

**MINUTES OF WESTBOROUGH PLANNING BOARD**  
**December 06, 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, Spencer and Paris were present.

Chairman Brian Bush sadly reported that Member Charlie Diamond passed away due to illness. He will be sorely missed by all who knew him.

Member Bill Spencer gave a tribute to Member Charlie Diamond. Member Spencer said he only knew Member Diamond for a couple of years but Charlie was a very compassionate, engaging, respectful person. He was a good mentor for him when he started with the Planning Board. Charlie Diamond was a quality individual and his friendship was to be valued. Member Spencer said that whenever he disagreed with something on the agenda, Member Charlie Diamond would always engage him to find out his opinion. This was a nice quality that he welcomed. Charlie Diamond will be missed.

Next Meeting date: December 20, 2016

**At 7:00 p.m.** the Board prepared to appoint a new Administrative Assistant for the Planning Board:

The Planning Board and Board of Selectmen honored Sandy Spinella for her years of service and soon to be retirement. Thank you all for your kindness!

Chairman Brian Bush asked Ms. Destiny Ashworth to come forward.

The Town Planner said that he, Tin Htway, Member Bill Spencer and Kristi Williams interviewed Destiny and others last Monday. Destiny was far ahead of everyone else. We will fill Sandy's position as Planning Board Administrative Assistant.

Member Bill Spencer agreed that it was a wonderful interview. Ms. Ashworth is adequately skilled and he is looking forward to her coming aboard.

**Member Mark Silverberg motioned to appoint Destiny Ashworth to fill the position of Planning Board Administrative Assistant. The motion was seconded by Member Bill Spencer and unanimously voted.**

**At 7:00 p.m.** the Board prepared to open the Special Permit Public Hearing on 4 Old Flanders Road (Dan's Jeep). See attached minutes.

**At 8:25 p.m.** the Board prepared to discuss progress on Preservation Acres.

Mr. Matt Zucker came forward for discussion. Mr. Zucker said that things have been progressing. They have sold 3 houses. The next two will be sold in January and one more frame up in March. By the end of April all will be sold. The last lot is under construction. We are very happy to report that the basin is completed. There is only one open item which is the sidewalk, crosswalk and light. Mr. Zucker said they already have specs on the lighting. They are probably 10 days out for installing the signage. We will have to repave Arch Street and will do the cross walk. We are currently working with the site contractor. We are pleased with our progress.

Chairman Brian Bush said it sounds like they have had a huge success on their sales.

Mr. Matt Zucker said he is very pleased with their houses.

Chairman Brian Bush asked was there an issue with the grade on a foundation.

Mr. Matt Zucker responded yes but it has been resolved.

Chairman Brian Bush said the intent of you coming in tonight was to hear if the cross walk was scheduled.

Mr. Zucker responded 10 days for signage and then the cross walk.

Mr. Carl Balduf, Town Engineer said if he puts up signage he has to put in the cross walk. This project will be finished up by next spring or summer.

Mr. Matt Zucker said striping will be happening shortly. It should be about 2 weeks for cross walks and signage to be completed. He will keep the town planner updated.

Member Mark Silverberg remarked that the Town Planner can update the Board on their progress.

The Town Planner recommended to Mr. Zucker that if you have not done installation by the 20<sup>th</sup>, write a letter to the Planning Board to let us know.

Mr. Matt Zucker said they will be coming back for the bond release eventually but we will review everything first with the Town Engineer.

**At 9:00 p.m.** the Board met with Mr. Mike Scott from Waterman Design Associates and Mr. Bill Keeton representing Toll Brothers for discussion on the Westborough Village security bond.

Chairman Brian Bush said we received comments from the Town Engineer dated December 06, 2016 on detention basin 104. We asked you in to discuss the detention basin design.

The Town Planner stated that Mr. Mike Scott submitted a design on this. The project is moving along rapidly. The detention basin was installed about 2 years ago. The design of the basin was fine but the material used does not drain correctly and holds water. We have been working with the Town Engineer on a compromise. Mr. Mike Scott said he has proposed an alternative design to be reviewed by the Town Engineer. We will ask for a security bond for just the basin.

