

**Planning Board  
Meeting Minutes  
December 12, 2019**

**Approved: 03/05/2020**

**Members in attendance:** Kerri Martinek, Chair; Amy Poretsky, Vice Chair; Mille Milton; Michelle Gillespie; Anthony Ziton

**Others in attendance:** Kathy Joubert, Town Planner; Fred Litchfield, Town Engineer; Attorney Marshall Gould; Mike Sullivan, Connorstone Engineering; Justin Wheeler; Brad Wheeler; Lisa Wheeler; Attorney Brian Falk, Mirick O'Connell

**Chair Kerri Martinek called the meeting to order at 7:00pm.**

**January 2020 Meeting Dates** – Members of the board agreed to meet on January 16 and January 21, 2020.

**Public Hearing for 5 Goddard Road**

<b>Applicant:</b>	<b>L.H. Wheeler Jr. Excavation, Inc.</b>
<b>Engineer:</b>	<b>Connorstone Engineering</b>
<b>Date Filed:</b>	<b>November 19, 2019</b>
<b>Decision Due:</b>	<b>90 days from close of hearing</b>

Attorney Marshall Gould appeared on behalf of the applicant to discuss the proposed construction of an 8424 square foot garage with an additional 1040 square feet of office space on the parcel located near the corner of Goddard Road and Solomon Pond Road. He introduced Mike Sullivan from Connorstone Engineering along with Justin Wheeler, Brad Wheeler, and Lisa Wheeler and noted that Larry Wheeler and Brendan Flanders, other parties involved in the project, were unable to attend this evening's hearing. He explained that there are four full time employees working for the business, and Lisa Wheeler will periodically go into the office but is not an employee.

Ms. Martinek explained that the project narrative and other pertinent information was not included with the application submission, so board members have not been able to fully review the proposal. The Board agreed to hear the presentation this evening but would not be making a decision until the application was complete and all information was submitted in a timely manner.

Attorney Gould explained that L.H. Wheeler Excavation Inc., currently located at 292 South Street in Berlin, is seeking approval to construct a facility on a 2.3-acre parcel on Goddard Road that is currently owned by New England Power (National Grid) and abuts St. Gobain.

Michelle Gillespie arrived.

Attorney Gould noted that the parcel is zoned industrial and will be on public water and sewer. He indicated that, since the applicant initially started looking at the property, they

have met with the Building Inspector, Town Planner, Town Engineer, Design Review Committee (DRC) and Groundwater Advisory Committee (GAC) and comment letters have been provided by the DRC and GAC. He stated that the applicant will be appearing before the Conservation Commission and Earthworks Board and is seeking feedback from the Planning Board prior to filing those applications.

Attorney Gould explained that the application stipulates that the proposed building will be 80x120 feet, but that has been revised to 80x104 feet, with an office area of 26x40 feet. He indicated that there will be more than ample onsite parking provided and the building is sized so that all of the equipment can be contained inside. He also stated that the property has not previously had any buildings on it, but there is an existing curb cut. He mentioned that the applicant has submitted a list of equipment to be stored onsite, as was previously discussed with town staff.

Mr. Sullivan presented details of the propose project as follows:

- The site is heavily treed and is relatively level with a decline to a wetland at the corner of Solomon Pond and Goddard Roads.
- The site is all grass in the front, with hydric soils present.
- The wetland scientist has flagged a small swale that will be regulated.
- The applicant will be required to file with the Conservation Commission since the project will require work within 100 feet of the resource.
- The plan calls for the construction of a 9,000 square foot building with approximately 1,000 feet of office space.
- Zoning requires 9 parking spaces, as shown on the plan, with one space for handicapped parking.
- Utilities will come in from Goddard Road except for electric service, which will come in from the rear and is to be underground.
- Town water, town sewer, and gas will come from Goddard Road.

As far as drainage, Mr. Sullivan noted that recycled asphalt is proposed for the rear portion of the parcel and there will be bituminous concrete in the front. He stated that sheet flow will be directed toward Solomon Pond Road, away from The Norton Company, to a grass swale with check dams that will discharge to an infiltration basin equipped with two forebays (one at each end). He mentioned that there will be an inlet on the other side that will pick up flow from a portion of the parking lot to be collected in deep sump catch basins and discharged into the infiltration basin. He indicated that the remaining section of the parking lot will be collected in a stormceptor that will improve water quality prior to discharging into a subsurface system. He stated that roof drainage be will be collected and discharged into subsurface infiltration basins. Mr. Sullivan confirmed that 100% of runoff will be collected, treated, and infiltrated back into the ground. He also stated that there will be a floor drain inside the building that will discharge into an MDC oil-gas separator that ties into the town sewer system.

