



TOWN OF NORTHBOROUGH PLANNING BOARD

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Approved 12.16.20

Planning Board Zoom Meeting Minutes November 4, 2020

Members (Remotely): Kerri Martinek, Chair; Amy Poretsky, Vice Chair; Anthony Ziton; Mille Milton; Michelle Gillespie

Members Absent: None

Others (Remotely): Kathy Joubert (Town Planner); Robert Frederico (Building Inspector); Fred Litchfield (Town Engineer)

Chair Martinek called the Zoom meeting to order at 6:00 p.m. and made the announcement that pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 20A, S18, and the Governor's March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, that the meeting of the Northborough Planning Board is being conducted via remote participation to the greatest extent possible. Public comment will not be taken. The process was explained.

Member and Staff roll call was taken: Mille Milton, Amy Poretsky, Michelle Gillespie, Anthony Ziton, Kerri Martinek, Robert Frederico (Building Inspector); Kathy Joubert (Town Planner); Fred Litchfield (Town Engineer)

Old/New Business:

Review of 399 Hudson Street Decision – After a review of the draft Decision and no changes being required, the members agreed that the Chair would sign on behalf of the board.

Update: 425 Whitney Street RFQ Responses – In accordance with the RFQ, Ms. Joubert, Mr. Litchfield, Mr. Charpentier and Ms. Martinek met to review the three responses. They plan to move ahead with one candidate once additional resume information is received. The intent is to have the preferred company hired and underway before the December 1st meeting, but it is not anticipated that the peer review consultant would have any information for that meeting. Ms. Joubert will forward information to the board when received.

Town Meeting/Zoning Bylaw Amendments – For possible consideration, Ms. Poretsky's issues were (1) removing commercial storage facility from Business West but leave it in Business South and Industrial; (2) have a better definition of a contractor's yard to read "is a premise used by a building contractor or subcontractor for storage of their vehicles, equipment and supplies and fabrication of sub-assemblies"; (3) remove Use Variance. She commented that car washes, car rentals or u-hauls are not mentioned in our bylaws and asked Mr. Frederico if they are prohibited if not permitted. It will need to be investigated since Mr. Frederico believed some of the business areas do allow leasing; and (4) nonconforming uses. She wants to update to add the intent and purpose of the bylaw, eliminate gray areas and be more specific.

Ms. Milton's area of concern is addressing sober houses or rehabs because there are no bylaws that have zoning areas for them and they can go anywhere. Mr. Frederico said they can go anywhere because they are a protected class under the U.S. Constitution. The only thing the board might be able to do is to have site plan review. Ms. Milton wants to be aware of the best course of action if something like that comes before the board. Town Counsel will be consulted.

Mr. Ziton's concern was for Business West. The area has so much potential and continues with contractor's yards and hazardous trucking facilities; he would like to see it move in another direction. He would also like to require signs in the downtown area be externally lit and would like to explore removing duplexes as a special permit use in the RC District and prohibit them in the RC District.

Ms. Martinek's considerations are (1) accessory dwelling for people who are taking care of parents or a disabled child that they could live in an accessory dwelling unit and have room for a caretaker. Mr. Frederico said 700 square feet or 25% is standard language; anything bigger turns into a second house. If an accessory dwelling unit is set up for an in-law, it is a temporary use. Opening it up to another use other than a direct family need is a good way to allow it to remain as an accessory dwelling unit. It is important that the language remain that it must retain the flavor and style of a single-family home. Mr. Frederico commented that "Granny pods" must meet all the requirements of a new house under the Building Code. (2) Groundwater Special Permit Bylaw. Would like to align the criteria of a groundwater special permit with the criteria of a general special permit; (3) fixing the requirement that exists today whereby an applicant for a duplex has to come before both the Planning Board and ZBA for separate special permits and separate site plan approvals. Change it to limit it to one board.

Ms. Gillespie has concerns with what is being discussed for changes in Business West. If you are taking away uses from landowners, what are you offering and replacing it with. She didn't think you could have Business West with only restaurants as the allowed use. What would the board recommend being there in 5-10 years? She also asked the board to consider, rather than lumping a contractor into one definition, breaking it down into different sections. Is it bad for small contractors to be in Business West? You want to make sure we are not eliminating the small business owners; the board needs to think outside the box; the industrial area is the most expensive land in town.

Ms. Joubert said the deadline to submit articles to the Town Administrator is February 4th. The board will determine at the next meeting the possible bylaw changes and prioritize them. Aesthetics for 5G antennas was briefly mentioned.

Discussion RE: Traffic Concerns – Traffic is a concern of the residents. Through CMRPC, the local planning assistant hours could be used for a traffic expert to come talk to the board about options. Ms. Joubert said currently the DPW Director, Town Engineer and Police Chief are preparing a memo for the Selectmen regarding the concerns in the Bartlett Street area relating to Amazon coming to town. They will be talking with CMRPC about traffic counts in the spring. Because truckers can only log so many hours per day, tractor trailers were parking on Bartlett Street; the DPW blocked off the spot. Traffic will need to be looked at long-term, and not only in the area of Bartlett Street. There are other areas of town where people have expressed concerns about crosswalks and pedestrian lights. Ms. Martinek asked about Chapter 90 money. Ms. Joubert said it is ongoing DPW funding. Ms. Martinek asked who handles the issues such as the letter received about the Maple Street exclusion as well as an issue about Ridge Road. Ms.

