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# TOWN OF NORTHBOROUGH PLANNING BOARD

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**APPROVED 09.17.2021**

## Planning Board Zoom Meeting Minutes August 17, 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)

The Chair opened the remote meeting at 6:08 p.m. and made the announcement that the open meeting of the Northborough Planning Board is being conducted remotely consistent with Governor Baker's Executive Order of June 16, 2021, An Act Relative to Extending Certain COVID-19 Measures Adopted During the State of Emergency. All members of the Planning Board are allowed and encouraged to participate remotely. This Order allows the Planning Board to meet entirely remotely so long as reasonable public access is afforded so that the public can follow along the deliberations of the meeting. The public is encouraged to follow along using the posted agenda unless the Chair notes otherwise. Members of the public who wish to view the live stream of this meeting can do so by going to Northborough remote meetings on YouTube via the link listed on the agenda. Ensuring public access does not ensure public participation unless such participation is required by law. This meeting will feature public comment. The process was explained.

Member and Staff roll call was taken: Amy Poretsky, Anthony Ziton, Michelle Gillespie, Kerri Martinek, Kathy Joubert (Town Planner)

### **Old/New Business**

Consideration of Minutes – Ms. Poretsky made a motion to approve the 06.15.21 minutes as amended; Mr. Ziton seconded; roll call vote: Poretsky-aye; Ziton-aye; Gillespie-aye; Martinek-aye; motion approved.

Ms. Milton joined the meeting at 6:14 p.m.

Chair Martinek reviewed her edits to the 07.06.21 minutes but not all members had seen the edits so at request of Ms. Gillespie minutes will be reviewed at the next meeting.

Ms. Milton made a motion to approve the 08.03.21 minutes as amended; Mr. Ziton seconded; roll call vote: Poretsky-aye; Ziton-aye; Milton-aye; Martinek-aye; motion approved. Ms. Gillespie lost audio. The minutes will be reconsidered at the next meeting so Ms. Gillespie has a chance to review them due to loss of audio.

Reconsideration of Minutes 05.18.21 – Ms. Poretsky made a motion to reconsider the minutes from 5/18/2021 in order to correct the date on page 6 from 2020 to 2021; Mr. Ziton seconded; roll call vote: Poretsky-aye; Ziton-aye; Milton-aye; Gillespie-aye; Martinek-aye; motion approved.

Ms. Milton made a motion to accept the 5/18/2021 minutes as amended; Mr. Ziton seconded; roll call vote: Poretsky-aye; Ziton-aye; Milton-aye; Gillespie-aye; Martinek-aye; motion approved.

Chapter 61A P&S: 429 and 432 Whitney Street – Ms. Joubert explained that there are Purchase & Sale Agreements for both parcels. #429 is the lot containing the animals; #432 is a vacant parcel; both are zoned industrial; and both are owned by Santo Anza. #429 is a 15.7-acre parcel with a purchase price of \$1.8 million; #432 is 23.7-acre parcel with a purchase price of \$1.5 million. Both abut the railroad and aqueduct; the southern side is zoned Residential B; on the northern side both parcels are zoned Industrial. The Board of Selectmen, Conservation Commission, Planning Board and Board of Assessors all receive notification and make a recommendation to the Board of Selectmen. The Open Space Committee and Recreation Commission also provide input to the Board of Selectmen and it is ultimately the Selectmen who decides whether or not the town should exercise the right of first refusal to purchase the property. The Conservation Commission voted to pass on both parcels; the Open Space Committee passed on #429 and suggested the Town potentially consider #432 for possible recreational value. After much discussion amongst the board members, Ms. Poretsky made a motion to recommend not purchasing the parcel at 429 Whitney Street; Mr. Ziton seconded; roll call vote: Poretsky-aye; Ziton-aye; Milton-aye; Gillespie-aye; Martinek-aye; motion approved. Mr. Ziton made motion to recommend not purchasing the parcel at 432 Whitney Street; Ms. Gillespie seconded; roll call vote: Poretsky-aye; Ziton-aye; Milton-aye; Gillespie-aye; Martinek-aye; motion approved.

Planning Board Rules and Regs Review and Update – There was a discussion about adopting a regulation requiring applicants to submit documents to the Board a specific number of days in advance of the public hearing. Suggestions were the Friday before or one week prior to meeting. Ms. Joubert will reach out to other communities to see what (or if) they have something in place and how well it works.

Master Plan Implementation Committee – A zoom meeting is scheduled for September 8<sup>th</sup> at 7PM.

Chapter 358 of the Acts of 2020 “Housing Choice” Update – Tabled to the next meeting.

