



TOWN OF NORTHBOROUGH PLANNING BOARD

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Approved 5.3.22

**Planning Board
Zoom Meeting Minutes
April 5, 2022**

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

Members Absent: None

Others (Remotely): Laurie Connors (Town Planner), Bob Frederico (Building Inspector), Fred Litchfield (Town Engineer)

The Chair opened the remote meeting at 6:00 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, Millie Milton, Kerri Martinek, Bob Frederico (Building Inspector), Laurie Connors (Planning Director)

Reappointment of Tom Spataro to the Finance Committee – Mr. Spataro has been in Northborough 18 years and on Financial Planning Committee 6 years. Prior to that he was heavily involved with youth activities, the rebuild of the basketball courts, and has been the President of Boosters the last few years. He has been working with the administration to prioritize projects. Ms. Martinek mentioned the Master Plan process and asked how it's planned for and how the Committee prioritizes spending. Mr. Spataro said it all comes to prioritization. The Board can give him the information and let him know to bring up what they feel is important and why. Ms. Martinek asked for clarification on what the PB budget can be used for and asked if there is flexibility. Mr. Spataro said there are other funds available if needed. Ms. Gillespie said that it is important educate the Board about growth. Rather than focus on spending, she felt he could educate the board on how revenue is especially important to the town; help educate about how growth brings income back to the town. Ms. Martinek shared the example of the proposed warehouse and trucking moratorium where that could be helpful and said it would be good to understand if a certain use was not allowed in the industrial zone, what the financial impact would be or what would it cost the town to allow the use. Ms. Milton made a motion to reappoint Tom Spataro to the Financial Planning Committee; Ms. Poretsky seconded; roll call vote: Poretsky-aye; Milton-aye; Ziton-aye; Gillespie-aye; Martinek-aye; motion approved.

Guest Presentation & Discussion- Multi-family Zoning Requirements for MBTA Communities (Jayne Wyrick, Central MA Regional Planning Commission) – Jayne Wyrick and Nina Weisblatt were in attendance to talk about compliance with the MBTA Communities Multi-Family zoning requirement under Section 3A of the Zoning Act. The state has an estimated shortage of 200,000 housing units. The Economic Development Bill was signed into law with the intention to make it easier for municipalities to adopt zoning amendments. The new Section 3A to MGL 40A encourages designated MBTA communities to adopt zoning districts where multi-family zoning is permitted by right and meets other requirements in the statute; 175 municipalities are subject to the law; Northborough is an adjacent community which is less restrictive. A reasonable size must be provided with a density of 15 units/acre; the district must contain at least 50 acres of land. 10% of Northborough's housing stock would be required to be multi-family units, i.e., 589 units. 50 acres at 15/units per acre would require a minimum of 750 multi-family units. Avalon units could count towards units and density. Ms. Connors described the potential locations that could be used for the multi-family zoning. In communities where there is no land within 0.5 miles of a transit station, multi-family units are encouraged to be in an under-utilized spaces or the downtown area. They want to create walkable neighborhoods. Multi-family district zoning cannot place any limits or restrictions on age, unit size, number of bedrooms, etc... The draft guidelines do not require the town to construct the units; it's making sure the zoning is in place for potential units to be built. If the town doesn't comply, they cannot apply for funds from the MassWorks Infrastructure Program, Housing Choice Initiative, or Local Capital Projects Fund, and DHCD can take non-compliance into consideration when awarding grants. The deadline to apply for Determination of Compliance is March 31, 2025. Ms. Wyrick touched on the resources available. Ms. Poretsky commented that she took a class and learned that there will soon be a tool available to help in determining units per acre that is used in conjunction with the GIS system. Ms. Connors said it's important to remember that with this project that there are already a significant number of multi-family units that already exist that the town can get credit for. Units don't have to be created in the near future; there is no timeline; it only has to be included in the Use Chart as a by-right use.

Discussion of Proposed Zoning Amendments for 2022 Annual Town Meeting:

Ms. Connors announced that tonight is not the official public hearing; it will be on April 19th. Per the Town Clerk and the Attorney General's Office, public comment can be accepted at this meeting. Ms. Connors requested the board refrain from voting until after the public hearing on April 19th.