Mr. Sullivan mentioned that the open space requirement is 25%, but the plans provide for 43%. He stated that the Wheeler family has been working with the Design Review

Committee (DRC), primarily on landscaping and lighting, and the plan as presented is what was agreed to following discussions with the DRC. He noted that the proposal includes planting a series of white pines along the parking lot on the Norton Company property for screening, with some of the openings being filled in with white pines, rhododendrons, or Canadian hemlocks as appropriate. He indicated that ornamental grasses will be planted along the basin and red maples are proposed along the front of the property.

Mr. Sullivan addressed the lighting plan and noted that there will be 9 wall packs installed on the building and 3 light poles to illuminate the entrance. He stated that the photometric plan shows essentially no impacts to neighboring parcels from the lighting proposed for the project.

Mr. Sullivan stated that a list of equipment to be stored onsite that was previously requested by Ms. Poretsky has been provided. He also discussed two waivers being sought by the applicant as follows:

1. A waiver of the requirement for a Development Impact Analysis - Mr. Sullivan noted that this analysis is quite comprehensive and seems to be more appropriate for a much larger project than what is being proposed. He voiced his opinion that the project of the magnitude that is being proposed does not have any real implication on any of the components addressed by a Development Impact Analysis, so a waiver has been requested.
2. A waiver from the requirement to locate any tree of 10-inches in diameter or more on the plans – Mr. Sullivan mentioned that there are a large number of them on the site, so this presents an economic burden and seems unwarranted especially given that many of them will be removed for the construction of the building.

Mr. Sullivan discussed his response letter, provided earlier today, to the Town Engineer's review letter dated December 11, 2019 in which he addressed the requests. He noted that the majority of the items requested have been provided on the plan with the exception of showing all trees with a diameter of 10-inches or more on the plans and providing a Development Impact Plan, for which the applicant is seeking waivers. He also estimated that the 4 employees who work at the facility will generate about 24 traffic trips a day, so traffic impacts from the project should be insignificant.

In response to a question from Ms. Poretsky about the use of a dumpster, Mr. Sullivan noted that a dumpster pad is shown on the plan.

Mr. Litchfield asked if the applicant had received the Fire Chief's comment letter, as it included comments about the dumpster. Mr. Sullivan explained that the Fire Chief would like to leave the issue open until the plans are finalized.

Mr. Sullivan discussed the landscaping plan, which includes ornamental grasses, hydrangeas, annual and perennial plantings and an antique tractor. Ms. Poretsky inquired about snow storage. Mr. Justin Wheeler stated that it will likely be pushed to the back corner where there is enough space. Mr. Litchfield agreed that there should be

adequate room to accommodate the snow storage. Ms. Poretsky asked about the integrity of the recycled asphalt and whether it will stay intact under heavy plowing. Mr. Wheeler confirmed that there should be no issues with deterioration.

Ms. Poretsky asked about signage. Mr. Sullivan indicated that there is a sign proposed but specifics have not yet been worked out. Ms. Gillespie noted that an externally lit wooden sign was discussed with the DRC and the applicant has agreed to design a sign in compliance with the regulations. Attorney Gould noted that, due to the nature of the business, a sign is not really needed but will be installed as one is required. In response to a question from Ms. Poretsky about the chain link fence, Mr. Wheeler indicated that the fence is along the property line and is owned by the state.

Ms. Poretsky asked Mr. Litchfield about the plastic material underneath the recycled asphalt, and if it is secure enough to ensure materials flow to the drains and do not infiltrate into the soil. Mr. Litchfield explained that there is a thick layer of gravel between the asphalt and the plastic, which is intended to provide an impermeable barrier to contain anything that drips off the equipment to protect the groundwater underneath. He also noted that there will be annual Volatile Organic Compound (VOC) testing of the gravel and if it is found not to be clean, it will need to be removed and replaced. He also mentioned that the occupant will be required to notify him when inspections are scheduled.

