



TOWN OF NORTHBOROUGH PLANNING BOARD

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Approved 08.04.20

**Planning Board
Zoom Meeting Minutes
July 21, 2020**

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

Members Absent: None

Others (Remotely): Kathy Joubert, Town Planner; Fred Litchfield, Town Engineer, Robert Frederico, Building Inspector; Rich Riccio (Field Engineering); Brian Mazar

The regular meeting resumed at 6:37p.m.

Continued Public Hearing for 222 West Main Street Common Driveway Special Permit Application:

Applicant: Abu Construction, Inc.
Engineer: Connorstone Engineering, Inc.
Date Filed: January 22, 2020
Decision Due: 90 days from close of hearing

The applicant requested to withdraw his application without prejudice. Ms. Poretsky made a motion to allow the applicant to withdraw his application for 222 West Main Street Common Driveway Special Permit without prejudice; Mr. Ziton seconded; roll call vote: Milton-aye; Ziton-aye; Poretsky-aye; Martinek-aye; motion approved.

Continued Discussion and Special Permit Public Hearing RE: Site Plan Approval and Special Permit for 400 Cedar Hill Street:

Applicant: New England F.C.
Engineer: Field Engineering Co., Inc.
Date Filed: January 22, 2020 (Site Plan)
Decision Due: April 21, 2020 (Date suspended due to enactment of Chapter 53 of the Acts of 2020 (Act))
Date Filed: July 2, 2020 (revised application with Special Permits)
Decision Due: 90 days from close of hearing

The Zoning article was approved at town meeting that now allows indoor recreational use as an allowed use in the Industrial District. In anticipation of a possible positive vote, the applicant revised the application; the plans are the same as presented at the last meeting. The revised application is now for the allowed indoor recreational use; a Special Permit for the outdoor recreational use, Site Plan Approval and Groundwater Special Permit is before the board. The Groundwater Advisory Committee recommended approval, and they have received an Order of Conditions from the Conservation Commission. Mr. Riccio said nothing has changed on the plan,

only the submittal to the board. He explained they were originally pursuing the Dover Amendment for the indoor and outdoor use.

Ms. Poretsky wanted to make that sure that the final layout had the entrance way closest to the intersection as a one-way driveway. She said the outdoor field has a 6' high fence and nets. Mr. Riccio said yes, behind the goals. There is a gate on the backside of the fence; it will remain closed; there will be no public access to the back of the parcel.

Ms. Martinek wanted to make sure the Fire Chief's comments about providing the pathway from the rear of the building and making sure there was access were addressed. Mr. Riccio said there is an emergency access plan that shows the turning movements; they were satisfied. Ms. Martinek said the prime times for traffic are after school and night/evening; Mr. Riccio replied correct. He said calculations were done and there should be minimal impact. There were no issues with signage. Regarding the lighting, Mr. Riccio said there is a photometric plan that shows minimal to zero increase around the property line. Ms. Martinek wants a condition about maintaining landscaping in perpetuity. The applicant agreed to all comments listed in Mr. Litchfield's letter. They will require an Earthwork Permit, and the permeability tests need to be done and reports provided to confirm any assumptions in the drainage analysis before they start construction so that the drainage can be built according to the plan.

Public Comment: Carter Brannon (22 Cherlyn Drive) commented that there has been a lot of development in the area that used to be open space. For the future he thinks there should be connectivity between the open spaces. Regarding the outdoor turf field, in the Master Plan meetings there was discussion about changing Algonquin's football field to a turf field; people were concerned about the environmental impacts and asked if there were concerns with this project. Mr. Riccio said it was discussed with the Conservation Commission and a detailed Operation & Maintenance Plan will be attached to the project for the Stormwater Management System; no chemicals will be used on the turf; what they will be using has been tested and is clean material. Technology has developed over the years and it is a much cleaner product. Conservation was satisfied based on the information provided. Mr. Riccio is confident that the materials being used are safe.

