



# TOWN OF NORTHBOROUGH PLANNING BOARD

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Approved 12.3.19

**Planning Board  
Meeting Minutes  
October 17, 2019**

**Members in attendance:** Kerri Martinek, Chair; Amy Poretsky, Vice Chair; Michelle Gillespie; Millie Milton; Anthony Ziton

**Others in attendance:** Kathy Joubert, Town Planner; Fred Litchfield, Town Engineer; Bob Frederico, Building Inspector; Michael Sullivan, Connorstone Engineering; Ron Aspero; Henry Squillante, 72 Crestwood Drive; Brandon Barry, Bohler; Mark Veglia, 37 Corey Way; Tom Quinlan, 25 Corey Way; Scott Loughlin, Corey Way Manager; Sundaraval BV, 15 Corey Way; Nancy Brigham, 21 Corey Way; Jason Perreault, 27 Treetop Circle; Bushran Ahsan, 31 Corey Way; Natalia Surmachevska; 23 Corey Lane; Michal Szelag; 389 Hudson Street; Richard Lawler, 35 Corey Way; regarding 425 Whitney Street application - Rich Whitehouse, VHB; Jerry Dzwierzynski, Director of Engineering and Facilities; Mike Carelli, Plant Manager; Keith Barnett, Project and Facilities Engineer; John Raposa, Project Architect; Steve Madaus, Mirick O'Connell; Mark Thomas, VP, Operations & Technology, Applied Sterilization Technologies, Steris

**Chair Kerri Martinek called the meeting to order at 7:05PM.**

**Site Plan Approval for 0 Hudson Street (Map 30, Parcel 54) for Land Clearing and Grading**

**Applicant: Shrewsbury Homes, Inc.  
Engineer: Connorstone Engineering Inc.  
Date Filed: September 16, 2019  
Decision Due: December 15, 2019**

Ms. Martinek read the public notice into the record.

Mr. Sullivan appeared on behalf of the applicant to discuss the proposed project for the 5.6 acre site in the Residential C district, which requires a minimum lot size of 20,000 square feet and 100 feet of frontage. He mentioned that the site contains wetlands and a perennial stream at the rear that are a substantial distance from the proposed construction.

Mr. Sullivan explained that the applicant is proposing to develop single family homes on 3 of the 4 lots, on lots of 20,000 square feet, 22,000 square feet, and 173,000 square feet. He stated that, per town zoning, a lot size of 170,000 square feet or more requires only 50 feet of frontage.

He also noted that the lots will be serviced by individual septic systems, and definitive testing has been done with the Board of Health and the soils are very conducive to both drainage and septic systems.

Mr. Sullivan indicated that the project will result in 83,000 square feet of disturbance and the bylaw requires approval for anything over 20,000 square feet. He discussed standards under section 7-09-010 (D) as follows:

- Minimize site alteration and land clearing – Mr. Sullivan stated that land clearing is to be minimized as much as possible to accommodate the houses, driveways, and septic systems. He noted that there will be more clearing associated with the house at the rear that will be served by a long driveway.
- Protect wildlife habitat – Mr. Sullivan mentioned that there are no endangered species in the area so this standard does not apply.
- Protect understory vegetation – Mr. Sullivan noted that trees to be removed for development of the site as previously discussed and the remaining vegetation be protected.
- Employ proper site management techniques – Mr. Sullivan stated that Mr. Aspero is a hands-on developer and noted that what is approved will be staked, and what is staked will be enforced by Mr. Aspero.
- Protect site during construction – Mr. Sullivan confirmed that sediment and erosion controls will be installed, with a silt fence to encapsulate the entire work area. He stated that temporary sedimentation basins will be constructed and runoff will be directed to them to prevent any sediment or silt from reaching the street. In addition, rip rap will be installed at the entrance from the roadway so that there will not be any silt leaving the site towards the street or any abutters.

Mr. Sullivan discussed plans for a 2-to-1 slope that he understands Mr. Litchfield has included in his comment letter. He explained that Mr. Aspero is proposing bark mulch and plantings to maintain the slope, which he hopes will be acceptable to Mr. Litchfield since a 3-to-1 slope will require removal of more trees.

In response to a question from Ms. Poretsky about the ANR lots, Mr. Sullivan confirmed that ANRs have been submitted. Ms. Poretsky voiced her assumption that most of the land clearing will be done on the larger lot, which Mr. Sullivan confirmed to be the case.

Mr. Litchfield discussed details of his comment letter. He noted that the plan appears to be fine but there are a few things that need to be better defined. He mentioned that some land clearing is shown on lot 4 but lot 4 is not part of the application. He estimated that 6,000 square feet will be disturbed on lot 4 and an additional permit may be required if the applicant exceeds 20,000 square feet of disturbance on that lot.

Mr. Litchfield noted comments about road opening permits and water improvement fees that will be due prior to the issuance of a building permit. He expressed his desire to ensure that the applicant is aware that these fees must be paid at the time that the building permit is obtained.