Ms. Milton discussed the storage of chemicals onsite. Mr. Brad Wheeler explained that Material Safety Data Sheets (MSDS) for any hazardous chemicals to be stored onsite will be provided. He also noted that a storage cabinet with containment of 66 gallons will be installed. In response to questions about whether 66 gallons is sufficient, Mr. Litchfield explained that this amount is based on his calculation of the hazardous materials that are expected to be stored in the building.

Ms. Martinek asked about the trucks to be stored onsite. Mr. Sullivan indicated that the board has been provided with a list of trucks to be stored inside the building.

Attorney Brian Falk, Mirick O'Connell, appeared on behalf of St. Gobain to voice opposition to the proposal. He mentioned that St. Gobain has maintained a large R&D facility at 9 Goddard Road for almost 30 years with over 400 employees at the site, and had completed a 15 million dollar expansion in 2009. He emphasized that the use is inconsistent with the surrounding area. He stated that the location is at the gateway to Northborough, just off of Route 290, and those entering the town will now see a contractor's yard that he feels is inappropriate at this prominent intersection. He also indicated that, having seen the applicant's existing site in Berlin, he does not believe it is appropriate for Goddard Road and Solomon Pond Road. He also voiced concerns about impacts from trucks and equipment entering and exiting the site to existing businesses and residences as well as pedestrians who use the sidewalks adjacent to the site.

Attorney Falk expressed additional concerns about the noise generated from this type of operation. He also commented that, as far as the groundwater overlay district, it seems as though this is the exact type of use that should be disfavored. He explained that the

bylaw pertaining to the Groundwater Protection Overlay District is there for the following reasons:

- Protect, preserve, and maintain existing and potential groundwater supplies and groundwater recharge areas within known aquifers of the town.
- Preserve and protect present and potential sources of water supply for public health and safety.
- Conserve natural resources of the town.

He voiced his opinion that an operation of this nature, with merely an acre for open air storage of equipment and supplies seems incapable of operating without negatively impacting the groundwater supply and natural resources. He stated that, while the Groundwater Advisory Committee (GAC) has granted an approval, he is concerned that this approval is based upon the applicant adhering to various conditions including the requirement for annual testing that will require vigilance on the part of the town. He noted that, once approved, the town's enforcement options are quite limited and can be very costly. He emphasized that uses approved in a groundwater protection overlay district should not require a high level of conditioning, engineering, and annual testing and the town should feel confident that the use is safe. He reiterated that seeing the applicant's site in Berlin does not give him a positive feeling about moving it to Northborough.

In response to a question from Ms. Martinek, Mr. Litchfield noted that the Building Inspector would be involved if there is ever a violation of any of the conditions. He affirmed that annual inspections are required for any project granted a special permit in a groundwater district. He also stated that the volume of chemicals being stored onsite are fairly minimal compared to others facilities in town, and the fact that the building will be connected to town sewer and there will be floor drains to capture any spills is reassuring. He voiced agreement with the GAC's approval of the project.

Ms. Poretsky expressed concerns about the integrity of the plastic barrier beneath the recycled asphalt. If the recycled asphalt gets torn up by the tracked vehicles the plastic could tear. Mr. Wheeler explained that the asphalt has a bit of give so tracked vehicles should not be an issue. Ms. Poretsky commented that, after hearing that there is heavy pedestrian use in the area, she is concerned about impacts to businesses up the street from truck traffic. Mr. Wheeler explained that trucks typically leave for the day around 7:00AM and return at 3:30PM and there are not frequent trips in and out.

Ms. Milton asked about seasonal fluctuations for the business. Mr. Wheeler indicated that the company is a trucking and excavation operation in the spring, summer, and fall and does snow plowing in the winter. In response to a request from Ms. Milton for more specifics about the trucking operation, Mr. Wheeler explained that the primary use is excavation and the dirt is hauled from the job site to a disposal facility. Ms. Milton asked about any onsite storage of the excavated materials. Mr. Wheeler indicated that there will not be any.

Ms. Joubert mentioned that the board had been provided with comments letters from the Fire Chief, GAC, and DRC. She also stated that both the GAC and DRC voted unanimously to approve the project and that the use is allowed in this district.

