



TOWN OF NORTHBOROUGH PLANNING BOARD

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Approved 11/20/07

Northborough Planning Board Meeting Minutes November 6, 2007 Melican Middle School Library

Members Present: Rick Leif, Chairman; George Pember, Michelle Gillespie, Bob Rosenberg, Don Hewey

Others Present: Kathy Joubert, Town Planner; Bill Farnsworth, Inspector of Buildings/Zoning Enforcement Officer; Barbara Saint Andre, Town Counsel, Petrini Law Associates; Chris Regnier, Goulston & Storrs; Joe Penney, Stop & Shop; Kevin O'Flaherty, Goulston & Storrs; John Twohig, Goulston & Storrs, Greg Young, Brian Smith, Carolyn Harrington, James Talbot, Trevin Williams, Patricia James, Telegram & Gazette; Charlie Breitrose, Metrowest Daily News

Chairman Leif opened the meeting at 7:00 pm.

7:00pm **Continued Public Hearing for Special Permit per Groundwater Protection Overlay District and Site Plan Review for Saint Gobain at 9 Goddard Road, Map 17 Parcels 9 & 11**

Applicant:	Saint Gobain
Engineer:	Nitsch Engineering
Date Submitted:	September 18, 2007
Decision Due:	December 14, 2007 for Site Plan 90 days from close of hearing for Special Permit

Kathy Joubert explained the applicant had sent a request via email to continue the hearing to the next meeting of the Board. They are waiting to receive a letter from town staff regarding traffic mitigation issues and decided they would need time to review the letter and address the issues before they met with the Board. Kathy stated the letter from town staff will be finalized and emailed to the Planning Board and Saint Gobain tomorrow.

George Pember moved to continue the hearing to November 20, 2007 at 7:00 pm in Conference Room B. Michelle Gillespie seconded the motion and the vote was unanimous to grant the continuance.

Approval of Minutes

October 16, 2007 minutes: The Board will review these at the next meeting.

Old/New Business

Kathy Joubert

- 2 site plan applications filed in end of October, need to schedule them for Nov 20th agenda
 - 160 Otis Street storage facility
 - Changing their business/ownership plan and dividing property into 2 lots
 - One building already done in accordance with original PL BD decision

- Second change significant and needs to come to planning board
- Fire Chief's review letter distributed to Board tonight
- Decision due January 23, 2008

66 East Main Street (parcel next to police station)

- New Apostolic Church
- Fire Chief's review letter distributed to Board tonight
- Decision due January 23, 2008

- For November 20, 2007 meeting, Saint Gobain continued hearing and decision discussion for Stop & Shop on agenda already.

George Pember

- Why do we need to continue Stop & Shop?

Kathy Joubert

- Draft decision hasn't been done yet
- Also for 11/20 agenda still possibility of joint ZBA and Planning Board meeting

67 & 71 Pleasant Street ANR Plan Signed

- ANR for 2 existing lots at 67 and 71 Pleasant Street
- Homeowner at 67 Pleasant Street built shed and driveway partially on 71 Pleasant Street
- Homeowners switching portions of land because of this

7:15 pm Site Plan Review for 77 Main Street

Applicant: Stop & Shop Supermarket Company
 Engineer: VHB Inc.

Rick Leif

- Purpose of meeting is for staff and board to discuss conditions for site plan approval

Barbara Saint Andre

- Received decision from Land Court re: site plan denial
- Judge remanded matter back to board to approve or approve with conditions
- Did not set a specific time frame but directed Board to act forthwith
- Forthwith meaning as speedily as possible
- Court did mention 90 day review period under bylaw
- Since matter originally took more time than 90 days, court wants board to proceed as expeditiously as possible
- Approve it or approve it with reasonable conditions under bylaw

Rick Leif

- To Barbara: also your feeling from judge is that board should work with staff and additional comments from public are not encouraged

Barbara Saint Andre

- Court said no further public hearings
- Goes to matter of moving along at a good pace
- Board should come up with conditions and go from there

Rick Leif

- Meetings open to public to attend and observe
- Basically dialog between staff and board only
- Normally when contemplating conditions there is some dialog between board and applicant if applicant agrees
- Is there ability for board and applicant to converse?

