



TOWN OF NORTHBOROUGH PLANNING BOARD

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Approved 1.21.2020

**Planning Board
Meeting Minutes
November 5, 2019**

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

Others in attendance: Kathy Joubert, Town Planner; Fred Litchfield, Town Engineer; Rich Whitehouse, Engineer, VHB; Steve Madaus, Mirick O'Connell; Mike Corelli, Plant Manager, Steris A.S.T.; Jerry Dzwierzynski, Director of Energy, Steris A.S.T.; Kip Kramer, V. Paulius & Associates, concrete plant representative; Henry Squillante, 72 Crestwood Drive; Gina Babcock, 54 Coolidge Circle; and Leslie Shore, 34 Coolidge Circle

Chairman Martinek call the meeting to order at 7:00PM.

Continued 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

Ms. Joubert and Mr. Litchfield were present, along with Steve Madaus, Mirick O'Connell; Rich Whitehouse, Engineer, VHB; Mike Corelli, Plant Manager, Steris A.S.T.; Jerry Dzwierzynski, Director of Energy, Steris A.S.T.; Kip Kramer, V. Paulius & Associates, concrete plant representative.

The members reviewed the draft memo to Steris A.S.T. regarding their request for additional 425 Whitney Street Site Plan Information, dated October 31, 2019.

Ms. Joubert noted she; Fred Litchfield, Town Engineer; and Bob Frederico, Inspector of Buildings/Zoning Enforcement Officer prepared a first draft and then checked meeting notes with Steve Madaus, Mirick O'Connell and Rich Whitehouse PE, VHB and updated the draft memo. Notes from Planning Board members Kerri Martinek and Amy Poretsky were also incorporated into the draft memo.

Members of the Planning Board and Mr. Litchfield clarified what the board wanted to see for a list of hazardous materials to be permanently stored in the building and onsite. Mr. Litchfield spoke in terms of hazardous materials to groundwater.

Ms. Joubert explained her note about the separate site plan for the concrete plant. She clarified that everything to do with the concrete plant is already being written in review letters and order of conditions by Conservation Commission and Groundwater Advisory Committee. A separate site plan will not be reviewed by the Planning Board because the Conservation and Groundwater will be responsible for the review.

Ms. Martinek asked when that will be reviewed and under which forum could she attend and see that plan. Kathy explained it will be done in-house with the Conservation Agent and Mr. Litchfield.

Mr. Litchfield explained that it was similar to a pre-construction meeting, although this one was a bit more complicated because of the fact that it's a concrete plant.

Ms. Martinek asked if the Planning Board could put conditions on construction hours of operation. She also asked at what point the plan would come back to the Planning Board so that they could review the intensity of it and make sure that it is appropriate for the project.

Mr. Litchfield stated his understanding that it would not come back to the Planning Board.

Ms. Martinek asked if there could be a condition placed on construction as part of the groundwater special permit. Ms. Joubert and Mr. Litchfield said it could not.

Ms. Martinek requested that we double check that information. She expressed her concerns that we will have a concrete plant on a site for what has been estimated at a year, but if the project does not run on time, as they often don't, the neighborhood will have a concrete plant being built from 7am-7pm for 1 year or more and the Planning Board has no say, except for in-house review, and that didn't sound right to her.

Ms. Joubert clarified that the board had a say when the board put construction hours in the zoning bylaws.

Ms. Martinek further asked who defines temporary and where can she find that definition. She asked if temporary construction could mean 10 years, 1 year, 2 years, etc.? Is it one year or two years? Ms. Joubert didn't believe that there was as definition of it.

Jerry Dzwierzynski, Director of Energy for Steris, stated the process will take between 9 months and 12 months. He also noted a back-up generator will be installed.

In response, Ms. Martinek noted that there is noise, dust and debris that is likely not contained to that property and if there is dust and noise from 7am-7pm for over a year, at one point does that start to infringe on abutters. She further clarified that she wanted to be able to understand what is involved with that and under what premise does that just happen without any sort of conditioning. She asked if there is a delay and this goes on for two years, what sort of responsibility did the board have to make sure that didn't happen and did we do our due diligence to make sure that we did everything that we should. Ms. Martinek stated that was her concern and she requested further advisement on that as Ms. Joubert's note did not satisfy her concerns with the concrete plant.

