



TOWN OF NORTHBOROUGH PLANNING BOARD

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Approved 10.17.17

Planning Board Meeting Minutes August 24, 2017

Members in attendance: Theresa Capobianco, Chair; George Pember; Amy Poretsky; Michelle Gillespie (arrived at 7:18PM)

Members excused: Leslie Harrison

Others in attendance: Kathy Joubert, Town Planner; Fred Litchfield, Town Engineer; John Grenier, Grenier Associates; Mike Scott, Waterman Design; Craig Callahan, 172A Howard Street; Oded Carmi, Carmi-Holdings-MA, LLC (DN Van Lines)

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

Clark Woods – Mr. Litchfield discussed his review letter regarding the bond amount, and noted that the base pavement has not yet been installed and there is an existing pole that needs to be moved. He recommended a revised bond amount of \$289,000 be held by the board.

George Pember made a motion to approve the bond amount of \$289,000. Amy Poretsky seconded; motion carries by unanimous vote.

George Pember made a motion to release lots 1 through 5 in the Clark Woods subdivision. Amy Poretsky seconded; motion carries by unanimous vote.

Consideration of Minutes – George Pember made a motion to accept the Minutes of Meetings of April 11, 2017, March 21, 2017, and June 19, 2017 as submitted. Amy Poretsky seconded; motion carries by unanimous vote.

Michelle Gillespie arrived.

Review of Land Clearing Site Plan Approval Application

Location: 223 & 227 South Street

Applicant: Siena Luxury Homes LLC

Engineer: JM Grenier Associates Inc

Date Filed: July 27, 2017

Decision Due: October 24, 2017

John Grenier appeared on behalf of the applicant seeking site plan approval for land clearing and stabilization associated with the development of two single family house lots (one lot is ½ acre and the other is approximately 2 acres). He explained that the proposed disturbance is about 1.5 acres, to accommodate a driveway for each lot, house construction, and yard areas for each home. He indicated that the area along the northerly frontage on South Street will be retained as a wooded buffer.

Mr. Grenier stated that runoff from each driveway will be directed to an oversized, 6-foot diameter, pre-cast concrete drywell. He commented that he has spoken with Mr. Litchfield, who emphasized a need to ensure that runoff from the driveways will not flow out into South Street, so the plan includes the creation of a hump at the end of the driveways to divert water into the dry wells. Mr. Grenier also noted that the two homes will be served by municipal water and sewer service. He stated that Mr. Litchfield wanted to be sure that the applicant has the necessary permits for any curb cut and road opening permits and that sewer tie-ins are done appropriately and not on the slope. Mr. Grenier indicated that roof runoff will be captured and directed to recharge chambers.

Mr. Grenier discussed the Fire Chief's request to have adequate turnaround areas for emergency vehicles, and confirmed that the plans were modified to accommodate this request. He explained that the turnaround area will be sufficient for smaller emergency vehicles and ambulances, but not for a ladder truck.

Mr. Grenier noted that the applicant was also asked to ensure 200 feet of sight distance in both directions. He explained that the bend in the roadway to the north makes it difficult to do so, but the driveway will be placed as far to the south as possible to comply. In response to a question from Ms. Capobianco about the ledge in close proximity to the edge of the sidewalk, and whether clearing it for improved sight distance will require cooperation from an abutter, Mr. Grenier voiced his opinion that it should be possible to comply with the sight distance requirement without having to shave out a portion of that area.

Ms. Gillespie asked about the ability to get fire hoses from the street to the proposed homes, given the limitations on a ladder truck. Mr. Grenier indicated that the house will be 275 feet from the roadway, and suggested that, in an emergency, the ladder truck could pull up to the home and back out onto South Street with assistance.

Ms. Gillespie asked about the silt bags that are currently in place to control runoff onto South Street. Mr. Litchfield explained that the grade that currently exists onsite is not the final grade, which will be much more gradual.

In response to a comment by Ms. Joubert about the Fire Chief's desire that the slope at the entrance of the driveway from South Street not being greater than 8%, Mr. Grenier confirmed that there will be a relatively flat area for the first 25 to 20 feet, to prevent cars from sliding down the driveway and out into the roadway in winter conditions.