330 & 350 Bartlett Street Planning Board Decision Conditions Enforcement – Items discussed were the continued concerns about truck traffic turning the wrong way out of the facility’s driveway, turning around in neighborhoods, impromptu truck stops, and whether Fed-Ex at 300 Bartlett Street is bound to the 330 & 350 Bartlett Street common driveway special permit decision which in part limits left hand turning movements out of the site. Ms. Martinek felt the conditions the board put in place are not being followed and asked what can be done to ensure enforcement. Ms. Milton said they would have to be addressed as issues arise. Ms. Martinek commented that different levels of fines were passed at town meeting and asked was there a penalty if the conditions are not followed. Ms. Joubert explained it is enforcement of a non-criminal violation disposition; the bylaw has been in place for years. At town meeting a clarification from Town Counsel was made to the bylaw. Ms. Joubert will follow up to see if it has been approved by the Attorney General and under what circumstance the Building Inspector would issue a fine. On August 23<sup>rd</sup> the BOS will be discussing the Bartlett Street truck traffic issues; DPW and the Engineering Departments are preparing a presentation. Regarding the common driveway decision that was applied for by 330 Bartlett & 350 Bartlett, both decisions and applications have been forwarded to Town Counsel for review as to the applicability of the common driveway conditions and whether they apply to 300 Bartlett Street as well.

Regarding fines for not following conditions, Ms. Joubert stated fines are used as a last resort; the town attempts to work with people before having to fine them in part because should they refuse to pay, the cost of court action exceeds the cost of a capped \$300 fine. Ms. Poretsky said it is very concerning that we don't issue fines and when we do, they don't get paid. Ms. Joubert said in the many years of decisions written by this board and the ZBA, 99.9% of the time the conditions are adhered to by the applicants. Ms. Gillespie clarified Ms. Poretsky's comment that fines issued don't get paid. Ms. Joubert also clarified Ms. Poretsky's comments and restated the town attempts to work with the applicants for compliance with the decisions made by the boards. Ms. Poretsky gave 3 examples, from different parts of town, where conditions are not being followed. Mr. Ziton suggested a memo to the Selectmen with their concerns telling them that it's difficult for the board to condition applications if conditions are not being enforced or if they are being enforced and ignored. Ms. Gillespie suggested that Ms. Joubert could possibly contact surrounding towns and see what they experience and how they move forward. After further discussions, Ms. Martinek will draft a memo summarizing their concerns to submit to the Board of Selectmen. Ms. Poretsky asked for an update on the West Main Street Verizon cell tower site and will send an email regarding the Steris reports.

#### Subcommittee Updates –

CPC - Ms. Joubert said the FY23 CPC application has been posted online; it's due in November.

DRC - Ms. Poretsky said Design Review will meet in September. Outstanding issues include 172 Bearfoot Road and finalizing the two-family design guidelines.

Annual Town Meeting Zoning Bylaws Discussion – Possible bylaws to revisit include sober homes/rehab facilities; breweries; externally lit signage for downtown; and being more creative with industrial zones. Also, for consideration is to review and reconsider the definitions for trucking and distribution to encompass e-commerce; historic district in the downtown and/or along Main Street allowing conversions of single-family homes in downtown area to two-family homes but not allowing tear downs to be re-built as duplexes (this keeps the historical look to the homes that are in the MSR district); addressing Mr. Hutchins' issues with 91 Brigham Street – excess land but not enough frontage; similar issue raised by potential developer of 75 Ridge Road – not enough frontage to create as many lots as they would like with the existing acreage – possible create overlay district to allow increased density in RC district; warehouse moratorium; review issuance of use variances – should town eliminate use variances; necessity of Groundwater Committee; and should dark sky compliance be considered.

Ms. Milton asked if definitions of warehouse and distribution should be separated in the bylaws since they've changed so much over the years. Ms. Joubert said in general, a distribution facility is a warehouse, but a warehouse may not be a distribution facility. E-commerce is a new industry and should probably be added to the bylaws too. Ms. Milton said the Historical Committee will again be discussing a Historical District for certain areas.

Ms. Poretsky spoke about the Groundwater Committee. She said the process is the groundwater members receive a memo from Mr. Litchfield; he goes through the bylaw and checks off what's been covered and what hasn't been covered and the Committee agrees or asks the applicant for outstanding items. She didn't think it was anything the Planning Board or the ZBA, as a special permit granting authority, couldn't do. She checked around with some other towns and said there weren't really any towns that had a Groundwater Committee as a middleman. Ms. Poretsky further said when she was on the Groundwater Committee, the Committee voted not to read any of the Operation & Maintenance Manuals or the Stormwater Reports; the committee members

stated the reports are too long; they will let Mr. Litchfield read them. They also do not do the impervious calculations; that is Mr. Litchfield. She thinks the information should go directly to the PB or ZBA because the Groundwater Committee is reading Mr. Litchfield's memo, approving recommendations, but not doing any deeper research beyond what the special permit granting authority could do and thought the Groundwater Committee should be dissolved. Ms. Gillespie recommended the Chair send a letter to the Committee with their concerns about not procedurally reviewing the documents and ask for an explanation as to their decision not to review them.

Ms. Martinek asked for public comment; there was none.

The next Planning Board Meeting is September 7, 2021.

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

The meeting was adjourned at 9:08 p.m.

Respectfully submitted,

Melanie Rich  
Board Secretary