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TOWN OF NORTHBOROUGH PLANNING BOARD

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Approved 06.15.2021

Planning Board Zoom Meeting Minutes April 20, 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 be taken. The process was explained.

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

Review of Site Plan Approval application for 90 West Main Street – Vito Colonna (Connorstone Engineering) and Tom Reardon, architect for the project, attended. Raquel Menezes from MA Design joined later. It is an existing 2-family house. Proposed is the removal of the house and garage to construct a mixed-use building with commercial on the first floor and residential above. Parking will be on the side; the rear will be left in a natural state to avoid the resource areas. They have been before Design Review Committee and are meeting with the ZBA next week. The landscaping and architecture have been reviewed through Design Review Committee. There is access on the side, it has a large enough turning radius for emergency vehicles, the loading area is in the rear and hidden from public view, the dumpster pad is screened, it is handicap accessible. Utility connections are in the street; sewer service is available as well as water. A drywell is proposed for stormwater management; it satisfies the requirements under the Groundwater Overlay Districts and recharge requirements under the Wetlands Protection Act and Conservation Commission. A treatment structure has been added to the parking lot. They have been before the Conservation Commission; there are no outstanding issues.

Ms. Martinek explained that the application is going before the ZBA; the Planning Board's role is to do a technical review in terms of the site plan approval. Ms. Milton asked about the tenant. Mr. Colonna said it would be a remodeling company; there will be a sign out front. Tom Reardon described the design plan. Mr. Ziton asked if there were guidelines for parking. Mr. Colonna said it is based on the number bedrooms; 12 parking spaces were required and proposed. Ms. Poretsky had a concern with the 25% parking reduction. Mr. Reardon stated wall packs will light the building. Ms. Poretsky noted that everything is moved forward into Groundwater 3 and concerned

there may be a need for more parking; will cars be parked in Groundwater 2? Mr. Colonna said they will not park on the Groundwater 2; it is an 8-foot drop. Ms. Menezes (MA Design) said they have appointments only; people will not randomly visit; the lease will limit the number of cars per apartment. Deliveries will be small items (samples); they do not keep stock in the building. Ms. Poretsky asked the about the trees and size; Mr. Reardon explained them. Mr. Colonna said future maintenance of the catch basin would be an outside company. Ms. Martinek asked if the Fire Department had reviewed it and was satisfied. Mr. Colonna said they review it as part of every site plan application; he was not sure if there was a letter. In terms of exiting out of the lot, it is over the same curb cut and widened more; it was brought from 20'-to 24'.

Regarding a memo to the ZBA, Ms. Poretsky would like a condition about being dark sky compliant, no parking of heavy machinery, and plantings in perpetuity. Ms. Gillespie said (1) the application meets the guidelines of all lighting on their property, why do we need to add dark sky compliant to it; it was never formally discussed and would be new to the ZBA discussion. (2) In terms of heavy equipment, a snowplow will go there as well as a truck for landscaping. It needs to be defined or a recommendation made to the ZBA for them to handle it in their decision. Ms. Poretsky said dark sky compliant had been discussed many times, one of them being with the Bartlett Street warehouses. Mr. Reardon said the photometric plan shows no light escaping from the site. Ms. Poretsky said heavy equipment had to do with parking. Ms. Menezes said if that clause is added she wants it defined. Ms. Gillespie is not in favor of using dark sky lighting since the board has never discussed it. She was fine with the landscaping; heavy equipment needs to be defined. Ms. Milton did not agree with lighting; parking heavy machinery would be more a construction vehicle, not an F150. Mr. Ziton was concerned with equipment over time as well as parking and would want the ZBA to consider it. Ms. Joubert will prepare a memo for the ZBA which will include parking, heavy machinery, landscape in perpetuity, and a letter from Fire Department.

Discussion RE: Design Review Committee – At the last meeting the board discussed evaluating the performance of a Design Review member and to discuss tonight what the next steps would be that are appropriate for that kind of review. Ms. Joubert suggested Town Counsel be contacted pending the board's discussion tonight. Ms. Poretsky commented that according to the Open Meeting Law she believes the discussion should be in executive session. She would want to review the different letters, resident emails, past meetings, etc. The board will need to know the criteria for an executive session as well as the rights of the individual being reviewed. She asked Ms. Gillespie (Design Review Chair) what it was going to be about. Ms. Gillespie said they received three letters which make obvious their concerns. Ms. Poretsky asked for the date and time of the meetings in question. If that is not possible, the board could ask questions to the Design Review Committee. Ms. Martinek said we are looking for specific meeting details from meetings and need the links. She asked if Ms. Gillespie could ask the Committee to find examples the board could view as part of their evaluation. Ms. Gillespie said Ms. Martinek as Chair should request of the Committee what the board is looking for. She suggested asking Town Counsel if the two boards can meet together in executive session. Ms. Martinek did not want to do that and felt they need to talk as a board. Ms. Joubert will ask Town Counsel what the process is and suggested not taking any action until she receives an answer. Ms. Martinek commented that the Design Review Committee is not in a position to take action and did not know under what reason they would be able to evaluate; she did not know how executive session would work with a Committee not charged with evaluation.

