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TOWN OF NORTHBOROUGH PLANNING BOARD

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Planning Board

Zoom Meeting Minutes

February 20, 2024

Approved April 2, 2024, as Amended

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

Members Absent: None

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

Others (Remotely): Lisa Maselli, 13 Maple Street; Scott Rogers, 26 Tomahawk Drive; Rick Leif, 30 Wiles Farm Road, Carter Brannon, 22 Cherlyn Drive; Jason Kasow, The Ownership Group; Patrick French, 112 Cedar Hill Road; Anna Servidio, 26 Stratton Way; Paul Tagliaferri, 32 Hemlock Drive; Fran Bakstran, 76 Cedar Hill Road.

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. Connors 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=Wma2-KAKyOw&list=PL2mWMhvXDP2g-gXLZxo25sWkNUeVlyWtQ&index=6>

Public hearing for the purpose of seeking public opinion on proposed amendments to the Zoning Map and the following sections of the Northborough Zoning Bylaw (Chapter 7).

Ms. Connors shared a presentation she had prepared for Town Meeting. This presentation is available to view at: <https://www.town.northborough.ma.us/planning-board/pages/atm-24-zoning-related-articles>

Chapter 40A, Section 3A – MBTA Communities

Ms. Connors presented some background information regarding Chapter 40A, Section 3A (“MBTA Bylaw”). She explained that Northborough is an adjacent MBTA community and the parameters of Section 3A. She

explained the criteria for the MBTA communities. She presented examples of existing projects showing heights of buildings and density. She showed a chart regarding Northborough School Enrollment.

We are only required to plan for this Multifamily Development Overlay District, not build. She explained that the MBTA Bylaw does not require Northborough to pay for infrastructure updates. She listed the consequences of not complying with the new legislation.

ARTICLE: Zoning Map Change – Multifamily Development Overlay District

Ms. Connors showed a map containing the Multifamily Development Overlay District. There would be two (2) Sub-Districts: the Southwest Connector Sub-District and the Downtown Sub-District. She explained the parcels of land in each sub-district. This contains approximately 59.23 acres of land, some of which may not be developable.

ARTICLE: Zoning Bylaw, Section 7-07-050

Ms. Connors explained key aspects of the Bylaw: the residential density of the proposed dwellings would change from the current Bylaw but the dimensional requirements would remain the same. She set out the standards for each building and stated that 10% of all developments would be for affordable housing. The Town has hired a consultant to determine whether the Town can afford to increase the 10% threshold to 15%. She indicated that while the MBTA Bylaw is something that must be completed, the Town hopes to also have it comply with the goals and objectives of the 2020 Master Plan and the 2023 Downtown Revitalization Plan Report. Ms. Poretsky commented on the greater density for re-used buildings. Ms. Connors replied that the greater density only applies if the building is being re-used. If it is as tear down, the density reverts to 15 units. Ms. Martinek asked about the source of the school enrollment numbers. Ms. Connors explained that they came from the state web site. This was discussed by the Board. Ms. Poretsky also asked about the number of building permits over the last 5 years. Ms. Connors indicated that she would send her that information. Ms. Milton asked about the 15% increase for affordable housing and Ms. Connors explained that the Affordability Analysis is necessary to see if projects are still affordable for the builder and whether the town could go above the 10%. There was a discussion regarding the 10% threshold for affordability. There were no further questions from the Board.

Lisa Maselli of 13 Maple Street asked about the affordable housing threshold. Ms. Connors explained that when a town falls below the 10% threshold then the town is open to a 40b housing application. When this happens the town loses the ability to control the development using the regular process. Ms. Maselli then questioned the contents of the Master Plan and how much of the downtown area is already developed. Ms. Connors briefly explained the Master Plan and indicated that some of the land is already developed and that there currently is no development mandate, for now it is just a zoning exercise. This was further discussed by the Board. She spoke of the development constraints of the Harvey parcel. Ms. Maselli came back in and asked for clarification of the affordable housing aspect of the project and if Northborough residents would have priority. Ms. Connors indicated that to meet the affordability threshold, a person needs to meet the income and asset level defined by the State (80% AMI) Most times it is done by lottery. Ownership and rentals are done differently.

