



# TOWN OF NORTHBOROUGH PLANNING BOARD

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## Planning Board

### Zoom Meeting Minutes

October 4, 2022

Approved November 1, 2022

**Members (Remotely):** Kerri Martinek, Chair; Amy Poretsky, Vice Chair; Bill Pierce, Millie Milton, Anthony Ziton

**Members Absent:** None

**Staff Present:** Laurie Connors (Planning Director); Fred Litchfield (Town Engineer)

**Others (Remotely):** Mark Arnold (Goddard Consulting), Vito Colonna (Connorstone Engineering)

The Chair opened the remote meeting at 6:00 p.m. and made the announcement that this open meeting of the Northborough Planning Board is being conducted remotely pursuant to 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 on July 16, 2022. All members of the Planning Board are allowed and encouraged to participate remotely. The Act allows the Planning Board to meet entirely remotely so long as reasonable public access is afforded so that the public can follow along with 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 may 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 feature public comment.

Member and Staff roll call was taken: Bill Pierce, Amy Poretsky, Millie Milton, Anthony Ziton, Kerri Martinek; Laurie Connors, Fred Litchfield

### **Public Hearing for 317 Crawford Street Site Plan Approval for site disturbance of 42,500 sf of land area**

**Applicant:** Vadim Lozko

**Engineer:** Goddard Consulting, LLC

**Date Filed:** September 2, 2022

**Decision Due:** 90 days from close of hearing

The hearing notice was read into the record. Mark Arnold (Goddard Consulting) was in attendance. The property is a large parcel, 297 Crawford Street, that was subdivided into several lots. Development of the subject parcel, Lot 3, triggered Zoning Bylaws, Section 7-09-010 (5). Mr. Arnold explained that an erosion control plan was prepared that has multi-phase erosion control measures; temporary measures are in place during certain construction phases to deal with runoff while allowing construction to continue. He said regardless of whether there is a single-family house and a driveway proposed, they would still have to do the measures so the site is protected during construction. There is a limit of work designated on the upper portion of the property to protect the upland forest; there will be no disturbance or tree clearing beyond the limit of work. Below the site are erosion controls around the south perimeter. When the driveway is gravel, there will be gravel water bars installed. All measures are designed to be put in during

construction for protection. Several waiver requests were submitted. The locus on the site plan was not to scale but he felt the information provided was adequate; there are no endangered species or wetlands on the property; erosion control measures will be in place; there will be a construction entrance; the site will be monitored during construction.

Ms. Milton commented that it's only temporary management of erosion controls to grade the land prior to construction, but the amount of land is greater than the 20K square feet. Mr. Arnold said there is more than 20K square feet of disturbance; the measures they have are focused on Section 5, Chapter 7-9. She asked if he had any qualifiers on the amount of land being disturbed and was told that the qualifications of this Section are that if you are under one acre but over 20K square feet, you fall under this Section of the Zoning Regulations. Ms. Martinek asked if he was submitting a Stormwater Management Plan. Mr. Arnold said he believes the controls he has in place will be adequate during construction and additional stormwater measures are not required. It is a single-family house and DEP has determined that single-family houses are exempt from all their standards. Ms. Martinek clarified that he is over 20K square feet but not submitting a proposed stormwater management system. He replied that he was not. Ms. Milton said there is a significant amount of grading going on and expressed concerns about runoff washing into the road and drainage. Mr. Arnold said the goal of the grading is to create gentle slopes and explained the placement of the erosion controls. Ms. Martinek asked if they submitted an Existing Conditions Plan; Mr. Arnold did not but can provide one if needed. Ms. Milton said there are regulations in place including stormwater management criteria; she felt the project warranted stormwater mitigation.

Referencing his letter to the Planning Board, Mr. Litchfield explained that that section of the Zoning Bylaw aims to control runoff, sediment and erosion during construction and when land clearing occurs before an application is filed with one of the land use boards. The Bylaw triggers Site Plan Approval and the requirement within the Planning Board Rules and Regulations for a stormwater management system designed in accordance with the Mass DEP Handbook for Stormwater. The Town adopted the Bylaw with the express intention of controlling runoff whether it was a single-family house or not if it exceeded 20K square feet of land disturbance. Staff's opinion is that the Stormwater Management Plan should be submitted. Mr. Litchfield recommended either denying site plan approval or continuing the public hearing so the applicant can submit the plan at a later date.

