



Town of Northborough Planning Board

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Approved 10-5-06

Northborough Planning Board Meeting Minutes September 19, 2006

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

Others Present: Kathy Joubert, Town Planner; Fred Litchfield, Town Engineer; James Tetreault, Thompson-Liston; Bob Moss, Moss Development; Richard Kane, Steve and Joann Treistman, Jim Taylor, Jill Tervo, Bob Marcello, Brad Reynolds, Clair & Parker Swan, Gordon Kelly, Michael Durkin

Consideration of Minutes

Mr. Pember moved to approve the minutes of August 30, 2006 with amendments. Mr. Hewey seconded the motion and the vote was unanimous.

Mr. Hewey moved to approve the minutes of September 5, 2006. Ms. Gillespie seconded the motion and the vote was unanimous.

7:05pm **Continued Public Hearing to consider 5 lot Definitive Subdivision “Winn Terrace” located off of Winn Terrace, Map 64 Parcel 28**

Applicant: **Moss Development Inc.**
Engineer: **Thompson-Liston Associates Inc.**
Date Filed: **August 11, 2006**
Decision Due: **November 8, 2006**

Bob Moss, Moss Development and James Tetreault, Thompson-Liston, were present. Mr. Tetreault presented additional information and summarized information from the last meeting.

James Tetreault, Engineer

- Sight distance from Winn Street 252 feet in one direction, 270 feet in the other direction
- Deep observation holes and perc tests done; Observed sandy, gravel-type soil
- Submitted revised version of original plan, a plan showing one sidewalk on Winn Street and sketches showing sidewalks on both sides of Winn Street
- With one sidewalk – can only get 60-foot center line radius from road and creates sharp turn in road
- Sharp turn could cause obstructed view in winter and compromise safety
- With no sidewalk – can get 100-foot center line radius
- Reviewed plan sheet G3, showing five trees having best chance of remaining after construction
- Will make every effort to keep as many as trees as possible
- Cannot guarantee they will thrive and not have problems

- Foundation of house will be removed and clean-filled for utility connections to Lots 2 & 3
- Will clean out drain line and end of pipe where it discharges to get full capacity – possible obstruction existing
- 9 units – 4 are duplexes and one single family house – maximum to be developed – a fifth duplex will not fit on the lot slated for a single family house

Fred Litchfield, Town Engineer

- Reviewed his letter of 9/19/06
- Has reviewed additional plans and discussed with Police Chief and Acting DPW Director
- Agree more appropriate to have higher center line than to have sidewalk
- Very little traffic in the area and streets are narrow
- Streets accommodate the amount of traffic
- Better for applicant to donate to sidewalk account for sidewalks to be built elsewhere in town
- Result of perc tests very appropriate - based on soil type and consistency - Conservation Commission agreed at 9/18/06 meeting
- Need to perform permeability test, as requested in previous letters - tests need to be on record
- Drainage system evaluated and appears adequate
- Re: Waivers requested
 - Recommends 22-foot road width as per town standards and also appropriate for neighborhood
 - Granite curbing - should not be waived and entire street should have it for durability and ease of town to replace in future if necessary
 - Length of cul-de-sac: determined from intersection of Winn Street/Park Street – roughly 700 feet and needs waiver but could be waived
 - Distance between catch basins: requesting waiver for 250 feet – doesn't seem to be necessary to have another set – roadway narrow at 22 feet, crowded with number of drainage pipes at intersection and potential conflicts – he can live with it
- Six waivers outlined in letter but did not include center line radius – total of 7 waivers
- Six of seven waivers could be granted
- Comfortable with soil type presented and consistency of the soils – will need permeability tests
- Recommends town hire inspector to inspect throughout construction of roadway – applicant agreed to pay and would hire
- Inspector would report to Town Engineer for approval