Scott Rogers of 26 Tomahawk Drive questioned the number of attendees in the public hearing. There were 10. He asked about the mapping of the developable land in the Downtown area. Ms. Connors explained 3 of the parcels have been analyzed but there are 3 other parcels that have not. Half of the Harvey parcel has been analyzed. Mr. Rogers came back into the meeting and asked for an explanation regarding the properties that were selected for the MBTA project. Mr. Pierce indicated the Board's concern of having a

builder come in quickly and start developing. He stated that the development should take place slowly so as not to overburden the town. Ms. Martinek indicated that some of the other parameters that were considered were traffic, suitability of the property, overburdening of the schools, and the land needed to be contiguous to other parcels, that some of the land needed to be downtown and whether the property could be mixed use, keeping options open for grants.

Rick Leif of 30 Wiles Farm Road, Chair of the Master Plan Implementation Committee. He gave some background of the Master Plan Implementation Committee. He indicated that the MPIC is supportive of the increase in residential housing in the Downtown area to create a more vibrant area and the zoning changes that will be needed. He also indicated that state grant funding will be extremely important to realize these changes. Mr. Leif came back into the meeting and commented on the affordable component of the MBTA project. He indicated that increasing the percentage margin of affordable housing to stay ahead of the 10% requirement. He expressed the need for affordable housing in Northborough and how to qualify for affordable housing. Ms. Connors explained the Northborough residency parameters for affordable housing.

Carter Brannon of 22 CherylN Drive had a question regarding the map and the number of total parcels. He thought they favored larger parcels. Ms. Connors explained how the parcels were chosen and that there was concern about placing the multifamily use on a smaller parcel. Ms. Martinek also added that the properties need to be contiguous and no property can be smaller than 5 acres of land. Mr. Brannon questioned why the Board did not want an increase in affordable housing. Ms. Connors indicated that if a higher percentage of affordable housing is a possibility, the RKG Analysis will be discussed with the Planning Board. Ms. Milton explained why she questioned the increase in percent of affordable housing.

Jason Kasow of 333 Southwest Cutoff with The Ownership Group. This is the baseball field and the medical building. They have been before the Planning Board previously and now would like to present a plan for 195 units on 13 acres. He explained the benefits to the Town of Northborough. They would have a development agreement with the Town and the parameters of that agreement. He provided a Fiscal Impact Analysis. The development would be built by Trammel Crow Residential. He provided the Board with a list of comparable properties and a Comparison Summary.

Patrick French of 112 Cedar Hill Road supports the MBTA proposal and was asking what happens if it doesn't pass at Town Meeting and how do we find out why. Ms. Connors indicated that the MBTA project could be reworked and brought before the Town Meeting in the fall.

Anna Servidio of 26 Stratton Way sent an email asking if the acreage in the Downtown area could be reduced to 2 acres. She is concerned about the effect on the schools.

Eamon Bencivengo of 114 Hudson Street sent an email stating he is in full support of the MBTA community and a vibrant Downtown area. He supports the Multi-family Development Overlay Districts and indicates that housing is very important.

ARTICLE: Zoning Bylaw, Sections 7-03-030 and 7-050-010.A Use Variances

Ms. Martinek gave an overview of Use Variances and the rationale for removal was that voters at Town Meeting should determine the uses, not the Zoning Board of Appeals (ZBA). There were no comments from the Board.

Scott Rogers of 26 Tomahawk Drive indicated that removal of Use Variances would not allow innovative ideas to be developed. Ms. Connors explained the parameters that need to be met and the ways a new

use can be brought and steps that need to be taken and options before the various Town Boards and the turnaround time. He is looking for ways to incentivize development in the Downtown area and be more business friendly. Mr. Pierce mentioned the inclusion in the Bylaws of the additional story if the building was multi-use and that this shows the Board is trying to create incentives for development.

Marshall Gould of 41 West Street explained Use Variances and the problems that they have created. He indicated that without Use Variances it would be harder for business owners to expand their businesses. There was discussion with the Board regarding the application of Use Variances. He didn't believe that Use Variances were a detriment. He commented that this matter had already been turned down by Town Meeting.

Fran Bakstran of 76 Cedar Hill Road clarified that a Use Variance must be unique to the property. If there is no Use Variance then the use will be for the whole district, not just one piece of property. She indicated that there is more potential for harm if a use is allowed through a whole district rather than one property. She believed that the Use Variance has a value and that it should be used for its true application.

Rick Leif of 31 Wiles Farm Road questioned if the ZBA is going to support this article. Ms. Martinek indicated that there were mixed feelings. He indicated that it is more likely to be approved if the Planning Board and ZBA both agree.

