



TOWN OF NORTHBOROUGH PLANNING BOARD

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Approved 2/3/15

Planning Board Meeting Minutes October 21, 2014

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

Others Present: Kathy Joubert, Town Planner; Fred Litchfield, Town Engineer; Ziad Ramadan, Vito Colonna, Kathleen Tendlak, Eugene Earlie, Michael Durkin

Chairman Capobianco opened the meeting at 7:10pm.

Continued Public Hearing RE: Special Permit Common Driveway, 0 Newton Street

Applicant: Ziad Ramadan Engineer: Connorstone Engineering
Date Filed: July 18, 2014 Decision Due: 90 days from close of hearing

Continued Public Hearing RE: 325 Newton Street Scenic Road

Applicant: Noor Construction LLC Engineer: Connorstone Engineering
Date Filed: May 20, 2014 Decision Due: 21 days from close of hearing

325 Newton Street Scenic Road

Applicant Ziad Ramadan was present and stated Fred Litchfield, Town Engineer, reviewed the most recent plan he submitted for roadway improvements related to the Scenic Road Permit application, and requested more information from his engineer, Vito Colonna, Connorstone Engineering, who was also present.

Mr. Colonna reviewed the plans he had given to the board which show maximum compliance with the Town minimum road standards without the benefit of any easements from any abutting property owners. As a result of the lack of easements, the plan shows five areas where the proposed pavement width is less than the required 22 feet, which he explained as follows:

1. station 0+40 to station 1+40 which is located at the stream crossing where the proposed pavement width is 18 feet;
2. station 13+00 to station 14+00 which is located at the applicant's own driveway where the proposed pavement width is 20 feet;
3. station 14+50 to station 17+00 which is located south of the driveway to 325 Newton Street, with proposed pavement widths that vary from 19 to 20 feet;
4. station 18+50 to station 19+50 which is located in front of 331 Newton Street where the proposed pavement width is 20 feet; and

5. station 21+00 to station 22+55, which is the end of the proposed improvements to Newton Street, where pavement is narrowed from 22 feet to 18.5 feet, widened to 22 feet, and then reduced to 14 feet at the end.

Ms. Capobianco asked Mr. Litchfield if he is satisfied the plan presented addresses the items in his review letter of October 21, 2014.

Mr. Litchfield stated the 18-foot width in area #1 can remain as proposed; the 20-foot width in area #2 should be expanded to 22 feet as required; and in areas #3, #4, and #5, cross-sections at 25-foot intervals should be provided in order to verify these are the maximum width possible without any easements. Referring to his memo of August 19, 2014, Mr. Litchfield stated the 22-foot width should remain to station 22+25 before tapering to match the existing roadway width at station 22+55. Mr. Litchfield also noted the plan does not provide any relief from the sight distance problem at station 19+00 which cannot be corrected without an easement from one or both abutting property owners.

Ms. Capobianco asked Ms. Joubert and Mr. Litchfield if the Town could be liable if the Board approves the proposed plan without easements and someone gets hurt because it's paved. Ms. Joubert responded it is a town-accepted road and the DPW Director, Dan Nason, and Mr. Litchfield agree the plan presented tonight will improve the existing road conditions.

Ms. Gillespie suggested putting signs in areas where the road gets narrow. Mr. Litchfield stated the DPW could do that but he noted the areas that are narrow now will be wider than they are today when the roadway improvements are completed.

Mr. Litchfield stated he asked the Applicant to design the road improvements with the best fit possible as it appeared he would not be able to obtain the easements. He stated Mr. Colonna was able to tweak out a few feet here and there after he and Mr. Colonna discussed it, and Mr. Colonna's explanation seemed reasonable. The Board would be approving something that is not totally to Town standards, and the knoll would still be in the road, but the road would be better than it is now.

Ms. Joubert noted there is not a lot of traffic on the road. She explained she and Mr. Litchfield were there with Mr. Colonna and Mr. Ramadan for about 4 hours in the middle of the day, standing in the road the entire time, and they only had to move once for a car.

