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TOWN OF NORTHBOROUGH PLANNING BOARD

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Planning Board

Zoom Meeting Minutes

November 14, 2023**Approved as Amended December 19, 2023**

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

Staff Present: Laurie Connors, Northborough Planning Director, Robert Frederico, Northborough Building Inspector

Others (Remotely): Ken Bishop (owner of parcels), Greg Littell and Jeremy Lake of Union Studio, and Tom Reardon, consulting architect, of N B Realty Trust

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 are 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 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 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.

The meeting began at 6:00 pm.

Preliminary Discussion with Ken Bishop and Union Studio Regarding Development Concept for the Properties at 0 Hudson Street, 56 Hudson Street, and a 13.4 acre parcel abutting River Street and the Assabet River

Mr. Reardon provided introductory comments to the Board. This project would be considered an extension to Scenario 2 of the Downtown Revitalization Plan developed for the Master Plan Implementation Committee which involves the Harvey property along Main Street. The parcel being discussed abuts the Harvey property along Cold Harbor Brook Road and the Assabet River.

Mr. Lake explained the plan to the Board and explained the location of the parcels and their existing conditions. Mr. Littell explained the plan for the vacant land. The development project would consist of 3 multiplexes and seven 2 ½ story multi-family buildings with 9 or 10 units each. A large portion of the property would be conservation land with hiking trails. They discussed the character of the proposed units and what might be feasible on the site. He spoke about revamping the brick building currently used as offices for Matec as a mixture of commercial uses, creating a River Walk and parklet. Mr. Lake indicated that the industrial portion of Matec would remain in business use on site. He reiterated that this plan is not for approval but merely to show the possibilities should his land be included within the MBTA multi-family district.

The Planning Board addressed several questions to Mr. Bishop regarding the proposed development of these parcels as well as the trails, parking and kayak access and their maintenance as well as uses for the current brick building which is currently zoned Downtown Neighborhood. Ms. Poretsky indicated that if this building were opened for MBTA use, it could be used as mixed use. The installation of sidewalks was also discussed.

Discussion of 2024 Town Meeting Zoning-Related Articles including MBTA Multi-family Bylaw

Ms. Connors explained the draft MBTA Bylaw and showed the Option #1 and Option #2 scenarios and what land they contain. There was some discussion including the calculations and inclusion of wetlands and the creation of an Option #3, which could include the 42-acre Avalon development and the Hudson Street parcels previously discussed. The Board discussed what could be included in the calculations as acreage for the MBTA communities.

Ms. Martinek asked the Board members for feedback regarding the above options or an additional Option #3. Ms. Poretsky explained the problems associated with adding the Harvey property. The Board discussed what schools would be effected by multi-family development and how it would effect the neighborhoods.

Ms. Connors gave a history of the rezoning in Downtown Northborough. The Board discussed the effect of high density rezoning on the community. Ms. Connors indicated what the state is mandating. The Board needs to decide where the housing will be added. She indicated that the State may not allow Avalon to be included in the district. The DHCD will review the bylaw, to ensure it is acceptable to them, prior to the Town Meeting vote. Ms. Connors would submit this once the filing is acceptable.

Discussion of Zoning By-law Amendments

The Board moved forward with the discussion of Option #2 amendments as it includes the downtown area. Ms. Connors presented the changes to the bylaws in some detail, especially concerning Use Regulations and Density and Dimensional Regulations. Ms. Poretsky indicated that she had several small changes. She has a listing of uses from the State which she will send to Ms. Connors.

Ms. Connors explained the changes to Paragraphs A. and E. in general. She added principal uses in Paragraph E. (1) and accessory uses on Paragraph E. (2) Ms. Connors indicated that she would make the change suggested by Ms. Poretsky concerning accessory uses appropriate to multi-family dwellings. Ms. Martinek commented that a clause indicating “no use variances are allowed” should be included.

F. Density and dimensional regulations.

Ms. Connors explained the density and dimensional regulations charts for the Southwest Connector (Avalon). The Avalon buildings conform to the newly drafted chart.

