



TOWN OF NORTHBOROUGH PLANNING BOARD

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Approved 10/18/16

**Planning Board
Meeting Minutes
August 18, 2016**

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

Others in attendance: Kathy Joubert, Town Planner; Fred Litchfield, Town Engineer; Elaine Rowe, Board Secretary; Mike Sullivan, Connorstone Engineering; Daniel Benway; Craig Callahan; Attorney Christopher Swiniarski; Lando Bates

Chair Theresa Capobianco called the meeting to order at 7:05PM.

Continued Public Hearing for Definitive Subdivision "Clark Woods" at 172 & 172A Howard Street

Applicant:	Daniel Benway
Engineer:	Connorstone Engineering, Inc.
Date Filed:	June 22, 2016
Decision Due:	Within 90 days of close of hearing

Mike Sullivan, Dan Benway, and Craig Callahan appeared before the board to discuss the proposed subdivision. Mr. Sullivan noted that, when they were last before the board, there was a fair amount of discussion about roads and wetland impacts with the board asking the applicant to look at other options.

Mr. Sullivan discussed plan revisions, including consideration of a reduction of the road width to 40 feet in the wetland area and transitioning back to 50 feet once beyond the wetland. He noted that the pavement width is to remain at 22 feet. Mr. Sullivan explained that the applicant was not in favor of this option, so has opted to stay with the originally proposed 40-foot right-of-way with 22 feet of pavement. He also noted that sidewalk is shown on both sides of the roadway, but expressed the applicant's desire to revisit the subject one more time.

Mr. Sullivan indicated that the Conservation Commission preferred this plan revision since it results in a reduction in both wetland impacts and wetland fill. He noted that the reduction of the wetland fill will also impact the replicated areas, and the replication can now stay on the street side with the other side

remaining natural as it exists today. He reiterated his understanding that the Conservation Commission prefers this plan over anything else that was proposed.

Mr. Sullivan also noted that the plans were modified to include a constructed wetland instead of a detention basin. He explained that plans were designed to include the following:

- A low point to be created prior to going out onto Washburn Street so that water will not flow into the street if the basins back up.
- Hydrants were moved so that they are located behind the sidewalk.
- Distances to existing hydrants in Washburn Street are shown.

Mr. Sullivan explained that the applicant does not anticipate closure of the hearing tonight, but is hoping to get the board's support of the revised plan so that they can finalize the drainage calculations and submit definitive plans to town staff for review.

Mr. Sullivan discussed the applicant's desire to eliminate sidewalks on one side of the roadway, given that another subdivision in town was granted such relief. In response to a question from Ms. Capobianco, Mr. Sullivan indicated that the proposal is to eliminate the sidewalk on the northerly side of the roadway given the proximity to the wetland and detention basin. Ms. Capobianco asked about the retaining wall. Mr. Sullivan noted that, by reducing the width of the right of way to 40 feet, the wall will still be needed but the new plan accommodates the requests of the Conservation Commission. Mr. Litchfield agreed that the new plan is better from an environmental standpoint.

Ms. Capobianco asked Mr. Litchfield for input about the other changes in the plan. Mr. Litchfield noted that he has reviewed the revised plan but has not provided a comment letter. He noted that the low point in the roadway was not included on the plan he received. He also expressed a desire to speak with the DPW about any concerns they may have about the distance between the wall and the edge of the right of way. He also indicated that he would like to change the roundings shown so that they flare out and terminate at the easement.

Mr. Litchfield also stated that, if the board is not inclined to eliminate one of the sidewalks, he would recommend moving the sidewalk out to allow for a 4 foot wide grass plot and 5 foot sidewalk on each side of the 22 feet of pavement, which will allow for better snow storage. He agreed to share his comments with Mr. Sullivan.

Ms. Harrison approved of the changes and voiced support for the elimination of sidewalk on one side of the roadway. Mr. Pember stated that, while he is in favor of working with the Conservation Commission to find a plan that works for both boards, he would prefer to see sidewalk on both sides of the roadway. Ms. Gillespie spoke in favor of reducing the amount of sidewalk to one side only.

In response to a question from Ms. Poretzky, Mr. Litchfield stated that he had spoken with the DPW and they are in agreement with the use of plastic pipe as long as the pitch in the pipe is greater than 2%.

Ms. Poretsky asked if the pitch of the pipe is inspected during installation. Mr. Litchfield noted that the applicant is required to provide an as-built plan that will include those details.