Paul Tagliaferri of 32 Hemlock Drive, Chair of ZBA, commented that ZBA doesn't vote on the Planning Board Bylaws and doesn't take positions on these and that this is not indicative of their support or nonsupport.

Carter Brannon of 22 Cherlyn Drive indicated that Town Meeting should determine uses. Is there a way to clarify the process of how changing zoning would happen at Town Meeting? Is there a way to make the process easier? Ms. Connors explained that the process of adopting a zoning change is a process set forth by the State. Ms. Martinek is going to reach out to Andrew Dowd, Town Clerk, for some literature regarding this process. Mr. Brannon also commented on how this might be publicly perceived.

ARTICLE: Zoning Map Change Creating New Highway Business Southwest District

This Article concerns the rezoning of a portion of the Industrial District located on Rte 20 near Rte 9; the Southwestern portion of town. Ms. Connors listed the properties included. This area also falls with the Major Commercial Overlay District (MCO). There were no comments from the Board or the public.

ARTICLE: Zoning Bylaw, Sections 7-03-060, 7-04-010, 7-05-030, 7-06-202, 7-09-020, 7-09-030, 7-09-040 and 7-07-030.

The proposal is to eliminate the MCO, rezoning it to Highway Business Southwest (HBSW) which would be like the Highway Business District. Ms. Connors explained that there would be some different uses but most would remain. Gravel pit, the self-storage facility and BJ's gas station won't be allowed in HBSW they would be grandfathered. She gave an overview of dimensional requirements and site design standards for the lots which are identical to Highway Business District. This change would support the 2020 Master Plan Goal. Ms. Connors indicated that Town Counsel agreed that the MCO should be eliminated to avoid future confusion.

Ms. Martinek mentioned there were some outstanding items such as the BJ's gas station and the approval of the special permits by either the Planning Board or the ZBA. Ms. Poretsky presented a Table of Uses. Ms. Poretsky mentioned that she learned that many calls to the Fire Department are to the Assisted Living

Facilities and asked if the Fire Department should be consulted before adding these uses (which are currently not allowed in this district). Mr. Ziton agreed that it should be presented to the Fire and Police Chiefs for review. The Board discussed the uses in which the ZBA would be the Permit Granting Authority including: Assisted Living Facility, Cultural Use, Nursing or Rest Home, Adult Day Care, Non-profit Club or Membership Organization, Continuing Care Retirement Community, Drive-thru restaurant, Bed and Breakfast; Inns, Microbrewery, Brewery, Distillery or Winery, Drive-thru Food Service, Commercial Amusement, Auto filling or Service Station. The remainder would have the Planning Board as the Permit Granting Authority. Town Counsel indicated that there should be no Industrial Uses allowed in HBSW.

Lisa Maselli of 13 Maple Street commented on the removal of Industrial Uses in HBSW. Ms. Connors indicated that if the Town has an Industrial Zone, there must be hazardous waste and solid waste disposal facilities in Town. Ms. Maselli indicated that the number of gas stations in Northborough has dropped significantly but more are not needed.

Scott Rogers of 26 Tomahawk Drive confirmed that the Table of Uses and the changes would be republished available for review at the next meeting.

Fran Bakstran of 76 Cedar Hill Road thought it was important to have the Special Permit Granting Authority be the Planning Board in the HBSW. She agreed that the Industrial Uses should be eliminated in HBSW and she mentioned that Assisted Living should have site plan approval in all districts. She stated that gas stations should be an allowed use by special permit and indicated that if they weren't allowed in the HBSW they would become a non-confirming use which would be problematic should they want to expand.

Carter Brannon of 22 Cherlyn Drive commented on the Table of Uses and uses that aren't allowed by-right in any existing district such as breweries. He thought that these should be allowed by special permit and not by-right. Ms. Martinek commented that these uses are usually reviewed whether by site plan review or otherwise. Ms. Connors commented that with a by-right use the Board has no discretion but the Applicant would still have to follow the rules and regulations for approval. With a special permit, the Board has more discretion and could choose to deny a project. Discussion ensued regarding special permits. The Board agreed that hotel, motel, or conference center will be changed to Special Permit Planning Board on the Table of Uses. Distillery, Brewery, Winery were also changed to Special Permit.

Ms. Poretsky had a question about the Dimensional Table and asked if there should be a maximum lot coverage for HBSW. Ms. Connors indicated that parking would be a limiting factor. A lot coverage of 50% would be fine. There were no comments from the Board or the public.