Public Hearing for 399 Hudson Street Special Permit and Site Plan Approval:

Applicant: Quality Framing Contractor, Inc.
Engineer: Engineer Design Consultants, Inc.
Date Filed: February 26, 2021
Decision Due: 90 days from close of hearing

The hearing notice was read into record. Peter Bemis attended. This duplex was previously reviewed and approved; the architectural plans were referenced in the decision to an RDI plan. The RDI had garages that were located in the middle with a higher roof line across the front of the building. The applicant changed and a new architectural plan was created. The roof line is much lower, the garages are on the outside, and the building is 500 square feet smaller. It was reviewed by the Design Review Committee; requested changes were made to the site plan. They have support from both the Design Review and Groundwater Committees; ZBA has approved it; they are looking for Planning Board approval in order to move forward. All site plan conditions would remain and would point to the new site plan.

Ms. Poretsky made a motion to amend the original site plan special permit approval by swapping out the site plan with the new plans presented for 399 Hudson Street; Ms. Milton seconded; roll call vote: Poretsky-aye; Milton-aye; Ziton-no; Gillespie-aye, Martinek-aye; motion approved.

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

An email request to continue to May 4, 2021 was received by the applicant in order for the peer reviewers (Environmental Partners and CN Associates) to complete their review; comments will be ready in advance of the meeting. They are reviewing the two Planning Board memos, two responses from Steris, and the comments from Steris on the peer review comments. Ms. Poretsky made a motion to continue 425 Whitney Street Special Permit Site Plan Approval and Special Permit per Groundwater Protection Overlay District to May 4, 2021 at 5:30 p.m.; Ms. Milton seconded; roll call vote: Poretsky-aye; Milton-aye; Ziton-aye; Gillespie-aye, Martinek-aye; motion approved.

Continued Public Hearing for 1 Lyman Street:

Applicant: Desheng Jiang, Cable Matters Inc.
Engineer: Connorstone Engineering
Date Filed: February 3, 2021
Decision Due: 90 days from close of hearing

Vito Colonna (Connorstone Engineering), Jeff Jiang (Owner/President, Cable Matters, Inc.), Attorney Marshall Gould and David Veron (Landscape Architect) were present. Ms. Joubert communicated with Mr. Frederico; the conclusion was that he agreed it is not to be considered light manufacturing; it is to be considered warehousing. The original interpretation noted warehousing and light manufacturing. It does not fit the definition of light manufacturing regarding the amount of, or lack of, packaging. Attorney Gould commented that they are not dealing with the building or landscaping appearance tonight since Design Review has not yet been completed. A demolition permit application has been made by the present owner. The current plan has not been before the Conservation Commission. An Earthwork Permit will be required. Ms. Martinek commented that a letter was submitted by an abutter

pertaining to Design Review. Ms. Gillespie said there were many questions; it was sent to the applicant to address; questions related to Design Review, Planning Board and town staff.

When last before the board, supplemental information was provided. The project is on the corner of Lyman and Bartlett Streets; it is on the edge of the industrial and residential zoning districts. There is an existing single-family house with a few out buildings positioned up near the corner; to the rear of the site there are wetland resources, bordering vegetated wetlands with an intermittent stream and flood plains; it has been delineated and confirmed through Conservation; it is all contained outside the wetlands; there will be no impact to the project as related to flood plain issues. Proposed is a new warehouse building; it has a footprint of approximately 20,000 square feet; it would contain a mix of 6,000 square feet of office and 17,000 square feet of warehouse space. The building is oriented on the corner with a circular driveway; the main entrance is off Bartlett Street with a two-way driveway and the driveway onto Lyman Street would be exit only; good circulation is provided for the use, employees, and emergency vehicles. Both driveways have adequate sight distances in both directions. 43 parking spaces are proposed with handicap access in the front; provisions are provided for the occasional use of a loading dock on the rear of the building; the building will be sprinklered and has a new hydrant in front of the building; an onsite septic system is proposed; infiltration systems are proposed for drainage; there will be very little runoff generated from this site once completed.

