



TOWN OF NORTHBOROUGH PLANNING BOARD

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Approved 9/17/14

Planning Board Meeting Minutes September 2, 2014

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

Others Present: Kathy Joubert, Town Planner; Fred Litchfield, Town Engineer; Nick Antanavica, Inspector of Buildings/Zoning Enforcement Officer; Dan Nason, DPW Director; Michael Richard, Weston & Sampson; Ziad Ramadan, Claude Guerlain, Scott Karpuk, David & Kathleen Temlak; Lewis Krouse

Ms. Capobianco called the meeting to order at 7:00pm.

Introduction of New Building Inspector

Ms. Joubert introduced the Town's new Inspector of Buildings/Zoning Enforcement Officer, Nick Antanavica, to all those present. Mr. Antanavica stated he has been in his new position for approximately two months, is getting to know the town, and is out on inspections every day.

A discussion was held on the enforcement of the removal of real estate open house, directional and temporary business signs. Ms. Gillespie discussed with Mr. Antanavica the increase in signs starting to appear on town owned land such as open house signs (specifically noted on the island on the corner of Hemlock and Rte. 20). Directional and temporary business signs along Brigham Street, including the intersections of School and Juniper and in front of the Tavern in the Square. She recommended a copy of the sign bylaw be sent to these companies to update them on the changes to our sign bylaw. Mr. Antanavica stated the only way he would know when the sign is supposed to come down is if it has the date of the open house on it, or if a permit was required for it. If he is at a site and sees an open house sign, he can ask about the length of time the sign has been up, but without a permit, it's very difficult to enforce. He stated to be inundated with real estate signs is not an efficient use of the building department or building inspector. Ms. Joubert explained when the sign bylaw was amended, the open house signs were considered to be in the same category as other real estate signs that did not require a permit. At the request of the Board of Selectmen, the former building inspector at the time was concentrating mostly on temporary signs, which require a permit.

Ms. Gillespie explained that the Board of Selectmen specifically requested that no signs be allowed to stay indefinitely on town owned land including the islands along the Rte. 20 corridor. She further explained at our community outreach meetings, residents overwhelming spoke about how they did not want to the directional signs around town which is why they are not an allowed use. She asked the building inspector to look into the temporary business signs that were starting to appear along the roadway and at intersections. Mr. Antanavica acknowledged he would look into where these signs are located.

Suggestions from Planning Board members and public present at the meeting with regards to this issue of the open house signs to include the date of the open house and requiring real estate agents to put their open house information on a website with a penalty if the sign was not removed when the event was over. Mr. Antanavica and Ms. Capobianco thought the website was a good idea and Mr. Antanavica noted it could potentially work with the new permitting system the Town is considering purchasing in the near future.

Ms. Capobianco suggested they allow the new building inspector some time to get up to speed, the Board could consider an amendment to the sign bylaw, and then ask Mr. Antanavica to come back to the board with feedback.

Continued 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

Applicant Ziad Ramadan stated at the last meeting he would go back to the neighbors from whom he needs easements and talk to them so they could understand the reasons for the easement and he was also going to contact Verizon regarding the poles that need to be relocated. He stated he gave the plan to David and Kathy Temlak, 331 Newton Street, and then the Temlaks talked with Fred Litchfield, Town Engineer. Mr. Litchfield suggested Mr. Ramadan provide a plan to the abutters showing the easements and explain the situation to them. One of the stone walls would be removed, the grade would be changed, the street would be widened and the wall would be rebuilt. The wall could not be moved without the easements. Mr. Ramadan and Mr. Litchfield both perceived it to be this way, but the Applicant's engineer put something different on the plan and the Temlaks were not happy with it. Mr. Ramadan also explained the easement issue to Claude Guerlain and Scott Karpuk, 320 Newton Street, and they were not willing to grant an easement. However, in response to a question from Ms. Capobianco as to how firm he was regarding the easement, Mr. Karpuk stated no doors are closed. Mr. Litchfield explained that, since the residents on either side are not willing to grant easements, Mr. Ramadan cannot take the slope of the hill down on Newton Street, and therefore what he could do would be limited. The street could be widened, but it would still have the same obstructed sight distance. Mr. Ramadan stated some sections will be narrower where the wall cannot be changed and he is trying to keep the road width at 22 feet. The plan he has submitted tonight assumes the Temlaks are not going to grant the easement for grading purposes. Mr. Litchfield explained Mr. Ramadan has not supplied a plan to Verizon for relocation of their utility poles. Once that happens, there will be fees and right-of-way issues to be resolved and reviews by other utilities for analysis of the plans. Afterward, Verizon will remove the poles within 30 days. Mr. Litchfield explained the right of way issues are those of the abutters. The road needs to be 22-feet wide with 2 feet on either side. Provided the curvature of the road is not too severe, they should be able to meet it in the right-of-way. The guy wires for the poles are all within the right-of-way. Mr. Temlak and Mr. Ramadan have them on their property, and Mr. Litchfield stated this will be addressed during the analysis by Verizon. Mr. Ramadan stated he will pay for the poles. He has to pulverize the road and he cannot do it unless the poles are removed. He suggested he would submit a bond and do the work after the winter.

