



# TOWN OF NORTHBOROUGH PLANNING BOARD

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Approved 8/21/18

April 3, 2018  
Planning Board

## Minutes

Members Present: Theresa Capobianco, Chairman; Leslie Harrison, George Pember, Amy Poretsky, Michelle Gillespie

Others Present: Kathy Joubert, Town Planner; Fred Litchfield, Town Engineer; Terry Giannetto, Brian Russell. Keri Martinek, Keith Martinek, Jeff Leland, Tony Abu, James Tashjian, Peter Bemis

### Continued Public Hearing to Consider Proposed 2018 Zoning Amendments

- Section 7-05-010 General Provisions G. Prohibited Uses by adding (3) Marijuana Establishments to be a prohibited use.
- Section 7-05-030, Table of Uses, Table 1, Parts A and B, by adding Marijuana Establishment and Medical Marijuana Treatment Center to be prohibited in all zoning districts and add footnote 9 to Part A and footnote 13 to Part B which prohibits use variances for marijuana establishment, medical marijuana treatment center, or sale of marijuana accessories.
- Section 7-05-020 adding G(7)(g) definition of Marijuana Establishments.
- Section 7-05-030, Table of Uses, Table 1, Part B, by adding Marijuana Establishments to be allowed in HB zoning district and prohibited in DB, BE, BW, BS and I zoning districts and Marijuana Social Consumption Operations to be prohibited in DB, BE, BW, BS, HB and I zoning districts.
- Section 7-10-080 adding new section for Marijuana Establishments.
- Section 7-05-030, Table of Uses, Table 1, Part A, by adding Two-family dwelling to be prohibited use in the RA and RB zoning districts and an allowed use by Special Permit from Planning Board in RC, GR, MSR and DN zoning districts.
- Section 7-05-030, Table of Uses, Table 1, Part A, Two-family dwelling, by deleting existing language of footnote 3 and replacing with new language for footnote 3.
- Section 7-03-060, Design Review, add B(e) to read In the RC, GR, MSR and DN districts, any special permit application to the Planning Board for a two-family dwelling.

- Section 7-06, Density and Dimensional Regulations, Table 2, amend table by inserting 35 in the column labeled Maximum Height, Feet, for the RA, RB, RC, GR, MSR and DN districts.
- Section 7-06, Density and Dimensional Regulations, Table 2, add reference to new footnote 3 next to each of the following district abbreviations: RC, GR, MSR and DN and add new footnote 3 below the table to read See Sec. 7-06-030(J)(5) for lot regulations that apply to two-family dwellings.
- Section 7-06-030(J), add new subsection 5 pertaining to new minimum lot areas, minimum lot frontages, minimum lot widths, and minimum yard setbacks for two-family dwellings in the RC, GR, MSR and DN districts.
- Section 7-03-050 Site Plans C. Site Plan Approval (4) by deleting reference to (B)(2) and replacing it with C(2)(b).

Chairman Capobianco reviewed the public hearing process. Proposed recreational marijuana bylaws will be reviewed first followed by two-family dwelling unit proposed bylaws.

**Recreational marijuana:**

Brian Russell, 10 Hillside Road – questions the definition of “accessory” and believes it is too comprehensive for the bylaw.

Terry Giannetto, 5 Gates Lane – supports prohibition of recreational marijuana.

Kerry Martinek, 16 Hemlock Drive – questioned if people would be allowed to use medical and recreational marijuana in their homes if the bylaw prohibiting recreational and medical is approved at town meeting. Chairman Capobianco confirmed with Ms. Joubert that people will be able to use both medical and recreational marijuana in the privacy of their own homes despite the outcome of the bylaw.

Amy Poretsky asked if recreational marijuana could be changed to “by special permit” in the Highway business vs. permitted. She was told that change could not be made.

**Two-family dwelling units:**

Chairman Capobianco explained this is a continuation of the proposed amendment, presented by Attorney James Tashjian on behalf of his client Tony Abu, Abu Construction Inc. from the March 6<sup>th</sup> hearing.

