



TOWN OF NORTHBOROUGH PLANNING BOARD

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Approved 12.4.18

August 21, 2018
Planning Board
Meeting Minutes

Members Present: Theresa Capobianco, Chairman; Anthony Ziton, Amy Poretsky, Kerri Martinek, and Michelle Gillespie

Others Present: George Pember, Master Plan Steering Committee; Kathy Joubert, Town Planner; Fred Litchfield, Town Engineer; Mike Sullivan, Connorstone Engineering; Tom Reardon, 7 Sunset Drive; Bob Gleeson, Abu Construction Inc.; Henry Squillante, 22 Crestwood Drive; Tim Kaelin, 41 Davis Street; Kondaiah Bezaviada, Kelly Marston, 159 Pleasant Street; Reid and Susan Roberts, 12 Lydia's Way; Jason and Stacey Paradise, 10 Lincoln Street; Danielle Williams, 19 Assabet Hill Circle; Ryan Edmands 155 Pleasant Street; Karen Feeley, 136 Pleasant Street; Nancy and John McKinley, 141 Pleasant Street; Laura and Dax Ziton, 17 Franklin Circle; Norm Corbin, Historic District Commission, 35 Whitney Street; James Tetreault, Thompson-Liston Engineering; Jim Venincasa

Chair Theresa Capobianco called the meeting to order at 7:00PM.

Open Meeting Law

Kathy Joubert read excerpt from Attorney General's office regarding use of electronic devices such as lap tops and mobile phones by board members during a public meeting. In part "the open meeting law encourages government transparency; however the best practice is for public body members to avoid the use of electronic devices during meetings to discuss matters within the jurisdiction of the public body if those electronic communications are not shared with members of the public attending the meeting...with few exceptions, any use of electronic messaging by public body member, during or outside of a meeting, may constitute private deliberation, which is prohibited by the Open Meeting Law."

Chairman Capobianco then requested board members to silence their phones and put away any laptops for the duration of the meeting.

Master Plan Update

Master Plan Steering Committee members George Pember, Michelle Gillespie, and Amy Poretsky provided update from the August 2nd Steering Committee meeting.

- Second survey for the public will be ready mid-September
- September 6th is next Steering Committee meeting
- October 4th is next public forum to be held at the ARHS

Continued Public Hearing for 222 West Main Street Site Plan Approval, Special Permit Common Driveway and Special Permits Two-Family Dwelling Units

Applicant: Abu Construction Inc.
Engineer: Connorstone Engineering Inc.
Date Filed: June 15, 2018
Decision Due: 90 days from close of hearing

This is the first presentation by the applicant. Representing the applicant Tony Abu, Abu Construction Inc. are Mike Sullivan, Connorstone Engineering; Bob Gleeson, Abu Construction Inc.; and Tom Reardon, architect for the project.

Mr. Sullivan presented the plans:

- Special permit for a 400' common driveway
- Waiver for common driveway to exit off of Lincoln Street
- 4 residential lots
- Special permit for 4 duplexes
- Waiver for 2 lots on West Main Street for frontage and lot width. Both lots contain 100' frontage and lot width, lots are in excess of 37,000sf
- Lot 1 is 38,555sf and contains 105' frontage and is 119' wide at rear of proposed duplex
- Lot 2 is 36,770sf and contains 109' frontage and is 121' wide at rear of proposed duplex

Summary of waivers:

- Lot 1 frontage
- Lot 1 lot width
- Lot 2 frontage
- Lot 2 lot width
- Common driveway exiting onto Lincoln Street

Theresa Capobianco asked if the first two lots acquire their frontage from Lincoln and the second two lots from West Main.

Ms. Capobianco asked if it was possible to move the boundary lines to the east to create more frontage on West Main.

Mr. Sullivan answered that they would require a waiver either way.

Ms. Capobianco noted that Fred Litchfield requested they put a dip before Lincoln Street to provide for runoff so that it doesn't run into the street and asked if that was reflected in the plan. Mr. Sullivan said that the plan hadn't been revised yet. Mr. Sullivan said they had no objections to the revisions and would create a revised plan.

Tom Reardon reviewed design of the duplexes.

He noted that at the time they presented before the Design Review Committee, the guidelines had not been prepared, and due to that, they were improvising. Many of the design features are based on a system called *Vastu shastra*. Mr. Reardon notes that it is not guided by bylaws, but it did influence the decisions they were made in developing the designs.