Mr. Carl Balduf said he has been watching the basin for some time and it holds water and functions like a sediment trap. Toll Brother's site contractor excavated the basin bottom and replaced the bottom material with gravel. It however did not correct the issue. There's poor material (till) on the bottom but good material on the edges. Instead of doing the infiltration on the floor, it will be done on the side slopes for infiltration. This is a little unusual in design. His letter dated December 6th is simple. Make sure that remainder of infiltration on site is working and there are inspections done. Then when the basin is fixed it should drain properly as well. We approve of the design that Waterman Design Associates came up with for fixing the basin.

Mr. Mike Scott said the basin was meant to infiltrate water but the soils instead hold water. We excavated the basin bottom and discovered it is full of till. They will excavate the bottom again and put in a bed of stone and connected to the good gravel material it should drain out. We tested two banks and can use the side banks for infiltration. Mr. Carl Balduf has asked for inspection reports on all the systems to make sure they all work. There needs to be recharge here.

Mr. Carl Balduf mentioned that we are not going to ask for lots of inspections. We are doing this after the fact. Our expectation is modest on how many inspection reports will be done.

The Town Planner said that this is part of the special permit and site plan. The amount of the Tri-party bond is \$100,000.

Mr. Keeton responded that will be fine.

The Town Planner directed Mr. Keeton to tell Mr. Shawn Nuckolls to propose an amendment to their Tri-party agreement so we can accept the bond at the next meeting.

Chairman Brian Bush asked when will there be completion of whole project.

Mr. Keeton responded at the end of next year.

Mr. Mike Scott said they have 6 houses and one or two buildings yet to build and then the commercial building. The goal on the basin is to get started right away.

Member Tim Paris pointed out that they could start installing the chambers and pipes.

Mr. Keeton remarked that there is some sediment in the water in the basin. We have all our controls up and functioning.

Member Tim Paris said he might be concerned with what gets into the chambers.

Mr. Carl Balduf said the basin has been functioning but if you were to get a 100 year storm, it would not be a good thing.

Member Mark Silverberg asked are you taking water that is standing and taking it to where the good soil is.

Mr. Mike Scott responded there is a slope that goes down to the basin but it does not drain due to the poor soil/till. Chambers will go into the side of the embankment where there is good soil and allow the water to drain away. We will always work with the Town Engineer on this.

Chairman Brian Bush said he will expect to have an update on the Tri-party for the next meeting on December 20<sup>th</sup>.

#### **State Hospital Update:**

Chairman Brian Bush said the State Hospital Reuse Committee recommended to go with Poultly Homes, an over 55 community for \$7 million for 700 flats. The Board of Selectmen voted last Tuesday, November 29<sup>th</sup> to award them the bid. Pulte must now submit a site development plan to the Planning Board for a Special Permit as required under the Mixed Use Development district zoning (MUD). Design Review Board review and approval is required under the Special Permit. This is a pretty intense use of the site and will easily be a 7-15 year project. They were the only qualified bidder to deal with the demolition and asbestos removal. All uses proposed by 3 applicants were allowable. This one will facilitate a lot of capital improvements and an increase in taxes for the town.

The Town Planner said the money that will be spent to demolish the site is enormous. Poultly will demolish the site and create a new green space. Then they will build the buildings as they sell them. This is a better situation.

Chairman Brian Bush said the cost of liability is greater. Poultly won't close until they have approvals.

Member Mark Silverberg asked when they come before us. We are having some Board turnover.

Chairman Brian Bush said Pulte may be ready for an informal presentation before March. It will be next March before they are ready for review. The big permits are special permit and then site plan review.

Mr. Carl Balduf said at that point you have designed your concept. It will be well worth establishing the framework in the Special Permit and then detail later on.

The Town Planner said they don't even have the ANR Plan yet.

Chairman Brian Bush said this is not going to be a quick process. On top of a special permit and site plan review you will also meet with Design Review Board and the Conservation Commission. He does think as intense a use as it is, we will get an awesome piece of land, money and also taxes for the town.

