



TOWN OF NORTHBOROUGH PLANNING BOARD

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Approved 12.16.20

Planning Board Zoom Meeting Minutes November 17, 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, Kerry Martinek, Kathy Joubert (Town Planner); Robert Frederico (Building Inspector); Fred Litchfield (Town Engineer)

Old/New Business:

Review of 0 Bartlett Street Preliminary Subdivision Decision – The Decision was reviewed, edited and will be revised by Ms. Joubert; the Chair will sign on behalf of the board.

Confirmation of Peer Review Consultant for 425 Whitney Street – Ms. Joubert said the RFQ was reissued and explained the selection process. Environmental Partners (EP) was chosen and is subcontracting with CN Associates. Contract will be signed between the Town and EP; STERIS will deposit funds with town; EP begin their review as soon as possible. Ms. Martinek asked how we make sure the boards' questions are answered. Ms. Joubert explained a peer review is based on the scope as outlined in the RFQ; EP has the two sets of questions from the Board, two sets of responses from STERIS, and all the information submitted by STERIS. Staff will be the point of contact should they have any questions. Ms. Martinek questioned the concrete plant. Ms. Joubert said plans have not been submitted for the concrete plant and when they are, the Town Engineer and Conservation Agent will be responsible for the review of the temporary plant. Mr. Litchfield said EP may be able to share information on air quality on the neighborhood as part of the Site Plan Review. Mr. Ziton asked if EP could provide something more formal so it could be reviewed. Ms. Joubert said a review of the concrete plant was not part of the scope. Ms. Milton made a motion to move forward with Environmental Partners as the peer review consultant for 425 Whitney Street; Ms. Poretsky seconded; roll call vote: Milton-aye; Poretsky-aye; Gillespie-aye; Ziton-aye; Martinek-aye; motion approved.

Discussion RE: Traffic Concerns – Memo from the Planning Board was sent to the BOS summarizing concerns of the board as it relates to their experience when reviewing applications. Ms. Milton looked into towns that had traffic management plans and said it is important to align any traffic plan with the goals for the Master Plans (safety and future traffic management and transportation). Section 8 in the Master Plan lists four goals for transportation. In the towns she researched, the Planning Board was involved in mitigation and future planning. She will continue to explore traffic management. Ms. Martinek asked if there was interest for CMRPC to come in and talk to the board about how other towns are dealing with trucking and distribution; members felt there was. Ms. Martinek asked about if we were eligible for grants. Ms. Joubert said some of the grants this year are specifically related to COVID and assisting businesses and restaurants with outdoor seating, heating, modifying street patterns etc.

Regarding the 330 & 350 Bartlett Street Decision, Ms. Martinek asked if the conditions can be enforced with the current tenants. Ms. Joubert explained that though the conditions are not enforceable by the Police Department because they are not traffic regulations, reminders are sent to companies/property owners either by phone, letter or a visit to remind the drivers. Ms. Gillespie commented about having something in the toolkit should there be some impact from a filing before the board; what would the board be asking for to offset the impacts. She would be interested in seeing what conditions in this Decision work or don't work for future Decisions. Mr. Litchfield did not think it would be unreasonable to suggest the addition of signage to remind drivers to head east and not use local roads. There was also a condition for a sound level study; Mr. Frederico is waiting for it to be submitted; it is not needed until the facility is up and running.