ARTICLE: Zoning Bylaw, Section 7-03-060, Design Review

Ms. Connors explained that this change addresses comments in the 2023 Downtown Revitalization Report regarding business signage. This change would give the Design Review Committee (DRC) the jurisdiction to review certain signs within the Downtown Business District only. This would become part of the sign permit process in the Building Department. The DRC would make recommendations to the Building Inspector. It also changes the residency requirements for the DRC as they are having difficulty filling their vacancies. Ms. Connors explained the composition of the DRC. There were no comments from the Board.

Scott Rogers of 26 Tomahawk Drive wanted to know the current time limit for a sign permit. Ms. Connors indicated that it was 30 days and it would not change.

ARTICLE: Zoning Bylaw, Section 7-05-020, Classification of Uses and Section 7-05-030 Table of Uses. Part B. Commercial and Industrial Districts.

Ms. Connors explained that this Article adds 2 new definitions for 2 new uses that would be allowed. She explained “Co-working space” and “Maker space.” It is proposed to add “Co-working space” as a by-right use in all Business and Industrial Districts and “Maker space” as an Industrial use only allowed by Special Permit in Business South and by Special Permit of the Planning Board in the Industrial District. Ms. Poretsky asked why Business South was included for Maker space. Ms. Connors responded that it is included because it does currently allow other industrial uses. There were no further comments from the Board or the public.

2 ARTICLES: Zoning Bylaw, Section 7-07-010, Groundwater Protection Overlay District, Paragraphs D.(1)(c)[2&3] and D. (3)(c)[3&6]

Ms. Connors indicated that the first Bylaw change adds commercial development in Groundwater Protection Overlay District Area III by right vs. special permit. She explained what uses would be allowed. It would not include toxic or hazardous materials. Any toxic or hazardous material uses would still need a Special Permit. Any other type of commercial development would be a by-right use and there would be no increase in lot size if the property is served by public sewer; however, if there is septic system on the property, there would be a minimum 20,000 square foot lot size requirement. She explained that the performance standards under Groundwater Area III would still be required but would now be a by-right requirement and enforced by staff instead of the ZBA.

The second Bylaw change refers to two-family and multi-family housing. The same changes would apply. The increase in lot size would only apply if the house were not hooked up to public sewer. The performance standards in the first Bylaw change would also apply. Ms. Connors indicated that this amendment would make the Downtown area more business friendly. The change will impact 58 lots in the Downtown area. There were no comments from the Board.

Lisa Maselli of 13 Maple Street asked whether the contractor lots on West Main Street were included in the 58 lots. They were not. The amendments would not apply to the gas stations in the Downtown Business Zone.

Rick Leif of 30 Wiles Farm Road speaking for the Master Plan Implementation Committee supports this article and that it makes the Downtown Business area and will assist in the Downtown Revitalization and make the area more business friendly.

Ms. Milton questioned the minimum lot size in the Groundwater Protection Overlay District Area III and Ms. Connors provided clarification. 

Ms. Poretsky expressed that she would like to have the wording in the Bylaw changed to indicate an Engineer needs to review applications. There was discussion concerning relevant town staff who needed to review applications. It was decided to add “staff engineer or consulting engineer” to the language for the application review.

ARTICLE: Zoning Bylaw, Section 7-09-020, Site Design Standards

Ms. Connor explained that this amendment updated language for outdoor lighting to LED and that lighting should conform to “Dark Skies” guidelines. There were no Board or public comments.

ARTICLE: Zoning Bylaw, Section 7-09-020, Site Design Standards

Ms. Connors explained that this amendment is a change to the Site Design Standards and updates the requirements for building placement, design, and orientation. This article came from the Northborough Design Guidelines of 2012 and is adding the guideline into the Bylaw as a standard. Ms. Poretsky said she added (e) because metal is used on Industrial buildings and warehouses which is not appropriate for downtown and Main Street. She wanted to make sure this did not impact the Fire Station as there is metal on the building but this article states no metal as the “primary” finish. Ms. Connors and Mr. Frederico stated that this change would not impact the Fire Station.

- (e) Building finish materials shall be appropriate to traditional New England architecture and may include, but shall not be limited to brick, high-quality brick face, wood, high-quality cement-fiber siding, stone or high-quality stone-face. Metal or fiberglass as a primary finished surface shall not be used;
- (f) Flat roofs may be allowed on buildings as long as the roofline projects upward from the building surface as a decorative cornice or parapet;

This amendment would apply to new construction or buildings with significant expansion for commercial uses that would trigger site plan review only. There were no additional comments from the Board.

