



TOWN OF NORTHBOROUGH PLANNING BOARD

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Approved 1/15/19

Planning Board Meeting Minutes December 4, 2018

Members in attendance: Theresa Capobianco, Chair; Anthony Ziton; Kerri Martinek; Amy Poretsky; Michelle Gillespie

Others in attendance: Kathy Joubert, Town Planner; Fred Litchfield, Town Engineer; Tony Abu; Mike Sullivan, Connorstone Engineering; Tom Reardon, 7 Sunset Drive; Henry Squillante, 72 Crestwood Drive; Sarah Richardson, 213 West Main Street; Sharon Johnson, 20 Lincoln Street

Chair Theresa Capobianco called the meeting to order shortly after 7:00PM.

Master Plan Steering Committee Update – Ms. Capobianco explained that, since the Master Plan Steering Committee has not met since the Planning Board’s last meeting, there is no new report.

Consideration of Minutes – Ms. Joubert noted that all comments have been incorporated into the Minutes from the August meeting and Mr. Litchfield has checked the accuracy of information he provided as was requested by the board at their last meeting.

Anthony Ziton made a motion to accept the Minutes of the Meeting of August 21, 2018 as amended. Kerri Martinek seconded; motion carries by unanimous vote.

Ms. Joubert stated that minor edits were incorporated into the Minutes of the November meeting.

Amy Poretsky made a motion to accept the Minutes of the Meeting of November 14, 2018 as amended. Anthony Ziton seconded; motion carries by unanimous vote.

Michelle Gillespie arrived.

ANRs - Ms. Joubert explained that there are two ANRs requiring signature for property on Bartlett Street owned by The Gutierrez Company. She stated that one ANR also requires signature by the Marlborough Planning Board since the frontage lies in Marlborough and the building is located in Northborough. She indicated that the second ANR is for land next to the Federal Express facility where the applicant had originally proposed to build two buildings on one lot but has since decided to split the lots. Both ANRs were signed and dated by Ms. Martinek.

Continued Public Hearing for 222 West Main Street Site Plan Approval, Special Permit Common Driveway and Special Permits Two-Family Dwelling Units

Applicant: Abu Construction Inc.
Engineer: Connorstone Engineering Inc.
Date Filed: June 15, 2018
Decision Due: 90 days from close of hearing

Mike Sullivan from Connorstone Engineering and applicant Tony Abu appeared before the board to discuss proposed plan revisions for the project. Mr. Sullivan mentioned that the previous plan submitted called for construction of 4 duplexes off of a 400-foot common driveway with related infrastructure. Based on comments from the board and the audience at the last meeting, the plan was revised and now includes 3 single family homes with individual driveways off of Lincoln Street, all of which are on ANR lots that will not require any waivers or special permits. He also noted that zoning requirements for a single family home in this area is a minimum of 20,000 square foot lot and 100 feet of frontage, which all of these lots do have.

Mr. Sullivan explained that the applicant is before the board tonight to discuss two lots on West Main Street where he seeks approval for construction of two duplexes. He noted that the bylaw requires a minimum lot size of 30,000 square feet with 150 feet of frontage. He indicated that the westerly most lot is 38,000 square feet and the easterly lot is 37,000 square feet, which is in compliance, but a waiver is needed since the lots do not meet the minimum required for frontage and lot width (westerly lot is 108 feet and easterly lot is 111 feet). He stated that the homes will have town sewer and town water. In addition, he noted that the town has no requirements for drainage for this type of development but because the lots are located on a state highway, approval is required from the state. He indicated that Mr. Abu has had preliminary meetings with the state and definitive designs are being prepared.

Mr. Sullivan discussed the locust of the site and the neighboring uses, along with locations of existing duplexes nearby. He also explained that, when Town Meeting adopted the new regulations for duplexes, there was a waiver provision that included consideration of the following criteria:

1. Project must not be detrimental to the neighborhood.

Mr. Sullivan noted that there was quite a bit of discussion about the homes on Lincoln Street and impacts to them. He stated that the three single family homes proposed will provide a buffer and minimize any impact from the duplexes, which will be about 250 feet from the closest house across the street.

2. Project must be appropriate with surrounding properties.

Mr. Sullivan indicated that there are a lot of nonresidential uses and some residential uses, and the project as revised will provide a nice transition from homes to duplexes to businesses. He suggested that the project does meet the appropriateness requirement.

