

MINUTES OF WESTBOROUGH PLANNING BOARD

August 16, 2016

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

Meeting dates: September 06, 2016 and September 20, 2016

The Minutes of August 02, 2016 were reviewed and endorsed.

At 7:00 p.m. the Board prepared to hold a public hearing on the Definitive Subdivision located at 275 Turnpike Road. (See attached minutes).

At 7:30 p.m. the Board opened the public hearing on a Fall Town Meeting Article to amend the Westborough Zoning Bylaws and Zoning Map by changing the zoning of the following Parcels currently zoned Residential (R) along East Main Street and Lyman Street to Gateway 2 (G2) (See attached list of parcels); and by amending the Town of Westborough Zoning Bylaws, Article 4, Special Regulations, Section 5100, Gateway 2 District, Subsection 5110, Purpose, by deleting the following language from the first sentence in the Subsection: “from Lyman Street to Water Street”; and by inserting in its place the following new language: “from Water Street to Flanders Road and along Lyman Street where shown on the Town’s Zoning Map.

Chairman Brian Bush read the advertisement which ran in the Worcester Telegram and Gazette on July 29, 2016 and August 05, 2016.

The Town Planner explained the purpose of this article. The Gateway 2 District allows residential use by right and also retail and office under Design Review Board review. The Gateway currently extends to Water Street. The new area extension is residential property along East Main Street from Lyman Street to Flanders Road and along Lyman Street from East Main Street to 33 Lyman. Street. This only applies to properties that front on East Main Street. This was proposed 15 years ago but failed at Town Meeting. We are now bringing it back as a reconsideration of a previous article. Any new project would require a special permit for its use and then review under the Design Review Board. Dr. Galey and Dr. Cohn are examples of this Gateway 2 District. We are trying to give property owners the opportunity to have a commercial space, retail or office space on top of the current residential use.

The Town Planner showed parcels on a map with G2 zoning. Only parcels that front on East Main Street or Lyman Street. If you want to keep it residential you can keep it that way but you now can also use a commercial, retail or office use.

A resident at 140 East Main Street asked are there any other successes?

The Town Planner responded that Avidia Bank is another example of the Gateway 2 zoning.

The resident at 140 East Main asked how long has the other one been in effect?

The Town Planner responded 15 years.

A resident at 140 East Main Street said they are beyond Flanders Road but impacted by change. We also have the bike path going in behind us and the issue of the potential light at Flanders Road. There are a lot of accidents at that intersection. She is concerned about any change until the light is in place and the bike path is in place. She wants to see the other issues settled. She has a house that was built in 1795. If she wants to tear it down nothing changes?

The Town Planner said all she would require is a building permit.

The resident at 140 East Main Street said we never received notice of the bike path going through. They removed trees behind us but no notice was issued to us. A stop working order should be issued. There is no plan for trash, no restrictions. It is going through everyone's back yard. You are now telling us we don't have to worry. Any use should trigger a special permit. It is a devaluation of their property. We want the bike path clarified.

The Town Planner said a special permit requires a public hearing. There was a public hearing for the bike path. He does not know why you did not get notice. You are not required by law to send out a notice.

Chairman Brian Bush said if you look at current zoning, the trigger mechanism is the uses in the zone. All your current rights under residential remain. Any change requires the applicant to come in to the Planning Board and have them addressed such as traffic. Rather than just allowing a use, you have to come here for a special permit.

Mrs. Maureen Bliss – 134 East Main Street said she worked on the Master Plan 15 years ago. Gateway 2 from Lyman Street to Flanders Street was the only part of the Master Plan not approved. East Main Street was once all residential. If the extension passes it can still remain residential but allow other uses.

Mr. Tom Dolan – 2 Flanders Road said he is in favor of the Plan. He applauds the Town's diligence. All has been done in consideration of the residents. He agrees the corner is a busy one. It will happen in due course. In the mean time commercial use is approaching from either end. This will be an appropriate way to address the needs of the area.

