



# TOWN OF NORTHBOROUGH PLANNING BOARD

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Approved 01.05.21

## Planning Board Zoom Meeting Minutes October 20, 2020

**Members (Remotely):** Kerri Martinek, Chair; Amy Poretsky, Vice Chair; Anthony Ziton; Mille Milton; Michelle Gillespie

Members Absent: None

**Others (Remotely):** Robert Frederico (Building Inspector); Fred Litchfield (Town Engineer)

Chair Martinek called the Zoom meeting to order at 6:07 p.m. and made the announcement that pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 20A, §18, and the Governor's March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, that the meeting of the Northborough Planning Board is being conducted via remote participation to the greatest extent possible. Public comment will be taken. The process was explained.

Member and Staff roll call was taken: Mille Milton, Amy Poretsky, Michelle Gillespie, Anthony Ziton, Kerri Martinek, Robert Frederico (Building Inspector); Fred Litchfield (Town Engineer)

### Continued Public Hearing for 0 Bartlett Street Special Permit per Groundwater Protection Overlay District Bylaw and Special Permit Site Plan Approval:

Applicant: The Gutierrez Company  
Engineer: Allen & Major Associates Inc.  
Date Filed: December 24, 2019  
Decision Due: 90 days from close of hearing

Dave Robinson, Israel Lopez, Robert Nagi and Attorney Mark Donahue participated. The board received additional materials regarding the snow removal plan, traffic, and driveway reconfiguration.

At the October 6<sup>th</sup> meeting, the board asked the applicant to specifically ask VHB, through Robert Nagi, to evaluate any impacts of traffic for a distribution facility. Relating to traffic, they were asked to evaluate the driveway point at Bartlett Street to discourage truck traffic from making a left into the site or right out of the site. There were also specific questions regarding snow storage and compliance with DEP guidelines.

Robert Nagi gave a summary of the memo provided which was submitted last week to the board that outlined how traffic generation developments are predicted, how they are estimated, and how they generated traffic for this development.

Mr. Nagi presented three possibilities – generic warehouse (currently used), short term storage & transload (lower end) and parcel hub (higher end). He explained that parcel hub centers would be like a UPS or FedEx type facility. He stated that a fulfillment center like Amazon would be a million square foot building and so they discounted that use in this case.

The Board asked to see high end of the bracket.

Mr. Nagi stated they included background developments in the analysis. If there would be a parcel hub type center located in the area, there is the need for a traffic signal at the intersection as it would meet the warrant for a traffic signal.

Mr. Nagi concluded by stating that they still have the right traffic numbers.

Ms. Martinek asked if background developments were also updated to reflect the high end of the bracket or are they still at the generic warehouse level, for example, if all empty warehouses became parcel hubs. She gave the example if 330 and 350 Bartlett also had parcel hub uses.

Mr. Nagi stated that generic warehousing uses were proposed for those projects. They assumed warehousing type uses unless specifically marketed otherwise, so they did not account for a more intense use. They modeled at warehousing type land use.

Ms. Milton noted that some of the traffic study data came from the 9<sup>th</sup> edition and some from the 10<sup>th</sup> edition. Mr. Nagi said the 9<sup>th</sup> edition didn't change the generic warehouse type use; the 10<sup>th</sup> edition updated the different types of warehousing. Ms. Milton asked about the types vehicles they originally used. Mr. Nagi said baseline traffic is gathered and broken into five different uses (passenger, small box truck, tractor trailer, pedestrians, bicyclists). Traffic is analyzed on peak periods; weekend traffic is usually significantly less. Mr. Nagi noted that they analyze peak periods and whether the roadway infrastructure has the ability to carry the loadings from current project and background developments. Ms. Poretsky asked if the board should consider a traffic light. With regard to a truck exclusion, Ms. Martinek understood that an alternate route would need permission from another town. Mr. Litchfield said the alternate route must lie fully within the town or a neighboring town with their written permission. She asked about enforcement where there are conditions in place for a site plan or special permit. Mr. Litchfield stated that it is voluntary and not enforceable by police department.

Ms. Poretsky asked about tenants looking at 330 and 350 Bartlett Street and asked Mr. Litchfield if he knew who the tenants are, or the type of business, whether warehouse or parcel hub.

