

**MINUTES OF WESTBOROUGH PLANNING BOARD**  
**November 15, 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, Silverberg and Spencer were present. Members Charlie Diamond and Tim Paris were absent.

Next Meeting dates: December 06, 2016 & December 20, 2016

**7:00 p.m.** Informal discussion on proposed parking at 4 Old Flanders Road:

Mr. Ken Strom from Waterman Design Associates and owner, Mr. Dan Tortora were present for discussion.

Mr. Ken Strom said they submitted an application for a Special Permit under the Industrial D (ID) zoning for an auto inventory and storage parking facility to be located at 4 Old Flanders Road. The site is at the intersection of Flanders Road and Old Flanders Road where Fruit Street intersects with Flanders Road. The property is owned by DJ Realty (Dan's Jeep) and Dan Tortora. Mr. Strom that their proposal in the IB district is a by-right use and would only require Site Plan Review. But they wish to increase the impervious surface and reduce the open space requirement from 60% to 40% by using the ID zoning provisions and requiring a special permit.

Mr. Strom said that the existing site is 63,065 square feet with no structures on it. The proposed parking area will maximize coverage and reduce the open space to 40%. We will have an on-site detention basin. There are catch basins on the street. Trees have already been removed under a stormwater permit and working with the Town Engineer. The drive comes off of Old Flanders and there is an existing gravel driveway. This project includes the proposed construction of 126 (9' x 20') total parking spaces for automotive storage. The site is intended to support Dan's Jeep located on Turnpike Road. The parking will be stacked parking for automobiles. We have received comments from engineering department on the storm management report. He has addressed the comments back to the Town Engineer.

Chairman Brian Bush thanked them for coming in. Chairman Bush stated that he has reviewed this proposal. He has a couple of questions. Their intent is to apply under the Industrial B (IB) district with an Industrial D (ID) overlay.

Mr. Ken Strom replied yes and there is a site plan approval and special permit required.

Chairman Brian Bush said under the use regulations what class are you going for? Is it under other uses or truck terminals, bulk storage, contractor's yard? The regulations are different for use in the zone. Some are allowed by right and some by special permit.

Mr. Ken Strom said there is no new vehicle storage under the use regulation schedule.

Member Mark Silverberg asked what about asking the Building Commissioner.

The Town Planner said it is the reduction of open space that triggers this special permit. There is nothing in the use schedule that says auto storage. There is bulk storage.

Mr. Ken Strom said he did meet with Building Commissioner, Tin Htway and he advised him to see the Town Planner for a special permit.

Chairman Brian Bush said we need to make sure you need a special permit. The Industrial D overlay district is fairly new. The purpose of this district was to help industrial office parks to allow an increase in land density.

Chairman Brian Bush asked Building Commissioner Tin Htway, this project is in front of us for a special permit in the overlay district with the intent to store new cars for sale. Chairman Bush said he is looking at the use regulation table to see how this is classified.

Building Commissioner Tin Htway responded that they fall under trucking terminal, bulk storage for cars.

Chairman Brian Bush said if you look at the district regulations and area dimensions it allows decreased open space and increased lot coverage.

Mr. Ken Strom said it does call out low impact development. We are cutting down the ledge surface on the lot and are talking about using rain gardens but they will be very shallow. There is a lot of ledge on the site. We are lowering some areas by 2 feet.

Mr. Dan Tortora said there seems to be a lot of concern on this property. If he took his two properties and combined them he would still get the same outcome.

Chairman Brian Bush said some of the findings need to be evaluated. You have the right to develop this use already in the IB district. The reason the ID district came about was because some industrial owners felt handcuffed because other towns allowed them to develop higher on site by more stories and greater lot coverage. Some of the stuff you can't do because the site is small. He thinks there should be landscape buffers, etc. Those are his questions to be addressed at the public hearing. You need to meet with your abutters on this proposal be prepared to address traffic concerns on that corner. When you off load cars you should do staging.

Mr. Dan Tortora said the cars are dropped off on Route 9 and then drive them directly onto the lot. We try to stay off Longmeadow Road. They do the access road to Route 9. The car

carriers are not large like they were. They will come right onto the site.