Mr. Litchfield stated staff is recommending the Planning Board could amend the previous scenic road decision by breaking up the Newton Street improvements into two phases. Phase 1 would be all widening, relocation of four utility poles, tree removal, grade changes and the installation of the base course of pavement from station 16+0 to station 22+72, the northerly end of the project, which is approximately 650 feet. Phase II would be the remainder of the project, which is the widening, relocation of 5 additional utility poles, tree removal, grade changes, culvert crossing upgrades and the installation of the base course of asphalt for the entire project. He noted the cost of the pole relocation is to be done at the sole expense of the Applicant.

Ms. Capobianco asked Mr. Litchfield if the items in his letter have been addressed. Ms. Joubert suggested the hearing not be closed until the common driveway hearing is finalized and they can talk about conditions for both the scenic road and the common driveway. Afterwards, they could close the hearings at the same time.

Mr. Litchfield stated he did not need to go through each item in his letter, but items “a” through “e” talk about pinch points. Sight distance can be improved. There are suggestions he has for the board on how it can be approved and suggested conditions. They could require Phase 1 be accomplished prior to the release of the certificate of occupancy for 325 Newton Street. He stated without knowing if the board is comfortable with the 2 phases and bond, he did not calculate the bond amount but will do it with the DPW Director. The plan doesn’t show any easements, but if an easement is owned by the Applicant, it needs to be approved by Town Counsel before he sells the property.

Responding to a question from Mr. Pember regarding sight distance from the proposed location of the common driveway, Mr. Colonna stated the sight distance is good because it’s at the top of the hill. The hill will be lowered by 2 feet and there will be over 200 feet of sight distance from both sides.

Regarding the knoll, Mr. Colonna stated nothing could be done, but they did the best they could do otherwise. He stated they can control the vegetation on the right side of the road coming from Berlin, so they will work with that.

Mr. Pember stated the board needs to see the easement language and make it a condition of approval. Ms. Capobianco asked Mr. Ramadan if anyone has worked on the easement language. Mr. Ramadan stated he has to have approval first. If they go the route of a bond for Phase 1, he will transfer the property and ask his lawyer to give him the easement language.

Ms. Joubert stated they could place a condition tying it to an occupancy permit or release of the bond, but it wouldn’t happen before the easement language was submitted.

Regarding the stone wall, Ms. Capobianco confirmed that in one section on the plans, the road cannot be lowered but the stone wall will be removed and then put back. Ms. Harrison asked why the wall would have changed over the years. Mr. Ramadan stated there was a huge 80-year old tree there and the owner may have shifted the wall around that tree.

Eugene Earlie, 400 Newton Street, stated it sounds like in other places the wall will not be moved and the ditch will be smaller between the road and the wall. Mr. Litchfield responded it’s 22 feet of pavement with a little bit of a shoulder for people to pull off a bit or for snow storage. He noted there will not be a significant increase in water, as it will travel down to low points. Mr. Earlie was concerned the water could bring down the walls because some portions of the wall are in precarious shape. Mr. Litchfield stated the water will not be significant.

Ms. Capobianco asked Mr. Litchfield if he needs more time to review the plans. Mr. Litchfield responded he just wanted to confirm what Mr. Colonna said and is fine with the board approving it.

Ms. Joubert suggested the board keep the hearing open and continue it to the next meeting.

0 Newton Street Common Driveway

Engineer Vito Colonna, stated the Applicant is proposing a common driveway for a total of 8 lots on 25.7 acres of land at 0 Newton Street in the Residential A zoning district. The site, which is undeveloped and wooded, is located at a high point in the road that will be lowered; and site clearing will be done for sight distance. The proposed common driveway and infrastructure will service 8 Approval-Not-Required (ANR) lots with frontage on Newton Street. The 8 lots will be serviced by private wells for water supply and on-site septic systems for wastewater disposal. Driveways servicing greater than two lots will be 22-foot wide with a maximum grade of 5%. Lots identified on the site plans as 6A, 6B, 6C, 6D and 6E are