For site management, Mr. Litchfield suggested that a single access point be established for truck traffic until foundations are installed and driveways are established. He noted that limiting access to one point during the majority of the site work will make it more manageable for both traffic and erosion controls.

Mr. Litchfield indicated that tracking pads are required at each entrance onto Hudson street until the driveways are paved and installation of erosion control barriers is recommended along the property lines. He noted that this is not shown on the plan and emphasized the importance of keeping the erosion on the lot and not impacting any abutting lots.

Mr. Litchfield discussed the grading on lot 3 as previously mentioned. He explained that the plan did not indicate that there would be bark mulch so he assumed it would be grass, which would be concerning on a 2-to-1 slope. He agreed that a 2-to-1 slope may be appropriate with the use of bark mulch.

Mr. Litchfield noted that the bylaw requires the site to be revegetated as quickly as possible and not left undisturbed for long period of time and asked when the applicant plans to start construction.

Mr. Litchfield mentioned that sedimentation basins are shown as temporary and he expressed his opinion that they should remain in place until everything contributing to the basins is stabilized after which the applicant should maintain whatever is necessary to control water from flowing from one lot to another lot, especially on neighboring property that are not part of this project.

Mr. Litchfield also noted that there are 5 items listed in the bylaw about monitoring and inspection of erosion and sedimentation controls that need to be included in the plan, with reports to be furnished to engineering office.

Mr. Litchfield commented that the stream in the back appears to be perennial but the plan does not indicate the annual high water mark so it is not possible to determine where the 200 and 300 foot riverfront area starts and stops so he suggested that the applicant may need to file a Request for Determination of Applicability with the Conservation Commission.

Mr. Litchfield stated that the plan does indicate some impervious cover limits for each of the lots. He explained that, upon application for a building permit the specifics for the houses will be more defined and the size of the homes and impervious cover may change. He noted that an impervious cover calculation sheet will need to be submitted and recharge will be required if the increase in impervious coverage is more than 15%. Mr. Sullivan indicated that the site is located within both the Groundwater 2 and Groundwater 3 areas and questioned the need to appear before the Groundwater Advisory Committee. Mr. Litchfield explained that, for residential development, he typically has the applicant provide the impervious cover calculation and, if it exceeds the 15%, installation of dry wells will usually be proposed. Mr. Sullivan stated that calculations have been done and dry wells are indicated, but this information has not yet been provided to Mr. Litchfield.

Mr. Litchfield stated that submission of an as built plan will be required upon completion of the project.

In response to a question from Mr. Ziton, Mr. Litchfield stated that his review letter will not be updated but the board's decision will serve as the final document that will include conditions as requested.

Ms. Martinek asked if the subject of the impervious cover calculation is sufficiently covered if what is submitted is not acceptable. Mr. Litchfield explained that the Impervious Cover Calculation Form is required upon application for a Building Permit and will determine the amount of impervious cover on each lot. He indicated that, if there is an increase of more than 15%, a dry well will be proposed to take the roof runoff and recharge it back into the ground. He noted that the area that contributes to the dry well will be subtracted from the impervious cover and will likely bring the cover under the limit. If not, he noted that the developer will need to find a way to recharge the driveway or seek a variance from the Zoning Board of Appeals (ZBA).

Ms. Martinek explained that this is not a public hearing but agreed to accept comments.

**Michal Szelag, 389 Hudson Street**, explained that his property abuts the large lot on the left and asked about the clearing at the front of the parcel. He noted the large mound with substantial vegetation is prone to erosion. He also mentioned traffic and poor visibility and voiced concern about safety and traffic impacts. He stated that he has issues getting out of his driveway and suggested that the proposed driveways have the potential to be even more dangerous than his own and asked about mitigation.

Mr. Litchfield explained that the plan does call for erosion control measures and slope stabilization, and what is proposed appears to be accurate. He stated that he is not aware of any existing erosion problems. Mr. Sullivan indicated that he has no knowledge of any either. He discussed the clearing work and the anticipated cuts to be made, and reiterated that the applicant is proposing erosion controls and rip rap to handle any sediment picked up from trucks. He mentioned that, once the trees have been cleared, sight distances for the driveways will improve.

Mr. Szelag provided copies of photographs of conditions for the board's reference and voiced concerns about the driveway being cut into the hill that will likely create further challenges for him pulling out of his driveway. In response to a question from Ms. Martinek about anything that can be done to alleviate concerns about sight distances, Mr. Litchfield reiterated that road opening permits will be required. He noted that the plan shows the grading and cuts at the edge of pavement but there is some distance between the edge of roadway and right of way so there may be a way to modify the plan to improve the sight distances. He stated that this can be addressed during the road opening permit process.

Mr. Aspero stated that he understands the concerns about safety and will take a common sense approach to the development. Mr. Sullivan agreed to meet onsite with Mr. Litchfield to ensure sight distances are safe. He also commented that the applicant desires to sell the homes so it is in his best interest to do so. Ms. Poretsky asked if the board needs to add this to the decision as a condition. Mr. Litchfield explained that details are not adequately defined at this point so it

is difficult to quantify in the decision. He reiterated that the issue can be address when the applicant applies for road opening permits.