Ms. Martinek asked if there has been any type of noise evaluation. Mr. Sullivan voiced his opinion that there will not be anything happening onsite that will be louder than what is generated from Route 290, which abuts this parcel and St. Gobain's property.

Attorney Gould reiterated that there will be only 4 employees onsite, 3 of which are licensed commercial drivers, resulting in a maximum of three trucks entering and exiting the site so he does not envision any traffic problems. He also noted that the business does the plowing along that section of Route 290 and Solomon Pond Road, so if it was not the Wheeler's vehicles on the roads it would be someone else's. Ms. Martinek asked about operations during the other three seasons. Mr. Justin Wheeler commented that the timing of trips fluctuates during the winter but are more consistent the rest of the year.

Ms. Martinek suggested that the board address the waivers but continue the hearing to allow members adequate time to review all of the materials that were recently submitted.

In consideration of a waiver of the requirement to show all trees over 10 inches in diameter on the proposed site plan, members of the board indicated that they had no issues with granting this waiver.

In consideration of a waiver of the requirement to submit a Development Impact Analysis, Ms. Joubert mentioned that an approval of a waiver would be reasonable based on the size and nature of the project and anticipated traffic patterns. Mr. Litchfield agreed. He also commented that the pedestrian traffic is typically during lunchtime when trucks from the business would presumably already be offsite. In response to a question from Ms. Milton about vehicles to be stored onsite, Mr. Brad Wheeler confirmed that they will all be registered and in use. Mr. Ziton asked if all vehicles will be stored inside the building. Mr. Brad Wheeler stated they will except for the flatbed trailers.

The Board took a straw poll regarding the issuance of the waivers. Michelle Gillespie stated she would support granting a waiver of the requirement to show all trees of greater than 10 inches in diameter on the plan and a waiver of the requirement for a Development Impact Analysis and all board members agreed. An official vote will occur once the public hearing is closed.

Michelle Gillespie made a motion to continue the hearing to January 16, 2020 at 7:00PM. Amy Poretsky seconded; motion carries by unanimous vote.

**Continued Public Hearing for 425 Whitney Street Special Permit Site Plan Approval and Special Permit per Groundwater Protection Overlay District**

**Applicant:** Steris A.S.T.  
**Engineer:** VHB  
**Date Filed:** September 17, 2019

**Decision Due: 90 days from close of hearing**

Ms. Martinek explained that the applicant had requested a continuance of the hearing to the board's next meeting (copy of letter attached).

Ms. Milton made a motion to continue the hearing to January 16, 2020 at 7:00PM. Michelle Gillespie seconded; motion carries by unanimous vote.

**Minutes of the Meeting of November 5, 2019** – Ms. Poretsky noted that the meeting was quite long, but the minutes are brief, and she would like time to consult her notes to be sure that critical comments are incorporated. Mr. Ziton agreed.

Ms. Martinek asked about the conditions for the temporary concrete plant for the Steris project on page two and wants to double check her notes for the minutes.

Anthony Ziton made a motion to defer consideration of the Minutes of the Meeting of November 5, 2019 to the next meeting. Millie Milton seconded; motion carries by unanimous vote.

**Master Plan Presentation Update** – Ms. Martinek expressed appreciation to Ms. Gillespie and Ms. Poretsky for their involvement and efforts as members of the Master Plan Steering Committee (MPSC).

Ms. Gillespie discussed the number of hearings and zoning amendments to be addressed at upcoming Planning Board meetings and asked when the board might vote on the Master Plan. She noted Ms. Martinek stated at the conclusion of the Master Plan public hearing on December 10, 2019 that she had some changes to make to the document and Ms. Gillespie asked for those changes. Ms. Martinek stated she has some minor tweaks. Ms. Poretsky also added she had some changes to make but was not prepared to discuss them this evening. Ms. Joubert asked Ms. Martinek for her changes so she could make them to the document. Ms. Gillespie asked Anthony Ziton and Millie Milton if they had read the plan and do they have any changes. Both members stated they had not completed reading the Master Plan.

After some discussion about the process for approving the Master Plan, members of the board agreed to address it at their January 21, 2020 meeting.