3. Project must not disturb the consistency of the neighborhood.

Mr. Sullivan reiterated that, with the addition of the single family homes and the duplexes now abutting the businesses, it seems like this is an appropriate location for the duplexes. He also mentioned that the other duplexes in the area add to the consistency.

Mr. Abu discussed the styles of the buildings and floorplans for both the proposed single family homes and duplexes. He mentioned that he also intends for the buildings to be the same color for continuity. He also stated that the homes in the area are of varying styles and there appears to be no real continuity for the homes along Lincoln Street. He asked if any of the board members have any reservations or concerns about the revised project. Ms. Poretsky asked if there is a copy of the plans available since the board has not yet seen a site plan. Ms. Joubert explained that the ANR was approved by the Planning Board in July of 2017 when the original division of the parcel into 5 lots occurred. Mr. Abu noted that the project meets the criteria required with the exception of the waivers being requested for the reduction in frontage.

Ms. Poretsky voiced concern about the waivers. She recalled that, when the issue of waivers was presented to the board in the spring, she understood that it would apply in the case of a lot that could not otherwise be developed. She emphasized that this project involves an increase from one residential unit to 7. She stated that the lot is not unbuildable without the waivers and voiced her opinion that it does not meet the waiver criteria.

Ms. Gillespie stated that the Design Review Committee (DRC), for which she is the Chair, met on Friday to review the site plan and ultimately approved the duplex designs as presented. She commented that the DRC felt that the project did fit nicely in its location and the revised plan offered a nice compromise over the original plan. She also noted that the applicant will need to come back to the DRC to fine tune the design following any decision rendered by this board.

In response to a question from Ms. Martinek about whether the driveways are connected in the middle, Mr. Sullivan confirmed that they are not and clarified that the area in question was provided to serve as a turnaround for the homeowners. Ms. Martinek also asked about buildings styles and Mr. Abu reiterated that they will all look similar and be the same color.

Ms. Martinek explained that she had attended some of the DRC meetings where the consultant stated that the issues that many neighbors have with duplexes center around the fact that there is no variety to the buildings that would mimic the variety of the neighborhood. She noted that the consultant's recommendation was to provide architectural variety and she questioned the thought process. Ms. Martinek also asked about the size of the units, which Mr. Abu indicated will be 2400 to 2800 square feet each. Ms. Gillespie stated that the DRC has spoken with Mr. Abu about potentially using different materials to ensure that each building is not completely identical while still maintaining a theme. Mr. Abu voiced his opinion that property is in need of something nice.

Seeking clarification in terms of the waiver, Ms. Martinek noted that she had attended the public hearings where the language for the waiver was discussed and ultimately became part of the bylaw, and she did hear the intent and it seemed to be to address a unique lot as Ms. Poretsky had recalled in her earlier comments. She noted that, for the lots where Mr. Abu proposes to construct duplexes, it would be possible to build single family homes but the lots lack sufficient frontage required for a duplex. Mr. Abu confirmed that the lots are already ANR lots, which would allow for construction of single family

homes. He explained that he had sought the provision of a waiver so that the bylaw would not negate every possibility in the RC district. He commented that the town is nearly built out, and the RC district is mostly 20,000 square foot lots with 100 feet frontage. He voiced his opinion that this is a perfect location for duplexes and is not well suited for single family homes.

Ms. Martinek mentioned that the town just recently came off of a moratorium on duplexes so she believes that there is an opposition to further construction of them. She noted that the waiver was added at the last minute and she is still a bit unsure about the language and the consistency aspect. She stated that there were several neighbors at the last meeting who voiced concerns about the proposed development and it not being consistent with their existing neighborhood. Mr. Abu explained that the project itself will have a tremendous continuity whereas the existing neighborhood has little or no continuity. Ms. Martinek suggested that the neighbors do not really want the continuity of the proposed development that does not match the existing neighborhood forced upon them. Ms. Capobianco noted that this is a public hearing and if there are residents present, they can certainly express their concerns.