Fran Bakstran of 76 Cedar Hill Road was concerned about the use of “traditional New England architecture” and suggested it be deleted since it is difficult to define. Ms. Connors agreed with this change. There was discussion regarding the wording and what building materials to include. Ms. Connors suggested including “metal or fiberglass as a primary finished building material shall not be used.” The Board agreed with this language.

Lisa Maselli of 13 Maple Street commented on “traditional New England” wording. She didn’t believe that taking the wording out of the Bylaw was appropriate.

The Board discussed metal buildings in the Industrial District.

Ms. Poretsky stated that there were links at the end of the 2012 Design Review Guidelines that discuss “traditional New England Architecture”. She didn’t think there should be a problem defining it but noted the reason she brought it forward was more of a concern about metal buildings in the commercial districts.

Patrick French of 112 Cedar Hill Road indicated that the Bylaw could be amended in the future.

The language was changed to:

- (e) Metal or fiberglass as a primary building finish material shall not be used;
- (f) Flat roofs may be allowed on buildings as long as the roofline projects upward from the building surface as a decorative cornice or parapet;

ARTICLE: Zoning Bylaw, Section 7-09-030, Off-street parking, and loading

Ms. Connors explained that this amendment would clarify where off-street parking spaces can be located relative to the front lot line of the building. It takes into account that buildings are not always parallel to the street. There were no comments from the Board or the public.

ARTICLE 48: Zoning Bylaw Section 7-09-040, Signs

Ms. Poretsky indicated that this amendment provides definitions for several types of signs and sets standards for their location, number, type, material, lighting, and dimension in residential, business, and industrial districts. Town Counsel suggested some changes to this amendment and these were read into the minutes. The Board will implement these changes. The Board discussed awning signs and agreed that signs would be on the apron of the awning only. The Board discussed electronic message centers and decided to delete #12.

Ms. Milton asked about the definition of projected signs. Mr. Frederico provided further explanation and indicated that a business owner cannot advertise on property they don't own.

Fran Bakstran of 76 Cedar Hill Road requested some feedback regarding this amendment. Ms. Connors will provide her with clarification.

Scott Rogers of 26 Tomahawk Avenue commented on the number of non-conforming businesses that these changes will create. He indicated that these changes should be limited and that less is more.

There were no further comments from the Board or the public.

Ms. Martinek indicated that the public hearing will remain open and Planning Board voting will take place at the next meeting. An edited version of the Proposed Zoning Amendments will be available at the next meeting. A decision will be made about who the presenters will be for each Zoning Amendment.

Ms. Milton made a motion to continue the public hearing for the purpose of seeking public opinion on the proposed amendments to the zoning map and sections of the Northborough Zoning Bylaws as presented on the agenda to March 4, 2024, at 6:00 pm; seconded by Mr. Ziton. Roll call vote: Milton – aye; Poretsky – aye; Pierce – aye; Ziton – aye; Martinek – aye; motion approved.

ANRs, Lot Releases, Bonds – none.

Discussion of Harrington Lane Public Acceptance Activities

Ms. Connors indicated that the developer wishes to have Harrington Lane accepted as a public way. She explained the process to accomplish the acceptance. She has visited the site and the sidewalk needs to be moved to be within the right of way and not on the lot lines. Some hydroseeding needs to take place. The Board will review Mr. Litchfield's letter and then issue a letter prior to the March 4, 2024, meeting recommending the layout of Harrington Lane be accepted subject to the addressing of (1) the hydroseeding and (2) the correction of the sidewalk bounds that are outside of the right of way.

Consideration of Minutes from December 19, 2023

Ms. Poretsky made some amendment to these minutes. The proposed amendments were reviewed and no further amendments made.

Ms. Milton made a motion to accept the minutes of December 19, 2023, as amended; seconded by Mr. Ziton. Roll call vote: Milton – aye; Pierce – aye; Ziton - aye; Poretsky - aye; Martinek – aye; motion approved.

Next Meetings

Planning Board – March 4, 2024, and then March 19, 2024.

Subcommittee Updates

ZBA – February 27, 2024. The Tradabe matter will be discussed. Then March 26, 2024.

Select Board – March 11, 2024. Harrington Lane will be on the agenda for acceptance of the layout of the road.

MPIC – March 21, 2024

Adjourn

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

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

Respectfully submitted,

Brenda M. DiCeglie, Planning Board Secretary