Bob Moss, Moss Development

- Scheduled to meet with Earth Removal Board in November for last permit needed
- Too late in season to pave – will do nothing to Winn Terrace in winter
- Will cut down trees and do some drainage work in cul-de-sac
- Will demolish house after Historical Commission removes what they want
- Will get erosion controls in place
- Will change road width to 22 feet if required
- Granite curbing: Used Cape Cod berms at Intervale Farms and Village at Smith Pond – have all kinds of private contractors in there plowing the streets and not a piece broken since poured in 1999
- Did perc tests
- Conservation Commission asked to do 2 tests for permeability – only 30 feet from where perc done week before - sure will pass with flying colors
- Working on incorporating strip of land known as Park Lane into plan
- Hired inspector to report to Town Engineer with details on what done and conditions found
- Inspections are same as required in subdivision control laws
- Helps to ensure developer getting appropriate ties to utilities underground

- Doesn't think this is project for affordable units

Kathy Joubert, Town Planner

- Need to look at individual neighborhood and roads feeding into them
- Try to decrease impervious cover by decreasing road width to minimum town standard if possible
- Area roads – Winn Street and Winn Terrace – both at 18 foot width
- If allowed 20-foot width, can gain from applicant's offer to give town cost difference of 22-foot width construction
- Will check with Fire Chief about No Parking signs if road is 22 feet wide
- Looked at expanding sidewalks at Winn Street/Park Street but couldn't get continuous flow due to hydrants and poles
- Staff agree should use money in another part of town for sidewalks where better served
- Strip called Park Lane doesn't serve purpose to subdivision – name given to a driveway by someone
- Asked applicant to dissolve it and reflect that on final plan

Comments from Board

Mr. Leif

- Is open to either 20 or 22-foot width road - will wait for feedback from Fire Chief
- Not project for affordable units

Mr. Hewey

- Road width based on neighborhood – 20-foot width an improvement
- Would like to hear neighbor's comments

Mr. Pember

- Significant turn in road with sidewalk
- Not sure there are cape cod berms in town
- Probably bituminous that gets bumped and broken up
- Do modified cape cod berms move easily?

Mr. Hewey: Plan G shows roadway still off-set as originally put in there – DPW request was to remove – public way most important – works as is either way, with or without trees

Mr. Tetreault: Still worthwhile – fits with everyone's driveway and creates better turn in road

Mr. Moss: Proposing subdivision at end of existing private way and making it private – thought cul-de-sac would be private but must be done to public standards – town won't plow until accepted as town road

Mr. Rosenberg: Concerned if Park Lane strip of land removed what happens to Prudhomme's access

Mr. Moss: Has call in to attorney – Prudhomme's asserted they have rights to driveway – title search will be done to see who has the deeds – no intent to fence them off – need to put utilities underground there and talked with Prudhommes about trading strip of land for another strip of land

Mr. Leif: They have access – they have their own driveway

Mr. Tetreault: both entrances on top of each other – Prudhomme's told by attorney their deed references their ability to use a 25-foot wide right-of-way known as Park Lane.

Ms. Gillespie: agrees with Ms. Joubert – needs to be cleaned up – town shouldn't have liability – not on town map – not public or private – take Park Lane off subdivision

Mr. Rosenberg: Would not feel comfortable if strip of land traded – think they will be cutoff due to topographical issues – how does proposing strip in back yard solve problem

Mr. Moss: Would give strip they're using to them and take a strip from the back of yard

Mr. Rosenberg: didn't realize Prudhommes would keep strip – ok with trade

Mr. Leif: Explained affordable housing issue – doesn't think this is the project – not enough units

Mr. Rosenberg: Possibility of buying land from abutter?

Mr. Moss: Right now, doesn't own it and doesn't have anything to swap to get another piece of the property – Prudhommes have sketch of other land swap

Mr. Hewey: If single unit became duplex, could that be affordable? Even with other projects now, at some point there could be a crisis

Mr. Leif: No, reasonable that 10 units is too small

Ms. Gillespie: Asked if possible for applicant to find school to mill the 48-inch and 44-inch Maples to be removed

Mr. Moss: OK with that – agreement in neighborhood to do memorial marker to house done in bronze with wording – an historical marker

Mr. Tetreault: Mass Historical Commission had no objection to demolition of house

Comments from Abutters

Jill Tervo, 15 Summer Street:

- Park Lane – Has been known as Park Lane for years – sign put there by Town as courtesy to Jim Taylor's tenant, Mary Dolan, for convenience of nurses and emergency vehicles attending sick husband to easily find house
- Doesn't have access onto Summer Street – has to cross over to Park Lane to get to the street – deeded as a right of way for all heirs – can't cut off

Mr. Leif: Is Park Lane part of land purchased or owned by Mr. Moss?

