

MINUTES OF WESTBOROUGH PLANNING BOARD
October 04, 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.

Next Meeting date: October 18, 2016

The Minutes of September 20, 2016 were reviewed and endorsed.

At 7:00 p.m. the Board held a continuation of the public hearing on the Ridings II Special Permit Concept Phase. (See attached minutes).

At 7:30 p.m. the Board prepared to continue the Definitive Subdivision Phase of Indian Meadow Country Club – 275 Turnpike Road. (See attached minutes).

At 8:00 p.m. the Board met with representatives of Bertucci's to discuss their proposed outdoor seating.

Mr. Michael Barron from Upland Architects and a representative from Bertucci's were present for discussion.

Mr. Michael Barron said that Bertucci's Restaurant has been around since 1981 and are currently trying to refresh their concept. They are promoting a "theater concept" where they prepare food in front of people. They also want to add a bar with seating and an outside seating area. We are adding in pervious material with pavers. The proposed outdoor seating and its impervious surface area will be compensated through the removal of impervious sidewalk equal to the area of the seating. We are not increasing occupant load or parking. We are providing more landscaping.

Chairman Brian Bush said Bertucci's exists where the Honolulu restaurant was. This is a non conforming use. The parking exceeds parking that would be required today. You will have to get a building permit for interior work.

Mr. Barron said Bertucci's restaurant stays open during the construction by working only at night. They make sure the place is clean when they open the next day.

Member Mark Silverberg said he is supportive of this revision.

Member Bill Spencer said he loves the restaurant.

Member Tim Paris said he is fine with their proposed revisions.

Chairman Brian Bush said the Town Planner did do a Minor Modification to Bertucci's Special Permit Decision #00-01 at 160 Turnpike Road saying it is diminimus work.

The Town Planner said currently Bertucci's Restaurant is on a pre-existing non-conforming space with only 40% open space. Development of the site predated the open space requirement. Bertucci's maximized their parking. They still have 32 parking spaces surplus more than required. The real issue is the open space. They propose to reduce the width of an existing sidewalk and add in an additional open space area. It is a 1 for 1 trade. You have already allowed this at Chipotle, Not Your Average Joes, and Starbucks. It is not unusual to allow outdoor seating.

Mr. Carl Balduf, Town Engineer asked are we adding seats or swapping even.

Mr. Michael Barron responded that there are 156 existing seats and 156 seats proposed. There will be no difference. He would like to clarify that 47% open space will remain.

The Town Planner said there is no change in the open space.

Member Mark Silverberg motioned to approve the Minor Modification to Bertucci's Special Permit D #00-01 with a finding that this is a diminimus change. The motion was seconded by Member Bill Spencer and unanimously voted.

Other Business:

Chairman Brian Bush said that Mrs. Jodie Hensley mentioned the Town Officials are putting together a committee for town meeting funding. It will be looking at needs for the future. Her reason for doing this is as these renovation projects go forward that they don't get sabotaged at Town Meeting. The Library, the Forbes Municipal Building, Recreation and School Department are all good projects and if they all show up at Town Meeting at the same time; it will be hard to get approved. She asked if he, Chairman Bush would be interested but it is a long term thing. He can't do this because his 5 year term is up in March. They need a Planning Board person on this committee.

Member Mark Silverberg said he is concerned with the town's future. He is willing to be on this committee. It is important we coordinate these projects. From a borrowing standpoint we should not overextend ourselves.

Member Bill Spencer agreed and said we have to start looking at these things.

Chairman Brian Bush said Member's Bill and Mark can be a tag team on it. The first meeting is next Tuesday at 8:00 a.m. in the Town Managers office.

Member Bill Spencer mentioned he will be doing some global traveling soon and maybe he can Skype in for meetings. We will need to set this up in advance.

Chairman Brian Bush said we need to vote to make the Town Planner the Notary for the Planning Board to replace Sandy.

Chairman Bush motioned to nominate Town Planner Jim Robbins to become the Planning Board Notary. The motion was seconded by Member Mark Silverberg and unanimously voted.

The Town Planner said that Chairman Bush and he went to the Finance Committee on the 3 zoning articles. The Spectrum rezoning and the Gateway 2 expansion they supported. The Marijuana amendment to the bylaw they had questions especially about the location. They wanted to know can anything fit in that area. The Town Planner said he will develop a power point presentation for all 3 articles. We need to decide who will present each Article at Town Meeting. Simple reports are given and then followed by the presentation.

Member Bill Spencer agreed to do the Gateway 2 Extension.

Member Tim Paris said he is willing to do the Spectrum rezoning article.

