



TOWN OF NORTHBOROUGH PLANNING BOARD

Town Hall Offices • 63 Main Street • Northborough, MA 01532 • 508-393-5019 • 508-393-6996 Fax

Approved 8-18-16

Planning Board Meeting Minutes June 16, 2016

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

Members excused: Michelle Gillespie

Others in attendance: Kathy Joubert, Town Planner; Fred Litchfield, Town Engineer; Peter Bemis; Ziad Ramadan; Mark & Ailsa McMenemey; Kathleen & David Tendlak

Chair Theresa Capobianco called the meeting to order at 6:02PM.

Continued Public Hearing, Scenic Road Application, 280 Newton Street

Mr. Bemis appeared on behalf of the applicant, and explained that drawings were presented at the board's last meeting that included driveway locations and proposals for work activities from station 7+0 to 9+0 that would change the profile of Newton Street. He noted he would like to see the decision referencing the drawings for the driveway locations and the change in grades from the indicated road stations. He also noted that a third sketch was provided showing the relationship of what would happen with these for the lower grade on Mr. Ramadan's common driveway, which will go from 5% to 5.4%. He mentioned that there had been no consensus at the last meeting about changes to the roadway width, and voiced his understanding that a draft decision has been prepared by Ms. Joubert.

Ms. Harrison asked if the decision requires a unanimous vote. Ms. Joubert clarified that a majority vote is needed for a scenic road application, with a unanimous vote being required for the common driveway approval.

Mr. Pember referenced a memo from the DPW and asked if their requests have been incorporated into the decision. Ms. Joubert confirmed that they have been. Ms. Capobianco questioned the April 1, 2016 date of the DPW memo, given that the board just received it. Ms. Joubert explained that the DPW had started drafting the memo on April 1, but was delayed in submitting it.

David Tendlak, 331 Newton Street, voiced concern about the road width. Ms. Capobianco asked Mr. Ramadan if the board is correct in its assumption that he has some type of agreement with the applicant about completing the required roadway work. Mr. Ramadan indicated that there is an agreement, but questioned the logistics. He noted that completion of the work is contingent on the release of his bond currently being held by the town, and stated that if he is unable to get his bond released he will simply complete phase 1 and then decide when and how to proceed with the work for phase 2. Mr. Ramadan asked about the approval for this application. He noted that, when his project was approved, he was not able to build anything until the roadway improvements were completed. Ms. Joubert apologized for not providing Mr. Ramadan with a copy of the draft decision for reference, and explained that there is a condition in the proposed decision that stipulates that no Certificates of Occupancy will be issued to the Gustafson's, Mr. Wambolt, or any other entity until the roadway improvements are completed in Newton Street in front of these 4 particular lots. Ms. Joubert indicated that the language used for this condition was the same as was used in Mr. Ramadan's decision.

Mr. Ramadan expressed curiosity about what will happen when a decision is due on the release of his bond, which he indicated is \$246,000. He stated that he has had a good relationship with Mr. Bemis in the past and has enjoyed working with him.

Mr. Ramadan explained that Mr. Bemis has estimated the cost to complete phase 1 is approximately \$46,500, but noted that the town is holding 5 times that amount by way of his bond. He also stated that Mr. Bemis has provided an estimate for the phase 2 work, and has asked Mr. Ramadan for \$132,000 to start the project. Mr. Ramadan emphasized that all of his money is currently being held by the town, so he has no way of coming up with that amount of money without his bond being released. Ms. Capobianco recalled that a fair amount of the bond covered the poles that needed to be removed, and at the last meeting the board did discuss bringing forward a request for the partial release of the bond based on the fact that some of that work has now been done. She explained that the board is scheduled to meet again on Tuesday of next week, at which time they could consider such a request if Mr. Ramadan is able to work it out with the Town Engineer in time. Mr. Litchfield stated that Mr. Ramadan did submit a request for a bond reduction, which he has agreed to have ready in time for the board's June 21, 2016 meeting. Mr. Litchfield did, however, remind everyone that the original bond was calculated several years ago and prices have changed, so that will be reflected in the calculation.

Mr. Ramadan mentioned that he does not see any issues with working together with the applicant to get the work done.

