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By Karen Wilber, Town Clerk's Office at 11:33 am, Mar 30, 2022

# TOWN OF NORTHBOROUGH PLANNING BOARD

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**APPROVED 3/15/2022**

## Planning Board Zoom Meeting Minutes February 1, 2022

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

**Members Absent:** None

**Others (Remotely):** Fred Litchfield (Town Engineer), Bob Frederico (Building Inspector)

The Chair opened the remote meeting at 6:02 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 may feature public comment. The process was explained.

Member and Staff roll call was taken: Amy Poretsky, Anthony Ziton, Michelle Gillespie, Millie Milton, Kerri Martinek, Fred Litchfield (Town Engineer), Robert Frederico (Building Inspector).

### **Continued Discussion RE: Proposed Zoning Bylaw Amendments for 2022 Annual Town Meeting:**

**Breweries:** Ms. Poretsky revised the bylaw and included a footnote about parking. The four definitions are included. The purpose was for a craft brewery, nanobrewery and a brew pub. Placement in the Use Table was discussed. Parking was discussed. Mr. Frederico commented that the number of parking spaces required should be in the parking loading section requirements instead of as a footnote. One parking space for every 3 seats was suggested. Mr. Frederico cautioned changing the parking requirements during the pandemic; the government relaxed a lot of the rules during COVID that will eventually go away and will revert back to the original parking designs. Mr. Frederico also commented that the number of parking spaces is driven by how many people are allowed in the building, which is a building code calculation. Reserved parking could be added as a condition and would be available if needed after a few years. Mr. Ziton made a motion to accept the Breweries Bylaw as written as of 1/31/22 and to move forward pending Town Counsel review and a public hearing; Ms. Milton seconded; roll call vote: Poretsky-aye; Milton-aye; Gillespie-aye; Ziton-aye; Martinek-aye; motion approved.

**Staff Bylaws:** Ms. Poretsky made a motion to strike language from Section 7-03-50 Site Plan A.(4)(b) concerning Design Review process of duplexes as of 12/31/21 pending Town Counsel review and

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

Atty. George Pember submitted the final abutter letter for the 37 South Street zoning change to move the property into the Downtown Business zone vs Residential, he felt the property was put in the GR zone in error in 2009. Mr. Ziton made a motion to move forward with the bylaw to revise Northborough Zoning Map for 37 South Street as of 12/31/21 pending Town Counsel review and a public hearing; Ms. Milton seconded; roll call vote: Poretsky-aye; Milton-aye; Gillespie-aye; Ziton-aye; Martinek-aye; motion approved.

**Signs:** A considerable amount of time was spent on this bylaw discussing and debating all the edits. Ms. Poretsky elaborated on her questions that are awaiting answers from Town Counsel. Is a use variance allowed for signs? If a sign is not approved within 30 days, it is automatic approval? Mr. Frederico had stated that was the case at the last meeting. Mr. Frederico said he was referring to the State Building Code.

One of the edits reviewed was adding Design Review of a freestanding, electronic and signs in the Downtown District. Staff stated, if Design Review is required, even though they are only an advisory board and have no statutory authority to approve or deny, the applicant should go in front of the DRC first before applying for a sign permit because Design Review could use most of the 30 days. Ms. Poretsky commented that it is done in other towns; one town uses Design Review to review signs; another requires all signs go through the Planning Board. Regarding #(15) under D. Basic Requirements in the sign bylaw, Ms. Gillespie gave examples of businesses she felt would be impacted. Mr. Frederico said the zoning bylaw has to be as black and white as possible. After some discussion, #(15) was removed. Regarding Design Review, Mr. Litchfield commented that the DRC, being an advisory board, does not advise the Building Inspector for sign permits and didn't know if they have a mechanism to send them to the DRC for just a sign; this section will be removed and discussed for next year. Ms. Milton made a motion to accept the Sign Bylaw as written as of 1/29/22 and to move forward pending Town Counsel review and a public hearing; Mr. Ziton seconded; roll call vote: Poretsky-aye; Milton-aye; Gillespie-aye; Ziton-aye; Martinek-aye; motion approved.