serviced by a 755-foot driveway ending in a cul-de-sac turnaround. Easements have been provided along the common driveway and infrastructure. Driveways servicing lots 6F and 6G contain 18 feet of pavement width. The driveway servicing lot 6H includes a stub to the lot line and contains a minimum width of 16 feet. The Applicant's representatives have had discussions with the Fire Department relating to emergency vehicle access. The proposed turnarounds located along the common driveway are capable of accommodating the turning movements of a sports utility vehicle (SUV). The proposed common driveway is 1500 feet total. It will remain private and will require maintenance. All of the houses will be equipped with sprinkler systems.

Mr. Colonna explained stormwater runoff from the paved areas and upgradient areas will be collected in the proposed drainage system. There are two drainage systems proposed on-site. Basin-1 is a proposed infiltration basin located along the frontage of Newton Street. The basin has been designed for recharge and treatment only. Basin-2 has been located in an existing flow path and utilizes the driveway grading to berm stormwater. This has allowed the existing grades to be maintained on the upgradient side of the basin. This basin has also provided peak rate control of the proposed development. Currently, a big stream channel runs off the back of the property. As part of roadway improvements, new headwall and reinforced concrete piping is proposed that will contain runoff that will flow through the wetlands. Other runoff will discharge downstream. Soil testing has been done for all the septic systems. Wetlands have been delineated.

Regarding traffic, Mr. Colonna stated the proposed development would result in approximately 80 new vehicle trips per day on Newton Street, with 6 in the AM peak and 8 in the PM peak. A minimum 200 feet of stopping sight distance has been provided at the intersection with Newton Street. The required improvements within the sight line have been shown on the plans.

In response to questions from board members, Mr. Colonna stated the length of the proposed common driveway is 1500 feet in total. It will remain private and will require maintenance. A stormwater management plan includes maintenance of the system, which will not be maintained by the Town.

Ms. Joubert explained the Town is not involved with the maintenance of the common driveway. It will be up to the homeowners to maintain the driveway as it is not a public road. The conditions of the decision will require language explaining it in the deeds. Every homeowner will know this. It is a standard condition in a common driveway decision.

Ms. Joubert noted the Applicant is requesting waivers from Section 10-36-130A to allow a common driveway with more than 5 lots; and Sections 10-36-130 B(1), (2) and (3) pertaining to extension of water service for the houses on the common driveway and connection to hydrants.

Mr. Litchfield stated the Applicant will need an Earth Work Permit.

Mr. Colonna noted the Applicant is not requesting waivers from the Conservation Commission; and there will be no sidewalks on the common driveway. Mr. Pember stated there is not very much traffic on Newton Street so it's probably not a safety issue to not have sidewalks. Ms. Gillespie stated there could be 10-16 children who will be brought down to the bus stop. Ms. Capobianco stated the road is a quarter-mile long, which could be advantageous for walkers. Sidewalks are something to consider in the area where the road width decreases to 14 feet.

Ms. Joubert noted staff agrees it would be better to have as few curb-cuts as possible; and 8 lots were acceptable to them.

Mr. Litchfield stated a separate plan is required to show the easements for the turnarounds and will be a condition of the decision that it is submitted.

Scenic Road

Ms. Harrison stated the work for Phase 1 should be done first. Mr. Pember stated to do Phase 1 it should include Verizon moving the poles and that could take a year. Ms. Harrison stated Phase 1 should be done for the neighbors' sake.

Mr. Pember was fine with Phase 2 and bonds. Ms. Gillespie wanted all the poles taken down at once. Mr. Litchfield stated if the board feels Phase 1 should include all pole work, they can require it. Ms. Harrison was worried it will take too long to move all of them. Mr. Litchfield stated once Verizon is given the word to go, they will move the poles. He was not sure that they would do the work during the winter months, but clearing can be done if the Town is agreeable. The DPW does not allow work to be done in the right of way during winter. Mr. Pember stated they need a time frame.