Mr. Ziton stated that he wanted to further look into in terms of what we can control and expressed concern with construction overrunning – whether for economic reasons or otherwise. Mr. Ziton asked for us to explore what we can do to control that process.

Ms. Milton asked if they've used plants on other sites and if there are other examples of length of time.

Kip Kramer, V. Paulius & Associates, stated it is in his companies' best interest to get on and off the site as quickly as possible.

Board members discussed the following conditions regarding the length of time the project will be finished:

- *If the concrete plant is in operation over 12 months, the Applicant shall come back to the Planning Board.*
- *No occupancy permit will be issued until the concrete plant has been removed from the site.*

Ms. Poretsky inquired if a bond could be attached if they didn't finish on time. Mr. Litchfield explained that was more applicable in the case of a sub-division.

Ms. Martinek asked if they needed to x-ray the concrete. Mr. Kramer stated that they don't x-ray it until it's poured into place.

Ms. Gillespie expressed concern with floodlights if they need to work beyond dusk in the winter months. The general contractor answered that they did not intend to set up flood lights.

Mr. Kramer clarified to Ms. Milton that V. Paulius & Associates is the developer who happens to own the concrete plant. A new concrete plant would be employed on the site.

Mr. Zitton asked about trucking in raw material. Mr. Kramer said that stone and sand will come in a bulk material and equates to less trucking than if the final product were to be shipped.

Mr. Zitton asked how many trucks will be arriving on site every day. Mr. Kramer stated that he is working on preparing that information.

Mr. Litchfield commented that he will provide a summary of what transpires after Groundwater and Conservation get all of the information they need. Ms. Joubert pointed out the order of conditions pertaining to the concrete plant is in the memo as an FYI from what is being required by other boards.

Regarding the landscaping buffer, Ms. Gillespie raised the concern that the landscaping only needs to last for a year. She would like to consider longer timeframes for landscaping maintenance. Ms. Poretsky suggested maintenance "in perpetuity" to protect the neighbors from the visual and the sound.

Ms. Gillespie brought up the thickness of the walls and if the ceiling and floors also required the same thickness. The applicant clarified that the ceiling will also need the same thickness.

Ms. Martinek specified that in the memo, the board is not asking how thick the walls will be, but whether or not that is adequate.

Ms. Joubert said the process would be to finalize the memo, it goes to the applicant, they will prepare information and submit to the town, staff will review and the board will decide which parts need peer review and which don't. She suggested general traffic and site plan does not require it but sterilization and x-ray process may require that.

Mr. Zitton stated he wants to add natural-disaster to the list of concerns for the memo. Mr. Zitton also asked about taking readings outside of the building, he asked if they'd be able to detect if it's at a safe

level. The applicant clarified that what is detected is regulated by the state. Mr. Ziton asked about taking a baseline in the residential area and see if there are any differences in that reading. The applicant stated that we wouldn't be able to detect anything from that far away.

Mr. Whitehouse stated that the chillers will now run on water instead of other hazardous materials due to the concerns of various other boards.

Ms. Poretsky asked about the height of the chillers. The applicant stated that they are 8 feet. They will not meet again with Groundwater as long as the plan stays the same with adding only water to the chillers. If the applicant adds anything to the hazardous materials

Ms. Gillespie asked about using waters in the chillers. The applicant stated that it improved efficiency. The board agreed to remove questions related to hazardous material in the chillers since they will only require water.

Ms. Martinek asked what would happen if the chillers failed. The applicant clarified that the machines would shut down if the chillers failed. The chillers cool the machines, not the building.

Ms. Milton confirmed that the chillers are outside and that none are inside.

Ms. Gillespie noted that since the applicant doesn't need to come before Design Review, she would still like to know where the chillers are located and if screening would be required. The applicant clarified that the chillers would be in the back.

