

## **MINUTES OF WESTBOROUGH PLANNING BOARD**

### **August 02, 2016**

Regular meeting of the Westborough Planning Board held in the Forbes Municipal Building, 2<sup>nd</sup> Floor, Room 23 at 45 West Main Street. Members Bush, Diamond, Spencer and Paris were present. Member Silverberg was absent.

**Meeting dates: August 16<sup>th</sup>**

**The Minutes of July 12, 2016 were reviewed and endorsed.**

**At 7:00 p.m.** the Planning Board had scheduled continuation of the Special Permit Concept Plan public hearing on the Ridings II.

Chairman Brian Bush stated that the Applicant submitted a written request dated July 28, 2016 for a continuation of the special permit public hearing to the first meeting in September. They need to respond to points of discussion at the Grafton Planning Board's last meeting before they can appear before Westborough.

Chairman Brian Bush said that he and Town Planner Jim Robbins went to the Grafton Planning Board meeting last Monday. Grafton is not as far along in discussion as here. They have not determined their lot yield. They consider waivers as part of the lot yield. They do bonus density for open space (flex zoning). They listened to our concerns which are good for both Towns. There are a lot of possibilities that could come out of Grafton.

The Town Planner said the Grafton Planning Board does not meet until August 27<sup>th</sup> so we are looking at the September 1st meeting. An extension request is necessary. The Applicant has requested one and we should accept it.

**Member Charlie Diamond motioned to accept the letter from Thompson-Liston dated July 28, 2016 requesting a continuance of the Special Permit Public Hearing for Riding II to the first meeting in September. The motion was seconded by Member Bill Spencer and it was unanimously voted. (3 votes)**

**At 7:05 p.m.** the Board met with Mr. Dan Feeney of Beals and Thomas to discuss the EMC subdivision construction progress and timing of project elements.

Mr. Dan Feeney said prior to construction, Coslin Drive and Crystal Pond Road existed in Southborough as private roads. Washington Street traveled to the north and tied into Route 9. Included in the decision were extending Washington Street and the realignment of Crystal Pond Road and Coslin Drive and create a round-about to Flanders Road. At the beginning of construction was utility work, then earth clearing all along Crystal Pond Road. All utilities have been installed and the binder course and curbing is in. Washington Street is up to the binder course and curbing is going in. Some utility poles have been relocated. Old poles can't come down yet. Some off site work within Washington Street will start after utility poles are removed. Mr. Feeney said we have been working with Town Engineer, Carl Balduf on the final layout of t

this. There will be widening of Flanders Road at the proposed intersection with the site driveway, Crystal Pond Road, to provide a right hand turn from Flanders Road into the site and to provide a paved shoulder/bypass lane for eastbound traffic along Flanders Road. We are also smoothing out a vertical curve. These are all safety improvements.

Mr. Feeney said we sent a letter to the Board asking the Planning Board to consider deferring the widening and improving of Flanders Road to a later date coinciding with occupancy of future buildings at the project site. There is no proposed building at this time and would like to modify the decision to tie in to building development. Town Engineer Carl Balduf is in agreement with delaying it.

Chairman Brian Bush asked when the original subdivision approval was.

Mr. Feeney responded in 2010.

The Town Planner said he thinks this is a reasonable request. If the Board agrees, we should give EMC guidance as to when they must come back before the Planning Board.

Mr. Dan Feeney said EMC would commit to doing it when the first building starts (building permit or occupancy permit).

Mr. Carl Balduf, Town Engineer said that EMC and Dan Feeney have done an excellent job and also an excellent job communicating. Things have gone very well. Mr. Feeney wrote an excellent letter. He has no problem with any of these issues. You should record some sort of a decision that memorializes what you decide. He has no issues with this request. Beals and Thomas have developed a plan that shows the widening of Crystal Pond Road. He also has been looking at things in Washington Street. He supports this, they have been busy and it has gone very well.

