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By Karen Wilber at 11:13 am, Sep 26, 2022

TOWN OF NORTHBOROUGH PLANNING BOARD

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Approved 9.20.22

Planning Board Zoom Meeting Minutes August 16, 2022

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

Members Absent: None

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

Others (Remotely): Vito Colonna (Connorstone Engineering); Damon Amato, Scott Cameron, Ben Legere

The Chair opened the remote meeting at 7:05 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, Millie Milton, Anthony Ziton, Amy Poretsky, Kerri Martinek; Fred Litchfield, Laurie Connors

Continued Public Hearing for 100 Bearfoot Road Special Permit and Special Permit 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 the public hearing. Vito Colonna (Connorstone Engineering) was present and gave an update. Trees were identified/located on the Existing Conditions plan; the limit of work was better defined; a retaining wall was added to limit the extent of grading activities; the dumpster pad has been moved; parking was added to the back row; a bike rack and sidewalk were added. The traffic report is site specific. The increase would be 54 trips/day; 7:30 to 8:30 AM peak; 4:45 to 5:45 PM peak and will not affect the level of service at the intersections. Site distance was evaluated and found to be acceptable; the design speed is slightly faster (the average speed limit was 33 mph with the 85th percentile at 38 mph). Ms. Connors is awaiting the updated landscaping plan and photometric plan. Mr. Litchfield addressed some points in his comment letter of August 11, 2022. #4-The Stormwater Report indicates there is no increase in post development flow going towards Bearfoot Road via the driveway. But he prefers not to see

the sheet flow coming out into the street. Mr. Colonna will work on it. #5-Mr. Litchfield has spoken to the Zoning Officer; there is no issue. #7-Indicates there is an intermittent stream. It is a Conservation issue and needs to be confirmed with Conservation before proceeding with the site work. #8-If the total disturbed area is more than one acre, they need to apply for a Land Disturbance Permit and Stormwater Permit from the Conservation Commission.

Mr. Pierce commented on the traffic study and said that heading west out of the facility there is a 5-ton truck exclusion to the left on Whitney Street and a 6-ton bridge exclusion to the right. Amazon and FedEx have installed a sign reminding drivers. He suggested the possibility of this applicant installing and maintaining a sign reminding drivers to take a left if they are 5 tons or over. Mr. Pierce also had a concern with the summary in Table 4 saying that the criteria would not be satisfied regarding the 85th percentile. Mr. Colonna will ask the traffic engineer to clarify it. The Fire Chief submitted a letter; his concerns have been addressed.

Ms. Poretsky stated that when she was in the area she saw an 18-wheeler truck, larger than 5-6 tons, go right exiting Bearfoot Rd onto Whitney Street then over the railroad bridge into Berlin and she thought that wasn't allowed. Mr. Litchfield mentioned there is signage and they aren't supposed to travel over the bridge as it wasn't built for that weight. It is a MassDOT bridge. Ms. Poretsky mentioned the trucks are turning right because to the only sign at the end of Whitney Street states, "no left turn if over 5 tons". Once the trucks turn right and get to the sign at the bridge which states "no vehicle over 6 tons", it's too late. They cannot turn around at that point. She suggested also adding a sign stating, "no right turn if over 6 tons" at the end of Whitney.

Ms. Poretsky made a motion to continue the public hearing for 100 Bearfoot Road Special Permit and Special Permit Site Plan Approval to September 20, 2022 at 6:00 p.m. Mr. Pierce seconded; roll call vote: Pierce-yes; Poretsky-yes; Ziton-yes; Martinek-yes; motion approved.

Ms. Milton rejoined the meeting at 7:34 p.m.