The resident at 140 East Main Street asked what the process is now if you wanted to change from residential to commercial.

Chairman Brian Bush said you would have to go to the ZBA for a variance. It would be more difficult.

A resident at 138 East Main Street said her house would be where the traffic light will be.

Mr. Carl Balduf, Town Engineer said a consultant was hired by the Town. When we plan for a traffic signal there, we will need about \$600,000 more to build a traffic signal. The signal has been designed and the plans are there. We just don't have the money. That agreement with the DPW is still binding and if we build it we will do it.

A resident at 107 East Main Street said they are in favor of Gateway 2. The town is giving us professionals with low impact by creating business, jobs and creating taxes.

Member Mark Silverberg said he is still undecided on this article. He hopes that any changes in zoning would have an improvement on property values. The traffic makes it less valuable. He thinks this change has a beneficial impact. It gives the homeowners an option they currently do not have. It is not going to change the look of East Main Street. There is size limits on it and they have to come back to us for special permit. He is discouraged about what happened to the residents at 140 East Main Street. A bike path is an improvement to your value of your property. If we are waiting for a bike path and the light to go in, this will be a long time. He does not consider this a detrimental impact to abutters, owners.

Member Tim Paris said the extension of the Gateway 2 District makes sense. It gives people options and given the rate of development in the G2 so far, you won't see massive building.

Member Bill Spencer thanked the public for coming. Their comments are great. One of our biggest concerns has been with the traffic. He is for this article but there should be consideration about any change would require a special permit public hearing. We even discussed a round-about in that location. It is an interesting district with lots of potential...

Chairman Brian Bush said he was also on the Master Plan Committee and on the Planning Board when this article was defeated. He certainly feels for people impacted by the Bike Trail. Change is scary but the mechanisms we put in place are to help protect the area. You don't have to change but you now have the option to change to commercial, office, retail if you want. He is in favor of this.

Member Tim Paris said if and when properties come in for special permits, can we ask for donation or mitigation funds to go towards it?

The Town Planner replied it would have to go towards trip generation. An office and retail can't be any larger than 5,000 square feet.

Member Mark Silverberg said we did get \$100,000 from the Highlands toward the light. From a safety standpoint he would love to see a light there. At some point we may decide this is money well spent at town meeting.

Member Mark Silverberg motioned to recommend supporting the Article at Town Meeting for the Extension of Gateway 2 District as written. The motion was seconded by Member Bill Spencer and all 4 Planning Board members voted in favor.

7:50 p.m. the Board opened the Public Hearing on Fall Town Meeting Article to amend the Westborough Zoning Bylaws and Zoning Map by changing the zoning of that portion currently zoned Residential (R) on Map 21, Parcels 114 & 115 to Downtown Business (BB); the parcels identified above are also known as 9, 11, Cottage Street and 1, 3, 7 Cottage Place (previously known as 7 Cottage Street).

Chairman Brian Bush read the legal advertisement which ran in the Worcester Telegram and Gazette on July 29, 2016 and August 05, 2016.

The Town Planner explained that the purpose of this article is to change a split lot that is residential and downtown business. It affects 7 and 9 Cottage Street. You have to observe a 100 foot setback to do commercial and the commercial portion of these lots can't be done. We are here tonight to put this proposal forward. When someone requests an article for rezone, the Planning Board is required to hold a hearing on it for town meeting. If this article is approved by town meeting, both lots will be downtown business.

Mr. John Wells said he owns 7 Cottage Street. He came to the Planning Board because his lot was split zoned. His property is modest and he wants to improve his property. He would like his property zoned 100% downtown business.

A resident at 54 South Street agreed with Mr. Wells that his lot can't be developed as commercial because of the current 100 foot setback.

The Town Planner said 7 Cottage is a split zone lot and because the buffer requirement that there be a 100 foot buffer to a residential district, it is useless as commercial.

The Town Planner said depending on the business, there are hours for operation. Generally there are no restrictions of hours for office. There are on restaurants.

