



TOWN OF NORTHBOROUGH PLANNING BOARD

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Approved 07.07.2020

**Planning Board
Zoom Meeting Minutes
June 9, 2020**

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

Members Absent: None

Others (Remotely): Kathy Joubert, Town Planner; Fred Litchfield, Town Engineer; Robert Frederico, Building Inspector; Israel Lopez, The Gutierrez Company; David Robinson, Allen & Major; Robert Nagi, VHB; Rich Riccio, Field Engineering; Brian Mazar; Dan Quaille, Architect

Chair Martinek called the Zoom meeting to order at 6:30 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, S18, 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 and the process was explained.

Member and Staff roll call was taken Anthony Ziton, Michelle Gillespie, Mille Milton, Amy Poretsky, Kathy Joubert, Fred Litchfield, and Robert Frederico.

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

Ms. Martinek read the hearing notice into record. Participating were Israel Lopez (The Gutierrez Company) and Dave Robinson (Allen & Major Associates). Mr. Lopez said the project began in February, prior to the corona virus pandemic. The proposed project is a 150,900 square foot facility located on Bartlett Street; a user has not yet been determined. They have been working with staff to address comments throughout the permitting process. The state requires a Conservation and Management Permit (which they have obtained in working with NHESP), and they continue to work with the MWRA to obtain an 8(m) Permit to cross the Aqueduct that bisects the site.

Mr. Robinson gave an overview of the project: it is known as Parcel H; it has access to Bartlett Street; Lot 2B (Map 66 Lot 16) provides the access and frontage to Bartlett Street; it crosses the Aqueduct (which is owned by the MWRA) over a raised berm. As stated earlier, it is a 150,900 square foot industrial or warehouse use with a finished floor of 275; elevations are approximately 290; the building sits approximately 15-feet lower than the street; 150 parking spaces are proposed; it meets all zoning requirements; 13.2 acres will be preserved with a Conservation Restriction. They are before the Conservation Commission and meeting again on June 29th; they have met the riverfront disturbances. Mr. Robinson explained all the improvements that were made to the Site Plan Design. A Wildlife & Habitat Evaluation Report, prepared by Goddard Consulting, was also submitted.

Mr. Litchfield said the Groundwater Advisory Committee met on March 10th and reviewed the revised application and plans (dated 2/24/2020) and the Operation & Maintenance Plan (dated 3/5/2020). Since they did not have a tenant or a list of chemicals, volumes or types of materials to be stored on site, the Committee recommended approval be granted with no storage of any chemicals and that they return to provide proper safeguards for groundwater. The impervious cover calculation sheets are required to be submitted to the Building Department for future development of the site; one is needed for each of the parcels separated by the Aqueduct as outlined by Mr. Robinson. The Committee recommended two permeability tests be performed in each of the areas utilized for infiltration; no vehicle maintenance is permitted onsite; washing of tractors or cabs is prohibited, the site shall be connected to town water and sewer as outlined on the plan; the building should be heated with natural gas; the Stormwater Operation & Maintenance Plan (revised 3/5/2020) shall be amended and include a sample Inspection Report and be made part of any approval; the Town Engineer and Groundwater Advisory Committee shall be provided copies of the contract and invoices for all work and inspections performed; all material removed from the drainage system shall be disposed of properly offsite; standard conditions of the Committee also apply.

Ms. Gillespie asked if there was sewer on the street. Mr. Litchfield said there was further up the street; they will put in a pump station and connect to it. She asked how will they pull sewer and the Aqueduct, where is the sewer line running? Mr. Robinson explained where it is located and the process and said the design is acceptable to the DPW; utility plans were provided showing the 2,600-foot run (down Bartlett Street and tying into an existing sewer manhole near the Hillside projects); similar to what they did on Hayes G. He showed where it crosses the Aqueduct; they are in the process of submitting the plan profile to the MWRA. Ms. Gillespie asked if the building is within the 100-foot buffer on the other side; Mr. Robinson said yes which is why they filed with the Conservation Commission and DEP; plans have been updated accordingly. Comments were related to drainage and TSS removal calculations; response letters were provided to both the DEP and Conservation. Ms. Joubert commented that the Conservation Agent, Mia McDonald, sent an email today saying she has been closely working with Allen & Major Associates on all the revisions that address the Commission's concerns which include drainage, wildlife habitat and lighting. Staff is satisfied with the revisions, they have met all the Commission's concerns, and staff plans to recommend the issuance an Order of Conditions at the next meeting on June 29th. Ms. Poretsky wanted to know if the applicant met the recommendations of Ms. McDonald, Conservation Agent, had about the water draining forward into the wetlands instead of all off to the side. Mr. Robinson said Conservation requested they feed the portion of the wetlands better. They met with Ms. McDonald; based on the soil types and infiltration rates, the soils that are adjacent to the wetlands provide the most runoff to the wetlands and are proposed to remain as pervious landscape areas. The existing drainage pattern has been maintained in a proposed condition to feed the wetlands so they stay wet for the next several decades. There is