**Hazardous Waste Facilities Bylaw** - Ms. Joubert suggested that the board start their January 16, 2020 meeting at 6:00PM and invite Sarah Adams from the Central Massachusetts Regional Planning Committee (CMRPC) to discuss the bylaws at that time. Members of the board agreed to do so.

Ms. Poretsky voiced concerns about the draft document for the Hazardous Waste Facility bylaw. Ms. Joubert explained that revised drafts incorporating recent discussions will be provided for review prior to the board's next meeting. Ms. Martinek recalled that Ms. Joubert was going to check with the GIS Department to determine if a 1500-foot property line setback is possible to enact for the hazardous waste facilities.

Ms. Poretsky mentioned that Shrewsbury's Hazardous Waste Facility bylaw, amended in 2018, does include decommissioning requirements for these facilities and suggested they be included in our bylaw. Ms. Martinek asked if there is a way to include stipulations in the bylaw about what types of activities would kick off a decommissioning component for a project. She also asked for confirmation that solid waste facilities are exempt by the state. Ms. Joubert agreed to follow up. Mr. Litchfield asked if the groundwater bylaw needs to be amended to address hazardous waste and/or solid waste facilities.

**Information and Materials** – Ms. Martinek commented that applications put a tremendous strain on town staff and board members and suggested requiring submission of materials well enough in advance to allow everyone ample time to review. She emphasized the challenges of receiving information just prior to the meeting. Mr. Litchfield agreed that it is challenging but is also difficult to impose firm deadlines. Ms. Joubert noted the statutory timeframes and hearings and decisions must be made within a certain timeframe. Staff for the Planning Board and Zoning Board of Appeals request the applicant to file at least a month in advance of the meeting at which the hearing will be held. Mr. Zitton agreed that it would be preferable to have more time to review information prior to the meeting, to be better prepared for the discussion.

Ms. Joubert explained that she has tried to improve the process by providing instructional cover sheets and check lists with the application packets, but not all applicants follow the cover sheets, use the check lists, and some applicants choose not to meet with staff prior to filing an application. She noted that, while she cannot require it, she strenuously suggests that applicants review their projects with town staff prior to submitting their applications.

Ms. Martinek suggested that the board consider imposing timelines for submission of materials to allow sufficient time for adequate review.

**February Meeting Dates** – Members of the board agreed to meet on Feb 4, 2020 and February 18, 2020.

**ANRs, Lot Releases, Bonds** – Ms. Joubert indicated that there are no ANRs, Lot Releases, or Bonds for consideration this evening.

**Grant Availability** – Ms. Poretsky voiced her understanding that there is a \$15,000 downtown revitalization state grant available and applications are due January 10<sup>th</sup>. She suggested that the town apply and could potentially use the funds for a design study to get a clear vision for what we want in the downtown. Ms. Joubert indicated the Board should adopt the Master Plan, have the Board of Selectmen appoint the Implementation Committee, and then the order of recommendations to implement will be established. Once that occurs, then grants can be sought for specific purposes. She explained that applying for a grant now without having the Master Plan approved is not the process to follow. She is exploring funding mechanisms now for the creation of a downtown plan per the Master Plan but the Implementation Committee needs to be in place and to identify the downtown as a priority. It was clear during the Master Plan process that the downtown is of great concern to many residents. She voiced her opinion that this is the right way to approach the downtown project, rather than tackling it piece-meal. There should be a downtown committee appointed, priorities determined, then seek grants and



town funding. Mr. Ziton voiced support for using free money to get a vision, and then move into a more comprehensive plan.

Ms. Joubert mentioned that, once the Master Plan is approved, she will put together a scope for the Board of Selectmen's consideration and funding. Ms. Martinek expressed concern about the fact that we sometimes attack the big things and questioned if there might be small things that we can start tackling while we wait. Ms. Poretsky voiced support for a feasibility study for the old town hall and suggested that the grant money, if awarded, could be used for that. She noted that the board has also talked about bringing small business owners together, and the funds could also be used to support that activity. Ms. Joubert agreed to speak with Emmy Hahn at the Downtown Initiative of DHCD to get her opinion about whether this grant is something we should pursue.

Ms. Gillespie asked if the budget for 2020 has been completed. She emphasized the importance of addressing the approval of the Master Plan so that funds can be secured in 2020 for the work.