Mr. Litchfield noted that it wasn't for him to say but Mr. Lopez could answer. Ms. Poretsky stated she was interested because in the traffic discussion, the applicant didn't think there would be a parcel hub center located in the developments across the street (330 and 350 Bartlett) and so she wanted to know what type of tenant it would be.

Mr. Frederico stated that Amazon is the tenant going in both buildings, 330 and 350 Bartlett Street. Furthermore, they are fully permitted for the building and are on a fast track. Mr. Frederico didn't have any truck counts.

With regard to the right turn restriction at the driveway, Mr. Nagi said they worked with Allen & Major to develop the driveway alignment to push traffic to the east (it was brought it over the MWRA access and shifted to the east). Trucks would not be able to make the right turn onto Bartlett Street, but it does allow for passenger vehicles. They have to make sure the Fire Chief is comfortable with this access before committing to it. As of the hearing, the Fire Chief did not review and approve the configuration. The design hinders the ability for fire trucks to take a left turn, which could be an issue in the case of an emergency.

Ms. Martinek asked about the rumble strip and whether or not it would make a difference to trucks if flat on the ground. She also asked about people driving in the wrong way and what that meant for safety. Mr. Nagi noted that this type of configuration has been done in the past and Mr. Nagi would recommend it for this facility under the assumption that the drivers were familiar with the turn. He would not recommend in a case where there are new drivers coming who could be surprised by how the turn works.

Ms. Milton asked if it changed how far it goes into Groundwater 1. Mr. Nagi said it moves the driveway out of the area by 13-feet. Attorney Donahue said one of the Special Permit requests was to intrude into the Groundwater 1 for a distance of 13-feet on their property; this design appears that the configuration would allow that encroachment into Groundwater 1 to be eliminated entirely.

With regard to the snow plan, Mr. Robinson prepared and submitted a summary report comparison of the DEP Disposal Guidelines against the plan. He explained where the 50-foot buffer is (which is recommended by DEP between the snow storage disposal areas and wetlands); where the primary storage areas as well as the secondary storage areas are located. The purpose of the plan is to show the maximum location of areas and square footages that are possible on the site. In accordance with the regulations, if there is too much snow on site, it needs to be removed. The total approximate primary snow storage on site is 21,900± square feet; the secondary is 11,100 ± square feet, for a total of 33,000± square feet. Ms. Martinek asked how we make sure the firetruck has access. Mr. Lopez said the O&M Plan says the area has to remain clear at all times. Silt fencing will remain in place until a Certificate of Compliance is received from the Conservation Commission. A 50-foot buffer as shown on the plan is in compliance with the DEP. Ms. Martinek asked if the silt fences and barriers would be removed on the down gradient side of snow disposal site.

Mr. Robinson did not agree that they were needed. Ms. Martinek noted that she is reading the requirement from the DEP regulations and shared the DEP 2019 Snow Deposal Guidelines with the board.

Ms. Poretsky thought it looked like snow would go into the detention basin. Mr. Robinson said it would be plowed and stay there until it melts. Per DEP Guidelines, it is acceptable if it did go there because only clean water is going to leave the basin; the sand and sediment will remain in the basin. Mr. Ziton asked if it was possible to drive around the back of the building. Mr. Robinson stated earlier that a small pickup truck could drive around the building 360°. Mr. Ziton asked if there was a guardrail around the back. Mr. Robinson said currently there is not because it is not anticipated that any vehicle would need to go all the way around the back; it is primarily for pedestrian egress.

Ms. Poretsky asked if tenant will mind storing snow where the truck bays are located. Mr. Robinson stated they could shift it to different bays if a tenant needed to use the bay and added that it is not a definite that snow will be stored there.

Ms. Poretsky asked about snow storage on area with landscaping and trees since they would be pushing snow and salt on the trees. Mr. Robinson said DEP recommends storing snow on landscaped impervious area so it can melt and recharge the area. Ms. Poretsky asked about parking lot storage as it looked like the grading would force them to push snow up the hill. Mr. Robinson said they would push up hill. Ms. Poretsky noted that it was a tight area and our bylaws do not recommend storing snow on landscaped areas as it doesn't bode well for the trees and landscaping.