Mr. Carl Balduf said there won't be much of an off-site component from them. It will be onsite infrastructure.

Member Mark Silverberg said traffic will be important.

Member Tim Paris asked has the state taken into account the additional traffic from this project.

Mr. Carl Balduf responded that the state will put a lane on all approaches. It will be cheaper to do now instead of waiting 20 years at Route 9 and Lyman Street.

**Request for return of escrow on 275 Turnpike Road:**

The Town Planner said we are in receipt of a letter from Waterman Design Associates dated October 03, 2016 requesting the return of the \$500.00 escrow fee for his client E.K. Parivar. The fee was collected for review.

**Member Mark Silverberg motioned to return the escrow fee of \$500.00 to E.K. Parivar for 275 Turnpike Road. The motion was seconded by Member Bill Spencer and unanimously voted.**

Mr. Carl Balduf, Town Engineer pointed out that they still need to put in drainage in their road. He is not happy it is not done. They need to come in for a discussion on December 20<sup>th</sup>. They need to use a better contractor to do the job. We need drainage on that road.

Chairman Brian Bush said we need to start looking for a replacement for Charlie Diamond. Two people are interested Justin Lundberg and Jim Ball. Chairman Bush said he also spoke about them running for his seat (5 years). One seat is a 2 year term and one seat is for a 5 year term.

Member Mark Silverberg asked if we should appoint someone soon, is this realistic.

The Town Planner said at our next meeting we have an Earth Moving Special Permit. You will also have a subdivision application on Mt. Pleasant Street. You will have the reworking of Bernie and Phil's special permit. Also the Ridings II will be coming back soon for their preliminary phase. Work before the Board will be predominately residential in the near future.

Member Mark Silverberg asked are new members going to be able to participate in the hearings. Do we need a replacement now? Are we going to have to put special permits on hold till March? Is the applicant at the mercy of the election?

The Town Planner said the applicant would have to withdraw his application without prejudice.

Member Mark Silverberg said we should try to appoint someone.

Chairman Brian Bush said lets chose someone that will run for one of the 2 slots. We need to check with them both.

Member Mark Silverberg said we should encourage anyone who might be willing to serve.

The Planning Board reviewed and endorsed the Minutes of November 15, 2016 and November 01, 2016.

There being no further business to discuss, the meeting adjourned at 9:27 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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William Spencer

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Tim Paris

**MINUTES OF SPECIAL PERMIT PUBLIC HEARING**  
**4 Old Flanders Road**  
**December 06, 2016**

Pursuant to the Rules and Regulations relative to Special Permits, under Section 5400 of the Zoning Bylaws of the Town of Westborough and MGL, Chapter 40A, Section 9 will open a special permit public hearing on Tuesday, December 06, 2016 at 7:00 p.m. in the Forbes Municipal Building, 45 West Main Street, 2<sup>nd</sup> Floor, Suite 23, Westborough, Massachusetts for a special permit for a vehicle storage parking lot in the Industrial B Zone and Industrial D Overlay Zone as described under Section 2300 of the Zoning Bylaws, to obtain a special permit to construct a vehicle storage parking lot for Dimensional Regulations/Schedule in the Industrial B Zone with Industrial D Overlay Zone as described under Section 2620 of the Zoning Bylaws, property located at 4 Old Flanders Road ( at Fruit Street and Flanders Road) Westborough, Massachusetts as submitted by DJ Realty Downtown, LLC, their successors and assigns..

Chairman Brian Bush read the legal advertisement which ran in the Worcester Telegram and Gazette on November 14' 2016 and November 21, 2016 into the record.

Green Cards:

Chairman Brian Bush invited the proponents for this project to come forward for their presentation.

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

Mr. Tortora stated that he takes a lot of pride in this town.

Mr. Ken Strom said the property is owned by DJ Realty (Dan's Jeep) and Dan Tortora. Mr. Strom stated 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. The site is located south of the Route 9, and off Flanders Rd, Old Flanders Road where Fruit Street intersects with Flanders Road. 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. Wetland areas are associated with perennial stream. The project site is outside the 100 foot buffer zone to the wetlands. There are exposed ledge outcroppings and 3 old ruined foundations. The ledge is close to the surface. Mr. Tortora also owns 225 Turnpike Road.

