



TOWN OF NORTHBOROUGH PLANNING BOARD

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

Approved 6.18.19

Planning Board Meeting Minutes May 21, 2019

Members in attendance: Michelle Gillespie, Vice Chair; Amy Poretsky; Kerri Martinek; Anthony Ziton

Others in attendance: Kathy Joubert, Town Planner; Fred Litchfield, Town Engineer; Tim Shay; James Tetreault, Thompson Liston Associates; Nick Muskopf; Henry Squillante, 72 Crestwood Drive; Millie Milton, 50 Fay Lane; Jason Perreault, 27 Treetop Circle; Scott Rodgers, 26 Tomahawk Drive

Michelle Gillespie opened the meeting at 7:10pm.

Ms. Joubert noted that Theresa Capobianco has resigned from the Planning Board, and suggested that Michelle Gillespie, Vice Chair, run tonight's meeting. Ms. Joubert explained that the Town Administrator will prepare a press release about the vacancy, which will be filled by a joint appointment by the Board of Selectmen and remaining members of the Planning Board. She indicated that Ms. Capobianco had a year remaining on her term. She also noted that the Board of Selectmen is suggesting a joint meeting on June 17th to conduct interviews with the hope that the new appointee will be able to attend the Planning Board's June 18th meeting.

Ms. Joubert explained that the Planning Board typically goes through committee appointments and election of officers following town elections, but she suggested that the board wait until the June meeting when there is a full board.

Master Plan Steering Committee Update – Ms. Poretsky noted that the Master Plan Steering Committee (MPSC) will be meeting tomorrow night. She explained that, at their last meeting, the committee went through land use, open space, transportation, and recommendations. She indicated that tomorrow's meeting will involve discussion of recommendations for land use, housing, and economic development. She also mentioned that the recommendations are available online for review and she encouraged everyone to attend the meeting.

Ms. Joubert stated that tomorrow night's meeting will be held at Town Hall because the library space is not available. She voiced her expectation that the MPSC will finish reviewing the recommendations and, if they are able to do so, a first draft of the Master Plan document should be provided by the consultant in about a month. Assuming the timeline holds, she anticipates that a joint meeting of the Board of Selectmen and Planning Board will be scheduled in the fall when the plan will be presented.

In response to a question from Ms. Martinek about when the Master Plan will come to the Planning Board for approval, Ms. Joubert suggested that the board discuss the process after the final document is provided. Ms. Gillespie indicated that the MPSC should be nearly complete after tomorrow night's meeting. She reiterated that the meeting is scheduled for tomorrow evening at 7:00PM here in the Board of Selectmen's room at Town Hall.

109 West Main Street Site Plan Approval Application

Applicant: TShay, LLC
Engineer: Thompson-Liston Associates, Inc.
Date Filed: March 21, 2019
Decision Due: June 18, 2019

James Tetreault from Thompson Liston Associates appeared on behalf of the applicant to discuss the application for Site Plan Approval for redevelopment of 109 West Main Street. He noted that the property is adjacent to Hargraves & McCarthy Accountants and across the street from Coleman House. He explained that, before his client took ownership, the property housed a single family home with onsite septic system. He discussed plans for clearing, regrading, and construction of a 3,600 square foot building with parking facing the long and short sides of the building with access from Route 20.

Mr. Tetreault noted that the applicant has already been in front of the Zoning Board of Appeals (ZBA) and received two variances. He explained that, because the site is on Route 20 and Massachusetts Department of Transportation (Mass DOT) does not allow connection to their drainage system unless you can prove that you have no other option for infiltration, deep hole tests were done. He indicated that these tests did provide a reasonable enough result for infiltration into chambers so a connection to the state system will not be necessary. He also noted that the need to comply with the Mass DOT regulations is the reason for the positioning of the building and justification for a variance from the ZBA for building position and setbacks. He stated that the project recently went before the Earthworks Board but they have not closed the hearing pending approvals from other town boards.

Mr. Tetreault mentioned that the 25,000+ square foot site is located entirely within the Downtown Business district. He explained that the ITE (International Transportation Engineers) standard for traffic generated from office space of this type is 10 trips per 1,000 square feet (36 trips) and the existing house is 10 trips per day, resulting in a net increase of 26 trips which is minimal in the context of Route 20 volume. He also noted that there is good site distance in both directions, and the site will be served by town water and sewer.

Mr. Tetreault discussed existing grades on the site, with an elevation of 308 at the curb line and 324 at the back of the property and noted that the property behind it is higher still. He stated that a 5% rise up is being proposed. He also confirmed that the plans do meet the standard for parking spaces.