A resident at 54 South Street suggested that Mr. Wells could also go to the ZBA for a hardship.

Chairman Brian Bush said yes he could go to the ZBA. We don't make a decision tonight other than make a recommendation.

A resident at 54 South Street said we would be against it because you are changing the zoning in the area. He could knock down the existing structure and put in a commercial building.

Ms. Susan Cusson at 13 Cottage Street said we have already dealt with new businesses coming in. We now have a dog kennel, a lot of traffic coming in. On Thursday, Friday, Saturday you can't get in because of people parking on the street. People are coming in to Beach Street, Elm Street, etc., new families moving in with families. We have to consider the safety of all the residents. This area is heavily populated. She is concerned with fire trucks, ambulances getting through. She has lived on Cottage Street since 1974. She is afraid if you tear down the houses then more commercial will go in. It is a concern because there are so many families in the area.

Ms. Mary Beth Kramer at 13 Elm Street said she has been living in Westborough 5 years. In 5 years there are 7 more homes that have children. On Cottage Street we have cars on both sides at night and it pushes the traffic down to all the side streets. It has always been a very kid friendly neighborhood. There are plenty of shops in the downtown that are empty and could be filled. To zone this commercial where there are so many young families, it is not right.

Mrs. Erica Dube at 15 Elm Street asked was the split zone done to allow for a buffer.

Member Mark Silverberg said there are lots that are split all along the roads. We have been trying to clean this up.

Mrs. Dube said this is a great neighborhood to be able to let children play, jog, etc. With GPS devices, they send a lot of traffic down our way. This rezoning is creating a dangerous thing in a residential neighborhood. It would destroy this area. It is unfair that this would be put forward for an individual property owner. She presented the Planning Board with a 4 page letter outlining her concerns.

Chairman Brian Bush said we will not make a decision tonight on this.

Mrs. Dube responded that you as Planning Board members have the ability to look at this neighborhood.

Chairman Brian Bush said if you are against this, article then you should come to Town Meeting.

A resident at 54 South Street asked can you decide tonight what you want to do on this.

Chairman Brian Bush said there is a process to follow. We recommend or not recommend an article. Then the article goes to the Board of Selectmen and then FinCom. In order for us to meet the Town Manager schedule, we need to first hold a public hearing. Then it gets recommended on Town Meeting floor.

Member Mark Silverberg said the Board of Selectmen has to vote to put an article on the Warrant.

The resident at 54 South Street asked if you vote to not support then what?

The Town Planner said Mr. Wells could then petition this.

Member Mark Silverberg noted the two letters received from Erica Dube and Mary Beth Kramer.

Member Mark Silverberg said he has spoken out about this before. Downtown Business is tricky. Without frontage on East Main Street, they should remain a residential lot and not commercial lots. He thinks the neighbors would see detrimental impact if developed commercial. He does not think it is a beneficial change. He would like to see it rezoned residential.

Member Tim Paris said initially it made sense to match what is across the street, but after viewing the condition of Cottage Street, he now disagrees. He feels for Mr. Wells because he has a non conforming use. But he does not think changing to commercial makes sense. He would not want to change Cottage Street into a commercial street.

Member Bill Spencer agreed that this is a tough one. He appreciates the letters sent in. He has done site visits to the area. He initially and probably is still for the zoning change. He went through Cottage Street, with the character of the neighborhood, he thinks with the parking lot across the street and businesses, he thinks commercial is good. Those properties could use work. He has not seen the traffic problems they talk about. Having that as a commercial property is not going to change the traffic there. He also likes the character of this town. He thinks to send it to Town Meeting is a fair way to do this.

Chairman Brian Bush said he wants to tell a little history on this. Mr. Wells came before us to see how he could rezone this property. We told him to go out and get support from abutters first. We didn't get a lot of that through the formal process. He doesn't recommend taking this Town Meeting.

The Town Planner said if the Planning Board does not support an article, the proponent has to wait two years before he can take it back to Town Meeting again.