ARTICLE 33 Section 7-09-040 Signs

Public Comment: Scott Rogers (26 Tomahawk Drive) asked if the board will put together an intro for town meeting and was told a presentation will be provided. He was told he could provide any comments/changes tonight as well as on April 19th. He said the signs regulations are more restrictive and asked if there had been any analysis from the businesses that would be affected. Ms. Martinek said part of the bylaw was clean-up and the primary change impacts internally illuminated signs in the downtown area. No existing business will have to change their sign; only new business would have to conform. He asked what level of repair is needed that the signs would have to become conforming for that existing business and was told the level of repair would be "beyond repair". Ms. Gillespie said no analysis was done. If a person changes any wording on their sign, there is an impact; it triggers them to have to change to a new sign. Mr. Rogers said we haven't identified all the businesses that will be impacted, but we know any business downtown with an internally lit sign would be impacted by the proposed changes and would

have to get new signs if they needed to change for whatever reason lettering on their signs. Ms. Martinek said there would be an impact either way. They are looking to improve the look of the downtown area and at some point have to put a stake in the ground for what we want it to look like and how we are going to conform to it.

Lisa Maselli (13 Maple Street) asked if the concern, by the previous caller, was that the internally illuminated sign bylaw was going to affect businesses and create a hardship? She stated that she thought it was a stretch, and was under the impression that this bylaw was trying to improve the downtown appearance (similar to the Master Plan) and help with Economic Development. When she drives through downtown many of the internally lit signs have been up for so long they are no longer white, but yellowed. She also stated some of the lights are no longer working and she didn't think there was the desire to replenish the appearance of signs downtown and she was in support of what the board is doing.

Fran Bakstran (76 Cedar Hill Road) had concerns about explanation that went along with the non-conforming and compliance of existing sign. She said when something remains unaltered in any way, it can stay as long as it continues to be maintained. If it is removed, destroyed, or needs repair, it can't. She thought it will be confusing. She also had concern with why no canopies or awnings can have signage; she felt it is too restrictive. Ms. Poretsky said they didn't change canopies or awnings. Ms. Bakstran said absent a use variance (if that passes) or sign variance, there would be no exception to the awnings. Ms. Bakstran also said there is a contradiction with #14 referring to Section 7-09-020 D(2). The sections will be reviewed for the public hearing on April 19th. Ms. Milton asked what constitutes an abandoned sign and how do you determine when it's abandoned. Mr. Frederico said a sign is abandoned if it is no longer relevant to the property.

ARTICLE 34 Section 7-05-020 Classification of Uses G.(2) Hospitality and Food Service, I.(5) Distribution and Transportation Uses, and I.(7) Brewery, Distillery, or Winery with Tasting Room – The intent was to add definitions and add them to the Use Table. It also provided another use in the Industrial District. Ms. Milton asked about adding them into the Highway Business District. Ms. Poretsky stated that originally there was talk about "starting slow" so she started with a couple of districts but there could be an amendment on Town Meeting floor to add brewery to Highway Business.

Public Comment: Scott Rogers commented that restaurant parking is 1 space for every 4 seats and asked if they wanted to align the breweries to be the same. Ms. Martinek said there was discussion and settled on 3. Milton said the parking needs are different than what would be in a full-service sit-down restaurant. Mr. Frederico, the Zoning Enforcement Officer, agreed with the comments by Ms. Martinek and Ms. Milton and stated that 3 was the number that was settled upon.

ARTICLE 35 Section 7-03-080 Enforcement – Ms. Poretsky said, per Town Counsel, it's a belt and suspenders approach to add the policy to the Zoning bylaws and to make it more black and white.

