

1 **Approved March 13, 2023**

2
3 **PLANNING BOARD**
4 **MEETING MINUTES**
5 **Monday, January 23, 2023, 7:00PM**
6 **Via Zoom**
7
8

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

11
12 **CALL TO ORDER:**

13
14 Ms. Luttrell called the meeting to order at 7:00PM. She stated that tonight’s meeting is being held via
15 Zoom due to inclement weather.

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 **MOTION** by Mr. Mills that, in event tonight’s meeting terminates due to connection issues, all hearings
21 scheduled for this evening will be automatically continued until the Planning Board’s February 6th
22 meeting. **SECONDED** by Ms. Stein. **ROLL CALL: Luttrell-Yes, Mills-Yes, Stein-Yes, Hoolahan-Yes,**
23 **DeMuria-Yes. VOTE to Approve: Yes-5, No-0.**

24
25 **DISCUSSION: Master Plan Implementation Committee (MPIC) Briefing:**

26 Ms. DeMuria stated that the MPIC would be finalizing its procedure for collecting data from Town
27 boards and committees. She stated the first update to the Planning Board would be sometime in April
28 after Annual Town Meeting. Ms. Quinn added that the Planning Board’s website would provide a link to
29 the MPIC website which would include all MPIC information.

30 **PUBLIC HEARING: Downtown District – Being added to Sign Bylaw Regulations/same as Business**
31 **Village District Warrant Article:**

32 Ms. Luttrell opened the public hearing for the addition of the Downtown District to the Sign Bylaw. Ms.
33 Quinn read the legal notice into the public record. Ms. Quinn stated that when the Downtown District
34 was formed, it was not added to the Sign Bylaw. She stated she submitted the amendment to Town
35 Administrator Mark Purple for inclusion in the draft warrant for Annual Town Meeting and to Town
36 Counsel Talerma for any comments. She has not received any comments thus far. The Planning Board
37 suspended discussion of this matter to address the next two public hearings, as Mr. Peter Bemis,
38 appearing on behalf of 200 Turnpike Road, has a time constraint.

39 The Planning Board returned to this matter at 7:25PM.

40 Ms. Luttrell and Ms. DeMuria suggested “Downtown District” be added to Section E of the Sign Bylaw in
41 the following places: (c)[1][a], (c)[1] [b], (c)[2][a], (c)[2][b], (d)[1] and (d)[2]. Ms. Quinn stated she would
42 update the section to ensure it reflects appropriate language.

43
44 **MOTION** by Mr. Mills to continue the public hearing for Downtown District – Being added to Sign Bylaw
45 Regulations/same as Business Village District Warrant Article to February 6, 2023 at 7:20PM.

46 **SECONDED** by Mr. Stein. **ROLL CALL: Luttrell-Yes, Mills-Yes, Stein-Yes, Hoolahan-Yes, DeMuria-Yes.**
47 **VOTE to Approve: Yes-5, No-0.**
48

49 **PUBLIC HEARING: 200 Turnpike Road (Snow Removal/Landscaping Contractor Facility)-Major Site**
50 **Plan Approval** (Continued from 11/7/22, 11/21/22, 12/12/22, 01/09/23)

51 See below.

52 **PUBLIC HEARING: 200 Turnpike Road (Snow Removal/Landscaping Contractor Facility)-Special Permit**
53 **for LID** (Continued from 11/7/22, 11/21/22, 12/12/22, 01/09/23)