Ms. Joubert asked the board for clarification on whether we needed to ask Town Counsel about the ability to review the concrete plant separate from the site plan. Ms. Martinek clarified that what she wants to know is if the intensity is such that construction isn't just a week or two, but a year and the and we have no details on no noise, dust, debris, - how do we make sure we complete our due diligence to make sure the neighbors can live in their homes for the next year without living under those conditions. She stated that was not acceptable to her. Ms. Martinek stated that she wants to know what is that process where we can make sure that we do everything that we can so that it isn't decided without anyone knowing about it.

Ms. Martinek also wanted to understand from Town Counsel if there are any conditions the Planning Board can apply during site plan approval on the construction process because of the uniqueness of the concrete plant.

Ms. Joubert noted she will make edits to the memo and will send the revised memo to the Planning Board members.

Resident Gina Babcock, 54 Coolidge Circle noted that they didn't apply for a concrete plant. She asked if the concrete plant met our zoning. She expressed that there is no benefit to the neighborhood with trucking as claimed by the applicant because trucks can't go through their neighborhood, they have to go around, anyway. Ms. Martinek noted that she has that question as well regarding the concrete plant. Ms. Babcock also expressed concern regarding noise from the proposed site and from 435 Whitney Street.

Mr. Ziton asked about getting a baseline limit before they get started so that we can later monitor how noise compares and confirmed that noise limits are enforceable.

Ms. Joubert that clarified the reading is taken at the property line of the facility.

Resident Leslie Shore, 34 Coolidge Circle, is an abutter to the property and was concerned about the radiation emitted from the property and how can we be sure it doesn't leak. She did not want to find out later that she would be affected by that. She also asked about the definition of light manufacturing in the bylaws, where the use is supposed to be free of heat, vibration, noise, and electromagnetic radiation and did not understand how this was allowed.

She noted that her neighborhood just went through the Anza problem where nobody followed up with that and she wanted to know, who is going to check the radiation, water in the chillers, and emissions. If nobody checks on it, then it continues to happen again.

Ms. Martinek first addressed the regulations, including what are the safeguards and who would check that. She stated that she would want to keep in mind when building conditions. She noted that she doesn't want to find ourselves 10 years later realizing that we forgot to check.

Ms. Martinek then reviewed the definition of light manufacturing. She stated that this is a question that the board had asked Town Counsel and Counsel said that it's not that the use is prohibited, that it just has to be located entirely within a closed building.

Ms. Martinek requested that we add this as something to talk about more because she did read it as two sets of conditions to be met, both A and B. So that it would have to be free of neighborhood disturbing agenda and be closed entirely indoors. She then reviewed the email from Town Counsel and expressed that she didn't think Counsel answered the question. She asked what the board thought.

Ms. Poretsky stated that she asked a different lawyer and they read it differently. Ms. Martinek asked if the Board wanted additional clarification on the statement is read. Ms. Joubert didn't think it made sense to ask Town Counsel the same question. Ms. Martinek said that she wanted to know if all conditions before the semi-colon must be met and all of the conditions after the semi-colon must be met. She further asked if you assume that you only have to meet the first part, then you could do whatever you want, as long as it's indoors.

Ms. Joubert said that you could. Ms. Martinek reiterated that she wanted to better understand that. Ms. Milton said she read it as not disturbing the neighboring area.

As part of the peer review, Ms. Martinek stated she wants Town Counsel to clarify the use is an allowed use.

Ms. Gillespie commented on checks and balances and reporting. She noted that we are conducting a peer review so that an expert can give us that information so that the board knows what to ask from the applicant and when. The reports then goes to the town and it becomes an administration task. The Planning Board job is to put the conditions in place.

Ms. Shore asked if there could be a type of tool outside of the building to measure the readings.

Ms. Joubert confirmed that the peer review would answer those questions and help with which conditions should be placed.

Ms. Joubert stated that the description in research and development also uses the phrase that provided such operations are indoors. However, Ms. Martinek pointed out that it's a comma in that definition, not a semi-colon.

Ms. Gillespie recommended that we add the question about a monitoring device outside the property.