Mr. Sullivan asked about what the town will be looking for with regards to curbing. Ms. Capobianco stated that nothing further has been done with respect to revisions to the subdivision rules and regulations. Mr. Sullivan noted that anything contrary to the existing regulations will require a waiver. Mr. Litchfield indicated that a request for a waiver for the curb may not be appropriate at this time. Mr. Sullivan expressed a desire to avoid any need for further design revisions. Ms. Capobianco noted that, while there may not be an issue with eliminating sidewalk along one side of the road, she believes that granite curbing is still the way to go.

In response to a question from Ms. Capobianco, Ms. Joubert indicated that the applicant is scheduled to go back to the Conservation Commission on September 12, 2016. She also noted that the Planning Board is not required to keep their hearing open pending Conservation Commission approval.

Ms. Gillespie asked about lighting at the end of the roadway. Ms. Joubert stated that there will not be any, unless the Police Chief determines that a light is needed at the intersection.

Members of the board expressed support for the reduced roadway width. Ms. Capobianco stated that, assuming Mr. Litchfield has completed his review of the drainage calculations, the board should be prepared to conclude the hearing by the next meeting.

Leslie Harrison made a motion to continue the hearing to September 6, 2016 at 7:00PM. Michelle Gillespie seconded; motion carries by unanimous vote.

Wireless Communication Facility Site Plan Approval (rooftop installation at 9102 Shops Way)

Applicant:	Cellco Partnership d/b/a Verizon Wireless
Engineer:	Chappell Engineering Associates, LLC
Date Filed:	July 26, 2016
Decision Due:	October 24, 2016

Chris Swiniarski appeared on behalf of the applicant to discuss plans to remove two of the existing spires on the rooftop of the Wegmans building and replace them with two wireless antennas to provide augmented capacity in the parking area to address the increase in demand. He noted that the antennas will not be noticeable.

In response to a question from Ms. Poretsky, Mr. Swiniarski indicated that there will be one omnidirectional antenna installed in each of the two spires. Ms. Gillespie noted that there is a similar installation on the old town hall building, and asked about the potential for additional antennas to be installed in the future. Mr. Swiniarski commented that demand is being covered with tower installations.

Ms. Poretsky asked if any waivers are required. Ms. Joubert explained that only site plan approval is required. She reiterated that the two existing finials will be replaced with something that will be the same height but will look slightly different, though nobody is apt to notice. Mr. Swiniarski noted that, aside from the finials, there will be cabinets inside to house minor equipment. He commented that the rooftop is quite large and there is quite a bit of stuff on it but it is not visible from the ground.

Ms. Joubert referenced a review letter from the Fire Chief, in which he confirms that he has no issues or concerns.

Mr. Pember asked if the proposed antennas will impact the area at the bottom of the hill where work is being done on the new development. Mr. Swiniarski stated that the antennas will only impact the upper parking lot. He also indicated that this type of technology should eliminate future needs for additional towers. In response to a question from Ms. Capobianco, Mr. Swiniarski confirmed that the signal will reach all of the stores within the upper level. Ms. Poretsky voiced her understanding that Verizon is co-located on the pole on the lower level. Mr. Swiniarski noted that, in the near future, that site will not be able to support all of the demand, and the proposed antennas on the Wegmans roof are expected to offload some of that demand.

George Pember made a motion to approve the Site Plan for the wireless communication facility at 9102 Shops Way. Michelle Gillespie seconded; motion carries by unanimous vote.

Ms. Joubert asked Mr. Swiniarski when the work on the tower proposed for West Main Street is scheduled to begin. Mr. Swiniarski agreed to check on the status and provide details to Ms. Joubert.

Master Plan – The Board reviewed the proposed RFP for the Master Plan work. Ms. Gillespie asked about the reference to natural and cultural resources. Ms. Joubert explained that natural and cultural resources are covered in the Open Space Plan, so they should be a substantial component in the Master Plan. She noted that the RFP that goes out for development of the Master Plan will be many more pages, but the memo she provided is the meat of the proposal. She confirmed that the board will be provided with a copy of the full RFP once prepared.

In response to a question from Ms. Gillespie, Ms. Joubert indicated that the Planning Board will be responsible for the interview and selection process for the Master Plan Committee. Ms. Gillespie asked about the Master Plan process. Ms. Joubert suggested that the board will choose a consultant, who will provide an outline of the entire process. She noted that this will be a public process, with a committee to be appointed by the Board of Selectmen. She stated that, in the past, such committees have initially been comprised of approximately 30 people that gets whittled down to 10 to 12 core individuals.

