



TOWN OF NORTHBOROUGH PLANNING BOARD

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Approved 1-20-15

Planning Board Meeting Minutes November 5, 2014

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

Others Present: Kathy Joubert, Town Planner; Fred Litchfield, Town Engineer; Ziad Ramadan, David and Kathleen Tendlak, Tom Spataro, Financial Planning Appointee; Jason Perreault, Board of Selectmen; Attorney Marshall Gould, Scott Miller, Sue Brackett

Chairman Capobianco opened the meeting at 7pm.

Financial Planning Appointee: The board voted to appoint Thomas Spataro as their Appointee to the Financial Planning Committee. Ms. Harrison motioned to appoint Mr. Spataro, Mr. Pember seconded the motion and the vote was unanimously in favor of the motion.

Bond Release for Cyrus Brook Estates: After a brief discussion, Ms. Harrison motioned to release the \$31,000 bond for the Cyrus Brook Estates subdivision. Ms. Gillespie seconded the motion and the vote was unanimously in favor of the motion.

ZBA Applications for November

Ms. Joubert noted an application to allow the sale of pre-owned vehicles on the property at 12-14 King Street has been submitted for the November 25th ZBA meeting. She noted the Applicant's current use of the site includes towing, repairs, detailing and inspection of vehicles. Per zoning, the sale of used vehicles is allowed only as an accessory to new vehicle sales.

Ms. Joubert stated the ZBA approved various special permits and variances for the proposed development of 370 Southwest Cutoff at their October meeting and will be reviewing the site plan at their November meeting. Attorney Marshall Gould explained Kevin Giblin has not gone through the process of improvements to the Route 9 West ramp with MassDOT yet. Part of the process will be to address drainage problems on the ramp. The state will probably want to incorporate an acceleration lane for that ramp.

Continued Public Hearing RE: Special Permit Common Driveway 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: Newton Street Scenic Road

Applicant: Noor Construction LLC

Engineer: Connorstone Engineering

Date Filed: May 20, 2014

Decision Due: 21 days from close of hearing

Ms. Capobianco noted the Applicant for both hearings, Ziad Ramadan, is here tonight to present final plans for the improvements to Newton Street, as part of the Scenic Road Permit application. Mr. Ramadan explained he completed the final plans and has submitted them to Verizon for removal of poles. Verizon has walked the site and said the trees have to come down. It's a process Verizon will do with the Department of Public Works (DPW). He noted Verizon asked him to get in touch with National Grid, and he will now be working with both of them.

Ms. Capobianco asked Fred Litchfield, Town Engineer, how long the process takes. Mr. Litchfield explained any time a tree is in the town's right-of-way, it requires a public hearing be held. It will probably take about two weeks. Mr. Ramadan needs to submit a list of trees to be removed to Dan Nason, Director of Public Works and Mr. Nason will generate the hearing notice and the trees for removal will be flagged.

Ms. Capobianco stated the members received revised draft decisions for both Newton Street Special Permit Common Driveway and the Newton Street Scenic Road permit. 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 of the project 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.

325 Newton Street, Scenic Road Permit

Ms. Harrison motioned to close the hearing for the Scenic Road permit, Mr. Pember seconded the motion and the vote was unanimously in favor of closing the hearing.

Mr. Pember motion to approve the amendments to the Scenic Road permit issued for Newton Street in 2007, per the draft decision reviewed and amended at the public hearing dated November 5, 2014. The vote was 3 in favor, 1 opposed and 1 abstained.

0 Newton Street Common Driveway

In response to a question from David Tendlak, Mr. Ramadan stated all of the roadway work will be done by November.

Mr. Pember motioned to close the hearing, Ms. Poretsky seconded the motion and the vote was unanimously in favor of closing the hearing.

Mr. Pember motioned to approve the 0 Newton Street Special Permit Common Driveway per the draft decision dated November 5, 2014, with amendments as discussed. Ms. Gillespie seconded the motion and the vote was unanimously in favor of the motion.