Continued Public Hearing for 75 Ridge Road Special Permit Common Driveway and Special Permit with Site Plan Review

Applicant: Downeast Residential, LLC
Engineer: The Morin-Cameron Group, Inc.
Date Filed: May 23, 2022
Decision Due: 90 days from close of hearing

Damon Amato, Scott Cameron, and Ben Legere were present. Mr. Amato said they were fine tuning the plan with staff and felt it was a better use of their time to reconcile it before proceeding and requested a continuance. Ms. Poretsky made a motion to continue the public hearing for 75 Ridge Road Special Permit Common Driveway and Special Permit with Site Plan Review to 6:10 p.m. on September 20, 2022; Mr. Ziton seconded; roll call vote: Pierce-yes; Poretsky-yes; Ziton-yes; Milton-yes; Martinek-yes; motion approved.

Continued Public Hearing for 180 Bearfoot Road Special Permit and Special Permit with Site Plan Review – CONTINUE WITHOUT TESTIMONY TO NOVEMBER 1, 2022

Applicant: Madelyn Properties, LLC
Engineer: WDA Design Group
Application Filed: April 22, 2022
Decision Due: 90 days from close of hearing

Ms. Milton made a motion to continue the public hearing for 180 Bearfoot Road Special Permit and Special Permit with Site Plan Review to November 1, 2022 at 6:00 p.m.; Ms. Poretsky seconded; roll call vote: Pierce-yes; Poretsky-yes; Ziton-yes; Milton-yes; Martinek-yes; motion approved.

Old/New Business:

Discuss Release of Security Bond at 325 Newton Street (Noor Construction, LLC) – Mr. Litchfield explained that the physical work along Newton Street is complete. There are two outstanding easements that are required- a drainage easement and a roadway access easement. Attorney Campbell, who represents Mr. Ramadan, provided a draft drainage easement early in the spring for Town review and approval. The draft roadway access easement was not provided. Unfortunately, the drainage easement draft fell through the cracks and was not forwarded to Town Counsel for review at that time. Staff is currently working with Town Counsel to review the document and put it in the proper format. Ms. Poretsky asked if the Board had to release the performance guarantee tonight. Mr. Litchfield responded that the Planning Board could release the performance guarantee contingent upon Town Counsel verifying that the easements are in the proper form, executed by the applicant and recorded at the Worcester Registry of Deeds. If the Board is not comfortable doing that, the Board can delay the vote until after staff confirms that the proper easements have been executed and recorded. Attorney Doneski indicated that the Town should respond within 45 days of the July letter. Ms. Connors read the letter into record. She felt comfortable with Ms. Martinek making the motion contingent upon approval of the easement documents by Town Counsel and recording of those documents at the Registry of Deeds.

Ms. Poretsky made a motion to release the cash performance guarantee in the amount of \$15,072.09 plus interest to Noor Construction LLC for Newton Street roadway improvements, subject to the approval of easement documents by Town Counsel and recording of those documents at the Worcester Registry of Deeds; Mr. Ziton seconded; roll call vote: Pierce-yes; Poretsky-yes; Ziton-yes; Milton-yes; Martinek-yes; motion approved.

Discuss Small Wireless Facility (5G Technology) proposed for 35' 6" replacement pole within the Main Street ROW (within vicinity of 265/267 Main Street) – Ms. Connors said as part of the pole petition, John Coderre asked if the Board had any comments/concerns/recommendations. She prepared a review letter for the Board to consider and agreed to forward any feedback to the Board of Selectmen (BOS); she had no concerns about this application. Ms. Connors said Kopelman & Page provided a narrative on what the town can regulate. The Board can comment on aesthetics and distance between each facility. The requirements of the municipality cannot constitute a significant hardship to the applicant. Ms. Poretsky voiced concern that the installation is proposed to be directly in front of St. Bernadette's School. She said that St. Bernadette's had previously pushed back years ago on having a large-scale cell tower near the school. She suggested that the Board of Selectmen ask AT&T to consider an alternate pole location further away from the school (i.e. at the corner of Bartlett Street or across from St. Bernadette's School by Moe's Auto Service Center) or collocating on an existing macro site cell tower. She suggested asking AT&T to prove that the facility has to be directly in front of the school. She would also request that the BOS adopt a policy, including design standards, and charge an application fee. Mr. Pierce said they should provide a heat map showing where the