Ms. Poretsky recalled that previous applications for this site tied the drainage into the drainage structures on South Street, whereas the new plan now shows basins. She voiced concern about basins getting covered with snow, which will cause the water to flow onto South Street. Mr. Grenier indicated that it will behoove residents to keep the basins clear and open or they will suffer the consequences. Ms. Poretsky voiced concerns about the hill that is dangerous as it is and will be worse in the winter months. She noted that the proposed dry wells are only 3 feet deep, so they do not even go below the freeze line. Mr. Grenier commented that the runoff will drain into the ground. Ms. Poretsky reiterated her fears and noted that she has a similar situation with her own driveway so this is a major concern.

Ms. Poretsky commented that a portion of the driveway for 223 South Street appears to be on the 227 South Street parcel and asked if there is an easement and who will have the responsibility to maintain the drainage system. Mr. Grenier indicated that each homeowner will be responsible for maintaining their own basin and there will be an access easement in place to allow the homeowner to do so. Ms. Gillespie asked if it is possible to condition the decision to ensure that the drainage is appropriately maintained. Ms. Joubert explained that the town does not have any regulations for individual driveways. She stated that what is before the board is the land clearing, and that is what the board can condition. She commented that the applicant had exceeded the 20,000 square feet of clearing that is allowed, so the town halted the initial work at the site and required the applicant to appear before this board.

Ms. Capobianco referred to a letter from the Building Inspector about variances. Mr. Grenier explained that the house closest to South Street will have a side-load garage and, with that, a 30-foot setback is required. He noted that the house was shifted further to the north and the front door will face the side lot line, with a 15-foot setback. Ms. Joubert stated that issues raised by the Building Inspector have been addressed on the plan as well as comments made by the Fire Chief.

Mr. Grenier indicated that inspections will be done during construction and an as-built will be submitted upon completion of the project. Mr. Litchfield noted that he has requested several conditions for monitoring during construction and these should be stipulated in the decision. He also noted that he has requested a small dip at the end of the driveway to help water shed off the driveway to the drywells before it hits South Street.

Mr. Litchfield commented that good engineering practice would be to provide a least 200 feet of sight distance in either direction. He indicated that this should be verified and, if not there today, the applicant should be required to do so. Mr. Grenier agreed to do whatever is needed to get there. Ms. Joubert stated that, assuming the board will be voting tonight, she will draft an approval with conditions and distribute it to the board for review.

Ms. Gillespie questioned whether, if all of the engineering work is done as stipulated and the catch basins do not function properly, the town has the authority to require the developer to correct it. Mr. Litchfield indicated that they do, if it is a potentially dangerous situation. He noted that, should this be the case, the DPW will send a letter to the homeowner indicating that they are liable for any damage that should occur because of the deficiencies and encourage them to rectify the situation. He commented that, if it is possible to get the issue addressed and plans modified, now would be the time to do so.

Ms. Poretsky noted that the board's decision tonight is whether to allow more than 20,000 square feet of clearing, and the board can either approve or deny. Ms. Capobianco indicated that the board cannot deny, but can condition an approval to afford the town appropriate protections. Ms. Poretsky noted that the bylaw requires the Planning Board "to protect the health, safety, and property of residents". Ms. Capobianco suggested that the board can do so by imposing conditions. In response to a question from Ms. Poretsky, Mr. Litchfield stated that the bylaw requires the applicant to minimize the site alteration, and if the board thinks that what is proposed is beyond what is reasonable, it can restrict it but noted that Mr. Grenier has indicated that this clearing is required because of the grading on the site.

Ms. Poretsky suggested that, if the house for the lot at 223 South Street was at the top where there is very little slope, less earth would need to be removed. Mr. Grenier indicated that more clearing would be needed in order to get there, and would result in a longer driveway and more runoff. Ms. Poretsky indicated that she had reviewed the numbers with a private party, who believes that locating the house at the top would enable the applicant to achieve the maximum clearing of 20,000 square feet per lot. Mr. Grenier stated that the driveway work required to do so would result in a much greater disturbance and a lot more pavement.