Chairman Brian Bush clarified that if we vote to not recommend to Town Meeting, you have to wait 2 years. If we support and it does not pass at Town Meeting, he can come back the next year. If we don't recommend to Town Meeting he can also do a petition. Chairman Brian Bush said he is against this article.

Member Mark Silverberg said as a Board we are supposed to make decisions.

Member Bill Spencer said we should continue this hearing until we have Charlie present to vote.

Member Mark Silverberg said if we wait for Charlie, he must watch the hearing and sign a Mullen Waiver.

Chairman Brian Bush said if we are not supporting this article we should not send to Town Meeting. If we are split about the vote, so be it.

Chairman Brian Bush motioned recommending not to support the article to Town Meeting on 7, 9 Cottage Street. The motion was seconded by Member Mark Silverberg. 2 voted in favor and 2 opposed.

The Town Planner advised Mr. Wells that he must petition the Board of Selectmen on his article. You have to collect signatures (50) to go to Town Meeting.

8:15 p.m. The Board opened the Public Hearing on Fall Town Meeting Article to amend the Westborough Zoning Bylaws and Zoning Map by changing the zoning of that portion currently zoned Residential (R) on Map 33, Parcels 42, 49, 49A, 41 & 41A to Highway Business (BA); the parcels identified above are also known as 151, 153, 155 Oak Street respectively (Parcels 41 & 41A are backland off Oak Street).

Chairman Brian Bush read the advertisement which ran in the Worcester Telegram and Gazette on July 29, 2016 and August 05, 2016.

The Town Planner explained that the purpose of this article is to rezone property owned by Spectrum. A small parcel is state owned and two are Spectrum campus. The campus is in the highway business. The proposed zoning is that residential parcels will become all highway business.

Mr. Randy Waterman of Waterman Design was present for Spectrum. Mr. Waterman said if you look at the site, all the front piece is all zoned highway business and the back property is zoned residential. There is a 100 foot buffer required between commercial and residential property. They want to put in parking and an access drive. The required setback prohibits it. You have a couple pieces of single residential that is spot zoned. They want to change this to highway business. There will not be any more spot residential. It makes sense.

Member Mark Silverberg asked does it affect the sliver back piece of the Chase property.

Mr. Waterman responded that it does not.

Member Mark Silverberg said he has no objection to this article.

Member Bill Spencer said he has no objection to this article.

Member Tim Paris asked how many other places we have around town like this.

The Town Planner responded that a couple of years ago we found over 100 parcels that were split between different zones. We are currently working on it.

The Town Planner said he thinks this is a wise move. Spectrum has been strapped on this.

Chairman Brian Bush agrees with this change.

Member Mark Silverberg motioned to recommend supporting the Spectrum rezone article go to Town Meeting, The motion was seconded by Member Tim Paris and unanimously voted

At 8:25 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.

The Town Planner said the Planning Board has a draft decision on EMC and it is called a "Change to the EMC Decision" for the EMC Westborough/Southborough Campus.

Chairman Brian Bush stated at the last meeting we met with Mr. Dan Feeney representing EMC. We agreed to these changes in the "Changed Decision to EMC".

Mr. Tom Dolan at 2 Flanders Road asked is there a time limit for the traffic light at Flanders Road.

The Town Planner responded that there is no time limit on the traffic light at Flanders Road.

Member Tim Paris motioned to approve the Minor Change to the Conditional Approval for EMC Westborough/Southborough Campus dated August 16, 2016. The motion was seconded by Member Mark Silverberg and unanimously voted.

8:30 p.m. the Planning Board prepared for an informal discussion on the General Marijuana Zoning Bylaw

Mr. Lester Hensley was present for this discussion.

Chairman Brian Bush clarified that this discussion is for a potential article for Town Meeting.

The Town Planner said if the Planning Board moves to go forward with amending this existing article, it would have to be after Town Manager Jim Malloy's date of September 13th. Our next meeting is September 20th. We have a meeting on September 6th but we will not make the advertising deadline.

