



TOWN OF NORTHBOROUGH PLANNING BOARD

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Approved 8-18-16

Planning Board Meeting Minutes June 7, 2016

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

Members excused: Michelle Gillespie

Others in attendance: Kathy Joubert, Town Planner; Elaine Rowe, Board Secretary; Peter Bemis, Mark & Ailsa McMenemy, Adrian Eiben, Chris Graham, Kathleen & Dave Temlak, Ziad Ramadan

Chair Theresa Capobianco called the meeting to order at 7:04PM.

Continued Public Hearing, Scenic Road Application for 280 Newton Street

Applicant: Alan & Judith Gustafson
Engineer: Engineering Design Consultants Inc.
Date Filed: March 30, 2016
Decision Due: June 17, 2016 (extension granted by applicant)

Ms. Capobianco explained that the applicant is not expected to arrive until approximately 8:00PM tonight. She also noted that the other hearing on tonight's agenda cannot be opened until 7:30PM due to the legal ad being advertised with a start time of 7:30pm.

Next ZBA Meeting, June 28, 2016 – Ms. Joubert explained that one of the hearings on the agenda for the next ZBA meeting is an application filed by Habitat for Humanity for a comprehensive permit to renovate two houses adjacent to Trinity Church. She explained that the Northborough Affordable Housing Corporation (NAHC) is in the process of trying to buy the two buildings for less than market value, and will then donate the homes to Habitat for Humanity for the project. She indicated that Habitat for Humanity has not yet started an official committee in Northborough but has contracted with Assabet Valley Technical High School to have their students work on the project.

Ms. Joubert explained that the proposal is to completely gut both buildings and create two affordable units in each, to be sold to qualifying families through a lottery process. She noted that the project will consist of two 2-bedroom units, one 3-bedroom unit, and a 5-bedroom unit. She stated that Habitat has been before the NAHC and Board of Selectmen, and has just completed their letter to the state requesting local preference for half of the units. Ms. Capobianco asked for a copy of the letter to be provided to the board. Ms. Joubert noted that this project will not come before the Planning Board, but the board can ask for a brief presentation if desired. Members of the board did not see a need to do so. Ms. Harrison noted the historical nature of the buildings and voiced her understanding that the exteriors of the structures will be retained.

Next meeting, June 21, 2016 – Ms. Joubert noted that the only item on the agenda is a presentation on green communities by Kelly Brown.

July 19th meeting - Ms. Joubert indicated that there are currently no filings for the July 19, 2016 meeting, but the agenda does include a discussion with the DPW about subdivision rules and regulations. Ms. Poretsky indicated that she will not be present for this meeting.

August Meeting – Ms. Joubert noted that the board had talked about holding one meeting in August, and solicited board members for their availability. Members of the board agreed to meet on August 16, 2016.

Election of Officers – Ms. Joubert indicated Election of Officers will be added to the next meeting agenda.

Ms. Joubert stated that she has provided the following documentation for tonight’s hearings:

Common Driveway for 223 & 227 South Street

- Review memo from the Fire Chief
- Review memo from the Police Chief
- Review memo from the DPW

Scenic Road Application for 280 Newton Street

- Copy of the Decision for Mr. Ramadan’s project, with recommendations on which of the conditions the board should consider including in the decision for 280 Newton Street.

Members of the board spent a few moments reviewing the documentation provided.

Public Hearing to Consider Common Driveway Application for 223 & 227 South Street (Map 83, Parcels 144 & 145)

- Applicant:** Raven Homes Inc.
- Engineer:** J.M. Grenier Associates, Inc.
- Date Filed:** April 21, 2016
- Decision:** 90 days from close of hearing

Ms. Joubert noted that the Special Permit for the common driveway on South Street can be considered with only four members present, but would require a unanimous vote. Mr. Pember then indicated that he will have to recuse himself from the hearing due to a conflict of interest. Ms. Capobianco explained that the fifth board member has been delayed in getting back from the airport and will not make the meeting. In response to a question from an audience member, Mr. Pember explained that he represents the landowner for this project. An audience member asked if the board can share copies of the comment letters and Ms. Joubert did so.

