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By Karen Wilber at 11:12 am, Sep 26, 2022

# TOWN OF NORTHBOROUGH PLANNING BOARD

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**Approved 5.17.22**

## Planning Board Zoom Meeting Minutes May 3, 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), Fred Litchfield (Town Engineer), Bob Frederico (Building Inspector)

The Chair opened the remote meeting at 6:06 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), Fred Litchfield (Town Engineer), Laurie Connors (Town Planner). Note that Millie Milton was present but her volume did not work so she could not verbally participate until later in the meeting.

### Public Hearing for 100 Bearfoot Road Special Permit and Special Permit Site Plan Approval

Applicant: Monocled Tycoon Real Estate Trust

Engineer: Connorstone Engineering Inc.

Date Filed: March 21, 2022

Decision Due: 90 days from close of hearing

The hearing notice was read into the record. A request was made from the applicant via email to continue the public hearing to the next available meeting. Ms. Poretsky made a motion to continue the public hearing for 100 Bearfoot Road Special Permit and Special Permit Site Plan Approval to May 17, 2022 at 6:20 p.m.; Ms. Gillespie seconded; roll call vote: Gillespie-aye; Poretsky-aye; Ziton-aye; Martinek-aye; motion approved.

### Public Hearing for 5 Goddard Road Modification of Special Permit per Groundwater Protection Overlay Bylaw and Special Permit Site Plan Approval

Applicant: 5 Goddard LLC

Engineer: Connorstone Engineering Inc.

Date Filed: March 31, 2022

Decision Due: 90 days from close of hearing

The hearing notice was read into record. Attorney Marshall Gould, Vito Colonna (Connorstone Engineering), Timothy Matatall (applicant), and Justin Wheeler were in attendance. Attorney Gould explained that two years ago the site was permitted for Special Permit for Groundwater, Special Permit for Use, and Site Plan with Special Permit for L.H. Wheeler Excavation. The business was a trucking and excavation company. Due to the family making the decision to split the business, the trucking company is going to be elsewhere; the excavation can be done where they are presently located. The building was marketed, and they felt the proposed applicant (Precision Heating & Cooling) was best suited for this location. Mr. Matatall currently operates his business in Grafton. The current site plan will not change. Mr. Matatall is aware of the conditions of the prior Decision and has no issues. They do installation, maintenance, and repair of HVAC systems. They are environmentally green; storage of materials will use the same container as referenced in the prior Decision; it will also have a sump capacity. Vehicle washing as well as vehicle maintenance will be done offsite; hours of operation will be 7AM-5PM.

Ms. Poretsky asked how much of the work was completed. Attorney Gould said the outside of the building is 95% completed; they are finishing the office and insulation inside. Mr. Matatall will purchase the property when the site is completed and in accordance with the original building plan and site plan. The DPW Director submitted a letter requesting two separate water connections. Ms. Poretsky asked if that would be as a condition. Mr. Litchfield explained the DPW wants the plan to show domestic service as well as the fire protection line; the as-built plan will reflect what was installed (as required when the building permit was put into place); no need to amend the plan. Attorney Gould said that the construction will be completed before the purchase. It was agreed by all parties that the Wheelers would complete the site work. Mr. Litchfield said that all the conditions in the original permit will be verified as satisfactorily completed prior to signing off on the Occupancy Permit. Attorney Gould confirmed that no salt or deicing chemicals will be stored on site; no vehicles or equipment will be stored on site. The proposed use will be much safer and cleaner than the original plan. Ms. Martinek asked Mr. Litchfield about the condition for the 66 gallons of hazardous chemical storage. Mr. Litchfield explained that when the GAC met, Attorney Gould was not present, and the Committee wanted to make sure that no more than 66 gallons could be brought on site. Ms. Martinek wanted to make sure landscaping in perpetuity was still part of the plan.

Ms. Gillespie welcomed Mr. Matatall to Northborough; she felt the use was less intrusive and didn't see any negatives about changing over from one owner to another. Ms. Poretsky asked if there should be a condition about prohibiting use of sodium-based deicer on site because of its presence within the Groundwater 2 Area and was told that they will not use salt-based deicing chemicals; alternative products will be used.

The Chair asked for public comment. Attorney Stephen Madaus, on behalf of direct abutter Saint Gobain, commented that they are pleased with the new development, said it is more compatible with their business, and welcomed them to the neighborhood.

