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GAC Minutes

APPROVED

1/10/2023

Town of Northborough

Office of the Town Engineer

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Groundwater Advisory Committee

October 11, 2022

Remote Zoom Meeting

6:00 p.m.

Present (Remotely): Scott Rogers (Board of Selectmen), Anthony Ziton (Planning Board), Bryant Firmin (Water and Sewer Commission); Fred Litchfield (Town Engineer).
Diane Guldner (Conservation Commission) joined the meeting at 6:34 PM

Members Absent: Theresa Capobianco (Board of Health)

Attendees (Remotely): David Cooley

Mr. Rogers opened the remote meeting at 6:00 p.m. and announced that the open meeting of the Northborough Groundwater Advisory Board (GAC) is being conducted remotely pursuant with Chapter 22 of the Acts of 2022, An Act Relative to Extending Certain COVID-19 Measures Adopted During the State of Emergency signed into law July 16, 2022. All members of the GAC are allowed and encouraged to participate remotely. This Act allows the GAC to meet entirely remotely so long as reasonable public access is afforded so that the public can follow along the deliberations of the meeting. The public is encouraged to follow along using the posted agenda unless the Chair notes otherwise. Members of the public who wish to view the live stream of this meeting can do so by going to Northborough remote meetings on YouTube via the link listed on the agenda. Ensuring public access does not ensure public participation unless such participation is required by law. This meeting will not feature public comment. The process was explained.

Member and Staff roll call was taken: Scott Rogers, Bryant Firmin, Anthony Ziton; Fred Litchfield (Town Engineer)

To consider the petition of David Cooley for a Variance for reconstruction of the single-family structure on the property located at 80 Main Street, Map 64, Parcel 23, in the Main Street Residential Zoning District and Groundwater Protection Overlay District Area 3.

Applicant and Representative: David Cooley, Owner and Applicant

Mr. Cooley owns Blue Water Rental Properties. He purchased the property, along with several other properties, approximately six months ago. He proposes to remove the single-family structure and rebuild it in the same footprint; there is also a multi-family building on the property. Mr. Cooley has been before the Conservation Commission; erosion controls need to be installed to protect the Assabet River.

Mr. Rogers asked if he would be using the existing foundation. Mr. Cooley responded that there is currently a rock foundation; he will be putting in a new 8-foot concrete foundation. He noted there are

some significant elevation changes (approximately 10-feet) which are more suitable for the driveway and sloping.

Mr. Litchfield's memo was reviewed. When Mr. Cooley first applied, the application said it was for a special permit, but after an internal review, Mr. Litchfield, the Town Planner and the Building Inspector determined that it wasn't eligible for a special permit but rather a variance. The structure had a fire years ago and was never opted to be rebuilt by the original owner. Staff's understanding is that the grandfathering that might have applied has lapsed and therefore a variance is required to have two principal uses on one property. Because there is a multi-family you can't have a single-family as an accessory structure; that's an issue for the ZBA. Mr. Litchfield's memo focused on what the Committee would look at for groundwater requirements. If the variance was granted by the ZBA the Committee would want to have some input as to what conditions they might put on it. In terms of groundwater aspects of the proposal, it's pretty clear that it's acceptable Mr. Cooley is connecting to town water and sewer; there is no limit on the sewer capacity needed under the septic system as we would normally have with a multi-family use; it's not usually an issue when connected to town sewer. Mr. Cooley said he is already connected to town sewer for both structures and is accessible to water, electricity and gas. Mr. Litchfield said the DPW records indicate that they are not currently connected, but they could be, and conditions of approval would require they be connected and an as-built plan showing they are connected.

Item 1 of the memo says the applicant should submit documentation in accordance with Section 7-07-010 D. (4) (a) [1-5] which are the five items required to be submitted when applying for a special permit (groundwater quality, underground storage, etc.). Typically, it's a matter of documenting a statement that they're not going to have anything that's toxic or hazardous and that they are not going to impact the underlying groundwater supply. It's not required that they have something from a qualified expert when it's a residential development because it's assumed that there won't be any storage or manufacture of hazardous chemicals because it's not allowed in that use. Mr. Cooley did submit a supplemental letter which has been satisfied. Although a residential development of a single-family dwelling is permitted in Area 3 in accordance with Section 7-07-01 D. (1) (c) (2), since a multi-family building already exists on the site, any improvements should be made in accordance with Section 7-07-01 D. (3) (c) [6] for multi-family items in Groundwater 3 (impervious cover, septic loading, etc.). It is a variance, and if approved, the ZBA should include conditions that Mr. Cooley meets all the conditions of the special permit even though he is applying for a variance. The Committee wants to make sure the use is consistent with what would be allowed if it was a special permit.