Mr. Moss: Yes – has been some discussion about a condition on decision to state how town would like to see that handled

Ms. Joubert: If they have deeded rights, then they have the rights.

Mr. Leif: If title search shows they don't have deeded rights, would something be in decision about what Planning Board would like to have happen to Park Lane?

Ms. Joubert: No, that would be between Mr. Moss and the residents – but Park Lane would no longer be in existence.

Mr. Moss: Has every intention of working it out – land is not beneficial to him, except for underground utilities

Bob Marcello, 15 Park Street: Concerned with kids cutting through his yard – Could Park Lane be turned into walking lane?

Mr. Moss: Opposed to making it a public sidewalk – someone will own it, needs insurance, has to be plowed and salted and all other liability of having the public use an established path – property value would be affected – neighbors could not sit on deck in privacy – same scenario as in all neighborhoods in town

Joanne Triestman, 4 Winn Terrace: We all walk through there – 9 dwellings with 3 bedrooms each could bring 25 children – kids need to get to bus stop – they won't walk all that way - space where granite marker is, someone could maintain a mulched path

Mr. Tetreault: Maybe check with school system for change in bus route to accommodate children

Mr. Moss: A different scenario then – Mr. Taylor was obliging but now putting new house

Ms. Joubert: DPW stated whatever happens in circle is not to be maintained by Town so will have to be some kind of homeowners association to take care of it

Steve Treistman, 4 Winn Terrace: Regarding curbing, if foot-wide berm falls inside road, then it would be 22 feet, not 20 feet.

Mr. Tetreault: It falls inside, so original plan is for 20-foot width with 2 feet of curb

Mr. Litchfield: The 20- or 22-foot width is driving width – pavement surface

Mr. Treistman: Typically curb and sidewalk are the same level and road set down - How does it work here?

Mr. Tetreault: Have designed break in curb at driveway, with 6 inches of transition area

Mr. Treistman: Doesn't seem good – only a matter of time before plow picks it up

Mr. Moss: Done all the time – if done properly shouldn't be an issue

Mr. Leif: Developer has responsibility to provide transition done properly – What is town's responsibility if there is an impact on homeowner?

Mr. Litchfield: Depends on if roadway is public or private

Mr. Moss: Has put roads in and tied into 88 homes and never had a problem

Mr. Treistman: They have problem with snow storage – all they can do is plow to end and have it build up – a wider road could be better

Maryanne Breault, 14 Winn Terrace:

- would not like it to be wider than 20 feet
- snow can be shoved to the side
- would like it to be a public way
- makes no sense after all work for it not to be public
- David Hathaway also agrees and will send letter if necessary
- Berm/granite curbing: Neighbors let people park on/in yard
- Park right on each others lawns
- If granite curb will not be able to do that
- Very good about letting each other park in and use each other's driveways
- Prefer cape cod berm
- Doesn't want sidewalk
- Doesn't agree with walkway on Park Lane – if she was property owner would be upset about walkway
- Who is liable – who will maintain?
- Will have to be behind property of Dentch and next to Prudhomme
- If through any other lots, will have to have insurance
- Has to be controlled
- Park Lane should be straightened out with Prudhommes and Mr. Moss
- Children should not be able to walk through private yards – parents need to address this with their children not the developer

Ms. Gillespie: Could Planning Board send note to superintendent to look at bus stop?

Ms. Joubert: Common for staff to meet with schools about subdivisions and bus routes

Brad Reynolds, 5 Park Street: If property transitioned over to neighbor, what is setback for driveways on adjacent homes?