Ms. Martinek asked about the section against the wall, in terms of how much space would be available to travel/drive through that area since it was already a tight space. She also asked about the side of the building where the guard rail is located. It was unclear to how snow could be dumped on top of the rail. Mr. Robinson noted that they would use a snow blower. Ms. Martinek asked if this is where firetrucks need access, how will they get through the tight space. Mr. Robinson stated that the property management company would handle that. Ms. Martinek questioned the level of precision with the snow blower since the plan relied heavily on precise locations for plowed snow on the plan. She also asked if someone will remove the snow from the entire back of the building which is supposed to have an access way along the length of the building. The access way is for pedestrians in case of emergencies and she did not want the doors in the back of the building blocked. Mr. Lopez stated that small push plows can clear it of snow and ice.

Ms. Martinek asked how the snow removal driver would maintain the exact level of precision required to follow the plan. She explained that typically the Board sees plans with snow plowed to one main area. This plan requires a high level of precision. Mr. Lopez stated that the plans will be included with the O&M Plan and given to the snow contractors to follow.

Mr. Ziton questioned on whether their plan is possible to manage.

With regard to a smaller footprint, Attorney Donahue said it is a significantly smaller footprint per Design Review and the Conservation Commission and they don't see any benefit for a further reduction. Ms. Martinek noted that they declined to do a noise study. Attorney Donahue said what they have done in the past is to establish the benchmark for the performance standards in the bylaws is to have a condition of approval that requires conducting and providing to the town a noise study prior to the issuance of a Certificate of Occupancy. She asked the proposed hours of operation. Attorney Donahue said they have not proposed any restrictions on hours of operation; 24/7 is proposed in the abstract, but will be better identified when a tenant is known. Ms. Poretsky mentioned in the previous Gutierrez decisions there were conditions about "no truck idling" before 6 a.m., so it is something they could consider. And this is the closet warehouse to the residential district so there definitely should be a condition about early morning truck idling.

Ms. Martinek asked for public comment. As with prior meetings, residents' concerns remain the same and include traffic impact, traffic details, the amount of trucks, the possible 24/7 hours of operation, the number of bays, access, conservation restrictions, noise, and plowing.

Attorney Benjamin Tyman said they are Special Permits and there is no presumption that they be granted. The burden of proof is on the applicant to demonstrate it will meet the criteria. He also said there should be peer review.

Michael Bernzweig, 4 Jenkins Drive noted that this facility at 150,000 square feet is 6 times the size of the FedEx facility and 2.5 times the size of A. Duie Pyle facility across the street. He didn't agree with the statement that it needs to be over a million square feet in order to be Amazon. 150,000 is adequate.

Manny Lopes, 96 Bartlett Street, stated that he's lived on Bartlett since 1981 and has seen many changes – not for the best. He thought the applicant did not propose a footprint that worked within the size of the land, noting that 32 out of 59 acres is wetlands with a protected habitat there as well. He stated that the applicant didn't want a footprint the size of the land, they want waivers to put whatever they want, not what residents want. He noted the effort [www.savebartlett.org](http://www.savebartlett.org) and their petition with 1,600 signatures in opposition to the proposal. He added that 1,600 people is 15% of registered voters in town and over 60% in precinct 3, which is the Bartlett area.

Ms. Poretsky said our bylaw definition for lot frontage states that access to a building on a site shall be exclusively through the frontage of the lot and said the applicant's frontage is 432' to the east, and there is a road and easement over the aqueduct. She stated that they are using the frontage of a different parcel and those parcels are not linked together through an ANR or Site Perimeter Plan. Mr. Robinson stated that it is connected through an easement over the aqueduct. Mr. Litchfield said the lot in front of the building has ample frontage and area. The additional land in the back is added to that. It is perfectly legitimate to utilize the portion of the property beyond the aqueduct to access the building. The parcel in the front could be subdivided through an ANR at a later date as long as both lots in existence meet the bylaws.

Ms. Martinek said the board did not need any other information. Mr. Litchfield said to be sure before the board closed the hearing that the applicant gets feedback from the Fire Department on the driveway. It is important to know if it will be considered. There is a condition that the Fire Chief needs to be satisfied and if he is not satisfied with the alternate, they would have to go back to the original driveway entrance. Ms. Martinek asked if the board would like to hear from the Fire Chief. Mr. Ziton thought the new configuration would be more dangerous. Ms. Gillespie thought it was necessary, will funnel the traffic the way we want it to be, and is an integral part of making the decision. If the board feels the reconfiguration is not a good idea or is not going to change the decision, hearing from the Fire Chief is not going to affect the majority of the board so there would be no reason to go through that exercise. Ms. Martinek asked if it would impact the boards' decision: Ziton-no; Milton-no; Poretsky-no; Gillespie-yes; Martinek-no. Attorney Donahue said they could agree that hours of operation are 6AM-11PM Monday through Friday; 8AM-5PM on Saturday.