Mr. Sullivan questioned the board members' definition of "neighborhood" and suggested that it is rather subjective. He expressed his belief that building the three single family homes would be consistent with the neighborhood while the location for the two duplexes is more in line with the business feel in the vicinity. Ms. Martinek emphasized that the duplexes are still bordering a neighborhood full of homes so she would associate differently than Mr. Sullivan, and emphasized that there are two ways to look at it. Mr. Abu indicated that he is not trying to have continuity with the houses across the street and suggested that it is not possible to do so.

Mr. Ziton agreed with comments made by other board members and voiced his opinion that the spirit of the waiver was meant for properties that might not be useable otherwise and not to allow for a bigger structure to be built. Mr. Abu disagreed with the use of the term "useable" and stated that it is more about appropriateness of a site and stated that this is certainly an appropriate location for duplexes. Mr. Ziton noted that the proposed duplexes are essentially 4800 square foot structures, which are big and will stand out. He reiterated that the town just came out of Town Meeting where overwhelmingly residents expressed concerns and voted for these changes. In response to a question from Mr. Abu about whether a ban on duplexes is really the objective, Mr. Ziton indicated that the town does allow duplexes with specified criteria. Ms. Capobianco clarified that the board went to Town Meeting after a one year moratorium on the issue of duplexes and what came out of Town Meeting is that the residents voted to keep duplexes in certain areas subject to certain criteria and the board cannot now tell an applicant who is following the bylaws in all respects that we know we said that we wanted to allow them but we are not ready to do so yet. She emphasized that this is our bylaw and duplexes are allowed under the certain criteria set forth in the bylaw and that is how the board must look at it. She suggested that, if there are people who live in the neighborhood who are opposed to this project, they need to come to the board and express their concerns and the board can then evaluate all of that information but debating about what people wanted as a result of Town Meeting is irrelevant because we have a bylaw that we are required to follow regardless of what anyone thinks about it personally.

Ms. Gillespie agreed with Mr. Ziton about the scale of the houses, but also noted that there is a knoll that rises up to where the existing house is located and voiced her understanding that the intent is to maintain the knoll and the proposed duplexes will be set back a bit behind it, which will somewhat mask the size and scale. Mr. Abu confirmed that the structures will be a good 100 feet from the road.

Mr. Sullivan noted that the driveway for the most westerly duplex will actually be located on an adjacent parcel with an easement. He also mentioned that the elevation on the other lot increases 10 to 12 feet from the street to the high point, so the first floors of the homes will barely be visible. Ms. Capobianco mentioned the installation of fencing, which Mr. Abu indicated will be at the top of the slope.

Ms. Poretsky stated that she had intended to ask about the driveway since it did not appear to be located within the middle lot. She asked if shifting the lot line to include the driveway would provide the necessary frontage for the middle lot. Mr. Sullivan indicated it would not. In response to a question from Ms. Poretsky about whether plans still include a sidewalk along Lincoln Street to connect to the crosswalk at the intersection of Lincoln and West Main Streets, Mr. Abu stated it probably will. Ms. Capobianco asked about the number of bedrooms in the single family homes and Mr. Abu confirmed that there will be four.

Ms. Poretsky commented that it is difficult as a board member to make decisions about a project without being provided with more detailed plans. Ms. Capobianco suggested that Mr. Abu is looking for board reactions to the revised plan prior to investing additional resources into further engineering work. She voiced her expectation that an amendment will be submitted based on the results of tonight's meeting. Ms. Capobianco also expressed appreciation to the applicant for his consideration of all of the comments and concerns that were previously voiced, and indicated that she prefers the new plan over what was previously proposed.

Ms. Capobianco explained that she had put some thought into the purpose of the waiver and when it might be prudent to grant one. She noted that the site in question is in a neighborhood where there are "cookie-cutter" homes sitting on lots with 120 feet of frontage. She questioned the board's reaction if a resident wanted to convert their single family home into a duplex and voiced her opinion that, for such a case, she does not believe it would be feasible for the board to grant a waiver to enable them to do so. However, she noted that when faced with a situation like we have here, where we have a property that has a number of possibilities for development and we want to do what is best for the town and the surrounding neighborhood, waivers do make sense to her. She commented that the Victorian house on the corner and the more recent style homes along the easterly side of Lincoln Street are far enough away and protected visually by the three proposed single family homes, and she believes it does not make sense to do anything different. She voiced her opinion that single family homes with driveways on West Main Street will not sell.

