



TOWN OF NORTHBOROUGH PLANNING BOARD

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Approved 9/22/15

Planning Board Meeting Minutes June 2, 2015

Members in attendance: Theresa Capobianco, Chair; Amy Poretsky; Leslie Harrison; George Pember

Members excused: Michelle Gillespie

Others in attendance: Kathy Joubert, Town Planner; Fred Litchfield, Town Engineer; Elaine Rowe, Board Secretary; David Sadowski; Shawn Citro; Mike Sullivan, Connorstone Engineering; Dan Benway; Craig Callahan; Paula Thompson, Waterman Design; Beryl Krouse; Lewis Krouse; Mojtaba Amini; Henry Paltrineri; Rick Robinson; Vincent Femia; Ernie Wolshin; Gail Amini; Bruce Goldsmith

Chair Theresa Capobianco called the meeting to order at 7:02PM.

Continued Public Hearing to consider Site Plan Approval for 16 East Main Street

David Sadowski presented revised plans. He noted that the two parking spaces in front of the garage have been removed, the driveway was widened, dedicated parking for workers has been added, and bituminous berm was added on East Main Street. He also noted that the two “do not enter” signs were moved to the back and the driveway to the dumpster was widened to 10 feet and extended another 9 feet at the top to allow appropriate access for the trash removal truck.

Mr. Sadowski noted that the following waivers are being requested:

- Waiver to allow for a driveway width of 10 feet with a dumpster located at the end of the driveway.
- Waiver to allow for a 5 foot radius at each side of the driveway entrance on Main Street and driveway exit on East Main Street and to allow for all other radius to be ten (10) foot as shown on the plan. Section 7-09-030 C.(1)(a) shall be waived to allow the separation distance between the two driveways on East Main Street to be less than the required two-hundred (200) feet.

- Waiver to allow parking spaces #3 and #4 to be located less than eight (8) feet from the building.
- Waiver to allow less than the required ten (10) foot landscape buffer along the parking areas.

In response to a question from Ms. Capobianco, Mr. Sadowski confirmed that the only radius that will be 5 feet is the one at the entrance off of Main Street (route 20). Ms. Harrison noted that this is the location where vehicles will be travelling at the highest rate of speed, and questioned whether there is any way to achieve the 10 foot radius. Mr. Sadowski indicated there is not.

Mr. Sadowski noted that the bylaw requires driveway separation to be a minimum of 200 feet, but a waiver is needed due to the fact that the property is only 72 feet wide. Ms. Capobianco questioned the actual distance. Mr. Sadowski stated that it will be 60 feet (center line to center line).

Ms. Capobianco asked Mr. Litchfield if he is satisfied that all of his concerns have been addressed. Mr. Litchfield indicated that he is for the most part, but still finds the following issues with the project:

1. **Turning radius** – Mr. Litchfield stated that he would like confirmation, either in the engineer’s letter or on the plans, indicating that the turning templates were applied.
2. **Right of way allowing owner’s car** – Mr. Litchfield stated that the DPW Director is opposed to this. He explained that, if the town ever goes forward with a relocation of East Main Street, it would be preferable for the driveway to remain at a width of 10 feet. He suggested that the car can be moved to accommodate the trash truck, and noted that this is not technically a parking space because it is located within the right-of-way. He reiterated that the DPW Director would prefer that this parking space not be allowed. Ms. Capobianco asked if the decision can deem that it not be a parking space. Mr. Litchfield commented that it may be difficult to persuade someone in 10 or 20 years that it was not a parking space, and reiterated his recommendation that the width be maintained at 10 feet. Ms. Harrison recalled that there were concerns about the dumpster location voiced at the last meeting and questioned whether that issue had been evaluated. Mr. Litchfield commented that there is no other feasible location. Ms. Harrison asked if additional screening can be added. Mr. Sadowski agreed to do so. Ms. Joubert stated that there is an existing fence that belongs to the abutter and some large trees in close proximity to the dumpster location that will remain. She explained that the board can include a condition in the decision relative to the time when the dumpster can be emptied.