Chairman Brian Bush said we have received a red line version reviewed by Town Counsel.

The Town Planner said there is a ballot question on November 6th to allow the general retail sale of marijuana. It would allow marijuana to be sold in any retail establishment. The Legislation does not want it to be treated any different than beer, cigarettes, etc. If you want to restrict where it can be sold and by special permit, it must go to Town Meeting. If it is not passed, it won't matter, if it does pass, then you can restrict by special permit where it can be sold. This was written by himself and Town Counsel. It has been streamlined by Town Counsel. The Referendum as written will not be restricted to any zone and can be sold like any retail use.

Mr. Lester Hensley, 39 Arch Street explained that if the ballot question passes, your options to act are sorely limited. There is a curtailment of what the communities will have as to where this can be placed. They describe in the law the number of registered votes. It gives an industry the control over how it will be enacted. A survey has come out with 54 % not in favor of this. This law is a flawed law. It removes control from a community for planning. Dealing with it in our zoning may be the best way to deal with it. There is an industry across the country handing us a series of new uses, sale, productions, etc. with no limits of potency. This is an opt-out provision. It opts everyone in unless you hold a special election to opt-out. It allows home grows. It is legitimately a planning issue. It would be a missed opportunity to put the issue before our town. He has read all the drafts.

Member Tim Paris said he would like an explanation of what Town Counsel's comments really say.

Member Bill Spencer said we are under prepared for this discussion. He would like to know more about the opt-out option.

Mr. Lester Hensley said the organization that wrote this is out of Washington DC who has been responsible for the ballot questions throughout the country. The opt-out option is a new twist to this. There will be no limit on the number of shops you can have.

Member Bill Spencer said he does not believe polls.

Mr. Lester Hensley said from the standpoint of what the Town Planner has proposed is good, Town Counsels comments are good. They missed the intent of the article by going back to the proposed law and cut and paste the old back into our zoning. They put home grows into the bylaw (up to 12 plants). It is a serious cottage industry for the black market. He objects strongly on home grows and to strike that. His intent is to provide zoning that the community will embrace. If it doesn't pass this time it will come back. Westborough has a great track record of thinking ahead. It has been forward thinking. The other issue that Town Counsel put in is retail sales for general marijuana is separate from the medical marijuana.

The Town Planner said he questions the delivery and trafficking sale of marijuana. Town Counsel did not think we could restrict that. In medical marijuana we don't allow delivery, they have to go pick it up.

Mr. Lester Hensley said a private industry organization is funding marijuana usage. Also they have vested money interest in ingestible foods.

Member Mark Silverberg said he has not read this as closely as he wants. He is not sure about some of Town Counsels verbiage. Town Counsel lists 3 conditions. He is concerned that if the act passes, our bylaw may not. Maybe just pass a bylaw that prohibits any marijuana.

Mr. Lester Hensley said can we pass something that precedes this law. Leave it up to the Attorney General. The act proposes that the only way you can do this is through town meeting and not zoning. They are trying to take it out of the hands of the Planning Board. It is a special election. A set number of people you have to secure. It puts burden on Town Clerk and town to schedule a special election. It puts onerous on the community. It is a very cleverly dense crafted language.

The Town Planner said the zoning is not intended to stop marijuana to be sold in town. It will say if it is sold it will be in this area only. You are saying if the town thinks it is no threat at the ballot box, you will already have rules in place.

Member Mark Silverberg said cultivation and home grow has to come out of your zoning. If we pass this in the fall, the new law if passes it will let the Attorney General go with our law.

The Town Planner said what we have written is legal, whether it can stand a court case it not known. We can do the same thing with general marijuana shops,

Mr. Lester Hensley said what the Town Planner has done is broaden the language that we already have to cover the definitions beyond medical marijuana.

Member Mark Silverberg asked when we are going to have a version that we can advertise. The timing is very tight. Our next meeting is not until September 6th.

Mr. Lester Hensley said we would have to seek the Board of Selectmen to approve us to go beyond their deadline of September 13th.