Ms. Joubert: No setbacks on driveways – can be put up to property line

Mr. Reynolds: Would like some kind of consideration when house built

Mr. Moss: Has been talking with Mr. Reynolds and will keep him in loop about discussions with Prudhommes.

Mr. Tetreault: Water line situated so it connects to Park Street and gives opportunity to decide what boundaries of driveway should be

Mr. Leif: Aside from permeability tests – does Board need any other information to reach decision? Maybe recommendation from Fire Chief on 20 or 22 foot width of road – If choose to reach decision, could be done conditionally

Mr. Moss: Are signs required if approved as 20-foot roadway?

Mr. Litchfield: Minimum town road standards are what need to be presented to Board of Selectmen to get endorsement for public way – don't know if they would waive it at 20 feet – concern is that if Planning Board approved 20-foot width and residents expect to have it made public in future, that might not happen. Planning Board could waive it, but doesn't mean Selectmen or Town Meeting would waive it.

Mr. Leif: If Planning Board agrees street should be made public way, then should be approved as consistent with town standards

Ms. Joubert: Will check with Town Administrator and Town Counsel to see what's been done in the past

Ms. Hewey: Would like to see plans reflect infrastructure they're approving

Ms. Joubert: Plan needs to reflect decision – would suggest keeping hearing open but between now and October 5th, can get answer and draft decision on October 5th.

Mr. Pember: Is signage requirement under the authority of the Planning Board?

Ms. Joubert: No – between Board of Selectmen and DPW – Planning Board needs to know width that does not require signs –width that satisfies safety officers without signage

Mr. Pember: Not sure if appropriate to put signage issue into decision

Ms. Joubert: Not necessarily in decision, but point of reference for width of road

Mr. Moss: Board looks at it harder than Selectmen – sometimes never brought up when road brought to Town Meeting

Mr. Hewey: Could asked specifically to reference G3 map in decision so memorialized

Ms. Joubert: Normally would reference plan, but don't call out one or two things

Mr. Hewey: Also want to include dry wells

Mr. Tetreault: Dry wells to be referenced in the Conservation Commission's Order of Conditions - can't get Certificate of Compliance unless installed

Ms. Joubert: Anything to do with roadway system has to show on as-built plan before approved – road won't get accepted until put on plans

Mr. Pember: Urged Board to consider cape cod berm and where those in neighborhood have allowed creative parking, berm more conducive to parking on side of road and eliminating need for signs

Mr. Litchfield: Should Planning Board decide not to require granite, then another contribution to DPW should be made – significant price difference between granite and cape cod berm

Ms. Joubert will draft decision for next meeting – October 5, 2005.

Mr. Hewey moved to continue the hearing to October 5, 2006 at 7:05 pm. Mr. Pember seconded the motion and the vote was unanimous.

Old/New

Maynard Woods – Lot Releases/Well Testing Results

Mr. Hewey recused himself from this discussion.

Ms. Joubert: Seven people had their wells retested. The Planning Board decision reads the tests would be for quality, and some residents also tested for quality. All results were provided to the Board of Health

Agent, Dennis Costello, and the Acting DPW Director, Kara Buzanoski, for review and they will have that information for the Board after they have analyzed the pre and post construction tests. One person submitted results who wasn't part of the original decision and never had the first testing done. Results will also be provided Steve Venincasa, developer of Maynard Woods.

Mr. Leif: Before reaching any conclusions or discussing this in any great detail, the Board will wait to hear the results of the tests from the Board of Health and DPW.

Eleanor Raye, 80 Maynard Street: Quality tests were also included in the Order of Conditions – there was a section on quality issues. She had her well quantity tested and it fell below 10%. A number of neighbors had thought about having the quality testing, but felt it was too expensive. She paid \$450, which was the lowest price she could get. Between 7 and 10 people had quality tests. Some tested for quantity not quality.