## **Zoning Bylaws –**

**Solar Energy and Hazardous Waste Facilities** – Ms. Martinek reiterated that the board is awaiting further information from Sarah Adams from the CMRPC.

**Other Issues** - Ms. Poretsky noted that she had previously provided board members with written documentation (copy attached) about zoning revisions that she would like to propose for consideration, including:

**Funeral Homes** – Ms. Poretsky proposed removing the use from Residential C (RC) and General Residential (GR) and adding it to Main Street Residential (MSR), where there is currently one in operation.

**Kennels** – Ms. Poretsky noted that this use is currently allowed in Residential A (RA) and Business West (BW) and she proposed removing it from RA, leaving it in BW, and adding it to the Industrial District. Ms. Joubert advised the board that the Health Agent and the Animal Control Officer have both indicated a desire to be involved in any discussions/decisions related to zoning for kennels. She noted that a kennel is defined as anything housing over 3 dogs or domestic, non-farm animals.

Ms. Poretsky voiced a desire for our bylaws to match that of the state. She provided language incorporating some of the components of the state's definition into our existing definition. She recalled that there were several concerns with the recent application for the dog walking business proposed at 125 Rice Avenue and emphasized a need for our bylaw to be more specific.

Ms. Milton suggested that a breeder would likely prefer to be in a residential area and questioned how the bylaw can allow for it. Ms. Poretsky mentioned that accommodation can be made by defining the ages of the dogs involved.

Ms. Martinek recommended that the proposed revision to the bylaw for kennels be shared with the Health Agent and Animal Control Officer. Ms. Joubert agreed to do so. Ms. Gillespie expressed an interest in seeing the kennel bylaws for the towns of Westborough, Southborough, and Shrewsbury.

**Commercial Recreation, Indoor** – Ms. Poretsky mentioned that there is substantial empty warehouse space in town and there are gyms who are interested in locating there. She suggested that the bylaw be revised to allow a commercial recreation, indoor use by special permit in the Industrial District. Members of the board agreed.

**Commercial Greenhouses** – Ms. Poretsky noted that there are many marijuana businesses that are getting really creative about finding ways to operate, so she recommended changing commercial greenhouses from a use allowed by right to one allowed by special permit in certain areas to provide an extra level of control. Mr. Ziton mentioned the lighting impacts in the Midwest from the new LED lights being used that creates a purple glow that is visible for miles. He suggested that this might be something for the board to consider trying to control at some point. Ms. Gillespie indicated that she would not want to make it more cost restrictive for businesses to come to town. She suggested that this might be something the board should look at more closely and seek to consider it for next year. Members of the board agreed.

**Wholesale Trade** – Ms. Poretsky noted that, as part of the Master Plan, cleaning up certain areas in town was discussed. She mentioned that wholesale trade is currently allowed in Business West and asked if we should continue to allow it. Ms. Joubert explained that the new tenant at 301 Bartlett Road would be considered a wholesale trade use and voiced her opinion that the proposed change would be adding another layer that might not be necessary since we have not had any issues in the past.

Ms. Joubert suggested that the volume of content in the packet provided by Ms. Poretsky appears to be a fairly large scale overhaul of the bylaw and mentioned that something of this magnitude would usually involve meetings with a zoning subcommittee, neighborhoods and business groups to obtain their input about what they would like to see. She explained that, when the bylaw was revised in 2009, a subcommittee was formed to coordinate the effort. She voiced her opinion that proceeding with any further changes without this important component would not be advisable. Ms. Gillespie agreed and noted that a more comprehensive approach also helps to avoid unanticipated consequences. Ms. Poretsky emphasized the importance of revising the bylaws pertaining to kennels and home occupation use given the recent issues that arose. She suggested that home occupation should stipulate that the operation is located wholly within the home and not outside and noted that other towns are very specific to prohibit abuse. Ms. Gillespie discussed residents who may want to use their land to cultivate products for a home occupation use (flowers, beekeepers, or similar), which would not be allowed if the bylaw requires the operation to be wholly within. Ms. Gillespie also noted she wants to do what is right for the Northborough residents and businesses and to not adopt regulations from other towns.

Ms. Joubert emphasized the importance of a bylaw change of this nature being done through a comprehensive approach. She also stressed that the town has just completed the Master Plan process, so proposing these zoning changes seems a bit premature.