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

The draft decision was discussed; there were no issues with findings of fact or conditions of approval; the original conditions will remain; modifications/updates will be made based on board discussion. Included in that discussion, the condition will be modified to state that the special permit will run with the owner. Also discussed, that any significant modifications to the plan will come back to the Planning Board for approval. Because it is a modification, it was not necessary to review the criteria of the special permit.

Ms. Poretsky motioned to grant the modification of Planning Board Special Permit with Site Plan Approval and Special Permit per Groundwater Protection Overlay District for the property located at 5 Goddard Road in accordance with the Findings of Fact 1-13 and subject to the new conditions 1 and 2. Except as modified by this Decision, the terms of the Decision dated February 18, 2020 shall continue in full force and effect; Mr. Zitton seconded; roll call vote: Gillespie-aye; Poretsky-aye; Zitton-aye; Milton-aye; Martinek-aye; motion approved.

Continued Public Hearing for 200 Bartlett Street Special Permit per Groundwater Protection Overlay District Bylaw and Special Permit Site Plan Approval

Applicant: The Robert J. Devereaux Company  
Engineer: Connorstone Engineering Inc.  
Application Filed: 1.14.2022, Special Permit, Special Permit with Site Plan Approval  
3.25.22, Special Permit per Groundwater Protection Overlay District Bylaw  
Decision Due: 90 days from close of hearing

Attorney Paula Devereaux, Rick Gates, Vito Colonna and Dario DiMare were in attendance. A revised site plan and landscape plan were provided. The mock street was relocated to Zone 3 and storage spaces moved; a fence enclosure was added to the dumpster area; a bike rack was added; the light post will have a concrete base to protect the lights from being damaged; the sign was shifted. It was agreed to previously that a non-sodium-based deicer will be used.

Ms. Martinek asked about the snow storage area calculation. Mr. Litchfield responded that he had not received it, but Mr. Colonna explained how the size was estimated. A condition will be included that snow shall be piled within snow storage areas only; the paved snow storage area shall be the last one utilized for snow storage; snow piles shall not exceed 6-feet in height; excess snow shall be disposed of off-site. Ms. Martinek asked if the septic system was approved by the Board of Health and was told it will be approved prior to issuance of a building permit. Lamy's Automotive designated parking spaces were noted on the plan. The landscaping condition will be modified to include "in perpetuity".

The Chair asked for public comment; there was none. Ms. Poretsky made a motion to close the public hearing; Ms. Milton seconded; roll call vote: Zitton-aye; Poretsky-aye; Gillespie-aye; Milton-aye; Martinek-aye; motion approved.

The draft decision was discussed, including conditions A-CC. The conditions further included that any significant modifications to the plan would need to come back to the Planning Board. The Planning Board discussed the decision criteria articulated in Zoning Bylaws, Section 7-030-040, Special permit and agreed that the application meets criteria 1-7 for issuance of the special permit for the use. Next, the Planning Board discussed the findings articulated in Zoning Bylaws, Section 7-07-010, Groundwater Protection special permit criteria and agreed that the application meets findings 1-3 for issuance of the Groundwater Protection special permit in Area 3. The Board noted that the Applicant obtained a variance from the ZBA for an automotive repair use

on the property that is accessory to the contractor's yard use within Groundwater Protection Overlay District Area 1 and the time to appeal has passed. Finally, the Planning Board discussed the criteria articulated in Zoning Bylaws, Section 7-03-050 Site plan approval. The Board agreed that the application meets decision criteria 1-6 for issuance of site plan approval.

Ms. Poretsky made a motion to grant a Special Permit, Special Permit Site Plan Approval and Special Permit for Groundwater Protection Overlay District for the property located at 180, 186 & 200 Bartlett Street in accordance with Findings of Fact 1-17 and subject to conditions a-cc; Ms. Milton seconded; roll call vote: Gillespie-aye; Poretsky-aye; Ziton-aye; Milton-aye; Martinek-aye; motion approved.

**Old/New Business:**

Consideration of Minutes (4.5.22) – Ms. Poretsky made a motion to approve the 4/5/2022 Minutes as amended; Mr. Ziton seconded; roll call vote: Ziton-aye; Poretsky-aye; Gillespie-aye; Milton-aye; Martinek-aye; motion approved.

The Master Plan Implementation Committee did not meet in April.

ANRs, Lot Releases, Bonds – None tonight.

Subcommittee Updates – None tonight.

Upcoming Planning Board Meetings are May 17, 2022 and June 7, 2022; the next ZBA Meeting is scheduled for May 24, 2022.

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

The meeting was adjourned at 7:47 p.m.

Respectfully submitted,

Melanie Rich  
Board Secretary