Gordon Kelly, 62 Maynard Street: It was an expensive proposition, costing \$775. Three years ago his well was at 9 feet and now it's 22 feet. Three years ago the rate was 8 gallons, now it's less than 5 gallons and bacteria showed up. Bacteria can come from a number of things and it's been treated, but it's been recommended he treat further to ascertain the affect of the blasting. Mr. Moss said there would be a minimum of blasting for Maynard Woods, but he spent all fall blasting. Most of people didn't do it because of the cost. They may not know the ramifications for several years. Wells should be confined to rural areas and at one time Maynard Street was a rural area. Now there's cluster housing. There should've been fewer houses and the Town should have brought water down there. Mr. Moss got everything he wanted because the time ran out on the proposals made. At this point he would like to get a reaction from the Board as to where they go from here. There are only two people still on the Board from then, which is a little disconcerting.

Claire Swan, 37 Maynard Street: It was their understanding that initial testing and follow-up testing would be paid by the developer. They were surprised to get a letter stating they would have to have testing done. There were serious concerns about the water and they thought that the conditions indicated the whole process would've been the responsibility of the developer.

Don Hewey, 80 Maynard Street: He understands the need to get the street accepted. It's better for the town and for the people who purchased homes up there. He's concerned with some level of protection for people up there for one year after the last occupancy. As Mr. Kelly stated, his level was down. He doesn't know what advice the Board of Health will provide other than saying there's a problem. Their well was 6-foot static at 10 gallons per minute and it went to 8 feet and 7.1 gallons. It started at 11 feet and, in one hour, dropped to 36 feet.

Eleanor Raye: Dry wells were proposed to be installed to catch the roof runoff and be added to recharge and off-set impervious cover. No one up there remembers dry wells being installed. Maybe some of the neighbors are having quantity problems, but they aren't as drastic.

Mr. Rosenberg: The Board could have a discussion and state it's position and the Board of Health's position. There are likely a range of responses. Without knowledge of the Board of Health regulations, he suggested there must be a minimum flow to support a house. He asked if the wells are usable based on the conditions.

Ms. Joubert: Based on the Planning Board's decision, if there is a change of 10% in someone's quantity, the developer will go in and take a look at it and hydrofract it to see if it works. He may have to install a new pump or dig a new well. It is clear in the decision that the applicant would pay for the initial testing and the individuals would assume the cost of another one.

Ms. Swan, 37 Maynard Street: She hadn't understood that and stated there would be no point in the developer paying for the initial test if they had to pay for the follow-up test

Mr. Leif: The Board was not negotiating from a position of strength and wanted the developer to take some responsibility. The reason was, in a way, to get something in the condition to get two levels of testing done. The developer only agreed to do one round of testing. If, at the second level, there were problems, we have two lot releases to hold up. The Board is not sure what they'll hear from the DPW or Board of Health. If they believe there was an impact, they could order the developer to fix the problems. He could disagree with the interpretation, but the Board is in a position to have a course of action they can take as outlined in the conditions and will order the developer if indicated. They could hold the two lot releases until the wells are fixed.

Mr. Pember: He represented someone on Macalister Drive who sold their house and the well didn't meet standards when the buyer had it tested. That house had met standards when it was tested in 2003. The developer was ordered to replace it by the Planning Board. The Planning Board overstepped their authority by making the developer replace the well because they have no authority over wells. The Board should proceed carefully with this.

Ms. Raye: The Planning Board has a letter from the developer stating this is what they propose to do. They are aware their well capacity will pass a bank test for quantity, but there has been a dramatic reduction in quantity. Standard was proposed by the developer and their's fell by 10% in quantity. It's not the same well they had three years ago. Maybe in time it will go from 7 down to 4. The last house built had to sink a second well.

Mr. Leif: Legal or not, the idea was to get everyone in there and test the wells to see if there would be any negative impact on them after the blasting.

Ms. Joubert: She has a list of when every house was occupied and two lots haven't been released.

Mr. Leif: The Board will wait for feedback and put it on an agenda. He requested the Board receive copies of the conditions.

Mr. Kelly: Anyone with a well should be checking quality every year, but quantity is almost never checked unless they're not getting water. Most banks are looking for 5 gallons per minute, but his is below 5. The test was only run for 2.5 hours. There's a difference between how much is coming out of the house and the yield. The developer should have paid for the tests. Most people didn't have them done.