Item 3 talks about the fact that the lot is big enough in the zone, it is more than 20,000 square feet, and it is proposed to be connected to town water and town sewer.

Item 4 mentions that the proposed impervious cover needs to be confirmed. Mr. Litchfield felt it will meet the impervious cover because anything existing before 1986 would be grandfathered. Mr. Cooley is not proposing anything new, but it was recommended that if he gets a variance that some recharge of roof runoff in order to infiltrate back into ground might be appropriate to do at the time, preferably for both buildings, but at least the new building while he is digging the foundation; it would be easy enough to put in some dry wells. Being in a groundwater area, the soil is expected to be conducive to recharge.

Item 5 talks about a site plan. Mr. Cooley is not proposing any increase to the impervious cover, but the site plan requirements talk about adequate parking, drainage, location of utilities, etc. For the multi-family and new building, the Committee would want to make sure there's adequate parking in accordance with the zoning and have it shown on a proper site plan. There are two plans with the application: one titled "Site Plan" but it's not stamped; the other titled "Certified Plot Plan" which is stamped.

Item 6 says a minimum of one permeability test should be performed for each of the areas to be utilized for infiltration so if Mr. Cooley does go forward with the drywells we have some verification that the assumptions they make and how quickly the water will be absorbed into the ground are actually

confirmed in the field and noted on a final set of plans verifying that whatever he is required to do as an approval is documented, and an as-built plan documenting that he built everything according to the approved plan.

Mr. Litchfield's recommendation is that the site plan be a condition of the approval of a variance; he is not looking to require that now because Mr. Cooley is asking for a variance and if the variance is not granted, felt it would be unfair to require him to do a great deal engineering and design work at a costly expense when that's not required to get the variance. If the ZBA approves the variance, they could add the conditions of approval which will be confirmed by Mr. Litchfield, the Town Planner, and the Building Inspector.

Mr. Cooley had no issues with the review letter; whatever is needed will be done.

Mr. Ziton asked if any driveway improvements were being proposed. Mr. Cooley said there were not; because he is replacing the new house in the existing footprint, there is adequate parking, and the condition of the driveway is in good shape. Mr. Cooley thought this was a perfect example of affordable housing in the downtown district.

Ms. Guldner joined the meeting at 6:34 PM p.m.

Mr. Ziton made a motion that should the Special Permit Granting Authority approve the application for 80 Main Street, they apply the conditions listed on the letter from the Town Engineer dated October 7, 2022, to the Groundwater Advisory Committee as to conditions to approval from the ZBA; Mr. Firmin seconded; roll call vote: Ziton-aye; Firmin-aye; Guldner-abstained; Rogers-aye; voted 3-0-1; motion approved.

Mr. Litchfield is looking for #3 & #4 of his letter. Mr. Cooley said the only issue he has is with the three-unit to put in drywells. On the right side of the house is the driveway, the left side of the house would be the only area to install them. He would like to have an onsite meeting with Mr. Litchfield. The condition could be that the recharge of the existing three-family structure would recharge as much of the roof as possible without damaging the driveway.

Old/New Business:

Review and Approve Minutes of May 10, 2022, and September 15, 2022 – Mr. Ziton made a motion to approve the May 10, 2022, Meeting Minutes as amended; Ms. Guldner seconded; roll call vote: Ziton-aye; Guldner-aye; Firmin-aye; Rogers-abstained; voted 3-0-1; motion approved. Mr. Ziton made a motion to approve the September 15, 2022, Meeting Minutes; Ms. Guldner seconded; roll call vote: Ziton-aye; Guldner-aye; Firmin-aye; Rogers-aye; motion approved.

Discuss next meeting date November 8, 2022, if necessary.

Having no further business to discuss, Mr. Ziton made a motion to adjourn; Ms. Guldner seconded; roll call vote: Ziton-aye; Guldner-aye; Firmin-aye; Rogers-aye; motion approved.

The meeting was adjourned at 6:40 p.m.

Respectfully submitted,

Melanie Rich
Committee Secretary