

1 **Approved February 6, 2023**

2
3 **PLANNING BOARD**
4 **MEETING MINUTES**
5 **Monday, January 9, 2023, 7:00PM**
6 **McAuliffe Hearing Room – Southborough Town House**
7 **17 Common Street – Southborough, Massachusetts**
8

9 Members present: Meme Luttrell, Andrew Mills and Debbie DeMuria. Also present: Karina Quinn, Town
10 Planner and Colleen Stansfield, Business Admin. Member present via Zoom: Jesse Stein. Absent:
11 Marnie Hoolahan.

12
13 **CALL TO ORDER:**

14
15 Ms. Luttrell called the meeting to order at 7:02PM.

16 Ms. Luttrell stated: For this meeting, members of the public who wish to watch or participate in the
17 meeting may do so in the following manner by finding the meeting at:
18 <https://www.southboroughtown.com/remotemeetings> through ZOOM and YouTube.

19
20 **DISCUSSION: Master Plan Implementation Committee (MPIC) Briefing:**

21 Ms. DeMuria reported that the Master Plan Implementation Committee (MPIC) has met twice since
22 September. The Committee consists of the following members: Lisa Braccio, Chair, Debbie DeMuria,
23 Clerk, Kathryn McKee, Judith Watson, and Bill Warren. She stated the goals have been revised into
24 affinity groups made up of several Town boards and committees with each committee member
25 responsible for an affinity group. The affinity group and member liaison are as follows: Local
26 Government – Lisa Braccio; Finance and Technology – Bill Warren; Facilities, Sustainability and Resilience
27 – Lisa Braccio; Environmental and Natural Resources – Kathryn McKee; Commercial and Residential
28 Development – Debbie DeMuria; and Education and Recreation – Judith Watson. The MPIC agreed to
29 meet two times per year with the committees/boards they are responsible for and report to the
30 Planning Board quarterly. Ms. DeMuria stated that there would be a tab for the MPIC on the Town’s
31 website and the committees/boards and their liaisons would be listed there.

32 **PUBLIC HEARING: 200 Turnpike Road (Snow Removal/Landscaping Contractor Facility)-Major Site**
33 **Plan Approval:** *(Continued from 11/7/22, 11/21/22, 12/12/22)*

34
35 **PUBLIC HEARING: 200 Turnpike Road (Snow Removal/Landscaping Contractor Facility)-Special Permit**
36 **for LID:** *(Continued from 11/7/22, 11/21/22, 12/12/22)*

37 Ms. Quinn reported that she had received an extension request from the Applicant on January 3rd. She
38 stated comments were received from Fuss & O’Neill on January 6, 2023, and the Applicant had not had
39 time to review the comments. She also reported that she received a letter from the Department of
40 Conservation Resources (DCR) stating that they had reviewed Submission #3, dated December 15, 2022.
41 She also stated that she had received comments from Southborough Public Accessibility Committee
42 (SPAC) regarding plans for the interior of the building.

43
44 **MOTION** by Mr. Mills to grant an extension, at the Applicant’s request, for 200 Turnpike Road (Snow
45 Removal/Landscaping Contractor Facility)- Major Site Plan Approval and Special Permit for LID, to
46 January 23, 2023, with a deadline for action of January 27, 2023. **SECONDED** by Mr. Stein. **ROLL CALL:**
47 **Luttrell-Yes, Mills-Yes, Stein-Yes, DeMuria-Yes. VOTE to Approve: Yes-4, No-0.**
48

49 **MOTION** by Mr. Mills to continue the public hearings for 200 Turnpike Road (Snow
50 Removal/Landscaping Contractor Facility)- Major Site Plan Approval and Special Permit for LID, to
51 January 23, 2023, at 7:10PM. **SECONDED** by Mr. Stein. **ROLL CALL: Luttrell-Yes, Mills-Yes, Stein-Yes,**
52 **DeMuria-Yes. VOTE to Approve: Yes-4, No.**

