuance of an occupancy permit for 325 Newton Street if the board allowed him to construct a common driveway on other property he owns on Newton Street. He indicated he would then use the revenue from the common driveway to pay for the total required road improvements (Phase 2). A bond may be required to complete this phase of the road improvements in the event the work is not completed prior to Mr. Ramadan's request for an occupancy permit for 325 Newton Street. Part of the road work requires the relocation of Verizon utility poles.

Ms. Capobianco asked Mr. Ramadan if he has any new information since the last meeting.

Mr. Ramadan stated he submitted a plan to Mr. Litchfield showing a 22-foot wide roadway, but he did not have a definitive plan approval from Mr. Litchfield. The revised plan shifts the road to accommodate the residents at 320 Newton Street.

Ms. Capobianco asked Mr. Ramadan if he is willing to accept as a condition that he will complete phase 2 of this development if the common driveway permit is issued by the board. She noted it is not just submitting the plan, it's doing the work.

Mr. Ramadan stated he only controls a certain amount of property on his side of the road, so he has to get easements from others. He will grant easements for the property he owns.

Ms. Poretsky asked Mr. Ramadan if he has talked to the residents from whom he needs the easements. He responded he did not talk with the Temlaks at 331 Newton Street.

Mr. Litchfield noted this phase of the work goes from Cherlyn Drive to after 0 Newton Street and before 325 Newton Street. He stated he contacted Verizon and was told the developer is responsible for each of the poles and they will not waive the fees. The poles are owned by Verizon.

Mr. Ramadan stated he will pay for the poles if he has the waiver.

In response to a question from Ms. Harrison, he stated he did not approach the Templaks about the easement because he did not have a final plan. The other resident didn't understand why the easement was needed. Mr. Litchfield noted he had told Mr. Ramadan he would explain the situation to anyone, but no one has come in or called about it.

Kathleen Templak, 331 Newton Street, stated she heard her doorbell ring an hour before this meeting. She suggested to Mr. Ramadan that they try to work together. She gave him her email address and phone numbers.

Mr. Ramadan reiterated he didn't have a plan to give them and is waiting for Mr. Litchfield's approval. Ms. Capobianco stated he had a whole week to contact them. Mr. Litchfield said he received Mr. Ramadan's plans last week and talked with the DPW Director today. He noted there is no easement shown on the plan in front of the Templak's property.

Glenn French, 359 Newton Street, asked the board why they are sitting back and waiting before the road is repaired and brought up to minimum town road standards; how far the improvements will go and why the road is being widened. Ms. Capobianco responded the board is trying to assure the project will be done, in the right way and that it will not take 4 years to do it.

Mr. Litchfield stated the transition point referenced in the improvement plan is at the point where Mr. French's property starts, just past pole #25. He stated the widening is for the safety of all vehicles. There are also a couple of hills and knobs where the vertical curve is quite severe, and they will be lowered to improve sight distance and the horizontal alignment. This is required because there will be additional house lots that are accessing on to Newton Street, about 10 vehicle trips a day with 4 lots now, one more to building and then the proposed 8 more, for a total of 12 new houses.

Ms. Templak asked Mr. Ramadan if the latest plan requires an easement from the Early family at 400 Newton Street. Mr. Litchfield responded, stating the plan proposes an easement at 400 Newton Street – across 320 Newton Street to 400 Newton Street. Mr. Ramadan stated if he cannot get that easement, he cannot do the work. Mr. Litchfield stated it would be problematic.

Ms. Gillespie asked Mr. Ramadan when he plans to complete Phase 1 and the common driveway. Mr. Ramadan stated he cannot do the work in the fall because he has to go before the Conservation Commission, so he will start in the spring.