Amy Poretsky asked how many square feet per unit. Mr. Reardon clarified that it is 2,800 for each side, per unit.

Anthony Ziton asked what will be the height of the buildings. Mr. Reardon answered that it is 32 feet.

Michelle Gillespie asked if one lot was eliminated, would they have the frontage. Mr. Reardon replied yes. Ms. Gillespie asked if the application wasn't approved would they be able to put in a subdivision. Kathy Joubert clarified if just single-family zoned lots, they would have the frontage. The ANR was endorsed. It would be 3 lots on Lincoln and 2 on West Main if single family lots.

Ms. Poretsky asked if an association would be in charge of mowing lawns and driveways. Mr. Sullivan thought the association would be in charge of drainage and the common driveway. Mr. Litchfield confirmed that the town would not be responsible beyond the private property.

Mr. Litchfield reviewed Groundwater Advisory Committee letter dated August 21, 2018. Groundwater Advisory Committee recommends approval of this proposal with a few notes. The applicant provided all of the computations necessary under the groundwater bylaw for storm water and storm water recharge. They are showing recharge for the 2 units in the front. The soils are better there. The buildings being connected to sewer makes it a bit more positive for them to make a recommendation. Although the lots do meet the area requirement of the groundwater overlay district, there was mention at the meeting that the lots shown on the plan are 4 lots, but on record, there is a 5 lot ANR. A new ANR would need to be created.

The applicant provided a Stormwater operation maintenance plan. The project will require an Earthwork permit. One of the members of the groundwater committee wanted to see the homeowner's association document, with the homeowner's rights and responsibilities to clarify responsibilities. That is covered under the special permit for the common driveway.

Mr. Litchfield also reviewed the Fire Chief's letter dated June 25, 2018.

Mr. Litchfield then discussed the common driveway. The driveway already has a little bit of a low point that the applicant could incorporate into the driveway and then change the slope back from Lincoln Street to accommodate that low point to maintain water on the site without exceeding the 10% maximum slope allowed for a common drive.

The Stormwater calculation satisfies the regulations. Site distance appears to be adequate, but regulations do require that they be verified to be 200 feet. He believes there shouldn't be a problem, but it should be shown on the plan.

Emergency turnaround was covered in Fire Chief's letter. Mr. Litchfield wanted to make sure that it does meet requirements of the Fire Department. He also let the engineer know that if they wanted to have town trash, they will need to be able turn around the trash truck and get an access permit. Otherwise, they will need to bring their trash down to Lincoln Street or make arrangements for a private hauler.

The final plan for signature by the Planning Board will have to include the plan with the easement for the common driveway so that is recorded as well, with standard conditions of a common driveway included.

Mr. Litchfield also stated that since the lots are slightly irregular, iron pins must be installed at all of the property corners. Once project is built out, people won't know where lot lines are located.

DPW Director, Scott Charpentier and Mr. Litchfield also request that if any conditions are put in the approval that require revisions to the plan, then a final revised plan with those conditions will be submitted to his office for approval prior to any construction.

Ms. Gillespie asked if the design that we're seeing was specifically designed for specific buyers looking to purchase these properties. The Design Review Committee (DRC) talked about why the first building facing Lincoln Street would be tilted to the left. It was explained that these specific buyers wanted it to be tilted, but if that specific buyer doesn't come through, Ms. Gillespie asked if they would go back to the other model, where the building would face straight-on to Lincoln Street, as a traditional lot would do. Mr. Reardon said that Mr. Abu didn't address that yet.

Mr. Litchfield noted if the applicant proceeds, he will need to revise the lot lines and submit another ANR to the Planning Board, and he will be required to build within the building envelope of those lots. If building within the envelope of those lots, he will be able to shift the location of the house without Planning Board approval if the building remains within zoning setbacks. If the staff determines that he has made substantial revisions to the plan, they will advise him to come back to the Planning Board for an amendment.

Ms. Capobianco asked if there was anything else from DRC, aside from the letter from DRC. Ms. Gillespie clarified that as Mr. Reardon indicated, they don't have the final (duplex) design guidelines that they would want to use for this. In general, the DRC is limited in scope in what they can approve. The applicant showed the DRC two versions. This was the version of what he preferred. There is a second version if the buyer decides to not move forward. He would come back before DRC if that is the case.