**Mark Veglia, 37 Corey Way**, noted that the “hammerhead” lot runs along the plot line that cuts into the woods adjacent to his building. He voiced concern that the proposed home will be visible through the trees and impact his property value. He also expressed concerns about drainage and potential flooding caused by this construction.

Mr. Sullivan voiced surprise that at Mr. Veglia’s comments about a single family home being visible. In response to a question from Ms. Martinek about his concerns, Mr. Szelag reiterated his concerns about potential impacts to the value of his home and potential drainage issues. Ms. Martinek emphasized that the applicant does have the right to build on his property. She also asked for clarification about potential drainage issues. Mr. Litchfield discussed the coarse sandy soils onsite and voiced his expectation that there should not be much of an increase in runoff, if any. He mentioned that runoff from a single family house is generally fairly minimal. He also stated that the does not have any concerns about drainage or flooding. Ms. Poretzky asked about flooding that could occur during construction. Ms. Litchfield explained that the applicant is required to keep water and erosion on his property, and ensure that the amount of water that leaves the site is no greater than what existed prior to development.

Mr. Szelag mentioned that he has a potable water well and asked about any impacts. Mr. Litchfield indicated that the Groundwater Bylaw is designed to protect the towns wells. Mr. Sullivan discussed specifics of artesian wells and stated that the construction will in no way affect them. Mr. Szelag asked which lot will be developed first and when construction will begin. Mr. Aspero indicated that he has not yet decided, but expects it will be either lot 2 or 3, and he hopes to start development before the onset of winter weather. In response to a question from Ms. Gillespie about any blasting to be done, Mr. Sullivan stated that blasting is not needed.

Mr. Szelag asked how substantial the clearing will be between the large lot and his property. Mr. Aspero indicated that trees will be cleared to allow for construction of the homes and driveways but he hopes to retain as many trees as possible.

Michelle Gillespie made a motion to approve a permit for land clearing and grading with conditions as outlined in the Town Engineer’s review letter, Anthony Ziton seconded; motion carries by unanimous vote.

**Public Hearing for 41 Lyman Street Special Permit Site Plan Approval and Special Permit per Groundwater Protection Overlay District**

**Applicant: Crandall Hicks**  
**Engineer: Bohler Engineering**  
**Date Filed: September 16, 2019**  
**Decision Due: 90 days from close of hearing**

Ms. Martinek read the public hearing notice into the record and opened the hearing.

Brandon Barry of Bohler Engineering appeared on behalf of the applicant to discuss the proposed 20,000 square foot expansion of an existing warehouse on the property located within a groundwater overlay district. He explained that the project has already obtained approval from the Conservation Commission and received a positive recommendation from the Groundwater Advisory Committee (GAC). He discussed the location of the property on the eastern side of Lyman Street approximately ¼ mile south of the intersection of Lyman and Bartlett streets. He noted that the property currently houses a 64,000 square foot warehouse used for storage and distribution of lawnmowers and snowblowers with two access drives onto Lyman Street, parking, an onsite stormwater management system and onsite wastewater system. He discussed the applicant's proposal to construct a 20,000 square foot expansion (100 x 200 foot addition) with associated parking and access areas and improvements to the stormwater management system. He noted that there is a wetland system at the rear of the site and confirmed that all wetland buffers will be respected. He also mentioned that minor comments have been received from the Fire Department and Town Engineer and the applicant has agreed to comply.

Ms. Poretsky recalled that the Groundwater Advisory Committee had requested that the stormwater management system be serviced annually by a professional. Mr. Barry referenced the Stormwater Operations and Maintenance Plan for the facility.

Mr. Ziton asked if the machines come filled with oil or if they are prepared once onsite. Mr. Barry indicated that they are delivered with minor amounts of oil and the engines wrapped in plastic.

Ms. Martinek expressed appreciation to the applicant for including impact statements which she found very helpful.

Fred discussed details of his review letter and requested that the requested conditions be incorporated into the decision. He emphasized the importance of citing the number of gallons of engine oil to be within the lawnmowers, snowblowers, and building in the decision.

In response to questions from Ms. Martinek, Mr. Barry indicated that he is aware of the conditions as noted as well as those stipulate in the previous special permit and agreeable. He also voiced his understanding that the applicant will be responsible for paying the water privilege fee. Mr. Litchfield explained that this fee is required anything the is an addition to a building connected to town water.

Mr. Ziton asked about the exposed concrete containment area. Mr. Barry explained that the building is a steel frame and the original approval required a containment area. Mr. Ziton asked about the potential for cracks in the concrete and whether there should be any inspection to ensure that any spill will be contained. Mr. Litchfield indicated that this is generally not a concern and noted that the threat with the existing use is minimal.

Ms. Gillespie asked if the addition will allow for a solar installation on the roof. Mr. Barry commented that this would be something that the architect and structural engineer would have to address.

Ms. Gillespie mentioned that the anticipated truck traffic is not extreme but, in an effort to minimize truck traffic through the center of town, requested that trucks be directed to

travel our Lyman Street to Route 495. Mr. Barry voiced his assumption that trucks will likely travel out to Route 9 or 495, and agreed to ask the applicant to encourage drivers to do so.