Chairman Brian Bush said he has visited the site. Is there thru traffic to Flanders Road?

Mr. Dan Feeney responded no. It is binder coarse still on Flanders Road. It will be finished in this phase. Existing Coslin Drive and Crystal Pond Road are private roads even when finished but Washington Street and Flanders Road are public roads. Building 5 is fully occupied. They have not decided whether to open the roadway.

Chairman Brian Bush said when the road opens will it become a cut thru? If so would there be a benefit to doing these improvements now.

Mr. Dan Feeney said if we do it now, it will encourage people to use it.

Chairman Brian Bush said for someone who lives in Hopkinton, they would have a quick way to get to Route 9. It might be a thought for not opening the road.

Mr. Carl Balduf said the threshold to require this was more. You can control this. His answer is no. 4 months from now it will be used but not at a large level. The opening of the road is up to the Planning Board. This is  $\frac{3}{4}$  mile to the road with no buildings. In the interim, they are not encouraging people to use it.

Chairman Brian Bush asked Crystal Pond Road is private all the way to Route 9?

Mr. Dan Feeney responded yes. EMC plows it in the winter.

Chairman Brian Bush agrees with Mr. Carl Balduf that this should be recorded. Dell has bought out EMC. He agrees that it would work better together with an occupancy permit. But it would not hurt to reserve the right to install traffic control if needed.

The Town Planner said we should memorialize whatever action is taken and have it in the form of correspondence that can be recorded. This is considered a minor change and will not require a public hearing. He will write a letter and then the Planning Board can sign it and it will be recorded.

**Chairman Brian Bush motioned to make a minor modification to the EMC Definitive Subdivision Approval dated 2010 noting permission to complete the work as noted in Condition #11 B.4 and complete work prior to first building occupancy. The Town Planner will write such a modification for the Planning Board to approve and endorse at the next meeting on August 16, 2016. The motion was seconded by Member Bill Spencer and unanimously voted. (3 votes)**

**At 7:15 p.m.** the Board met with Mr. Khaja Shamsuddin, owner of 4 Arrowhead Lane for a progress report on lot construction.

The Town Planner gave an update. The Planning Board approved Earth Moving Special Permit in 2013. Mr. Shamsuddin had to proceed and complete work by October 2013. Mr. Shamsuddin did not work during the fall of that year. He decided to defer work. On August 5, 2014, he came before the Board to ask for a one year extension to August 5, 2015. He began work to exercise work under the permit. He stabilized the slope last fall to create the building pad. Then he reopened the lot.

The Town Planner said he took pictures today, August 02, 2016. There is no stabilization on the site. It is a gravel material. Mr. Shamsuddin has been lucky that it has been a very dry summer. He has some erosion control in place. The slope in the rear is 2:1. Because the slope is open, it

could create problems. There are lots above you and your grading is only 30 feet off that line. So far he has stayed inside the lot and buffer. He wants Mr. Shamsuddin to give us a real construction schedule. You have to stabilize this slope. You need to take the steps recommended in your decision.

Mr. Shamsuddin said he started work in August. He sent his operator out to fix the site. It is almost done. Once done and the slope is done right, it will then be certified. Then he wants to put in the foundation.

Chairman Brian Bush asked they are certifying the grades? What about the slope.

Mr. Shamsuddin said he was recommended the geo mats. Once he gets that done, he will send the information to the Town Engineer.

Chairman Brian Bush asked what your schedule is.

Mr. Shamsuddin said as soon as slopes are approved by the Town Engineer he will move forward with foundation. It might take up to 8-10 months to complete the house.

Chairman Brian Bush said the Planning Board needs a written schedule together by the next meeting and also get this to the Town Engineer.