Barbara Saint Andre

- Yes, doesn't preclude you from seeking input from applicant as to certain conditions and wording
- Up to applicants if they want to respond or not

Rick Leif

- Representatives here tonight from Stop & Shop
- Hope that we have dialog with applicants down the road and reach conditions that will be acceptable to both board and applicants

Barbara Saint Andre

- Up to board to determine appropriate conditions for this project

Rick Leif

- Way to start is to come up with an agreed-upon list as to what conditions need to be covered
- Decide if we want to spend more time tonight or let staff take list and put them into draft conditions
- After second meeting we'll have a better idea of how long it will take to finalize list and then get input from the applicant
- At minimum the decision has to recognize there has to be a traffic light there so conditions need to be written for it
- Also for hours of operation

Bill Farnsworth

- Hours and routes of delivery trucks
- Conditions have to be enforced so keep in mind how they can be enforced
- Must be specific - don't just reference letter from staff, list actual conditions of staff letter so I can enforce

Michelle Gillespie

- Also signage and design review

Rick Leif

- There will be no other review of the plans

Michelle Gillespie

- Screening for abutting properties as discussed

Bob Rosenberg

- Pedestrian access within site and to site, safety, sidewalks, crosswalks

George Pember

- Offsite traffic improvements
- Layout of parking area

Don Hewey

- Parking should be separate category - design standards, size of spaces, relation of parking lot to riverfront area
- Not sure whether riverfront and roadway have some issues there
- Discussion of a fence to keep debris out of it - several things in that regard - encroachment of riverfront

Kathy Joubert

- Parking will be conditioned according to parking regulations in bylaw

Bob Rosenberg

- Loading dock screening
- Trash system screening

Michelle Gillespie

- Conditions from letters of staff from hearing will be revisited
- Would like a copy of all staff letters

George Pember

- Improvements to Hudson Street entrance

Kathy Joubert

- Stormwater management and drainage

Don Hewey

- Snow storage - not going to be onsite - condition that it not be retained onsite

Rick Leif

- These things might be easier to manage under general categories
- Under category of traffic management - traffic light, delivery and truck routing, offsite traffic improvements, - group those together
- Category of landscape screening - buffering, buffers to abutters, loading dock screening and trash system screening and Hudson Street entrance
- Category of parking field - size of spaces, number of spaces, landscaped islands, managing debris, keeping debris out of river, roadways and parking in relation to riverfront, snow removal and storage
- Other separate conditions - hours of operation, signage, lighting, stormwater and drainage
May be more conditions from previously submitted staff review letters

Kathy Joubert

- Put together a list today and you've covered them all
- Previous staff letters outlined what Stop & Shop originally agreed to
- Some of the categories are pure site plan review items that have to be included
- Can check size of parking spaces - but bylaw has standard requirements

Don Hewey

- Had talked about number of spaces - because of use in this zone it wasn't addressed
- Enforce it in performance standards - it is what it becomes according to underlying zoning

Kathy Joubert

- Have to go by zoning bylaw - no predetermined amount of spaces as to size of use

Board would like copies of staff letters

Don Hewey

- Does your list include conditions from the riverfront perspective?

Kathy Joubert

- Riverfront is jurisdiction of Conservation Commission - not anything Planning Board can enforce
- Applicant has to file with Conservation Commission

Don Hewey

- Possible for our conditions to be sent to Conservation Commission?

Kathy Joubert

- Will work on that with Barbara

Rick Leif

- Would think conditions we attach will be actual items the applicant needs to do to our satisfaction
- If conditions about riverfront included and plan not in compliance, then we'll have to leave it to the Conservation Commission
- We can send a recommendation letter to the Conservation Commission - concerns we have but can't enforce ourselves

Don Hewey

- A good idea, plan as presented is encroaching on the riverfront
- Still part of plan we're reviewing and need to bring concerns to Conservation Commission

Rick Leif

- Would make sense to allow Kathy and Bill to bring information back to staff and get them working on what they would suggest within these categories
- We would continue ourselves to think through what we would want to see and then look at it at the next meeting
- Coming out of next meeting should have good idea where we are and how much work we have to do to get a final decision
- Want to make sure there isn't anything else in terms of general categories that we haven't thought about

Bob Rosenberg

- Noise control - thinking of loading dock activity
- A subcategory of screening and buffering
- Also a follow-up traffic study 6 months afterwards to see whether we need to continue to revisit any aspects of the plan concerning volumes of traffic matching traffic study

Barbara Saint Andre

- Will need to see what conditions look like
- Need to get a draft and for board to start going through it
- All probably still have copy of draft submitted by Stop & Shop for list of mitigation items and conditions
- Will be looking for feedback from Stop & Shop

Kathy Joubert

- Will have a draft to you by next Wednesday or Thursday and will discuss at the November 20th meeting

John Twohig, representing Stop & Shop

- We have no comments

Rick Leif

- Re: agenda for November 20th - could meet in Conference Room B - will give us more time
- Need to keep the ball rolling and do whatever it takes to get it done
- Leads me to believe that these other 2 applications should go on the first meeting in December

George Pember

- I think we need to give equal time to everyone
- Don't want to see us consumed by this project again
- In fairness to other applicants, I think we should place other applications on agenda
- Tentatively plan something on another major project - zoning reorganization
- Think once a month on Stop & Shop is sufficient
- Put Stop & Shop on first meeting in December