Ms. Capobianco requested that the recording of the meeting be suspended until a representative for the scenic road application arrives.

White Cliffs – Ms. Joubert noted that the closing for the White Cliffs property has not yet occurred. She explained that an environmental consultant was recently hired to do environmental testing on the property and an evaluation of the building itself. Ms. Poretsky voiced her understanding that the Purchase & Sale Agreement signed by the town is contingent on the outcome of that testing. Ms. Harrison asked if the town received the items back from Skinner. Ms. Joubert indicated that, as part of the P&S, the items will stay with Skinner and will be moved to a location of the town’s choosing once the closing is scheduled.

Other business

Ms. Poretsky asked about the status of the Pierce gas station parcel. Ms. Joubert noted that the new owner has stopped by to introduce himself but has not yet submitted anything.

Mr. Pember asked about the town-owned building at 39 West Main Street, formerly owned by R&T Furniture. Ms. Joubert explained that, once the P&S for White Cliffs is completed, the

town will move onto the P&S for 45 West Main Street followed by drafting an RFP for the demolition of the existing building at 39 West Main Street. She indicated that the former R&T store located across the street at 40 West Main Street is now delinquent in taxes and she agreed to get an update from Finance Director for the board's next meeting.

113 Main Street – Ms. Joubert noted that the house at 113 West Main Street has been demolished and an office building has been approved for that site.

Ms. Poretsky suggested that the town hold a ribbon cutting ceremony for the White Cliffs and the Town Common. Ms. Joubert noted that the CPC would have liked to hold some of the 250th celebration activities at the White Cliffs but it will not be ready in time.

Ms. Capobianco asked about the traffic signal at the secondary entrance at Northborough Crossing. Mr. Litchfield indicated that it did not meet the warrant, but noted that all of the infrastructure was installed and the owner is required to do a traffic study once the plaza is fully operable.

Meeting resumed at 7:57PM.

Continued Public Hearing Scenic Road Application

RE:	280 Newton Street
Applicant:	Alan & Judith Gustafson
Engineer:	Engineering Design Consultants Inc.
Date Filed:	March 30, 2016
Decision Due:	June 17, 2016 (extension granted by applicant)

Peter Bemis noted that, since the last meeting, he has provided details for changes to the approved plan Connorstone plan that was done for Mr. Ramadan, permit references, suggested modifications at grading stations 7+0 and 9+0, and information about how the grades going up Mr. Ramadan's driveway will be affected. He stated that the grade is more than what was originally proposed but still works and will not affect the cuts. He indicated that he also provided Mr. Litchfield with a copy of the breakdown that outlines tasks that need to be done for construction on the roadway, which has been broken down into two phases. He explained that the back half of the road is phase 1, and Mr. Ramadan will be responsible for 100% of the costs associated with that work.

Mr. Bemis noted that the two developers had agreed to come up with a formula for stations 0 to 15+00, and a division of 3/11 and 8/11 has been accepted by both parties. Mr. Bemis indicated that he had worked up values for the budget for that, and they have decided that doing the pavement work at this time will be the most cost effective. Mr. Bemis also provided breakdowns for the scope of work and discussed plans to start the project on July 5th, and anticipates the activity to last 3 weeks. He explained that the road will be shut down to all traffic except emergency vehicles during the day and reopened at night. Mr. Pember asked about the residents on Newton Street. Mr. Bemis explained that the residents will be informed about an alternate travel way, and noted that only a few homes will be affected during the phase 1 work. He emphasized that the type of equipment needed to do the work is not something you want pedestrians or vehicles to be near.

