



TOWN OF NORTHBOROUGH PLANNING BOARD

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

Approved 04.20.2021

Planning Board Zoom Meeting Minutes February 2, 2021

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

Members Absent: None

Others (Remotely):

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: Anthony Ziton, Mille Milton, Amy Poretsky, Michelle Gillespie, Kerri Martinek

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

Attorney Madaus requested a continuance to March 2, 2021 in order for the peer reviewer to review their requested information which was just provided. Ms. Milton made a motion to continue the public hearing for 425 Whitney Street Special Permit Site Plan Approval and Special Permit per Groundwater Protection Overlay District to March 2, 2021 at 6:30 p.m.; Ms. Poretsky seconded; roll call vote: Ziton-aye; Poretsky-aye; Milton-aye; Gillespie-aye; Martinek-aye; motion approved.

Old/New Business:

Consideration of Minutes (01.05.21) – Ms. Milton made a motion to accept the minutes as amended; Ms. Poretsky seconded; roll call vote: Ziton-aye; Poretsky-aye; Milton-aye; Gillespie-aye; Martinek-aye; motion approved.

Discussion RE: Traffic Concerns – CMRCP will be attending the next meeting. Ms. Martinek spoke with Sujatha Krishnan about the format and taking questions from residents. Ms. Kirshnan suggested taking questions in advance; members agreed having questions in advance would make the best use of her time. In terms of what they want to cover, the list included more about trends in the region, what other Planning Boards are doing (or could be doing) with regards to conditions or mitigation, what is the Planning Board's role in planning, and how do we balance traffic against economic development. Ms. Gillespie said it is important that when Ms. Kirshnan does her research to consider the uniqueness of Northborough because of major highways surrounding it (Routes 290, 495, 9 and the Mass Pike). The town has accumulated 16-18 local planning assistance hours for attending meetings; they need to be allocated. Notice of the meeting will be given to the BOS, ZBA, Master Plan Implementation Committee, DPW, Police, Fire, Staff. All questions must be received by noon on February 15th. The status of the noise study was not known tonight since Mr. Frederico was unable to attend.

ANR Plan (0 West Main Street) – The plan has the required frontage, area and lot width. Having no issues, Ms. Poretsky made a motion to approve the ANR plan for 0 West Main Street; Mr. Zitton seconded; roll call vote: Zitton-aye; Poretsky-aye; Milton-aye; Gillespie-aye; Martinek-aye; motion approved. Ms. Martinek will make arrangements with the office to sign.

Upcoming ZBA Application(s): 8 Mill Street. Ms. Martinek will clarify if a site plan is associated with it.

Discussion RE: Grants – CMRPC is now streamlining grants. The board should discuss what the new process is and how they can take advantage of it. It appears that rather than apply for multiple grants, there is a system where information is entered and goes to multiple grant opportunities which would be an easier/faster process.

Subcommittee Updates – Ms. Gillespie said there is an applicant before the Design Review Committee for a building on Main Street. When revisions are completed, he will proceed to the ZBA.

Continued Discussion RE: Proposed Zoning Amendments for 2021 ATM – The bylaws in near final format are the Accessory Dwelling Units (no issues); Duplex Special Permit streamlining to one board (no issues); Craft Breweries (Ms. Joubert was to provide outstanding information about liquor licenses, water usage, etc.); Commercial Storage Facilities (no issues); Non-Conforming requires Town Counsel input (no action until it is received). Remaining for discussion are Prohibited Uses, Groundwater and Contractor's Yard.

Prohibited Uses – The list was narrowed but clarification is needed on fur bearing animals, what is junk material, adding self-storage units to the list (what happens to things that are already prohibited), and question removing "q" from the list?

Groundwater – Ms. Martinek wanted to make it clear that there are now two different ways to get a special permit. She presented two different options to fix the issue. She also explained that part of the criteria is located in an area that doesn't make sense because it was in with information on how to file with the Town Clerk. The direct option would mirror all the other overlay districts; the other option is more language that makes it clear that the benefits have to outweigh the impact in one way or another. Her concern for the way it is currently listed is focused on the Groundwater Advisory Committee. If perceived as a separate path, the way it's carved out creates a separate its own special permit process

and relies on the Groundwater Committee, not the Special Permit Granting Authority. The Committee isn't made up of all groundwater experts but rather representatives from different boards; the Committee is not authorized to be a Special Permit Granting Authority. Having two different paths in the bylaws doesn't make sense.