54 Mr. Peter Bemis, Engineering Design Consultants, appeared before the Planning Board for both public
55 hearings. Ms. Quinn stated that Mr. Bemis made Submission #4, which included a letter in response to
56 the most recent Fuss & O'Neill comments and noted that the plans have not changed. Ms. Quinn stated
57 she expects Fuss & O'Neill's comments by next week. Ms. Luttrell asked about the Leeds family artesian
58 well. Mr. Bemis stated that the well is now identified on the plan and he is in receipt of BOH records.
59 Ms. Luttrell asked that a note be added to the landscaping plan that, if there is any substitution, they
60 must be approved by the Town Planner. Mr. Bemis stated he would ensure that language is included in
61 the landscaping plan. Ms. Luttrell requested that page three of the plan be clarified to reflect where the
62 existing tree line would be maintained. Mr. Bemis stated he would ensure the plan is clarified to reflect
63 the tree line. Ms. Luttrell asked about native flower mix used in the plan. Mr. Bemis stated they are
64 using a native New England mix and the supplier is UMASS Extension Group. He stated this information
65 would be specified on the plan. Ms. Luttrell asked if there was a landscape buffer proposed on the
66 eastern side of the project. Mr. Bemis stated the tree line would be maintained on the eastern and
67 southern side and that nothing additional has been proposed. He stated they would maintain any
68 existing trees. Ms. Luttrell requested clarity on compliance with the 20ft buffer. Mr. Bemis stated he
69 would qualify the language to note additional trees would be added to the buffer, if necessary. Mr.
70 Bemis stated he would update the plans with comments from tonight's meeting and return to Ms.
71 Quinn and Fuss & O'Neill for comment.

72
73 **MOTION** by Mr. Mills to grant the Applicant's extension request for 200 Turnpike Road (Snow
74 Removal/Landscaping Contractor Facility)-Major Site Plan Approval and Special Permit for LID to
75 February 6, 2023 at 7:10PM with an extension of the Planning Board's decision deadline to February 10,
76 2023. **SECONDED** by Mr. Stein. **ROLL CALL: Luttrell-Yes, Mills-Yes, Stein-Yes, Hoolahan-Yes, DeMuria-**
77 **Yes. VOTE to Approve: Yes-5, No-0.**

78
79 **MOTION** by Mr. Mills to continue the public hearings for 200 Turnpike Road (Snow
80 Removal/Landscaping Contractor Facility)-Major Site Plan Approval and Special Permit for LID to
81 February 6, 2023 at 7:10PM. **SECONDED** by Mr. Stein. **ROLL CALL: Luttrell-Yes, Mills-Yes, Stein-Yes,**
82 **Hoolahan-Yes, DeMuria-Yes. VOTE to Approve: Yes-5, No-0.**

83
84 **PUBLIC HEARING: 325 Turnpike Road (Sound Barrier Wall)-Modification to a previously approved**
85 **Major Site Plan Approval**

86 Ms. Luttrell opened the public hearing for 325 Turnpike Road (Sound Barrier Wall)-Modification to a
87 previously approved Major Site Plan Approval. Ms. DeMuria recused herself from the matter, as she is
88 an abutter to the project. Ms. Quinn read the legal notice into the public record. Mr. Scott Doty,
89 Landscape Architect from John G. Crowe Associates, and Mr. William Pezzoni, Attorney, appeared
90 before the Planning Board on behalf of the Applicant. Ms. Quinn reported that she received the
91 application for modification to a previously approved Major Site Plan approval from John G. Crowe
92 Associates, through Mr. Scott Doty. The modification was submitted to Fuss & O'Neill for comment.
93 She stated comments were received and sent to the Applicant. She stated this is the first public hearing
94 on the matter. Mr. Pezzoni added that the Mr. Mark Wallace, the abutter's sound expert from Tech
95 Environmental, submitted a letter in support of the wall design, including the section spanning the
96 wetlands. Ms. Quinn added that Mr. Wallace's letter suggested the 24ft. panel spanning the wetlands
97 be as low as possible. Mr. Pezzoni also stated the Applicant would appear before the Conservation
98 Commission at its February 16th meeting. With regard to the wall's placement in the wetlands, Mr. Doty
99 stated the best solution was to place the sound barrier in an area that is presently pavement and then