Ms. Milton asked about the number of trucks to be onsite. Mr. Barry noted that the original approval, which was for a moving and storage operation, included provisions for a number of trucks to be parked onsite. He explained that the existing business does not have truckers remaining onsite but he does not wish to restrict their rights in the future should needs change.

Ms. Joubert noted that the Fire Chief had provided a review letter to which the applicant has responded. She voiced her understanding that the Fire Chief is comfortable with the response. Mr. Barry confirmed that the applicant will comply with the Fire Chief's request when the plans are finalized and the project moves forward.

In response to questions from Ms. Poretsky about landscaping, Mr. Barry noted that some low lying shrubs, better trees, and flowering perennials are proposed. Ms. Poretsky requested that the decision include a condition requiring shrubs and plantings to ensure that they are done. Members of the board agreed to require the applicant to re-landscape the front of the property in accordance with the bylaw.

Ms. Martinek asked about the waiver request. Mr. Barry noted that there are currently not many defined parking spaces onsite nor are they needed, so the applicant is requesting a waiver from the requirement so they can eliminate parking spaces that will not be used. Ms. Martinek noted a mention of 30 trucks onsite and Mr. Barry reiterated that it was part of the original decision and not currently planned but the applicant wants to reserve that right should business operations change in the future.

Ms. Gillespie suggested that the waiver for parking should stipulate that applicant will agree to repaint the spaces if the need arises. Ms. Joubert agreed to include standard language about the reserve area to put the applicant on notice that the waiver does not allow for placement of a structure there in the future.

Members of the board discussed the decision criteria and agreed that the project meets the criteria for site plan approval as required in the bylaw.

Mr. Ziton made a motion to approve a special permit site plan approval and special permit groundwater protection overlay district with conditions as noted below and a waiver to allow for reduced parking and relief from the requirement for striping the parking area.

- Conditions as noted in the Town Engineer's review letter
- Applicant shall be required to re-landscape the front portion of the property in accordance with the town bylaw
- Truck traffic shall be directed to major routes to avoid the center of town
- Valves shall be visibly marked in the parking areas

Ms. Joubert explained that the Fire Chief's comments do not need to be incorporated as they are not specific to the site plan and will be addressed as part of the review by the Building Inspector and Fire Chief.

Michelle Gillespie seconded the motion; motion carries by unanimous vote.

**Public Hearing for 425 Whitney Street Special Permit Site Plan Approval and Special Permit per Groundwater Protection Overlay District**

**Applicant: Steris A.S.T.**

**Engineer: VHB**

**Date Filed: September 17, 2019**

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

**Jim Shore, 34 Coolidge Circle**, requested that the hearing be continued based on an appeal that has been filed.

Ms. Martinek read the public hearing notice into the record and opened the hearing.

Ms. Martinek emphasized her desire to ensure that the applicant has a fair hearing as well as making sure the Planning Board members have all of the information they need to make an informed and smart decision on behalf of the town. She noted that, in reviewing the application, she feels that it includes expertise beyond that of anyone involved so she would like to require a peer review to be conducted, at the applicant's expense, to advise the Planning Board. She indicated that the Planning Board will interview and select the appropriate party to do so. Ms. Martinek also mentioned that she has some questions and concerns about the use, so she would like to see the peer review include data and facts that support the position that the operations meet the use criteria (light manufacturing) as outlined in our bylaw. Ms. Poretsky agreed that a peer review would be valuable and would be necessary to enable the board to do its due diligence. She emphasized the need for the facility to be constructed properly with the appropriate shielding. Members of the board agreed.

Attorney Stephen Madaus from Mirick O'Connell appeared on behalf of the applicant. He commented that the applicant is before the board for site plan approval. He emphasized that the use is not before this board and performance standards are not part of site plan review. He noted that the property is located in the industrial zone and the Building Inspector makes the determination on use. Ms. Martinek stated that she would seek to have a peer review to make sure that the project meets the performance standards of use as outlined in the bylaw with regards to noise and other factors. She also commented that she would expect the applicant to present data and facts to support the use. She noted that the application seems to lack specifics relative to noise, process, traffic, etc. Attorney Madaus insisted that such data falls under use regulations and could be considered if the applicant were here seeking a special permit for use, which they are not. Ms. Poretsky noted that regulations stipulate that the applicant shall include estimate of daily and peak hour vehicle trips generated by the proposed use and the board did not receive any impacts studies. Ms. Martinek explained that Town Counsel has outlined that the board would be able to seek information under section 7-05-040 and she emphasized that the board may ask for evidence that the proposed use or activity complies with the performance standards. She invited Attorney Madaus and his colleagues to present information that might be helpful with the understanding that the board will expect a peer review as part of a condition to continue review of the application. Ms. Martinek also mentioned that an appeal has been filed of the ZBA's dimensional variance decision and noted that the board cannot discuss the appeal. She explained that Town Counsel has notified the

Planning Board that they are able to proceed with the public hearing for site plan approval and special permit application.