Mr. Tetreault explained that the project had been to the Design Review Committee (DRC) and some plan revisions were made based on their input and direction. He mentioned that the groundwater protection overlay boundary runs through a portion of the site. He stated that there are no wetlands on the site and there are no resource areas within 100 feet.

Mr. Tetreault discussed fiscal impacts of the project and noted that the annual tax revenue is expected to increase by \$5080. He reiterated that what was once a single family home in the Downtown Business District will be replaced with an office use that will fit in nicely with other business uses nearby. He commented that the developer has a good reputation for the work he has done in town and keeping his sites in good condition.

Mr. Tetreault stated that the residential use behind this parcel is at an elevation of 325 to 326 feet and the proposed building will be at 316 feet. He noted that a retaining wall, fencing, and plantings are already in place, and there is little that can be done to shield the building from the abutter given that

the building is 10 feet below that abutter. He indicated that the applicant has asked for a waiver of the required 25 foot buffer to the abutting residential property because the topography does not provide the ability to shield from the abutter. He suggested that the developer's reputation for maintaining sites should afford the best guarantee that there will be no serious issues.

In response to a question from Ms. Gillespie, Mr. Tetreault confirmed that the applicant had received the Town Engineer's review letter and has no objections to any of his comments or conditions.

Ms. Joubert explained that, based on the Building Inspector's zoning determination [section 7-09-030 (C) (4) (a)(1)], a 10-foot wide buffer is required around the parking spaces if there are more than five spaces, so she believes a waiver is required. Mr. Tetreault voiced his opinion that there is 10 feet on either side. Ms. Joubert noted that Ms. Poretsky had also pointed out that, under section 7-090-020 (D) (1), the building needs to be placed facing the street but the Planning Board may grant a waiver after consideration by the DRC. She referenced a memo from the DRC (copy attached) that outlines the four meetings when the project was discussed including the final meeting when the DRC voted to recommend approval for the placement of the building, landscaping, etc. but it is up to the Planning Board to grant the waiver.

Mr. Tetreault noted that the adjacent lot widens out and made it easier to place the building facing the road. He mentioned that it might be possible to make the proposed building a different shape, but it would not be an efficient design for office space. He reiterated that the building placement was reviewed by the DRC and ZBA.

Ms. Gillespie agreed that the long, narrow, rectangular lot makes it more difficult to place the building forward on the site. She also mentioned that the visual when travelling down the roadway would not have looked right with buildings placed forward and back on adjacent lots creating a zig-zag effect. She also noted that the bank property adjacent to the dry cleaners has a retention pond in front that places the building further back on the site eliminating the flush effect. She commented that these specific lots are a bit quirky in nature.

Ms. Joubert explained that Mr. Litchfield checked and has determined that a waiver is not needed for the 10-foot buffer strip on parking. She confirmed that two waivers are needed; one for placement of the building and another for the 25-foot buffer between a residential and business use.

Mr. Litchfield discussed his review letter (copy attached) and noted that the applicant has agreed to comply with all of his requests. He noted that regulations call for waste disposal to be provided onsite, so a dumpster needs to be added somewhere. He also mentioned that the plan is not tied to the correct town's datum so there needs to be a conversion provided, at least at the time that the as-built plan is submitted, so that all final documents are on the town's datum.

Mr. Litchfield stated that there was no Operations & Maintenance (O&M) Plan included in the application and there needs to be one, especially since there is no overflow connection to the state's storm drain. He explained that some conditions in the O&M Plan require annual reporting and at least two permeability tests in the area of the infiltration to verify that the rates that were assumed are actually attainable. In addition, submission of an as-built plan is a standard requirement.

Mr. Litchfield confirmed that the applicant has been before the Earthwork Board but no permit will be issued until the site plan approval hearing is closed. He also asked that details for the retaining wall be put on the plan.

Mr. Litchfield asked the applicant to provide the trench detail on how the water and sewer service will be connected to the building, and a copy of the Mass DOT permit.

Ms. Joubert explained that, at the ZBA meeting, one of the abutters raised concerns about loitering behind the accountant's building on the adjacent property and the ZBA had asked her to look into the matter. She advised she had spoken with the Police Chief and his staff could not find a record of any complaints or calls about that area over the past two years. She also indicated that the ZBA had granted the needed variances.