Mr. Bemis noted that Mr. Ramadan currently has a bond in place with this board, and expressed a desire for that bond to be held and for Mr. Wambolt to post money in escrow to give the contractors confidence that they will not encounter delays in getting paid. Ms. Capobianco asked if an agreement has been reached with Mr. Ramadan. Mr. Bemis indicated that he believes so, but noted that Mr. Ramadan has insisted that he is not going to put up any more money. Mr. Bemis reiterated that, if he is to do the work, he needs to be sure that he can pay his contractors.

Ms. Capobianco recalled that there were some safety issues raised at a prior meeting and asked if those have been addressed in any way. Mr. Litchfield indicated that he has not received anything from Mr. Bemis since the last meeting except for the breakdown of work. He noted that the width of the road has not changed. He also stated that the road was lowered at the last meeting, which affects the transition from Newton Street to Mr. Ramadan's common driveway. He also explained that he has spoken to the DPW, and they have indicated that they are not in the position to reduce the roadway width any more than what was already approved. He indicated that there are some sections of the road where it is not possible to achieve a width of 26 feet.

Ms. Harrison stated that she still has concerns about the width of the roadway. Mr. Bemis expressed a desire to have one consistent width and, though he based his numbers on a 22 foot width, he would like to see the board approve a 20 or 21 foot width. Ms. Capobianco asked why the DPW wants it to be 22 feet. Mr. Litchfield noted a desire to comply with minimum road standards and allow for snow storage. He commented that part of the pavement always get occupied by some of the snow, and the narrower it is to start with, the narrower you end up with. Ms. Capobianco asked if there is a mechanism to make this a one-way road, even if that is not favorable. Mr. Litchfield explained that the mechanism would be to propose it and the Board of Selectmen would need to approve it. He stated that this may also need approval by the Board of Selectmen in Berlin, since the change would result in increased traffic there as well.

Ms. Capobianco noted that the decision issued in 2014 establishes the work to be done. Mr. Bemis commented that he is adding 3 sheets to address the proposed changes, including plans for narrower pavement with a wider shoulder. Ms. Capobianco asked if the board is approving just the 3 additional sheets, and emphasized that the board is not concerned with how the project will be paid for. Mr. Bemis stated that there is a public portion of the project that needs to be completed, and he has spoken with the DPW Director about his requirements for vendors, contractors, etc.

Ms. Capobianco asked Mr. Litchfield to clarify the bond issue. Mr. Litchfield explained that the bond can only be returned to the person who posted it and not to a third party. He explained that the bond posted is for phase 1 (second half of the road), so the work done on that phase is the portion that the board would review to propose any reduction. He also noted that timing is a challenge, given that the board will only have one meeting in July and one in August. He indicated that the timeline estimation provided by Mr. Bemis shows a completion date of late July. Mr. Litchfield also noted that a condition of the amended scenic road decision states a bond for phase 2 shall be posted by the applicant in an amount to be determined by the Town Engineer upon satisfactory completion of the Phase I roadway work and suggested that similar language should be included in the decision for this scenic road application.

Ms. Capobianco asked what Mr. Ramadan wants the board to do with his bond. Mr. Bemis noted that the board is holding a significant amount of money, which is more than what the phase 1 work represents, and expressed a desire to use the bond money the board is already holding. Mr. Litchfield explained that a significant amount of the bond estimate for phase 1 is for the relocation of the telephone poles, and that work has not yet been completed. An audience member commented that it appears that the pole work is nearly complete.

An audience member, who did not identify himself, asked if Mr. Bemis will be the contractor for this project. Mr. Bemis indicated that he will be the contract administrator, and one contractor will be engaged to do the entire roadway. Ms. Capobianco questioned whether Mr. Ramadan can come before the board on June 21st to request a bond reduction if the pole work has been

done. Mr. Litchfield confirmed that he could, and suggested that the board continue the hearing to that date to afford him and Ms. Joubert time to work out a draft decision. He also noted that the road work itself can go quickly with the right contractor on board. He commented that he would feel much relieved to hear the same from Mr. Ramadan as we have heard from Mr. Bemis. He stated that he does not see anything on the plan that isn't close to what the town is looking to accomplish, and he would like to iron out some of the details about how the roadway will be rebuilt before the board's next meeting.