Ms. Connors agreed with Mr. Litchfield. The way the Planning Board Rules & Regulations pertaining to stormwater management system are articulated is that the stormwater management system needs to be designed in accordance with DEP requirements. The exemptions that exist in DEP Regulations don't carry forth to the local regulations; local regulations can be stricter than the DEP Regulations. In Section 7-09-010 of the Zoning Bylaws, there are exemptions that are mentioned, including an exemption from clearing and grading in conjunction with construction of residential buildings or accessory structures if the land area to be cleared or graded is less than 20K square feet. A project, such as this, that is proposing to clear more than 20K square feet would not be privy to the exemption. If there was an intent to have an exemption for all single-family dwellings, it would have been stated under exemptions. There are also other waivers that the applicant has requested that she had issues with.

Waivers Discussion: Section 7.2C(3)- requirement to show ownership of abutting land on the site plan. Mr. Arnold said it required additional changes to the plan when they already had information from the Assessor's Office and the ANR.

Section 7.2C(4)- requirement to include a locus map at a scale of 1"=100' showing the entire project and the location and use of any building thereon within 300 feet of the boundary of the site. The Erosion Control Plan is not to scale. Mr. Arnold said the ANR Plan and the orthophoto map shows the locus and felt that was enough information.

Location of the site in relation to Groundwater Protection Overlay District. Mr. Arnold said an orthophoto map was provided with that information.

Location of the site in relation to the Floodplain District. Mr. Arnold said they are 800 feet away from the nearest floodplain area.

Partial waiver from Section 7.2C(7)- existing and proposed topographical contours of the site. Ms. Martinek said there was concern about the proposed cuts along the southern property line and if it will impact the abutter at 311 Crawford Street which is not identified on the plan. Mr. Arnold said they are cutting towards the applicant's site so that ensures runoff will stay on the subject property. The updated plan includes additional contour information.

Section 7.2C.(9)- requirement to show the nature, location and size of all significant existing natural land features, including but not limited to tree, shrub, or brush masses, specimen trees and all other trees over 10 inches in diameter at breast height, grassed areas, and soil features. Mr. Arnold said it is a wooded lot and to do a survey showing trees over 10 inches would take a massive amount of effort and didn't think it would be helpful. Ms. Martinek said we don't have an Existing Conditions Plan. Mr. Arnold thought the existing conditions were clear on the submitted plan.

Section 7.2C.(10)- requirement to show engineering cross-sections and vision triangles measured in feet from any proposed curb cut along the street on which access is proposed. Ms. Connors recommended denying this waiver request. The revised plan shows a cross section of the driveway. We can now see that they are proposing 3" of bituminous pavement over a 12" processed gravel base. Given the very steep slope of the driveway at more than 14%, Ms. Connors thought it prudent to have the sight distance information. Mr. Litchfield concurred.

Partial waiver from Section 7.2C.(15): Provisions for drainage and any proposed telephone and cable television utilities. Ms. Connors expressed that the Planning Board prefers electric, telephone and cable to be installed below ground.

Section 7.2C.(17)- requirement to show the proposed stormwater management system, which shall be designed in accordance with the Massachusetts Department of Environmental Protection Stormwater Management Policy Handbook and Technical Handbook as most recently amended, whether or not the proposed work falls within the jurisdiction of the Wetlands Protection Act, M.G.L. c. 131, Section 40. Ms. Martinek said failing to address stormwater impacts of a proposed development creates a danger to resident health and safety and doesn't meet the decision criteria for approval specified in Section 7-030-50 c2b1 and the Rules and Regulations. Ms. Martinek said Mr. Arnold has expressed his opinion and doesn't feel he needs to supply it. Mr. Arnold said if there is a concern, particularly about the driveway being steeper, they can look into shallowing it up. If the Board wants him to mitigate some of the stormwater at the entrance of the driveway, he will look at it. The Applicant is amenable to mitigating the 1" rainstorm for all the impervious surfaces. Mr. Arnold asked if the Board could elaborate on the health and safety danger concerns. Ms. Connors' concern is the driveway with a 14% slope. During a major storm event, stormwater will flow down the driveway into Crawford Street creating a slip hazard. In

addition, the Fire Department doesn't like driveway slopes of 14%. They will have a difficult time getting their fire apparatus up the driveway. Those two reasons are why she was concerned for public health and safety. Mr. Litchfield spoke with the Fire Chief that day and wanted them to be aware that the Fire Department cannot service a driveway in excess of 14%. Mr. Arnold said they can look at getting the driveway below 14%. With regard to a slip hazard, they can provide some level of stormwater management. Mr. Litchfield responded that that would be helpful. Also there is also a section towards the southerly end of the project frontage that will sheet flow into the Crawford Street right-of-way as well. He said a stormwater plan could address all that.