Ms. Martinek emphasized that the bylaw itself does have certain frontage that does allow for duplexes, and she believes that there are valid reasons for setting up the frontage requirements. She commented that the waiver issue came in at the last minute and created a bit of a disconnect between what was agreed upon. She mentioned that the board worked extensively with the consultant to come up with

the frontage and the town voted for it. She also stated that there is no requirement in the bylaw for the board to approve a waiver.

In response to a procedural question from Ms. Capobianco, Ms. Joubert indicated that the board should seek input from the applicant as to whether he would like to continue or close the hearing.

Henry Squillante, 72 Crestwood Drive, stated that residents voted on the duplex bylaw at Town Meeting and, while he thinks the revised plan is better than the original, he hopes that this will be an exception and not the norm going forward. He emphasized that the town voted on the 150 foot frontage and voiced concern that approval of this project could set a precedent. Mr. Abu noted that the houses are 130 feet off of the roadway on lots of nearly an acre.

Ms. Capobianco explained that the Planning Board considers each application individually and noted that any decision about waivers must take into consideration the three criteria for a waiver. Mr. Squillante commented that the only two measurable criteria are the frontage and lot size.

Sarah Richardson, 213 West Main Street, identified herself as an abutter and voiced disagreement with comments about the project not being detrimental to the neighborhood and residents. She expressed concern about putting two duplexes across the street from three single family homes that make up her little neighborhood. She noted that there is a potential for a minimum of four more cars entering and exiting an already problematic intersection. Ms. Capobianco explained that Mr. Abu had contacted the Massachusetts Department of Transportation (MassDOT) about installing a permanent signal but MassDOT has indicated that the development of this property does not trigger the installation of a full signal at that intersection.

Ms. Richardson also expressed concerns about negative impacts to her property values and taxes. Mr. Abu suggested that the new construction will likely increase the value of her home, but Ms. Richardson did not agree. She also mentioned current development of 7 duplexes in town plus Mr. Abu's proposed 3 single family homes and 2 additional duplexes and wondered about impacts to schools. Mr. Abu commented that population is actually on the decline and the census would suggest that there may be challenges keeping existing schools open in the future. Ms. Richardson disagreed, and noted that class sizes are problematic. Mr. Abu voiced his opinion that the small development proposed will not pose a problem. He also indicated that building currently happening in town is quite minimal. Ms. Richardson disagreed.

In response to a question from Ms. Capobianco about the 7 duplexes Ms. Richardson mentioned, Mr. Litchfield explained that the referenced project is 7 residential units in a single mixed-use building on West Main Street and not 7 duplexes. Mr. Abu commented that it has been 6 months since Town Meeting and there are only 2 duplexes in discussion.

Mr. Sullivan stated that the proposed 4-bedroom single family homes and 3-bedroom duplexes will not result in a major influx of children into the school system. He also noted that there are 19,000 trips a day through the intersection, so the estimated 10+/- trips per day from each of the proposed units will

be have minimal impact. He also explained that Ms. Richardson's home will be over 500 feet from the new structures, which is far enough away so as not to dwarf her house.

Sharon Johnson, 20 Lincoln Street, expressed concerns about drainage. She explained that the existing drains are directly in front of her house and do not adequately handle the current flow. Mr. Sullivan explained that there is no drainage improvements required for single family homes and none are proposed. Ms. Johnson emphasized that she already gets flooded out during rain events, and Mr. Sullivan suggested that she contact the Town Engineer about the issue.

Tom Reardon, 7 Sunset Drive, expressed a desire to address the question of whether or not to provide for a waiver. He commented that the spirit of the change was to give some flexibility to designers and developers while proposing duplexes where you have a complicated site. He noted that, when faced with a site that is adjacent to the Business West district as well as an established residential area, it presents a situation that warrants a waiver consideration. He suggested the fact that it can offer a buffer between a residential and commercial area further supports the consideration of a waiver. He also commented that being able to put new construction that is an improvement to the property offers another situation where a waiver should be considered.

For the record, Mr. Reardon stated that he had been hired by a client to design duplexes for a previously proposed development on this parcel. He also voiced support for Mr. Abu's project.

Ms. Joubert reiterated that the board needs direction from the applicant as to how he would like to proceed. Mr. Abu offered to address any further question from the board and, if none exist, he expressed a desire for the board to vote on his application.