open spots in town are, and what the plans are to remediate; have a third-party evaluation. Ms. Poretsky thought we could add new design standards to the bylaws. Ms. Martinek pointed out that these applications are under the jurisdiction of the BOS, not the Planning Board. Ms. Connors recommended the creation of design standards for those locations where there are underground utilities only. She felt reviewing them on a case-by-case basis will ensure that each one is palatable; it will help ensure there is not a negative impact to the neighborhood. Mr. Pierce spoke in favor of adopting design standards, particularly with regards to signage on equipment cabinets and underground utility locations. Ms. Connors mentioned that the BOS is asking for comments on this particular application, but certainly the Planning Board can submit follow-up recommendations for adoption of a policy and fee.

Mr. Litchfield explained the pole replacement; they are replacing existing poles with taller poles; not much of a visual difference; they may not be able to simply move the facility over a few feet apart as that could result in more poles. Ms. Connors commented that there are a number of poles that have transformer cabinets on them so it is likely that those poles could not accommodate this equipment. Mr. Ziton asked why they don't have to adhere to 1,000-feet away from a school. Ms. Poretsky said Attorney Doneski said the new small cells don't fall under our existing Wireless Communications Facilities bylaw. Ms. Connors said this regulation was specifically passed for the rollout for the 5G technology and specifically identifies the types of facilities that are covered by the FCC rule. This facility complies with that criteria. Ms. Connors said the BOS does not have the power to deny this application; they have the power to put on reasonable conditions. Ms. Poretsky said they can ask for a different location which is not denying it. Ms. Poretsky also asked if the Building Department has received annual confirmation that existing cell towers are operating within radiofrequency radiation standards.

Feedback from the Board included moving the pole at least 1,000 feet from the school or collocating on an existing cell tower near Memorial Field. They suggested that the Board of Selectmen adopt a policy including fee schedule; request a heat map of the entire town; request information about the range of the small wireless installation; consideration of design standards; condition of no advertising signage; after 90 days of operation an engineer to test to make sure it is within the regulations of 47 CFR Section 1.1307(b). It is on the BOS September 12th Agenda. Ms. Connors will prepare a draft; email the board; after feedback, if any, will submit the letter to the BOS.

Online Complete Streets Survey available via DPW webpage 8/15/22 to 8/29/22 – Ms. Connors is hoping residents will fill out the survey; there will be a zoom meeting to follow up in September (TBD). It will help identify priority projects. The next phase of the Complete Streets program, once the prioritization plan is done, provides up to \$400K in grant funding to do physical improvements; it also provides extra points on other grant applications. It is an important process and a chance for residents to voice their concerns.

Continued Discussion of potential Zoning Bylaw amendments for 2023 Town Meeting – Ms. Connors plans to have updates at the September 20th meeting. She will prepare suggested modifications and warrant articles.

Consideration of July 14, 2022 Meeting Minutes – Ms. Milton made a motion to approve the July 14, 2022 Meeting Minutes as amended; Mr. Ziton seconded; roll call vote: Pierce-yes; Poretsky-yes; Ziton-yes; Milton-yes; Martinek-yes; motion approved.

Master Plan Implementation Committee Meeting: August 18, 2022 – Ms. Connors said the Selection Committee has identified a consultant; the Town Administrator is working on a contract; work on the downtown revitalization plan should begin soon.

ANRs, Lot Releases, Bonds, Subcommittee Updates – None tonight.

The Planning Board Meeting scheduled for September 6, 2022 was cancelled; the next meeting was scheduled for September 20, 2022; the next ZBA Meeting is scheduled for September 27, 2022.

Ms. Martinek congratulated Suzy Cieslica for her appointment to the ZBA. She thanked Selectmen Hirsch & Wixted for advocating for moms and diversity to be part of town government.

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

The meeting was adjourned at 8:50 p.m.

Respectfully submitted,

Melanie Rich
Board Secretary