Mr. Pember stated this is a safety concern and the board's function is to try to work with the Applicant and the neighbors to lower the hill and make it safer. Ms. Gillespie suggested they need a SLOW sign. Ms. Guerlain stated there is already a sign there. Ms. Temlak stated 2 trees have been taken down by the DPW and there is a sign that says "caution – limited sight distance".

Dan Nason, DPW Director, stated as far as public safety goes, his department feels Newton Street should be improved to a full 22-foot wide road with improved sight distance. The easements are temporary and for construction purposes only. He stated it is short-sighted not to think of the future and the overall safety of everyone using the street.

Ms. Guerlain stated this would be a good time to put the utilities underground. Ms. Joubert stated the board does not have the authority to require underground utilities in this case. If it was a subdivision, they would, but not on an existing road.

Mr. Pember referred to an email message sent by Claude Guerlain and Scott Karpuk to the board in which they stated they do not know Mr. Ramadan's work and haven't seen a plan from him. He asked Mr. Ramadan if he has a plan that shows what the work will look like. Mr. Ramadan replied they need to see the new plans. Mr. Litchfield stated the new plan is the current situation, with wider pavement and no change to the vertical curve.

Mr. Litchfield suggested the Planning Board could allow the grading on the property owned by Ms. Guerlain and Mr. Karpuk, but not in the area by which they enter and exit their property. The road won't be lowered, but the pavement would be wider.

Eugene Earlee, 400 Newton Street, stated the street has bumps, curves and sight problems and to fix these will require a cut off the top of the hill. Mr. Litchfield noted the previous plan showed lowering of the road at that location – a 2.5 foot reduction – which will make improve the sight distance. They are trying to manage an improvement without overly affecting the neighbors and that would include a sight distance better than what it is, but not what the full 200' that the town would like. Mr. Earlee asked who maintains the right of ways. Mr. Litchfield stated the town would be responsible for the limit of the right of ways. Anything else would be maintained by the land owner. Mr. Earlee noted to retain sight distances, these areas would need to be maintained.

Ms. Guerlain asked if she would be responsible for replacing the retaining wall if it washed out. The plan that showed the cut did not show a retaining wall. Without the easement, there would be a retaining wall. Mr. Litchfield stated the plan submitted to him today shows no change in the road grade.

Mr. Karpuk asked about blasting. Mr. Litchfield replied there is some ledge there. Mr. Ramadan stated it could be accomplished with a jack hammer, which is not as loud as blasting and is straight-forward and customary. Mr. Karpuk asked how long the whole thing will take, as he needs to have access in and out of his driveway. Mr. Karpuk stated he is opposed to blasting, as he already has a leaky basement because of previous blasting done in the area some years ago. Mr. Litchfield stated he has no knowledge of the extent of the ledge. He noted pre-blasting surveys need to be done before the work is done. The Fire Department is there when the blasting is done.

Ms. Gillespie stated that by granting the easement, the homeowner would be responsible for maintenance of it. Mr. Litchfield responded the town would not be responsible. Mr. Temlak stated he has complained that people are not maintaining their area and it's overgrown. If he is responsible for maintenance of the easement, he wants to know who is responsible for maintaining the overgrowth.