Mr. Ramadan stated he doesn't have the money to do the pole work all at once. He is requesting the 2 phases, but is completely in agreement with doing everything in one shot. If the board feels safer, he has no problem with a bond covering all the poles. He wants to do the poles as soon as possible. He has no problem with a deadline, either. When he records the plan, taxes will go up and he will need to get going. He wants to move forward with this project.

Ms. Capobianco agreed with attaching the certificate of occupancy, but noted the house may not sell. She is concerned that something might happen with the transaction.

Mr. Ramadan stated if the board wants a bond he will do it in cash, and would not do the bond if he didn't think he was selling the house. When it closes, he will give the board the money for the bond. Ms. Capobianco asked Mr. Ramadan if the proceeds from the sale of 325 Newton Street will free up money for the bond and he said it would.

Regarding a time-frame for the Phase 1 work, Mr. Litchfield stated a year from now should be sufficient, or to the end of the construction season next year. Ms. Capobianco stated, given Mr. Litchfield's indication of the response from Verizon, as long as Mr. Ramadan sends in clean plans with as much information as possible, and it gets to Verizon, they'll be there in the spring and a year is fine.

Ms. Joubert suggested a condition of the decision would be to require a bond to be posted for Phase 1 work in order for the occupancy permit to be released.

Ms. Temlak stated she would worry about the safety of the people living at 325 Newton Street if the road was not improved.

Ms. Harrison noted the 2007 decision states the occupancy permit would be issued after the work was done. She stated she is ok with both phases as discussed.

Ms. Gillespie stated she wants removal of all the poles as part of Phase 1.

Ms. Capobianco expressed concern that if the prospective buyer for 325 Newton Street does not want to wait another 6 months for the certificate of occupancy to be issued and the Applicant loses the sale, he won't post a bond for Phase 2 and finish it.

Mr. Ramadan stated he needs the money from the sale of 325 Newton Street to do the work. If the decision states he has to do Phase 1 first, everything will slow down. Ms. Capobianco responded if a bond is not posted, it may never be done.

Ms. Gillespie stated they need to move forward with it, and Mr. Ramadan stated the buyer is ready to go but has to get his banking reapproved. He stated he has no problem with a 1-year bond, but if at the end of the year the work isn't done and it's not his fault, he wants the board to recognize that.

Ms. Capobianco stated they are working with what they have and have to make the best decisions for the safety of the Town. What needs to be done should occur over the next 12 months. If it means posting the bond and getting the occupancy permit, than that's what needs to be done in Phase 1. In terms of bringing down the hill and 325 Newton Street, the owner and Mr. Ramadan have to work it out themselves. If he didn't do the work, their recourse would be no occupancy permit would be issued. Ms. Capobianco stated the Applicant will not be in violation as long as he's doing the work. They can't make him do it and they don't have the right to see his financial records.

The board members discussed conditions for the two decisions, which focused on posting of bonds for Phases 1 and 2, or requiring work to be done prior to certificates of occupancy. Ms. Capobianco asked how Phase 2 would be enforced if Phase 1 was not completed by the Applicant and the Town takes the Phase 1 bond. In that event, the Applicant will probably not post a bond for Phase 2 because the common driveway would not be done. She asked how the roadway improvements associated with Phase 2 would get done if the common driveway is tossed out and a bond is not posted. She stated if the bond gets posted and the work isn't done, they only have a bond for Phase 1, plus pole placement.

The board and staff had a lengthy discussion regarding whether or not they should require bonds be posted for both phases of the project, or whether they should require the road improvements be done prior to the issuance of a certificate of occupancy for 325 Newton Street as part of the Scenic Road permit; and certificates of occupancy for the 0 Newton Street common driveway.