Ms. Poretsky made a motion to close the public hearing; Mr. Ziton seconded; roll call vote: Milton- aye; Poretsky-aye; Ziton-aye; Gillespie-aye; Martinek-aye; motion approved.

The decision will be made after acting on the Preliminary Subdivision for 0 Bartlett Street. Continued Discussion RE: Preliminary Subdivision for 0 Bartlett Street

Applicant: The Gutierrez Company  
Engineer: Allen & Major Associates Inc.  
Date Filed: July 8, 2020  
Decision Due: Extension granted to October 30, 2020

Attorney Donahue explained that a preliminary plan for an industrial subdivision is a requirement of General Laws. The decision is not binding upon the board nor is it binding upon the applicant of an approval or denial. It is meant to give the applicant direction if he elects to move forward and prepare a definitive subdivision plan. Mr. Robinson explained the proposed plan H-1-, H-2, B-1 & B-2, the proposed subdivision driveway, and conceptual drainage and utility layout which have been designed per the Town of Northborough regulations. Attorney Donahue addressed Mr. Litchfield's comments regarding the landscape island in the cul-de-sac which is not consistent with the regulations and would not be a preferred design; it will be eliminated from the definitive subdivision plan. The road will be private way. If approved by the board, it would be with the condition that the subdivision roadway not be submitted to town meeting for acceptance as a public way; the lot owners would be responsible for maintenance.

Ms. Poretsky asked if there were any changes from the original plan received by the board; Mr. Robinson said no. The plan date is July 8, 2020. There is a 50-foot right of way; the paved road must fall between the 50-foot right-of-way. Mr. Litchfield said what is presented is a subdivision roadway.

Mr. Ziton asked if the 43,250 square feet on B-1 is after the setback. Mr. Robinson said the square footage of the lots refer to the entirety of the lot. By right you are allowed to contain a building within the setbacks for a developable lot. Mr. Ziton said H-2 was determined to be not buildable. Mr. Robinson said that was due to wetlands and conservation restrictions located on it. Ms. Poretsky asked about the access for B-1 and B-2 which Mr. Robinson explained. Attorney Donahue said it would depend on the use; it is undecided at this time if B-1 would be built upon. Ms. Martinek asked if a new MWRA Permit is required for the access way. Mr. Lopez explained that the geometry of the road is almost identical throughout the area of the aqueduct, but to the extent it would change, would amend the permit. A list of waivers was provided and commented on by Mr. Litchfield; no additional waivers are planned at this time. They are seeking to design and construct the subdivision roadway more in accordance with the driveway design rather than the subdivision rules. No sidewalks are being proposed which is why a waiver is needed. The DPW is not in favor of making the street public; they do not want to own and maintain a roadway to one facility. The island in the center of the cul-de-sac will not matter if the road is private.

Ms. Martinek said there was not a lot of information in the impact report which makes it difficult not knowing the user. Attorney Donahue explained that the preliminary subdivision is a limited review for the purpose of allowing a property owner to create new lot lines. She asked what the waivers are they are reserving the right to request. Attorney Donahue did not anticipate any material waivers. If it is going to be a private way you still have to go through the subdivision rules and regulations. Ms. Poretsky asked if they were creating the frontage for the lot that they just closed the hearing on. If there is only one lot that is being created that needs frontage why do they need a subdivision road? Attorney Donahue said whether a lot is buildable is different than whether it is a lot; it is not an issue of buildability in building a subdivision. Mr. Ziton is apprehensive because he doesn't know what the master plan is; more information on the end result would be helpful. Ms. Milton thought it sounded like they are requesting a waiver on a subdivision application without approval of the site plan on the same property. Attorney Donahue said it should only be looked at as a creation of a relatively short private way that creates additional frontage which allows an applicant to divide its land as required by Mass General Laws. Ms. Martinek said there is not adequate information; the board needs more comprehensive information on the cul-de-sac and the MWRA Permit. To correct what he said earlier, Mr. Lopez said they would not need a new or amended MWRA Permit because they are building the exact same roadway as requested in the waiver.