Ms. Joubert added more feedback from departments. She confirmed that the fire chief and police chief both prefer the common driveway come out on Lincoln Street, as opposed to West Main Street for safety purposes.

Mr. Sullivan confirmed that the applicant has no problem with revisions from Mr. Litchfield's letter and no objections to the letter from the DRC.

Ms. Poretsky asked about sidewalks in front of the area, going down West Main. Mr. Sullivan confirmed they are not proposing a sidewalk. Ms. Poretsky also asked about sidewalk alongside the length of the common driveway and questioned the safety of the plan. Ms. Poretsky commented that with 8 units, kids are likely to live there, and with trash trucks coming in and turning around how will kids get to school safely. Ms. Capobianco noted there is a crosswalk on the corner.

Ms. Joubert commented that we have been told that we can't do offsite mitigation where it's not in our regulations. She stated the town administrator and the DPW will look at putting together a sidewalk plan for future allocations that go through the capital improvement plan. The Planning Board would put together a list of where sidewalks are necessary.

Ms. Poretsky noted that the developer agreed to mulch and a fence and wondered if he'd agree to add a sidewalk as a condition of a common driveway. She asked if it were a condition we could add.

Mr. Sullivan noted that the pavement increased from 22 feet to 27 feet.

Ms. Capobianco expressed concern over the walk from the end of the common driveway, up Lincoln Street to the crosswalk. She suggested an alternative similar to that done in Stirrup Brook with the easement that crosses along the boundary of one of property lines allowing high schoolers to cross through, on a walking path, out to the high school sidewalk.

Ms. Poretzky asked if common driveways have come before town meeting to ask to become a road. Could they come back and say they have 8 families here and now they want a road. Mr. Litchfield stated they sometimes get those requests and handle them in-house. They don't recommend bringing it to town meeting nor approving it at town meeting.

Ms. Martinek asked Mr. Litchfield if the easement width was adequate. Mr. Litchfield confirmed that there are minimum standards that they are required to adhere to. He confirmed that if over two lots are using the driveway, the driveway must meet minimum town road standards, which are outlined in the town code.

Ms. Martinek asked for clarification on which DRC members recused themselves from the decision. Mr. Reardon identified himself as a member of the DRC who recused himself, and identified Mr. Abu as the second member, who also recused himself. Ms. Martinek noted that the applicant is a member of the committee that approves the design guidelines and noted that 2 out of 5 DRC members are now applicants before the board. Ms. Joubert noted that they can't approve if recusing themselves.

Ms. Martinek commented that the houses don't look like other houses we've seen in Northborough. Mr. Reardon noted that it's a farmhouse look that is seen in New England and noted there are three on West Main Street. Ms. Martinek asked about tilting the building. Mr. Reardon noted the design principles (*Vastu shastra*) have to do with direction and would not be noticeable through the architectural features.

Ms. Martinek clarified that at 2,800sq per unit, it would be a 6,000 sf duplex. Mr. Reardon confirmed it would be a 6,000sf structure.

Ms. Martinek asked about traffic. She commented that anyone who drives that street would note the hectic traffic in that location. She asked about impact on traffic in that area with the light and if there was an impact analysis available. Mr. Sullivan noted that a single-family dwelling during peak flow adds half dozen cars and estimated an average of 20-25 cars coming out of there at peak flow. Mr. Sullivan noted that they could get numbers if that was an important factor.

Anthony Ziton noted the size of structures at 6,000sf. He did not think that conformed with the character of the houses in that area and that they are 2-3 times the size of the houses in that area. He also noted that the town just voted on an amendment for bylaws for two-families. He commented that many of us were at the town meeting and there were many people who were very passionate, and stayed very late, as they were concerned about two-families and their placement in town. He commented that the amendment passed overwhelmingly very late at night and noted that just by the will of the residents, this would probably go against many residents' mindsets.

Mr. Ziton also commented on road safety as Lincoln Street is a very precarious intersection.

Kelly Marston, 159 Pleasant Street asked if the inspection and maintenance of water retention basin would be a part of Operation & Maintenance Plan. Mr. Sullivan answered that it would be the responsibility of the association and they would need to follow the Operation & Maintenance Plan,

which would be evaluated periodically by someone the association would need to hire to periodically go out and inspect it.

Ms. Marston asked about snow storage. Mr. Sullivan indicated that all would be dumped at the end and pushed to the side.