Mr. Litchfield noted that the board was provided with a comment letter confirming the discussions that had taken place since their last meeting. In addition, he noted that he

has requested a condition requiring that an as-built plan be provided and that the landscaping and drainage system must be verified.

Ms. Joubert confirmed that comment letters from both the Fire Chief and Town Engineer were provided to the board. She also noted that the applicant is seeking five waivers.

Ms. Capobianco asked for clarification about the turning radius. Ms. Litchfield explained that he would like verification that the engineer applied the turning template and that the vehicles can actually make the turn.

Beryl Krouse, 22 East Main Street, expressed appreciation to the board for their efforts to ensure that this is a nice project but voiced concern about granting a building permit to an applicant who has left the property in such disarray.

Lewis Krouse, 22 East Main Street, noted that the applicant had agreed to clean up the site during discussions at the board's last meeting. He stated that the two dumpsters were removed but trash continues to accumulate. He emphasized that this is an unhealthy situation that he will not stand for. Ms. Capobianco asked if the revisions in the plans have satisfactorily addressed some of the concerns. Mr. Krouse reiterated that the property is an eyesore and he and the other neighbors want the mess cleaned up. He stated that, while he understands that some of the materials are needed for Mr. Citro's business, he would like to see it stored properly. He also stated that he does not want the conditions on this property to continue to have a negative impact on the rest of the neighborhood. Ms. Capobianco stated that, to the extent that the board is able to address the concerns, they will certainly do so. She explained that, while the goal of the board is to seek improvements to the conditions on the site, it must afford the applicant certain permissions and its hands are tied in certain respects.

Mr. Citro confirmed that he did agree to remove the debris from the site, but he recently lost one of his workers so has not had the ability to get it done. He explained that the debris had previously been stored in the basement of the existing structure but the Building Inspector asked that it be removed in preparation for demolition. He also stated that he was not aware that the dumpsters had been removed, and agreed to remove the trash immediately. He indicated that he has already arranged for the pipe materials to be removed tomorrow. Mr. Citro explained that he cannot move forward with demolition and construction until the gas company caps the pipe. He also stated that the boulders will be removed as soon as he can get a machine to take the building down and remove all of the debris. He explained that he needs a building permit in order to get funding for the project.

Ms. Harrison asked if the Design Review Committee has seen the proposal. Ms. Joubert confirmed that they have.

Ms. Poretsky asked if the board needs to include a condition in the decision that all materials must be stored inside. Mr. Citro explained that materials will be stored in the garage and trash

will be put in the dumpster. Ms. Joubert explained that outside storage is not permitted unless an applicant specifically requests it.

Mr. Krouse asked about the cellar hole that will be left once the building comes down. Mr. Sadowski indicated that it will be backfilled to within 1 foot, in accordance with regulations, and will be used as the slab for the new garage.

Leslie Harrison made a motion to approve the waivers noted below with the following conditions:

WAIVERS

- Section 7-09-030 C.(1)(a) shall be waived to allow for a driveway width of ten (10) feet with a dumpster located at the end of the driveway off of East Main Street.
- Section 7-09-030 C.(1)(a) shall be waived to allow for a five (5) foot radius at each side of the driveway entrance on Main Street and driveway exit on East Main Street and to allow for all other radius to be ten (10) foot as shown on the plan. Verification has been provided by the Applicant to the Town Engineer regarding turning su-vehicle movements.
- Section 7-09-030 C.(1)(a) shall be waived to allow the separation distance between the two driveways on East Main Street to be less than the required two-hundred (200) feet.
- Section 7-09-030 C.(2)(b) shall be waived to allow parking spaces #3 and #4 to be located less than eight (8) feet from the building.
- Section 7-09-030 C.(4)(a)[1] shall be waived to allow less than the required ten (10) foot landscape buffer along the parking areas.