Mr. Temlak noted he never said no to the easement. Many plans have been submitted. The most recent plan moved the road because Ms. Guerlain said no to an easement and then the road was shifted closer to his house. Now the new plan just shows it widened. Widening the road will give drivers the license to drive faster and when they hit the curve, it will be dangerous. Mr. Temlak stated Mr. Karpuk has made a few comments about not knowing what the easement is going to look like. This work should have been done 7 years ago when Mr. Ramadan owned more frontage along the road. He stated he doesn't even know if Mr. Ramadan is going to replace the 7 trees he'll be losing, along with all of his landscaping. He has no idea what the condition will be when the work is done because he hasn't seen a plan.

Ms. Capobianco stated these are legitimate concerns and Mr. Ramadan should have addressed them over the last 2 weeks.

Mr. Pember stated he does not want to see that road remain without the cut. Mr. Ramadan stated he shifted the road, which is what Mr. Litchfield wanted, and he agreed to do the cut. Mr. Litchfield stated it is not what he wants, it's what the Planning Board will approve. Unfortunately, there are several things in play that are necessary for each of the residents and Mr. Ramadan needs to address them. He stated the DPW Director and staff agree the road should be widened and lowered for safety and sight distance issues, but that requires easements. If the board says the Applicant must do the improvements and the owners do not grant the easements, it puts the Applicant in a bad place.

Mr. Temlak asked about tunneling and building a retaining wall on either side. There is enough room and it would help Mr. Karpuk and Ms. Guerlain to access their second driveway, and is a way to do the work without the easements.

Mr. Earlee stated there are also issues surrounding the changing of the walls that have the same responsibility issues. He questioned who would be responsible if stones fall off onto the road and also if

plows hit the wall and the stones come out. He stated currently the wall is the boundary between his property and town land. It seems to be the town's responsibility.

Ms. Joubert stated the stone walls are generally along the property line. She stated these are all valid questions the Applicant needs to address. It is not the place of the Planning Board to say, but the owners could consult their attorneys to get a legal review of the easement and the stonewall issues. Ms. Capobianco agreed.

Ms. Joubert stated the Applicant's engineer needs to be here at the next meeting with a full set of plans and profiles so the owners will know what it's going to look like. Mr. Ramadan stated the engineer has designed it 4 times.

Ms. Capobianco noted she will not be available to come to meetings during the first 3 weeks of October. She asked Mr. Ramadan if he wants all 5 board members to be present at the next meeting and asked him to bring the final plan for the Planning Board's approval to the next meeting.

Ms. TEMPLAK asked if the most recent plan requires moving any wall and putting it back. Ms. Joubert stated the wall won't be relocated.

Ms. Harrison stated she has a potential conflict on the night of the next board meeting scheduled for September 16th.

Ms. Harrison motioned to continue the hearing for the 325 Newton Street Scenic Road permit and 0 Newton Street Common Driveway to September 17, 2014, Ms. Gillespie seconded the motion and the vote was unanimously in favor of the motion.

190 Main Street Site Plan Approval

Applicant: Northborough Department of Public Works; Engineer: Weston & Sampson

Date Filed: August 13, 2014; Decision Due: 90 days from date of submission

Dan Nason, Director, Northborough Department of Public Works, and Michael Richard, Weston & Sampson, presented the project. Mr. Richard explained the Applicant is seeking Site Plan Approval for a new public works salt shed and fuel island. The existing salt shed and fuel island are beyond their useful life and are in need of replacement in order to maintain public services, public protection, and protection of the environment. He stated municipal uses are considered exempt per Section 7-05-020, Classification of Uses, of the zoning bylaw. Both the salt shed and the fuel island are accessory structures to the DPW garage located on the same parcel. The new facilities are also located in Groundwater Protection Overlay District Areas 2 and 3. Necessary public facilities are permitted in a Groundwater Protection Overlay District per Section 7-07-010D(1)(a)[6] provided the facility is designed so as to prevent contamination of groundwater.

Mr. Richard explained the project started in 2006 with a feasibility study that identified deficiencies with the existing building. The salt shed is rotting away, is well beyond its useful life and needs to be removed. A plan has been developed to properly locate it on the site. The proposed salt shed and fuel island will be done in two phases and the hope is to have the salt shed done before winter. The fuel island is not expected to be done this year, and will probably be bid out to start construction in the spring.