100 make up for lost width on the inside of the wall. Mr. Doty described the remainder of the wall, including
101 its construction. He stated trees might need to be pruned and a tree may be lost but there are plans to
102 plant six (6) trees in the area. He also stated the work would occur inside of the specified area covered
103 in the Wetlands Bylaw and the Applicant would be requesting a waiver from the Conservation
104 Commission with respect to the 20ft. buffer requirement. He stated the Applicant had reviewed the
105 Fuss & O'Neill comments and feels some comments have already been approved. He also stated that, in
106 response to Fuss & O'Neill's comments for clarity, he would enlarge the plans and include square
107 footage in tabular form. Mr. Mills asked about the timeline for installation, once all required approvals
108 have been secured. Mr. Doty stated he would get that information for Mr. Mills. Mr. Mills asked about
109 the outstanding drainage issue. Mr. Doty stated that the gas company resolved the outstanding issue by
110 changing the elevation of the gas line. Ms. Quinn stated that as-builts have been submitted to Fuss &
111 O'Neill electronically but the Planning Department requires that hard copies are provided. She also
112 stated Fuss & O'Neill has provided comments on the as-builts but Ms. Quinn needs to review. Mr. Stein
113 stated he does not support approvals when other Town boards and committees have yet to
114 review/comment (e.g. in this case, the Conservation Commission). Ms. Hoolahan asked about comments
115 4, 6, 7 and 8 from Fuss & O'Neill. Mr. Doty stated those comments would be addressed by the
116 Conservation Commission and he expects the Conservation Commission to submit plans/comments to
117 Fuss & O'Neill. Ms. Quinn stated she would clarify to Fuss & O'Neill that a plan sheet is being added to
118 existing plans. She also recommended that a legend be added to the plans. Ms. Hoolahan asked about
119 the lifespan and maintenance of the sound wall that is installed near wetlands. Mr. Doty and Mr.
120 Pezzoni discussed lifespan and maintenance. Ms. Luttrell clarified that if the Conservation Commission
121 requested any changes, the Applicant would present those changes to the Planning Board for approval.
122 Mr. Pezzoni stated that the Applicant would do so. Ms. Luttrell asked if the wall would look like the
123 existing wall and Mr. Doty stated that it would. Ms. Quinn requested that sheet C-8 contain a note
124 referencing the two prior permits with deed and book reference. She stated that, upon approval, a
125 decision would be drafted containing a condition to record the decision with the plan sheet as an exhibit
126 so it is tied to the original permit for the expansion. Ms. Luttrell asked for public comment. Dr. Heather
127 Alker, Public Health Director, asked what the sound wall is made of. Mr. Pezzoni stated the materials
128 are listed in Mr. Wallace's report and that it is made of a high quality composite used for sound
129 mitigation. Dr. Alker thanked everyone for a successful collaborative process. Mr. David Parry was
130 unable to be heard, due to technical difficulties. Mr. Kevin Farrington, 58 Flagg Road and speaking as an
131 abutter, thanked Ken's Food and the Planning Board for a successful collaborative effort. Mr. Mark
132 Wallace, Tech Environmental, the sound expert representing the abutters, thanked everyone for the
133 collaborative process. He stated he feels very confident that the wall meets the design requirements
134 and will mitigate the concerns of the residents.

135

136 **MOTION** by Mr. Mills to continue the public hearing for 325 Turnpike Road (Sound Barrier Wall)-
137 Modification to a previously approved Major Site Plan Approval to February 6, 2023 at 7:15PM.

138 **SECONDED** by Mr. Stein. **ROLL CALL: Luttrell-Yes, Mills-Yes, Stein-Yes, Hoolahan-Yes. VOTE to**
139 **Approve: Yes-4, No-0.**

140

141 Ms. DeMuria rejoined the meeting at 8:23PM.

142

143 **PUBLIC HEARING: Tree Protection Bylaw Warrant Article**

144 Ms. Luttrell opened the public hearing for the Tree Protection Bylaw. Ms. Quinn read the legal notice
145 into the public record. Ms. Luttrell stated the proposed bylaw brings the Town into greater compliance
146 with State laws. She stated that the proposed bylaw removes the issues that were not supported at
147 Special Town Meeting held last fall. Ms. Luttrell asked the Planning Board to consider the language in
148 Section F, #4, regarding cutting and poisoning public shade tree roots. The Planning Board discussed the
149 language. There was no public comment on the matter.