Ms. Joubert noted that peer review has been exercised sparingly in the past because staff is usually able to provide information and guidance. She suggested that if, after hearing all of the information and evidence, the board wants to pursue peer review, it would be beneficial to discuss specifics to enable staff to pursue appropriate expertise. Ms. Martinek stated that the goal is to make sure that the board has the necessary information to make an educated decision that is in the best interest of the town. She suggested that board members document thoughts and concerns as we move through the discussion.

Attorney Madaus introduced members of the project team as follows:

Rich Whitehouse, VHB  
Jerry Dzwierzynski, Director of Engineering and Facilities  
Mike Carelli, Plant Manager  
Keith Barnett, Project and Facilities Engineer  
John Raposa, Project Architect  
Mark Thomas, VP, Operations & Technology, Applied Sterilization Technologies

Attorney Madaus noted that the applicant is before the board for site plan approval and a special permit pursuant to the groundwater protection overlay district. He noted that one member of the board has already voiced concerns about technologies that may be involved at this property and the property at 435 Whitney Street, and he noted that the operations at 435 Whitney Street are not before this board. Attorney Madaus discussed the applicant's proposal to construct a 20,100 square foot addition and a smaller addition of approximately 3,375 square feet on the property located in the industrial zoning district in a groundwater 3 area.

Attorney Madaus explained that the applicant has received a dimensional variance for the side setback that the ZBA granted after finding that the project satisfied the strict criteria required for a variance. He mentioned that the applicant is aware that an appeal has been filed in land court.

Attorney Madaus indicated that the project was also reviewed by the Groundwater Advisory Committee (GAC) during their October 8<sup>th</sup> meeting. He advise the board that, in review of the specification for the chillers to be installed onsite, it appears that a chemical was omitted from the list so the applicant immediately notified the Town Engineer and he has noted it in his review letter to this board. He emphasized that the applicant is complying with the provisions of the Groundwater bylaw.

Rich Whitehouse from VHB noted that the site contains an existing 46,000 square foot warehouse building and associated parking, and shipping and receiving area, with the remainder of the site being lawn and wooded areas. He noted that the site is currently served by an onsite septic system but the plans call for expanding into that area so the septic system will be removed and the building will be connected to town sewer.

Mr. Whitehouse noted that, in general, plans for the site remain fairly similar to what exists today. He noted that parking area, mainly for employees, will be in the same location but will be a bit smaller and the shipping and receiving area will be the same size.

Mr. Whitehouse explained that stormwater is currently managed by a series of catch basins and pipes and the closed drainage system is directed to an outflow pipe. He stated that, as part of the improvements, the stormwater management system will be upgraded to include treatment of stormwater through use of deep sump catch basins and a water quality unit where flows from the paved areas will be directed for discharge.

Mr. Whitehouse indicated that site lighting is intended to be fairly typical perimeter pole lighting, all of which will be directed back onto the site. He confirmed that a photometric study was done to ensure that the site is sufficiently lit but that light does not cast beyond the property line. In addition, he noted that landscape improvements will be made consistent with the bylaw, and a snow storage area has been shown on the plans.

Mr. Whitehouse stated that the proposed layout provides the required number of parking stalls as required by the bylaw, which is more than will be needed.

In response to a question from Ms. Martinek about the concrete plant, Mr. Whitehouse noted that there will be a temporary concrete plant used strictly for construction purposes related to the building expansion, and this was fully discussed with both the Conservation Commission and GAC. He mentioned that VHB is working with the owner and contractor to develop details and specifications for the Operation and Maintenance of the concrete plant and sedimentation protection of the stormwater. He stated that these details will be compiled and reviewed with the Conservation Agent and Town Engineer for approval. He stated that the intent is for the concrete plant to be located fully within the paved area to allow full control over runoff.

Ms. Martinek asked if there is any input from the Conservation Commission on the concrete plant. Mr. Litchfield stated that he had spoken with the Conservation Agent, who did confirm that the hearing was closed and an Order of Condition was granted. He emphasized that the outstanding discussion revolved around the temporary concrete plant and his concerns around reviewing the additional chemical information with the GAC. He voiced his understanding that the applicant has agreed to do whatever is required by the Conservation Agent and Town Engineer in order to use the plant on a temporary basis.

Ms. Martinek noted that the board had just received the GAC review letter and members of the board took a few minutes to review it. Ms. Martinek asked about the long term pollution protection plan and if the applicant had read it.

In addition to the GAC review letter, Ms. Martinek noted that the board had also received a review letter from the Fire Chief.

A gentleman from the project team noted paragraph 4 in the GAC review letter and confirmed that the applicant has met all the requirements of the groundwater bylaw, which allows for a special permit for industrial development and was based on all the chemicals that were disclosed but did not include the additional chemical that was inadvertently omitted. Ms.