Since staff was not present tonight, Ms. Gillespie thought it would be a good idea for the board to review Staff's December 16, 2020 memo where they offered their comments for consideration. Ms. Poretsky, as a member of the GAC, said they never discuss the bylaws; they rely on Mr. Litchfield's comment letter and checklist. In listening to some ZBA and PB meetings, it comes across as Groundwater being experts. She could not find any other town that has a Groundwater Committee; the Groundwater special permits always fell with the PB. She did comment that Mr. Litchfield does know his stuff, but thought that for it to come in front of the board, the board should still consider all the criteria too. Ms. Gillespie thought it would be worthwhile to let staff know they read their feedback and understand it and give them feedback as to why we think it's different. Ms. Martinek noticed that the other overlay districts also tied back to the general special permit criteria and they had the same problem, specifically the floodplain overlay district; what does traffic have to do with the floodplain overlay district? If there is anything that is not applicable to what they are reviewing, in their findings they would say it is not applicable vs. not have the opportunity to tie it together with the general special permit criteria. She forwarded her information to the GAC for review, but they haven't met yet.

The board was asked what they were comfortable with. Ms. Milton said going the more direct approach and taking it out where it does not apply. Mr. Ziton agreed with a more direct approach. Ms. Gillespie agreed with trying to eliminate duplication and said if we agree as a board we should probably go forward (ZBA had no feedback and did not know how to solve it). Ms. Poretsky didn't think it would change the way anything happens at the Groundwater Committee because they are not going to go through the special permit criteria, and we never read aloud the groundwater criteria. She said there were no instructions when she joined the board and doesn't ever remember talking about the criteria. When we meet, we get Mr. Litchfield's input/memo and talk about if we want more input. If we have all the info we need from his memo, we vote that everything looks good to them. We never check the impervious numbers, we go through the memo and ask questions of the applicant, but never talk about the zoning bylaws. Members agreed to go with the direct option.

Contractor's Yard – Ms. Poretsky updated the bylaw. She does not feel there should be wholesale sales within a contractor's yard because a contractor's yard provides services. There is already a definition in the bylaw for wholesale and retail sales. She read her version; she didn't want it to be vague anymore.

She forwarded a question about performance standards to Mr. Frederico and Ms. Joubert about how it only gets talked about in industrial districts and industrial uses; why not have it in all districts? Ms. Gillespie said it was very subjective and asked how could you control it; it needs to be discussed with Mr. Frederico. Ms. Poretsky said it is in the current definition. Ms. Gillespie agreed it was good to be screened from the view of the street with attractive fencing and plantings in perpetuity, but what about on abutting properties where the elevations are different (higher). Ms. Poretsky did not have a clear answer. There was more discussion about wholesale/retail sales in the contractor's yard. Ms. Gillespie commented that with zoning, you want to look at how people might want to expand and grow their business; the definition doesn't want to be so narrowly focused that you're prohibiting the growth of their business. She would ask Mr. Frederico about tradesman and if the retail part is removed, would it be a prohibited use for them? Ms. Poretsky said wholesale trade, like commercial storage facilities should not be in BW or BS; it should be in highway business and industrial. Ms. Martinek said

the remaining question is for Mr. Frederico to take a look at, in the cases where you have for example, a granite person or tradesman, carpenter, etc., will it prevent them from doing what they need to do. Does retail sales cover what they want to do if they expand? If you wanted to go to retail sales, could you get a special permit for an accessory use?

Ms. Poretsky wants to add in wholesale trade. Ms. Milton asked if there were any applicants in those four areas listed that they would then be out of compliance if we changed it? Ms. Poretsky said we would have to check with Ms. Joubert and Mr. Frederico, but even if there were, they would be grandfathered. Ms. Martinek thought it tied into the problem they are trying to solve. Ms. Gillespie commented that Ms. Poretsky keeps referencing the Community Development Plan from 20 years ago which was a spinoff of the Master Plan which was just finished. She commented that we keep adding things on. With zoning there is a connectivity and would feel more comfortable checking with staff to know if it can be added or making sure it would not have any impacts. She agrees with some of the discussions tonight, but not sure about adding more on and asked if we can get staff feedback for the next meeting. Ms. Poretsky felt the Master Plan Implementation Committee will take a long time. Ms. Martinek said we will get feedback from staff. In looking at a contractor's yard, this is a loophole in putting warehouses in sections we do not want to see them (BW & BS). Does that solve the problem and it is tied to the contractor's yard (what we are trying to do with that definition)?

Ms. Martinek mentioned the email from a resident regarding a contractor's yard about changing the definition making sure we don't put an undue focus on the sales component. The point of the contractor's yard is so somebody can provide services and include labor and materials, but their main business is not the wholesale product; she thought that may be an important question to figure out. Also included was a comment that we now allow five lots on a common driveway and thought it was three lots. She asked if any members had history on it. Ms. Poretsky commented that other towns go by housing units on a common drive and not lots. Ms. Milton asked if there were bylaws for a common drive in an industrial use; she thought there might be some different criteria than in a residential subdivision; what is the criteria we are looking at on something like that. The email also brought up centralized recordkeeping and keeping track of restrictions.

She was asked about making Ridge Road a scenic road. How is that determined? Is it resident driven or planning driven? Ms. Gillespie said they were done many years ago, Ms. Joubert may have some history. They are mostly done for preservation of the stone walls.

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

The meeting was adjourned at 8:10 p.m.

Respectfully submitted,

Melanie Rich
Board Secretary