She asked about guidelines about houses having to face the street. Ms. Capobianco clarified that the driveway must face the street. The frontage and driveway on to the public way must be the same road. Mr. Litchfield clarified that is the waiver they are requesting for the two lots.

Henry Squillante 22 Crestwood Drive voiced a concern with additional traffic coming from Lincoln Street onto Route 20. He commented that the spent a year with a moratorium on duplexes, we voted at a town meeting, and asked why builders now create these designs knowing they have to come for a waiver. He asked why they don't design within the specs we voted on at town meeting.

He further questioned if this would be a common theme with every builder simply asking for a waiver should this be approved now.

Mr. Squillante lives 550 feet down Crestwood Dr. and has observed an increase in traffic and accidents at the Lincoln Street intersection. He noted that the light there is a not a traffic light, it's a pedestrian light and that he personally hears numerous accidents and sees a lot of debris on the road at this intersection. He noted the cars coming out of there, with the island there, it's going to be more than what was calculated previously by Mr. Sullivan. Ms. Capobianco clarified 6 cars per peak hour, which would be 48 cars. Mr. Squillante expressed concerns with driving there between 4pm and 6:30pm.

Ms. Capobianco stated that the board can't answer the first question about why developers come for waivers. Mr. Sullivan stated that they do it because there is a provision that gives the ability to ask for waiver. Mr. Squillante asked again, if granting the waiver would be the exception or will this happen every time a builder comes forward with designs, if the precedent is set that we gave waivers to other builders. He questioned why we bothered to even vote at town meeting. Ms. Capobianco stated it was a good question and we'll have to see how the board votes.

Tom Lucina, 132 Pleasant Street voiced traffic concerns and impact on schools. He commented on the issue with the light and trying to cross the street. As it is, people aren't paying attention to that traffic light. The noted the light and crosswalk is actually offset. He can't imagine the people coming out of this driveway trying to take a left-hand turn on to West Main Street and thinks this will cause more accidents.

Ms. Capobianco confirmed that a traffic study was not done.

Stacey Paradise, 10 Lincoln Street noted that she lives in the house across the street from the exit of the proposed common driveway. She spoke about the common driveway and wanted to see the common driveway approved. She commented it's a busy and dangerous intersection. Her biggest concern is that with 8 family dwellings, each with 2 car garages, she would like to see the cars coming from one place rather than multiple driveways.

Ms. Paradise also wanted to make the board aware of a meeting that happened on May 26th of Memorial Day Weekend, when residents were notified by Tony Abu that he was going to hold an informal meeting to tell residents what was going on. Ms. Paradise stated that Mr. Abu showed

everybody plans of a retail and office space, that he was going to submit for approval. She then stated that he told the residents that he'd be looking for a pharmacy to go there. The residents were very upset about that and did not want to see retail space there. Ms. Paradise stated that Mr. Abu said in order for that not to happen, they needed to move quickly, because the town would otherwise build a fire station. Ms. Paradise stated he then told residents if they didn't want a fire station, he would need their support in building the duplexes. She clarified that time period was during the moratorium.

She stated the other residents at the May 26 meeting are not there tonight. She said they voiced their fear in opposing the site. They think if they oppose it, then they will see something worse.

Ms. Paradise also wanted to speak about the size of the buildings. Her house is the 1,600 sf house, which is the biggest house in the area. She commented that these houses will be three times the size of the houses in the area. She noted that they are not consistent with the houses in the area. Her house is a Cape, there are ranches, there is a Victorian house, there are no 6,000sf houses. She noted the commercial properties consist of a church and a nursing home, they are not retail properties, bringing in shoppers.

Ms. Paradise suggested a reduction in size or consideration for single family homes. She stressed a great need for affordable housing. She said many who grew up in town have to move out. She said duplexes are often considered affordable, but commented that a 2,800sf duplex with 2 car garage and 4 bedrooms is not affordable housing.

Ms. Paradise stated that Mr. Abu told residents at the May 26 meeting that he's not going to build a \$700,000 house there, as it won't sell.

Danielle Williams 19, Assabet Hill Circle echoed traffic concerns and the need for traffic signal at the intersection of Lincoln Street and Route 20. Ms. Williams stated her family attends Lincoln Street School and can confirm that the traffic in the morning and evening is very congested. Her biggest concern is safety for the people that live there and travel those roads. She stated that if three kids reside in each duplex unit, then it could be up to 30 kids, living and playing on a major road. She asked about lot 4, with the snow plowed toward West Main Street.