Martinek noted that there seems to be a lack of information provided about the concrete plant. Attorney Madaus noted that the concrete plant is a temporary measure during construction and will reduce the number of trucks needed for delivery of concrete to the site. He stated that the concrete plant is subject to review by the Conservation Commission and GAC but is not a permanent fixture for the site plan development. Mr. Whitehouse explained that an additional benefit to having the plant onsite is to allow for better quality control for the volume of concrete that will be needed for the expansion. In response to a question from Ms. Martinek about the anticipated duration, Mr. Whitehouse stated that the temporary concrete plant would be onsite for approximately 12 months. Attorney Madaus emphasized that zoning does not regulate methods of construction. Ms. Martinek asked about hours of operation. Mr. Litchfield noted that external work would be regulated through the Earthworks Board, who stipulates hours of operation to be 7AM to 5PM, Monday through Friday, 7AM to noon on Saturdays, and no work is allowed on Sundays or holidays. He voiced his understanding that the bylaw allows for slightly different hours of operation within the building. Mr. Frederico noted that, in terms of general construction, interior work is permitted between the hours of 7AM-7PM daily except Sundays and legal holidays but work outside those hours can be allowed by written permission of the Building Inspector.

In response to questions from Ms. Martinek about hours of operation for the business inside the building and Ms. Poretsky about truck traffic, the applicant advised that the business operated 24 hours with anticipated truck traffic between the hours of 7AM to 6PM. Mr. Litchfield clarified that his explanation of inside hours of operations was related to work by tradesman for the construction project. Ms. Joubert explained that there is no restriction on a business as far as hours of operation. Ms. Martinek suggested that the board can impose restrictions as a condition in the decision. Ms. Joubert indicated that the town does not have a bylaw that stipulates that a business must operate between certain hours so there can be no such restriction.

Ms. Martinek reiterated that the board has been provided with comment letters from the Fire Chief and Groundwater Advisory Committee but has received nothing from the Conservation Commission and noted that an Earthworks permit will also be required. Ms. Joubert noted that Earthworks is typically always last in the process.

Ms. Gillespie noted that the Fire Chief expressed several concerns that need to be addressed and expressed her desire that they be resolved before the board closes the hearing. Ms. Joubert explained that a response was provided by that applicant and the Fire Chief has expressed his satisfaction. She mentioned that, as was the case with the previous hearing, the Fire Chief's comments have to do with actual construction and will be reviewed by the Building Inspector and Fire Chief when plans are submitted. She explained that flow tests and other issues must be addressed before a Building Permit can be issued.

Ms. Poretsky also voiced concern about the lighting and safe egress in the event of an emergency onsite, since the interior of the facility appears to be a maze. The applicant clarified the process within the facility and explained that product travels through the maze via conveyor belts but people do not. Ms. Martinek noted that the concrete walls are to be 12 feet thick and asked how radiation is contained. Mike Carelli explained that the maze allows pallets on the conveyor system to pass product in front of the x-ray and the maze prevents it from escaping.

In response to further questions from Ms. Martinek about similar operations currently in use, the applicant noted that there are such facilities in operation in Europe. Mr. Ziton asked about the linear footage of the 12-foot thick walls. The applicant indicated that the 12-foot walls are in the exposure area, with two 2-foot long walls on each side and one in front. He noted that radiation only travels in a straight line, and the walls of the maze serve to contain it. Ms. Martinek asked how the radiation is created and the applicant explained that it is created with a linear accelerator and an electron beam is not part of the process. Ms. Poretsky asked how many kilowatts of power are required to run the accelerator. The applicant stated that it requires 600KW.

Ms. Martinek noted that there are currently no such facilities in operation in the US. In response to a question from Ms. Milton, the applicant indicated that facilities are also being constructed in Libertyville, Illinois and Ontario, California. Ms. Poretsky emphasized the need for an expert to advise the board, given the complexity of the operation and minimal information on the technology. Attorney Madaus reiterated that the use and internal operations are not part of site plan review.

Ms. Martinek asked the applicant to address the noise, and asked why the chillers are located outside of the warehouse area and not in the area where the maze is. Mr. Whitehouse explained that the chiller is needed for cooling and controlling the climate and the location was dictated by constraints on the site and to keep it screened from the road and as far as possible from residential abutters. Ms. Martinek asked about the noise and vibration generated by the chillers. Mr. Whitehouse noted there is a sound absorbing wall between the chillers and the abutting residences to reduce impacts. Mr. Raposa noted that the noise issue was also raised at the ZBA hearing. He explained that the chiller generates about 78 decibels at the source but that is diminished to 40 decibels by the time it nears the abutting residences. He mentioned that 40 decibels is equivalent to a library or computer hum, 50 decibels is equivalent to normal conversation, and 60 decibels is equivalent to an air conditioner.