Mr. Ziton mentioned that the changes Ms. Poretsky is proposing are the result of recent applications that caused a great deal of problems. He voiced his opinion that the home occupation use should be tightened up. Ms. Joubert voiced the need to look at all the consequences of doing so.

Ms. Milton voiced her opinion that adding the stipulation that a home occupation must be “wholly within” will reflect the true intention of allowing a home occupation use. Ms. Martinek encouraged board members to think about things that were hard lessons that we might want to avoid in the future. Ms. Joubert stated that the board needs to drill down to what the real concerns are with home occupation and then determine how best to address them. Ms. Martinek mentioned that her biggest concern was that there were so many gray areas that led to a lot of wasted time and resources during the recent hearing for the dog walking business. She indicated that she would like to find a way to prevent the extremes from finding a way in, and voiced concern that delaying a year could result in another extreme situation arising.

Ms. Poretsky referenced language from Natick and commented that it seems to adequately address the home occupation use and the restrictions that we would want to impose.

Ms. Martinek reiterated the need to focus on what the town really wants and what it really cares about.

Ms. Poretsky also suggested removing the clause “except by special permit” under conditions since that is what allowed the recent application to grow beyond what the intent of home occupation is supposed to be.

**Industrial Special Permits** – Ms. Poretsky recommended adding a special permit requirement for some uses in the industrial districts to ensure that the board is aware and comfortable with uses coming to town. Mr. Ziton requested that any light manufacturing uses come before the board, as well as contractor’s yards. Ms. Martinek and Ms. Milton agreed. Ms. Gillespie would like to look at the bylaw more closely before deciding how to proceed. Ms. Joubert expressed a desire to better understand exactly what the issue is. She noted that the town already has extensive requirements for each district and what is allowed. Mr. Ziton commented that site plan review gives the board a limited ability to do anything and he would prefer to get a closer look at some projects. Based on Ms. Poretsky’s comments about potential uses that could fall under light manufacturing, Ms. Joubert suggested that the board could look at amending the definition to address their concerns instead of requiring a Special Permit. Ms. Gillespie agreed. Ms. Poretsky disagreed and emphasized the need to require a special permit to have adequate control.

Ms. Martinek suggested that the board consider developing different levels for the industrial district, based on proximity to residential uses. Ms. Gillespie voiced support for this suggestion. Ms. Joubert explained that the town previously had three industrial districts (A, B, and C), with each having a different set of uses. She noted that, though she does not recall when or why it was changed, the bylaw was revised to combine the three industrial districts into one district. She also noted that the town does have bylaws that are written to protect neighborhoods and this area of the bylaw may be what we need to tighten up.

Mr. Ziton mentioned that he would like to propose the elimination of the waiver for duplexes (page 53 of the zoning bylaw). Ms. Gillespie asked if there are any legal implications if we try to do so while we are in the process of litigation. Mr. Ziton voiced his belief that the courts would view it as recognition that we had made a mistake that we are trying to correct.

The board discussed and agreed upon the action items pertaining to the zoning changes as follows:

- Funeral Homes – proceed.
- Kennel – Definition is to be provided to the Health Agent, Animal Control Officer, and Building Inspector for review and input, following which the board will revisit the issue.
- Commercial Recreation, Indoor – proceed.
- Greenhouse, Wholesale Trade, and Commercial Storage Facilities – on hold for now.
- Industrial uses – Members of the board agreed to think about the issue a bit further to determine what actions make sense for what we are really trying to resolve. Ms. Gillespie suggested that the board address the issue of light manufacturing and hold off on the others to allow time to work with a consultant.
- Home Occupation – Ms. Martinek emphasized the desire to ensure that the use does not get expanded beyond what was intended in the bylaw. She noted that, while she would not want to take away the rights for a true home occupation use, she does want to prevent the ability for something that appears to be a commercial use to operate in a residential area.
- Waiver for duplexes – Ms. Martinek asked Ms. Joubert to find out about any potential legal implications for proposing this. Ms. Joubert agreed to ask Town Counsel for input.

Next ZBA Meeting – January 28, 2020.

**Meeting adjourned at 10:45PM.**

Respectfully submitted,

Elaine Rowe  
Board Secretary