Mr. Pember voiced his opinion that monthly meetings of the committee are not sufficient. Ms. Joubert indicated that the board can revise that if they feel more frequent meetings are needed, but noted that the process is much more general than the recent zoning bylaw revision. Ms. Capobianco suggested that the language be revised to read meetings to be held *at least* monthly. Ms. Joubert explained that

the number of meetings needs to be stipulated so that consultant can develop their budget appropriately. Ms. Capobianco voiced her opinion that 6 months is a fairly aggressive timeline, but noted that we already have a Master Plan that should serve as a foundation. Ms. Harrison asked how the Master Plan process compares to that of the Open Space Plan. Ms. Joubert noted that the Open Space Plan is more specific, and involves only one board.

Mr. Pember asked if the Master Plan goes to Town Meeting for approval. Ms. Joubert stated that there is no such requirement, though some towns opt to do so. Ms. Harrison stated that having adequate representation on the committee would eliminate the need to take it to Town Meeting. Ms. Joubert noted that, in the past, the Planning Board has voted to adopt it. Ms. Gillespie stated that she would not be in favor of bringing the Master Plan to Town Meeting.

Members of the board discussed the timeline for the Master Plan process. Ms. Joubert indicated that her memo was simply a snapshot to initiate discussions, and agreed to send around a revised scope of services document to be finalized at the board's meeting on September 6, 2016. In the meantime, she will get input from the town's Procurement Officer. In response to a question from Mr. Pember, Ms. Joubert indicated that the Master Plan Committee will be created as soon as the town advertises for a consultant. Ms. Capobianco asked if the committee is created by the Planning Board. Ms. Joubert indicated that it would be done in conjunction with the Board of Selection, and agreed to provide details about committee composition that has been used in the past.

Consideration of Minutes

Minutes of the Meeting of April 19, 2016 – Ms. Joubert noted that requested edits were incorporated into the minutes. George Pember made a motion to approve the Minutes of the Meeting of April 19, 2016 as amended. Leslie Harrison seconded; motion carries by unanimous vote.

Minutes of the Meeting of June 7, 2016 – Ms. Joubert explained that Ms. Harrison had made one minor edit to the draft. George Pember made a motion to approve the Minutes of the Meeting of June 7, 2016 as amended. Michelle Gillespie seconded; motion carries by unanimous vote.

Minutes of the Meeting of June 16, 2016 – Ms. Joubert indicated that there had been no edits requested. Leslie Harrison made a motion to approve the Minutes of the Meeting of June 16, 2016 as submitted. George Pember seconded; motion carries by unanimous vote.

Minutes of the Meeting of July 19, 2016 – Ms. Joubert noted one edit requested by Ms. Capobianco. Leslie Harrison made a motion to approve the Minutes of the Meeting of July 19, 2016 as amended. Michelle Gillespie seconded; motion carries by unanimous vote.

August meeting of the Zoning Board of Appeals – Citing a conflict of interest, Mr. Pember recused himself from the discussion.

Lando Bates, 313 Brigham Street, explained that he is scheduled to appear before the Zoning Board of Appeals (ZBA) on August 23, 2016 to discuss his proposal to divide his 3 acre lot into 2 lots, one of which will be conforming and one nonconforming in the groundwater area. Ms. Joubert informed Mr. Bates that the board likely did not receive a copy of his ZBA application. Mr. Bates noted that he is seeking a variance to reduce the minimum lot size requirement of 80,000 square feet to 56,000 square feet. Ms. Harrison asked if the lot is currently developed. Mr. Bates noted that there is an existing house on the parcel.

Ms. Joubert explained that the Planning Board had previously signed an ANR for this property that the applicant subdivided in accordance with an exemption found in MGL Chapter 41 Section 81L which states in part “the division of a tract of land on which two or more buildings were standing when the subdivision control law went into effect in the city or town in which the land lies into separate lots on each of which one of such buildings remains standing, shall not constitute a subdivision”. Ms. Joubert also stated that the lot containing the barn conforms to the zoning bylaw but the lot with the house does not.

Mr. Bates reiterated that the result of the ANR process is that the existing house is not lawfully conforming, so his proposal is to recombine the entire property as if the ANR had not been done, and split it as evenly as possible so that one lot is conforming at 80,000 square feet and the other, at 56,000 square feet, is not. He explained that he is here before the board to ask if there would be any opposition to this proposal since it has come to his attention that this board will often discuss ZBA business and offer comments. Ms. Joubert reiterated that the Planning Board has not seen the ZBA application.

