



TOWN OF NORTHBOROUGH PLANNING BOARD

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Approved 04.20.2021

Planning Board Zoom Meeting Minutes March 9, 2021

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

Members Absent: None

Others (Remotely): Kathy Joubert (Town Planner); 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, §18, 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: Amy Poretsky, Michelle Gillespie, Mille Milton, Anthony Ziton, Kerri Martinek; Kathy Joubert (Town Planner)

Continued Discussion RE: 2021 Proposed Zoning Amendments – Ms. Poretsky described her understanding of what a non-conforming use was and what the intended changes of Attorney Doneski's memo were. In her view, there were not three options from the board to choose from. A was a change of 7-08-10 and B was a change to 7-08-20 and they needed to be done hand and hand. C was what Southborough has done (which in her view, was him not recommending the Southborough bylaw but him just using for reference as Southborough includes use and structure together and we break them down into A and B, among other things). Ms. Poretsky was disappointed that Attorney Doneski did not attend tonight to explain his changes; she had asked in advance and thought it was important. She wanted to add the purpose and intent to Section 7-08-010 Applicability. Ms. Joubert reviewed line by line the intended changes with Town Counsel today. Attorney Doneski highly recommended they do not add a purpose and intent in this section of the bylaw; the purpose and intent is not in harmony with the rest of this bylaw. He suggested that the board is proposing changes to other sections of the bylaw to make it much more specific so a purpose is not needed. He also said that adding a purpose section could result in unintended consequences; it will do more harm than good. The purpose and intent will be deleted.

With regard to changes B1 or B2, Attorney Doneski would rather the board go with B2 because B1 as written is in direct conflict with statutory language; B2 will create less direct conflict with the Zoning Act. Ms. Poretsky wanted to add "extension or alteration" to match the bottom. Ms. Joubert will ask Attorney Doneski tomorrow if extension or alteration should be added to B2. The board will move forward with Attorney Doneski's decision.

Regarding Section 7-08-020, Ms. Poretsky said it should be allowed by special permit and go to the ZBA. Ms. Joubert said Attorney Doneski suggested the board not add the footnote. He does not believe it will apply to all applicants, it won't fit with every situation, there will be conflict with how the ZBA will interpret this bylaw, the 20% measurement will not be applicable for all applicants, the impact by over 20% is very suggestive; the Zoning Bylaws should not be subjective. By adding the footnote, it is mixing apples and oranges; it will cause more issues with how it is interpreted and if there is an appeal. Mr. Ziton said it makes sense to have a number as a reference point. Ms. Milton said some things are not measurable (noise, lighting, traffic). Ms. Gillespie said because legal counsel said not to include it, the ZBA was not in favor of the language at that time, and the board should have input from other boards, she is not in favor of it and suggested waiting until next year to have all the players involved in this complicated piece of zoning; it is better than doing it last minute. This section is close to being finalized with the removal of the footnote and getting the answer as to whether extension or alteration should be added; members agreed. The board will move forward with Attorney Doneski's recommendations. The public hearing will be held on April 6th.

Consideration of Minutes (01.19.21) – The board was not prepared to review the minutes tonight.

The next meeting is March 16th; three public hearings are scheduled.

Ms. Joubert said the Attorney General's office approved all but two of the Zoning Bylaws (Solar and Hazardous Waste) from last June; they have requested additional time to review.

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

The meeting was adjourned at 6:59 p.m.

Respectfully submitted,

Melanie Rich
Board Secretary