Ms. Williams asked about privacy and landscaping. She thought it was unfortunate that landscape is torn down when building, but looking at those who live there and those who buy units, there will be no privacy. She then asked it to be considered that although it may be by a commercial zone, this is a school neighborhood.

Ryan Edmands, 155 Pleasant Street also commented on the schools. Although Lincoln Street School is a new school, it is already experiencing capacity issues based on his own experience. Other families are on a waitlist and have to go to other schools. Regarding access, he commented on accidents at the intersection. He then asked about the exit strategy from the common driveway. He had a concern with headlights hitting the house across the street as vehicles exit the common driveway. With four cars per units, plus visitors, he questioned if that would become an issue.

Ms. Paradise commented that she has the driveway across the street and stated that she can't get out of her own driveway now, without the houses across the street, at certain times of the day. She commented that it can be very dangerous with cars coming around the corner. She often has to circumvent by going around through Pleasant Street. She feared it would get worse.

Ms. Capobianco commented that everyone in the room recognizes how awful that intersection is, however, she noted that the town doesn't meet the MassDOT's criteria, even if we had the funding, to put a light at the Route 20/Lincoln Street intersection. She commented that if additional housing is put in that area, and there are more car trips, and the statistics increase perhaps that will change. Ms. Capobianco noted that as a board, we don't have the authority to require that the developer put signaling there. She commented that as somebody who crosses over the intersection every day, she understands how awful it is. She noted that she can stand at the top of Lincoln or Crestwood for 5-10 minutes at a time. She suggested as an alternative, perhaps we could request that the Commonwealth look at a speed reduction in that area. Ms. Capobianco stated that board is very aware of the problems presented at that intersection.

Ms. Gillespie asked if the Planning Board could ask staff to find out what is missing in that criteria. Mr. Litchfield suggested to Board for the applicant to contact MassDOT regarding warrants for signalization of intersection. The town has explored this several times and warrants have not been met.

Ms. Capobianco noted that this would require a traffic study be done. Mr. Litchfield thought Mr. Sullivan's estimate of trips per day peak period is relatively accurate. The Institute of Transportation suggests that there are about 10 trips per day per unit. That would be 40 in the morning and 40 in the evening.

Ms. Capobianco suggested the applicant should contact MassDOT regarding requirements for installation of a signal; consider adding sidewalk from common driveway to crosswalk on Lincoln Street; or at least an easement written into the corner lot's deed with a clear walking path for kids to take to that crosswalk so that they have safe access to the crosswalk; and consider reducing proposal from 4 duplexes to 3 duplexes given the amount of current traffic and the proposed amount to be added. Traffic appears to be biggest concern of residents. The amount of children and the vehicles being added also pose concerns.

Ms. Poretsky stated that she has a hard time with the waivers, because of what the board went through over the past year in talking about duplexes. She added that the board talked about the waivers, with the developers in the room. When the waiver was passed and pushed through the Planning Board, the board was told that the waiver was intended for oddly shaped, challenging lots and she did not think the two lots at the end are oddly shaped or hard to develop. She thought they had enough frontage for single family homes and did not see the need for a waiver.

Ms. Poretsky suggested reducing proposal to 2 duplexes and 2 single-family houses.

Ms. Gillespie asked to address the resident who talked about the meeting with Mr. Abu. She stated that the comments and perceived threats that came out of that meeting were really disappointing. Mr. Reardon thought Mr. Abu should have a chance to present his side as nobody here was at the meeting. Another member of the audience corrected that Ms. Paradise attended the meeting and reported what happened.

Ms. Martinek commented that in addition to what has been asked, she is hearing over and over again from residents that it doesn't conform to what is there size-wise with the next largest house at 1,600sf. She stated that she consistently hears that there isn't a consistency in the neighborhood and recalled that as a concern with duplexes. She noted the comment about it being described as primarily a school neighborhood and she didn't think the proposed application matched with the school neighborhood.

Mr. Ziton reiterated that he thinks the structures are too large for that area. He thinks the traffic is going to be more horrific there and reiterated that the town just voted on this issue a few months ago.

A discussion was held to continue the hearing to September 18, 2018, at 7:45pm.