Ms. Harrison noted phase 1 is dependent on moving the utility poles. Mr. French and Ms. Templak stated it is too dangerous to leave the poles in the middle of Newton Street. Mr. Litchfield explained Verizon has their own schedule and, perhaps working with the plans, they could come up with a plan. He stated it took 2 years for Verizon to move the downtown pole because of extenuating issues regarding the railroad and a lack of communication between the state and Verizon. He stated he is hesitant to say it will take 2 years, but he is not saying it will not, and he would be more comfortable if Verizon had the plans showing the widening of the road to 22 feet. There are 8 poles all together. Mr. Litchfield stated he doesn't know how long it will take for Verizon to get back to him once they have the plans. Most of the poles are on the side of the road that Mr. Ramadan owns and they will go to 22 feet plus 2 feet on each side. The poles may need to be up to 8 feet and would appear to be in the middle of the road if they were not removed before the road improvements were done.

Ms. Capobianco suggested the hearings to be continued to September 2nd to give Mr. Ramadan time to contact the neighbors and afford the town time to submit the plan to Verizon to let everyone know how long it will take them to remove the poles. It's beneficial for the board to have more time, however they could vote on it tonight but maybe Mr. Ramadan could get the easements and the project could move along.

Mr. Ramadan stated the problem is the buyer for the house at 325 Newton Street is in limbo. He has waited a year, but can wait another 3 weeks.

Ms. Capobianco stated if Mr. Ramadan is not able to obtain the easements, he may be able to get easements in another place and the road could be improved, but not to 22 feet.

Mr. Ramadan stated Mr. Litchfield told him if the road is 20 feet wide he wouldn't need an easement, but the best case scenario is a 22-foot width.

Ms. Capobianco suggested Mr. Ramadan speak to the residents at 320, 331, 337 and 400 Newton Street and ask them to submit their response in writing regarding the easement.

Ms. Harrison motioned to continue the 2 public hearing to September 2, 2014 at 7pm, Mr. Pember seconded the motion and the vote was unanimously in favor of the motion.

333 Southwest Cutoff Site Plan Approval

Applicant: New England Baseball Enterprises; Engineer: Waterman Design; Date Filed: July 31, 2014

Decision Due: 90 days from date of submission

Attorney Mark Donahue, Fletcher-Tilton, representing the Applicant, stated New England Baseball Enterprises has created three fields on the property across from Northborough Crossing and they are in operation. The use was permitted as of right in an industrial district and required site plan approval from the Planning Board. The front portion of the site went before the Zoning Board of Appeals for retail uses on concept only. As part of both uses, the plans showed a rectangular 15,000 square-foot building to be used by New England Baseball for training, administration and batting. As things have progressed, New England Baseball is now seeking approval to modify the site plan by changing the configuration of the 15,000 square-foot building in the rear of the site and add another story to it, to make it a 3,000 square-foot building for medical office, training and administration uses. The design of the building will make it look like one story. Adequate parking will be available. The applicant has met with Town staff and has received the Fire Chief's review letter.

Paula Thompson, Waterman Design, reviewed the site plans, stating the lower floor of the proposed redesigned building will be physical therapy, training and batting cages, and will include access from the baseball parking lot. The performance center proposed on the upper floor requires a high floor-to-ceiling high, and will have a 14-foot clearance, making the medical office high than the back use to get the elevation. From Route 20, patrons will come in driveway and go up a grade to get to the upper level. Along the wetland edge, there is a retaining wall and they have obtained an order of conditions from the Conservation Commission to do the work. A guardrail has been included for safety and the stormwater plan proposed is in compliance. Utilities have been provided and the plan also shows the circulation pattern for emergency vehicles. In addition, the design meets the required 10% of open space.

Mr. Donahue stated the Fire Chief's letter includes a concern with the awning that goes over the driveway and that will be eliminated so it will not be in the path of travel of emergency vehicles. There was also a question regarding the granting of an easement to allow a signalized crosswalk from the site to the Northborough Crossing site that was required as part of the approval granting in July. Mr. Donahue noted that will take about a month and before the project is occupied, the signalization will be running. Mr. Donahue stated New England Baseball continues to get questions about the rest of the site and they hope to be back before the boards about that. A permit for the corrected operation of the

subject signal has been approved by the Massachusetts Department of Transportation (MA DOT). The signalization was changed when the golf operation closed and the new signalization is for the baseball use only. MA DOT anticipates it will need reconfiguration and it should be ready by spring.