150

151 **MOTION** by Mr. Mills to continue the public hearing for the Tree Protection Bylaw Warrant Article to
152 February 6, 2023 at 7:25PM. **SECONDED** by Mr. Stein. **ROLL CALL: Luttrell-Yes, Mills-Yes, Stein-Yes,**
153 **Hoolahan-Yes, DeMuria-Yes. VOTE to Approve: Yes-5, No-0.**

154
155 **PUBLIC HEARING: Scenic Road Bylaw Warrant Article**

156 Ms. Luttrell opened the public hearing for the Scenic Road Bylaw. Ms. Quinn read the legal notice into
157 the public record. Ms. Hoolahan stated that nothing in the proposed bylaw has changed since Special
158 Town Meeting in the fall, noting the warrant article was pulled due to lengthy discussion. Mr. Mills
159 suggested obtaining support for the warrant article from either the acting or new DPW Superintendent
160 prior to Town Meeting and the Planning Board agreed. Ms. Hoolahan stated she would reach out to the
161 acting or new DPW Superintendent. The Planning Board was supportive of the warrant article. There
162 was no public comment on the matter.

163
164 **MOTION** by Mr. Mills to continue the public hearing for the Scenic Road Bylaw Warrant Article to
165 February 6, 2023 at 7:30PM. **SECONDED** by Mr. Stein. **ROLL CALL: Luttrell-Yes, Mills-Yes, Stein-Yes,**
166 **Hoolahan-Yes, DeMuria-Yes. VOTE to Approve: Yes-5, No-0.**

167
168 **DISCUSSION: MBTA Communities – finalize action plan**

169 Ms. Quinn update the Planning Board that Ms. Luttrell and Ms. Stansfield attended the Select Board
170 meeting to apprise them of the MBTA Communities program requirement for the Town and the status
171 of the submission of the Action Plan by January 31, 2023. Ms. Quinn stated Bohler Engineering has
172 provided a scope of services, which will include assisting the Town to determine locations where a
173 district or overlay might be located for compliance with the program. Ms. Stansfield stated she had
174 applied for and received a grant from CHAPA for community engagement related to the implementation
175 of the program. She stated there would be more details to come on the grant. Ms. Luttrell suggested
176 the following changes to the draft Action Plan: 1) edit language to state the Town “completed updating
177 its Master Plan”; 2) add the passage of the Town’s Downtown District, which allows mixed use by right;
178 3) state the Town’s choice as overlay, although Ms. Luttrell noted that could change to a district if
179 determined through the process; and 4) resolve whether or not to create a working group to facilitate
180 work through the process. Ms. Luttrell also suggested making clear to Bohler Engineering that they
181 would be working with the Planning Board. The Planning Board was supportive of Ms. Luttrell’s edits.

182
183 The Planning Board agreed to discuss Discussions items Park/Trees/Stonewall and the MOU before the
184 Planning Board’s review under M.G.L. 41s81(I).

185
186 **DISCUSSION: St. Mark’s Street relocation – PB Review under M.G.L. 41s 81(I)**

187 Ms. Quinn stated she had received a letter and plans from Town Manager Mark Purple requesting
188 comment from the Planning Board regarding the St. Mark’s Street relocation, pursuant to M.G.L.
189 41s81(I). Ms. Quinn stated she had submitted St. Mark’s Street relocation for review to Fuss & O’Neill
190 and Mr. Purple stated the Planning Dept. would be reimbursed for the cost of the review. Ms. Luttrell
191 asked if the report would contain review of the park or the parking lot, as well. Ms. Quinn stated that
192 the report would only address St. Mark’s Street relocation and the other issues would be addressed if
193 they impact the relocation technically. Mr. Greg Russell, engineer from VHB, appeared before the
194 Planning Board on the matter. Mr. Russell provided an overview of the project. Ms. DeMuria stated
195 that the Planning Board had been bypassed regarding the stonewall removal and the installation of the
196 wall by St. Mark’s. Ms. Hoolahan asked if any work has been done in the area near the intersection. Mr.
197 Russell stated he would inquire but it was his understanding that no work has taken place since all work
198 ceased after Annual Town Meeting in May of 2022. Ms. Hoolahan asked if any additional engineering
199 studies are required for the work completed to ensure what was built meets the plan. Mr. Russell
200 stated that he does not believe that any drainage studies are necessary. Mr. Mills asked why it was
201 recommended that the roadway be moved. Mr. Russell stated that moving the roadway addressed the