Section 7.2C.(18)- requirement to submit a lighting plan and photometric plan. Mr. Arnold said they do not plan to have posts; lights will be mounted on the house.

Section 7.2C.(19): requirement to submit a landscaping plan. Mr. Arnold said being a single-family house, they don't plan on doing significant landscaping. He didn't think it was pertinent for this type of property and development activity. There has been discussion about improving the stonewall with the applicant. Ms. Milton said the plantings/vegetation along the street are pretty well grown and seems to be invasive and thought it would be good to know what they plan to do along the road. Mr. Arnold said the intent of the grading and the area of limited work is to establish those areas with lawn grass; areas outside the limit of work will be left in their natural state. He has discussed with the applicant removing the invasives along Crawford Street. Mr. Litchfield said the slope in the back of the house is shown as a 2:1 grade; some type of treatment on that slope may be appropriate to be shown on the plan because a 2:1 slope is difficult to mow. Some groundcover that won't require mowing would be appropriate; a landscaping plan could outline that. Mr. Arnold said the applicant may just mulch the slope. Ms. Connors said mulch on a 2:1 slope will run off. Mr. Pierce said with all the trees being removed, a landscaping plan makes sense. Mr. Arnold said this waiver is under the Site Plan Review; planting junipers could be a condition.

Discussion ensued about the Planning Director's written comments.

The incorrect frontage information has been corrected on the revised Site Plan, but the reduced frontage zoning requirements block remains on the plan despite being inapplicable to this property. Mr. Arnold will remove it.

The pavement cross section was provided but the drainage system design and drainage calculations were not submitted as of this date. Mr. Litchfield reiterated that the drainage system design and calculations should be submitted.

Mr. Litchfield also said in an effort to make it more clear for the future, the Planning Director and himself plan will propose an amendment to the Planning Board Rules and Regulations that clarifies that there is no exemption for single family homes with regards to stormwater mitigation requirements.

The Erosion Control Plan should be modified to include details of the proposed gravel water bar and sediment trap and location of proposed soil stockpiles. Ms. Martinek said the water bar and sediment traps are now provided but lacking dimensions and soil stockpile locations are not depicted. Mr. Arnold will do that if needed. It is a cut/fill balanced site and he doesn't expect to have a large amount of soil stockpiled on-site.

The Erosion Control Plan should be modified to include information about how trees outside the limit of work shall be protected from construction activities. Mr. Arnold said they will put up the orange construction fence around the top part of the site along the limit of work.

Comments/Board Questions: Ms. Milton had a concern about the number of trees being removed and that, being on such an incline, there should be more robust water management. Mr. Pierce agreed and said with all the tree clearing, there has to be a plan to mitigate it. He understands from their comments that they want to do the right thing, but without a plan there is nothing to show us with the intent is. Mr. Ziton said because of the significant area of land clearing, size, scope and grade of the property, he had concerns about stormwater management and erosion on the property. Ms. Poretsky said there should be a stormwater management plan and design calculations and wants to see the line of sight. Ms. Martinek pointed out that the majority of the Board wants stormwater mitigation and asked if the applicant wants time to provide that or should the Board move forward with what we have. Mr. Arnold said he's heard a lot of comments but not necessarily a clear standard. The applicant is amenable to providing some level of stormwater management- they can capture and infiltrate the 1" storm from impervious surfaces and provide the sight distance at the driveway. Ms. Milton said we should also be concerned with firetruck access to the site. Mr. Litchfield said we typically would want to see recharge of the roof runoff to mitigate the water coming off the impervious areas, a trench drain at the end of the driveway would be helpful to reduce the amount of water flowing onto Crawford Street. That water could be directed into a stormwater basin at the low point.

The Chair asked for public comment. Leslie Williams (295 Crawford Street) said their property abuts what used to be 297 Crawford Street. She didn't know where her property is located relative to the plan and was concerned about flooding related to tree removal. Mr. Arnold responded that the subject property is two lots away from her property. She said it looks like they are in flooding proximity; they have significant runoff from storms into their driveway. The addition of more construction to the west of her property is concerning. Mr. Arnold said sheet flow is directed away from her property; it goes to the northeast. Sue Desmarais (one owner of 308 Crawford Street) is very concerned about additional amounts of water and concerned about clear cutting trees. Mr. Arnold said the road is crowned slightly and there are flow patterns on both sides of the street; he didn't think sheet flow would get across the street. He said they do have to cut down trees for regrading.

