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By Karen Wilber at 9:37 am, Jan 12, 2023

TOWN OF NORTHBOROUGH PLANNING BOARD

Town Hall Offices • 63 Main Street • Northborough, MA 01532 • 508-393-5019 • 508-393-6996 Fax

Planning Board

Zoom Meeting Minutes

December 6, 2022

Approved January 3, 2023

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

Members Absent: None

Staff Present: Laurie Connors (Planning Director), Fred Litchfield (Town Engineer)

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 feature public comment.

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

ANR for 70 School Street – The applicant wants to subdivide the property into two lots. It does have the minimum lot size and frontage required. Mr. Pierce made a motion to endorse the ANR Plan entitled “Land Plan of 70 School Street in Northborough, MA”, dated November 9, 2022, prepared by Connorstone Engineering, Inc.; Ms. Milton seconded; roll call vote: Pierce-aye; Poretsky-aye; Milton-aye; Ziton-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

The applicant requested a continuance. Ms. Milton made a motion to continue the public hearing for 317 Crawford Street Site Plan Approval to 6:30 pm on January 3, 2023; Ms. Poretsky seconded; roll call vote: Pierce-aye; Poretsky-aye; Milton-aye; Ziton-aye; Martinek-aye; motion approved.

Public Hearing for the purpose of seeking public opinion on proposed amendments to the following sections of the Northborough Planning Board Rules and Regulations, in accordance with the provisions of MGL Ch. 40A and Article 89 of the Amendments to the Constitution of the Commonwealth of Massachusetts: The public hearing notice was read into record. Being reviewed were the Rules and Regulations dated November 15, 2022 Draft.

Page 14: Common Driveway was revised to specify “NAD 83 and NAVD 88” datum. “D. All buildings, driveways and utilities within 200 feet of the subject property along the frontage street” was added. O. was expanded to show the “existing and proposed easements and rights-of-way that affect lots off of the common driveway together with the required covenants.” P. was added: “Sign posted at the intersection of the common driveway and the street displaying the name of the common driveway and indicating “Common Drive”.

Page 16: Common Driveway servicing three or more lots-E. was added to show the driveway profile and to the proposed grades as well as existing grades. F. was added to show the grades of all streets intersecting the proposed common driveway within 100 feet on either side.

Page 18: Site Plan Regulations: Site plan contents-(4) was revised to include “and driveway and utilities within 200 feet of the subject property along the frontage street.” (7) will include “The plan shall include a benchmark consistent with the Town’s vertical datum (NGVD 1988).”

Page 19: (12) will include “and provisions for electric vehicle (EV) charging stations.” (17) was added. Mr. Litchfield explained that the language clarifies that the regulations need to be met and the exemption that is provided in the Mass DEP stormwater management standards for project of less than four units or less is removed. If they don’t have to go to the Conservation Commission, and they trigger the land disturbance, they will be required to meet all the same regulations whether it is exempt by the state or not; they need to file. (20) was added to specify “location, dimensions, construction materials, and lighting of all signage and the location and screening of refuse containers.” (21) was added to show information for “location of all existing and proposed on-site snow storage areas.” Development impact analysis-(a) was revised to include “accident data”. “Traffic study data shall be no more than 12 months old as of the date of application.” was also added.

Page 22: Design Review-(a) was revised to include “buildings and properties”. (b) was revised to “include utilities such as boxes, meters and hookups”. (g) was revised to include “and properties”.

Page 27: Standards. C.-Stormwater language was added.

The Chair asked for public comment. Scott Rogers (26 Tomahawk Drive) asked about the notification process for soliciting public input and approval process. Ms. Martinek said there will be a motion and the Board will vote to adopt them (or not) tonight. Ms. Connors said we advertise in the Worcester Telegram & Gazette for two weeks and send out the public hearing notice to development-related departments. It’s posted in the Town Clerk’s Office and is on the web page; Mass General Laws are followed. The changes will be posted on the website; applicants will be informed in the pre-application meeting. Once approved, they are filed with the Town Clerk and sent to CMRPC, abutting communities, and the Department of Housing and Community Development.