Ms. Capobianco noted the Fire Chief's review letter indicates he has significant concerns with water and the fire hydrants. His letter regarding these concerns (#3 - #10) reads as follows:

3. *Adequate water supply for firefighting purposes and for the fire suppression sprinkler system is questionable as a dead end water main is proposed.*
4. *Additionally, the proposed elevation of the building is above 350 feet, and the water department has determined the height of 350 feet to be the limit to which domestic and fire protection water can be provided.*
5. *This building and facility shall not be cross-connected to the Northborough Crossing private water supply system for fire suppression supply or for firefighting purposes.*
6. *A minimum pipe size of eight inches (8") shall be provided to the building for fire suppression.*
7. *The current proposed fire hydrant locations are disapproved.*
8. *A fire hydrant shall be provided within 100 feet of the fire department fire suppression sprinkler connection.*
9. *Fire hydrant wands in conformance with Northborough Department of Public Works specifications shall be provided for each fire hydrant. The water supply main shall be cross-connected back to the Southwest Cutoff.*
10. *Please provide a site plan showing the water supply for the entire proposed complex.*

Mr. Donahue responded it has to do with capacity at the elevation. A study was done and this portion of the site was not in it. Fay Spoffard is doing the study and when it's done, they will have an idea as to what the issue is. If it is an issue with regard to the height, they will have to boost the hydrants and the buildings. Regarding the hydrants, they will be placed wherever The Fire Chief wants them. Once the site is fully operational, the system will have a constant call for water and they have not contemplated coming back across Route 20. Going through Lawrence Street would require permission from land owners. He noted the fields are artificial, so they will not use water.

In response to a question regarding accessibility for emergency vehicles in the rear of the site, Ms. Thompson stated a ticket booth in that area was problematic and is now gone.

Fire Chief David Durgin stated the Applicant has addressed his issues. Cross-connection will be studied and they will get that information.

Jules Chatot, Banwell Architects, stated the most significant change in the subject building is the view from the street. It will have a sloped asphalt shingled roof with one floor facing the street and 2 floors with overhead doors for easy access from the facility. There will be need for signage for the tenant, but that has not been studied yet. The building is designed to have independent access to the upper and lower levels.

Mr. Donahue stated they plan to have a free-standing sign. Signage may be more important to some tenants than to others, and he stated he is not aware of the requirements of the tenants right now. They will all be independent tenants.

In response to a question from Ms. Gillespie, Mr. Donahue stated lighting for the site will be in compliance with the zoning bylaw. All lights will be directed downward and angles will be figured out after construction. There has been some discussion about increasing lighting around the crosswalk area, but he is not sure about it. No study has been done yet regarding possible adverse effects on traffic coming from Northborough Crossing (Shops Way).

Ms. Poretsky asked about the previously proposed overflow parking area. Mr. Donahue stated parking worked well this past weekend for an event held at the site. There was adequate parking for the smaller-sized buses used by the teams, which consist of 12-14 individuals.

Mr. Pember asked Fire Chief Durgin if he will have final say regarding a boost to get the water pressure up inside the building.

Chief Durgin stated it is part of the fire suppression sprinkler review for the building. They will have to work with the Department of Public Works (DPW) to get the pressure. It is mainly a volume problem. He stated a 350 foot elevation is the limit of the system, but it could be more or less.

Ms. Gillespie stated the plan includes a 12-month warranty on the trees, and she assumes they will want to replace the trees if necessary since the site is on Route 20. She stated that she is not a fan of the small trees on the island and would like to see larger ones. The site is the entrance to Northborough and she would like to see larger more mature trees planted. She suggested they be a little larger and that it be put a condition of the decision. She would like to see more trees to help the area as it continues to grow.

Ms. Capobianco asked if the smaller trees were a site consideration.

Ms. Thompson stated the tenants do not want larger trees because people cannot see the building. She will ask the architect about larger trees.

Mr. Donahue stated if the board's desire is to have dense low-level plantings, they can do that.

Ms. Gillespie stated she would like to see larger trees in the front of the site.

Mr. Donahue stated it is up to the board. When the water study is done, they can prepare a plan of landscaping to beef-up the area and will submit it 30 days prior to construction.