Megan Byron (5 Weber Lane) previously lived in the Stirrup Brook Lane Development and also had concerns about the environmental implications saying there were always environmental restrictions. With more wooded areas being removed, said it will continue to be a problem and it seems like the proximity of the structure will be very close to the natural landscape. Traffic is also a concern and asked if there was a plan to monitor the traffic so it doesn't get worse. Mr. Riccio said there is no critical habitat on this site, but there is some mapped habitat in proximity. It was approved by the Conservation Commission; they are respecting of all buffer zone and no-touch no-structure areas. Regarding the lighting impact on wildlife, the photometric plans show there is little to no increase on the site. The lighting plan was reviewed and approved by the Design Review Committee. The applicant is following the dark sky principles; all lighting is pointed down. Traffic to the site will be off peak times from the schools and industrial uses in the area; traffic counts are less than could be generated from a commercial use; they feel there is no negative impact to the area.

Brad Blanchette (6 Rodney Terrace) asked where the overflow parking goes. Mr. Riccio said the site is more focused towards NEFC internal training. There will be games on site, but feels that even if there were four teams overlapping, there is adequate parking on site. If it became an

issue, they would approach the neighboring property. Based on the use anticipated they are comfortable with the space provided. On-street parking is not jurisdictional to the Planning Board.

John Wixted (2 Stirrup Brook Lane) did not think the industrial business would allow parking because of liability issues and didn't think it was a good plan for overflow parking. Ms. Joubert said it could not be a condition of the decision because the applicant has no control over, but the board could send a letter to the DPW informing them that the board recently approved it (should they do that) and could they look into no parking signs. The board could also put a condition in the approval to have the applicant, one year from the occupancy date, provide a memo on how the parking is working on the site. If it is not working, they would have to provide a revised plan to remedy the negative impact. Ms. Joubert noted that there is a shared parking bylaw that has worked successfully in town, particularly in the downtown area; companies are amenable to it. Mr. Riccio said it is a private club that will control what goes on the field; they are not looking to maximize the use of the fields by renting them out for private tournaments. The number of parking spaces on site was increased to be sure there were enough parking spaces; overflow was not a concern. Ms. Milton asked if there would be buses. Mr. Riccio said it was not a consideration, but there is adequate turning onsite if needed. Mr. Ziton said it would make sense to report back after one year. The report should not only be from the applicant but include input from the Police Department for checks and balances since parking complaints are received by them.

Criteria for the Groundwater Special Permit include (1) it has to meet the purpose and intent of the Groundwater Overlay Section and will not derogate from the purpose of the Groundwater Protection Overlay Districts; (2) will not during construction or thereafter impair ambient groundwater quality or reduce the existing recharge capacities beyond that allowed per this chapter; (3) will not adversely affect the quality or the yield of an existing or potential water supply.

Criteria for the General Special Permit includes an appropriate location for use, won't adversely affect the neighborhood, there is no nuisance or serious hazard to vehicles or pedestrians, adequate and appropriate facilities will be provided to the proper operation, proposed use will conform to special requirements of the Special Permit Granting Authority as stated in the decision, and the proposal cannot be reasonably altered to reduce adverse impact on the natural environment, to be compatible with historic development patterns of the town or to preserve historically significant buildings.

Mr. Ziton made a motion to approve a Groundwater Special Permit for Groundwater and a Special Permit for the outdoor recreational use for 400 Cedar Hill Street; Ms. Poretsky seconded; roll call vote: Milton-aye; Ziton-aye; Poretsky-aye; Gillespie-aye; Martinek-aye; motion approved.

Ms. Poretsky made a motion to approve a Special Permit Site Plan Approval with special conditions as outlined in the July 17, 2020 Groundwater Advisory Committee letter; maintain the landscaping in perpetuity; and one year from occupancy the applicant will provide an update in a memo that includes third party information from the Police Department about parking on the site. If there are any issues, the applicant will come up with a plan to remedy the negative impact within 90 days from the filing of the memo; Ms. Milton seconded; roll call vote: Milton-aye; Ziton-aye; Poretsky-aye; Gillespie-aye; Martinek-aye; motion approved.