Ms. Martinek asked about any other noise associated with the business in an effort to get the full picture about the noise impact at the location. Mr. Whitehouse noted that the only other noise anticipated will be truck traffic, which will be confined to the farthest part of the site to the rear. Ms. Milton asked about noise generated from the concrete plant and was advised that it will be similar to normal construction activity. Ms. Martinek asked about any CO2 emissions and was advised that there will not be any. Ms. Martinek asked about the regulations given that this use does not currently exist anywhere in the US. Mark Thomas explained that, while Steris does not currently operate any large-scale x-ray machines in the US, there are obviously x-ray machines all over the country and they are regulated by state regulators, which he believes is the Department of Health in Massachusetts. He noted this is the same agency that would regulate another existing operation here in Northborough and, though not the same technology, it is very similar in terms of radiation and shielding aspects. He also clarified an early response by another member of the project team by explaining that the maze is built in a labyrinth design and the constriction of the shield is built so that by the time any energy gets to the open exit it has dissipated to the point where it is well below what is allowed by state regulations.

Ms. Poretsky asked about regular monitoring of the radiation and whether exterior testing is done to ensure that radiation is not exiting the facility. Mr. Thomas explained that the cell will be

built under strict quality control, with the machine being brought online at a very low power initially while radiation monitoring is conducted outside the shield as the power is increased over time to ensure that the shield is effective. Ms. Poretsky asked if there is regular testing beyond that, just to make sure the shield continues to be effective. Mr. Thomas mentioned that regulations will usually guide that and noted that it is in the company's best interest to make sure that the operation is efficient and safe.

Mr. Ziton addressed the noise levels from the chillers. He noted that the bylaw stipulates that there should not be an increase of more than 5 decibels in ambient noise levels and asked if the proposed project falls within that range. Mr. Litchfield discussed prior projects in the industrial zones where noise levels were a concern and an ambient noise study was required as allowed in the bylaw. Mr. Ziton stated that he is equally concerned about the level of noise generated by the concrete plant. Mr. Frederico explained that a noise restriction does not apply to construction and maintenance activities between the hours of 7AM – 7PM.

Ms. Poretsky asked about a traffic impact study. Mr. Whitehouse stated that truck traffic of approximately 10 to 20 trips per day are anticipated, and noted that truck traffic will be directed toward the Town of Berlin.

Mr. Shore explained that he has lived Northborough for more than 22 years and has spent the last 30 years working in the Medical Device Industry, including some audit work, and is quite familiar with sterilization processes. He applauded the board's desire to obtain a peer review and highly recommended doing so. He also noted that he spent 15 years in the Marine Corp., which he mentioned only to highlight his resulting hearing loss and sensitivity to high frequencies due to that experience. He also expressed disappointment that the hearing was being held despite him filing an appeal of the ZBA decision. He also stated that the applicant knew well ahead of time that they would need a variance before they bought the property and thinks it is in best interest of town to do the due diligence and ask the questions. He indicated that this property is only about 300 feet away. He informed that board that he owns two parcels; the property where his house is located and another behind the aqueduct that he uses to escape noise and to have some peace and quiet. He emphasized that this project is impeding on his best interest and welfare.

Mr. Shore also expressed concern about the amount of construction and the one year plus timeline. He mentioned that the neighborhood is exhausted by having to defend itself from Santo Anza and his operation at 429 Whitney Street. He suggested that Steris might be able to reduce the footprint and make the facility more efficient. A gentleman in the audience stated that facility size has nothing to do with efficiency.

Ms. Gillespie suggested that the hearing be continued until the pending meetings are held. She also asked why the applicant would not agree to a peer review if it would provide the neighbors with some peace of mind. Attorney Madaus mentioned that he disagreed with the request for a peer review before the applicant was given the opportunity to present the site plan. He also reiterated that the application is not for a special permit for use and does not involve the proposed operations. He reiterated that he does not object to the peer review process of some topic subject to the board's jurisdiction but cautioned about regulating use through the site plan. Ms. Martinek indicated that Town Counsel has advised that the board does have the ability to

confirm that the application meets the use criteria. In addition, Town Counsel noted that the Zoning Interpretation Request Form is for informational purposes only and is not necessarily an approval of a use. Ms. Martinek also stated that she had attended the ZBA hearing and noticed that the applicant was quite strong in advising the ZBA that they were not allowed to talk about the use, which they are now telling this board. She emphasized that someone will need to talk about this use at some point, and she would like to ensure that the process fits the use and meets the use criteria. She voiced her opinion that there is substantial information and data missing and expressed a desire to see any type of supporting information. Ms. Poretsky reiterated the need for peer review. She also commented that the board did not get a complete packet or details about who did the study or where the numbers came from. She also noted that the performance standards for noise (page 47) and radioactive materials suggest that a peer review is warranted. She would like a third party to confirm that what the applicant is proposing is appropriate and sufficient.

Ms. Poretsky also recalled that a peer review was done when Steris first came to town in the 1990s.

Ms. Poretsky and Mr. Zitton expressed their desires for the applicant to address/provide the following:

- Radiation safety
- Traffic impact study
- Environmental study
- High level of power required
- More thorough understanding impact to the neighborhood

Ms. Poretsky referenced the area to the left side of the building, for which a dimensional variance was granted by the ZBA. She stated that the bylaw requires 50 feet of landscaping for a 100-foot buffer and asked if the entire left side will be completely landscaped given that it is less than that. She recalled discussions at the GAC meeting that mentioned vehicular traffic there and questioned how that would be possible if the area is to be vegetated. Mr. Whitehouse noted that there will be an area that will allow for traffic but the applicant will provide vegetation to the extent that they are able. Ms. Poretsky explained that the bylaw requires a 50-foot buffer for any industrial use abutting a residential district or existing residential use, but only 23 feet are there. She requested that a very thick landscaping area be provided.