Bob Rosenberg

- Agree with George

Barbara Saint Andre

- Understand board has a busy schedule
- Do need to give priority to this
- Not your usual situation
- Have already been to land court
- Judge made it clear they want it done expeditiously
- Give it some time at next meeting- not necessarily 3½ hours but some time to keep process moving forward
- Would urge you to put it on the November 20th agenda just to keep process moving
- That would be a reasonable approach

Kathy Joubert

- Saint Gobain at 7 pm for one hour
- Stop & Shop at 8 pm
- Apostolic church at 9 pm
- Storage facility at 9:30 pm
- Only Saint Gobain is a public hearing - all others can slide around

Rick Leif

- Also have a joint meeting to schedule
- Could plan on November 20th to discuss where we are in terms of SPGA for zoning reorganization
- Subcommittee will have seen total draft of zoning bylaw
- Will then go to both boards
- Might be more appropriate to schedule a meeting for that

George Pember

- Do we have any sections that we haven't review that committee has finalized?

Kathy Joubert

- 7-08 and 7-09 - you haven't seen in their final form
- Judi Barrett is finishing them this week
- Will get the entire document after November 19th

George Pember

- Don't want to put Stop & Shop off until spring
- At same time, biggest project is zoning bylaw and that should be #1 priority
- If we have sections we haven't seen, want to see that on the next agenda

Kathy Joubert

- May need to schedule extra meetings
- Board discussions tend to fall apart after 10 pm and meeting is not as productive
- Don't see how you can have a decent discussion at this meeting unless you limit discussion for each item which is fair
- Limit church and storage facility to ½ hour each

George Pember

- Why prioritize Stop & Shop?
- I'm opposed

Rick Leif

- Should continue Stop & Shop on November 20th

Michelle Gillespie

- First time we've looked at this information in 2 years
- From November 20th to December 4th is not that much time

Rick Leif

- Get the feeling its in our best interest to continue with Stop & Shop meeting by meeting
- Feel uncomfortable if we don't do it

Michelle Gillespie

- Suggest an hour for Stop & Shop and put it at the end of meeting

Kathy Joubert

- Stop & Shop and zoning reorganization on November 20th agenda?

Rick Leif

- No matter what we do on November 20th, we won't be able to do the zoning reorganization justice
- If subcommittee agrees on complete a document, would like to see people get to look at it and schedule meeting in last week of November to discuss zoning stuff

Kathy Joubert

- Only night I don't have a meeting is Monday, 26th

Bob Rosenberg

- Do we want to have consultant attend?

Kathy Joubert

- Judi Barrett is not available on the 26th, but it is a meeting she should attend if discussing the whole bylaw

Rick Leif

- Need to schedule meeting with Judi after everyone has read and has comments

George Pember

- No problem with putting Stop & Shop on next meeting agenda but want to give adequate time to other people on the agenda and need to discuss zoning reorganization

Rick Leif

- Agree subcommittee needs to see whole document first
- On November 20th Saint Gobain scheduled from 7 - 8 pm

Kathy Joubert

- Don't think Saint Gobain needs an hour - depends on issues staff can work out with them
- Other 2 applications can be a half-hour for both at 8 pm and 8:30 pm
- And Stop & Shop @ 9 pm
- Update on zoning reorganization after Stop & Shop
- Monday, November 26th specifically to talk about zoning reorganization sections 7-08 & 7-09 and also what came out of subcommittee meeting on 11/19
- Definitely canceling the November joint meeting?

Rick Leif

- Yes

Kathy Joubert

- Will ask Judi about meeting dates she has available in December
- Agenda for November 26th meeting - zoning changes for 2008 town meeting

Don Hewey

- Understand where George is coming from
- But think Stop & Shop should be on all regularly scheduled meetings until done
- Question is if we schedule a special meeting for something else, are we under an obligation to discuss Stop & Shop?

Barbara Saint Andre

- Under no obligation to talk about it at every meeting

Rick Leif

- Have to keep zoning changes moving forward

Bob Rosenberg

- We've got 2 projects that we have to work on at November 20th meeting
- Want to make time to continue this process
- Might want to ask applicant if they want to participate on the 20th
- Don't want to make applicant come to every Planning Board meeting

George Pember

- Tentatively scheduled an hour for Stop & Shop at the next meeting

Bob Rosenberg

- Maybe we should get the applicant's perspective tonight

John Twohig

- If you have a draft decision next week, we would expect that it would be processed and promptly looked at
- That's what the court said to do

Rick Leif

- Clear that if we have something to talk about, it should be on the 20th
- Will proceed in the spirit of what the court wants us to do
- Will put it on our agendas as long as we need to

All members stated they were able to meet on November 26th at 7:00 pm

Barbara stated she is available on November 20th.

The meeting was adjourned at 8:15 pm.

Respectfully submitted,

Debbie Grampietro
Planning, Engineering & ZBA