9pm Continued Public Hearing for Sterling Court Estates Subdivision, 29 East Main Street

Applicant and Developer Scott Miller; Jesse Johnson, Engineer; Gino DeFuedis; Developer and Sue Brackett, property owner, were present. The public hearing was originally scheduled for October 7, 2014 and was continued to October 21, 2014 and November 5, 2014. Mr. Miller and Mr. Johnson presented plans for a proposed five-lot subdivision at 29 East Main Street entitled "Sterling Court Estates". It was noted the Applicant had a discussion with the Planning Board at their July 1, 2014 meeting regarding this proposed subdivision. Since that time, the plans have been revised to reflect comments from staff and the board and are dated November 3, 2014.

The site is 2.88 acres in size and is located in the Residential C zoning district and in Groundwater Protection Overlay District Area 3. It is next to Town fields and a cul-de-sac with frontage for 4 lots is proposed behind the existing home. Rather than creating 5 lots, they kept the original home in order to stay with the character of the existing neighborhood. It was noted the Applicant went before the Zoning Board of Appeals and was granted a Variance to allow the existing home on the site to be less than the required distance from a side property line.

Mr. Miller stated all the proposed lots meet the minimum area and frontage requirements for the zoning district, and will be serviced by town water and individual on-site sewage disposal systems. A conventional drainage design and oversized infrastructure will maintain all stormwater flows on the site. Rain gardens are proposed between two of the properties and will be maintained by the homeowners. Approximately 335 feet of roadway off East Main Street will be constructed to create frontage for the four proposed lots and the existing single-family home. A continuous landscape buffer will be provided around the perimeter of the project, adjacent to the abutting properties. Traffic generated from the subdivision will be approximately one vehicle every 20 minutes in the morning and one vehicle every 15 minutes in the evening at the intersection of East Main Street and the Sterling Court Estates access drive.

Mr. Miller explained they discovered water coming onto the site from Memorial Field. He worked with the Town Engineer and the DPW Director and the town will continue to take the water and treat it. The revised plans show drainage has been moved to the side so it could go all the way across the infiltration system as opposed to the middle of it. They also did some technical modifications. The DPW Director sent a letter to the Planning Board chairman regarding their requested waiver of granite curbing and off-site work. Mr. Miller stated the only stumbling block is the open space requirement mentioned in the Town Engineer's review letter and he has added some open space along the existing homestead, which works out to 13,954 square feet (13.5%) of the development. It meets and more than doubles the open space. Mr. Miller explained he met with the abutters, came up with an idea to have a landscape buffer as screening for the neighbors, and wants to work with the town to enhance the open space while doing the project. He stated he doesn't see the value of having 40,000 square feet of open space. During the development, prior to transfer of any deeds, they are allowed to enhance the open space and when the property is transferred, it will be in the deed. This is what he did with the rain gardens in Stirrup Brook. The required maintenance on lots #3 and #4 would run with the deed.

Mr. Litchfield stated issues in his previous letter have been addressed, which was mainly the open space issue. The board wanted the amount of open space shown on the plan, and it shows just under 14,000 square feet. If the board wanted it increased to 40,000 square feet, 18 feet around the perimeter would have to be added and it wouldn't make sense. In other areas, there might be increases to the side and rear setbacks, but that couldn't be done anyway. Mr. Miller explained the houses are so far back on the lots because of the Board of Health's requirement for septic system setbacks. Rear yard setbacks of 25

feet would wipe out the backyards. He will make the open space more visibly appealing and better than it is normally.

In response to a question regarding the buffering from Ms. Poretzky, Mr. Miller stated the landscape buffer is 10 feet deep.

Ms. Capobianco asked Mr. Litchfield to review the DPW letter regarding the curbing issue with the board. Mr. Litchfield stated he likes granite curbing, but there are maintenance issues associated with them with which the DPW does not want to deal. The DPW prefers asphalt curbing. From a practicality standpoint, granite lasts longer, but they break, can't be used and are hard to replace.