Ms. Martinek noted the following areas of concern to her and additional information she would like to be provided:

- Safety, and is a 12 foot thick wall sufficient
- Radiation monitoring and how to ensure that no radiation is escaping; what do the checks look like and when are they done
- Copy of state and federal regulations pertaining to radiation
- Proof that the level of radiation is safe
- Information about shield surveys to be done annually and making sure the operation is not exceeding regulatory limits; what are the limits

- Noise from cooling vents for chillers
- More details about chiller equipment – noise, analysis of ground vibration
- How operation fits into any performance standards
- Information about CO2 emissions
- Information on the level of electricity and associated impacts
- Any sort of electromagnetic interference
- Any sort of decommissioning plans or backup plans in the event of a natural disaster or similar catastrophe to make sure radiation doesn't leak out into the neighborhood
- Maintenance of walls – how does that look, inspection criteria including who responsible, where are they filed, etc.

She also expressed a desire to obtain input from an expert about what the board should consider for conditions since the members do not fully understand the technology to ensure that the proposed project is 100% safe for the neighborhood.

She also requested the following missing information:

- Traffic analysis
- Pertinent input/comments from the Conservation Commission
- Input/ comments from the Earthworks Board
- Town Counsel input about what the board can do and the implications of the appeal

Ms. Joubert explained that she had spoken with Town Counsel in anticipation of tonight's hearing. She noted that, in the case of an appeal of a variance that has been granted, the town and boards must operate as such and move forward without delay; if the appeal is subsequently denied, the Planning Board's decision will stand but if the appeal is upheld, the applicant would then need to decide if they want to come back with a new site plan. In response to a question about the timeline for resolution of an appeal, Ms. Joubert confirmed that the applicant cannot do anything and a Building Permit cannot be issued until a decision on the appeal has been rendered.

Ms. Martinek asked about the process of asking local utilities to verify that this operation will not cause any problems. Ms. Joubert asked the board to clarify the information they need so that she can seek out an appropriate consultant to provide a peer review. Ms. Martinek stated that she would like the consultant to review the application in its entirety and asked how long it will take to obtain a peer review. Ms. Joubert voiced uncertainty at this time due to the board not having seen nor reviewed the information they are asking for from the applicant. Once it is determined which parts of the application the board will seek peer review for, she will be to determine the time frame. Attorney Madaus reiterated that he has no objection to a peer review and agreed that there are some areas where the applicant can likely provide additional information.

Ms. Martinek addressed the issue of CO2 emissions, given the large use of electricity and noted that she would like to see verifiable proof, numbers, and facts to support statements that were made.

Mr. Litchfield suggested that staff can compile a list of questions and issues to be shared at the board's November 5<sup>th</sup> meeting, at which time determinations can be made about what does and does not need to be quantified by peer review. Members of the board agreed.

Ms. Joubert commented that, based on tonight's conversation, if the applicant does have additional information that they can provide on any of the issues that were raised tonight, they should do so as soon as possible. The applicant voiced his understanding that staff was going to compile and provide a list of questions/issues to be addressed. Mr. Litchfield agreed to do so in order to make the process as effective as possible. He also suggested that, if the applicant is available to meet with town staff to review, it could prove beneficial.

Michelle Gillespie made a motion to continue the hearing to November 5, 2019 at 7:00PM. Millie Milton seconded; motion carries by unanimous vote.

Ms. Martinek suggested that, in light of the late hour, she would like to approve the minutes and address any critical issues, and defer other agenda items to a future meeting.

**Consideration of Minutes of the Meeting of September 17, 2019** – Michelle Gillespie made a motion to approve the Minutes of the Meeting of September 17, 2019 as amended. Anthony Ziton seconded, motion carries by unanimous vote.

**Master Plan Steering Committee Update** – Ms. Joubert noted that there was a recent conference call with the consultant and it was decided that the Master Plan Public Presentation needs to be pushed out approximately one month.

**ANRs** - Ms. Joubert presented that board with an ANR creating 4 lots on Hudson Street for signature.

**Decommissioning** – Ms. Gillespie noted that decommissioning is a topic that Mr. Ziton raises from time to time and she would like to include a provision for it in the solar bylaw to protect the town from having to absorb to decommission such facilities. Ms. Joubert suggested input from Town Counsel may be needed. Mr. Litchfield stated that he is unclear how decommissioning would become the town's responsibility unless the town should acquire parcel.

**Upcoming Planning Board Meetings** – Ms. Martinek asked board members if there is any additional input that they need from Town Counsel to ensure that the board is proceeding within our boundaries. Members of the board were comfortable that they have all the necessary input.

**Next ZBA Meeting** – October 22, 2019.

**Meeting adjourned at 10:15PM.**

Respectfully submitted,

Elaine Rowe  
Board Secretary