Continued Public Hearing for 156 Pleasant Street for Land Clearing and Grading Site Plan Approval

Applicant:	156 Pleasant Street LLC
Engineer:	Thompson-Liston Associates Inc.
Date Filed:	June 15, 2018
Decision Due:	September 12, 2018

J. Tetreault presented updated and revised material based on questions and requests from the July public hearing:

- July 20th letter and photos regarding tree cutting – no tree cutting was performed on any abutting properties
- July 23rd letter and photos regarding stonewall – stonewall will be restored along Pleasant Street
- July 23rd letter and photos regarding sight distance – exceeds requirement in bylaw
- August 1st letter and landscaping plan – tree will be planted in corner of lot A, 152 Pleasant Street

Mr. Tetreault responded to the concerns brought up in the letter from the town engineer regarding sight distance, which Mr. Litchfield found acceptable. The applicant also acknowledged areas of the pavement that needs to be fixed as requested by the DPW.

Mr. Tetreault responded to landscaping concerns. Although he restated they didn't cut trees beyond the property line, he submitted a landscaping plan to put in additional trees.

Ms. Gillespie and Ms. Capobianco questioned whether or not the stonewall images were an accurate representation of what is currently in place. Ms. Gillespie noted there is a difference in the stonewall images, including the use of different stones. Ms. Poretsky agreed. Mr. Tetreault did not agree with that opinion and pointed out that the wall is on the applicant's property either way.

Mr. Ziton asked for clarification on vegetation.

Nancy McKinley, 141 Pleasant St. noted that she lives directly across from the driveway. She noted that several disturbances to the wall occurred. She asked how he could see the wall, since the grass has grown. Mr. Tetreault stated that he took pictures of the wall during his previous visit to the site.

The applicant, James Venincasa, introduced himself and noted that the rocks are piled there until he is ready to roll the rocks into the driveway to look decorative. Ms. Capobianco asked if he notified the neighbors of his plan. He did not.

John McKinley, 141 Pleasant St. reiterated his complaint about the lack of permit and the way the job was handled. He suggested that even if the stonewall is on the applicant's property, there should be a condition to repair it. He said that the wall was disturbed along the way, not just at the driveway. He commented that the wall was a typical New England style stonewall that has been reduced to a pile of rocks.

Henry Squillante 22 Crestwood asked in the case where a builder does something without asking permission, are there any punitive damages.

Ms. Capobianco clarified that the Planning Board doesn't have the authority to issue fines. She explained the zoning enforcement officer can issue fines under certain situation.

Ms. Joubert clarified that the building inspector can issue zoning fines but the philosophy of the town is to work with applicants rather than be punitive.

Henry Squillante 22 Crestwood Drive commented that there are towns where contractors won't dare to do anything wrong, because they know that they'll be fined. He further noted in our town, they aren't afraid of our rules.

Mr. Tetreault reiterated that the filing error was his mistake, not the applicant's mistake. He noted that the comments insinuated that the applicant was trying to get around the process, when that was not the case.

Ms. Capobianco acknowledged his clarification and commented that it may not have appeared that way to abutters when they see something across the street happening late on the afternoon on Friday, though the day on Saturday, and there is nobody that they can call about it. The developer never gave the neighbors the opportunity to have advance knowledge that something was going to happen and now they are angry. Despite the mistake, Ms. Capobianco noted that if you want to do business in our town, you have to know the rules, and you have to follow them. She commented that a meeting with neighbors is not an obligation of the law, but it is a professional courtesy.

Ms. Martinek asked about putting teeth behind our rules and inquired about the options for conditions that we could place in light of the applicant not following the rules.

Ms. Capobianco asked about the stonewall being replaced. Ms. Joubert confirmed that we could put conditions, and counseled that for land clearing applications, it typically doesn't include stonewalls on private property but in this case, we could include that as a condition.

Ms. Martinek asked about the possible use of a performance bond. Ms. Joubert noted that is tied to subdivisions through state statutes. She advised of the option to tie conditions to occupancy permits instead.

Ms. Martinek asked the applicant about his history with the Planning Board and expressed a concern based on the minutes from previous hearings before other boards where it was noted that Mr. Venincasa "would not comply with any conditions set forth by the board or make any attempt to finish the work required." She noted a theme echoed in the minutes of nearby towns that show a similar track record of non-compliance and showed Mr. Venincasa in default of multiple performance agreements.

Mr. Venincasa responded that was when he worked with his father, and he no longer operates in that manner. He expressed that he was willing to go above and beyond and follow conditions required to obtain the occupancy permit.