202 water issues, turning radius issues and drainage issues at the library. Mr. Stein asked Mr. Russell if he
203 would consider the evolution of this project as standard. Mr. Russell stated this is not out of the norm
204 for the types of projects he deals with. Mr. Stein stated that the processes of the Planning Board serve a
205 purpose and he believes those processes have been circumvented with this project. Mr. Russell stated
206 that during the pandemic, many communities navigated challenges with the opportunities provided by
207 grant funding that contained challenging deadlines. Ms. Luttrell asked about the location of the
208 sidewalk relative to the park. Mr. Russell stated that VHB determined the most suitable location for the
209 sidewalk was on the north side of the street, given the variables including the location of the cemetery
210 and crosswalk. Ms. Luttrell asked about a proposed tree line on sheet 88 of 141 on the plan sheet. Mr.
211 Russell stated that the tree line behind the sidewalks should not be there. Ms. Luttrell asked about the
212 stonewall that was removed. Mr. Russell stated the stonewall would be reset along the new St. Mark's
213 Street. Ms. DeMuria stated that she does not believe the public process was engaged with this project.
214 Ms. DeMuria noted that the intersection had been moved in 2006 to address turning radius issues and
215 to line up the intersection with St. Mark's driveway for safety purposes, noting that no drainage issues
216 had been addressed at that time. Ms. DeMuria asked if the Conservation Commission had reviewed
217 storm water and erosion control for the project. Mr. Russell stated that the Conservation Commission
218 was contacted and they determined they did not have jurisdiction over the south part of the
219 intersection. He stated they did determine they had jurisdiction over the north part of the intersection
220 and issued an order with conditions. Ms. DeMuria asked Mr. Russell about drainage analysis at the
221 library. Mr. Russell stated VHB coordinated with Tighe & Bond and that VHB engineered significant
222 drainage improvements to better address drainage issues at the Library as part of the Main Street
223 project. Ms. DeMuria stated that she would like to see a written report as to what was done regarding
224 drainage at the Library and would like assurances that moving the intersection does not adversely
225 impact any work done to address water issues at the Library. She stated that, absent that
226 documentation and, if drainage issues at the Library have been resolved, she is unclear as to why the
227 intersection should be moved. Mr. Mills asked Mr. Russell if he was aware of an underground stream
228 near the Library. Mr. Russell stated he is not aware of one but would not be surprised, given the rock
229 found at the location. Ms. Luttrell asked if there was any public comment. Mr. David Parry, 22 Main
230 Street, stated this project being undertaken during COVID and meeting with people during that time was
231 difficult. He stated he believes the water issues at the Library are a function of the design of the Library.
232 He stated the parking lot should be cut down so that entrance to the Library requires a step up. Mr.
233 Russell stated that without significant work at the Library, the best solution is to keep as much water on
234 the roadway as possible. Mr. David Parry asked if any work was done underground to support an above
235 ground project that included a sidewalk or a history walk. Mr. Russell stated the work was done to
236 support an above ground project. Ms. Quinn requested that Mr. Russell provide clarification on the
237 scope of review by Fuss & O'Neill. Mr. Russell stated the review should include the proposed
238 intersection from the crosswalk to the Library and not the drainage to the north on Rt. 85 or the Library
239 drainage. He stated VHB would provide drainage calculations.

240

241 **DISCUSSION: St. Mark's Street Park/Trees/Stonewall – update on status**

242 Ms. Luttrell reported that she and Ms. Quinn met with Select Board Chair Kathy Cook, Select Board
243 member Lisa Braccio and Town Manager Mark Purple on January 11th to discuss issues falling within the
244 Planning Board's purview. She stated the Select Board would submit an application for the removal of
245 the public shade trees and stonewall, which will be adjudicated at a consolidated hearing. She stated
246 that the park is a change of use and would come before the Planning Board for site plan approval. She
247 stated the Planning Board would offer a report on the location of St. Mark's Street. She also stated Ms.
248 Quinn has indicated St. Mark's would appear before the Planning Board for site plan approval of the
249 parking lot. Ms. Hoolahan asked about timing for submittal of the application for the removal of the
250 trees and stonewall. Ms. Luttrell stated that the DPW would submit the application and Ms. Cook had
251 reached out to Mr. Chris Leroy on the matter.

