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By Karen Wilber at 9:54 am, Dec 08, 2022

TOWN OF NORTHBOROUGH PLANNING BOARD

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**Planning Board
Zoom Meeting Minutes
November 15, 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 (Planning Director)

Others (Remotely): None

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.

The first item on the agenda is an Executive Session. Amy Poretsky made a motion to go into Executive Session pursuant to M.G.L., Chapter 30A, Section 21, Subsection 3 (Litigation) regarding land use litigation: The Guttierrez Company v. Northborough Planning Board, Land Court Case No. 21 MISC 000046; The Guttierrez Company v. Northborough Planning Board, Land Court Case No. 21 MISC 000380, due to the Chair's determination that an open meeting may have a detrimental effect on the litigating position of the Planning Board and/or the Town. When the Executive Session is over, the Planning Board will return to Open Session. Millie Milton seconded; roll call vote: Pierce-yes; Poretsky-yes; Milton-yes; Ziton-yes; Martinek-yes; motion approved.

The Board returned to regular session at 6:58 p.m.

Old/New Business:

Continued Discussion of Potential Zoning Bylaw Amendments for 2023 Town Meeting: Discussion of Multi-Family Zoning Requirements for MBTA Communities – Draft guidelines came out in the spring; finalized guidelines came out in August. Jane Wyrick (CMRPC) was in attendance to inform the Board about the changes to Chapter 40A regarding the requirement for MBTA communities to create a by-right multi-family district. She said DHCD received many comments on the draft;

revisions were made. The unit capacity for adjacent communities is 10% of existing housing units or 750 units, whichever is greater. DHCD is developing a compliance model to help communities determine multi-family unit capacity and gross density. Technical assistance is available from CMRPC and Mass Housing Partnership. An action plan needs to be submitted by January 31, 2023. Northborough will have until December 31, 2024 to comply with the new law. The next step is to narrow down potential sites and determine whether we want to create a conventional zoning district or an overlay district.

Ms. Connors said that establishment of an overlay district would enable multiple sites to be included that have varying density requirements. For example, the downtown area could have a lower density and the area by Northborough Crossing could have a higher density. The key is that the combined density of the district must be at least 15 units per acre. The 77 Main Street property that currently houses dumpsters might be better used for multi-family homes. 56 Hudson Street could be a possibility; combined with 0 Hudson Street would be 25 acres of land. To create a more pedestrian-friendly downtown, having additional multi-family homes within walking distance would provide the customer base needed to support the businesses. Blake Street, Pierce Street, and part of Hudson Street are within the focus area of the downtown revitalization project. Another possible location near Northborough Crossing is the ballfields at 353 Southwest Cutoff. The property owner is interested in building multi-family homes with luxury units, open space, and small-scale retail. The gravel pit on Route 20 is another potential site; it's the last large area of developable industrially-zoned land. But if it's used for multi-family homes and commercial uses, it won't be available for industrial uses.

Mr. Pierce asked if we only had to zone for it and was told yes. He questioned having an action plan when it's not known what the master plan is. Ms. Connors said that the purpose of the action plan is to show the state that we are working towards compliance, that potential locations are being looked at, and that we are putting together an implementation timeline. Mr. Pierce thought because it was by-right, applicants would not have to come before any board for approval. Ms. Connors responded that she will recommend all projects to have to go through site plan review, which would include design standards. The Board was open to designating a portion of the district in the downtown area and part by Shops Way. Discussion ensued about whether a portion of the built area of Avalon could be included. Ms. Connors will see what can be done with Avalon first. If it's over Avalon, the maximum density of the development could be increased to 15 units per acre. Ms. Connors will contact the attorney for 353 Southwest Cutoff and let him know that the Board is open to hearing about their development concept. The goal is to have everything ready to present at the Spring 2024 Town Meeting.

Ms. Wyrick commented that the districts cannot be age restricted and it's mostly young professionals and retirees moving to mixed use downtown areas.

Recommendations for Zoning-Related Warrant Articles. At the staff meeting today, Ms. Connors said the Board was interested in adopting the Mullin Rule; all appeared supportive. She will provide the information to John Coderre and find out if he will sponsor the article or the Planning Board. The Minimum Area for Groundwater will be discussed at the next meeting.

Ms. Martinek wanted to talk about the definition of light manufacturing. Ms. Connors asked what specific uses she was concerned with and were they problematic across the Board or in only one location of the Industrial District. Ms. Martinek commented on Whitney Street where Steris was being defined as light manufacturing and was within 100 feet of a neighborhood. The Board originally wanted to have

layers/bans for uses within x number of feet of a neighborhood with the use intensity increasing the further away it gets from a neighborhood, but until then we have a definition that's a catch-all bringing in uses from benign to radiation facilities. Ms. Connors read the light manufacturing definition and said she has never seen a definition that protects neighborhoods better than this definition and didn't know how she could improve upon it; the Board does not want to prohibit manufacturing within the Industrial District and she questioned whether the issue was really the definition. There is a lot of protection through the Special Permit criteria and Site Plan Review. The definition is only classifying the use. She encouraged the Board to leave the definition as is. Mr. Pierce asked if they could create a heavy manufacturing definition or radiation facility definition, say it's not allowed, and include it in the Use Table. Ms. Connors said if it's not in the Use Table as being an allowed use, then it's a prohibited use. There is always the interpretation issue. The Zoning Bylaws say that the Zoning Enforcement Officer interprets the Zoning Bylaw. His interpretation is the interpretation that matters by law. The appeal authority for any Building Inspector's interpretation is the ZBA. She doesn't think there is a way to craft definitions that are interpretation-proof.

The Groundwater Advisory Committee issue will be discussed at the next meeting, but there was brief discussion about using an expert when there is a big project with, e.g., traffic impacts.

Rules and Regulations. **Design Review** B.(1)(a) "buildings and properties" were added. (b) "including utilities such as boxes, meters and hookups" was added. (2) (b) "showing"... "including utilities such as boxes, meters and hookups" was added. (g) "and properties" was added. **Site Plan Regulations** C. (12) "and provisions for electric vehicle (EV) charging stations" was added.

Ms. Connors said the Fire Chief made a suggestion about the common driveway. Letter "p" will be added stating "sign posted at the intersection of the common driveway in the street displaying the name of the common driveway and indicating Common Drive".

The Master Plan Implementation Committee Meeting is scheduled to meet on November 17, 2022.

Subcommittee Updates – None tonight.

The next Planning Board meeting is scheduled for December 6, 2022. The January 3, 2023 meeting is the Joint Meeting with ZBA to discuss potential zoning amendments for ATM 2023. The next ZBA Meeting is scheduled for November 22, 2022.

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

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

Respectfully submitted,

Melanie Rich
Board Secretary