Mr. Bemis questioned the condition in the decision withholding occupancy permits pending completion of roadway improvements. He expressed a desire for that condition not to apply to the existing home at 280 Newton Street since it is currently occupied and has pending renovations that are being delayed now as a result of this process. He reiterated his opinion that applying this condition to an existing home does not make sense and asked the board for clarification. Ms. Capobianco asked Mr. Bemis if he would be agreeable if the board tied the release of the first Certificate of Occupancy for any of those three lots to the completion of the road work. Mr. Bemis indicated that he would be and reiterated his desire for the existing house to be exempt.

Ms. Capobianco polled the board for input about modifying the condition as requested by Mr. Bemis. Mr. Litchfield stated that, while he agrees with Mr. Bemis in concept, the existing house at 280 Newton Street is getting a new driveway off of the improved street, so it is not exactly the same situation as was the case with Mr. Ramadan's house. Mr. Litchfield stated that he would not want a new driveway coming in off of Newton Street while other work is taking place in the roadway and on adjoining lots. Ms. Capobianco asked Mr. Bemis if the intention is to leave the existing driveway in place until after the road is completed, so that any purchaser of the home will continue to use that driveway until the other homes are built and a new driveway is installed. Mr. Bemis confirmed that to be the applicant's plan. Ms. Capobianco reiterated her question to the board about modifying the condition to exempt the existing home. Mr. Pember indicated that he would be agreeable as long as there is something in writing requiring the use of the existing driveway until the roadway improvements are completed. Other members of the board agreed.

Ms. Joubert suggested that the easiest way to address the issue would be to add a sentence about the existing home and driveway located at 280 Newton Street. Mr. Bemis requested that the language specifically identify lots 1, 2, and 4, and that the home currently on lot 3 is to rely on the existing driveway until the roadway improvements are made. Members of the board discussed appropriate language to address the issue and agreed on the following:

“No Certificate of Occupancy for Lots 1, 2 or 4 shall be issued until such time the roadway improvements from Station 3+40 to Station 15+0 have been completed in accordance with the plan entitled “Roadway Improvements, Newton Street, Northborough MA” with revision date of October 21, 2014 prepared by Connorstone Engineering and to the satisfaction of the Town Engineer. With respect to Lot 3 the current driveway on the premises shall not be removed and a new driveway as shown on said plan shall not be installed until such time the roadway improvements from Station 3+40 to Station 15+0 have been completed in accordance with the plan entitled “Roadway Improvements, Newton Street, Northborough MA” with revision date of October 21, 2014 prepared by Connorstone Engineering and to the satisfaction of the Town Engineer.”

Ms. Harrison stated that she would like the record to reflect that she is in favor of keeping the reduced road width.

George Pember made a motion to close the hearing. Leslie Harrison seconded; motion carries by unanimous vote.

George Pember made a motion to approve the scenic road application as presented and amended this evening. Ms. Poretsky seconded the motion, and the motion carried by a vote of 3 in favor and 1 opposed (Ms. Harrison).

Ms. Capobianco asked if Mark Wambolt’s name should be included in the decision. Ms. Joubert commented that his name is not on the application or on any other paperwork submitted in conjunction with this petition, but agreed that it should be added. Ms. Capobianco suggested that the decision should reflect that a transfer of the property occurred during the course of these hearings. Mr. Pember stated that it should be noted on the first page so it will be noticed at the Registry of Deeds. Ms. Capobianco agreed. Ms. Joubert commented that the lots have not yet been recorded.

Consideration of Minutes

Ms. Poretsky recalled that during one meeting she had asked Mr. Litchfield to request that the DPW complete the roadwork on Newton Street all the way to the Berlin town line but she did not see it reflected in minutes. Mr. Litchfield stated that he had spoken to the DPW Director, who indicated that he will not do any work on Newton Street until the projects are completed.

Minutes of the Meeting of May 11, 2016

Leslie Harrison made a motion to approve the Minutes of the Meeting of May 11, 2016. George Pember seconded; motion carries by unanimous vote.

Meeting adjourned at 7:05 pm.

Respectfully submitted,

Elaine Rowe
Board Secretary