Ms. Joubert stated it's a question of process. The subdivision regulations require granite curbing. If the DPW would like to revise the Subdivision Rules and Regulations, the Planning Board and the DPW should meet to discuss proposed revisions and schedule a public hearing.

Mr. Miller noted he did not ask for the waiver of the granite curbing; DPW wants it.

In response to a question regarding maintenance of the infiltration system, Mr. Miller stated maintenance will fall on the property owners of lots #3 and #4. It will basically be a grass swale. Mr. Litchfield noted the owners will need to know nothing can be done on the grass swale; no swing sets, no grass clippings, and they have to keep it clean. Someone has to be responsible besides the town. The road will eventually be plowed by the town and would affect those 2 lots. Mr. Pember stated it could be written into the decision that it would be a condition of lots #3 & #4.

Regarding open space, Ms. Gillespie requested the 10-foot buffer be expanded to 15 feet. Mr. Miller responded it would decrease size of the backyards, and he has just proposed it along the back of the drainage easement. In one spot it abuts a parking lot. Some areas are heavily vegetated. He stated he can do a good job enhancing the landscaping without sacrificing the rear yard areas.

Ms. Joubert stated the drainage issue with Memorial Field is being worked out by the Applicant with the DPW Director. The engineer for the project put together a package and the DPW is going to give it to Town Counsel, who will review the language. It could be taken care of between Town Counsel and the DPW. It is an off-site issue, but something that has not been taken care of yet, and Ms. Joubert suggested the board may not want to close the hearing.

Regarding the open space issue, Mr. Miller and Ms. Joubert will work together on the language as to what is an appropriate buffer.

Ms. Joubert suggested the board keep the public hearing open and she will draft the decision before the next meeting.

Ms. Capobianco discussed the waivers requested by the Applicant with the board, which are as follows:

- Phase I Environmental Site Assessment
- To allow for a 74 foot paved cul-de-sac radius
- To allow for a sidewalk on one side and the full circumference of the cul-de-sac only
- To allow for corrugated plastic pipe within roadway areas
- To allow for installation of a continuous landscaped buffer less than 40,000 square feet without minimum frontage and within an area previously disturbed

- To omit street lighting from the subdivision
- To allow asphalt curbing instead of granite curbing

Ms. Joubert noted the waiver requested for the asphalt curbing came from the DPW and not the Applicant, and therefore it is not listed with the other waivers requested. The members were fine with all the waivers requested.

Ms. Joubert reiterated the DPW is waiting to hear from Town Counsel regarding easement language in relation to the drainage issue onto the site from Memorial Field.

Ms. Harrison motioned to close the hearing, Ms. Gillespie seconded the motion and the vote was 4 in favor, 1 opposed (Mr. Pember) of closing the hearing.

Ms. Harrison motioned to approve the definitive subdivision plan for Sterling Court Estates , 29 East Main Street, per the plans submitted and dated November 3, 2014, and with the waivers requested except the waiver for asphalt curbing and with a reference to landscaping and drainage language from Town Counsel. Ms. Gillespie seconded the motion and the vote was unanimously in favor of the motion.

Subdivision Rules and Regulations: Ms. Joubert stated the subdivision rules and regulations need to be updated and the process is a Planning Board public hearing and not Town Meeting. The DPW Director and the Town Engineer have some revisions/changes to consider. It's a large undertaking that could possibly be done in-house but Ms. Joubert needs to check with DPW and Engineering regarding time commitment and their availability to work on such a project with the Planning Board and Town Planner. Most likely, knowing what departments already have scheduled for the next calendar year, it will probably be a year away or so to begin this project. Mr. Pember stated he would to start working on them right away. Ms. Joubert stated she will meet with Mr. Litchfield and Mr. Nason and get back to the board about a meeting date for this.

Ms. Harrison mentioned bringing the Solar Bylaw and the Medical Marijuana bylaw to 2015 Town Meeting. Ms. Capobianco stated the board will talk about it at their meeting on December 2nd.

The meeting adjourned at 10:15pm.

Respectfully submitted,

Debbie Grampietro
Board Secretary