Chairman Brian Bush said he will do the amendment to the marijuana bylaw.

Member Bill Spencer questioned why Mr. Lester Hensley isn't involved in this.

The Town Planner explained that the motion and report has to come from the Planning Board. The presentation can be anybody. We already have a Medical Marijuana Bylaw in place and we are only extending this area to the recreational use.

Member Mark Silverberg said we need to point out this is not a reaction to the ballot question.

Chairman Brian Bush mentioned that he already presented this to the Board of Selectmen. To talk about recreational use in general will go the wrong way. The way it is written has people upset. We need to simplify it to say that it has to meet the same criteria as medical marijuana. We are aligning recreational marijuana with the medical marijuana. We are talking about the zoning part of it, if it comes; this is how we want to see it in this town and in this certain area. Zoning is not the place to stamp out things but it can be regulated through zoning.

Member Mark Silverberg said he recently attended another meeting of the Open Space Committee. The Bike and Pedestrian Committee want \$72,000 for engineering costs and survey work. They are asking for money from Open Space Fund. We voted to support that request. The fund dates back to the Nourse property. The Open Space Committee is an advisory committee on how to spend that money. Member Silverberg said he is not sure they are looking for support. He will track down the breakdown of what the money will go towards.

Member Tim Paris said the bike and pedestrian trail will be coming from the train station to Southborough and include the north side of Route 9 all the way to Northborough.

Member Mark Silverberg said there are 3 spurs. The hope is to go from Worcester to Framingham.

Member Tim Paris asked will there be a bridge over the Assabet?

The Town Planner responded yes.

The Town Planner said we are trying under "Complete Streets" to redesign some of the streets to allow bike paths behind some of the properties.

There being no further business to discuss, the meeting adjourned at 8:57 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

**Special Permit Public Hearing
The Ridings II – Concept Phase
October 04, 2016**

Pursuant to the Rules and Regulations relative to Special Permits under Section 4300 of the Zoning Bylaws of the Town of Westborough, Section III of the Rules and Regulations Governing the Subdivision of Land in Westborough, Massachusetts and MGL, Chapter 40A, Section 9, the Westborough Planning Board opened the public hearing on May 17, 2016 and continued on June 07, 2016, July 12, 2016, August 02, 2016, September 06, 2016, September 20, 2016 and October 04, 2016 on a request for a Special Permit for a residential Open Spacer Community Subdivision containing a proposal for 19 residential lots on land shown as Map 3, Parcels 29A, 57 and 57D on Harvest Way, Westborough, Massachusetts as submitted by Casa Builders & Developers.

Chairman Brian Bush clarified to the audience that this is a continuation of the public hearing and the public can make comments after the presentation, and comments from Town Boards and the Planning Board. This is the concept phase, first phase, the preliminary and the definitive phase increase with detail. We have heard from many abutters. The Planning Board has had discussion. We now have to decide if we will make the Applicant do a conventional or open space plan. Since the last meeting, there has been further plan review and comments from Mr. Carl Balduf, Town Engineer.

The Town Planner said that he reached out to the Town of Grafton. Grafton has listed all applicants' material online. The Town Planner said he spoke with Assistant Town Planner.

Mr. James Tetreault from Thompson-Liston Associates said after the last meeting with the Planning Board on September 20th, they went again in front of the Grafton Planning Board. The Grafton Planning Board wanted to see if we could produce a plan that eliminated cuts and fill of more than 6 feet. We came back with a plan on the through road which eliminated cuts and fills. We had lessened but did not totally eliminate them. They devised a road layout with provision of not having cuts and fill greater than 6 feet. Instead of the original layout, it is 2 roads interlocking. To the satisfaction of the Grafton Planning Board we have a conventional plan. No connection to Westborough with this desired plan. The applicant shows a through road and one small cul de sac on the Grafton side. We have established the yield plan and don't have to ask for waivers. We will try to make the open space plan similar. In Grafton the choice of which plan will be built is up to the Applicant. In Westborough it is up to the Planning Board. We need a super majority for a Special Permit. Member Diamond is not here tonight. We need a 4-4 vote. He thinks 3 Planning Board members are leaning towards the Open Space Plan. The applicant has 2 versions of Open Space Plans. In response to Board feedback, this new plan shows the thru road and makes a T intersection at the turn of Adams Rd to Harvest Way. It is a little bit of discouragement to people wishing to do a cut through. One Board member wanted the conventional plan. He was questioning if the connection was necessary. The two plans in Grafton have no connection to Westboro other than the through road. Some abutters don't want to see extended construction. This plan is easier to build with less length of road, less intrusive

to environment, with less earth work taking place. Another concern was that smaller lots would detract from the abutter's homes. The homes to be built are just a little smaller in size. Smaller lots do not necessitate lesser value. In a bigger picture the Open Space Plan keeps more land open and would adjoin with the 38 acres of existing open space. Sudbury Valley Trustees has been very interesting in this land for stewardship. We need all four votes. Can we have a show vote of intentions?