Public Comment: Scott Rogers asked Mr. Frederico if the Zoning Bylaw changed would we run the risk of a contradiction to other regulations if the overall building codes and regulations change. Mr. Frederico said the intent and belts and suspenders is reasonable, but the only thing he has discomfort with is "the building inspector shall within 14 days give notice in writing to the owner of the property..." Mr. Frederico said if a violation exists, he sets up a meeting, calls or visits to give them a chance to correct the violation, and thinks 14 days is a tight schedule. His recommendation is to either strike "14 days" or substitute "shall" with "may". Ms. Poretsky felt a time limit should be noted and she stated the wording was originally "immediately" and it was changed to "fourteen days" after a discussion with the Board and the Building Inspector. In a recent memo by Town Counsel, concerning a property, he stated 10 days. Mr.

Rogers had a concern because it doesn't have full staff support. Ms. Gillespie commented that the Board could keep the days and use "may". Lisa Maselli thought making changes at the last minute doesn't serve a purpose. She stated that there are problems that we have been experiencing lately with enforcement. She didn't know why the Board is going back and forth over a time limit that the attorney has already recommended.

ARTICLE 36 Sections 7-30-030 and 7-05-010 Use Variances – Ms. Martinek said if we wanted to allow a certain use in town, it would be put in our bylaws as a by-right use so the legislative body had the opportunity to have a voice vs. a board of five having the ability to put uses where they may not have been intended. Ms. Martinek said that outside experts have advised that we will never be able to achieve the zoning intended as long as there are use variances. The intent is to prohibit use variances.

Public Comment: John Wixted (2 Stirrup Brook Lane) felt the intent is to keep the zoning clean; it protects business owners as well as residential owners and makes the rules clear. Fran Bakstran (76 Cedar Hill Road) said there are exceptions to the rule and the use variance enables a person, business or property owner to have something that matters to them with little to no impact on its neighbors. As an example, in 2019 there were twelve use variance applications; only one was granted for an indoor recreation facility in the industrial zone which was not an allowed use; there were no infringements on anyone. It is used sparingly and sometimes helps develop future bylaws. She also cautioned that without a use variance, the White Cliffs redevelopment will be very limited because the majority of the property is in a residential district. Lisa Maselli said it should remain in the warrant. She stated that Use Variances have been granted and they have affected the neighbors. She didn't feel it was as simple as Ms. Bakstran was try to explain. Michael Bernzwick (4 Jenkins Drive) thinks it's important to move forward with it and take everyone's feedback; he supports it. Scott Rogers commented that use variances are a useful tool to use on a positive side when something is aligned with the Master Plan and the strategic goals; a use variance can accelerate those developments and would hate to see them throw away a tool that could be put to good use. Ms. Poretsky mentioned that Indoor Recreation was changed to an allowed use per a zoning bylaw change at 2020 Town Meeting. It wasn't a Use Variance.

ARTICLE 37 Zoning Map by rezoning that portion of the General Residential (GR) District identified as 37 South Street (Assessor's Map 63, Parcel 175) to Downtown Business (DB) District – House-keeping article. The lawyer for the owner of the property previously stated it was a split lot that should have been located in the Downtown Business District not the General Residential district. This happened during the 2009 zoning changes.

ARTICLE 38 Section 7-03-050 Site Plan A.(4)(b) – House-keeping article to remove what would be conflicting language in the bylaws.

Public Comment: Scott Rogers asked the reason for the 2018 zoning change making two-family dwellings more restrictive. Ms. Martinek said It is not more restrictive, it is part of the special permit process subject to site plan approval. Therefore, two families need to be removed from the exception list under site plan review.

ARTICLE 39 Section 7-10-060 Temporary Moratorium on Distribution and Transportation Uses – The Board discussed what was happening in town, in the industrial districts, and traffic concerns, and questioned if we are at the point where we need to stop and take the time to look at e-commerce trends; how can we tighten the bylaws to better protect the town and be better prepared for the applications that come in? First was to put forward a temporary moratorium for the Town to vote on so the Board can take a 12-

month period to evaluate the list included in the warrant. If the Town decided not to do a moratorium, the Board felt they needed to update the definitions.