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

Israel Lopez (The Gutierrez Company); David Robinson (Allen & Major Associates); Robert Nagi participated. Since the last meeting, a lighting memo addressing comments from the Conservation Commission that they made to the Planning Board was submitted as well as a memo outlining the permits and approvals they have received to date. At the time of submittal still outstanding was Site Plan Approval and the 8(m) Permit from the MWRA (which has since been received). All that remains is the Site Plan Approval. The Conservation Commission closed on June 29th. Mr. Robinson said the site plan has not changed and was discussed at the June 9th meeting. Ms. Poretsky asked if there was a master plan for the final buildout of the area. Mr. Lopez said under other projects there has been a plan that highlights the various parcels with proposed projects. All those projects have been started or completed and not the subject of this site plan approval. They are under different ownership. Her concern is that they received the subdivision plan for an upcoming meeting and most of the discussion about the site plan was about the whole parcel and now it looks like it is subdivided into two. If it is subdivided, are they still building the warehouse on the site? Mr. Lopez said they are seeking approval for the building as proposed on the site. The subdivision of the lot, which is a separate approval from this approval, merely subdivides the different parcels that are part of this site. She said that 13 acres will be in a Conservation Restriction and is 472 feet, but if it is subdivided the frontage is lost and wanted to know if the CR is still on the parcel. She felt that all the things that were promised for this site plan might be getting cut off. Mr. Lopez said they are two separate approvals; the subdivision plan that was filed overly consistent with the site plan is subject to this approval. The building will sit on its own lot. The CR will not change. The lot can be carved up in any way they want, but will have to meet guidelines in order to be a buildable lot. It is their intention to construct the building at some point; no user has been identified yet. She was concerned it would lose its frontage, all the numbers change because the lot is cut in half; all the things they are making a decision on today wouldn't be the same, all the promises that were made are not still applicable. Mr. Lopez said they are creating frontage for the project. It sits on the other side of the aqueduct. The frontage for the building is along Bartlett Street, it is not accessible through site plan because it is conservation land. The subdivision creates frontage on a new private way. It is the opposite of what Ms. Poretsky is suggesting (getting rid of the frontage), they are actually creating frontage. All the requirements will be met if they ever act under the subdivision. She asked how many lots are developable; Mr. Lopez believes two including the subject lot. Mr. Robinson said H1; H2 which has the access that is the CR-buildable but not accessible; and B1 which he does not believe is accessible. There is buildable land on H2; it could potentially be accessed from the H1 lot. She said if you did the subdivision first each one would become landlocked. Mr. Lopez was not prepared to discuss the preliminary subdivision plan this evening. She again said some of the promises would be subdivided off. Mr. Lopez did not understand what she means by promises and what's not going to be kept. She said the lot right now is 59 acres and 31 of them are wetlands and a lot of the reasons it would be a good site is because of the CR land and the open space. Mr. Robinson said the CR is a done deal; they received the permit on May 7, 2020 from the NHESP and closed out with the Conservation Commission; it cannot be changed. Mr. Lopez said they are not proposing any land

area that has already been committed for Conservation purposes. She asked if the CR land would still be on H1, would it be on a different parcel. Mr. Lopez said all of the CRs today are on different parcels; the future subdivision doesn't change the boundary lines for the CR land. She asked when they went for the 8(m) Permit did they have to let them know how wide the road was. Mr. Lopez said the same site plans were submitted to the MWRA along with a detailed analysis of the crossing. Mr. Robinson said it would still be the 24-foot road. She asked if they had to give them a traffic analysis. Mr. Robinson said the MWRA is more concerned about the greatest expected load rather than traffic. Ms. Joubert explained to Ms. Poretsky that we, as the town, have to apply for 8(m) Permits and it is more about the crossing of the aqueduct and what it is you are crossing with, i.e., foot traffic, equipment, etc.; a traffic study is not part of it. Ms. Martinek asked how to know what the heaviest load is; Mr. Robinson said that would be a fully loaded cement truck; it's the construction equipment used during the construction process; it would not change significantly if there were one or three buildings.