Mr. Litchfield suggested requiring part of the road improvements with the scenic road in Phase 1 and the remaining road improvements in Phase 2 with the common driveway. He notes the goal was to get this work done before the homes are done and occupied. The required time for the road work to be completed could be August 1st which is before the start of school. Mr. Pember thought August 1st might be too soon. Mr. Ramadan stated he is comfortable with the August 1st date with what he has control over. If the poles are not moved, he can't do a thing about it. Ms. Capobianco agreed with the August 1st date for Phase 1, and suggested Mr. Ramadan could come back to the board if Verizon has not removed the poles by then. She stated she does not want to see the poles moved in the spring and then not have any work not done until the summer or fall months.

Ms. Joubert confirmed the roadwork for Phase 1 would be completed prior to the release of the occupancy permit for 325 Newton Street, and a bond needs to be posted for Phase 1 which would include removal of all utility poles and all 9 poles done at the same time.

Mr. Ramadan asked if a portion of the bond could be released if the poles are done.

Mr. Litchfield stated he would look at what has been done, inform the board, and they would have to approve the bond release.

Ms. Capobianco confirmed that work will start right away. Mr. Ramadan responded he will start as soon as he can.

Mr. Pember stated they need to tie the scenic road in with the common driveway. Ms. Joubert suggested referencing Phase 2 in both decisions. The amendment to the scenic road would reference the common driveway, mandating a bond prior to the occupancy permit for Phase 2.

Ms. Joubert will have draft decisions for the board by the beginning of next week. She noted she may have to consult with Town Counsel regarding tying the 2 bonds and decisions together.

Mr. Litchfield stated if the board is comfortable with the plan, the Applicant can send the plan to Verizon. Ms. Capobianco stated she thinks the plan now is the best they're going to get. Mr. Litchfield agreed, stating if the board gives him a year and there's no problem with the weather, it should be done.

Ms. Gillespie motioned to continue the Scenic Road and Common Driveway public hearings to November 5, 2014 at 7:15pm. Mr. Pember seconded the motion and the vote was unanimously in favor of continuing the public hearings.

Continued Public Hearing RE: Definitive Subdivision "Sterling Court Estates" at 29 East Main Street

Applicant:	Scott Miller, Stirrup Brook, LLC
Engineer:	Jess Johnson, David E. Ross Associates, Inc.
Date Filed:	September 5, 2014
Decision Due:	135 days from date of submission

Scott Miller and Jesse Johnson presented the plans for a 5-lot subdivision on the property at 29 East Main Street. Mr. Johnson stated the subject parcel consists of approximately 2.88 acres. An existing single-family dwelling with associated accessory structures, driveway and landscaping are located on the developed portion of the site. The remaining undeveloped portion of the property has a varying terrain covered with deciduous and conifer vegetation. The site is located in the Residence C District with frontage and access along East Main Street. Adjacent properties are residential and recreational uses (Town athletic fields). The proposed subdivision includes a cul-de-sac that will extend behind the existing home on the property. Per the subdivision plans, the existing home will sit less than the required distance from one of two front property lines, per a Variance granted for ZBA Case No. 14-05 in May 2014.

The proposed subdivision will consist of constructing approximately 335 feet of roadway off of East Main Street. The associated right-of-way will create enough frontage for four new single-family dwellings and one existing dwelling. Utilities, including Town water service, will be extended off of East Main Street to accommodate the development. Individual on-site sewage disposal systems will be provided and an upgrade to the existing residence will be done. A continuous landscaped buffer will be provided around the perimeter of the project adjacent to the residential properties. This will greatly reduce impacts on the surrounding neighborhoods. A conventional drainage design and oversized infrastructure will maintain all stormwater flows onsite. An existing catch basin will be tied in and a high point created to direct all runoff from the subdivision to a catch basin and ultimately to the basin at lots 3 and 4.

Mr. Johnson stated during their investigation of the site, they discovered a pipe from the Town's athletic field drains onto the subject property. They have had a number of meetings with Town staff regarding how to address the situation. There are two areas on the site that pick up the Town's stormwater runoff. The applicant designed stormwater mitigation for their project for a 100-year storm event, which has enough capacity to take the runoff from the Town's drainage pipe. On the Town's site, they are looking for a spot to have an overflow basin to further mitigate the stormwater and basically track it to see where it ends at the fields. It would be a relatively small runoff rate.