CONDITIONS

1. The emptying of the dumpster shall be limited to the hours of 8:00am to 5:00pm, Monday through Friday.
2. The two “do not enter” signs located near the southerly exit on East Main Street have been relocated as suggested.
3. The applicant shall replace the sidewalk along the frontage of this property and shall install a new asphalt berm and replace the existing three foot wide grass plot in the existing location.
4. The proposed 9 foot wide driveway has been widened to 10 feet wide and the northerly driveway accesses to East Main Street has also been widened to accommodate a parking space in order to avoid a conflict during the removal of solid waste from the dumpster. The dumpster location can remain as proposed due to

the infrequency of which the dumpster is to be emptied and parking space labelled #8 has been designated to be for the business owner's use only.

5. The as-built plans shall include a permanent benchmark consistent with NAVD 88.
6. A waiver of the minimum of a 15 foot radius required at each driveway entrance or exit on site in accordance with section 7-09-030 C. (1) (a) of the Zoning Bylaw may be allowed provided the applicant verifies an su-vehicle can traverse the turns without conflicting with oncoming traffic.
7. The applicant shall submit an as-built plan. The as-built plan shall include, at a minimum, and as applicable to the project, elevation of all pipe inverts and outlets, pipe sizes, materials, slopes; all other drainage structures; limits of clearing, grading and fill; all structures, pavement; contours; off-site improvements and all dates of fieldwork. Upon approval by the Town Engineer one (1) mylar and three (3) paper copies of the as-built plan shall be submitted in addition to an electronic copy compatible with the Town's GIS system. The as-built plan shall also include a certification the drainage system and the landscaping were constructed in accordance with the approved plan.

Amy Poretsky seconded the motion made by Ms. Harrison.

Mr. Pember commented that the dumpster needs to be screened, with the screening to be on the applicant's property. He suggested arborvitae plantings. Mr. Citro discussed his plans to place a fence around the dumpster, but agreed to do whatever is requested by the board.

Ms. Harrison amended her motion to include a condition to include fencing and arborvitae plantings for screening of the dumpster, and the requirement that the applicant provide written verification that the turning templates were applied prior to the issuance of the building permit. Amy Poretsky seconded; motion carries by unanimous vote.

Review of Preliminary Subdivision Plan for 172 & 172A Howard Street

Mike Sullivan introduced applicant Dan Benway and Craig Callahan, current owner of the approximate 9 acre parcel in the Residential B zone. He explained that there are two existing homes on the property, one of which Mr. Callahan resides in with his family.

Mr. Sullivan noted that projects in the Residential B zone require a minimum lot size of 40,000 square feet and 150 feet of frontage, which can be reduced to 75 feet for a cul-de-sac. He discussed plans for a 4-lot subdivision, which will include the two existing homes and two new homes to be accessed from a roadway off of Howard Street. Mr. Sullivan explained that he had considered access from Washburn Street, but crossing of the wetland was not met with favor when the applicant appeared before the Conservation Commission.

Mr. Sullivan explained that the proposal is for the construction of a 22 foot wide, 400 foot cul-de-sac. He noted that the right-of-way is 40 feet and will transition to 50 feet, and the proposed roadway will mimic the grade nicely.

Mr. Sullivan discussed drainage, which was the primary concern raised during a meeting with direct abutters. He explained that the plans will include a series of catch basins and manholes that will connect into a cross country drain. He noted that, by statute, the proposed project cannot negatively impact the existing drainage conditions.

He discussed the requirement to evaluate existing conditions and mitigate any increase in runoff, and confirmed that conditions will not get any worse and could potentially improve. An audience member commented that the area currently floods during storm events, and Mr. Sullivan expressed a desire to understand any issues so that they can be addressed.

Mr. Sullivan stated that the proposed homes will be served by town water, and the Fire Chief has no issues with the location of the hydrant or the width of the roadway. He noted that waivers are being sought as follows:

- Waiver from 10-36-050B(1) & D(4) to allow a 40-foot right-of-way instead of the required 50-foot
- Waiver from 10-36-050B(3) and D(4) to allow 22 feet of pavement instead of the required 26 feet
- Waiver from 10-36-060 to not construct the sidewalk
- Waiver from 10-36-050A(3) which states street lines at intersections shall be cut back so as to provide curb radii of not less than thirty feet
- Waiver from 10-36-050A(6) for relief from the minimum 15 foot separation from right of way to abutters

Mr. Pember asked Mr. Sullivan to clarify the issue of the radius. Mr. Sullivan explained that, in order to make it tangent to the road, it would cross over property lines to the point where it would impact driveways and the neighbors are not in favor of that approach. He voiced his opinion that trucks will be able to make the maneuver and agreed to submit templates supporting his opinion.