Ms. Martinek reiterated that she didn't want to be in the same spot in the future where Mr. Venincasa didn't show up or was once again, in default. She asked what else we could put in place in the case

where we have an applicant who has defaulted in the past to the Planning Board. Ms. Capobianco clarified that the certificate of occupancy is the strongest penalty that we could impose.

Ms. Capobianco asked about the gap where additional landscaping would be placed. Mr. Tetreault walked through the proposed landscaping options.

Ms. Martinek asked about revegetation since the applicant cleared 5,000 sf over. She asked if they could put in vegetation for the 5,000 square feet. Mr. Tetreault answered that they were unable to plant trees in certain areas due to restrictions with the water line. Ms. Martinek asked about the space between the existing houses. Mr. Tetreault confirmed that there would be some planting but no specific plan yet.

Ms. Poretsky asked about the height of the trees that would be put in at the location of the gap. Ms. Poretsky asked about conditions for revegetation since the land was cleared without a permit. Mr. Venincasa agreed to put in 12-foot trees.

Ryan Edmands, 155 Pleasant thought that the intent was to add vegetation to the rear of the property, and not just the corner. He asked for a better understanding of what they could expect.

Ms. Capobianco clarified that if he had filed the permit in advance of clearing the land, that would be for permission to go beyond the 20,000sf. The trees could have been taken down even if the process were followed. If trees had been removed from abutters' property, those trees would need to be restored. However, that doesn't mean that a tree curtain would be restored for everyone.

Mr. Tetreault commented that the applicant did not clear trees from anyone else's property.

Ms. Martinek confirmed the repairs requested by the DPW to Pleasant Street.

Ms. Joubert noted that we can't control what private individuals do when they buy property.

Ms. Joubert read the conditions for confirmation: landscaping plan with the 12-foot tree, stonewall to be rebuilt on Pleasant St. with excess stones used to turn into the driveway on Lot A and Lot B; no certificate of occupancy issued for Lot A and B until all conditions complied with; as-built plan standard language; and conditions in Mr. Litchfield's review letter including the DPW's request for road repair.

Ms. Poretsky asked about the review standards for land clearing in the bylaws. She referenced the land clearing on South Street and noted that we asked that the standards be met in that case. She inquired if we needed to request specific standards here. Mr. Litchfield commented that the applicant is offering to meet the review standards. Ms. Joubert noted the Conservation Commission closed their hearing and issued conditions for the northern lots. She then clarified that everyone must follow the bylaws, we are only adding specific conditions that are unique to the property. She confirmed that we don't need to write in what it already in the bylaws.

Amy Poretsky made a motion to close the public hearing. Kerri Martinek seconded; motion carries by unanimous vote.

Ms. Gillespie asked if the stonewall would be restored to what it was and whether or not the same stones even exist. Ms. Joubert clarified with the scenic roads, the conditions are left to the developer to restore it. The inspector looks to see if it meets the conditions but the inspector is not a stonewall expert and can't make a judgement as to how a stonewall is repaired.

Ms. Capobianco summarized conditions for Board to consider including in decision:

- Landscaping plan, specifically 12' tree to be planted in corner of lot A
- Stonewall to be rebuilt and use some stones to turn into driveways for lots A & B
- No certificate of occupancy to be issued for lot A or B until stonewall and landscaping work is completed
- DPW's request to repair section of Pleasant Street
- Town Engineer's review letter

Ms. Gillespie made a motion to approve the land clearing permit with the stated conditions. Anthony Ziton seconded. Vote was 4-1 in favor; motion carries.

Public Hearing for 156 Pleasant Street Scenic Road Application

Applicant:	156 Pleasant Street LLC
Engineer:	Thompson-Liston Associates Inc.
Date Filed:	July 30, 2018
Decision Due:	21 days from close of hearing

J. Tetreault presented plan regarding removal of 18' of stonewall for driveway entrance to lot C. He proposed using the stones for driveway rounding at entrance and to use some stones to repair gap in wall on lot B (this gap is the existing driveway to the existing house presently located at 156 Pleasant Street).

Mr. Ziton asked about clarification on the lot. Mr. Tetreault showed where the gap would fall. Mr. Ziton asked for clarification on the existing driveway. He asked if the driveway would need to move either way. Mr. Tetreault replied that it would need to be moved anyway because part of it falls on Lot B.

Ms. Capobianco asked if the stones could be used to straighten out the wall to create a continuous wall. Mr. Venincasa agreed to do so.