Mr. Johnson explained they have calculated traffic generated as a result of the proposed development will be 3.1 trips in the morning peak hours and 4.1 trips in the evening peak hours. The potential impact to East Main Street would be approximately one vehicle every 20 minutes in the morning and one vehicle every 15 minutes in the evening at the intersection of the subdivision road and East Main Street. Based on this information, they feel there will be a minimal impact to the current traffic along East Main Street.

Mr. Johnson explained the Applicant is requesting the following waivers:

- A Phase I Environmental Site Assessment shall not be required.
- A 74 foot paved cul-de-sac radius shall be allowed.
- A sidewalk on one side and the full circumference of the cul-de-sac shall be allowed.
- The use of corrugated plastic pipe within roadway areas shall be allowed.
- The installation of a continuous landscaped buffer less than 40,000 square feet without minimum frontage and within an area previously disturbed shall be allowed.
- The omission of street lighting from the subdivision shall be allowed.

Mr. Johnson noted the DPW has asked the Applicant to consider requesting a waiver to allow bituminous curbing instead of the required granite curbing.

Regarding the waiver to allow less than the required open space, Mr. Johnson stated they have carefully planned to enhance the tree lines by removing dead trees and asking the Planning Board to help them with the screening. He explained to the board that the open space requirements are relative to a larger subdivision, not a small one. Ms. Joubert noted in some business districts it's a percentage of the lot that's required, but not in residential districts. Mr. Miller explained there is a lot of dead brush & trees and overgrowth and they believe it is better to thin it out and replant with more appropriate species, in order to preserve the character of the existing lot. They are trying to do something that makes more sense and will work with abutters for privacy screening. They are planning a 10-foot wide landscape buffer and asking for a waiver for no open space. Mr. Miller stated the landscape buffer will be better than just an open space.

Ms. Joubert stated the board has called it an easement in the past. In other subdivisions, instead of open space, it has been called an easement along the rear of the property to provide a buffer. The easement remains Town-owned and the language would be such that it needs to remain as open space or vegetated area.

Mr. Miller stated he would like to have more flexibility with it. He planted in excess of 350 trees for Stirrup Brook II and didn't have the ability to put them along the perimeter because that was the open

space. If he has more flexibility with this subdivision, it will be more visually attractive. He noted the open space bylaw needs to be rewritten, as it doesn't make sense for small subdivisions.

Ms. Gillespie inquired as to the depth of the proposed buffer. Mr. Johnson replied it is 10 feet deep. Mr. Miller stated it is a pie-shaped piece that is not part of the Brackett's property. There is an existing natural state there with big trees and buffer space.

Regarding the waiver for the reduction of the cul-de-sac, Mr. Johnson stated they will reduce the radius of the cul-de-sac if the Fire Chief is ok with it.

Mr. Litchfield submitted to the board a review letter for the subdivision that he and Dan Nason, DPW Director, prepared regarding the waivers requested on Site Layout Plan Sheet 3 of 7. He reviewed the items of the letter with the board, as follows:

- He has no issue with the waiver request that a phase 1 environmental site assessment shall not be required, and that a 74-foot paved cul-de-sac radius shall be allowed.
- Regarding the waiver request for a sidewalk on one side only, he stated it does not seem appropriate given the small amount of sidewalk to be omitted.
- There does not appear to be any reason for the request to reduce the width of the grass plot as this area is typically used for snow storage and three feet does not seem adequate.
- The storm drainage pipe does not need to be reinforced concrete but shall be HDPE smooth bore pipe with slightly tight joints.
- The open space areas may be a continuous landscaped buffer without minimum frontage and within previously disturbed areas, but should contain at least 40,000 square feet in total.
- The waiver requested to omit street lighting in the subdivision is fine.
- The plan also shows bituminous concrete curbing instead of sloped granite curbing as required in the Subdivision Rules and Regulations. The DPW is in favor of this request as the Town has recently incurred significant cost to replace the granite curbing in the Woodstone Road reconstruction project.
- The plans indicate pavement thickness of two inches for the base and one inch for the top in accordance with the Subdivision Rules and Regulations, but the DPW would prefer 2.5 inches for the base and 1.5 inches for the top.
- Should the board allow the installation of bituminous concrete curbing in place of granite curbing, the granite slope transition curbing shall be installed adjacent to each granite throat stone.
- All permanent easements should be bound with concrete monuments at all changes in horizontal direction.
- An Earth Work Permit must be obtained prior to any earth work. All street trees shall be planted at least five feet behind the right of way.
- The types and locations of each street tree shall be approved by both the Town Engineer and the DPW Director prior to installation.
- The plan must show a permanent benchmark which must also verify consistency with the Town's vertical datum (NGVD 1988).
- The right of way shall be cleared and level graded to the limit of the entire fifty (50) feet.