53
54 **DISCUSSION: 154-156 Northboro Road Site Compliance:**

55 Mr. Michael Quinn and Mr. Jonathan Silverstein, attorney for the Applicant, appeared before the
56 Planning Board on the matter. Mr. Quinn stated that the Applicant is appearing this evening to request
57 a temporary certificate of occupancy. He stated that there are outstanding landscaping and engineering
58 issues and that the Applicant would like to post a bond for the remaining landscaping. Mr. Silverstein
59 stated he had spoken with Town Counsel Talerma today and they had discussed a surety agreement
60 that would cover the cost of remaining landscaping work and, should Mr. Bemis's review of the most
61 recent Fuss & O'Neill report require additional work associated with the rain gardens, any additional
62 storm water mitigation. Mr. Mills asked if Fuss & O'Neill's most recent comments deal only with the
63 drainage calculations. Ms. Quinn clarified that the most recent comments only address storm water
64 calculations for the as-builts, including the one rain garden that was built smaller than the approved
65 plans. She stated Fuss & O'Neill's letter stated that storm water calculations for the revised plans, dated
66 August 24, 2022, had not been done and is necessary to determine if the change is significant. She
67 reported that Fuss & O'Neill's other outstanding issues were not significant and were up to the
68 discretion of the Planning Board. Mr. Silverstein stated that Town Counsel Talerma would create the
69 initial draft Surety Agreement. Mr. Quinn stated that the majority of the outstanding landscaping would
70 be installed by the end of April. Ms. Quinn requested that the Applicant provide invoices for both the
71 landscaping that has been installed and the landscaping that will be installed, to ensure they are in
72 compliance with the approved Site Plan. Mr. Stein inquired about the sign that has been removed. Mr.
73 Quinn stated that the sign was in an incorrect location and would be re-installed through the signage
74 permitting process. Mr. Stein also asked for clarification regarding the Engineer of Record. Ms. Quinn
75 stated the Engineer of Record is Walter Lewinski Ms. Luttrell stated she is concerned about the accuracy
76 of the drainage calculations, as the rain garden built smaller than the approved plans is closest to a road
77 that is a bus route. The Planning Board discussed the concept of a surety agreement. Ms. Quinn
78 suggested the Planning Board consider requesting the Applicant provide a letter of attestation from the
79 project's landscape architect as to what has been installed, along with invoices, and what will be
80 installed in the spring. Mr. Silverstein recommended the amount of the surety bond at \$25,000. Ms.
81 Quinn asked how the Town would be protected, should Fuss & O'Neill's review of the drainage
82 calculations fail to meet the approved plan. Mr. Silverstein stated the surety agreement would detail
83 the remedies and the surety bond could be increased to cover the cost of any mitigation. Mr. Stein
84 asked if there was a time constraint associated with a temporary certificate of occupancy. Ms. Quinn
85 stated that a temporary certificate of occupancy is issued in 30-day increments. Mr. Stein stated that, if
86 the Applicant did not meet the requirements, the temporary certificate of occupancy could be revoked.

87
88 **MOTION** by Mr. Mills that the Planning Board recommend the Building Commissioner issue a temporary
89 certificate of occupancy to 154-156 Northboro Road and that the Applicant provide a Surety Agreement,
90 reviewed by the Planning Board Chair, and approved by Town Counsel, along with a surety bond in the
91 amount of \$25,000, until the project is completed. **SECONDED** by Mr. Stein. Ms. Luttrell noted the
92 Wildflower Seed mix was omitted from the list. Mr. Quinn stated it would be included. **ROLL CALL:**
93 **Luttrell-Yes, Mills-Yes, Stein-Yes, DeMuria-Yes. VOTE to Approve: Yes-4, No-0.**
94 The Planning Board discussed the timing of the surety agreement approval.

95
96 **DISCUSSION: National Grid – FY24 Annual Vegetation Management Plan:**

97 Ms. Quinn reported that she had received an email from Town Administrator, Mark Purple, which said
98 National Grid had provided the Town with its FY24 Annual Vegetation Management Plan (VMP). She
99 stated it was agreed that the Planning Board would review the FY24VMP at a public meeting and convey

100 any questions or comments back to Mr. Purple prior to approval of the VMP. She reported the VMP
101 includes a list of affected streets, along with street maps. Ms. Quinn also reported that today, work
102 began on the list of trees approved for removal at the October joint tree hearing with the Select Board
103 and the Planning Board. She stated the list of trees scheduled for removal can be found on the DPW
104 website.

105
106 **MOTION** by Mr. Mills to approve National Grid’s FY24 Annual Vegetation Management Plan.
107 **SECONDED** by Mr. Stein. **ROLL CALL: Luttrell-Yes, Mills-Yes, Stein-Yes, DeMuria-Yes. VOTE to Approve:**
108 **Yes-4, No-0.**

109
110 **DISCUSSION: MBTA Communities:**

111 Mr. Luttrell reported that the Select Board supports submitting an MBTA Communities Action Plan by
112 the deadline of January 31, 2023. She stated that SHOPC’s comments on the Action Plan have been
113 received. She also stated she and Ms. Stansfield would be appearing before the Select Board at its
114 January 17th meeting to provide an update on the Action Plan and obtain Select Board feedback. Ms.
115 Stansfield reported that Bohler Engineering has been selected by the State to assist the Town with the
116 technical aspects of the MBTA Communities process and, as such, would be the recipient of the grant
117 funds awarded to the Town.