Ms. Poretsky indicated that she cannot vote on the entire application without first reviewing a copy of the site plan and amended application. The board hasn't received either. She asked if the board can vote only on the waiver request and if it is possible to vote individually on each waiver. Ms. Capobianco agreed to poll the board about granting a waiver for both the easterly lot and the westerly lot.

Ms. Poretsky stated the fact that the site will change from one existing residential house to five and voiced her opinion that a waiver is not appropriate.

Ms. Gillespie indicated that she would support granting a waiver for each lot.

Ms. Martinek stated that, though she appreciates all of the time and thought that went into the project, she still believes that there were valid reasons for the frontage requirement and she is not in favor of granting a waiver for either lot.

Mr. Zitton stated that he would also not be in favor of granting a waiver for either lot.

Ms. Capobianco stated that she would approve granting a waiver for each lot.

Mr. Sullivan asked if there is anything the applicant can do to make those opposed to the project more comfortable with it, other than eliminating the duplexes entirely or if the members are adamantly opposed to duplexes. Mr. Ziton stated that the lot width and size of structures are of concern and he cannot envision any changes that would make him change his mind at this point. Ms. Martinek noted that frontage of 108 feet and 111 feet is not even close to the required 150 feet, and voiced agreement with Mr. Ziton. She reiterated that the board spent a lot of time working with the consultant to determine what would be best for the town and the consultant had even questioned why the town would vote to require this frontage if we were just going to provide this type of waiver. Mr. Abu mentioned that the location is appropriate for the development, which is the purpose of the waiver.

Mr. Sullivan voiced his opinion that the primary objective for the 150 foot frontage is to provide a buffer from existing houses. He commented that, in this case, the abutters to the right of the easterly duplex are the three single family homes that Mr. Abu is going to have to try to sell so if the project is impacting anyone negatively, it would be Mr. Abu. He also noted that the abutter to the westerly lot is in the business zone. In terms of providing 150 feet to protect abutters, Mr. Sullivan voiced his opinion that it is not important in this case.

Mr. Abu reiterated that the issue is all about appropriateness, and noted that the board can use the waiver as an excuse not to approve the project but it is not right. Ms. Martinek reiterated that the bylaw itself stipulates the frontage requirement while the waiver allows for tweaks here and there. In response to a question from Mr. Abu about whether the board is denying the project simply because the lots do not have 150 feet of frontage, Ms. Martinek confirmed that is one of her reasons for doing so and reiterated her opinion that there was a valid reason for the frontage requirement. Ms. Poretsky stated that she might be more comfortable with approving a waiver to allow for development of senior housing, which has been identified as a need by the Master Plan Steering Committee. Mr. Abu suggested that the duplexes fill a need by offering a lower priced housing opportunity, since they will be \$100,000 to \$150,000 less than a similar single family home. Ms. Poretsky disagreed.

Mr. Reardon voiced a desire to address Ms. Martinek's interpretation of the waiver. He explained that he also attended the meetings with the consultant and noted that the context of why the frontage was increased from 100 feet to 150 feet was to address concerns about development of duplexes in established residential neighborhoods by adding some width to the lot to prevent a larger structure from dominating abutting homes. He suggested that it would be wrong to take it as general context and apply it to this site where you don't have that issue. He emphasized that just because it is in the bylaw does not mean that the board does not have some degree of flexibility.

Ms. Capobianco voiced her opinion that if ever there was as close to perfect an application for this particular waiver, this is it. She noted that the project is not adversely affecting any existing neighbors as there is literally nobody right next door. She agreed that the 150 foot frontage requirement was designed for smaller neighborhoods where there are small single family starter homes, like Northgate, where a mammoth duplex would not be appropriate.

Mr. Abu requested that the board take a vote on his application.

Michelle Gillespie made a motion to approve a special permit to allow for construction of two duplexes and to approve a waiver for each of the two lots. Kerri Martinek seconded the motion for discussion.

Ms. Poretsky voiced appreciation for all of the work done to revise the plans but expressed concern about setting a precedent. Ms. Joubert explained that this would not set a precedent as each case is looked at individually. Ms. Poretsky stated it disturbs the consistency of the neighborhood and that she does not think the project fits in the neighborhood and she has concerns about the added traffic, so she is opposed to approval.