- The Open Space easement should not be deeded to the Town to maintain, but rather be left in a natural state.
- The infiltration basin should be surrounded with a ten-foot wide level area with appropriate access from the proposed street.
- The discharge into the proposed infiltration basin should be relocated to the westerly side of Lot 4 to provide an increase length of time of infiltration. As currently proposed, the inlet and overflow are directly opposite each other at the narrowest part of the basin.

Mr. Litchfield noted things have changed with sidewalks. In the past, the Planning Board suggested only 1 sidewalk be built in the subdivision and the money for the other sidewalk be held for sidewalks elsewhere in Town. However, the auditors won't allow that now, and the DPW will not install them, so a suggestion is to go to Town Meeting to get a sidewalk in an area. If the money is posted, it would go to the general fund. He stated the applicant should build the sidewalk on both sides of the street in accordance with the subdivision rules and regulations.

Ms. Joubert stated the Town started a childhood obesity program in Town called "Building a Healthy Northborough", and now two other Towns have incorporated with Northborough and the program is now called "Metrowest Moves". The members of the program have done sidewalk surveys. There are 2 walking routes that Map Boston has mapped for the program - alternative to hiking trails - and East Main Street is part of that loop. As a result, one of the things their group talked about is increasing the amount of sidewalks in Town. Now that the Planning Board is not allowed to have a sidewalk account, she suggests developers should be building sidewalks all around the cul-de-sac. Ms. Harrison asked if there is another way to get money and Ms. Joubert replied Town Counsel and the administration have said there is no other way.

Mr. Miller stated 275 feet of sidewalk is not a big deal, but it is more pavement that the Town will have to maintain. Also, the Town has been dumping water on this property for a long time, and doesn't have any money to deal with it. He stated they have done all of this and will fix it so it works. A waiver for the sidewalk will defray the expense of other things.

Mr. Litchfield stated he agrees the open space requirement is cumbersome and some flexibility is important. How much being used for the landscape buffer should be quantified. He suggested restraint on the amount of flexibility. The frontage requirement is not necessary. Street lights are waived all the time, as the Town doesn't fund them. Regarding the bituminous curbing, the DPW has indicated they want to start something new. Granite is more expensive and the DPW wants to try using asphalt for curbing. The applicant has not requested a waiver from the granite curbing but the DPW is requesting asphalt curbing. Trees need to be outside the right-of-way if they ever want to install a sidewalk. The open space will not be deeded to the Town. The infiltration basin will have a 10-foot wide level area around it for DPW emergencies. He noted he has received the final drainage plans and asked the board to continue the hearing so he will have time to finish his review.

Ms. Capobianco suggested continuing the hearing for 2 weeks to allow the DPW to get information from Town Counsel regarding the issue of drainage from the athletic field flowing onto the subject property.

Horace Turner, 6 Kent Drive, presented a letter to the board on behalf of himself and John and Sylvia Reynolds 10 Kent Drive. He stated he would like to work with the developer because he is most concerned about preserving the wooded areas. He noted he has a video showing his "sanctuary" next to the subject property, and noted Mr. Miller has walked the property.