The salt shed proposed is a little under 5,000 square feet, and is a timber, high-arch gambrel with the high roof lines so trucks can dump loads while inside the building. This will allow for less labor and less environmental impact. The proposed fuel island with above-ground tanks will be located next to the proposed salt shed. There will be no increase in staffing or parking. The salt shed is sized to store more salt, but it doesn't fall under sprinkler requirements. The fuel tanks will be the same size as they are at present, but double-walled with concrete. Positive limited barriers will catch any spills and will allow it to evaporate before it gets to any other area. The area on which it will be located is already occupied, is used for storage and vehicle traffic, and is probably impervious. Runoff from the site flows down to the wetland area below. They are proposing to install pavement and will comply with stormwater operation

and maintenance management best practices. A swale will direct runoff down to a retention basin and from there it will flow to the wetlands. This plan is an improvement over what happens on the site now.

Mr. Pember asked if the operation and management procedures include cleaning the rip rap and the chamber. He also asked if there will be flooring in the salt shed. Mr. Nason stated the cleaning of the rip rap and chamber is covered in the Conservation Commission's Order of Conditions, and there is no flooring. Mr. Pember asked what the building will be made of; if the rotting is from the salt; if the salt will rot the new one, and if there is something special about the material to be used.

Mr. Richard responded that, generally speaking, salt structures are made out of timber. Costs are considerable when using concrete. This is a common structure and is a good middle-of-the-road structure that will last a long time.

Mr. Nason stated he looked at timber structures with higher concrete walls, but they were too expensive. Most municipalities cannot afford to do more than timber. He noted Weston & Sampson has done a lot of these structures.

Mr. Pember asked if there will be an alarm system for the fuel tanks. Mr. Nason stated there will be alarms that notify staff if there is a problem and the tanks will be inspected every year.

Ms. Gillespie asked Mr. Nason if the fuel island will be located on the side of the site in the front. Mr. Nason stated it will be and the compost area will be in a different location. They have established a new location on the site and it will be well-signed. The rules are changing a little because the Department of Environmental Protection is requiring them to be a registered compost site, so there will be signage, and signs have been ordered.

At the request of Ms. Capobianco, Ms. Joubert reviewed comments from the Fire Chief's review letter dated August 26, 2014. She stated Chief Durgin had 4 comments that had to do with the actual permits that Mr. Nason has to receive from the town. Ms. Joubert handed out a staff memo indicating staff has reviewed the proposed plans, no one had any comments or changes, and they were all in approval of how the proposed salt shed and fuel island are planned for the site.

Lewis Krouse, owner of the property at 22 East Main Street, asked Mr. Richard about the brand of containment tank that will be used, and gave Mr. Richard information on containment tanks. He also asked why a town department has to go through the site plan approval process with the town. Mr. Nason explained they are not exempt. Ms. Capobianco stated they have to follow the requirements of the zoning bylaw.

Ms. Gillespie motioned to approve the site plan for 190 Main Street, Mr. Pember seconded the motion and the vote was unanimously in favor of the motion.

Approval of Minutes: The minutes of August 19, 2014 will be reviewed at the next meeting.

ZBA Meeting Date: The next ZBA meeting has been moved from September 23rd to September 30th to accommodate an Ethics & Open Meeting Law training session on September 23rd for town staff and board members.

ZBA Applications: At this time, three ZBA applications have been submitted including an application for 370 Southwest Cutoff for a 60,000 square-foot retail development with 5 total pads, including 2 restaurants, a bank and a medical clinic, across from Starbucks on Shops Way. The public hearings for these applications have been scheduled for the next ZBA meeting on September 30th.

Next Planning Board Meeting: The next Planning Board meeting will be held on September 17th.

Zoning Bylaw: The amendments approved at Town Meeting this year were recently approved by the Attorney General. Code Publishing Company has completed their update of the bylaws. The zoning bylaw will be sent to the printer shortly for hard copies of the document and the updated version is online at the Town's website.

The meeting adjourned at 9:15pm.

Respectfully submitted,

Debbie Grampietro
Board Secretary