



TOWN OF NORTHBOROUGH PLANNING BOARD

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Planning Board

Zoom Meeting Minutes

November 1, 2022

Approved December 6, 2022

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

Members Absent: None

Staff Present: Laurie Connors (Town Planner); Fred Litchfield (Town Engineer)

The Chair opened the remote meeting at 6:00 p.m. and made the announcement that this open meeting of the Northborough Planning Board is being conducted remotely pursuant to Chapter 22 of the Acts of 2022, An Act Relative to Extending Certain COVID-19 Measures Adopted During the State of Emergency, signed into law on July 16, 2022. All members of the Planning Board are allowed and encouraged to participate remotely. The Act allows the Planning Board to meet entirely remotely so long as reasonable public access is afforded so that the public can follow along with the deliberations of the meeting. The public is encouraged to follow along using the posted agenda unless the Chair notes otherwise. Members of the public who wish to view the live stream of 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 not feature public comment.

Member and Staff roll call was taken: Bill Pierce, Amy Poretsky, Anthony Ziton, Millie Milton, Kerri Martinek; Laurie Connors, Fred Litchfield

Continued Public Hearing for 180 Bearfoot Road Special Permit with Site Plan Review

Applicant: Madelyn Properties, LLC

Engineer: WDA Design Group

Application Filed: April 22, 2022

Decision Due: 90 days from close of hearing

The applicant submitted written notice to withdraw the application. Mr. Pierce made a motion to accept the withdrawal without prejudice for 180 Bearfoot Road Special Permit with Site Plan Review Mr. Ziton seconded; roll call vote: Pierce-aye; Poretsky-aye; Ziton-aye; Milton-aye; Martinek-aye; motion approved.

Continued Public Hearing for 317 Crawford Street Site Plan Approval for site disturbance of 42,500 sf of land area

Applicant: Vadim Lozko

Engineer: Goddard Consulting, LLC

Date Filed: September 2, 2022

Decision Due: 90 days from close of hearing

An email was received from Mark Arnold (Goddard Consulting) to continue the hearing. Mr. Pierce made a motion to continue the public hearing for 317 Crawford Street Site Plan Approval for site disturbance of 42,500 sf of land area to December 6, 2022 at 6:00 p.m.; Mr. Pierce seconded; roll call vote: Pierce-aye; Poretsky-aye; Ziton-aye; Milton-aye; Martinek-aye; motion approved.

Old/New Business:

Consideration of Minutes from September 20, 2022 and October 4, 2022 – Mr. Pierce made a motion to accept the September 20, 2022 Minutes as amended; Ms. Milton seconded; roll call vote: Pierce-aye; Poretsky-aye; Ziton-aye; Milton-aye; Martinek-aye; motion approved. Ms. Poretsky made a motion to accept the October 4, 2022 Minutes as amended; Ms. Milton seconded; roll call vote: Pierce-aye; Poretsky-aye; Ziton-aye; Milton-aye; Martinek-aye; motion approved.

Continued Discussion of potential Zoning Bylaw amendments for 2023 Town Meeting:

Additional new zoning articles are:

Zoning Bylaw Section 7-06-030, Table 2. Table of Density and Dimensional Regulations

A dimensional chart will be added with lot coverage requirements. Lot coverage involves all structures which are swimming pools, sheds of 120 s.f. or more, and foundations of homes; it does not include paved areas. Ms. Connors' recommendation for zoning districts with a minimum lot size of one acre or more is to have a lot coverage of 25%. In the smaller districts with a lot size of 20,000 s.f., a lot coverage of 30% was recommended. It would apply to whether you are doing a duplex, multi-family, or whether doing a single-family home.

Zoning Bylaw Section 7-09-030, Off-street parking and loading. B.(1)(a)

(c) No driveway shall be maintained within five (5) feet of a side lot line will be added. Ms. Poretsky suggested removing the word "maintained"; it will be taken out. She also wanted to add after 'no driveway', "or parking". Ms. Connors will check the Rules and Regs; there may already be a requirement that no parking is allowed within the side lot line.

Zoning Bylaw Section 7-09-040, Signs. B. The following definitions will be included:

(12) EXTERNALLY ILLUMINATED SIGN – a sign which utilizes an external and stationary light source which is shielded and directed solely at the sign. (19) INTERNALLY ILLUMINATED SIGN – A sign that is illuminated by a light source internal to the sign. Internally illuminated signs include signs which utilize translucent panels.

Ms. Martinek asked what the point of the definitions would be if they didn't have a designated place such as the Table of Uses. Ms. Connors said it would be to make the first step towards going back next year and designating a specific location. Ms. Poretsky said she didn't create the table for the Sign Bylaw because it's very confusing. She would like to review it with the Design Review Committee and bring back suggestions to the MPIC and/or the Planning Board. Mr. Pierce said the Board has brought up sign changes in the past two years; when there are too many changes people get confused, which is why he suggested only making the two definition changes. It needs to be done in multiples so people will understand what the Board is trying to do. There will be no chart or wall sign percentages this year.