Mr. Strom said the property is in the Industrial B as underlying zone with an overlay district Industrial D. The project will slope towards Old Flanders Road and have a detention basin near the street and then will tie into municipal drainage. A Storm Water permit was received. We will not discharge any more or less than pre and post development. The site is currently cleared and will use Old Flanders Road for access. The property includes the proposed construction of

parking for 126 vehicles. The vehicles will be 3 deep. New vehicles will be received at the Route 9 location at Dan's Jeep then shuttled down here for storage. There should not be any truck deliveries. If it happens, they would have to unload on Fruit Street. Landscaping will be provided along the perimeters. There has been discussion on fencing in the site. Dan Tortora has had discussion with the Police Chief and it will not be required. We will use LED lighting that is downward focused to not spill over property line and will be at an 18 foot mounting height.

Mr. Carl Balduf, Town Engineer said there was an email from Mr. Holmes, 244 Flanders Road who commented on drainage from Curtiss Landscaping. We uncovered one drop inlet pipe which is not working as it should and it ties into catch basins. The property owner for this site came in and looked at the issues. Water is going into the municipal drainage system. We walked it and he understands what is going on. DPW will take care of this matter. The rest of the comments focus around clean up issues.

Member Bill Spencer said he will review the letter. There is a waterway on the other side of Fruit Street. Is that where all the water catches?

Mr. Carl Balduf commented that the detention is here and the road layout with drop inlets by the state when they built Fruit Street. Another basin is on Fruit Street that has a headwall. This is in a low point in town. There is a brook and a waterway. It has been this way over 70 years. It is a standard system and is sized for what they are proposing for 40% impervious open space. There are not too many alternatives. Old Flanders Road does not have much of a drainage system. It has a lot of ledge onsite and would be difficult to do on site drainage. Mr. Balduf said he thinks they are all set.

### **Comments from the Public:**

Police Chief, Al Gordon said he met with proponent and he does not want a fence there. It would be too difficult to patrol. The project is a good use for the property.

Chairman Brian Bush said the Planning Board received an email from Building Commissioner Tin Htway who wants to see screening.

Police Chief Al Gordon said he spoke with Tin Htway also and he agreed it is not necessary to have a fence.

Mr. Larry Holmes, 244 Flanders Road said he did meet with the design engineer on drainage who answered all his questions. They did a good job on the drainage and it will be an improvement over what is there now. He also supports the 40% open space and is hopeful the



house at 225 Flanders Road will stay to keep as a buffer. He is also happy to hear there will be no fence.

Chairman Brian Bush said the existing house is there. This permit is just for this lot.

Mrs. Connie McMahon, 227 Flanders Road said they have a direct line of site into this property. They understand the lights won't flow onto their property. This project will change the nature of the neighborhood. Why are you allowing this project without addressing the house.

Chairman Brian Bush said the proponent could do this by right but because he is reducing open space it needed a special permit. It can be granted with conditions. A by right decision would not require conditions to the permit. This is not an aggressive use for this property. When the overlay district was created, we were thinking more about larger businesses.

Mrs. McMahon said she is not debating over the parking lot. However, she did not like the clear cut of the lot and worries about how much was cut down. Now we can see the electronic bill board. She wants to see landscaping going in. The lights are going to be 30 feet above her home because she is down lower. They are not the only neighbors that will have impact from this.

Mr. Ken Strom pointed out that it drops off 300 feet. The elevation will be 296 feet where the cars are parked. They will be about the same elevation. There will be plantings put in that will help screen them. There are mixed hardwoods on the property now.

Mr. Dan Tortora responded that the trees were more in the down area because the top is all ledge.

Chairman Brian Bush said some of the trees will grow and fill in.

Mr. Ken Strom agreed there were definitely some woods removed for the drainage. We can add supplemental plantings.