Mr. Carl Balduf, Town Engineer said they excavated the hole into the side of the hill and hydro seeded and that all went very well. The foundation went in and the toe of the foundation did not go in correctly. They had to fix it. Way too much time has gone by. It is somewhat of a problem. We are anxious to see it progress. The slope is part of the process. How are you going to tackle utilities, etc? Get those utilities serviced first. This is a very difficult site to work with. All these things need to occur, not only the back of the slope but house construction. You must get started now. If you have that slope prepared by Labor Day it would be great. The original approval wanted it done by September of 2013.

Mr. Shamsuddin said this is a tough site. He will get it done.

Chairman Brian Bush said it sounds like there is a lot to be done in a short amount of time. Mr. Shamsuddin must give us a written schedule, detail on construction and stabilization.

The Town Planner agreed that he do ASAP. While you develop the schedule you can work as long as you work with the Town Engineer.

Chairman Brian Bush said he will delegate this to the Town Planner. Get the schedule to him ASAP and no later than Friday.

Member Charlie Diamond said the material he wants to use needs to be reviewed by the Town Engineer.

Mr. Carl Balduf, Town Engineer said there was a Geotech Report done. We are not Geotech. Geotech was supposed to certify this was done correctly to the Building Department.

### **Zoning Articles:**

The Town Planner said we have advertised for Rezoning **7 & 9 Cottage Street from split Residential to Downtown Business**. The owner of 9 Cottage Street is in favor. The hearing is on August 16, 2016.

The Town Planner said we are **Expanding the Gateway 2 District** along East Main Street from Lyman Street to Flanders Road and along Lyman Street from East Main Street to 33 Lyman Street. This article has been advertised and the hearing will be held on August 16, 2016.

The Town Planner has advertised for the article on **Spectrum for rezoning a portion of land from Residential to Highway Business**. The hearing will be held on August 16, 2016.

The Town Planner said we will discuss medical marijuana informally on August 16<sup>th</sup>.

Chairman Brian Bush said he is a little concerned about the other two articles coming forward (electronic signs and boarding houses). The 3 already advertised should go smoothly.

### **State Hospital:**

On Monday, July 11<sup>th</sup> we had a site work for perspective RFP respondents and bidders on the portion of property to be developed. 40 people were there. It was mostly demolition people, investors, etc. On July 18<sup>th</sup> we had a pre-proposal meeting. This was attended by 15 people and hardly any questions were asked. We have extended the RFP because of the summer for another 30 days. The Board of Selectmen agreed. Deadline is now in October. The microburst storm created havoc to the state hospital. There was significant tree damage due to the severe wind storm. The shoreline has been drastically altered with many mature trees destroyed or snapped off.

The Town Planner said that the Building Commissioner and Cumberland Farms are asking for Planning Board opinion on electronic signage.

Member Charlie Diamond said Bay State will put one in the mall. He thinks they are a distraction if placed along a road. Also the size of the sign can be overwhelming and distracting.

Member Bill Spencer said he would like to defer to Zoning Bylaws with defined guidelines. We don't have set rules in our guidelines. Member Bill Spencer said they are not very attractive. Is there any guidance on this?

The Town Planner said our Zoning Bylaws have a section for signage, Section 3300. The electronic signage one will have images that will change. They are static images that will change. Maybe we can use an intensity level, level of resolution and timing.

Member Bill Spencer cautioned to keep in consideration split use lots that are part residential. The residents in these areas might be upset with electronic signs.

Member Charlie Diamond said the Mass Turnpike is an example of electronic signage. They may have regulations and we need to look into it.

The Town Planner said most of these signs are no shorter than 12 seconds between images. He is looking for guidance.

Chairman Brian Bush said he is not a huge fan of these signs. If we are going to regulate them then we need to spell it out. We will talk about this in the spring once we have a standard to propose.

There being no further business to discuss, the meeting adjourned at 8:50 p.m.

Respectfully submitted,

Sandy Spinella  
Administrative Assistant

APPROVED:

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Brian Bush, Chairman of Board

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Mark Silverberg, Vice-Chairman of Board

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Charlie Diamond

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William Spencer

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Tim Paris