Ms. Gillespie voiced support for the project.

Ms. Martinek agreed with Ms. Poretsky's sentiments and voted against approval.

Mr. Ziton voted against approval. He voiced his opinion that the project is not appropriate due to lot size and width and does not fit with the look and feel of the neighborhood.

Ms. Capobianco voted in favor of approval and reiterated her opinion that this is exactly the right application for this type of waiver.

Motion failed by a vote of 3 against and 2 in favor.

Michelle Gillespie made a motion to close the public hearing. Kerri Martinek seconded; motion carries by unanimous vote.

Zoning Articles for Town Meeting – In response to questions from Ms. Capobianco, Ms. Joubert explained that she had spoken to the Zoning Board of Appeals (ZBA) in October about changes that Ms. Poretsky has proposed as well as the electronic message board signs and Mr. Ziton's concerns about externally lit signs. She indicated that she had asked the ZBA in November to look at the language for nonconforming uses, which was discussed at their last meeting. Ms. Joubert noted that one member of the ZBA did indicate opposition to the proposed change for nonconforming uses. She also mentioned that the ZBA did not provide specific direction but she will draft some language for their review at their next meeting, which is scheduled for January 22, 2019. In addition, Ms. Joubert noted that she will do a historical review of the bylaw and speak with Town Counsel about the proposed changes. Ms. Poretsky noted that one member of the ZBA supported the proposed change for nonconforming uses but had some concerns about the language. She also mentioned that Bob Frederico was at the ZBA meeting and explained that the change in the non-conforming use bylaw would not alter dimensional regulations and would not affect residential uses.

Ms. Poretsky stated that Northborough's bylaw differs from other towns by allowing a substantial extension of use, which leaves the town open to lawsuits and provides an opportunity for expansion of a nonconforming use. She also indicated that, during a class she recently attended, the consultant emphasized the need to have a definition in the bylaw for "substantially detrimental" because the term

detrimental means something different to everyone. She noted that the consultant also mentioned the importance of looking at nonconforming uses if the town has a desire to fix the downtown area.

Signs - Ms. Joubert recalled that the board had also discussed electronic message boards and everyone agreed that they would like to provide more definition and restrict them to the Highway Business and Industrial zones. Ms. Martinek asked if it is possible to limit sign content to business related information only. Ms. Joubert noted concerns about doing so and discussed the need to be a bit vague to avoid infringing on first amendment rights. Mr. Ziton expressed a desire to establish specific criteria for types of signs that are allowed.

Ms. Joubert explained that she is working with the Building Inspector to establish a regulation for seasonal uses. In response to a request from Ms. Poretsky to provide a copy of the language being considered, Ms. Joubert confirmed that all proposed zoning changes will be presented to the board for review.

Hazardous Waste Facilities – Ms. Joubert explained that the subject of Hazardous Waste facilities is proving to be very complicated. She suggested that the matter will not get the research and involvement from other boards that will be necessary in order for it to be addressed at Town Meeting this year. She indicated that she will need to get the Board of Health and the Fire Department involved and reiterated that this is a bigger issue than she expected and is a lot more involved than just a simple bylaw change. She recommended that it not be addressed at 2019 Town Meeting so that the time and resources can be devoted to developing criteria if the town wishes to pursue a bylaw.

Ms. Joubert noted that DEP did not necessarily feel that the town needs a bylaw since the Groundwater bylaw already in place could be sufficient. She also noted that the town will need to identify available sites because if it opts to put it in the bylaw and give it a home, it must ensure that there is a location for it.

Ms. Martinek questioned whether there are any conditions that can be put in place to protect the town until such time as a bylaw for hazardous waste facilities can be adopted. Ms. Joubert indicated that the consensus is that the issue should reside with the Board of Health. She also noted that, should a facility choose to locate in Northborough, they would first need to go to DEP for preliminary site assignment consideration followed by the Board of Health to determine if there is a site that would work in the community. She explained that, should a facility obtain a site assignment, they would then need to go through the site plan review process.

