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# TOWN OF NORTHBOROUGH PLANNING BOARD

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## Planning Board and Zoning Board of Appeals

### Zoom Meeting Minutes

February 6, 2024

Approved April 2, 2024 as Amended

**Members of Planning Board (Remotely):** Kerri Martinek, Chair; Amy Poretsky, Vice Chair; Bill Pierce; Anthony Ziton

**Members of Zoning Board of Appeals (Remotely):** Paul Tagliaferri, Chair; Mark Rutan, Suzy Cieslica, Fran Bakstran, Jeff Gribouski (Alternate), Brad Blanchette (joined at 7:00 p.m.)

**Members Absent:** Millie Milton

**Staff Present:** Laurie Connors, Planning Director, Bob Frederico, Building Inspector

**Others (Remotely):** Mark McMenemy

The Chair opened the remote meeting at 6:00 p.m. and made the announcement that this open meeting of the Planning Board was conducted remotely pursuant to Chapter 2 of the Acts of 2023 an Act Relative to Extending Certain COVID-19 Measures Adopted During the State of Emergency signed into law on March 29, 2023. All members of the Planning Board were allowed and encouraged to participate remotely. The Act allows the Planning Board to be entirely remote so long as reasonable public access is afforded so the public can follow along with deliberations of the meeting. The public was encouraged to follow along using the posted agenda unless the Chair notes otherwise. Members of the public who wish to view the live stream during this meeting may do so by going to Northborough Remote Meetings on YouTube via the link listed on the agenda. Ensuring public access does not ensure public participation unless such participation is required by law. This meeting will feature public comment. The process was explained. Ms. Martinek read the public notice.

The meeting began at 6:00 pm. A recording of this meeting is available to view at <https://www.youtube.com/watch?v=1zlxGWatNqU&list=PLk479TOxptkUdu9PdvI-iBWnvZjn8dkM8&index=1>

## Interview with Mark McMenemy Regarding Design Review Committee Application

Ms. Poretsky explained the makeup of the members of the Design Review Committee. Mr. McMenemy is interested in filling the Resident-at-Large seat. He explained his background as a design engineer in product development. There were some questions and comments from the Board. Mr. McMenemy discussed the type of architecture that would complement the town and existing buildings and said he is in the process of creating a score card to help evaluate design criteria. There were no further questions from the Board. Ms. Poretsky indicated that the next Design Review Committee meeting would be February 8, 2024.

## Approval of Minutes for December 19, 2023

The approval of the minutes for December 19, 2023, will be placed on the next agenda.

### **Approval of Minutes for January 2, 2024**

There were some minor amendments to the minutes. Ms. Poretsky made a motion to approve the January 2, 2024, minutes, as amended; seconded by Mr. Ziton. Roll call vote: Pierce – aye; Ziton – aye; Poretsky – aye; Martinek – aye; motion approved.

### **Approval of Minutes for January 16, 2024**

There were some minor amendments to the minutes. Mr. Ziton made a motion to approve the January 16, 2024, minutes, as amended; seconded by Ms. Poretsky. Roll call vote: Pierce – aye; Ziton – aye; Poretsky – aye; Martinek – aye; motion approved.

### **Discussion of 2024 Town Meeting Zoning-Related Articles with the Zoning Board of Appeals**

The members of the Zoning Board of Appeals were invited to join the meeting at 6:27 pm. Mr. Tagliaferri explained the roles of the Planning Board and the ZBA with respect to the drafting of the changes to the Bylaws. Ms. Connors indicated that the draft warrant articles have not yet been reviewed by Town Counsel.

Use Variances Ms. Martinek said the town wouldn't achieve the look desired as long as zoning allows for use variances; the right approach was to do it through the legislative body and have residents determine the uses they would like. She didn't feel as though the three criteria relating to hardship, soil, and topography of the land were always being met. Mr. Gribouski noted that soil, topography, or shape of the land together was one factor, the other two being substantial hardship and being without substantial detriment to the public good. Ms. Martinek suggested having Town Counsel's interpretation. Ms. Bakstran noted that of the 180 applications submitted to the ZBA over a ten-year span (2013-2023), 26 were for use variances (with 3 related to the Groundwater Protection Overlay District), and 24 were granted. She agreed a clearer understanding was needed of how and when to apply use variances.