Ms. Poretsky asked if there was a way to calculate the expected change in stormwater flow resulting from the proposed development. Mr. Arnold responded yes and that they can reasonably mitigate it. Ms. Milton asked about the groundwater map and whether there was any concern about groundwater flowing from the northeast impacting houses downslope. Mr. Arnold responded that he did not believe there would be much of an impact.

Ms. Connors suggested installing low retaining walls as a way of limiting the amount of land disturbance particularly to the hill in the back of the house. Mr. Arnold said they did consider retaining walls but decided to go with gradual slopes rather than a small tight lot.

Laura Ziton (Franklin Circle) commented that when there's flooding in their area, West Street is closed because of the flooding hazards. If there are any other safety precautions that can be taken to make the area safer because Crawford Street is a high traffic cross street that would be helpful.

Mr. Arnold said the applicant wants to consider the Board's comments and can provide the Board with some of the information. He again mentioned the 1" recharge of all impervious surfaces. Mr. Litchfield said capturing runoff from the roof and impervious areas is good but he thinks

submission of hydrological calculations showing the amount of stormwater runoff in the post-construction vs. the pre-construction condition is important to make sure that there is no increase in runoff volume off-site. The coefficient runoff is going to change when you take a forested area and turn it into lawn with slopes; there's still a need for some evaluation of the runoff coming off the site and capturing the 1" of roof runoff and impervious cover going forward as a minimum. Ms. Martinek asked the applicant if that was something he would be interested in providing. Mr. Arnold said from their perspective they could go before the Board for clearing of the lot without taking into account any impervious surface at all, could pull a building permit, and put up the house. The regulations focus on protecting the site during construction and they are looking at providing something that is post-construction. The applicant understands the concerns of the town and is willing to do a level of management without doing a full blown study of everything. Ms. Martinek asked if his alternate proposal was to circumvent the Board. Mr. Arnold responded that they can create a tight site under 20K square feet of land disturbance and not come before the Board. The alternate plan is to cut under 20K square feet and then come back to cut 20K more square feet. Mr. Arnold said it could be done as long as it's done according to the regulations. It is not their intent to work around the boards in town and he believes what they have is a site that will be managed well and has been well thought out.

Ms. Martinek said the applicant will probably not receive all the waivers requested; the Board wants a stormwater management plan, sight distance evaluation, landscaping plan, the ownership of abutting land listed on the plan. Mr. Litchfield explained how to calculate the sight distance. Also, he reiterated that the angle of approach to the driveway is problematic for the Fire Department. The location of the groundwater protection overlay district and floodplain district is shown on a separate plan so the Board likely won't have issue with the grant of that particular waiver request. Ms. Connors expressed concern about whether the open space along the frontage that is outside the limit of work will contain the invasives. She wants 10" trees along the frontage to be identified. Mr. Litchfield said it may also be appropriate to locate significant trees along the limit of work, especially in the back of the lot; it might be an area where some small tree wells or a small retaining wall could be installed so the tree to stay.

Mr. Arnold again mentioned his willingness to recharge the 1" storm and provide the drainage calculations for systems sizing but doesn't feel a full-fledged study is necessary. Mr. Litchfield responded that mitigating the 1" storm is not adequate as the 1" rainfall is a lower intensity storm than the 2-year storm, which is 3.3" of rain. Mr. Litchfield encouraged the Board to ask for more. Mr. Arnold will take the comments under advisement.

Ms. Poretsky made a motion to continue the public hearing for 317 Crawford Street Site Plan Approval for site disturbance of 42,500 sf of land area to November 1, 2022 at 6:00 p.m.; Mr. Pierce seconded; roll call vote: Milton-aye; Pierce-aye; Poretsky-aye; Ziton-aye; Martinek-aye; motion approved.

#### **Continued Public Hearing for 100 Bearfoot Road Special Permit and Site Plan Approval**

Applicant: Monocled Tycoon Real Estate Trust  
Engineer: Connorstone Engineering Inc.  
Date Filed: March 21, 2022  
Decision Due: 90 days from close of hearing

Ms. Milton recused herself from this hearing due to a conflict. Vito Colonna (Connorstone Engineering) was present. An updated lighting plan was submitted, which included a new light at

the front driveway. The applicant reviewed the draft decision and had no issues. The landscaping plan was updated and coordinated with the most recent site plan. Mr. Colonna said the Conservation issued a Negative Determination for the RDA. They did file a Land Disturbance Permit and are on their October 20<sup>th</sup> agenda.