Vanasse & Associates reviewed the traffic on Lyman and Bartlett Streets. On Bartlett Street, Amazon is 660,000 square feet of warehouse with many tractor trailers and loading docks. A Duie Pyle is 100,000+ square feet with many trucks and loading bays. Fed-Ex is 43,000 square feet with 46 loading docks. There are three tenants at 301 Bartlett Street with trucks moving in and out, 220,000 square feet; the furniture manufacturer at 200 Bartlett (size unknown) is bigger than what is proposed. Crandall-Hicks on Lyman Street is 84,000 square feet with 24 loading docks. There is a Fed-Ex facility on Beeman Road; a moving company on Lyman; a tire warehouse on Hayes Memorial Drive has 168,000 square feet with many loading bays; Newcorr Packaging added a 70,000 square foot addition onto their building. All totaled is over 1,340,000 square feet; they are proposing a 17,000 square feet warehouse. A PowerPoint about the warehouse and traffic associated with both the office and warehouse was shown. There will be approximately 32 trips/day; from 9AM to 6PM which is less than one every 15 minutes. The drive in from Bartlett and the exit out onto Lyman has been approved by the Fire Department. They are amenable to working with the neighbor when discussing the landscaping. The lighting plan will meet the town standards. He didn't think you could ask for a better transition from a residential zone to an industrial zone.

Ms. Poretsky asked if the applicant would be amenable with 9AM-6PM Monday-Friday; Mr. Jiang had no issues. She asked if lighting was an issue. Mr. Jiang said they had no problem with lights being out at a certain time. Mr. Ziton said if there were a condition, would it work for them; Mr. Jiang said yes. Ms. Milton asked how the loading dock would work with a tractor trailer. Mr. Colonna explained it would come in on the Bartlett side and pull straight up; no three-point turn needed. She asked if it would be unreasonable to ask the drivers to take a right on Bartlett rather than go into town. Mr. Jiang will advise them.

Ms. Gillespie said to take into consideration any security lighting on the doorways they need to keep on. Ms. Martinek asked about buffers or setbacks. Mr. Colonna explained on the plan where they were. The building is 50.9 feet from Lyman Street and 61.2 feet from Bartlett Street. She asked about the flood zone area. Mr. Colonna explained it. She asked where the lights shine. Attorney Gould said with the hours of operation, there would only be lights in the winter after 4:30 p.m. There is only one bay. She asked the reason for the two entrances. Mr. Colonna said it provides better circulation throughout the site. She

thought it would be used as a cut-through. Mr. Colonna said there would be do not enter signs. She commented on the Amazon logo on the boxes. Attorney Gould said 97% of their sales from the manufacturers in China and Thailand are brought to the states by Amazon; the products delivered to the warehouse will have that logo; Amazon does not deliver their products. She asked if the only snow storage locations were on either side of the entrance and exit and was told yes; parking spaces could also be utilized. The variance is in appeal. Ms. Martinek said the variance was granted to allow a warehouse on groundwater; how does that negate the need for a groundwater special permit. Ms. Joubert said the variance has already been granted. Conditions were placed on the property through the variance; a special permit is not needed; the variance makes it an allowed use. Ms. Martinek asked if there was a letter from the Fire Department. Mr. Colonna did not believe there was an updated letter.

Ms. Martinek asked for public comment. Anne Beckstrom (152 Bartlett Street) asked why their model is different and they're not constantly pushing product in and out. Mr. Jiang said they are an e-commerce business; they don't deliver the goods to their customers themselves. They utilize the public available carrier (USPS and UPS) to deliver the goods to their customers and incur very little traffic from the small trucks or vans. They also sell on Ebay and occasionally Walmart.com; those orders cannot be fulfilled by Amazon. Ms. Beckstrom asked if the traffic exceeds what they are promising, can there be a condition that they can only have a certain amount of traffic. Ms. Martinek said post occupancy review could be a condition. She also asked if there could be a condition to go left onto Lyman and not go to the corner. Mr. Colonna said they made wide flares to accommodate the larger trucks; the driveway is wide enough that it's not going to across the street; it is the natural flow of traffic you want to be able to go down Bartlett and head towards Route 495. She asked what they would be doing on the 35 Lyman Street side of the property and the Donnegan Systems border. Mr. Colonna explained it on the plan.