Re-Zoning Industrial District off the Southwest Connector Ms. Connors explained that since that area is also zoned for Major Commercial Development Overlay District (MCDOD), many of the uses currently existing there are commercial uses. The proposal is to eliminate the overlay and the underlying Industrial District and adopt a new zoning district to be called Highway Business Southwest. Changes to the Table of Uses were explained. The only uses currently allowed within the Industrial District or MCDOD that wouldn't be allowed in the new district are the gravel pit, storage facility and auto filling or service station. Ms. Poretsky stated that self-storage facilities aren't currently allowed in our bylaws today and explained that was a use that was removed before she joined the board in 2014. She was told it was because there were too many popping up in Town and the planner and board at the time decided we had enough. The density requirements would be identical to the highway business district, so the lot sizes would be a little bit smaller than currently required in the Industrial District. She also explained the Table of Density and Dimensional Regulations, Site Design Standards and Signs. Mr. Tagliaferri felt there was some inconsistency in the Table of Uses regarding the permit granting authority. Discussion ensued about the wisdom of allowing auto filling and service stations in the new District. In response to a question about keeping the MCDOD Bylaw, Ms. Connors said that because the MCDOD allows the same commercial uses, there is no point in keeping it. After discussion, Ms. Martinek felt there was consensus from the boards regarding elimination of the overlay district.

Design Review Ms. Poretsky discussed the proposed changes: design review by the Design Review Committee (DRC) shall be required as part of sign permit approval in the Downtown Business District; proposed changes to the make-up of the committee.

Co-working space and Maker space - Definitions are proposed to be added to the bylaw, as well as the locations for those uses to exist.

Groundwater Protection Overlay District Area III for Commercial District— Changes were proposed that would allow for all commercial development within Area 3 to be treated the same as retail and office uses if they are not dealing with toxic or hazardous materials. They would be subject to the same performance criteria as if they were special permit uses. The performance criteria have to do with the amount of impervious surface, septic system size and capacity and treatment of post-development net runoff. The criteria will be enforced by staff through a by-right process instead of a special permit process. It will provide relief for lots currently served by municipal sewer. Districts negatively impacted by the 20,000 sf minimum lot size requirements are the Downtown Business District and Downtown Neighborhood District because the underlying zoning allows smaller minimum lot sizes of 4,000 and 10,000 sf minimum lot sizes. Because almost the entirety of these districts are located in the GWOD, it's impossible to get to those minimum lot sizes; all of those lots have access to sewer in the street so it doesn't make sense that they are subject to 20,000 square foot minimum lot size requirement. There are fifty-eight existing lots in these districts that do not adhere to the 20,000 sf minimum lot size requirement. Ms. Bakstran felt this was a smart move since revitalization of the Downtown is underway and that there have been conversations regarding combining lots for more density, but in absence of that, the only way to have a downtown with dense commercial and retail is to allow them to develop the little lots they have versus having to build another CVS because of the 20,000 sf requirement. Another proposed change in this district is to add two-family and multi-family dwellings to the list of by-right uses and to eliminate the mandatory increase in lot area to 20,000 sf for those buildings served by sewer.

Site Design Standards The first change proposed was with regard to exterior lighting. Another change was with regard to building finish materials and flat roofs applying to new construction or significant expansions of commercial uses. Inclusion of these design guidelines in the site design standards will make them mandatory instead of voluntary. Ms. Bakstran was concerned about moving it from a guideline into a mandate because they don't want to discourage new development and growth in town, and she thought that having subjective terms, such as 'traditional New England architecture', makes it more difficult. Ms. Poretsky said that if there is going to be a Downtown Revitalization, there needs to be some design standards and that a Google search of traditional New England architecture includes materials such as brick, cedar, cement boards. This would apply to all business districts unless it's decided to have it apply to Downtown Business only.

Off-Street Parking and Loading The purpose of this amendment is to clarify where off-street parking spaces can be located relative to the front lot line and buildings.

Signs Ms. Poretsky discussed the added language proposed under (1) Basic requirements. Mr. Frederico was concerned about enforcement. Ms. Bakstran suggested the "No Use Variance" language be removed from (12), (13) and (14). Ms. Poretsky indicated that she agreed with the removal of the wording for window advertisement of products and the language regarding No Use Variance.

Multi-family Development Overlay District Ms. Connors explained the MBTA ruling and the district requirements, dimensional requirements, uses permitted and design standards. 10% of the units in developments of 10 or more units need to be affordable. Two potential overlays discussed were the

Southwest Connector Multifamily Development Sub-District and Downtown Multifamily Development Sub-District.

Maps for Proposed MDOD Proposed MDOD parcels were discussed, including parcels on Hudson Street and off of Southwest Cutoff, including Avalon and the Econo Lodge. Ms. Connors said that Judi Barrett has analyzed some of the parcels for development constraints, more analysis needs to be done. Mr. Tagliaferri felt that whatever was put forth needs to meet the mandate while also having the least amount of impact, to make it more palatable at Town Meeting. He didn't think they should include all the parcels downtown suggested by Ms. Connors at least in the first year but recognized that there needs to be some in the area to help facilitate revitalization in that area.

Ms. Bakstran thought having the ability to use Avalon Bay with the Econo Lodge was smart, providing it met the analysis, since it is close to the MBTA for commuters. She was in favor of more housing in the downtown in order for businesses and retailers to be supported with foot traffic. She wasn't sure if the Harvey property was a viable solution if the owners were even interested in selling. They need to have an area that is developable. She was in favor of the plan recommended by Ms. Connors.