Ms. Connors also drafted and explained her chart for the Downtown Multifamily Development Sub-District. This language is only in Option #2. She used the Residences at the Mill as an example of adaptive reuse of an existing building. Ms. Poretsky made some suggestions for changes, including requiring mixed use in multi-family developments in the downtown, Blake Street area. Ms. Connors expressed concern about mandating retail in locations where there is no traffic (i.e. buildings located behind those along the street frontage). There was discussion regarding the wisdom of including Blake Street and Hudson Street

within the Overlay District. Ms. Connors indicated that it would be appropriate to include the parcels on Blake Street but she needs direction about what to include.

Ms. Poretsky suggested creating one overlay district bylaw subsection with housing only and one subsection for mixed-use. The Matec building could be mixed use but not the housing on the 14 acres. Mr. Pierce was concerned about mixed-use buildings having empty storefronts.

Ms. Connors suggested that in the Design Standards, she could mandate that buildings along the street frontage must include mixed-use. Buildings that are further in would not need to be mixed use. A discussion regarding differing hours of occupancy for residential uses and commercial uses ensued. Ms. Connors explained the use of the parking spaces by both mixed use and residences. The Board discussed possible inclusion of Blake Street into the Overlay. Mr. Pierce and Ms. Milton did not want to include Blake Street. Ms. Connors indicated that a benefit of including the Harvey parcel in the Overlay is that frontage along both Hudson Street and Main Street could be used for mixed use and a roadway could be created that links Route 20 to Hudson Street. The interior of the parcel would be used for multi-family housing, recreation and green space. The Board discussed parking requirements and growth in this area.

Mr. Pierce expressed concern about commercial buildings on Hudson Street due to traffic and parking concerns. Ms. Connors indicated that the parking lot would be within the parcel. Ms. Poretsky suggested that both the Harvey parcel and Hudson Street should not be included together because of the amount of growth. Ms. Milton agreed. Discussion was had regarding Hudson Street vs. the Harvey lot.

Ms. Connors suggested that once the Bylaw has been finalized, she can submit it to the DHCD for evaluation and preliminary approval. That way, if there is a problem with the Bylaw, it can be corrected before Town Meeting. The penalties for non-compliance with the MBTA Community By-laws were discussed, including loss of grant money and litigation. Ms. Connors said she would forward the list of grants that would be impacted by noncompliance. The Board discussed the possible failure of the MBTA and its repercussions. The deadline for submittal for Northborough is December 2024.

Ms. Poretsky asked about the feasibility study for affordable housing. The kickoff meeting is next week. Ms. Connors stated that RKG is the consultant that has been assigned to us from the MA Housing Partnership.

G. Affordable Housing

Ms. Connors applied for technical assistance from the Mass Housing Partnership to help with the analysis of affordability within the town to see if we could increase the 10% set aside. She explained the requirement for affordable units in projects at 10% for moderate income families. An analysis needs to be done to demonstrate that you would not be making developments unaffordable to build by mandating greater than 10% of affordable units. Ms. Connors indicated that she would verify what 80% AMI was. Ms. Connors reminded the Board that the State isn't requiring the Town to develop but only to set the stage for development.

Ms. Connors explained the Affordable Housing and Design Standards bylaw amendments.

H. Design Standards

Ms. Connors explained that Design Guidelines are discretionary, but Design Standards are mandatory. She added Design Standards for buildings, walkways, curbing, lighting, off-street parking, and common open space.

Mr. Pierce had a concern about the 40% minimum common open space set aside being excessive. Ms. Connors indicated that an analysis of the subdistricts cannot be completed until the parcels are selected. Ms. Connors indicated that the Planning Board can opt to waive anything within the bylaw for good cause.

The Board discussed Southwest Connector as a possible subdistrict. Amenities were discussed.

The Board discussed the parameters of how to obtain grants for downtown revitalization activities. Ms. Connors indicated that there is grant money associated with MBTA district designation. Ms. Martinek speculated that with Option #1, the town would not be able to get any grants for downtown revitalization. Ms. Connors indicated that including Hudson Street parcels would position the Town for grants.

Ms. Poretsky will send Ms. Connors her changes and if the other members of the Board have changes, Ms. Connors asked that they be forwarded to her so they can be incorporated into the Bylaw Amendments.