also a swale which contributes one-half acre of pervious area to feed the wetlands, the latest revision shows a water quality unit with a graded inlet with a riprap apron for velocity dissipation; it discharges water to a natural ravine which feeds the area around flags 144 and 145. Conservation Agent has accepted the latest drainage design and they have proven that the proposed drainage pattern does not significantly alter the runoff heading towards the wetlands under the proposed conditions; Ms. McDonald was satisfied. Ms. Poretsky asked if people who walk along the Aqueduct will have to go up 15-feet and cross the driveway. Mr. Robinson said yes; there is a natural berm on one side and the other side is steeper; Conservation has inquired about a possible Eagle Scout project to install non-structural dome steps. The “cheater” path is going away. They are in discussions with Conservation and the Trails Committee. Conservation is satisfied with their current layout. Ms. Poretsky asked if there was any future development proposed for the parcel in the front (66-16). Mr. Lopez said currently they don’t have plans to develop the parcel; they would need to evaluate the constraints. She asked if they would be open to a conservation restriction on that parcel and they were not. She also asked if they received a final decision from MA Wildlife. Mr. Robinson said Natural Heritage has provided an Amended Conservation Management Permit which was provided to Conservation. Ms. Poretsky asked how many feet into Groundwater 1 did the driveway go. Mr. Robinson explained the barrier between Groundwater 3 and Groundwater 1. She said 301 Bartlett Street used the entire 31 acres, not sure when the decision was made to split it and hoped that once it was split that 301 Bartlett Street is still meeting all the groundwater requirements. Mr. Litchfield stated it does meet all the groundwater requirements; it was a condition for approval of the ANR. She asked if the Fire Department had any problems getting around the building. Mr. Robinson said they talked to the Fire Chief who wanted access to three sides. They originally had two sides and a narrow path about 8-feet wide; they widened the third access side to 24’ and believed it was acceptable to the Fire Chief. Ms. Joubert confirmed that the Fire Chief was satisfied. Mr. Robinson said the building will be sprinkled and there is also a separate domestic and fire water line.

Ms. Joubert said there was no letter from the Design Review Committee because everything discussed with the applicant was revised throughout the process. The final plan reviewed by the Committee met their concerns. The two major concerns of the Committee were snow storage (which was addressed), and the lighting (specifically on Bartlett Street). There is a town policy about no new streetlights on any public roads. The applicant did put a streetlight on their own property as close to Bartlett Street as they could (which was not required by the town). The lighting plan was reviewed; there is no spillage from the site, the lighting as proposed met some of the “Dark Sky standards” in Massachusetts (which was not required by the town). The lighting meets the Zoning Bylaws and Planning Board Rules and Regulations. Mr. Ziton asked if Conservation had any concerns about the wildlife areas. Mr. Lopez said they incorporated an analysis in the Wildlife Habitat Evaluation Report for which Ms. McDonald is recommending approval. The finding is that it would not be detrimental to wildlife in this location. Mr. Ziton asked for the list of their pending approvals and was told the MWRA, Mass Historic Commission, Earthworks Board and Conservation Commission. Ms. Milton commented about traffic; it is a left hand turn on Bartlett Street; 75% of the traffic will come from there. Will there be a double lane or do they anticipate the need for a left hand turn? Mr. Nagi said the Bartlett Street cross-section is moderately wide; the volume expected as it comes from the west to make a left turn into the driveway is minor (20-25 cars and trucks at most) during the peak periods. The existing cross-section should be able to handle it without issues. It was recommended that the exiting driveway be wider than a normal driveway and/or a have separate right/left turn lanes. Given the use and low intensity use of a warehouse, he does not see an issue. Ms. Milton asked about the roof design and drainage. Mr. Robinson said the roof style is higher in the back and slopes in the front; there is a 24” diameter pipe with roof drain headers; all of the water drains to the front of the