252 **DISCUSSION: Planning Board Contingency in the Memorandum of Understanding (MOU) between St.**
253 **Mark's School and the Town of Southborough**

254 Ms. Luttrell stated that the MOU contains a Planning Board Contingency, which states that, if Town
255 Meeting passes the land swap and St. Mark's appears before the Planning Board for site plan approval
256 for the parking lot and there are conditions St. Mark's does not support or there is an appeal, the MOU
257 reverts back to a license. Ms. Luttrell suggested Town Counsel Taleran appear at a Planning Board
258 meeting prior to Town Meeting to clarify the inclusion of the Planning Board Contingency in the MOU.
259 The Planning Board agreed they would like clarification from Town Counsel Taleran on the matter.
260 Ms. Quinn will request that Town Counsel Taleran attend the February 6th Planning Board meeting.
261 Mr. David Parry, spoke in support of the elimination of the last sentence of the Planning Board
262 Contingency in the MOU.

263

264 **Other Business Properly Before the Board**

- 265 • Planner's Report – Project Updates; 154 Turnpike Rd Non-compliance; 325 Turnpike Road-
266 update

267 Ms. Quinn reported that on January 18th, she received an updated National Grid tree trimming
268 report from Chris Leroy, Tree Warden designee. Mr. Leroy stated that Phase II of the 2022
269 Vegetation Management Plan would begin on January 23rd. Ms. Quinn reported that she included a
270 draft warrant in her Planner's Report. She also reported that on January 28th, there would be a
271 budget review meeting with the Select Board and the Advisory Committee. She stated Ms.
272 Hoolahan would appear on behalf of the Planning Board to discuss the budget and request that, if
273 the zoning map update, the deed research database update and the MBTA Communities could be
274 funded through ARPA, they could be removed from the Planning Department's budget. Ms. Quinn
275 also reported that the Southborough Affordable Housing Trust Fund Strategic Financial Plan was
276 finalized through SHOPC. She also reported that the yearly 55 and over calculations for units
277 available has been completed and there are now 4 units available for this year. She stated the
278 calculation is available on the Planning Board's website. Ms. Quinn reported that she is awaiting a
279 submission of modification for 154 Turnpike Road.

280 Ms. Luttrell granted a request for additional public comment. Mr. David Parry stated he is working
281 on a plan that resolves traffic issues on the north side of Southborough.

- 282 • Approval of Minutes – December 12, 2022, December 16, 2022, January 9, 2023

283 Ms. Luttrell requested scrivener's changes to the December 12, 2022, Minutes.

284 **MOTION** by Mr. Mills to approve the minutes for December 12, 2022, as amended, and the minutes
285 for December 16, 2022, as written. **SECONDED** by Mr. Stein. Mr. Stein stated he would abstain
286 from voting on this matter. **ROLL CALL: Luttrell-Yes, Mills-Yes, Hoolahan-Yes, DeMuria-Yes. VOTE**
287 **to Approve: Yes-4, No-0, Abstain-1.**

- 288 • Next Meetings – **February 6, 2023, February 27, 2023**

289 **ADJOURN:**

290 **MOTION** by Mr. Mills to adjourn at 11:07PM. **SECONDED** by Mr. Stein. **ROLL CALL: Luttrell-Yes, Mills-**
291 **Yes, Stein-Yes, Hoolahan-Yes, DeMuria-Yes. VOTE to Approve: Yes-5, No-0.**

292 **Documents Used at This Meeting:**

- 293 • 200 Turnpike Road – Site Plan of Land Revised 11-14-22
294 • 325 Turnpike Rd. Sound Barrier Site Plan
295 • DCR Letter on 200 Turnpike-Revised Design Review letter
296 • Downtown District Bylaw hearing copy
297 • Draft Tree Protection Bylaw hearing copy

- 298 • Scenic Road Bylaw hearing copy
- 299 • MOU with St. Mark's
- 300 • Various Streets General and St. Mark's intersection plan

301

302

303 Respectfully Submitted.

304

305 Bridgid Rubin, Recording Secretary

306