Ms. Joubert discussed a question raised by an abutter off of Joseph Street, who is concerned about recent clearing of an existing cart path. She noted that the person doing the clearing stated that a family member is purchasing one of these lots and is interested in clearing the path from the driving range to the property. Mr. Grenier indicated that he has no knowledge of this. Ms. Capobianco noted that this would require crossing over private land.

Mr. Pember noted the existence of crushed rock installed near the entrance to the site that limits the debris being tracked onto South Street by construction vehicles. He requested that the decision include a condition requiring the applicant to continue to maintain this to provide adequate protection. Mr. Litchfield explained that his comment letter states that the project must adhere to the bylaw that requires strict compliance with stabilization during and after construction. Mr. Grenier commented that this is a good time of year to get the heavy site work done and the slopes hydro-seeded.

Ms. Poretsky emphasized that the bylaw allows for the Planning Board to approve, approve with conditions, or deny a site plan under section 7-03-050 C(4) and commented that the reference to (B)(2) in section 7-03-050 C(4) does not really make sense.

Ms. Capobianco stated that she believes she has enough information to render a decision and does not have the "insufficient information" warranting a denial of the project. In response to a question from

Ms. Poretsky about denial of the application, Ms. Joubert noted that there is nothing statutorily in Massachusetts General Law that directs towns as to how to deal with site plans as far as an appeal process, and Town Counsel has continually said that unless any concerns can't be addressed within a reasonable time frame, the board cannot deny the application. She also indicated that the applicant has shown what measures he can put in place and has responded to each concern. Ms. Poretsky stated that she has heard a lot of concerns from residents who are worried about runoff and drainage. Mr. Grenier commented that these are the only single-family driveways on South Street that have any type of drainage structures. Ms. Poretsky mentioned the size of the hill, and asked if there are any other driveways with such extreme slopes. Ms. Gillespie commented that there are. Ms. Poretsky recalled that, for previous applications, the board had required applicants to tie into the storm drains on South Street and questioned why we are not doing so for this project. Mr. Litchfield explained that previous applications involved a common driveway application, which carries different standards than a single-family project for which there are no driveway standards. Ms. Gillespie commented that the board would have the ability to deny the project if the town made requests/recommendations and the applicant refused to comply. She also voiced her opinion that the board must trust that the Town Engineer is doing what is in the best interest of the town.

Michelle Gillespie made a motion to approve a land clearing permit for the property located at 223 and 227 South Street with conditions as noted in the letters provided by the Fire Chief and Town Engineer. George Pember seconded; motion carries by a vote of 3 in favor and one opposed (Amy Poretsky opposed).

Review of Site Plan Approval Application

Location: 2 Beeman Road

Applicant: D.N. Van Lines, Inc.

Engineer: Waterman Design Associates, Inc.

Date Filed: August 1, 2017

Decision Due: October 29, 2017

Ms. Joubert explained that the applicant has met with town staff several times to discuss his plans for the site.

Mr. Carmi explained that he is primarily a contractor for the Department of Defense responsible for moving household goods for military personnel. He noted that he purchased the property at the end of April, shortly after which he initiated conversations with town staff. He stated that he is before the board this evening for approval to expand the parking area to provide sufficient area for employee parking and his equipment (26 foot box trucks).

Project Engineer, Mike Scott of Waterman Design, discussed the location of the building on Beeman Street, which is a cul-de-sac off of Lyman and Talbot Streets. He noted that the parcel, located in an Industrial zone, is just under 10 acres, 1/3 of which is located in Crane Swamp with the additional 2/3 being located in an upland area. Mr. Scott reiterated the applicant's desire to expand the parking area to meet the needs of his employees and the business. He indicated that the existing building is

approximately 39,500 square feet, is served by public water and private septic that has passed Title 5, with two driveways off of Beeman Road and a large detention basin onsite.

Mr. Scott noted that there is parking in front of the building (nothing is striped), loading areas, and some parking in the rear. He also indicated that the site is heavily bordered by woods, with an existing landscaped island. In addition, a detention basin was discovered in the rear of the building so the applicant appeared before the Conservation Commission last week and obtained their approval.