The Town Planner said let him proceed with making revisions, take out hone grown, cultivating and then send to you ASAP for review and then contact the Board of Selectmen.

Chairman Brian Bush thanked Mr. Hensley for the briefing update. Incorporating zoning into a referendum that has not passed is so wrong. He thinks it will be interesting to see how Westborough goes. It is a bummer. If we pass this and the legislation fails, then what? We need to clean up our zoning.

Member Mark Silverberg said he does not like the whole purpose of responding to the referendum. We need to take out all reference of referendum. Why are we referencing Question **3. Take out any reference to referendums.**

The Town Planner said he will get them something by end of the week. We can request to come before the Board of Selectmen with the request to hold a public hearing beyond the deadline. Mr. Lester Hensley will also be present for the presentation to appeal to the voters about marijuana. He will call or email the Town Manager and prepare another draft and on 23rd make an appeal to Board of Selectmen to go beyond their deadline.

ANR Plan:

The Town Planner said that this is the creation of three lots from one lot at Piccadilly Way. The existing lot has residence on it. The proposal is to create frontage for Lots 2 and 3. The frontage for the existing lot does not change. They are not considered corner lots. The owner of Parcel A will own Lot 1 so they are not contiguous. Parcel A is not buildable. Lots 1, 2 & 3 are all lots. Parcel A is not a lot.

Chairman Brian Bush said they are creating these three lots and the left over piece is not a buildable lot.

The Town Planner said this is a property split that creates lots with adequate square footage and frontage. It conforms to the law.

Chairman Brian Bush said we have acknowledged that we meet the criterion of the zoning law.

Member Mark Silverberg motioned to endorse Plan entitled “Plan of Land in Westborough, MA” located at 63 Piccadilly Way dated August 2, 2016. This Plan was prepared by Hancock Associates for Lisboa Realty. The motion was seconded by Member Tim Paris and unanimously voted.

Update:

The Town Planner gave an update on 4 Arrowhead Lane. At the last meeting we directed the developer to provide a construction schedule to the Planning Board approved Earth Moving Special Permit in 2013. He and the Town Engineer have reviewed it. The perimeter has been secured with a silt fence. It was brought to the attention he must work from a geotechnical report which has been generated today.

Mr. Carl Balduf, Town Engineer said there was a special permit with very detailed conditions. There is a very steep slope out there. 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. This has to be fixed.

The Town Planner said the earth moving permit has a \$10,000 bond on it. He currently has a foundation permit. He has stopped work until the board has reviewed the geotechnical report.

Mr. Carl Balduf said they did deliver an as-built on the grades. The toe of the slope is into the building foundation. They are working on it. It requires a geotechnical report. It needs to be done correctly. They can then move along with foundation and house.

Chairman Brian Bush we are talking about an earth moving permit. The enforcement of this comes under the Building Department.

The Town Planner said he is under an enforcement order with the Building Commissioner. He is going to try to get back on schedule. He cannot proceed with his building permit until the Geotech is reviewed.

Member Bill Spencer questioned isn't it premature to approve the schedule until we have the report?

Mr. Carl Balduf said he will work with him and keep him on schedule. He wants him to get started on the work.

Member Mark Silverberg motioned to approve the Construction Schedule for 4 Arrowhead Lane dated August 16th. Member Tim Paris seconded the motion and 4 voted in favor.

There being no further business, the Board motioned to adjourn at 10:27 p.m.

Respectfully submitted,

Sandy Spinella
Administrative Assistant

APPROVED:

Brian Bush, Chairman of Board

Mark Silverberg, Vice-Chairman of Board

Charlie Diamond

William Spencer

Tim Paris

**Definitive Subdivision Hearing for
Conventional Subdivision
At
275 Turnpike Road**

Pursuant to the Rules and Regulations Governing the Subdivision of Land, Section III D of the Town of Westborough and MGL, Chapter 41, Section 81-T, the Westborough Planning Board held a public hearing on August 16, 2016 at 7:00 p.m. in Room 23, Forbes Municipal Building, Westborough, Massachusetts on the Definitive Plan for 275 Turnpike Road, a 2 lot conventional subdivision on 9.3 acres, located at the end of Indian Meadow Road, off of Turnpike Road as submitted by E.K. Parivar, LLC.