Chairman Brian Bush said the special permit process allows us to condition your permit. You are asking for a special permit versus by-right permit.

Mr. Dan Tortora said Old Flanders Road do not have much traffic but Flanders Road to Fruit Street does.

Member Bill Spencer said he wants to be clear about Old Flanders Road which are not heavily trafficked.

Member Mark Silverberg said there are only 2-3 properties on Old Flanders Road and agrees it is not a heavy traffic road. He is concerned with the Fruit Street intersection. We need to figure out avoiding the high traffic times. If going out Route 9 and going out Connector Road it is not an issue.

Mr. Dan Tortora said during day working hours the intersection has less traffic. We could do after 9 a.m. to 4 p.m. when the traffic is not high peak.

Member Mark Silverberg asked what type of tax revenue the town will get from this project. The intent of the bylaw is to relax zoning standards and increase taxes for the town.

Mr. Dan Tortora said do you think I will be paying fewer taxes.

Member Mark Silverberg replied that is what he wants to know.

Mr. Dan Tortora said if he combines his two parcels, then he does not have to do the special permit. He is here trying to put a parking lot in so that his business does not crumble.

The Town Planner said Member Mark Silverberg was not saying the permit is decided by tax revenue. He is just asking you about improving the value of the property.

Member Mark Silverberg said he has to justify the intent of the bylaw to relax zoning standards. He needs a rationale of what the benefit of doing this project is.

Mr. Dan Tortora said we can also join the two lots to make it easier.

The Town Planner said you could probably get an answer from the Town Assessors on this.

Member Mark Silverberg said he did not mean to upset Mr. Tortora with his question. It is not an offensive question but something he needs to know. What are your taxes doing for the town?

Mr. Dan Tortora said he is paying a lot of taxes already on his property.

Chairman Brian Bush said relative to parking, the Planning Board can waive parking requirements, etc.

Mr. Ken Strom said we are not doing any new structures just parking.

Member Bill Spencer said he is still waiting to hear from the Town Engineer. In terms of use, it seems we are in accordance. He has a question about the fencing. How does it fit behind or in front of the foliage?

Mr. Ken Strom responded the fencing will go in along the side of the existing gravel driveway on Mr. Tortora's of the property. The fence sits behind the foliage. It will be a 6 foot chain link fence.

Mr. Dan Tortora said once someone is inside the fence you can't see them. The fence is more for protection of the autos. We are back and forth about the fence. He prefers no fence but it is dark back there.

Member Mark Silverberg said we could make the permit conditioned to what the fence will look like.

The Town Planner said we can leave the fence to the owner's discretion.

Member Bill Spencer said he works right down the street. Timing is everything on that road. 6:30 a.m. to about 9:30 a.m. in the morning is a traffic mess.

Mr. Dan Tortora said he does not have a problem with it being conditioned on timing of deliveries.

Member Mark Silverberg said Mr. Tortora can put in 101 parking spaces by right. But by putting in an additional 26 cars should not be a problem.

Member Bill Spencer said he is okay with the proposed lighting plan.

The Town Planner remarked that this is a well designed parking lot. Do you need the 20 foot depth on each parking space?

Mr. Dan Tortora responded that we have a storage facility with 75 cars that is 10 rows deep. But when you have snow conditions, it is easier to have wider spaces for digging out the cars in the snow.

The Town Planner said he was suggesting reducing impervious space or put more cars in.

Mr. Dan Tortora said having more room around the cars is better for his business.

The Town Planner said other storage space on Milk Street does not have a fence because it hides people stealing off the cars.

Mr. Larry Gomes said he owns property at 5, 9, 12 Old Flanders Road. He is a small business owner and is pro small business. The people here all take pride in their neighborhood and try to keep the area nice. Mr. Gomes said he has some concerns and would like to have Mr. Dan Tortora meet with the neighbors. We are concerned about the drainage because there is a lot of ledge there. He has done work at 5 Old Flanders and when there are heavy rains it gets overwhelmed. If this project is not done correctly we will get more water in this area. He is also concerned about the loss of open space from 60% to 40%. He was distressed to see all the trees go down. It is very sad. The fence is very industrial looking. We live in the neighborhood and hopefully we can keep it not looking like a fenced in prison yard. He has talked to all the neighbors and they would like to sit down with Dan to discuss this. What is going to happen to the house at 225 Flanders Road? It is surrounded by residential neighborhoods on two sides.