Mr. Sullivan noted that the subdivision rules and regulations requires the right-of-way to be 15 feet from the property line, which is not possible because the existing driveway is only 40 feet in width. Mr. Litchfield discussed the 30-foot turning radius required for the edge of the travel way. He noted that the bylaw also requires a 15-foot offset between the edge of the right-of-way and the abutting property. He indicated that he would not be in favor of allowing these waivers. He commented that the waivers somewhat go together and the board would likely need to grant all of them for the project to work or none of them. He also stated that, in the past, the board has encouraged applicants to seek to find a way to comply with the 15-foot offset.

Mr. Litchfield asked for clarification about the applicant's position on the sidewalk requirement. Mr. Sullivan stated that the applicant is seeking to eliminate the requirement for the entire sidewalk.

Mr. Litchfield discussed stormwater regulations, and voiced his desire for the applicant to drop the road to create a low point and install curb at the end to create a high point. He stated that a 5 ft turning radii might pose a challenge for town trucks to maneuver. Mr. Litchfield commented that the drainage system should include rip rap. He also stated that the detention basin appears to be a long way from the actual cul-de-sac and suggested that the applicant install a basin closer to the cul-de-sac and pipe it back.

Mojtaba Amini, 136 Howard Street, asked about creating the low point and installing a catch basin and questioned what will happen when the leaves fall. Mr. Litchfield stated that conditions would be worse under the current plan but agreed that the mitigation being suggested may not necessarily work in the fall.

Henry Paltrineri, 170 Howard Street, mentioned that the catch basin in front of his property clogs after nearly every storm. Mr. Litchfield indicated that the catch basin that the applicant will be required to install would be associated with the throat stone and water would get through the back, which does not currently exist at that location. He also noted that the low point would cause a puddle in the proposed roadway and not send water flowing out onto Howard Street. He suggested that, either way, the low point will improve conditions.

Rick Robinson, 167 Howard Street, noted that his driveway is directly across from the location of the proposed roadway. He provided pictures of conditions on Howard Street during storm events, and voiced concern about the creation of a roadway that will bring more water and exacerbate an already bad situation. Mr. Sullivan reiterated that all flow will be directed to the new catch basins that are more capable of handling the runoff than what currently exists.

Mr. Robinson asked if there is anything in the plan to alleviate what currently happens during storm events. Mr. Sullivan agreed to evaluate the situation. Mr. Benway stated that he is willing to add more catch basins or improve the one that is already there. Mr. Litchfield suggested that the existing basin may be clogged with sediment.

Vincent Femia, 45 Washburn Street, voiced his opinion that the drainage situation is a real problem and asked town staff to work with the applicant to try to resolve some of these issues. He stated that, in addition to leaves clogging the culvert, ice also creates serious problems with water flowing into neighboring yards. He suggested that this is an opportunity to improve the drainage on Washburn and Howard Streets. Mr. Sullivan reiterated that the applicant is committed to looking at the drainage in an attempt to improve conditions.

Mr. Paltrineri commented that the town cleans out the catch basin once a year. Mr. Litchfield agreed to discuss the matter with the DPW, and also mentioned that there should be a catch basin every 200 feet or so. Mr. Femia asked if it would be possible to have the culvert cleaned

out as well. Ms. Capobianco expressed a desire for the applicant to work with the neighbors to address their concerns about the drainage issues.

Ernie Wolshin, 69 Washburn Street, noted that his house is located next to the wetland, and all of the water ends up in his yard. He stated that everyone in the neighborhood contributes in an attempt to keep the structures clean and clear, but a more formal system of town assistance is needed to keep them from overflowing. He discussed the small size of the drainage pipe and suggested that installing a larger pipe would be beneficial. Mr. Litchfield agreed to discuss the matter further with Mr. Sullivan.