The Town Planner said the Planning Board can't vote until they have all the facts.

Chairman Brian Bush said that the Town Planner wrote a draft decision in July. We went to the Grafton hearing and decided that there would be some impact to Westborough. The new subdivision in Grafton doesn't now look like it will be too much of an impact. The decision at this point is about whether we do an Open Space or Conventional Plan. The preferred plan by the applicant has a waiver on the number of lots on a cul de sac.

Member Mark Silverberg said he is leaning towards the Open Space plan. He wants to see assurances that the existing neighbor's drainage issues won't be exasperated. Also he would like to see access to open space with parking.

Mr. James Tetreault said there is a wide existing path almost to the town line. There could be at least 3 entrance points to the open space. They have not gotten to discussion yet on parking.

Member Mark Silverberg said he prefers to see an island in the cul de sac because of the length. Esthetically it is much nicer. There are at least 3 or 4 islands in cul de sacs within a mile of this subdivision. He thinks what they are building will be good in the neighborhood with the addition of the open space. This would be a good expansion to the Libby property open space. The smaller road will be easier on the drainage issue.

Member Tim Paris said he agrees with Member Mark Silverberg's comments. There will be less impact to the environment with the Open Space Plan. As far as property value, they will be new houses and should not affect the neighbor's value. The parking area would only have to be a place for a couple of cars to park. It can be ironed out in the definitive plan. He prefers the Open Space Plan.

Member Bill Spencer said he does not agree with his colleagues who tend to favor the Open Space Plan and the open space it adds to the community. The access in the Conventional plan will even out the water flow in the area. It will create better drainage.

Mr. James Tetreault said the open space would create less impervious cover. The Conventional Plan is creating about 1,000 feet more roadway.

Mr. Carl Balduf, Town Engineer said he agrees with what Mr. James Tetreault said. If you reduce the impervious area it is less drainage. But the walk he took, he found the property to be unremarkable in terms of drainage issues. It showed signs of having vegetation for well drained soil. There is more room on the lot to deal with things. When you go on small lots there is not a lot of loam to do grading and less room to manage what can be done on the lots. On a pretty small lot available grading can be difficult to manage to get the water to go the right way. If not done correctly it will create issues with drainage.

Mr. James Tetreault said on the Conventional Plan you are required to do septic systems. The Open Space Plan can use town sewer. Mr. Carl Balduf is right that you have to be careful with drainage. You have to pick up the drainage coming off. He understands the concerns.

Member Bill Spencer said it was discussed very early that from the town perspective you would not dead end at the end of the town.

Member Mark Silverberg said if Grafton does not approve their side it would be a dead end. Grafton has decided on a conventional subdivision.

Mr. James Tetreault said the Fire Department wanted to make sure the radii could service the fire department apparatus. We had to show a fire truck can make a turn and not have to swing wide into the other lane.

Chairman Brian Bush said the process is both plans get presented and then we decide which one we want the Applicant to develop. The benefit of the Open Space plan is better for open space. We don't have the same mechanisms under the conventional plan.

Member Mark Silverberg said we have the authority to vote for the open space plan, if the open space is defeated; it goes to the conventional plan.

Chairman Brian Bush said under the Conventional Plan we don't have as much say. If they come in with a no waiver plan there is not much we can do.

Mr. James Tetreault said the Applicant's choice is the Open Space plan and Town Planner in Grafton liked it also. We would like to combine that with an Open Space plan in Westborough. There will be a total of 300 acres between the two towns.

Chairman Brian Bush said we have to figure a mechanism that guarantee's Grafton will go with the through road. It is meaningful open space land and we should do it. He thinks it will be beneficial to the region. Small lots can be a challenge for drainage so we need reasonable

cautions on how it gets developed. It will require forethought and engineering. He is inclined to vote for the open space plan. He is okay calling for a vote tonight or it can wait till next meeting.

A representative from Sudbury Valley Trustees said they are plugging for the Open Space plan. It will create s 100 acres for the Town. There is great habitat and he looks at it as a conservationist. It is an additive plan. He thinks this just needs good planning. This is a nice parcel for the town.

Member Tim Paris asked in regards to the open space area, what is the required amount?

Mr. James Tetreault responded that your lots in the Open Space plan must be smaller in size and that's how you get the open space.