John Wixted (2 Stirrup Brook Lane) said it is at the edge of the residential neighborhood and they should be a little more concerned with all of the neighbors not just trying to satisfy one neighbor; the town has very little enforcement ability with trucks and he asked the board to take that into consideration with conditions; he said the lighting issues continue to be problematic. He also had a concern that five years from now the business may be someplace else and this building will still be here; businesses change. Ms. Gillespie commented on Mr. Wixted's comments on landscaping and said it is the first time she has seen an applicant who is going to plant very mature trees (which is a major investment on an applicant) to help create a natural buffer between industrial and residential; they're trying to make a serious attempt to make a natural buffer which will stay in perpetuity forever and thought it was welcoming to the business community. Mr. Wixted thanked her for being on the Design Review Committee and for encouraging the businesses in town to be respectful of that. He thought that step of major investment in the landscaping definitely shows goodwill on the part of the builders and they appreciate that and the Design Review Committee's effort to make that happen on behalf of the neighbors.

Ms. Joubert made both the board and the applicant aware that board membership may change due to town elections and explained the process. Ms. Milton made a motion to continue the public hearing for 1 Lyman Street to May 18, 2021 at 6:00 p.m.; Mr. Ziton seconded; roll call vote: Poretsky-aye; Milton-aye; Ziton-aye; Gillespie-aye, Martinek-aye; motion approved.

Continued Public Hearing Special Permit Common Driveway Application for 85 and 95 West Street, Map 57 Parcels 34 and 35, to construct a common driveway serving five lots:

Applicant: Brant Viner and Margaret Harling
Engineer: WDA Design Group
Date Filed: December 23, 2020
Decision Due: 90 days from close of hearing

Ms. Gillespie recused herself from the public hearing. An email was received from both the applicant's engineer and attorney requesting a continuance to May 4th. Ms. Milton made a motion to continue the public hearing special permit common driveway application for 85 and 95 West Street to May 4, 2021 at 6:00 p.m.; Ms. Poretsky seconded; roll call vote: Poretsky-aye; Milton-aye; Ziton-aye; Martinek-aye; motion approved.

Ms. Gillespie returned to the meeting at 8:02 pm.

Continued Public Hearing to Consider Proposed Zoning Amendments for 2021 Annual Town Meeting:

Outstanding questions were addressed and final revisions were made:

ARTICLE 29: Section 7-03-080.C, Enforcement – Penalty for Violation. Ms. Milton will present. Ms. Poretsky made a motion to accept Article 29 as presented in the public hearing notice; Mr. Ziton seconded; roll call vote: Poretsky-aye; Milton-aye; Gillespie-aye; Ziton-aye; Martinek-aye; motion approved.

ARTICLE 30: Section 7-05-010, General Provisions G. Prohibited uses. Ms. Poretsky will present. Ms. Poretsky made a motion to amend Article 30 by adding "of animals" to Prohibited Uses a) as presented in the public hearing notice; Ms. Milton seconded; roll call vote: Poretsky-aye; Milton-aye; Gillespie-aye; Ziton-aye; Martinek-aye; motion approved. Ms. Poretsky made a motion to remove "or fat rendering in manufacture of tallow, grease and oil" from d); Mr. Ziton seconded; roll call vote: roll call vote: Poretsky-aye; Milton-aye; Gillespie-aye; Ziton-aye; Martinek-aye; motion approved. Ms. Poretsky motion to strike "m) Yard for storage and sale of used building and junk materials" and replace with "n) Junkyard or Automobile Graveyard"; Mr. Ziton seconded; roll call vote: Poretsky-aye; Milton-aye; Gillespie-aye; Ziton-aye; Martinek-aye; motion approved. Ms. Poretsky made a motion to accept Article 30 as amended; "; Mr. Ziton seconded; roll call vote: Poretsky-aye; Milton-aye; Gillespie-aye; Ziton-aye; Martinek-aye; motion approved.

ARTICLE 31: Section 7-05-020 Classification of Uses I.(6)(c) Contractor's yard. Ms. Poretsky will present. Ms. Poretsky made a motion to accept Article 31 as amended as the public hearing; Mr. Ziton seconded; roll call vote: Poretsky-aye; Milton-aye; Gillespie-aye; Ziton-aye; Martinek-aye; motion approved.

ARTICLE 32: Section 7-05-030 Table of Uses, Table 1, Table of Uses, Part A. Residential Districts, Accessory dwelling unit. Ms. Martinek will present. Ms. Poretsky made a motion to accept Article 32 for residential uses and accessory dwellings; Mr. Ziton seconded; roll call vote: Poretsky-aye; Milton-aye; Gillespie-aye; Ziton-aye; Martinek-aye; motion approved.

