



# TOWN OF NORTHBOROUGH PLANNING BOARD

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**Planning Board**  
**Town Hall, Selectmen's Meeting Room**  
**Meeting Minutes**  
**January 21, 2020**

**Approved: 03/05/2020**

**Members in Attendance:** Kerri Martinek, Chair; Amy Poretsky, Vice Chair; Michelle Gillespie; Anthony Ziton; Mille Milton

**Others Present:** Kathy Joubert, Town Planner; Fred Litchfield, Town Engineer; Robert Frederico, Building Inspector (audience attendees - see attached sign in sheet)

Chair Martinek called the meeting to order at 7:00 p.m.

Continued Discussion with Sarah Adams, CMRPC RE: Zoning Bylaws for Solar Energy Systems and Hazardous Waste Facilities:

Ms. Adams made changes based on Thursday's meeting. Ms. Poretsky's changes sent Friday have not been incorporated. Ms. Adams will incorporate any additional changes and hopefully have a draft ready for the February 4<sup>th</sup> meeting. A public hearing is required and a recommendation made for the town meeting.

Solar Energy Systems: Adding carports as an accessory use was discussed; it was decided to use square footage for the ground-mounted solar system thresholds (small-1,000 square feet); (large-over 1,000 square feet). Ms. Poretsky's email asked questions about setbacks. Ms. Adams assumed that the board would go with the current setbacks in a residential district which are 30-foot front; 15-foot side; 25-foot rear. Ms. Poretsky questioned if a larger setback from abutters would be needed since small scale ground-mounted solar will now be allowed. Ms. Poretsky also questioned if ground-mounted solar should be allowed in front yards. Ms. Joubert stated any structure (except for certain size sheds) must meet the setbacks in the Zoning Bylaws. Large scale solar requires a fence; residential ground-mounted solar does not. Design standards require a 6-foot fence in height. The board agreed the setbacks would remain the same as in the current Zoning Bylaw. Mr. Ziton did not know if the front yard was a special consideration. Ms. Gillespie said the board could possibly require a natural buffer in the front yard. Ms. Martinek commented that large scale requires a high voltage warning; is it needed for the small scale? Ms. Joubert stated the state building code may require signage for any voltage over a certain amount and typically that would be covered by the Fire Department and Building Department.

Mr. Frederico's comments were discussed, some of which were grammatical and redundant language. Solar in the building trades is for the heating of hot water and heating your home. The word "photovoltaic", which pertains to the electrical generation panels, needs to be included. Mr. Frederico said a "structure" could be construed as the framework it sits on; it needs to be on a building currently in good standing. In the Residential Table of Uses, a use line

should be added for large scale ground-mounted photovoltaic installations. Photovoltaic needs to be added to Table 1-B. Mr. Frederico asked what “previously developed sites” and “applicability” mean in Section 7-10-060. The word “local” will be removed from local building permit Under Section 7-10-060D(1). Proposed language in Section 7-10-060D(2) says site plan approval is required, but there is no language or reference to solar in Section 7-03-050A(1). He asked what a protection scheme coordination study is and who provides it? Add “J-all requirements of the Mass Fire Prevention Code shall apply” to Section 7-10-060D(2). He asked if there was a PILOT plan. Ms. Poretsky said some developers are calling themselves non-profit to perhaps find a loophole to not pay taxes to the town. Ms. Adams reiterated any PILOT plan will require town meeting approval. Mr. Frederico felt the language proposed was trying to think of a solution for every probability and felt it was too tight. Regarding signage, it references the sign bylaw; there is no language in the existing sign bylaw for photovoltaic. He recommended leaving it to the proper authorities for the safety and security of the installation. He recommended that ground-mounted solar small-scale PV systems shall be contained by a fence not lower than 4-feet; non-residential ground-mounted PV systems not lower than 6-feet. Ms. Gillespie thought of possibly using the same screening for fences as is required for dumpsters. Ms. Joubert said the current proposal references a site impervious fence with a maximum of 6-feet. Ms. Martinek asked if Site Plan Approval language was needed. Ms. Joubert said the draft does have large scale ground-mounted through Site Plan Review. The Site Plan section can be revised to include “and large-scale ground-mounted”. Ms. Joubert asked them to confirm the setbacks and fencing; fencing will be required for any ground installation; setbacks will remain consistent with the current setbacks in the Zoning Bylaw.

Hazardous Waste Facilities: Ms. Adams suggested relying on DEP regarding decommissioning as DEP will be permitting and regulating the use. Ms. Martinek said we are trying to determine if additional language for decommissioning (which is covered by DEP), is needed; is peer review covered elsewhere in the Bylaw (which Ms. Joubert said the board has the ability to request peer review); and is monitoring well sampling covered by the state.

Mr. Litchfield recommended not editing the Groundwater Section of the Bylaw; the board agreed to remove “see the definition”. Mr. Frederico had a question about hazardous materials hours of operation and possible extension or exemptions. Ms. Joubert said it would make sense to follow the existing Bylaw which is 7AM-7PM, except Sunday and legal holidays. The board agreed that the hours of operation would remain the same and the authority would fall to Mr. Frederico.

Ms. Poretsky made a motion to put forth the Hazardous Materials Bylaw for the 2020 town meeting; Ms. Milton seconded; all voted in favor; motion approved.

Ms. Poretsky made a motion to put forth the Solar Bylaw for the 2020 town meeting; Mr. Ziton seconded; all voted in favor; motion approved.

Zoning Bylaw Articles were reviewed. Ms. Poretsky made a motion to add Funeral Home to the 2020 town meeting warrant; Ms. Milton seconded; all voted in favor; motion approved.