118
119 **DISCUSSION: St. Mark’s Street relocation & Newton St. Stonewall/Trees/Public Way:**

120 Ms. Luttrell reported that Ms. DeMuria created a draft document of Planning Board issues related to the
121 project. Ms. Luttrell stated that Select Board Chair, Kathy Cook, has asked that Ms. Luttrell and Ms.
122 Quinn meet with Ms. Cook, Town Administrator, Mark Purple, and Select Board member Lisa Braccio to
123 discuss resolving outstanding issues. The meeting will take place on Wednesday, January 19th and Ms.
124 Luttrell recommended the Planning Board wait to discuss this issue, until the meeting on the 19th has
125 taken place. The Planning Board agreed postpone discussion on this matter until its meeting on January
126 23rd.

127
128 **DISCUSSION: Tree Protection Bylaw & Tree Policy:**

129 Ms. Luttrell reported that she made the following changes to the proposed bylaw: removed the
130 requirement for a permit for work done within the drip line; added the amendments voted on prior to
131 Town Meeting; included invasive species as a reason for tree removal; and moved language regarding
132 tree replacement from the bylaw into the tree policy. She noted the Select Board would approve the
133 tree policy in their role as Tree Warden.

134
135 **MOTION** by Mr. Mills to accept the edits to the draft Tree Protection Bylaw and the Tree Policy.
136 **SECONDED** by Mr. Stein. **ROLL CALL: Luttrell-Yes, Mills-Yes, Stein-Yes, DeMuria-Yes. VOTE to Approve:**
137 **Yes-4, No-0.** Ms. Luttrell stated she would forward the draft Tree Protection Bylaw and Tree Policy to
138 the Select Board for their review and comment.

139 Ms. Quinn noted that public hearings for the draft Tree Protection Bylaw, the draft Scenic Roads Bylaw
140 and the draft Downtown District Sign Bylaw would be held at the Planning Board’s January 23rd meeting
141 and public hearings for the Conservation Commission’s update to the Stormwater and Erosion Control
142 Bylaw and Wetland and Flood Plain District would be held at the Planning Board’s February 6th meeting.

143
144 **DISCUSSION: Environmental Controls Bylaw**

145 Ms. Luttrell reported that she spoke with Ms. DeMuria and asked if Ms. DeMuria would be amenable to
146 postponing the draft Environmental Controls Bylaw until Fall Town Meeting. Ms. DeMuria stated that
147 she would hold consideration of the draft Environmental Controls Bylaw until Fall Town Meeting.

148
149 **Other Business Properly Before the Board**

- 150 • Planner’s Report – Success Stories, Project Updates, 154 Turnpike Rd Non-compliance; 325
151 Turnpike Road-update, Chris Leroy Tree update email.

152 Ms. Quinn reported that Chris Leroy, the Tree Warden designee, sent an email stating that the removal
153 of trees approved at the joint tree hearing with the Select Board and Planning Board would begin on
154 January 9th. Ms. Quinn also stated Town Counsel had sent an advisory notice on new opt-in legislation
155 for M.G. L. Chapter 40Y regarding starter home zoning districts. Ms. Luttrell stated that she and Ms.
156 Stansfield attended a meeting with Tennessee Gas where they informed the Town, they would be
157 trimming trees along the gas line. She stated they would notify affected resident about the trimming.
158 She also stated trimming would not begin before the end of January. Ms. Quinn reported that she met
159 with Mr. Michael Weishan from the Historical Society to review the Major Site Plan Approval
160 Application. Mr. Stein asked that the Planning Board request a legal opinion as to whether the Dover
161 Amendment is applicable in this instance. The Planning Board discussed the usage of the Dover
162 Amendment. Ms. Quinn stated she would request a legal opinion from Town Counsel as to whether the
163 Dover Amendment is applicable in this instance and clarification as to the Planning Board’s jurisdiction
164 in the Major Site Plan approval process. Ms. Quinn reported she received an email from Mr. Justin
165 Depietri regarding 154 Turnpike Road Non-compliance that stated they would be submitting
166 applications for both a modification to the Site Plan and tree removal on a Scenic Road.

- 167 • Approval of Minutes – November 21, 2022, December 12, 2022

168 **MOTION** by Mr. Mills to approve the November 21, 2022 meeting minutes, as written. **SECONDED** by
169 Ms. Stein. **ROLL CALL: Luttrell-Abstain, Mills-Yes, Stein-Yes, DeMuria-Yes. VOTE to Approve: Yes-3, No-**
170 **0, Abstain-1.**

171 The Planning Board agreed to hold the December 12, 2022 and December 16, 2022 meeting minutes
172 and vote at its next meeting.

- 173 • Next Meetings – January 23, 2023, February 6, 2023

174 **ADJOURN:**

175 **MOTION** by Mr. Mills to adjourn at 8:43PM. **SECONDED** by Ms. Stein. **ROLL CALL: Luttrell-Yes, Mills-**
176 **Yes, Stein-Yes, DeMuria-Yes. VOTE to Approve: Yes-4, No-0.**

177

178 **Documents Used at This Meeting:**

179

180 Respectfully Submitted.

181

182 Bridgid Rubin, Recording Secretary

183