The board's options are to approve, approve with modifications or disapprove. Mr. Litchfield said there was another option which is to take no action. There is no requirement for the board to make a decision on a preliminary plan; it does not affect the applicant to proceed. The only approval the board would give is when the definitive plan is submitted. Approving or disapproving of the preliminary plan does not preclude them from submitting a definitive plan and it doesn't create the lots they are seeking as part of the plan. Mr. Ziton made a motion to disapprove the preliminary subdivision for 0 Bartlett Street; Ms. Milton seconded; roll call vote: Milton-aye; Poretsky-aye; Ziton-aye; Gillespie-aye; Martinek-aye; motion approved.

**0 Bartlett Street Special Permit per Groundwater Protection Overlay District Bylaw and Special Permit with Site Plan Approval Discussion:**

Reasons considered for denying the application include: the project does not meet the criteria, the adverse and long-term effects of the traffic, not taking into account 330 and 350 Bartlett Street, the proximity of the high school and Stirrup Brook, hours of operation, close proximity to neighbors, the reconfigured right turn being more dangerous, enforceability, concern about

contamination in Groundwater 3, placement of snow storage, concern for wetlands and the environment, too much impact for the area without mitigation, the level of oversight, not feeling the traffic study was credible, safety can't be insured, no access to the back length of the building, and outcry of the neighbors; the site is maxed out.

More specifically:

Ms. Milton stated that she did not think the application met the special permit criteria. There were a large number of adverse effects in the scope of the project, and the negative impact is a long term one. Specifically noting traffic.

Mr. Ziton echoed an earlier sentiment that this is fitting a square peg in a round hole with several issues including the traffic study that doesn't take into account the background developments (noting Amazon); the proximity to the high school and that road being an access road for all the high school kids from Southborough; safety as an issue; proximity to Stirrup Brook and wetlands; this is also a Mass priority habitat area; the Stirrup Brook feeds into the Assabet river, which is a wild scenic river area; the hours of operation are 6am-11pm while so close to residential areas.

Mr. Ziton also stated that turn on to the property is dangerous regardless of driveway configuration.

Additionally, he noted the outcry from residents stating that he has never seen a petition get over 200 people. This petition has signatures from over 1,600 people, from all over town. There are lawn signs in opposition all over town.

He is also concerned about groundwater 3, stating that the intent is there to manage snow removal but the plan doesn't look feasible. Wetlands and groundwater 3 can be contaminated with all the trucks coming in and out.

Ms. Poretsky stated that the Groundwater Protection Overlay purpose is to protect, preserve and maintain the existing and potential Groundwater supply. Here there will be sand, salt, truck leakage all pushed into wetlands. There isn't enough space.

She also noted that looking at the different buffers, there is too much area disturbed. The 100 foot buffer between residential and industrial overlaps in the parking area which shows just how close this is to residential. There should be buffer in front of truck loading bays, but there isn't enough room for that. Truck bays are in the front.

This is a critical area next to the brook, the high school, not enough room for proper snow removal.

She noted that she is concerned about environment and wetlands. This property is wholly on Groundwater three. It was maxed out to fit on the land. All other properties are only partially on Groundwater.

Ms. Gillespie noted the Planning Board was looking for ways to mitigate the huge impact. We kept hearing that the answer is no, that we cannot mitigate. The message from staff is that police or DPW cannot mitigate the impact and we don't have the resources to offset the impact to the neighborhoods, roadway and safety. The impact is too enormous and the town does not have the resources to mitigate the impact to environment or safety.

The board asked who will manage and ensure all storm basins are properly cleaned out and they will submit their reports. The Town of Northborough does not have the resources either to monitor or mitigate the storm basins without the ability to monitor or manage these storm basins; the impact is too large.

Ms. Martinek stated that the site is maxed out to the edges and they are too confined for what needs to be done. The snow removal plan relies on too much precision to work properly. There is too much risk to the surrounding wetlands. The level of oversight seems too significant in order to make something this big work. There is no extra space to work with.