Mr. Lopez wanted to clarify in regard to H1 and H2, there will only be two buildable lots; one is before the board now and the other would be along Bartlett Street; the lot north of the aqueduct will be split into two lots, one of the lots is almost entirely conservation land and will remain as such in perpetuity. There is only one buildable lot north of the aqueduct which is the proposed parcel H building. Mr. Ziton asked about conservation land. Mr. Lopez said there are 43 acres in total and showed the area being added from this project alone. Ms. Poretsky said if the lot below building parcel A (H2) is all wetlands, what is the purpose of breaking off H1 and H2? Mr. Lopez said they want to create a separate lot and the preliminary plan is just that. She asked if there is there any section of H1 that is developable. Mr. Robinson said not really because of the resource areas. She couldn't understand why they want to subdivide the land if they can never build on it.

Ms. Poretsky asked if the access way is gravel and will it be plowed in the winter. Mr. Robinson said similar to Hayes G, they are proposing the same material (this access is significantly wider than Hayes G); it will be maintained in the winter. They did meet with the Fire Department and added the compacted gravel way along the third side. The plans were revised to the Fire Chief's satisfaction. The most current letter from the Fire Chief is dated December 31, 2019. Mr. Lopez said the widths of the access way have all been widened; nothing has become more restrictive. Ms. Martinek asked about traffic and if the October 2019 analysis reflected any other buildings. Mr. Nagi explained what was factored in for the future traffic process. Ms. Martinek felt traffic has change since the 2019 analysis and not a realistic future view. How do we get a snapshot of the actual traffic will look like. Mr. Nagi said they used the generic warehouse use and national guidance standards based on square footage to factor how much traffic would come from this project. Ms. Martinek noticed there were some recommendations for needing traffic signals. Mr. Nagi said they looked at the existing and future traffic volumes to see if a traffic signal was warranted at the intersection of Lyman and Bartlett Streets or at Cedar Hill Street. The state mandates that certain thresholds have to be met in order for a traffic signal to be constructed. While in both cases they are getting closer to being needed, they are not at the level to be met. He would encourage the town to look at the speeds and consider lowering the speed limits. Ms. Martinek noted that Mr. Nagi recommended to minimize potential impacts at the site driveway either with a wide single exit lane or two separate turning lanes with an exclusive left turning lane and asked how did that work with an access road. Mr. Nagi said they wanted to make sure trucks were not forced to drive over the center line of the driveway; they settled for a wider driveway. It was also recommended that the owner and the end user work with their commercial drivers to take a left out of driveway.

Public comment: Ms. Martinek summarized the emails that were received from Jon & Kate Rea; Ruth Reeve; Liz Nolan; Rachael & Richard Armstrong; Erin Tagliaferri; Kris Wixted; and Vanessa Allia. They will be available for viewing in their entirety on the website.

Anne Beckstrom (152 Bartlett Street) liked the idea of educating the truck drivers. Her concerns relate to the truck noise from the warehouse and the brake noise from the trucks; it is impacting her quality of life. If approved, she would appreciate trucks being prohibited from coming down Lyman and Bartlett Streets towards the schools.

Brad Blanchette (6 Rodney Terrace) stated that he is a member of the ZBA, but not acting in that capacity tonight. He commented that the neighbors have had enough. He thought subdividing is a way to lessen their tax impact. The residents are not in favor of the project. If approved, the access road will need to be conditioned. He thinks we are bending over backwards for the warehouses and thinks they are asking too much. They are going over an aqueduct and dangerously close to the wells.

John Wixted (2 Stirrup Brook Lane) was concerned about safety with young drivers on the road every day. He also said that we have groundwater protection areas for a reason; allowing special permits to get around zoning are counterintuitive. It is on Stirrup Brook and it will be impacted. It is not good for the brook or Northborough.