Zoning Bylaw –Re-Zoning 167 Main Street (White Cliffs Mansion)

This article is to rezone the White Cliffs property from the Residential C (RC) zoning district to the Business East (BE) zoning district. Ms. Poretsky asked if there was anything in the RFP that if it was rezoned and should there be a fire, that it must be rebuilt the same. Ms. Connors said there will be a Preservation Restriction that goes with the property. Proposals are due December 8th; the White Cliffs Committee will review them and make a decision.

Common Driveway. Ms. Connors said the Board will be reviewing the Planning Board Rules and Regulations where they are proposing changes to the common driveway regulations. They will also be reviewing the Subdivision Rules and Regulations and the design standards of the common driveway.

Residential and Industrial Combination. It would eliminate the ability to have a mill owner on the same property as an industrial building; that applied with the contractor's yard. Ms. Connors doesn't like to see residential and industrial uses on the same parcel because she believes them to be inherently incompatible. The board was in favor of it; Ms. Connors will prepare it for the next meeting.

Multi-Family Overlay. Ms. Connors said the Board will not be ready for a public hearing in January but can continue to work on it. The Board has until December 31, 2024 to complete it and there are technical assistance hours available through the state.

Ms. Martinek asked how we wanted to use LPA hours; there is a balance of 17 hours that would have to be applied for no later than March 31st. Mr. Pierce said possibly the Traffic and Safety Committee could use some hours. Ms. Connors said they discussed with Weston and Sampson a possibly traffic study along Route 20. MassDOT would be interested in knowing what the traffic counts are if we talk with them about making some changes along Route 20 to make it more pedestrian friendly; LPA hours could be used to offset the cost.

Minimum Area for Groundwater. Ms. Connors and Mr. Litchfield will work on the complicated bylaw.

Ms. Martinek would like to work on definitions for light industrial. Ms. Connors had a concern because there are a lot of uses under that definition and suggested possibly creating a heavy industrial zone. Ms. Martinek said heavy uses are getting into the light industrial classification and if it's getting included in that definition because it doesn't fit anywhere else, is there a better spot for that. Ms. Connors will think about it and the Board can discuss it another time.

Ms. Martinek said the Board had discussed the Groundwater Advisory Committee to try and figure out the future role of the Committee. They talked about either the composition of the Committee or the jurisdiction of the Committee and wanted to hear Mr. Litchfield's opinion of the Committee's value. Mr. Litchfield explained that the Committee is made up of one member from 5 different boards and committees and those members bring forth those perspectives. The original intent was that they would bring forth the perspectives and expertise gleaned from serving on those boards and committees, not so much provide technical expertise. It takes several years of being on the GAC in order to get a feel for all the different things to watch out for. He believes it's a good idea to have the Committee and thinks the current composition works well. He wouldn't change the makeup. Ms. Martinek asked if they were bringing helpful advice or expertise. He said they do. For instance, the Selectmen and Board of Health bring a business mind, Conservation has the wetlands perspective, Water & Sewer have their own perspective that is valuable beyond what Mr. Litchfield does; he reviews drainage calculations and tries to make sure the proper safeguards are in place. The GAC is more of a worst-case scenario committee. More heads are better for identifying hazards and measures to mitigate or prevent a potential failures.

Ms. Martinek said other advisory committees are chosen by their expertise in the area. She asked if a specific expertise would be valuable for membership on the GAC. Mr. Litchfield said the bylaw was

adopted in 1986. We would need to check with Town Counsel to see if the bylaw can be altered without affecting the way it was adopted through the state requirements. Ms. Martinek asked if other towns had this Committee. Mr. Litchfield said not necessarily a committee but they do have Aquifer Overlay Protection Districts in their zoning bylaws.

Ms. Martinek pointed out that Mr. Litchfield does the bulk of the work; he is the expert. Perhaps the GAC should be made up of technical experts similar to the Design Review Committee? Mr. Litchfield responded that it is more important for Design Review Committee members to have technical expertise because that expertise is not currently held by staff. He didn't think it was necessary to have engineers on the GAC because there is an engineer on staff. The members' service on the Board of Health, Conservation Commission, Water & Sewer, Planning Board, and Board of Selectmen gives the GAC a broad perspective. Ms. Milton asked if any of the members ever completely disagreed with his evaluation. She thought reading a stormwater report would be something they would not comprehend and that is 90% of the basis of the groundwater evaluation. Mr. Litchfield pointed out that GAC is the only Committee that looks at what goes on inside the building.

Ms. Poretsky and Mr. Ziton were asked if there were conversations among Committee members that were helpful in producing better recommendations for the Planning Board. Mr. Ziton said the review is thoughtful enough and felt it didn't hurt to have an extra set of eyes and talents. Everybody goes in the direction of the calculations that Mr. Litchfield prepares and relies on what Mr. Litchfield advises. He thinks this discussion came because of the way the decisions were previously presented and recorded and used against other boards, he felt this has been resolved; it now says if the SPGA wants to approve it, apply these conditions. Ms. Martinek said in some cases, the applicants were frustrated by having to go before both the GAC and Planning Board regarding the same issues. Mr. Litchfield said the GAC never referred to themselves as experts. The decisions and recommendations he prepares for them are at their direction. If the applicant is irritated that they have to explain it the project more than once, so be it; it's clear to the applicant when they come before GAC.