The Board questioned the credibility of the traffic report –and whether looking at 1 day in time in October 2019 when the traffic was monitored provided accurate data. Now we are looking at a parcel hub as a background development – and not the low intensity warehouse uses as had been described by the traffic consultant. The traffic report did not give us a good picture. Ms. Martinek stated that when you have a petition of 1,600 people saying otherwise about the traffic, the board did not find the traffic study credible, as it didn't take an accurate snapshot of what's really going on in this area. There are 180 truck bays coming to life in that area.

For the Groundwater special permit, Ms. Martinek noted protecting annual recharge to groundwater relies on good operations and maintenance. There is an extensive list of all of the operations that require continuous inspection – plus all the operations that require monthly, quarterly, semi-annually monitoring and inspection. What we've learned that reports come once per year so in the interim, if something goes wrong, there are minimal enforcement abilities. We don't have the bandwidth to monitor. She asked who is going to go and check if catch basin clogged, if issue with snow removal, etc. Continuous inspection and monitoring is required for: deep sump catch basins, propriety separators, surface infiltration ponds, outlet control structures, emergency spillways/overflow and so on.

It's also a high level of operation inspection and maintenance activities that are required to avoid negative impact to groundwater and we don't have the ability to enforce it. She expressed concern that we can't ensure the safety of this.

For the snow removal – Ms. Martinek noted that with all the truck bays, that is quite a bit of de-icer, which means chemicals going into the snow. She noted that we now have chemicals from the de-icers, sand, oil from the trucks, any sort of fuel leakage, salt and all other debris with limited areas to move it. Ms. Martinek was not confident snow will go in the right place, what would happen if it doesn't, and who is going to continuously monitor.

For safety – the fire access on the side of the building, if that is not snowplowed, then there is a huge safety issue. There is no access to entire length of the building on the back for fire trucks. If there is then snow on the side, the fire trucks can't get through.

Looking at DEP guidelines, the Board was not convinced that snow wasn't going to be plowed to protected areas. Once that into the land, it goes into the ground water, goes into the river, Stirrup Brook feeds into Assabet and so on.

Ms. Martinek noted that our bylaws state, as part of the Groundwater Special Permit: The "SPGA shall give consideration to the simplicity, reliability, and feasibility of the control measures proposed and the degree of threat to water quality which would result if control measures failed." Based on the O&M schedule recorded in the plan - with all of the monthly, quarterly, semi-annual and continuous inspection required – that is not simple, reliable or even feasible in some instances.



It was also noted that without knowing the tenant, it makes it difficult to judge whether the proposal adversely affects the quality or yield of existing or potential water supply. The limited information makes it difficult to make an informed decision in some regard for groundwater.

Additionally, looking at a 150,000 square foot warehouse with a truck court, built on the wetlands on top of priority habitat, with spaces for 33 truck bays and 150 cars, it appears this property isn't capable of operating without impacting the groundwater. The benefits do not outweigh the adverse impacts. There are too many adverse impacts.

Furthermore, although the Groundwater Advisory Committee recommended approval, the recommendation of approval is based on applicant adhering to conditions and annual testing and the town is going to need to be vigilant in order to enforce those condition and if we can't, now we have put groundwater, wetlands, and priority habitat in danger.

It was noted that uses approved in the Groundwater Protection Overlay District should not require a high level of conditioning, engineering and annual testing. The Planning Board should be confident that the proposed use is safe for the GPOD in and of itself, rather than being safe only if the operator runs a model facility.

Ms. Poretsky noted safety for pedestrians since the aqueduct is a public trail and walkway. She stated that with trucks going over that easement, it would be a serious hazard to pedestrians and to those in the neighborhood.

She also noted because the site was so maxed out, there was nowhere to put the snow. The area is surrounded by sensitive environmental resources.

It was noted that the Board doesn't have confidence that the town can enforce conditions; we are not able to mitigate impact and we not have the resources to enforce. Thus, we can't build a level of confidence in the community that this will be managed.

The Board reiterated these points as they walked through the groundwater special permit criteria for area 1, area 3, and special permit with site plan review.

The board noted that groundwater 3 was not granted and so there was no extension to apply to groundwater 1. The same reasons as the groundwater 3 special permit would apply.