ARTICLE: Zoning Map Re-Zoning Industrial District off Southwest Connector

Ms. Connors explained that this encompasses the entire Industrial District off Southwest Connector and involved re-zoning the area to Highway Business. Her efforts to speak with the owner of the gravel pit have been unsuccessful to date. The Commercial South Storage Facility is not a permitted use within the Highway Business District but it would be grandfathered. The Board discussed changing the name of the Highway Business Zone to Highway Business Southwest so as to ensure that adult entertainment uses and other undesirable uses are not allowed at Northborough Crossing. Ms. Connors suggested and Ms. Poretsky agreed to send her the uses that she would like to include for a new zone. Discussion was had amongst the Board members regarding desirable uses. Ms. Connors indicated that if this area was rezoned, she would like to delete the Major Commercial Overlay District as it would be redundant.

ARTICLE: Zoning Bylaw Section 7.07.01.10- Groundwater Overlay District

Ms. Connors spoke with Mr. Litchfield about the changes and she is waiting for him to send a comment letter. She explained the proposed amendments to the Board and the types of benign uses that are required to obtain special permits from the ZBA today. Ms. Connors suggested including more benign commercial uses as “by-right uses” such as Personal Service (spa or hair salon) in Area 3. These uses do not involve the use of toxic and hazardous materials above normal household use. She explained that by-right commercial uses don’t have to go before the ZBA for a special permit, however, they still have to demonstrate compliance with stormwater runoff, impervious surface and septic system requirements. Staff would verify conformance with these requirements. Anything that was hazardous or toxic would still need to go before the ZBA for a special permit.

There was an in-depth discussion concerning the changes as they apply to Groundwater Area 3. Ms. Connors discussed the impact of different items on the groundwater. She explained that the traditional high-density downtown made possible by the 2009 Zoning amendments is actually impossible because of the mandatory upsize in the minimum lot size requirement required within Area 3. Ms. Martinek questioned the uniformity of the current downtown area.

Next, she discussed a proposed amendment to add two-family and multifamily dwellings to the list of by-right uses within Groundwater Area 3 and eliminate the mandatory increase in minimum lot size to 20,000

square feet. Currently, the minimum lot size requirement for the construction of two-family dwellings is at least 20,000 square feet in all districts where they are allowed. This change would only impact multi-family developments in the Downtown Neighborhood and Downtown Business Districts where the minimum lot size requirements are 10,000 and 4,000 square feet, respectively. There was discussion concerning the amendments.

Commercial vacancies and the lack of new development were discussed. The Board discussed the pros and cons of redeveloping the downtown area as a high-density area and the current configuration of parking. Ms. Connors explained the challenge of redeveloping nonconforming lots with less than 20,000 square feet. Mr. Pierce expressed support for the amendments. Ms. Connors explained that the reason for the mandatory 20,000 square foot lot size requirement is to accommodate septic systems, but the entirety of the Downtown Neighborhood and Downtown Business Districts have access to public sewer so the large lot sizes are unnecessary.

There was an in-depth discussion of whether businesses were hooked up to public sewer and water in the downtown area, and the wisdom of streamlining the approval process.

Ms. Martinek indicated that she would like to see a copy of the Downtown Revitalization Plan. Ms. Connors indicated that the MPIC has not authorized release of the document at the current time because it is in draft form.

Regarding the next Bylaw, Ms. Connors would combine the two.

Outdoor Lighting

Ms. Poretsky suggested this amendment. Ms. Connors indicated that it would apply to any development triggering site plan approval. This requirement is always asked for as a condition and if it is in the Bylaw, the condition would be unnecessary. She also suggested an amendment regulating metal buildings on Main Street. There was discussion of where metal buildings should be prohibited or whether metal buildings should be allowed at all. Ms. Poretsky questioned where this amendment should be placed and for what zones.

Signage

Mr. Frederico commented on the amendment that signs over six square feet go before Design Review Committee. He stated that this interferes with the 30-day deadline for issuance of a Building Permit. He also made a comment regarding the review of signs by the Design Review Committee. The Design Review Committee is an advisory board and unless something is written into the Zoning Bylaw giving them approval authority, the Building Inspector cannot enforce it. He sent out comments earlier in the day and requested that his comments be reviewed.