Chairman Brian Bush read the Legal advertisement into the record that appeared in the Worcester Telegram and Gazette on July 25, 2016 and August 01, 2016.

Green Cards – Okay.

Letters were received from Mr. Carl Balduf, Town Engineer dated August 15, 2016; Captain Jason Ferschke, Fire Department dated August 06, 2016; Mr. Derek Saari, Conservation Officer dated August 03, 2016; and Mr. Steve Baccari, Director of Public Health dated July 14, 2016.

Mr. Randy Waterman of Waterman Design opened the presentation by stating that the owners of the property located at 275 Turnpike Road had a death in their family so are not present tonight. However they wish to have the public hearing proceed.

Mr. Waterman said there are an existing function hall and a golf club house on the property. They will keep both of them which are on one lot. The proponents want to divide the lot because you can't have two buildings on one lot so they don't make code. They are not building anything other than improving the road and improving the banquet hall. Indian Meadow Road is located within 50 foot ROW. It is a paper street. The roadway has been used to get to the function hall and will remain private. The property has 9.3 acres in Westborough and 56 acres in Northborough. No changes are proposed. The roadway pavement is 22 feet wide now. There are some onsite parking spaces where you come in. You can park some cars on the side of the road. There is sewer, water and gas located in Indian Meadow Road. The town has already made a proposal to extend their water line and cross Route 9 to Otis Street. Mr. Waterman said we have been in discussions with the Town Engineer on this. The wetlands follow on the west side of the road. The wetlands are also at the base of the slope. The purpose of this proposal is to extend the right-of-way to create legal frontage to these buildings. No changes to the buildings are proposed at this time. The subdivision regulations allow up to a 600 foot length cul-de-sac. This is already at 1000 feet (grandfathered in). They want to extend it another 150 feet so they will need a waiver. The Fire Department has asked for a width of 24 feet the entire street. There are catch basins that exist and they need to be updated. A small swale will be built on the side of the road. Both sides of the road are overgrown and they will remove some of the brush and leave the street trees. Because it is an existing paved street, we will need a number of waivers to be able to build this subdivision. There is a long list of requested waivers.

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Chairman Brian Bush said he is generally in agreement with the comments. Chairman Bush pointed out that tonight we have a 4 person Board. A Special Permit requires 4 votes so you need the votes of all 4 members present tonight.

Comments:

A resident from 121 Indian Meadow Drive in Northborough asked are you planning on extending the street 150 feet, and if so is it just a plan change?

Mr. Randy Waterman responded we are just widening the roadway.

The resident at 121 Indian Meadow Road asked will the buildings stay the same.

Mr. Randy Waterman responded yes for now.

Chairman Brian Bush said they do have other rights but for now this is all they are doing. They would have to come back if they change the use.

The resident at 121 Indian Meadow Road asked do you see any impact to the 56 acres in Northborough.

Mr. Randy Waterman responded no, they will keep the golf course as is.

The resident at 121 Indian Meadow Road said some of the golf course goes into Westborough. Can this change with a variance.

Chairman Brian Bush said this falls under a pre-existing non conforming use. It existed prior to our subdivision regulations.

The resident at 121 Indian Meadow Road asked if the owners own everything. The purpose of splitting this is to bring this up to code? Why?

Mr. Waterman responded yes. They are making improvements to the banquet hall, investing in the property so they also want to be up to code by making it conforming.

A resident at 140 East Main Street said if it is a non conforming use, it is important to make them conform.

A resident at 27 Turnpike Road asked is it possible to obtain frontage off a paper street.

Chairman Brian Bush said they are asking for waivers on design standards, etc. Because it is already an existing use the applicant is looking for relief. They will keep this road a private road.