Town Meeting/Zoning Bylaw Amendments – Ms. Poretsky's considerations were: (1) removing commercial storage facility from Business West but leaving it in Business South and Industrial. Ms. Joubert said it was part of the 2009 rewrite, not a carryover, and explained the reason it was purposely put in there. She also noted that Ms. Poretsky's material talked about non-conforming uses. Ms. Joubert made the board aware that any time something is changed in the Use Table, e.g., changing an allowed use to a NO, you are creating a non-conforming use. Anything that exists in town that was once allowed, is now considered pre-existing non-conforming. Another of Ms. Poretsky's comments trying to make non-conforming uses to ultimately conform to the zoning could be an impossibility; they are protected by General Laws. Ms. Joubert will follow up with the Assessors Office to see if there are any storage facilities in Business West. (2) Having 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". Mr. Zitton agreed the definition should be more specific and to leave in the existing part of the definition. Ms. Gillespie would like to know who it would impact on the southwest corridor. Mr. Frederico said Ace Hardware is permitted to store and show items outside by Special Permit or variance. As far as the other businesses currently there, if a new definition, restriction, special permit, etc., is put in, businesses in existence at the time of the vote are automatically grandfathered. (3) Remove the Use Variance. (4) Nonconforming. She wants an intent & purpose clause to be added. She would also like the Powers Test to be added to the interpretation form. Mr. Frederico said the applicant can bring it up with the Special Permit Granting Authority; it will not be added to the interpretation form. (5) The addition of a Bylaw for Craft Breweries. (6) Make Bylaws 7-09-20 C.(5)(a) and 7-06-030 C (4)(b) similar. (7) Add a list of Prohibited Uses that are not desirable to the town.

Ms. Milton discussed sober houses and will prepare a general summary for the next meeting to include the definition of a sober house, what is in place now, and how we may want to change it. Mr. Frederico said the only thing the board might be able to do is to have a limited amount of site plan review because they are a protected class.

Mr. Ziton's concern was for Business West and felt what Ms. Poretsky presented covered the tightening up of the area. He commented that many towns are prohibiting back illuminated signs; externally lit signs are cleaner looking to him, more attractive and would be a better look for the town. Ms. Gillespie said there was significant input from business owners and residents when making the sign bylaw; she is not in favor of it and thinks many business owners will oppose it. Some recent businesses are using the rear-mounted lighting. The board should work with the community. Mr. Ziton also mentioned removing duplexes from RC to protect the neighborhoods. He was concerned that once the properties are passed along, the lot sizes will be combined to bypass the lot size requirements and duplexes will be constructed. He had no issues with conversions.

Ms. Martinek talked about the Bill before the House for An Act relative to accessory dwellings. She said it is tailored for persons with disabilities and the elderly, and not sure if the town bylaw should be that specific; possibly make it universal. She asked why accessory dwelling units are not allowed in RA and RB districts. Ms. Joubert explained that there was a great deal of discussion whether to allow two-families in other districts and whether accessory dwellings should be allowed. When accessory dwelling was first introduced by right, the board at the time thought it would be more palatable to people to start off in one or two different zoning districts. Ms. Martinek would like to see if there are different components within the bylaw to help the two groups but not cause any unintended consequences. Regarding the Groundwater Special Permit, she would like to fix the language to make it clearer. She asked if there were any staff recommendations for the duplex situation which presently causes the applicant to go to both the Planning Board and ZBA for a special permit and a site plan approval; Ms. Joubert said she and Bob Frederico will revise the language. At the next meeting the board will decide what they will move forward with.

ANR Plan – Ms. Gillespie recused herself from the matter and was moved to attendee status. The ANR plan is for the property referred to as 85 West Street. One lot is being subdivided into four lots. They all have existing frontage on West Street and the required access. The Chair will sign the plan on behalf of the board. Ms. Milton made a motion to approve the ANR for 85 West Street; Mr. Ziton seconded; roll call vote: Milton-aye; Poretsky-aye; Ziton-aye; Martinek-aye; motion approved (Ms. Gillespie recused herself from the vote).

Ms. Gillespie rejoined the meeting.

Review of 50 Southwest Cutoff Memo to ZBA – The applicant will be back before the Design Review Committee on Thursday morning, November 19th and back before the ZBA on November 24th. The memo was revised and will be forwarded to the ZBA.

Consideration of Minutes (10.06.20 & 10.20.20) – Tabled to the next meeting.

The December 1st meeting will begin at 6:00 p.m.; the December 16th meeting will begin at 6:30 p.m.

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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 9:21 p.m.

Respectfully submitted,

Melanie Rich
Board Secretary