Ms. Poretsky went through her proposed amendments. Mr. Frederico commented on the amendments. Ms. Poretsky indicated that the updates were from 2 years ago. Mr. Frederico posed questions regarding the definitions of flags and banners. There was discussion regarding signs on gas canopies. Ms. Poretsky is going to provide the sign bylaw and sign guidelines to the Design Review Committee for review. Mr. Frederico indicated that he is unable to enforce design guidelines.

Ms. Connors suggested uniformity of signs and the making of signs in the downtown area subject to special permit to give the Town control over the signs in the downtown area. Ms. Poretsky and Mr. Frederico discussed sign damage.

Discussion was had regarding advertising on signs and in windows and their limitations. The advertising must be limited to the name of the business. Mr. Frederico asked how this could be enforced.

Mr. Pierce suggested the number of amendments be limited so that the changes are passed. Ms. Connors suggested initially focusing on the downtown area only.

Ms. Martinek suggested that the signage amendment go back to Design Review Committee for further investigation and changes. The Board discussed gas station signs and the Lion Club's sign in the downtown business area. Mr. Frederico indicated that the inspection sticker signs and the signs that are on the gas pumps are by-right signs. He was unsure of the electronic free-standing signs. There was discussion about free-standing signs, sandwich boards, and window signs.

Use Variance By-Law

Ms. Martinek discussed Use Variances. She suggested adding the Warrant Article to prohibit the grant of Use Variances. Ms. Martinek will email the changes to the Board members. Use Variances should be only in accordance with the following criteria: soil conditions, shape and topography and they aren't being granted properly. Mr. Frederico indicated that if no use variance restriction is passed, the Town will not be able to take advantage of any unique opportunities that come their way.

Warehouse By-laws

Ms. Poretsky suggested that the Town should have definitions for warehouses. Ms. Martinek suggested this be reviewed at next meeting. Ms. Poretsky will send the definitions to Traffic & Safety and to the Board Members.

Timeline for Construction

Ms. Poretsky suggested that a construction timeline be created so that building permits can be enforced if projects remain incomplete. Mr. Frederico suggested that a performance bond be accepted to ensure that project is completed. Ms. Connors indicated that performance bond doesn't give the town the authority to use the bond to hire a vendor to complete the outstanding work on private property. She suggested a temporary Occupancy Permit be given with conditions and a bond be given as a performance guarantee, and it be project specific. This would only be done for small issues that remain outstanding. If there are large outstanding items the occupancy permit won't be given.

Minutes for August 1, 2023

Mr. Pierce made a motion to accept the August 1, 2023, minutes, as amended; Mr. Ziton seconded the motion. Roll call vote: Poretsky – aye; Pierce -aye; Milton-aye; Ziton-aye; Ms. Martinek abstained as she was absent for the meeting; motion approved.

Minutes for September 5, 2023

Ms. Milton made a motion to accept the September 5, 2023, minutes. Ms. Poretsky seconded the motion. Roll call vote: Poretsky – aye; Pierce -aye; Milton-aye; Ziton-aye; Ms. Martinek abstained as she was absent for the meeting; motion approved.

Minutes for September 19, 2023

Mr. Ziton made a motion to accept the September 19, 2023, minutes. Mr. Pierce seconded the motion. Roll call vote: Poretsky – aye; Pierce -aye; Milton-aye; Ziton-aye; Martinek- aye; motion approved.

Agenda for Next Meeting:

The next meeting of the Planning Board will be December 5, 2023.

Application for the Dog Park
Application for an Abandoned Wireless Facility on Ball Street
Modification of Phasing Plan for 200 Bartlett Street
Bylaw Discussion

Zoning Board of Appeals Updates for November 21, 2023:

Ms. Connors anticipates receiving an email from Motel 6 to withdraw their application and replace their septic system.

A decision will be rendered regarding 129 Maple Street.

Adjournment

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

The meeting was adjourned at 9:56 p.m.

Respectfully submitted,

Brenda M. DiCelle,

Board Secretary