Member Tim Paris asked will the drainage be in the open space.

Mr. James Tetreault responded that the lots on the downhill side have a swale that runs to a catch basin and out to a drain manhole in the road. You have to devote a swale or something to catch the runoff.

The Town Planner said that our subdivision regulations allow the Applicant to create an island in the cul de sac. This would allow you break between the lots. A tear drop shaped island could create a lane into the open space. It allows the two lots at the end of the cul de sac to be pushed back.

Member Mark Silverberg asked is Member Charlie Diamond eligible to vote where he has missed two meetings. He thinks we should continue this hearing to the next meeting.

Member Tim Paris asked what happens if we do not get a vote for the open space plan?

The Town Planner responded that is automatically goes to the conventional plan.

Member Bill Spencer said the residents have spoken on this and the fact is we are arguing on larger houses or land that might or might not be developed. The whole argument is to get 40 acres of open space for the town.

Member Mark Silverberg said the open space subdivision plan is in the bylaws to allow the developer to proceed with something like this.

Member Bill Spencer asked is this in the best interest of the town. He has made his opinion very well known.

The Town Planner explained that all you are voting on is the yield plan and the total number of lots determines whether it will be open space subdivision or a conventional decision. All details are worked out later. In this case you are voting on 19 lots for either the Open Space plan or Conventional plan.

Chairman Brian Bush reminded the Board we have much more latitude under the open space plan.

Member Mark Silverberg said he sees more advantage to the town under the Open Space plan, 1,000 feet of fewer roadways, easier time with drainage. The Open Space plan has space between the houses. He does not see the Conventional plan better at all. He doesn't think a 15,000 square foot lot will affect the neighbor's value on their homes.

Member Bill Spencer said he respects his opinion. However, he is listening to the neighbors and what they want. He walked the property.

Chairman Brian Bush said the residents issues were solely based on value between the Open Space Plan and the Conventional Plan. There are many merits to the open space for the town.

Member Mark Silverberg said we are talking about a few abutters or the greater good to the town.

Member Tim Paris said wildlife habitat in the conventional is fragmented. You will look at wide open areas.

Mr. James Tetreault said we tried to show what could be left for trees. Most trees will go in the conventional plan.

Member Tim Paris said it is nice to have sections of woods left.

Mr. James Tetreault asked the Planning Board for a continuance.

The Town Planner said if you ask for a continuance, you need to go into November.

Member Bill Spencer said he would like to also have a work session to understand the open space concept. He wants to work with Mr. Tetreault.

Mr. James Tetreault said he will create a map showing the open space areas in the work session and agrees to the continuance through November 1st.

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The Ridings II
October 4, 2016
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Member Mark Silverberg motioned to allow the continuance of the Special Permit Concept public hearing on the Ridings II through November 1st as requested by the applicant. The motion was seconded by Member Bill Spencer and unanimously voted.

There being no further business to discuss, the meeting adjourned at 8:20 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 and continuation on September 06, 2016 and October 04, 2016 . The hearing was closed on October 04, 2016.

Mr. Randy Waterman, Waterman Design Associates and Mr. Yogi Patel and Mr. Kaushal Vyas (owners) were present for discussion.

Mr. Waterman said they have reviewed the decision and have just one correction Condition #4. Change the verbiage to do work as shown on the plan. They hope to put in the 2 catch basins immediately.

The Town Planner agreed with the change and said it shall become “allowed to proceed with the work as shown on the plans in coordination with the DPW”.

Mr. Carl Balduf, Town Engineer is fine with this. They are nearly done with the work. Mr. Balduf did supply two sketches A & B to be added to the decision. The purpose of this sketch is to illustrate the expansion of a municipal utility and access easement required as a condition of approval to the decision at 275 Turnpike Road.

Member Mark Silverberg motioned to close the Definitive Public Hearing on 275 Turnpike Road. The motion was seconded by Member Bill Spencer and unanimously voted.

Member Mark Silverberg motioned to approve the Definitive Plan Decision as amended for 275 Turnpike Road including the waivers. The motion was seconded by Member Tim Paris and unanimously voted.

Member Mark Silverberg motioned to grant the waivers as a group as shown on Page 5 of the decision as described dated 10/4/16. The motion was seconded by Member Tim Paris and unanimously voted.

Respectfully submitted,

Sandy Spinella
Administrative Assistant

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275 Turnpike Road (Indian Meadow Golf Course)
September 06, 2016
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APPROVED:

Brian Bush, Chairman of Board

Mark Silverberg, Vice-Chairman of Board

Charlie Diamond

William Spencer

Tim Paris