Ms. Millie commented that she thought the state regulated the certifications. The applicant responded confirmed that they must submit information to the state and meet regulations.

Ms. Poretsky thought that they had talked about the device. The applicant explained that once there is a device, it's not continually detecting. The take a perimeter reading and once it's shown to meet state regulations, it's not going to change. Ms. Ziton asked if it's only read that one time. The applicant responded that he would have to look at the regulations to find out.

Mr. Ziton asked about the reporting regulations and if needs to be done on a specific basis, who is it reported to, and who is monitoring beyond just the applicant, and which mechanism are in place to ensure compliance.

Ms. Milton asked about testing and reporting to the State if there is not yet an operation in the US. The applicant explained that radiation is radiation and regardless of size, it's regulated by the state. He further clarified that it would be the Commonwealth of Massachusetts Health & Human Services, Division of Radiation.

Resident Henry Squillante, 72 Crestwood Drive, asked if the employees wear badges for radiation level and how often they check their badges. He also noted that he thought radiation causes degradation of concrete and asked if who would monitor that in this case. He also asked about a backup generator.

Mr. Litchfield suggested to see the State regulations.

Mr. Kramer explained the process is under quality control; the setup of the plant helps the community regarding total control of the operation; and a third-party contractor over-sees and tests the concrete details. He stated that the question about concrete degradation would be a good question for peer review.

Mr. Ziton asked if there is a power loss, would the chillers shut down. Mr. Kramer stated that once you turn the electricity off, then the machines instantly turn off.

In response to a question from Ms. Shore, Mr. Kramer stated there may be some dust from the concrete, but they always try not to have it. He also stated that they would want to have the project done as soon as possible. Ms. Shore asked who would be in charge of the project regarding the noise and the dust from the concrete; and Ms. Joubert stated it would be Bob Frederico, the Inspector of Building/Zoning Enforcement Officer.

Mr. Whitehouse stated an acoustical engineer, who specializes in the science of sound and vibration will be hired for the sound barrier along the chillers; and the chillers will be cooled by water, not chemicals. He noted he will follow-up with a summary.

Ms. Martinek stated she wants more information about the concrete plant being regulated during construction.

Mr. Ziton suggested they get a baseline reading for the noise and the dust.

The public hearing will be continued to December 3, 2019 at 7:00pm. Any information will be submitted two weeks prior to the continued hearing.

Old/New Business

Master Plan Update:

Ms. Joubert explained the next meeting of the Master Plan Steering Committee will be held on November 13th Conference Room B of the Town Hall; and a public presentation of the Master Plan will be held on December 10th at the Northborough Free Library at 7:00pm.

Ms. Martinek asked Ms. Joubert to provide an overview of the MVP workshop.

Subcommittee Updates

CPC: Ms. Joubert stated the next meeting of the Community Preservation Committee will be on November 14th; and a public hearing will be held on December 5th.

CMRPC: Resend CMRPC 11/14 solar email

Design Review Committee: An application for the vacant seat on the DRC was submitted today; she has scheduled an interview with the Planning Board for November 19th at 7:00pm; and she noted the next meeting of the DRC will be on November 14th at 8:00am.

Zoning Articles: Ms. Poretsky submitted a document regarding potential changes she would like to discuss to zoning in several sections of the Zoning Bylaw, including Kennels, Funeral Homes, Commercial Storage Facilities, and Industrial uses.

Next Meeting: Ms. Joubert noted the next Planning Board meeting will be on December 18th, not the 17th. She will notify Steris of the change to December 18th.

Next ZBA Meeting: The next ZBA meeting will be held on November 26th and an application has been submitted for 14 Belmont Street for Lexus of Northborough for building additions and associated improvements to the existing parking area; and an Amendment to ZBA Case No. 02-06, for an upgrade to the existing wall sign package.

Mr. Ziton stated he would like an update on the bill going through the legislature regarding Housing.

Ms. Poretsky stated she wants to bring in the Financial Planning members to discuss Town Meeting and a Downtown Visualization Study.

The meeting adjourned at 9:50pm

Respectfully Submitted by,

Debbie Grampietro
Planning Administrative Assistant