building and is funneled to a detention area in the back. Ms. Poretsky asked if the roof would support solar panels if needed in the future and was told they would. Ms. Gillespie thought it was discussed/agreed that there would be signage at the end of the driveway to have trucks turn right to use the street to go to Route 290 vs. using Bartlett Street to go to Route 20. Ms. Joubert said it was discussed in Design Review that it could be made as a condition in the Planning Board Site Plan Review that the preference is for all truck traffic that does not have business or deliveries in Northborough be directed to use either Lyman Street or Bartlett Street to Hayes Memorial Drive to Route 495, but you can't stop someone from using a public street. Ms. Gillespie asked about exit doors in the back of the building and were there any. Mr. Robinson said the building has "future knockouts" where they can be added if the tenant wants them, but currently there are no exit doors proposed. When a tenant is identified, a final plan will be submitted to the Building Department.

Ms. Martinek asked for public comment; there was none at this time.

Ms. Martinek would like to better understand the lighting process as it relates to wildlife before voting; wants to see letters and permits that are pending; would like to do a site walk. She had a question about the Special Permit for the 50-foot perimeter. Ms. Joubert said all Special Permits follow that criteria. This specific Special Permit is written into the Groundwater Bylaw allowing the 50-foot leeway under the jurisdiction of the Groundwater Advisory Committee; it was referenced in Mr. Litchfield's letter. Ms. Martinek said she doesn't have any evidence on how it fits the criteria for the Special Permit in order to make a decision; she would like that from the applicant. She would also be interested if Ms. McDonald would come and talk to them so they can make an informed decision. Ms. Joubert said they need to be cognizant of the two different boards' authorities; Conservation has open hearings; any member of the Planning Board could attend on June 29th. Conservation issues are jurisdictional under the Wetlands Protection Act; the Planning Board's jurisdiction is under the Site Plan Review process and Special Permit. Ms. Martinek wants to understand what Conservation's discussions and concerns are. Ms. Poretsky said she attended the Conservation meetings and felt if the hearing is closed prematurely, Conservation may have additional information; she thinks it is in the best interest to leave it open; all members agreed. Mr. Lopez said he understands wanting to get more information, but all the comments staff made to them have been incorporated into the plan; they worked extensively to tweak the plan and it is reflective of all comments.

Before the next meeting the board would like to see all referenced or pending letters, the Wildlife Habitat report, anything related to the Special Permit that would meet the requirements of the Special Permit and conduct a site walk. Ms. Poretsky had questions for Ms. McDonald regarding light shields and the selection of the appropriate watt bulbs and what bulbs she wants them to use to meet the dark skies. Ms. Joubert said Ms. McDonald is not a lighting expert, she is a Conservation Agent; it was the Commission members that questioned it. Mr. Robinson said they revised the photometric and lighting plans; they are the same LED lights that were installed on Hayes G (dark sky friendly) and meet the requirements of the Zoning Bylaw. Ms. Martinek asked how are we to know if they are in accordance with NHESP. Mr. Lopez said the reports says there are no negative impacts. The lighting plan submitted is a good plan; it already follows dark sky principles.

The site visit will be determined via email due to tonight's time constraint.

Ms. Poretsky made a motion to continue the public hearing for 0 Bartlett Street to July 21, 2020 at 6:00 p.m.; Mr. Ziton seconded; roll call vote: Ziton aye; Gillespie aye; Milton aye; Poretsky aye; Martinek aye; motion approved.

Site Plan Approval for 400 Cedar Hill Street:

Applicant: New England F.C.
Engineer: Field Engineering Co., Inc.
Date Filed: January 22, 2020
Decision Due: April 21, 2020