In response to a question from Ms. Gillespie about the 25 foot buffer, Mr. Tetreault did not recall any abutters voicing concerns at the ZBA meeting. Ms. Joubert did recall abutters asking about traffic pulling into the site and impacts to their units, but she had pointed out that their units are at least 10 feet above the property so there should be no issues with headlights shining into their windows. Mr. Tetreault agreed, and reiterated that the existing retaining wall, fencing, and trees provide a good shield. He also suggested that the layout and building position results in everything on the site being visible from Route 20, so loitering should not be an issue.

Ms. Poretsky asked about snow storage. Mr. Tetreault indicated that snow will be pushed off to the edges of the property. Ms. Poretsky asked if the concept of pushing the building so far back on the lot was the idea of the DRC or the engineer, and voiced her opinion that it appears that the building could be pulled forward about 12 feet. Mr. Tetreault explained that doing so would put it too close to the dry cleaner's building, which is very close to the property line. Ms. Poretsky inquired about the stone landscaping bed proposed near the building instead of mulch, which Mr. Tetreault indicated was recommended by the DRC. Ms. Poretsky voiced a preference for mulch and noted that plants don't seem to thrive in the stone beds.

In response to a question from Ms. Poretsky about catch basins, Mr. Tetreault indicated that there are three provided and noted their locations on the plans.

Ms. Martinek reiterated the request that a dumpster be added. Mr. Shay confirmed that he will do so.

In response to a question from Ms. Martinek about the water and sewer connections, Mr. Litchfield noted that the sewer is not connected at this time but there will be a connection to the new building. Ms. Martinek thanked Mr. Tetreault for providing a Development Impact Analysis, which she found to be extremely helpful.

Ms. Martinek stated that she had attended a DRC meeting where a fire wall was discussed. Mr. Shay mentioned that this was proposed if they had to put the building closer to the dry cleaner but it has since been determined that the building is a safe enough distance away.

Ms. Martinek indicated that she would support the use of mulch landscaping beds. Ms. Joubert explained that the Planning Board is the site plan approval authority, so can stipulate whatever they prefer.

In response to a question from Ms. Martinek about impacts of lighting, Ms. Gillespie noted that the applicant has provided a lighting plan that shows that all lighting will stay within the property.

Mr. Ziton mentioned that his initial thought was that the building seems to be very far back on the site but that issue has been adequately addressed. He also stated that anything on the property will be an improvement.

In response to a question from Mr. Ziton about signage, Mr. Tetreault noted the location of the sign and indicated that it will be similar to the sign on the adjacent property.

Ms. Poretsky discussed the trees proposed and noted that recent advisories have encouraged avoiding the use of pear trees as they are an invasive plant. She recommended the use of Maple or Elm trees. Mr. Tetreault explained that the issue was discussed with the DRC who suggested using them for continuity with the adjacent parcel. Ms. Joubert agreed to discuss the issue of pear trees at the next DRC meeting.

Kerri Martinek made a motion to approve the site plan for 109 West Main Street as presented with conditions outlined in the Town Engineer's review letter dated May 20, 2019 (copy attached), approval of the waiver relating to the requirement of a landscaped buffer of at least twenty-five feet in width along the lot line between the business use and the adjacent residential use and a waiver related to the building placement and orientation such that the front façade and building's principal entry be oriented toward the street, addition of a dumpster, and the change from stone landscaping beds to mulch beds. Amy Poretsky seconded; motion carries by unanimous vote.

Consideration of Minutes was deferred to the board's next meeting.

Newton Street – Ms. Joubert provided board members with a quick background of the project. She explained that a good portion of Newton Street has been widened and has a base coat of pavement as the result of negotiations between the Planning Board and Ziad Ramadan, property owner and developer. She explained that, in order for Mr. Ramadan to develop ANR frontage lots on Newton Street, the roadway needed to be improved and brought up to minimum town road standards. She noted that a road plan was approved by the Town Engineer and DPW and a bond was posted to ensure that the work would be completed, with the project being divided into two phases. She confirmed that phase one has been completed, which allowed Mr. Ramadan to move forward with some of his lots. She also stated that, during the project, another property on the opposite side of the street became available and was purchased by another developer who divided it into 4 lots and renovated the existing house, which the Planning Board allowed him access to. Ms. Joubert stated that the second developer was held to the same standards as Mr. Ramadan in that he could not finish developing his lots until he participated in the completion of the roadway improvements. She mentioned that the two developers came before the board and they agreed that they would contribute equally but their deal later fell apart and that is a private matter. She indicated that, as a town, we are holding a bond from Mr. Ramadan and she will now work with Town Counsel to determine a process to acquire the bond for the town to use to complete the roadway and put the topcoat on. She emphasized that, as part of the due process, the town needs to provide the developer with proper notification.