Mr. Scott reiterated that the plan involves expansion of the parking area and not the existing building. He noted that the additional parking for employees will be on the west side of the building with truck storage to be to the side and rear. He stated that the plan is to provide the required 41 parking spaces and expansion of the driveway will be to the west, east, and south with no pavement changes in the front.

Mr. Scott mentioned that the existing stormwater basin is overgrown, with mature vegetation in the bottom and the sides. He noted that the vegetation is healthy and using water, and the basin was recently found to be dry after a significant rain so he is proposing to remove the vegetation along the slopes but leave the bottom vegetated. He noted that, in addition to the cleaning and maintenance of the basin, additional catch basins will be installed to comply with current regulations. He also commented that none of the work is to be done in a groundwater overlay district but recharge of the runoff is proposed due to the site's close proximity to a Groundwater 3 district.

Ms. Capobianco welcomed the applicant to Northborough. Mr. Litchfield stated that the Conservation Commission is pleased about removal of some of the trees from the basin, and voiced his opinion that the proposed use is acceptable.

Mr. Pember asked about recharge and Mr. Scott explained that the roof runoff currently flows directly into the detention basin, so the new catch basins will handle the parking areas only.

Ms. Gillespie asked about trucks used for the building, and asked the applicant if he foresees the use of tractor trailer trucks in the future. Mr. Carmi stated that the only circumstance where a tractor trailer may be used would be for a delivery to the site but noted that this is rare. Ms. Gillespie expressed a desire to impose a prohibition of tractor trailer trucks for this business driving through the center of town or on Church Street. Mr. Carmi indicated that he currently has a location in Marlborough and it only sees 2 to 3 tractor trailers per month at most. Ms. Gillespie reiterated her desire to prohibit truck traffic in the center of town, and discussed her frustration that the board did not impose these restrictions on Federal Express. In response to a question from Ms. Capobianco, Ms. Joubert explained that it is difficult to include this as a condition in the decision without having details about the number of trucks. Mr. Carmi stated that this is an easy request to honor, and he would certainly do so if it becomes a problem. He noted that use of tractor trailer trucks is not his business model and prefers the use of box trucks as they do not require a CDL license. Mr. Pember indicated that the real concern would be if a future tenant were to move into the building without this truck restriction being in place. Ms. Joubert noted that the restriction would apply to this applicant and not run with the property. Mr. Carmi stated that tractor trailers are typically 50-feet long, so the site would require modifications to

accommodate them and would therefore require approval by this board, at which time they could impose such a restriction.

Michelle Gillespie made a motion to accept the application as submitted, per the plans and George Pember seconded; motion carries by unanimous vote.

Central Massachusetts Regional Planning Commission (CMRPC) – Ms. Capobianco nominated Amy Poretsky to serve as the Planning Board’s delegate to the CMRPC. Members of the board agreed.

Master Plan – Ms. Joubert advised the board members that the RFP for the Master Plan has gone out, with submissions due late September. Ms. Gillespie expressed her desire to serve as Chair for the Master Plan Committee or as co-chair if another board member is also interested.

Next Meeting – Given that Ms. Capobianco will be out of town on September 5th and there are no applications, members of the board agreed that a meeting on that date is not needed. Ms. Capobianco suggested that the board should start to discuss the bylaw issues/revisions coming up. Ms. Joubert noted that Judi Barrett, who is providing guidance on the duplex bylaw, will be returning from vacation soon and will be attending an upcoming meeting.

Recreational Marijuana – Ms. Poretsky noted that she has read the document provided by Town Counsel and voiced her understanding that we are not required to go to ballot on the issue since the town voted “no” on question 4 in November and the decision can be made by the Board of Selectmen. Ms. Joubert suggested that all board members review the document for discussion at the next meeting.

Special Permits – Ms. Poretsky expressed a desire to adopt language in the zoning bylaw so that special permits run with the applicant and not with the land. She noted that she has spoken with Fran Bakstran from the ZBA, who has agreed to come to an upcoming meeting to discuss. Ms. Joubert suggested that the ZBA should address the issue as a board before coming to the Planning Board.

Meeting adjourned at 8:35PM.

Respectfully submitted,

Elaine Rowe
Board Secretary