Ms. Joubert: The tests have gone to the Board of Health agent and the DPW Director. The Board of Health agent is a paid staff person who reviews all the well testing.

Maynard Woods - Bond Reduction

Mr. Litchfield presented his letter and explained the calculations for the requested bond reduction.

Mr. Rosenberg moved to grant the bond reduction in the amount of \$74,000. Ms. Gillespie seconded the motion and the vote was unanimous. The remaining bond amount will be \$164,000.

Mr. Pember wanted to know the time frame for roads being accepted at Town Meeting.

Mr. Litchfield stated they are not allowed to top the road until all the houses are built. The last two lots have to be released.

Ms. Joubert stated she can't speak for the developer. She feels he will show the same cooperation and speed he showed for Macalister Drive. He wants it over and done with.

Mr. Litchfield agreed, stating the developer is reasonable and very fair.

Chamber of Commerce: Ms. Joubert explained the Chamber of Commerce is trying something new with 4 towns that belong to the Chamber. The Economic Development Subcommittee will go to each of the 4 towns for one of their monthly meetings. Northborough will be the first town and the regularly scheduled meeting will be next Tuesday at 8 am. The Assistant Town Administrator, Town Planner and Acting DPW Director will be making presentations. The Chamber is trying to get more involved with the towns in order to get to know people and to know the individual issues in town. She encouraged all board members to attend.

Zoning Reorganization Subcommittee: The first meeting will be held on Monday, September 25, 2006 at 3:30 pm.

CMRPC Meeting: Ms. Joubert stated they have a new director with a new policy. Part of money given to towns is for local planning assistance hours. Last year they used all of it for the Open Space Plan draft and they'll use the rest of it to finish the plan. Now, to earn those hours, any time a Board member attends a CMRPC meeting or special conference, the town will get points which will equate into additional hours. They will receive an initial 10-12 hours, but they will have to earn the rest. Alternates get credit as well as members.

Stop & Shop Appeal: Ms. Joubert explained Town Counsel stated the Board has no reason to schedule an executive session to discuss the appeal. If and when one is necessary, she will attend.

Budget Schedule: The warrant closes officially on March 12, 2007, but the Selectmen will review a draft on January 26, 2007.

Mass Housing Partnership Conference: Mr. Leif will be signed up for Mass Housing Partnership conference on November 2nd at Devens. The Planning Budget will pay for this.

Affordable Housing: The Board discussed under what conditions they would discuss affordable housing as mitigation for subdivisions with developers.

Ms. Gillespie: Surprised Mr. Leif brought it up with Winn Terrace
Uncomfortable because inclusionary bylaw didn't pass
More powerful when backed by Housing Partnership
Needs to be consistency between projects with what Board is looking for in mitigation
Town looking for help in other areas also, not just affordable housing
Board needs to discuss mitigation ahead of time
Could be challenged because no bylaw to back it up
Get check list from other departments and look at it when reviewing small projects

Mr. Leif: Will bring up if development proposed without a lot of other mitigation
Also according to amount of new market rate housing being proposed and town's
percentage of affordable units
Brigham Woods developer willing to give to town
Shouldn't feel hesitant to bring up affordable housing
Project has to present perceived problem for town to mitigate
Identify need/impact and mitigation

Ms. Joubert: Mitigation needs to be discussed ahead of time
What about recreation dept., equipment for police dept, fire dept, DPW, dog officer?
Have heard it for years and something board needs to be aware of
Other needs in town - how to balance it?
Other departments look at subdivision - see impacts affecting them

Mr. Hewey: Surprised Mr. Leif backed off affordable housing mitigation with Winn Terrace
Seemed like worth having the discussion
Defensible to look at requiring affordable unit when subdivision includes more than 10
units
Likes the idea of a preliminary discussion

Mr. Rosenberg: Board needs to be consistent

Adjournment

Mr. Pember moved to adjourn the meeting, Mr. Hewey seconded the motion and the vote was unanimous.
The meeting adjourned at 10:15 pm.

Respectfully submitted,

Debbie Grampietro, Secretary
Planning & Engineering