The Chair asked for public comment; there was none. Ms. Poretsky made a motion to close the public hearing; Mr. Ziton seconded; roll call vote: Pierce-aye; Poretsky-aye; Ziton-aye; Martinek-aye; motion approved.

Section 7-05-030 Table of Uses and Section 7-030-050 Site Plan were reviewed and met the criteria.

Ms. Poretsky made a motion to APPROVE the Applicant's request for a waiver from Planning Board Rules and Regulations, Section 7.2C- requirement to submit a site plan at a scale of 1"=40'. The plan is at the scale of 1"=30'. Mr. Pierce seconded; roll vote: Pierce-aye; Poretsky-aye; Ziton-aye; Martinek-aye; motion approved.

Mr. Pierce made a motion to GRANT the Special Permit and Site Plan Approval for the property located at 100 Bearfoot Road in accordance with Findings of Fact 1 through 11 and subject to Conditions a-n. Mr. Ziton seconded; roll call vote: Pierce-aye; Poretsky-aye; Ziton-aye; Martinek-aye; motion approved.

Ms. Milton returned to the meeting at 8:07 p.m.

#### **Old/New Business:**

Ms. Martinek acknowledged the passing of Tony Abu and sent condolences on behalf of the Board to his family and friends.

Review Traffic Memo to Board of Selectmen – The draft letter was reviewed; members had no issues; it will be forwarded to the Board of Selectmen.

Review of Draft Design Guidelines for Two Family Dwellings – The draft Guidelines were reviewed; there was a minor edit changing "visitability" to "access". Ms. Milton made a motion to adopt the Design Guidelines for Two-Family Dwellings (Duplexes); Mr. Ziton seconded; roll call vote: Pierce-aye; Poretsky-aye; Milton-aye; Ziton-aye; Martinek-aye; motion approved.

Continued Discussion of Potential Zoning Bylaw Amendments for 2023 Town Meeting – To be discussed at the October 18<sup>th</sup> meeting.

The next Master Plan Implementation Committee Meeting is scheduled for October 20, 2022 – Ms. Connors said the site walk last week went well. There was a lot of discussion/ideas about potential reuse of different areas. Results from the downtown survey were received today; there were 501 responses. There is still time to complete the survey; it's open until November 15<sup>th</sup>.

ANR for 75 Ridge Road – Ms. Connors said one of the conditions for the 75 Ridge Road special permit decision was that they mark the easement corners with concrete bounds, but they instead marked them with iron pins. The lot corners are also marked with iron pins; we wanted to differentiate between the easement boundary and the lot boundary. They were asked to modify

the plan so it would conform to the Decision; they agreed. A revised ANR should be received in the morning. Ms. Poretsky made a motion to endorse the ANR Plan for 75 Ridge Road dated May 20, 2022, last revised July 19, 2022, prepared by the Morin-Cameron Group, Inc. with the modification of concrete bounds vs. iron pins; Ms. Milton seconded; roll call vote: Pierce-aye; Poretsky-aye; Milton-aye; Ziton-aye; Martinek-aye; motion approved.

Performance Guarantee Release for 454 and 469 Whitney St – Ms. Milton made a motion to release the cash performance guarantee in the amount of \$6,628.99 plus interest to Yvonne Development Limited for 454 & 469 Whitney Street. The performance guarantee was associated with an Earth Removal Permit. Mr. Pierce seconded; roll call vote: Pierce-aye; Poretsky-aye; Milton-aye; Ziton-aye; Martinek-aye; motion approved.

Subcommittee Updates – None tonight.

The next Planning Board Meeting is scheduled for October 18, 2022; the next ZBA Meeting is scheduled for October 25, 2022.

Northborough Dog Park Community Workshop: 6:00 PM on October 11, 2022 – Weston and Sampson was hired to do a feasibility study and preliminary design for a dog park; they are analyzing up to five municipal sites. At the meeting they will go over their findings for the sites they evaluated and will take feedback from attendees. It will be a Zoom meeting.

Complete Streets Community Input Session: Board of Selectmen Meeting on October 17, 2022 – Ms. Connors will check with the Town Administrator to confirm that they are on the October 17<sup>th</sup> agenda.

Ms. Milton made a motion to adjourn; Ms. Poretsky seconded; roll call vote: Pierce-aye; Poretsky-aye; Milton-aye; Ziton-aye; Martinek-aye; motion approved.

The meeting was adjourned at 8:35 p.m.

Respectfully submitted,

Melanie Rich  
Board Secretary