Ms. Poretsky felt that if the GAC is relying on Mr. Litchfield's memo, why couldn't it go directly to the Planning Board? Mr. Litchfield replied that as technical expert, he reviews the MSDS sheets but the GAC reviews the recommendations, what goes on inside the building, laboratory space, floor drains inside the building, where deliveries come in, loading docks inside where chemicals get dropped off, how chemicals get from the parking lot into the building, truck washing, refueling.

Ms. Martinek said she can see the value of the review coming straight to the Planning Board, but is not looking to eliminate a resource Mr. Litchfield feels is valuable. Mr. Litchfield recommended asking the represented boards and committees for their feedback. Mr. Ziton said it would be a cleaner approach having it go directly to the SPGA; it will save the applicant an extra step. Ms. Milton somewhat agreed to streamlining. Mr. Pierce can see the streamlining piece but his concern is that Mr. Litchfield, who is the expert, sees a benefit from the GAC. Ms. Poretsky didn't recall septic issues being discussed when she was on the Committee. Ms. Martinek asked the members to listen to a GAC meeting before the next Planning Board meeting and they can discuss it again.

Discussion of potential amendments of Planning Board Rules and Regulations:

Common Driveway Regulations, 6.2: A. was revised to include "NAD 83 and NAVD 88".

D. "All buildings, driveways and utilities within 200 feet of the subject property along the frontage street" was added.

E. The driveway profile was added.

F. To see the grades of the streets as they intersect with the common driveway was added.

Site Plan Regulations, C.(4) was revised to better understand what was being done with the utilities. (7) was revised to include the NGVD datum.

(17) was replaced with updated information. Mr. Litchfield explained that the Land Clearing Permit and Stormwater Permit are two different permits. The Land Clearing Permit is to eliminate applicants from clear cutting land and bringing fill in or out without site plan approval or any other permit. It's triggered when someone is doing work on a project and doesn't have Conservation approval or an Earthwork Permit and it's more than 20,000 square feet. The Land Disturbance Permit that the Conservation Commission administers is for projects that are more than one acre. Mr. Litchfield said they are looking to make it even more clear to the applicant that single-family projects and those with less than four units are not exempt and they have to meet all the stormwater requirements.

(20) was added to include signage information as part of the site plan review package.

(21) was added to include existing and proposed on-site locations of snow storage areas

D.(1)(a) was revised to include accident data, and that the traffic study can be no older than 12 months.

Standards: C. Stormwater was revised make it clearer that the exemptions in the Mass DEP Handbook don't apply to the projects that the town requires a permit for.

The process is to hold a public hearing to modify the Planning Board Rules and Regulations; the board can then adopt them; the changes do not have to go to a town meeting.

Mr. Litchfield said he spoke with the DPW Director that day about creating a 53G account for construction site overview. Ms. Connors said it is provided for in the "Procedures" section of the Rules and Regulations. Mr. Litchfield asked the Board to implement it. Ms. Connors would like to include a Technical Review Fee in the Fee Schedule. Ms. Martinek would like to include submission timelines for receiving documents before a hearing; she felt it was not fair for staff or the Board to receive/review materials the day of the hearing. Ms. Connors asks for materials by noon the Tuesday before the hearing. She felt that was reasonable for the Board to expect deliverables from both herself and Mr. Litchfield on the Friday before the Planning Board meeting, but would like flexibility dependent upon the size of the project. The public hearing was scheduled for December 6th.

The Master Plan Implementation Committee Meeting is scheduled for November 17, 2022. They will meet with Weston & Sampson, who will update the Committee on their work over the last month.

ANR showing Lot Line Change: 41-43 Hudson Street/47 Hudson Street – The above-ground swimming pool was installed on the abutting neighbor's property; they would like to acquire that piece of land. Having no issues, Mr. Pierce made a motion to endorse the ANR plan for 41-43 Hudson Street/47 Hudson Street; Mr. Ziton seconded; roll call vote: Pierce-aye; Poretsky-aye; Ziton-aye; Milton-aye; Martinek-aye; motion approved.

Subcommittee Updates – Mr. Pierce said the Open Space Committee met and discussed the Senior Center ADA Trail; they're moving forward on it. They want to use CPC funds for a feasibility study for the Aqueduct bridge and the multi-use trail from Westborough to Berlin. Ms. Connors submitted two CPC applications; one was for the Senior Center ADA trail, the other for the Dog Park.

Upcoming Planning Board Meetings are scheduled for November 15th and December 6th. The next ZBA Meeting is scheduled for November 22, 2022. The 80 Main Street project for which the Board submitted a letter was continued to that meeting.

Ms. Milton made a motion to adjourn; Ms. Poretsky seconded; roll call vote: Pierce-aye; Poretsky-aye; Ziton-aye; Milton-aye; Martinek-aye; motion approved.

The meeting was adjourned at 8:30 p.m.

Respectfully submitted,

Melanie Rich
Board Secretary