Mr. Amini asked if an official traffic study has been done. Mr. Sullivan stated that a traffic study is not necessary for a project involving two new homes. Mr. Amini voiced concern about cutting so close to the road. Mr. Sullivan stated that, though a traffic study is not necessary, the applicant will need to satisfy the sight distance requirements. Mr. Amini reiterated his concerns about traffic, given that there are already hazardous conditions on Howard Street. Mr. Sullivan emphasized that this project will not cause any excessive traffic issues. Mr. Robinson commented that this parcel is located along one of the few straight stretches of roadway where cars often travel at excessive speeds, so there is a real need to take into consideration the safety of residents pulling out of the proposed roadway. Mr. Benway commented that Mr. Callahan has small children and has no issues with pulling out onto Howard Street.

Gail Amini, 136 Howard Street, expressed concern about the radius. She also noted that the combination of water issues and the freezing and thawing has caused the pavement in the area to deteriorate. She suggested that, given the safety concerns, perhaps this is not the proper place for the location of a new roadway. She voiced her opinion that, if there is not sufficient room for the roadway, it should not be allowed.

Bruce Goldsmith, 63 Washburn Street, asked Mr. Sullivan to explain the retention. Mr. Sullivan discussed pipes to be used to handle runoff and to allow the water to drain out slowly at the same rate as currently occurs with the retention of any increase in flow over the current conditions. He also agreed to look at the possibility of moving it further away from Mr. Goldsmith's house. He reiterated that some runoff will infiltrate and some will be retained and released. Mr. Goldsmith explained that part of the problem is due to the fact that his culvert and the culvert going across Washburn Street are both very small, no more than 15 or 16 inches in diameter. He also noted that the land is fairly level, so when there are periods of extended rain, runoff flows across his driveway and across the street. He stated that, since the water cannot escape fast enough, his house floods.

Mr. Sullivan discussed plans that were submitted to the Conservation Commission featuring a roadway off of Washburn Street. He noted that, while that proposed roadway complies with all of the regulations, the Conservation Commission was not in favor of the proposal because it required a wetland crossing.

Ms. Harrison stated that she would like additional information before rendering a decision on the preliminary plan. Mr. Pember agreed, noting that the drainage issues are severe and need to be resolved. Ms. Capobianco commented that there is also significant concern with the turning radius. Ms. Joubert explained that the board will not get additional information about the drainage with a preliminary plan. She also reiterated that the waivers being requested really only work as a group.

Ms. Joubert voiced her understanding that, if the two abutters on either side would be willing to sell a piece of their land, the turning radius issue could be resolved. She noted that, in doing so, the abutters could then obtain new frontage on the new roadway. Ms. Capobianco asked if this would require a change of address. Ms. Joubert stated that she was unsure, but those details would need to be worked out with the Assessor's office. She explained that the other option would be consideration of the roadway off of Washburn Street, which would not require any waivers. Mr. Litchfield noted that the Conservation Commission bylaw allows for a wetland crossing to access upland areas when there is no other possible access. He stated that a Planning Board denial will help the applicant substantiate their position that they cannot access the upland area via any other means. He explained that the Conservation Commission did not deny the project; they simply asked them to explore other options. Mr. Sullivan stated that the project with access from Washburn Street will be five lots.

Ms. Capobianco stated that she has real concerns about the safety issues with the proposed roadway as currently designed. She also indicated that she would be inclined to take Mr. Litchfield's advice regarding the requested waivers if she were called upon to make a decision this evening. Mr. Pember reiterated concerns about the drainage issues, and voiced doubt that the board will get sufficient details at this point. Ms. Harrison stated that she would be unable to rule on the preliminary plan. Ms. Joubert suggested that, if the board is leaning against granting the necessary waivers, they should consider sending a memo to the Conservation Commission detailing their concerns.

Ms. Capobianco asked the board members for their thoughts on the other waivers that do not pertain to the drainage issues. Ms. Harrison stated that she would not be in favor of compromising on safety and would like to have the Washburn Street option explored further. Mr. Pember reiterated that his primary concern is with the drainage. Ms. Poretsky voiced concern about both drainage and safety. Mr. Sullivan stressed the importance of knowing the board's thoughts on the project, and voiced a preference for the board to render a decision so that the applicant can move forward.