Mr. Johnson noted if they have to put a sidewalk all the way around the cul-de-sac, it will have a lot of cascading affect, especially financially, and the same with open space. He would like to just move the sidewalk to get the 4-foot grass strip. He stated he will have the information on the exact amount of open space for the board.

Ms. Capobianco stated she is fine with open space and with one sidewalk, as it is a small subdivision.

Ms. Gillespie motioned to continue the meeting to November 5, 2014 at 7:45pm. Mr. Pember seconded the motion and the vote was unanimously in favor of the motion.

Review of 370 Southwest Cutoff, ZBA Case No. 14-14

Applicant and property owner, Kevin Giblin, Brendon Properties Two, LLC, and 920 LLC; Attorney Marshall Gould, Gould and Ettenberg; and Paula Thompson, Engineer, Waterman Design Associates, were present. Mr. Gould stated the last time they came before the board they were here in an advisory capacity before going to the ZBA for Variances and Special Permits for Northborough Crossing 2, and those permits were granted. Tonight they are here to answer any questions the board members have before they go before the Zoning Board of Appeals for a Special Permit with Site Plan Approval for the same project.

Ms. Capobianco asked where the loading docks are going for the retail stores. Mr. Giblin explained they don't have loading docks for a strip mall. It's a one-way circulation around the area, but the configuration may change if the tenant is one large retailer.

Mr. Pember asked about dumpsters. Ms. Thompson pointed out the service areas on the plan. The trash truck comes and goes every day.

Ms. Gillespie asked about signage for the mall. Mr. Gould explained they have received Variances for a sign at Route 9 and one for the access road and Shops Way. It will be quite an elevation from Route 20 to the site. The sign across from BJ's will not be seen from Route 20.

Ms. Capobianco commented it looks like there will be a big slope up to the top of the property. Ms. Thompson stated they will grade it so the wall will be only 16 feet high and the wall buffering the landscaping will be lower. Mr. Giblin stated he cannot do a stone wall. It will not be structurally good. Ms. Harrison asked if it could be faced with stone. Mr. Giblin replied he is researching it.

Ms. Capobianco asked about water runoff and Mr. Lavin's property. Ms. Thompson stated it will be captured before it gets to that property.

Mr. Giblin stated right now they are meeting with MassDOT and have plans to do work on the ramp to add an acceleration lane.

Ms. Gillespie asked if there will be no left turns. Mr. Giblin replied it will be a 3-way stop. Mr. Gould explained there is a traffic consultant working with the Police Chief. Ms. Thompson is doing the work for the baseball fields across the street and is looking at the timing of the light. Mr. Giblin noted MassDOT is not making them do the work. He noted traffic at BJ's gas is not as bad as it is up by BJ's warehouse. Ms. Thompson stated the majority of issues are caused by people not stopping. Mr. Gould stated as the light at Route 20 changes, that's when there's a break and people can get out easily. He noted Mr. Giblin still has rights to the land. The driveway is owned by Equity One. The imprinted crosswalk between the

proposed access driveway across to BJ's gas will have colored asphalt. Mr. Gould noted they don't have exclusive control of the driveway.

The Planning Board was in support of the site plan.

Woodstone Estates Bond Releases: Ms. Joubert explained there were 2 bonds from different lot owners, some from home owners and some from developers who sold off the property. Through it all, these are the properties they have finally arrived at and at Town counsel's advice, the Planning Board needs to vote to release the bonds, as follows:

9 Woodstone Road – \$824.34
10, 42 and 44 Woodstone Road – \$6,933.58 (total)
24 & 38 Woodstone Road – \$4,449.76 (total)

Ms. Harrison motioned to release the bond money to the Town. Ms. Gillespie seconded the motion and the vote was unanimously in favor of releasing the bond money.

76 Lincoln Street, Lincoln Street Elementary School Site Plan: The site plan decision was signed by Chairman Capobianco.

The meeting adjourned at 10:30pm

Respectfully submitted,

Debbie Grampietro
Board Secretary