Ms. Cieslica didn't want to give up a large area of the downtown all at once and said she was in favor of incentivizing developers to clean up property for future development instead. She was concerned about a possible influx of school-aged children and was in favor of slower growth.

Mr. Blanchette was in favor of the Harvey property, Econo Lodge and Avalon from a traffic perspective. He was in favor of starting out small.

Ms. Poretsky was in favor of zoning only a part of Harvey, she felt more than that would be a big step for that area, and she wanted to take it slow.

Ms. Bakstran asked if they could consider a portion of the 13-acre Hudson Street parcel, similar to their consideration of part of the Harvey parcel; Ms. Connors said that it has to be contiguous land.

In order to be considered for state grants, the town would have to comply with the MBTA bylaw. Ms. Connors discussed some grant programs available for streetscape and infrastructure improvements.

Mr. Blanchette questioned whether the amount of grant money available was worth pushing the bylaw through, and that there is no guarantee they would even receive grants.

Ms. Connors said various programs have different allocations of money that are available and different levels of competitiveness; they would be shut out if they did not comply with Section 3A. She said she felt comfortable they will be able to get at least some grant money for downtown revitalization as long as they zone an area in the downtown for Section 3A zone.

Mr. Tagliaferri asked what the size of the overlay is. Ms. Connors said there has to be one area that's a minimum of 25 acres and the smallest subdistrict can be no smaller than 5 acres.

Ms. Poretsky shared a version of the overlay in the downtown that she'd created.

Ms. Bakstran noted that they are running out of time to make a decision, it was complicated enough without introducing a new parcel, there are areas that have already been analyzed as meeting the criteria. She noted that Mr. Pierce had said that it was the intent and spirit of the law to find places that are

affordable and an alternative to single-family homes for the residents to live in, so they need to find something that's buildable.

Mr. Pierce said they need to remember that they are only creating zoning, it doesn't mean anything will be built.

Ms. Martinek asked Mr. Tagliaferri if he could summarize the Board's sentiment. Mr. Tagliaferri said he would reiterate that the state is mandating this, he thought they could all agree they want to pass an overlay district to allow access to grant money to improve the downtown. He felt they should keep it simple, meet the criteria, assess how it has rolled out across the state and what the impacts are, and in the future, add more parcels if they decide to. He didn't have an opinion on the specific parcels.

Ms. Bakstran reiterated using the areas already analyzed and to keep it as simple as possible.

Ms. Martinek noted they'd had a late request for a bylaw having to do with removing a special permit for drive through retail and drive through food service in certain areas. Ms. Connors said it was too late to include that for the public hearing scheduled for February 20. Ms. Martinek suggested an alternative would be a citizen's petition. Ms. Connors explained the process. Ms. Poretsky noted that it could be added to the Town Meeting in fall.

Ms. Martinek thanked members of the ZBA for their input. ZBA members left the meeting at 9:31 p.m.

Locations for MBTA Overlay Discussion continued regarding the options for the overlay district. The Board decided to go with Option B for the downtown sub-district, which includes the Town Hall, Centre Drive apartments, townhouses located at 22-26 Hudson Street, 5 acres of the Harvey parcel, 56 Hudson Street, and a small parcel located at the intersection of River Street and Hudson Street. Mr. Frederico spoke about redevelopment of the Econo Lodge property.

Appointment of Mark McMenemy to Design Review Mr. Pierce made a motion to appoint Mark McMenemy to the open Resident-at-Large position on the Design Review Committee; seconded by Mr. Ziton. Roll call vote: Ziton – aye; Poretsky – aye; Pierce – aye; Martinek – aye; motion approved.

### **Next Meetings**

- Planning Board –February 20, 2024 (public hearing); March 19, 2024.
- MPIC – February 15, 2024, at 7:00 pm.
- ZBA – February 27, 2024, public hearing for Tradabe.

Ms. Connors noted that Harrington Lane will be on the Select Board agenda on March 11, 2024 for acceptance of the layout of the road. At the next meeting, she will ask the Planning Board for a recommendation as part of the public acceptance process regarding the layout.

Ms. Poretsky commented that regarding Sign Permits, under 7-09-040, she was okay with removing the proposed addition to the language under D(1), Basic requirements.

### **Adjourn**

Ms. Poretsky made a motion to adjourn the meeting; it was seconded by Mr. Ziton. Roll call vote: Pierce - aye; Ziton – aye; Poretsky – aye; Martinek - aye; motion approved.

The meeting was adjourned at 10:05 p.m.

Respectfully submitted,

Brenda M. DiCelle, Planning Board Secretary  
Michelle Cilley, Board Secretary