Ms. Capobianco requested that Ms. Joubert seek input from the Board of Health about a bylaw of this nature. Ms. Martinek noted that the Industrial zone abuts the high school and reiterated her desire to protect the town. Ms. Joubert mentioned that the DEP believes the town's Groundwater bylaw provides more protection than most communities have. She also emphasized the importance of thoroughly exploring the matter before taking it to Town Meeting. Ms. Poretsky indicated that she had also done research and learned that such a facility can only be sited where it is allowed in the use table and if our bylaw does not include it she wondered if it could prove problematic.

Ms. Gillespie recalled that there was a plastic bag ban on the warrant for last year's Town Meeting that was withdrawn and asked if it is proposed for this year's warrant. Mr. Litchfield voiced his understanding that it will be.

Mr. Ziton reiterated his desire to pursue bylaw changes for electronic signs this year. Ms. Gillespie recalled that the board had discussed including criteria for illumination/brightness.

Special Permit language – Ms. Poretsky noted that the zoning bylaw currently stipulates the following:

“Criteria. Unless otherwise specified herein, special permits shall be granted by the special permit granting authority, only upon its written determination that the adverse effects of the proposed use will not outweigh its beneficial impacts to the town or the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site.”

and suggested replacing *shall* with *may*.

She noted that our bylaw is the only one she found that uses the term “shall” and she thinks it makes it more difficult to deny a special permit even though the board does have the ability to do so. Ms. Joubert cautioned the board about making changes to the zoning bylaw while in the midst of a Master Plan process. She voiced her opinion that, while this is very valid information, it is important to do this in the context of the Master Plan.

In response to a question from Ms. Capobianco about the number of special permit decisions rendered by the Planning Board that have been appealed, Ms. Joubert could not recall any within the past 10 years. Ms. Poretsky noted that she has been on the board for 4 years during which no special permits have been denied. Ms. Capobianco voiced concern about another zoning bylaw change being brought forth so late in the year. She also voiced her opinion that there is no need to do so, especially given that we are in the middle of the Master Plan process, and asked Ms. Poretsky to think about it and make sure it is really something that she wants to pursue. Ms. Poretsky expressed a desire to at least run it past the ZBA for their input. Ms. Capobianco asked Ms. Joubert to do so.

December 20, 2018 meeting – Ms. Capobianco explained that the only agenda item for the December 20, 2018 meeting is a conversation with Fran Bakstran and Rick Leif about the Master Plan. She suggested that, since 4 members of the Planning Board regularly attend those meetings and there will be a similar discussion with the Board of Selectmen at their meeting of December 17th, she proposes cancelling the December 20 Planning Board meeting.

Ms. Capobianco discussed an email she received from Town Administrator John Coderre and asked Ms. Joubert to clarify the process for board members who wish to utilize external resources to ensure that everyone is going through the proper channels. Ms. Joubert suggested that any questions or requests should be addressed in an open meeting. She explained that, while she can send information to the board, discussions should not be conducted outside of the setting of a public meeting to avoid any violation of the Open Meeting Law. Ms. Capobianco emphasized that anything that a board member wants or needs should be requested through the appropriate channels.

Term Limits – Ms. Martinek recalled that she had asked the board to consider imposing term limits and/or establishing criteria for board reappointments. Ms. Joubert stated that she had found language about term limits and how to stagger appointments that she will provide to the board for consideration. Ms. Gillespie voiced her opinion that it is only fair to allow other interested parties to pursue board positions when a seat is up for reappointment. Ms. Capobianco agreed.

Joint Meeting with ZBA – Ms. Martinek recalled that there had been a previous discussion for a joint meeting with the ZBA to look at special permit language and asked what would be the best way to proceed. Ms. Joubert agreed to ask the ZBA about doing so. She also noted that the budget includes funding for courses and training, should there be any interest.

Ms. Martinek asked if the subject of the waiver for duplexes should be re-evaluated. Ms. Capobianco suggested that it should be if the intent is to deny them every time one is requested. Ms. Joubert emphasized the importance of looking at the town individually and independently. She noted that the zoning bylaw has a lot of waivers, some of which have never been exercised, and they offer the town some flexibility. She agreed that if the board has no intention of granting something, then it should not be included in the bylaw. Ms. Poretsky suggested that, in the absence of a waiver, a developer has the option of seeking a variance. Ms. Gillespie expressed desire to wait another year, as she is not comfortable going back to Town Meeting so soon after having presented this.

Meeting adjourned at 9:25PM.

Respectfully submitted,

Elaine Rowe
Board Secretary