**Distribution and Transportation Uses Moratorium:** Discussion revolved around which path to take: update the definitions, or is there a need for a moratorium. Ms. Martinek included a list of components of a temporary moratorium. If we are not doing a moratorium, what can be done to strengthen the bylaws to protect the town to be in line with e-commerce. Included within the definitions is the last mile type facility (Delivery Station). The Use Table was discussed. Town Counsel will be asked for clarification on whether the temporary moratorium would have an effect on getting a building permit if the special permit has already been approved before the moratorium passes. It was suggested that both options (moratorium and definitions) be presented and let the voters decide. If the moratorium passes, the definitions could be passed over.

There is a subcommittee created if the moratorium is passed so Ms. Gillespie recommend adding to the definitions a subcommittee also be created to address some of the issues; it would give the board some tools to use. Specific to traffic she suggested the subcommittee include someone with experience in that area, i.e., Police, DPW, Town Planner, Financial Planning, Assistant Town Manager, and possibly a ZBA member; not a board member or the general public. Ms. Poretsky assumed a staff member would be part of the committee, but was unsure if staff members could be added without approval by staff. Town Counsel will be asked if the board can create a committee as stated in the moratorium wording or could

it be a subcommittee of the Planning Board, and can the Planning Board dictate staff members. Town Counsel was also asked if we create a moratorium, can we include both distribution and transportation under one umbrella or does there have to be two moratoriums because they are technically two different uses. Ms. Poretsky made a motion to move forward both the Moratorium and Definition Bylaw amendment from 1/30/22 pending Town Counsel review and a public hearing; Ms. Milton seconded; roll call vote: Poretsky-aye; Milton-aye; Gillespie-aye; Ziton-aye; Martinek-aye; motion approved.

**Use Variance:** The board previously had a joint discussion with the ZBA. Ms. Gillespie reminded the board that the ZBA was not in favor of it; the majority of members asked that the Planning Board not move forward with it because it helps property owners who are in a difficult position and has never been abused. Ms. Martinek talked about the last application she reviewed and didn't think the hardship was significant. If we want a use allowed in a district, put it in the bylaw. Ms. Poretsky said a use variance is a loophole. Mr. Ziton suggested the voters be educated and let them decide. Ms. Poretsky made a motion to move the Use Variance as of 1/31/22 forward pending Town Counsel review and a public hearing; Ms. Milton seconded; roll call vote: Poretsky-aye; Milton-aye; Gillespie-aye; Ziton-aye; Martinek-aye; motion approved.

**Enforcement:** There are many questions still waiting to be answered from Town Counsel. Ms. Poretsky said the enforcement request section was updated. Mr. Frederico said the state gives him six years to send out an enforcement letter. What happens if they go over 15 days to correct the infraction? A placeholder will be asked to be put in; it can't move forward until Town Counsel's input is received.

**Floodplain Bylaw:** Mr. Litchfield has been working with the floodplain coordinator to incorporate their language into our bylaw. He will send it to the board when completed.

#### **Old/New Business:**

Clark Woods Bond Reduction – Mr. Litchfield explained the subdivision is Clark Woods off Washburn Street. The current bond is \$251,000 bond; the developer has been progressing slowly due to COVID, sales, and the economy. The basecoat went in prior to last winter; the curbing was not put in at that time so the drainage was not fully functioning; it has since been put in and the drainage is fully functioning. Mr. Litchfield felt the bond could be reduced to \$119,000. Ms. Poretsky made a motion to reduce the bond for Clark Woods from \$251,000 to \$119,000; Mr. Ziton seconded; roll call vote: Poretsky-aye; Milton-aye; Gillespie-aye; Ziton-aye; Martinek-aye; motion approved.

Consideration of Minutes (January 4, 2022 and January 18, 2022) – Mr. Ziton made a motion to approve the January 4, 2022 Minutes as amended; Ms. Milton seconded; roll call vote: Poretsky-aye; Milton-aye; Gillespie-aye; Ziton-aye; Martinek-aye; motion approved. The January 18, 2022 minutes were tabled to the next meeting.

Public Comment – Lisa Maseli (13 Maple Street) finds it hard to believe that signage would cause a hardship for businesses. She didn't think that trying to give our town a unified look is a bad thing, but that is certainly something for the voters to say when they go to Town Meeting. Also, she stated the purpose of Zoning is to promote the general welfare of the Town (including aesthetic qualities). The Planning Board is not here to take care of the businesses; it is to take care of the town.

The next meeting date is scheduled for February 15, 2022.

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

The meeting was adjourned at 8:57 p.m.

Respectfully submitted,

Melanie Rich  
Board Secretary