The resident at 121 Indian Meadow Road asked what would be the impact to the town.

Chairman Brian Bush said the applicant has made an application for a Special Permit with us. They have asked for some waivers. They are cooperating with the town on our water mains. If you have a lot big enough to have two houses, you can subdivide. They don't need to do this but their lender might make them do it to meet current zoning.

Member Tim Paris said he is looking at the list of waivers, why do we need a waiver from access from another municipality. That usually is if you are gaining access from another town.

The Town Planner responded that this has to do with road construction details.

Chairman Brian Bush said if access passes through another municipality it must be noted.

Mr. Randy Waterman said we are asking for a waiver because it does not apply. We will not access through Northborough.

Member Bill Spencer asked who does the water renovation.

Mr. Carl Balduf, Town Engineer said the DPW currently is in progress to install an 8" water main in Indian Meadow Road and through the parking area to the well located southeast of the facility. Two culverts are being replaced by the DPW which convey stormwater flow beneath Indian Meadow Road. There are two catch basins that drain into Indian Meadow Road. The proposed subdivision plans show new catch basins to be constructed south of the culverts. gets water down Route 9. The town has a well and they are proposing to go from this well and across Route 9 and over to Otis Street to the water plant on Smith Valve Parkway. In the long run, we may be able to utilize another water line to Nipmuck Drive in Oak Bluffs. He is not asking anyone to do anything but if we need do this in the future, it should be in the decision to do this. It is a future planning thing to leave ourselves some options.

Member Mark Silverberg said he is concerned about the Northborough side. We have recently seen a subdivision ending in a cul de sac and then into Grafton. There is frontage on Indian Meadow. If someone wanted to put a road in from Northborough, could they? This doesn't open up anything new by doing this.

The Town Planner responded it would have to go to the Northborough Planning Board for this. You would have to cross a river and the golf course is in a flood plain.

Member Mark Silverberg said since we are waiving to extend the paper street to 1120 feet, we should cap it at that for length. He would like to see the owners present to commit to what we want them to do. If they decided to sell the golf course, we are not in charge of that. They could sell a lot if they wanted to.

The resident at 121 Indian Meadow Road in Northborough said there is a variance that already says they cannot extend into another town. Once they split up the lot, they can buy where the building is and still have access to the golf course, specifically for a golf course use. But by splitting it up, it makes it less viable. If you split this, what if the new owner decides they don't want the golf course on this property. He might do something else. It would make the rest of the property not as valuable.

Member Mark Silverberg asked is there an actual variance? In Westborough it is non conforming use. We are not heightening any risk of this happening. Any change in use would have to come back to the Planning Board. If the length of the street is capped, he feels safe.

The Town Planner said he wants to meet with the Town Engineer and Mr. Waterman.

Mr. Carl Balduf, Town Engineer said he thinks it would be time well spent to meet in a work session.

Chairman Brian Bush said it might not be a bad idea to have a few Board members involved also. The idea of the paper road and uses would be ok. If you were to redevelop those uses, a new cul de sac would be in order. It would depend on the use. He thinks the club house is low volume. We can make this a stipulation.

Mr. Randy Waterman said if we change the use you have to come in for a special permit we would re open this up. If we do anything other than a landscape, nursery, it requires a special permit with the Planning Board.

The Town Planner reminded everyone that the proponents are only creating frontage on an accepted private road. Both buildings are principle uses and that is why they must divide the lot to create frontage.

Chairman Brian Bush said September 6th and September 20th are the next meeting dates.

Member Mark Silverberg motioned to continue the Special Permit Public Hearing on 275 Turnpike Road to September 6th at 7:00 p.m. The motion was seconded by Member Tim Paris and unanimously voted.

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275 Turnpike Road
August 16, 2016
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Respectfully submitted,

Sandy Spinella
Administrative Assistant

APPROVED:

Brian Bush, Chairman of Board

Mark Silverberg, Vice-Chairman of Board

Charlie Diamond

William Spencer

Tim Paris