Joubert told the board that any traffic related issues/concerns/questions received are sent to the Town Administrator, DPW and Town Engineer.

Ms. Gillespie said Northborough is unique because to the east is 495; to the south is Route 9; to the north is 290; they are major roadways. The volume of traffic is greater. There will be buildouts on Business South and Bartlett Street will mature; there needs to be a mitigation approach to help the town. The board should have something in place that supports the planning process. Ms. Milton asked if there was a traffic management plan. Mr. Litchfield was not aware of any town that had a town-wide management plan. Ms. Joubert said the engineers on staff are aware of and know what CMRCP has offered and use them every year for traffic counts. Ms. Martinek will draft a memo to the Board of Selectmen to open the lines of communication and include the volume of feedback and ideas received; Ms. Joubert will forward it to the board.

Review of 50 Southwest Cutoff Memo to ZBA – The applicant continues to meet with the Design Review Committee; it will be heard at the November 24th ZBA meeting. Ms. Poretsky wanted to include comments about the use. Ms. Joubert explained that the Board met with the applicant on October 6th and the use was not one of the items the Board included in the memo to the ZBA. If the Board has additional questions, they would need to invite him back to discuss in an open meeting or discuss at the public hearing with the ZBA. Ms. Poretsky said her comments were talked about at the last meeting. She would recommend denial of the site plan because the use is not a grandfathered use. Ms. Joubert reminded the Board the applicant needs to be present if you are to discuss his project. Talking about the use now needs to be in the public hearing. Ms. Joubert summarized from the October 6th minutes that comments contained in the ZBA memo include considering enhancing the buffers, there needs to be better consistency with blending it into the existing business district, architectural features need to be enhanced, buildings need to be made less industrial-like looking, landscaping needs to be strengthened between the zoning districts, and are any variances required for this non-conforming use. Ms. Poretsky said they should be able to discuss anything that was discussed at the public hearing session. Ms. Joubert reminded her that the board did not have a public hearing; it is a public hearing before the ZBA and if they were going to discuss it any further the Board should have the applicant present or go to the ZBA meeting. Ms. Poretsky didn't see why the applicant had to be present to write a letter to the Zoning Board about what they discussed in front of them. Ms. Joubert explained that they are talking about the application, the applicant is not present, and it is a violation of the Open Meeting Law.

ANR Plan (Green Street) – A new lot is being created; the frontage is on Green Street. Ms. Martinek will sign the plan.

Open Space and Recreation Plan - There was a discussion about sending a letter of support to the Open Space Committee. Ms. Joubert will follow up for the next meeting.

Subcommittee Updates – Ms. Milton said CPC has not met yet. Ms. Gillespie said Design Review is being rescheduled. Ms. Martinek said CMRPC grants have gone out already; she will watch for any future grants. She also said CPTC classes are open for registration through December.

Consideration of Minutes (08-18-20, 09-15-20 & 10-06-20) – Ms. Poretsky made a motion to approve the August 18, 2020 meeting minutes as amended; Mr. Ziton seconded; roll call vote: Milton-aye; Poretsky-aye; Ziton-aye; Gillespie-aye; Martinek-aye; motion approved.

Ms. Poretsky made a motion to approve the September 15, 2020 meeting minutes as amended; Ms. Gillespie seconded; roll call vote: Milton-aye; Poretsky-aye; Ziton-aye; Gillespie-aye; Martinek-aye; motion approved.

The October 6, 2020 meeting minutes were tabled to the next meeting.

Ms. Poretsky wanted to further discuss the 50 Southwest Cutoff memo; she wants the applicant to come back to discuss the use. Ms. Gillespie commented that she made a presentation, the board listened to it, but did not agree with it; it was her opinion. The consensus of the board was the use and how uses are handled are under the ZBA. Ms. Joubert understands Ms. Poretsky's opinion, but said it is not the jurisdiction of this board in a site plan review process to question the determination that the Building Inspector has made. He made the determination that this proposed use is allowed. The governing authority is the Zoning Board of Appeals. The Planning Board is reviewing the site plan, not the zoning determination; it is not their job; it is the Building Inspector/Zoning Enforcement Officer. Ms. Joubert stated that she did not feel comfortable continuing this discussion in an open meeting without the applicant present. Mr. Frederico cautioned the board about discussing it without the applicant being present.

Master Plan Implementation – Ms. Poretsky is the PB representative; Ms. Gillespie is the alternate (if the Board of Selectmen allow it). Ms. Martinek will draft a letter to see if that is possible.

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

The meeting was adjourned at 8:53 p.m.

Respectfully submitted,

Melanie Rich
Board Secretary