Ms. Capobianco asked if the board will be required to reopen Mr. Ramadan's hearing in order to address the revisions that affect that common driveway. Ms. Joubert stated the, since the changes only affect the grading at the beginning of his driveway, this can be done administratively as a field change. Mr. Litchfield reiterated his request for the hearing to be continued to June 21, 2016. A gentleman voiced concern about the date continually being pushed back, and noted that they will not be able to maintain the projected schedule. Mr. Bemis also noted that there is still an appeal period that needs to lapse after the decision is filed. He explained that weather is also a concern to consider, and voiced his desire for the work to be completed before school starts. He indicated that the June 21st date is acceptable but must be an absolute.

Mr. Bemis voiced frustration, and explained that he cannot ask a contractor to commit to dates without being able to adhere to the timeline. He stated that, while he understands the concerns voiced by Mr. Litchfield and Ms. Joubert, the June 21st date pushes the start date for the project back 15 days. After much discussion, members of the board agreed to meet on June 16, 2016 at 6:00PM. Mr. Pember suggested that it would be beneficial for Mr. Ramadan to be present that night. Ms. Joubert noted that, at the last meeting, Mr. Ramadan agreed with how Mr. Bemis had represented the plan and the board does not have any control about what Mr. Ramadan does with the bond money once it is released to him. She suggested that it would behoove the applicant to speak with Mr. Ramadan and encourage him to either attend the meeting or put something in writing to the board. Ms. Harrison expressed her preference for Mr. Ramadan to attend the meeting. Mr. Litchfield stated that he will not have time to calculate the bond reduction in time for the June 16th meeting, and noted that Mr. Ramadan needs to request a bond reduction for consideration at the June 21st meeting.

Mr. Pember indicated that he would prefer to retain the 22 foot roadway width in those areas that can accommodate it. Ms. Harrison stated that she would prefer that it be reduced somewhat. Ms. Poretsky stated that she did not have a strong feeling either way, but would prefer that the town make the decision since they will be the ones responsible for maintaining it. Ms. Joubert reiterated that the recommendation of the DPW is 22 feet. Ms. Harrison commented that a wider roadway will result in traffic travelling faster. Ms. Joubert stated that the drivers who typically are the ones who speed are those that live on the street. In response to a question from Ms. Poretsky, Mr. Bemis stated that the roadway narrows at the upper end of the road. Ms. Harrison stated that, while she has respect for Mr. Litchfield and the DPW, the comments made were more about complying with town standards and not really substantive about this particular road.

Mr. Bemis noted that the road is 20 feet wide at station 1900, 21 feet wide at station 1625, 19.5 feet wide at station 1475, and 22 feet wide at all other stations but is only about 14 feet wide at the Berlin line. Ms. Harrison voiced her opinion that a wider shoulder will provide a fair amount of room for vehicle safety. Mr. Litchfield noted that the board had approved a scenic road application for Mr. Ramadan and, since nothing has changed, he suggests that the board stick with that. In response to a question from Ms. Poretsky, Mr. Litchfield indicated that the shoulder will be 2 feet wide on either side of the road. Ms. Poretsky stated that she is

comfortable with a 22 foot roadway as long as there is a 2 foot wide shoulder on either side. Ms. Harrison suggested that the shoulder could be even wider if the road width were reduced.

George Pember made a motion to continue the hearing to June 16, 2016 at 6:00PM. Leslie Harrison seconded; motion carries by unanimous vote.

Leslie Harrison made a motion to adjourn. George Pember seconded; motion carries by unanimous vote.

Meeting adjourned at 8:47PM.

Respectfully submitted,

Elaine Rowe
Board Secretary