George Pember made a motion to deny the preliminary subdivision plan due to concerns about the turning radius, right-of-way, minimum separation, travel way, and sidewalks. Amy Poretsky seconded; motion carries by unanimous vote.

1C Belmont Street - Ms. Joubert explained that the discussion with John Grenier regarding the preliminary site plan proposal for 1C Belmont Street was cancelled.

370 Southwest Cutoff - Paula Thompson from Waterman Design discussed revised plans for the construction of the final phase of the Northborough Crossing development. She noted that there is an approved plan for 65,000 square feet of space to include retail, restaurants, a bank, and a medical clinic. She explained that the applicant is seeking approval from the ZBA for the following:

- Allow an additional 3,000 square feet of space.
- Requesting that the ZBA not limit the project to two liquor licenses
- Elimination of bank with drive through
- Special Permit to allow commercial entertainment/amusement use

Ms. Poretsky voiced concerns about the increase in parking and the traffic signal issue.

Ms. Thompson explained that some of the outdoor dining space has been eliminated, allowing the pads to be shifted to accommodate a third pad. She noted that the only other change to the plans is the addition of 35 employee parking spaces behind the buildings near the dumpster. She explained that this change results in an increase in impervious coverage, so the size of the basin was increased to handle the additional runoff. She also confirmed that the applicant has already sought a minor modification to the Order of Conditions granted by the Conservation Commission.

Ms. Thompson noted that a traffic report has been submitted and confirmed that the applicant has committed to installing the additional traffic signal as requested. She explained that the configuration of the sidewalks will change with the installation of the traffic signal, but the level of service through the intersection will improve.

Ms. Thompson noted that a pedestrian crossing from the baseball facility is being installed now as part of that project. Mr. Pember asked if the building locations have been revised to accommodate the additional parking. Ms. Joubert explained that the original plan showed significant outdoor dining areas for two restaurants, but the revised plans include elimination of the outdoor dining area for one of the venues and only a substantial reduction for the other.

Ms. Capobianco suggested that the Planning Board send a comment letter to the ZBA voicing support for the additional traffic light as a favorable change.

Newton Street – Ms. Capobianco asked about the project on Newton Street. She noted that trees had been felled, but not much else has been done. Mr. Litchfield confirmed that the applicant has posted his bond, but the site does not look much different. He indicated that the DPW is concerned about dirt in the roadway and trees being too close to the edge of the road. He also noted that the site has been cleaned up in the past few days and most trees have been cut. He stated that there are a few days remaining in the appeal period for the Conservation Commission decision, which may be preventing the applicant from pulling any stumps. In addition, it is possible that Verizon has not yet relocated the poles. Mr. Litchfield agreed to speak with the applicant and provide the board with a status update.

Decision for 454 Whitney Street – Ms. Joubert provided the decision to the members of the board for their signature, with Ms. Capobianco's comments incorporated. Mr. Pember indicated

that he did not see a timeframe specified for item #5. Ms. Joubert agreed to add a stipulation that item #5 must be done prior to the issuance of an Occupancy Permit.

Consideration of Minutes - Ms. Joubert noted that the board has two sets of meeting minutes for consideration (March 3 and May 19). Members of the board agreed to defer the consideration of these minutes until the next meeting.

In reference to the detention basin at 172 & 172A Howard Street, Ms. Poretsky asked if a detention basin that is four feet deep would require a fence around it. Mr. Litchfield voiced his opinion that having a fence is more of a safety concern as it is harder for children to be rescued than for them to get over the fence. He noted that these basins are generally designed to be dry, so he usually does not request a fence.

Ms. Joubert explained that there have been no submissions for the next meeting. Members of the board agreed not to meet on June 16, 2015.

July 7, 2015 Planning Board meeting – Ms. Joubert explained that a town resident would like to speak with the board about proposing a bylaw for next year's Town Meeting to address the issue of chickens, roosters, and other farm animals in residential areas.

Meeting adjourned at 9:19PM.

Respectfully submitted,

Elaine Rowe
Board Secretary