ARTICLE 33: Zoning Bylaw – Section 7-05-030 Table of Uses, Table 1, Table of Uses, Part B. Commercial and Industrial Districts, Wholesale trade. Ms. Gillespie will explain why it was passed over.

ARTICLE 34: Section 7-05-030 Table of Uses, Table 1, Table of Uses, Part B. Commercial and Industrial Districts, Commercial storage facility. Mr. Ziton will present. Ms. Poretsky made a motion to accept Article 34 as presented at the public hearing; Mr. Ziton seconded; roll call vote: Poretsky-aye; Milton-aye; Gillespie-aye; Ziton-aye; Martinek-aye; motion approved.

ARTICLE 35: Section 7-07-010 Groundwater Protection Overlay C. Establishment and delineation (5). Mr. Ziton will present. Ms. Poretsky made a motion to accept Article 35 as presented at the public hearing;

Mr. Ziton seconded; roll call vote: Poretsky-aye; Milton-aye; Gillespie-aye; Ziton-aye; Martinek-aye; motion approved.

ARTICLE 36: Section 7-07-010 Groundwater Protection Overlay D. Use regulations (3)(c)(4)(b) and (e). Ms. Martinek will present. Ms. Poretsky made a motion to accept Article 36 as presented at the public hearing; Mr. Ziton seconded; roll call vote; Poretsky-aye; Milton-aye; Gillespie-no; Ziton-aye; Martinek-aye; motion approved.

ARTICLE 37: Section 7-08-010 Applicability A and Section 7-08-020 Special permit required A. Ms. Poretsky will present. Ms. Poretsky made a motion to accept Article 37 as presented at the public hearing; Mr. Ziton seconded; roll call vote: Poretsky-aye; Milton-aye; Gillespie-aye; Ziton-aye; Martinek-aye; motion approved.

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

Old/New Business:

Consideration of Minutes:

Ms. Poretsky made a motion to approve the 02.02.21 meeting minutes as amended; Mr. Ziton seconded; roll call vote: Poretsky-aye; Milton-aye; Gillespie-aye; Ziton-aye; Martinek-aye; motion approved.

Ms. Poretsky made a motion to approve the 02.16.21 meeting minutes as amended; Ms. Milton seconded; roll call vote: Poretsky-aye; Milton-aye; Gillespie-aye; Ziton-aye; Martinek-aye; motion approved.

Ms. Poretsky made a motion to approve the 03.02.21 meeting minutes; Mr. Ziton seconded; roll call vote: Poretsky-aye; Milton-aye; Gillespie-aye; Ziton-aye; Martinek-aye; motion approved.

Ms. Poretsky made a motion to approve the 03.09.21 meeting minutes as amended; Ms. Milton seconded; roll call vote: Poretsky-aye; Milton-aye; Gillespie-aye; Ziton-aye; Martinek-aye; motion approved.

Ms. Poretsky made a motion to approve the 03.16.21 meeting minutes as amended; Mr. Ziton seconded; roll call vote: Poretsky-aye; Milton-aye; Gillespie-aye; Ziton-aye; Martinek-aye; motion approved.

Review of ZBA comments RE: 2021 Zoning Amendments – There was discussion about the ZBA and the amendments going to town meeting. Ms. Milton didn't know if it was something that they had done in the past, but thought it was important that questions about the articles be directed to the Planning Board. She appreciated the ZBA feedback and recommendations but wasn't sure having them stand up or be as a board present at town meeting was the right format for that. Mr. Ziton agreed and thought it would be confusing if there were some differing opinions about what they thought of the amendments. Ms. Poretsky said it falls under the purview of the Planning Board and wondered if they should write a letter thanking them for their interest in speaking to the bylaws at town meeting, but per Mass General Law the zoning bylaws fall under the purview of the Planning Board. Ms. Joubert said that the ZBA has not taken a position on any of the articles. Ms. Martinek's concern would be that they didn't feel like they were

included at all and they felt blocked out of the process. She felt the board made a good effort to work, listen to each other and come together. If there's something wrong with the communication lines, how can we fix it? She worried that at a town meeting level it looks like we're disorganized and don't have the right process in place. She wants the voters to know that the board facilitates a public meeting for their public input and brings that to town meeting based on their input; nothing should supersede that.

Ms. Joubert, being staff for both boards, said a memo to the ZBA coming from the Chair would be appropriate. Ms. Gillespie commented that she had a good working relationship with them and said the message should be positive. Ms. Martinek will draft a memo.

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

The meeting was adjourned at 9:31 p.m.

Respectfully submitted,

Melanie Rich
Board Secretary