Mr. Abu is opposed to breaking up the continuity and explained the proposed waiver would allow the Board to look at each special permit application individually and in context of the existing neighborhood. He presented examples of existing two-family dwelling units throughout town. Explained there is a lack of continuity in several areas along Route 20 and this is where the waiver would make sense. Appropriateness of the sight needs to be taken into account.

Mr. Tashjian explained the changes he made in the proposed language from March 6<sup>th</sup> to tonight. The suggested revised waiver would read: The Planning Board may approve a waiver to reduce the minimum lot frontage and minimum lot width to 100 feet by special permit upon a determination that it would not be detrimental to the neighborhood, would be appropriate with respect to the surrounding properties and activities, and would not disturb any consistency of the of the neighborhood.

Ms. Poretsky stated she is opposed to this waiver as the planning board had worked with a consultant on these bylaw changes and at the last minute they are being changed and practically being reversed back to what they were originally. She also questioned why the developers were allowed to make a change to the warrant article during the public hearing but when she asked to make a change to the recreational marijuana bylaw she was told that it was not allowed.

Jeff Leland, 22 Pleasant Street – stated he is in favor of the proposed waiver language. With the ability for a frontage waiver, fewer people will have to come before the Zoning Board of Appeals. This grants more authority to the Planning Board to look at the proposals comprehensively.

Keith Martinek, 16 Hemlock Drive – questioned why duplexes need to be allowed at all.

George Pember made motion to approve the waiver language and include it with the two-family articles for town meeting, second by Leslie Harrison, four members in favor, one opposed.

George Pember made motion to close the public hearing, second by Leslie Harrison, all in favor.

**Motions for Town Meeting:**

Michelle Gillespie will read the motions for the general and zoning articles for recreational marijuana and the motion to allow recreational marijuana.

George Pember will read the motions for the two-family and site plan articles.

Kathy Joubert will make the presentations for the articles.

**Continued Public Hearing RE: Special Permit and Site Plan Approval for 172 Bearfoot Road**

Applicant: Stephen Macdonald Construction Inc.

Engineer: Engineering Design Consultants, Inc.

Date Filed: January 11, 2018

Decision Due: 90 days from close of hearing

Peter Bemis reviewed the revised site plan and the Town Engineer review letter dated April 3, 2018.

Kathy Joubert stated the Design Review Committee reviewed and approved the design of the site and the buildings.

Public hearing was closed.

Leslie Harrison made a motion to approve the Special Permit and Site Plan with conditions as outlined in the Town Engineer's letter, second by George Pember, all in favor.

**Votes on Proposed Zoning Amendments:**

Article 35 – Michelle Gillespie made the motion to support the article related to the site plan language correction, second by George Pember, all in favor.

Article 37 – Michelle Gillespie made the motion to support the article prohibiting recreational and medical marijuana, second by Amy Poretsky, four in favor, one opposed.

Article 38 – Michelle Gillespie made the motion to allow recreational marijuana in the Highway Business district, second by Leslie Harrison, all in favor.

Article 39 – Michelle Gillespie made the motion to support the two-family article, second by George Pember, all in favor.

**New/Old Business**

Bond reduction for Sterling Court:

- Chairman Capobianco recused herself from this discussion and vote.
- Reduce from \$55,000 to \$17,000.
- Michelle Gillespie made motion to reduce the bond to \$17,000, second by Amy Poretsky, four in favor.

Master Plan Steering Committee (MPSC) Update:

- Ms. Joubert, Mr. Pember, and Ms. Poretsky attended the March 22, 2018 Master Plan Steering Committee meeting and provided summary of the meeting.
- Fran Bakstran was voted chairman and Rick Leif was voted vice-chairman.
- Next meeting will be May 3, 2018.
- Planning Board members discussed retaining George Pember as one of the representatives on the MPSC. All agreed to retain George Pember as the Planning Board rep on the MPSC.

Minutes for October 17, 2017 and January 16, 2018 were reviewed and approved.

Submitted by,

Kathy Joubert  
Town Planner