Mr. Dan Tortora said if he sells the house, he can't say what a new owner would do. It is all ledge in there.

The Town Planner said the arborvitaes and maples will grow and block the view.

Mr. Dan Tortora said he is willing to put in screening as much as he can. There are some areas where he should be able to plant and help buffer the McMahon house.

Member Mark Silverberg suggested plant year round greens tall enough to block cars. The lights will be on all night. In an industrial zone this could be a much more aggravating use than what Mr. Tortora is proposing.

Mr. Dan Tortora pointed out to the McMahan's that if he had combined his two lots they would not have had a say because he would not have needed a special permit. He will have to buffer the house from the car lot. If he gets the special permit, he will not expand into the house. There is a lot of ledge in this area.

Member Mark –Silverberg said he is fairly convinced if there are plantings on the southeast corner it will be beneficial to them. Mr. Tortora is here for relaxed standards. The alternative for development of that site would be much more detrimental to you. If he comes in for a special permit on the vacant house we have a say in what goes in. This is a fairly mild use for this corner. He supports it. This speaks will of Mr. Tortora's intentions to be a good neighbor.

Member Mark Silverberg said he would like to ask the Town Engineer about the Conservation Commission's concerns.

The Town Planner said it will be addressed in site plan review.

Member Mark Silverberg continued. Mr. Carl Balduf said if maintenance is done it will be fine. He wants to get it ironed out.

Chairman Brian Bush said that Derek Saari, Conservation Agent is saying that the drainage in the street has been neglected and needs to be cleaned up.

Member Mark Silverberg responded that Mr. Derek Saari is not convinced the drainage will work. He wants to hear what the Town Engineer says about Derek's letter. On the issue of a fence for screening, he wanted flexibility. We need to be sure about the fence issue.

Mr. Dan Tortora said he is better off safety wise without the fence. Thieves would do more damage behind a fence.

Member Bill Spencer said Tin Htway is fine without the fence.

Police Chief Al Gordon said he does not want a fence up because it will affect our line of sight.

Member Mark Silverberg said then he wants the Building Commissioner to revise his comments or we can overrule what he said.

The Town Planner said we can't close the hearing if you want more comments.

Member Mark Silverberg said he has questions that he wants answered.

Member Tim Paris said he thinks after all the discussion he is satisfied with drainage. He has a suggestion on screening, create a berm down the property line to the southern corner to raise the grade a couple of feet then you could build it up and plant screening plants. It will make a difference. If there is not much soil on top of the ledge, 3 feet of extra soil would help with plantings.

Member Bill Spencer thanked the residents for coming to the public hearing. The applicant is now discussing addressing your concerns with the foliage. Two things from our previous informal discussion were we talked about limitation on hours of delivery on carriers.

Mr. Dan Tortora said he has no problem with this. There is not going to be a lot of truck traffic. The hardest part is putting cars onto the lot.

Member Bill Spencer said you can't unload on Fruit Street. Secondly, special permits tend to drag on. He would like to know completion dates and have them in the special permit.

Mr. Dan Tortora said he will probably be done by April. He can be done as fast as paving plants are open. Mr. John Fryer will make that decision.

The Town Planner said he prepared a draft decision for discussion.

Chairman Brian Bush said we have to close the hearing first. Are you ready?

Mr. Dan Tortora said there is not a lot he can do right now. We can't start the project until early spring. He can live with delivery times being placed on it.

Chairman Brian Bush said we will close the public hearing at the next meeting and then discuss the decision.

Member Mark Silverberg said Fruit Street is not a place to unload cars.

Police Chief Al Gordon said he has never had a problem with Dan and his autos are unloaded on Route 9.

The Town Planner asked Mr. Ken Strom to look at the site location for suitable plantings and then reach out to the neighbors.

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**Member Bill Spencer motioned to continue the special permit public hearing on 4 Old Flanders Road to December 20, 2016. The motion was seconded by Member Mark Silverberg 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:

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Brian Bush, Chairman of Board

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Mark Silverberg, Vice-Chairman of Board

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William Spencer

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Tim Paris