Ms. Martinek read the meeting notice into record. Participating were Rich Riccio (Field Engineering), Brian Mazar (New England Football) and Dan Quaile (Architect). The project is located at the intersection of Cedar Hill and Bartlett Street. The proposed building is approximately 50,000 square feet with just under 10,000 square feet being offices, meeting area, workout rooms and restroom/facilities; the remaining portion of the building is a turf soccer field. The building will tie into the water and sewer as well as gas and electric utilities on Cedar Hill Street. The outdoor field is located at the central portion of the site, fenced in with two lighting poles to light the field with Musco lighting; two sets of bleachers are proposed between the building and field. The parking lot will have 129 parking spaces with paved parking. They made the access point “entry only” closer to Bartlett Street. All exiting traffic will be far away from Bartlett Street. The building runoff will flow in both directions and collect within a crushed stone infiltration basin with a perforated pipe directing runoff to a large infiltration basin. Mr. Riccio showed the portion of the parking lot that will flow through a water quality inlet for pretreatment prior to reaching the infiltration basin. The front portion of the parking lot will flow through a water quality inlet to an infiltration basin. The field is artificial turf, permeable surface, crushed stone bed under it for infiltration; and will have an overflow pipe in the event the storm bed is overwhelmed. The landscaping plan was revised; safety and emergency access were discussed. Mr. Riccio met with the Fire Chief and Building Inspector; the latest plan satisfied the Fire Chief’s requirements. They are before the Conservation; the hearing was not closed pending a DEP file number; they hope to close on June 29th. He showed and explained the photometric plan; Mr. Quaile went over the features of the building.

Ms. Milton asked if they had been before the ZBA. Mr. Riccio said the project is exempt from Zoning with regards to the use under the Dover Amendment. The only requirement is Site Plan Review approval. The site is in Groundwater 3; they did the design to the requirements of the Groundwater Regulations (though not required by the Dover Amendment). Ms. Milton asked how it qualified for the requirement because the Dover Amendment is for educational, agricultural and religious use; where did it fit in? Mr. Riccio said documentation was provided by the football club; the Building Inspector agreed that the non-profit aspect did fall under the Dover Amendment. She asked how it was interpreted. Mr. Frederico said it is an educational use and under the terms of education which talks about training and sports athletics. Though it looks like a sports complex, it fits under the use of educational under the purview of the Dover Amendment. Ms. Martinek asked if Town Counsel reviewed the application. Ms. Milton is concerned because it is such a broad explanation and would like Town Counsel to review it. Mr. Riccio said the primary use is educational training. Mr. Ziton said it is a great use for the area, but he is mildly concerned about the Dover Amendment and if it would set precedent and how may it impact future applications. Mr. Frederico will reach out to Town Counsel for background support. Ms. Poretsky asked if parking is allowed on the side of Cedar Hill Street. Mr. Frederico said all parking

for any facility needs to be off the street. Ms. Joubert said unless a public street is posted “no parking”, people could park on a public street, but the zoning bylaw stipulates parking must be located on the subject property. She reminded the board that they are proposing a Zoning Bylaw at Town Meeting which would make this type of use an allowed use in the Industrial District. Ms. Martinek asked about lighting. Mr. Mazar said typical usage is in the fall and spring; usually done by 9:30 p.m.; lights are off before 10:00 p.m.; most of the traffic would come in after business hours during the week. Sidewalks will be installed around the front of the building. Ms. Gillespie said there was a discussion about tournaments in the Design Review; most of the businesses do business from 9-5 (Mon-Fri); the applicant could ask for permission to park if needed.

Fred Litchfield said the applicant agreed to meet the requirements of Groundwater even though they were exempt under the Dover Amendments. They provided documents showing they could meet the regulations, specifically regarding not exceeding the 40% impervious cover and not exceeding the 15% increase in volume of runoff. Mr. Litchfield did offer some conditions that two permeability tests in each of the infiltration areas be done, the building shall be heated with natural gas, and no road salt or sand salt will be stockpiled on site. The Stormwater Operation & Maintenance Plan was adjusted to include definitions for what was being inspected and how often, along with a sample inspection form to be submitted with the O&M Plan and a completed form to be submitted with the as-built plan. They are not exempt from Conservation and Earthworks. Ms. Joubert said there was a letter from the Design Review Committee and Mr. Riccio had addressed those comments. The outstanding item concerned landscaping and updating the plan; it has been taken care of. Ms. Martinek would like a condition to maintain the trees in perpetuity.

Ms. Martinek asked for public comment. Henry Squillante (72 Crestwood Drive) asked about the Dover Amendment and 501(c)(3) if the property is sold. Mr. Frederico believed the use would go with the property but will ask Town Counsel if the property is sold, does the Dover Amendment still apply.