Ms. Gillespie asked for clarification of the location of the property. Mr. Bates explained that the parcel is on Brigham Street, at the top of the hill closer to Sunset Drive. He also indicated that he had spoken to his neighbors and he is not aware of any opposition to his plans. He explained that the variance he is seeking from the ZBA would enable him to knock down the existing white house and build new, with another new home to be constructed on the other lot. Ms. Poretsky asked Mr. Bates intends to construct duplexes. Mr. Bates stated that he is proposing to build single family homes. Ms. Capobianco noted that the board has not seen any plans so cannot comment.

Sterling Court – Ms. Joubert asked the board members to re-sign the lot release for Sterling Court. She noted that the board had originally signed a lot release in September 2015 but, due to a name change, the developer’s attorney has requested that another lot release be signed. She stated that nothing has changed and, since the original lot release was never recorded, this is simply a matter of making the paperwork more accurately reflects the activity on this project.

Other Business

Ms. Poretsky explained that she had recently attended a meeting of the Westborough Planning Board because their agenda included a discussion about the Indian Meadows property. She noted that, at the

end of the meeting, the board had a conversation about marijuana and the ballot question that will be voted on in November. She stated that the Westborough board is working with their general counsel to proactively propose a bylaw should the question pass, and had invited a speaker to educate them further about the subject. Ms. Poretsky suggested that the Northborough board invite the same speaker to an upcoming meeting to help us better understand the impacts of the proposed law. She also distributed copies of the information she received at the meeting along with the zoning bylaw for medical marijuana. Ms. Harrison voiced support for getting this type of informed input.

Ms. Gillespie asked about the proposal for the Indian Meadow property. Ms. Joubert voiced her understanding that there is a commercial subdivision plan to create frontage for two commercial lots, but there is to be no additional uses or connection to the roadway in Northborough. Ms. Poretsky indicated that the Westborough Planning Board's decision will stipulate that the applicant cannot cut through Northborough.

Ms. Poretsky asked if there is any interest in having the speaker come in and discuss the marijuana law with the board. Ms. Gillespie asked if Westborough is seeking action at Town Meeting so that their bylaw will be in place before the election in November. Ms. Poretsky stated that local zoning will not be allowed after the election, so the only way to ensure protection is to do so before the general election. She noted that communities in Massachusetts will be required to opt out, whereas in Colorado they were allowed to opt in. She reiterated that the speaker emphasized the need to have local laws in place before the election. Ms. Gillespie asked if it is possible to poll other Town Planners before the board's next meeting. Ms. Joubert agreed to speak with Town Counsel about what they are advising their clients to do. Ms. Capobianco voiced her opinion that this is an important public safety and public health issue and would warrant further discussion but we need to act quickly.

Mr. Pember asked about the work being done on Newton Street. Mr. Litchfield stated that the culvert has been removed and replaced appropriately, blasting and drilling is being done, and the pavement in front of Mr. Ramadan's frontage has been pulverized. He noted that there is still drilling and blasting being done across from the Gustafson's property so that when road work is being done at that location there will be a travel way for traffic to route around. He also stated that he does not know if there is a date for the base pavement to be done but he anticipates it will be done in the next few weeks. Mr. Litchfield also stated that he expects Mr. Ramadan will be in soon to request a bond release.

ANR for Crawford Street – Ms. Joubert presented members of the board with an ANR for a property on Crawford Street for signature. She explained that the ANR creates a non-buildable lot off of Castle Road and noted that, though town staff does not like to see non-buildable lots, there is currently no method to prevent them.

Ms. Poretsky asked about the R&T Furniture property. Ms. Joubert indicated that the property owner has started paying the taxes.

King Street – Ms. Joubert provided board members with copies of the latest plan revisions for a project proposed on King Street. Ms. Gillespie explained that there are two lots on King Street on which the applicant is permitted to have 8 units per lot by special permit. She noted that the Design Review Committee was not in favor of the original plans, and has suggested revisions that will require that the property be combined into one lot on which 16 units are now proposed. Ms. Joubert confirmed that the lot does conform to the bylaw for square footage to allow for 16 units. She noted that the project is before the ZBA for a special permit but, based on the DRC recommendation to combine the lots, the project will now require a variance. Ms. Gillespie stated that the revised proposal will result in a much nicer project that will be better for the town.

Adjourned at 8:48PM.

Respectfully submitted,

Elaine Rowe
Board Secretary