Lisa Maselli (13 Maple Street) stated she is on the Design Review Committee. They discussed a no right turn at the driveway exit and thought it was going to be put in; now it is only a suggestion. She said A. Duie Pyle has an agreement that they will not be using Bartlett Street, Maple Street, Ridge Road and Lyman Streets; for the most part they adhere to it. All other warehouses use it even though there are restrictions. She thinks it is bad practice; combining them with residential neighborhoods and schools is a bad idea.

Ms. Gillespie said it was a condition that all traffic was requested to go to the left out to 495 and there was talk about significant signage. She has advocated for years to the Board of Selectmen to put lighting along that street because she feels it is dangerous in the dark. The applicant agreed to put in two lights for safety. She also said there are very few A. Duie Pyle trucks in downtown Northborough unless they are making a delivery along that route; they were told they could not make that agreement with Fed-Ex. She said it is true that we are making a warehouse community with a lot of traffic, but would not say that it was part of the master plan. She and others have brought up the darkness on Bartlett Street. She requested streetlights from the Board of Selectmen and they denied the request; this applicant has agreed to install two street lights.

Michael Bernzweig (4 Jenkins Drive) said the project on any level is a disaster and can't think of a worse place to put it. He also said he did not receive any abutter notification. Because he said the intent and plans submitted sound materially different, on behalf of the neighbors at Stirrup Brook Estates, he respectfully requested a delay in the hearing decision so the neighbors could continue reviewing the documents. Ms. Joubert addressed his abutter notification comment and checked the Assessor's certified abutters list; he is not within 300-feet of the property line. The town prepares and certifies the abutters list.

Rachael Bernzweig (4 Jenkins Drive) said the parking lot will be close to her property; she is concerned with light and noise pollution. Snowplowing will be heard throughout the night; light will be coming off the parking lot; there will be a huge implication on Stirrup Brook. What happens with the snow melt, will it go into the groundwater and brook?

Genevieve Penny (103 Bartlett Street) said streetlights, darkness, possible pollutants and her well water are a concern, but her biggest concern is the amount of semi-truck traffic being added as well as school traffic.

Steve Shaw (4 Stirrup Brook Lane) repeated the point that we are discussing a Special Permit and making an exception. The project being proposed is on a groundwater protected area; it is absurd. He said the drainage report is 200 pages long; he would be concerned about the review of the document by the Planning Board, Town Engineer or an outside party to assess the viability. The plan involves 9+ acres that will be bulldozed or covered over with pavement or a roof; where is the water going? Thinks it would be a big mistake by the board and the town to rubber stamp it without a trained professional thoroughly reviewing the exception that is being asked. Noise and lighting are also pollutants.

Bryan Gwyn (6 Jenkins Drive) objects to the distribution center being built on Bartlett Street; it's time that it stops. Noise from the trucks will be unbearable; vehicle pollution will be significant to the wetlands; carbon dioxide discharging over time goes against the state low carbon economy target. He requests an independent review of the permit. He said the trucks traveling down Bartlett Street need to be banned from going in that direction; it is a safety hazard.

Linda Kim (127 Bartlett Street). The town has become noisy and unsafe. If the board allows the warehouse, they will lose a safe community and thinks it is on board's shoulders; it is a residential community, not a warehouse town.

Kristen Wixted (2 Stirrup Brook Lane) hears all the beeping trucks, there are fewer trees, and it is a bad idea. She walked the Stirrup Brook trail and saw the flags on the trees. Mr. Robinson said they are flaggings; wetland delineation lines. A certified wetland scientist (Goddard Consulting) delineated where the wetlands and the riverfront areas were, hung the flags and numbered them; they were confirmed by the Conservation Commission. The Conservation Commission mandates that they keep the flags hanging during construction so everyone knows where the wetlands lines are and nobody will inadvertently disturb them. They are to remain through construction for protection. She said the flags she saw today are next to Stirrup Brook at the bank. Mr. Robinson said that was right; they flag any resource areas on the site. On this site there are both wetlands and riverfront area. He thinks she was referring to the riverfront flags at the mean annual high water line of Stirrup Brook. They are closer to the brook than the wetland flags. She thinks Conservation is letting them build close to the stream.