Mr. Larry Gome said the width of the road is barely wide enough to let two vehicles pass. There was a traffic study done it that area.

Mr. Dan Tortora said we tell them to unload the cars at the dealership. It is hard to police it. He does not want to see an accident on Route 9. He tries to tell the delivery trucks to pull into the dealership. Predominantly the trucks drop off the cars at the dealership. It is not the norm but it could happen.

Member Mark Silverberg asked is Fruit Street posted for no truck traffic?

Mr. Gomes said no. Trucks have parked on Fruit Street so if you have to do it park on Fruit Street.

Member Bill Spencer said there is a wood cutter on Old Flanders Road that would probably let you unload there.

Mr. Dan Tortora said we drop cars off at the dealership to be checked in and then they will go to the storage lot. We sell about 80 cars a week. Everything is done at the dealership. Customers will not go to the storage area.

The Town Planner said that the proposed plan offers a very good landscape plan intended to be sensitive to abutters on Fruit Street and Old Flanders Road. The site also contains 4 LED light poles in compliance with height and design standards of the town. Light fixtures will be full cutoff and a maximum of 20 feet in height. A lighting plan is provided showing that there is no spill onto abutting properties. Section 5452 of the Zoning Bylaws states that “the Planning Board shall specifically consider the following and determine whether the development will contribute to the orderly and harmonious development of the ID Overlay and underlying IB District”. This is our first ID Special Permit. These Sections deal with the design and public amenities including energy efficient design and environmental protection; retention of existing mature vegetation wherever possible; providing landscape materials as visual buffers for abutters and provisions for walking and bicycling where appropriate. Some of these items are not appropriate to such a small scale project. However, good vegetative buffering for abutters would be a fair consideration for conditions of a Special Permit.

The Town Planner said the special permit public hearing will be on December 06, 2016.

#### **Discussion on meeting dates for the 2017 PB Calendar year:**

The Town Planner said we need to review the dates for 2017 which in most cases is the first and third Tuesday of each month. Besides the dates we also need to find a new meeting place during the renovation. We need a space to be able to lay out plans.

Chairman Brian Bush said he likes the Fire Station location for meetings. It is a great space to use. There have been many meetings there.

Member Mark Silverberg said we need to also think about February and April school vacations. However, we can leave meetings for now on the first and third.

Member Mark Silverberg said we can do one meeting in July and if needed can add a meeting. The Board agreed.

#### **Update on State Hospital property:**

The Town Planner said State Hospital Reuse Committee is meeting tomorrow night and we will be looking at the 3 bids and proposals on the State Hospital. We will continue to evaluate as they are.

Member Bill Spencer said the 3 proposals mentioned makes him a little concerned about the proposals. Maybe wait until the meeting tomorrow night.

Chairman Brian Bush said the Master Plan did look for a mixed use. The Town Manager asked us to do an initial evaluation of the 3 proposals received. He said he is looking for discussion.

**Update on Preservation Acres:**

The Town Planner said he has spoken with Mr. Ken Chase of Preservation Acres and told him to install their pedestrian crossing light. He did sign off on their last lot. They will be in at the next Planning Board meeting. They have been put on notice.

The Town Planner said that Village Commons is in the same predicament but have not asked for lot releases. They are dominant. Their utilities are in. The Town Planner said he will ask them to come in also.

The Town Planner said that the Zoning Review Committee consisting of the Building Commissioner, Justin (ZBA) and himself. We met tonight and began to discuss some of the zoning by-right in districts and whether they need a special permit. We had discussion on footnotes. We discussed residential and non residential uses on additions, etc. We are looking at floor ratio.

Member Mark Silverberg asked is there any more progress on in-law apartments?

The Town Planner said we are working on it. The Building Commissioner will put something together and we will send it out.

There being no further business to discuss, the meeting adjourned at 8:20 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