Scott Rogers had a question with (12) regarding the EV charge locations. Ms. Connors said it is a suggestion, not a requirement. Changes are coming to Electrical Code that will mandate electric

charging stations in the future. Applicants will be informed at the pre-application meeting. Ms. Milton made a motion to adopt the amendments to the Planning Board Rules and Regulations as specified in the draft dated November 15, 2022; Mr. Pierce seconded; roll call vote: Pierce-aye; Poretsky-aye; Milton-aye; Ziton-aye; Martinek-aye; motion approved.

Presentation of Multi-family Development Concept for 333 & 353 Southwest Cutoff: Jason Kosow (333 Building One, LLC) and Mark Baranski (Trammell Crow Residential [TCR]) were in attendance. Ms. Martinek noted that this was not a public hearing, only a presentation to hear their ideas. Mr. Baranski said the proposal is to keep the underlying zoning in place and put an overlay district over the entirety of the parcel. The Selectboard or Planning Board would need to vote to authorize staff to complete the screening questionnaire with the state, a non-binding eligibility assessment needs to be done to determine the location (also non-binding), meetings with various boards, input from the community, and a development agreement subject to the site (to be signed before town meeting). Ms. Poretsky asked how many acres it was and was told the baseball fields are approximately 22 acres and the front site is approximately 3 acres; if an overlay was applied it would be approximately 25 acres. Trees would remain due to the riparian setbacks; 315 units are proposed. Mr. Pierce asked what happens to the asphalt parking lot serving the existing playing fields; Mr. Kosow didn't know as a plan is not yet in place for that parcel. Mr. Pierce would be concerned with leaving it there with no plan for it. Mr. Baranski explained the proposed unit mix; all will be rentals; it's easily accessible to Route 9, close to Westborough MBTA, and the Shrewsbury bus stop. Mr. Baranski said the benefit of identifying sites and developers is being able to negotiate mitigation measures that are important to the town.

Ms. Martinek asked if the property is for sale; it is not. Mr. Kosow said they do intend to work with TCR throughout the entire process. Since the town meeting is in April, rezoning would have to wait until April 2024. Mr. Baranski said they would work within the town's constraints; it needs to be a partnership. Ms. Connors said an overlay district would be created and through the site plan process we can require a development impact statement and traffic study; she would recommend hiring a traffic engineer to review it and provide suggestions for mitigation. She asked Mr. Baranski if he was willing to provide the impact statement before the bylaw is adopted; he said he has done that, but as a developer doesn't want to spend money if it isn't desirable for the town. An impact study for schools would be important. Ms. Poretsky asked if it should go before Financial Planning or the BOS because it's changing commercial and industrial land to residential use. Ms. Connors said the BOS is aware of the MBTA requirements and is hesitant to go to them because there is insufficient information at this point. She asked the Board if including this site in the by-right multi-family district was something they would be interested in exploring. Mass Housing Partnership will fund technical assistance to those communities who have contacted them; Northborough is one of them. The topic was tabled until later in the meeting.

Old/New Business:

Continued Discussion of potential Zoning Bylaw amendments for 2023 Town Meeting

ARTICLE: Zoning Bylaw Section 7-03-050, Site Plans A.(2) – A special permit with site plan approval shall be required for any use requiring a special permit in accordance with Section 7-05-030 Table of Uses, in which case the special permit granting authority shall also act as site plan approval authority. Land clearing and grading activities for a use requiring a special permit shall be incorporated within the special permit with site plan approval. This article clarifies that the special permit criteria will only be applied to

special permit uses as defined in the Use Table. The groundwater special permit has its own special permit criteria; same as with the floodplain special permit. Site plan approval is not a discretionary permit for by-right uses. As long as an applicant fulfills the requirements specified, the Board has to grant site plan approval. Under a special permit, you have discretion, but you don't have that discretion if it's a by right use.