Carter Brannon (22 Cherlyn Drive) said the aqueduct crossing is a safety concern. He was confused as to why the developer keeps getting permits for warehouses without any tenants in them when there are warehouses now with no tenants in them. He said the applicant has received a lot of negative comments and acknowledged that given the conservation land and care for the wetlands it looks like the applicant has tried very hard to minimize the environmental impact of the whole industrial project for the past 20 years and thanked them for that.

Gene Aytzenshtat (1 Jenkins Drive) moved to town in 2011. Since then Fed-Ex and another project was built. It is very loud; doesn't like it; more traffic; more pollution; very unhappy about it; doesn't see the reason another warehouse is being built.

Bob Frederico addressed the comments about warehouses being built and vacancy. 301 Bartlett Street is fully occupied. There is currently a tenant looking to take over almost the entire building on Hayes Memorial Drive. At one of the larger buildings next to Fed-Ex there is a preliminary inquiry to buildout the entire building. Buildings are being built, but by no means vacant. He wanted to make that clarification. There is more activity than people see.

Jeff Turgeon (5 Thayer Street) is pro-business and likes the smart growth concept but questioned a project that needs a variance from protected land. Once the land is built on it will change forever. He agrees with the concept to make sure the Planning Board takes the steps to make sure it the right step. He said a warehouse is not the highest best use for the property. His fear is they are selling a special piece of property for a short term gain but long term loss for the community.

Public comment ended.

Ms. Milton wants to digest some of the things brought up and has questions; more discussion is needed. It is zoned industrial so the board has some limitations on what we can and cannot put in as conditions. There are some counterpoints to consider based on residents' concerns, plans and what the applicant has already done. Mr. Ziton's main concerns are the environmental impact, traffic, and groundwater (specifically with Stirrup Brook). He thought an independent review of those three topics is needed. Ms. Gillespie said this project was a square peg going into a round hole trying to get everything to fit into that site. She said as a Planning Board member, we rely on the Conservation Commission and Groundwater to navigate us through the environmental impacts; she also would like an independent review. Her concern is the area being so severely buildout with the warehouses. Traffic-wise it will have a huge impact. The town created it and the question now is how to slow it down. The use is allowed, but there is a lot of allowance for the project to get in environmentally. Her solution is to get streetlights out there to help with young drivers. Nothing there has changed as far as public safety; she finds that very frustrating. Ms. Poretsky said we need to continue to discuss peer review. Ms. Martinek agreed it is a lot to digest. She has concerns with the current traffic report. Based on the sensitivity level of the traffic, she did not think it was wise to look at a generic percentage increase; she needs more information. She does not feel she has everything on the table; does not have the full picture. She is not prepared to make a decision tonight. Ms. Poretsky made a motion to continue the public hearing to August 18th at 6:00 p.m.; Ms. Milton seconded; roll call vote: Milton-aye; Ziton-aye; Poretsky-aye; Gillespie-aye; Martinek-aye; motion approved.

Old/New Business:

The 425 Whitney Street public hearing was continued to August 4th; Ms. Joubert said there is nothing new to present. The RFQ is out; responses are due on July 23rd. To date, no responses have been received.

Consideration of Minutes (06.16.20 & 7.07.20) – Tabled to the next meeting.

ANRs, Lot Releases, Bonds – None tonight.

Subcommittee Updates – Ms. Milton has not attended any Design Review Committee meetings since none have been scheduled. Ms. Joubert will inform her when the next meeting will be held.

Mr. Ziton made a motion to adjourn; Ms. Poretsky seconded; roll call vote: Milton aye; Ziton aye; Poretsky aye; Gillespie-aye; Martinek aye; motion approved. The meeting was adjourned at 9:48 p.m.

Respectfully submitted,

Melanie Rich
Board Secretary