Kathy Feeley, 136 Pleasant, asked about the impact with a 6-month moratorium on the demolition of the existing house. She asked about the roadblocks that the driveways and variances pose on the ability to sell the existing house. She commented that many residents in the audiences were actively working to save the existing house and noted that as building continues around the house, the ability to sell the house diminishes every day.

Ms. Capobianco clarified that the moratorium prevents them from doing anything on the lot. The applicant can't do anything today, he's anticipating the outcome and asking for the permit now.

Norm Corbin, 35 Whitney Street gave an update regarding demolition delay bylaw process. The Historic District Commission will be scheduling public hearing soon and he has had discussions with Mr. Venincasa regarding reaching out to various organizations who might be interested in purchasing and preserving the home. He noted that anything that changes the value of the property hurts the ability to find a buyer.

Ms. Joubert clarified the timing is 21 days from the hearing closing, and that nothing could happen to the house until they go through the Historic Commission.

Ms. Poretsky asked if the demolition moratorium applied to the driveway or just the house. It is just the house. Ms. Gillespie asked if there was harm in waiting.

Conservation Commission issued their order on Lot D's driveway. Work on Lot B could be done and work on the stonewall could be done. However, work on Lot C can't happen. Ms. Capobianco further clarified that there is nothing that we can do about Lot D, as it is not before the Planning Board.

Ms. Capobianco summarized conditions for Board to consider including in decision:

- that the portion of the stone wall curved on the northeastern edge of lot B be straightened out and joined with the stonewall at the southeastern edge of lot
- that the stones removed from the area in lot C be replaced and used to fill in gaps to curve into the driveway should the developer get the approvals he needs to do so.

Ms. Martinek made a motion to approve the scenic road application with the stated conditions. Ms. Gillespie seconded. Vote was 4-1 in favor; motion carries.

Ms. Gillespie made a motion to close the hearing. Ms. Martinek seconded. Motion carries by unanimous vote.

Approval of Minutes

April 4, 2018, June 5, 2018, and July 17, 2018 minutes were approved.

Old/New Business

- Lot release for lot 2C on 15 Harris Avenue – approved
- BOS acknowledged receipt of PB letter inquiring about streetlights on Bartlett.
- September 18th Planning Board meeting – hearing scheduled for 267-281 Southwest Cutoff special permit site plan approval and groundwater special permit
- Bond reduction for Clark Woods approved. Bond reduced to \$251,500 upon Mr. Litchfield's recommendation. Mr. Ziton Made the motion to approve, Ms. Poretsky second. Motion carries by unanimous vote.
- Final AG approval for the zoning article on duplexes.
- Review of August ZBA applications.

Subcommittee Updates: The next Design Review Committee meeting is on September 21st to look at duplex design guidelines. Mr. Ziton commented about the ability to change the time of the meeting. Ms. Poretsky asked about a joint meeting with the Design Review Committee to go over duplex design guidelines.

Ms. Capobianco asked if we had the authority to appoint a new member to the Design Review Committee. Ms. Joubert commented there is no term but did not know if the Planning Board had the ability to appoint someone new. Ms. Capobianco asked if we could find out.

Ms. Joubert speculated that we may need to change the bylaw to do so. There was a discussion about changing the time of the DRC meetings to evenings due to a noted increased interest of the public to get involved. Mr. Ziton noted that it's difficult for people attend an 8am meeting. Ms. Martinek inquired as to who is the resident representative on the committee. Ms. Joubert confirmed that it is Tony Abu. Ms. Gillespie noted that the board hasn't changed in a long time, with the exception of 1 architect. She noted that most have been on for at least 10 years.

Other: Ms. Poretsky brought up a case in Hopkinton where punitive damages were put in place and asked how we could put teeth behind our rules. Ms. Gillespie noted that this was discussed at the master plan level. Ms. Joubert noted that we don't have the ability to impose fines outside of Massachusetts General Laws. Ms. Poretsky asked how Hopkinton was able to fine \$9,000. It's not clear how they were able to do so. Ms. Joubert clarified that in 1990, the town of Northborough adopted a non-criminal disposition bylaw, which would have given us the ability to allow fines. The building inspector by state statute is the one who decides who would be issued fines, at his discretion.

Meeting adjourned at 9:45pm.

Respectfully Submitted,

Elaine Rowe
Board Secretary