In response to a question from Ms. Poretsky, Mr. Donahue stated the footprint for the original 15,000 square-foot building was approved.

Mr. Litchfield stated the Police Chief's issue is with traffic flow and he is looking for 3 lanes with signage for each lane. He is anticipating a large amount of traffic after a tournament, which could be addressed with a MA DOT permit.

Mr. Donahue stated the Police Chief is looked for a dedicated right and left turn, and the goal is to get people to Route 9. The design is for 3 out-going lanes.

Regarding an Opticom pre-emption system for the signals at the intersection, Mr. Litchfield stated it is his understanding the town would have access to all 4 ways of the intersection, and the stated the plan does not show pre-emption coming out of the site. He asked the board to include Opticom pre-emption at that intersection in their decision.

Mr. Pember motioned to close this portion of the meeting, Ms. Gillespie seconded the motion and the vote was unanimously in favor of closing this portion of the meeting pertaining to the site plan approval.

Mr. Pember motioned to approve the site plan for 333 Southwest Cutoff, Ms. Harrison seconded the motion and the vote was unanimously in favor of the motion.

Mr. Pember motioned to amend their original motion to approve the site plan as they did not include the conditions of their decision. Ms. Harrison seconded the motion and the vote was unanimously in favor of approving the site plan for 333 Southwest Cutoff, with the following conditions:

1. The Applicant shall satisfy the requirements of the Fire Chief's letter dated 8/13/14.
2. A final fire suppression plan that meets the Fire Chief's approval shall be submitted.
3. A signalized crosswalk shall be installed and shall include Opticom pre-emption.
4. A landscaping plan shall be submitted for final staff approval no later than 30 days prior to the issuance of a building permit, including the placement of larger trees on Route 9 within a year after the certificate of occupancy.
5. A plan for access management shall be submitted and approved by the Police Chief.

Approval of Minutes: The minutes of January 7, April 1, June 17, July 1, and July 9, 2014 were approved.

Design Review Committee – Industrial areas: Ms. Gillespie requested a discussion of Design Review Committee's review of industrial areas be put on a future agenda.

39 West Main Street: Mr. Litchfield explained the town owns the property at 39 West Main Street and the Town Administrator is seeking input from staff as to how best to proceed. Presently, there is no consensus as to how to proceed, and options suggested were to dispose of it and let someone else buy it, or put out a Request for Proposal (RFP) to have people say what they want to do with it. He noted proposals may be limited. Ms. Harrison noted there was some thought at an Open Space Committee meeting about expanding the war memorial in the center of town. Mr. Litchfield stated Bucky Rogers said he and his daughter are not interested in a land swap and do not want to be next to the gas station at 35 West Main Street.

Ms. Capobianco stated the town is looking for a Planning Board member to join the committee. Ms. Poretsky volunteered to be on committee. Ms. Gillespie motioned to approve Ms. Poretsky's appointment to the 39 West Main Street committee, Mr. Pember seconded the motion and the vote was unanimously in favor of the motion.

New Building Inspector: Ms. Gillespie asked Mr. Litchfield if a new building had been hired yet. Mr. Litchfield explained Nick Antanavica from Auburn has been hired, and has a background in engineering, building and permits and also has a very good handle on zoning. In-house meetings have gone well and he is easy to work with.

Natural Gas Line: Ms. Poretsky asked about the natural gas line and if there is a staff meeting on it this month. Mr. Litchfield explained Tennessee gas is proposing a gas line through Northborough. The Massachusetts Conservation Commissions are having a hearing on it. Northborough has scheduled a meeting on Thursday, August 28th in the Town Hall for staff. He suggested anyone with concerns should let staff know. He has not seen any plans yet, but expects information will be given to them at the meeting.

DPW Salt Shed Site Plan: Ms. Capobianco suggested the DPW's application for Site Plan Approval for a proposed salt shed at 190 Main Street could be put on their September 2nd agenda, along with Ziad Ramadan's continued hearings for Newton Street.

The meeting adjourned at 9:15pm

Respectfully submitted,

Debbie Grampietro
Board Secretary