The Board also discussed the special permit criteria in general. It was noted that the traffic study presented didn't sit well with the board. The Board had continually asked for information and clarification but overall, did not find the traffic study credible. It was noted, from the petition of 1,600 to letter from over 43 residents, predominantly about traffic, the traffic study never lined up. Ms. Martinek stated that we only got 1 snapshot in time, but we weren't getting the full picture. The latest report showed that there could be 1,100 trips a day if a parcel hub or 280 trips a day if a warehouse. That large range made it hard for the Board to make a well-informed decision. The Board never got the information it needed or got a traffic study that gave the board the confidence that it was a credible report.

Ms. Gillespie noted when you see the response from residents, you see how the traffic report said one thing but the residents were seeing something very different. She added that with such a large impact, you then look to see what would be done to improve the infrastructure, but nothing was presented to show how infrastructure could be improved relative to impact.

A nuisance including noise late at night and early in the morning with operations from 6-11 was also noted.

The board discussed the site plan. Since the special permits were not granted, the site plan is not valid. They also discussed issues with the site plan regardless, including issues with vehicular and pedestrian safety. Fire access was also an issue with lack of access to an entire side of the building. If warehouse were to have a fire, it's located right in the woods, abutting residents. Many things on site plan could have been improved regardless of special permits.

**Vote for Special Permit Groundwater 3.** After reviewing the criteria for a Special Permit Groundwater 3 per Section 7-07-10 D.(4)(c)[1]-[3], Ms. Poretsky made a motion to deny the Special Permit Groundwater 3, Parcel H Development, 0 Bartlett Street, Map 51, Lot 3, Map 66, Lot 16; Ms. Milton seconded. After further discussion, Mr. Ziton made a motion to amend the previous motion to deny the Special Permit for all the reasons presented by the board; Ms. Milton seconded; roll call vote: Milton-aye; Poretsky-aye; Ziton-aye; Gillespie-aye; Martinek-aye; motion approved.

**Vote for Special Permit Groundwater 1.** With Special Permit Groundwater 3 being denied, Ms. Poretsky made a motion to deny Special Permit Groundwater 1, Parcel H Development, 0 Bartlett Street, Map 51, Lot 3, Map 66, Lot 16 for all the reasons previously discussed; Ms. Milton seconded; roll call vote: Milton-aye; Poretsky-aye; Ziton-aye; Gillespie-aye; Martinek-aye; motion approved.

**Vote for Special Permit with Site Plan Approval.** The criteria for Special Permits per Section 7- 03-040 C.(1)-(7) was discussed. It is not an appropriate location for the use, it will adversely affect the neighborhood and there will be serious hazards to vehicles and pedestrians. Ms. Poretsky made a motion to deny the Special Permit Site Plan Approval for Parcel H Development, 0 Bartlett Street, Map 51, Lot 3, Map 66, Lot 16 for the reasons stated in the criteria and it does not have the required Special Permits to be a valid site plan; Ms. Milton seconded; roll call vote: Milton-aye; Poretsky-aye; Ziton-aye; Gillespie-aye; Martinek-aye; motion approved.

Master Plan Implementation – Ms. Poretsky volunteered to be on the Committee; Ms. Gillespie will be the alternate if the BOS agrees to an alternate. More discussion at the next meeting.

Draft RFQ for 0 Bartlett Street Peer Review – Mr. Litchfield will meet with Ms. Joubert and Mr. Charpentier to discuss the applications and set a date to interview the person selected. The award is due by November 5<sup>th</sup>. Ms. Martinek will contact Ms. Joubert with her availability.

Consideration of Minutes (08.18.20 & 09.15.20) – Tabled to the next meeting.

Review of 50 Southwest Cutoff Memo for ZBA – The board will hold off sending a memo to the ZBA since Design Review is still working with the applicant.

The board will send a letter of support to the Open Space Committee for the Open Space Plan. Mr. Ziton said working with the community, surveys and the CMRPC, the plan has been thoroughly vetted and would fully endorse it as it stands. Mr. Ziton made a motion to recommend approval of the Open Space Plan; Ms. Milton seconded; roll call vote: Milton-aye; Poretsky-aye; Ziton-aye; Gillespie-aye; Martinek-aye; motion approved. Ms. Joubert will draft the letter for the Chair to sign.

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

The meeting was adjourned at 10:08 p.m.

Respectfully submitted,  
Melanie Rich Board Secretary