Mr. Mazar has a P&S with the seller which is contingent upon receiving Site Plan Approval. He may lose the P&S at the end of the month; the process was started in January. Ms. Joubert will draft a decision. Conditions will include Mr. Litchfield’s conditions previously discussed; and maintaining the trees in perpetuity.

Ms. Milton made a motion to continue the public meeting for 400 Cedar Hill Street to June 16, 2020 at 6:00 p.m.; Ms. Poretsky seconded; roll call vote: Ziton aye; Gillespie aye; Milton aye; Poretsky aye; Martinek aye; motion approved.

Ms. Poretsky exited the meeting at 8:50 p.m.

Public Hearing RE: Proposed Zoning Amendments for 2020 Annual Town Meeting:

Ms. Martinek read the hearing notice into record.

There was discussion about the Planning Board Articles and the Town Meeting which is proposed for June 22nd at the High School gym; presenting would be done with packets. Mr. Ziton said that based on CDC data, he did not think social distancing would be adequate, specifically in an indoor unventilated area, and would not attend. Ms. Martinek asked the members’ thoughts about the Zoning Articles. Ms. Joubert said there is the option to postpone voting on the articles to a fall meeting in order to streamline the spring town meeting and attend to budget articles only. Ms.

Gillespie said she wishes to go with the articles at the spring Town Meeting as the Selectmen and the School Committee will be presenting their Articles and there is no guarantee of a fall meeting. Ms. Milton agreed that it would be easier to keep it with the Town Meeting schedule. Ms. Martinek asked who would attend the meeting if it takes place on June 22nd. Ms. Milton will attend; Ms. Gillespie will also attend but is waiting to see what guidelines will be in place; Ms. Martinek would not feel comfortable with the current environment. Ms. Martinek asked if the Articles could be consolidated. Ms. Joubert was not sure if it could be done with Zoning but said Articles can be grouped together (and will verify with the Town Administrator/Town Counsel). She also said that based on the assumption that the meeting will take place on June 22nd, a decision must be made tonight as to who will make motions and presentations. Ms. Milton will make the motions and Ms. Gillespie will do the presentations. Board members would all attend if the meeting was held outside. Ms. Martinek will draft a letter to the Town Administrator and Board of Selectmen expressing the board's position that they would like to vote on the Articles individually and would be more agreeable to the meeting being held outside.

It was the consensus of the board to vote on the Articles at the June 16th meeting. Ms. Milton made a motion to continue the proposed Zoning Amendments to June 16, 2020 at 6:00 p.m.; Mr. Ziton seconded; roll call vote: Ziton aye; Gillespie aye; Milton aye; Martinek aye; motion approved.

Old/New Business:

Consideration of Minutes (01.16.20, 02.18.20, 03.05.20, 03.10.20) – Mr. Ziton made a motion approve the 3/10/2020 Meeting Minutes; Ms. Gillespie seconded; roll call vote: Ziton aye; Gillespie aye; Milton aye; Martinek aye; motion approved.

Mr. Ziton made a motion approve the 3/5/2020 Meeting Minutes as amended; Ms. Milton seconded; roll call vote: Ziton aye; Gillespie aye; Milton aye; Martinek aye; motion approved.

Ms. Milton made a motion to approve the 2/18/2020 Meeting Minutes; Mr. Ziton seconded; roll call vote: Ziton aye; Gillespie aye; Milton aye; Martinek aye; motion approved.

Ms. Milton made a motion to approve the 1/16/2020 Meeting Minutes as amended; Ms. Gillespie seconded; roll call vote: Ziton aye; Gillespie aye; Milton aye; Martinek aye; motion approved.

Bond Release (Sterling Court) – Mr. Litchfield said the project was accepted at Town Meeting in 2018 but the plans were not recorded; after a review the file, everything is now complete and recommended the board release the \$17,000 bond. Mr. Ziton made a motion to release the bond for Sterling Court in the amount of \$17,000; Ms. Gillespie seconded; roll call vote: Ziton aye; Gillespie aye; Milton aye; Martinek aye; motion approved.

Ms. Milton made a motion to adjourn; Mr. Ziton seconded; roll call vote: Ziton aye; Gillespie aye; Milton aye; Martinek aye; motion approved. The meeting was adjourned at 9:30 p.m.

Respectfully submitted,

Melanie Rich
Board Secretary