Public Comment: Michael Bernzwick thinks it's needed for consideration of all the uses for structures and guidelines when making decisions. Scott Rogers commented that the Board has been able to render decisions on the most recent applications and wondered why they need a moratorium. They have been able to use the existing bylaws and deny applications that don't make sense and approve the applications that do. He was worried they are halting all industrial development, even a development that might be viewed as positive for the town if that application made sense. He could understand if the Board had trouble rendering their decisions that they need to pause and come up with new ground rules, but given the existing ground rules they have made their decision and doesn't see the need for a moratorium. In terms of the makeup of the committee, it has less expertise on the committee than the Planning Board right now, and the Board has authority and responsibility to make bylaw changes. They may not need a separate committee; just continue to do what they are doing to review bylaws and make changes. He thought that between the Board and the supporting town departments and staff, they have the expertise to make the changes that are needed; a separate committee will slow them down. Ms. Martinek felt there is trouble. Applications for the industrial district are significantly difficult for the Board and the residents. It's not just about the difficulty in a board having to making decisions; it's about the residents experiencing difficulty with what's happening. The goal is to get ahead of the curve. Ms. Milton said that given the changes that are coming and potential impacts, it is important to plan rather than react. John Wixted said historically the town has done a poor job mitigating the effect of the large warehouses; it's been a significant negative impact on the residents as well as the town; we need to take a short pause to do strategic thinking about what we want Northborough to look like in the future. Carol Chione (15 Brigham Street) gave her support for the moratorium.

If the town votes for the moratorium, the definitions will be passed over. If not, the definitions bylaw will then be voted on, and if it's approved they will be updated.

Public Comment: John Wixted said the bylaw needs to be more specific about the various uses of warehouses and strongly supports the Board's efforts. Scott Rogers agreed these are the types of things the Board can do to make adjustments like the moratorium. The Board has access to the expertise to make changes to the bylaws as needed. He thanked the Board for taking comments since he felt that this was the first opportunity to give public input. Unfortunately, the warrant is closed, but to the extent that there are changes that the Board is willing to make to improve them and offer them as amended motions would be great. Ms. Martinek clarified to Mr. Rogers that she has opened meetings to public comments several times during the bylaw process.

ARTICLE 41 Section 7-07-020 Floodplain Overlay District – Mr. Litchfield explained that the bylaw is being amended to include the proper language to allow the residents of Northborough to continue to have flood insurance for those properties that need it. The bylaw has been requested by the state who's working to oversee the Floodplain Regulations that are adopted by the Federal Emergency Management Act. It has received preliminary approval from the state floodplain coordinator, and Town Counsel has reviewed it to make sure that it's in concert with other communities that have adopted similar language for the same reason.

Action Item Needed: Follow-up on the Sign Bylaw that points to an existing bylaw. Having no further proposed changes, continued discussion at the public hearing will take place on April 19th.

Old/New Business:

Consideration of Minutes (3.1.22, 3.15.22) – Ms. Milton made a motion to approve the March 1, 2022 minutes as amended; Ms. Poretsky seconded; roll call vote: Milton-aye; Gillespie-aye; Ziton-aye; Poretsky-aye; Martinek-aye; motion approved. Ms. Poretsky made a motion to approve the March 15, 2022 minutes as amended; Mr. Ziton seconded; roll call vote: Milton-aye; Gillespie-aye; Ziton-aye; Poretsky-aye; Martinek-aye; motion approved.

Master Plan Implementation Committee – The next meeting is scheduled for April 21, 2022.

ANR – 255 West Street (received 3.17.22) – It is one large parcel; the applicant wants to create a 40,000 square foot parcel with 150 feet of frontage in Residential B District. It does comply with zoning requirements. Ms. Milton made a motion to endorse the ANR plan for 255 West Street; Ms. Poretsky seconded; roll call vote: Milton-aye; Gillespie-aye; Ziton-aye; Poretsky-aye; Martinek-aye; motion approved.

Subcommittee Updates –The Board will review the Northborough Historic District draft plan and provide feedback to Norm Corbin. Ms. Milton said it aligns well with the Master Plan and that it is nicely done.

Upcoming Planning Board Meetings April 19, 2022 and May 3, 2022. The next ZBA Meeting is May 24, 2022. The Annual Town Meeting is April 25, 2022.

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

The meeting was adjourned at 8:48 p.m.

Respectfully submitted,

Melanie Rich
Board Secretary