ARTICLE: Zoning Bylaw Section 7-09-010, Groundwater Protection Overlay District C.(4) – (a) Where a lot is located partially in one aquifer protection area and partially in one or more other aquifer protection area(s), the minimum lot size requirement shall conform to the minimum lot size requirement of the aquifer protection area within which the building is located. If the building will be located partially in one aquifer protection area and partially within one or more other aquifer protection area(s), the minimum lot size requirement shall conform to the minimum lot size for the most restrictive aquifer protection area. No land area that lies within a more restrictive aquifer protection area shall be used to satisfy the land area requirement of a less restrictive aquifer protection area. Mr. Litchfield worked with Ms. Connors to clarify this language. They wanted to include language that would explain that if you have a lot that is bisected by a groundwater boundary line, you need to satisfy the land area requirements for that groundwater area on the portion of the property you are using.

Ms. Martinek asked about the Mullin Rule. Ms. Connors does not believe it has to be in the Zoning Bylaws or Municipal Code. It is the adoption of a specific regulation. She will check with Town Counsel to be sure that's the proper process as well as sending the draft articles to him for review.

The Groundwater Committee was discussed. Ms. Martinek asked if the Board should consider elimination of the Committee, change the composition of the Committee, change the duties of the Committee, or pursue a 53G account for peer review. Ms. Poretsky said the 53G would be important for big projects. Ms. Martinek said there are two SPGAs in town; the Planning Board handles large complex industrial projects and would rely on it for peer review; the ZBA may not. Mr. Pierce asked who appoints the Groundwater Committee. Mr. Litchfield said Section 7-07-010 of the Zoning Bylaw that deals with the groundwater protection areas specifies that there is one member from each of the five boards (Selectmen, Planning Board, Conservation, Board of Health, Water & Sewer Commission); they are only advisory and are there to lend their expertise from their particular board's perspective and make a recommendation to the SPGA. Mr. Litchfield said it may be appropriate to add a 53G peer review for certain size projects; the Board can put it into effect for any project. Mr. Pierce asked if the Board uses a consultant, how do the other member boards on the GAC make recommendations to the Planning Board. Ms. Martinek said applications are sent to every committee and board for their review and comment. Mr. Litchfield said there is nothing preventing the GAC from meeting and making a recommendation to the Board even if a technical expert is reviewing a project. Ms. Martinek felt it should be an either/or situation. Mr. Pierce commented that we are not trying to do away with the process, only streamline it. Ms. Connors said that the technical review memo from a consultant would typically go to the Planning Board. Mr. Zitton felt a consultant would be helpful. Ms. Martinek said the Board would focus on the peer review memo especially for the complex projects. Ms. Connors will check with abutting communities that have town engineers to see if they have specific thresholds identified for technical review by consultant and report back at the next meeting. The Board is interested in pursuing the path to split the work based on the size of the project.

Ms. Poretsky said a resident letter was received regarding ecommerce businesses and last mile facilities asking the Board to regulate or prohibit them in the Use Table. She suggested putting a definition in for last mile facility. Ms. Connors said the last mile would be small trucks and vans and asked if they didn't want that. Mr. Pierce said it would depend on the location. It can be reviewed by the Traffic and Safety Committee.

Consideration of Minutes from October 4, October 18, November 1 and November 15 – October 4th minutes were previously reviewed; October 18th was tabled to the next meeting. Mr. Ziton made a motion to approve the November 1, 2022 minutes; Ms. Milton seconded; roll call vote: Pierce-aye; Poretsky-aye; Milton-aye; Ziton-aye; Martinek-aye; motion approved. Ms. Poretsky made a motion to approve the November 15, 2022 minutes; Mr. Ziton seconded; roll call vote: Pierce-aye; Poretsky-aye; Milton-aye; Ziton-aye; Martinek-aye; motion approved.

The next Master Plan Implementation Committee Meeting is scheduled for December 15, 2022 – Ms. Poretsky said the survey closed December 1st; the consultants met with stakeholders; an overview of what was discussed will be presented at the next meeting. Ms. Connors said the BOS approved the Boundary Street site for a dog park.

Subcommittee Updates – None tonight.

The next Planning Board Meeting is scheduled for January 3, 2023. It will be a joint meeting with ZBA to discuss potential zoning amendments for ATM 2023. Ms. Connors will ask if the ZBA is able to meet at 5:30 p.m. The next ZBA Meeting is scheduled for January 24, 2023.

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

The meeting was adjourned at 8:50 p.m.

Respectfully submitted,

Melanie Rich
Board Secretary