Ms. Joubert stated that the DPW is concerned that if we go through another winter there will be too much damage to the road and we will have to start over. She noted that the town and residents have been dealing with this project for a number of years, and she has received a letter from Newton Street residents asking the town to take action to get the road completed. She explained that the Town Engineer and DPW Director will work together to determine what is left to be done and a process will be outlined for the board for discussion at their next

meeting. She confirmed that the abutters and the developer will be notified that the issue will be addressed at upcoming Planning Board meeting, where she anticipates the board will take action to call the bond.

Ms. Martinek asked if the work is inspected to ensure that it is being done to a certain standard. Ms. Joubert confirmed that it is, and the town has been doing so all along. Ms. Gillespie asked about the possibility of work being completed before winter if the board calls the bond. Mr. Litchfield indicated that this is the plan.

Newton Street residents who were present emphasized their desire for something to be done. They also asked if anything can be done about the property beyond the roadway that is now a mess. Ms. Gillespie stated that she believes that Mr. Ramadan's property has recently been sold, so perhaps the new owner will take care of it.

Election of Officers – Members of the board expressed a desire to proceed with subcommittee assignments and election of officers.

Amy Poretsky made a motion to nominate Kerri Martinek as Chairperson. Anthony Ziton seconded. Kerri Martinek was elected as Chairperson by unanimous vote.

Anthony Ziton made motion to nominate Amy Poretsky as Vice Chair. Kerri Martinek seconded. Amy Poretsky was elected as Vice Chair by unanimous vote.

Subcommittee assignments – It was agreed that board members would serve on subcommittees as follows:

- Groundwater Advisory Committee – Amy Poretsky
- Open Space Committee – Anthony Ziton
- Central Massachusetts Regional Planning Committee – Kerri Martinek
- Design Review Committee – Michelle Gillespie

Members of the board agreed to leave the position on the Community Preservation Committee open in hopes that the new member to be added will fill that role. If not, Michelle Gillespie offered to do so.

Planning Board Meeting Schedule – Ms. Gillespie expressed a desire to add an extra meeting over the summer or in the fall to discuss going to Town Meeting with a solar bylaw. Ms. Joubert agreed to provide board members with the state model for a solar bylaw.

Ms. Poretsky stated that she would like to take a look at the Industrial bylaw as she believes there may be certain commercial uses that can be allowed in the industrial zone. She also asked if it would be possible to ask the consultants for input/recommendations about a hazardous waste bylaw.

Zoning Board of Appeals – Ms. Joubert noted that Ms. Poretsky had asked for information about the applications submitted for the ZBA's next meeting, which she indicated are as follows:

- One application is expected to be withdrawn.
- Two applications for residential garages.

- An application submitted by Central One Credit Union for replacement of their existing freestanding sign and a request for a variance to use an electronic message board on part of their sign.
- An application from a previous applicant who received a decision for a freestanding sign with a condition that it be the only use on the site who is now seeking a variance for an additional use on the site (small office building).

Ms. Poretsky asked for further details on Central One Federal Credit Union's electronic sign. Ms. Joubert explained that the applicant had applied for a variance on April 24th to replace an existing sign with a double sided, freestanding sign with changeable copy on an electronic message board. She also noted that the applicant is asking for a variance for 1.52 square feet of signage and another to increase the height of the sign by 1 foot 7 inches. Ms. Poretsky voiced her desire to send a letter to the ZBA emphasizing that the town just voted at Town Meeting to not allow these signs and granting a variance would go against the best interests of the town. Mr. Ziton and Ms. Martinek agreed. Ms. Gillespie expressed concerns about signage and the effects on small business and suggested that this would be counterproductive to what our mission is for the Master Plan, which is to improve the businesses along Main Street. Mr. Ziton noted that many surrounding towns are moving to front lit signs and are not allowing digital signs. He voiced his opinion that digital signs do not add anything aesthetically.

Ms. Gillespie voiced support for sending a letter to the ZBA. She indicated that she is not in favor of allowing only externally lit signs but recognizes that everyone has concerns about the digital signs. Ms. Martinek noted the presence of a crosswalk in close proximity to the location of the credit union's sign and voiced concerns about safety issues with drivers being distracted by the digital sign.

Members of the board agreed to send letter to the ZBA to ask them to consider the new bylaw just approved at Town Meeting to not allow electronic signs and recommend not approving the variance related to the electronic message portion of the sign.

Meeting adjourned at 8:35PM.

Respectfully submitted,

Elaine Rowe
Board Secretary