Ms. Poretsky made a motion to add to the 2020 town meeting warrant changing the definition of Kennel to use the state definition of Kennel.....more than 3 dogs 3 months or older, and change the Use Table taking Kennel out of Residential A and adding it to Industrial, keeping it as Special Permit in Business West; Mr. Ziton seconded; all voted in favor; motion approved.

Ms. Poretsky made a motion to add to the 2020 town meeting warrant to allow Commercial Recreation Indoor by right in Industrial; Ms. Milton seconded; all voted in favor; motion approved.

Further discussions included Industrial Uses changing from By Right to Special Permit (Warehouse/Contractor's Yard and Accessory Uses). Ms. Poretsky made a motion to add to the 2020 town meeting warrant the edits to Industrial Uses with the Table described: Light Manufacturing will be by Special Permit; Research & Development Y; Warehouse by Special Permit; Trucking by Special Permit; Contractor Yard by Special Permit; Accessory Uses Y; and changing the definition as discussed; Ms. Milton seconded; all voted in favor; motion approved.

Home Occupation and commercial motor vehicles were discussed at length. Ms. Poretsky made a motion to add to the 2020 town meeting warrant revisions to the Home Occupation definition as described by the Chair; Mr. Ziton seconded; all voted in favor; motion approved. There was a discussion about the Carport footnote 6 and the amount of commercial vehicles allowed on a property. Mr. Frederico stated only 1 commercial vehicle is allowed on a property today. Mr. Frederico mentioned this footnote should be deleted and the bylaws should be updated to include this information as part of a different section of the bylaws. Ms. Joubert state she would investigate writing a bylaw to update this.

Regulations for Two-Family Dwellings were discussed. Mr. Ziton made a motion to move forward with the changes in the Bylaw to remove the waiver; Ms. Milton seconded; all voted in favor; 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

The public hearing was continued by a unanimous vote of the board, and agreed to by the applicant, to February 4, 2020 at 7:00 p.m.

Public Hearing for 0 Bartlett Street Special Permit per Groundwater Protection Overlay District Bylaw and Special Permit Site Plan Approval:

Applicant: The Gutierrez Company  
Engineer: Allen & Major Associates Inc.  
Date Filed: December 24, 2019  
Decision Due: 90 days from close of hearing

A request for continuance to the February 18, 2020 meeting was received from the applicant on January 16, 2020. Mr. Ziton made a motion to continue the public hearing for 0 Bartlett Street to February 18, 2020 at 7:00 p.m.; Ms. Poretsky seconded; all voted in favor; motion approved.

**Old/New Business:**

Adoption of Master Plan – A public hearing was held on December 10, 2019. At that time, the board asked for public feedback. Some comments received to date included asking for additional senior representation; taking into account the Historical Society; sustainability; and making sure there is infrastructure to support growth in the event of build-out. Public comments are still being accepted.

Ms. Martinek commented on the land use chapter saying she would like to make it more about exploring different opportunities for the Zoning Bylaw rather than a direct tie to the Zoning Bylaw. She also commented that sidewalks are important to residents.

Regarding the land use chapter, Ms. Poretsky would like a chart that lists how much industrial land we have right now, how much is developed, and how much is left to develop. She did find in the original Master Plan an Inventory of Land Uses list. Her recommendation was to include an updated inventory of land uses from the assessors when the data is available and make the table and text match. Ms. Gillespie commented that there were extensive conversations about the Baseline Conditions section and that it is updated every fifteen years, which is on track. The Master Plan Steering Committee discussed these questions from Amy and agreed to leave the baseline data as presented by the consultants and adopted by the Steering Committee.

Ms. Joubert explained how the Master Plan Steering Committee and the consultants went over Ms. Poretsky's comments in detail. Explanations were given how each table represents different data. The Baseline data is land coverage and the current data is land use and the two were not meant to be compared.

Ms. Poretsky said even though she brought it up at the Steering Committee meetings, she wanted to make the planning board aware that she doesn't believe the text matches the tables. She wanted an explanation of how certain sections are broken down. In table 2-2 it stated there are 480 acres of industrial land but on page 2-11 it states there are 1800 acres of industrial land. She said there are three different land use sections and she wanted them all to be consistent.

Mr. Ziton commented that he liked the way LU2.4 was rewritten to "investigate the merits of density bonuses" rather than "investigate density bonuses and density credits". Ms. Martinek's comment regarding the Zoning Bylaws was to replace "update the bylaws" with "review the Zoning Bylaws".

Housing: Ms. Martinek thought the survey results reflected a significant priority on some items that were not in the Key Findings such as protecting the existing character of the neighborhood; overdevelopment, and making sure we have the infrastructure to support future development; and what the impact of development is. Her Key Finding was to mention the priority that includes balancing overdevelopment, evaluating the impact of increased development and protecting the existing character of the neighborhoods. She also recommended exploring the merits of an Inclusionary Bylaw. Ms. Martinek suggested that if the board were to do a Housing Production Plan, the housing price point study could be part of a more comprehensive Housing Production Plan. She wants to call out seniors separately and address their concerns for senior housing and affordability; they have unique housing needs. Related to the theme of maintaining the existing character of the neighborhoods, the goal was to accommodate growth while maintaining the existing character of the neighborhoods.

Ms. Poretsky commented on the Implementation Plan. She said before a price point study (H2-1) is done, the Housing Production Plan (H2-6) needs to be done. She went on to explain the housing production plan should be first, to see what we are missing as far as housing; the impact study (H3-1) should be second, so we know what we can support and the more specific studies such as the price point study should be third once we know what is needed and what can be supported. Ms. Poretsky made her recommendations for changes. Ms. Gillespie said that the Master Plan Steering Committee had discussed several times that just because it is in that order doesn't mean that it must happen in that order; the order of what is to be worked on first will be determined through the Implementation Committee.

Ms. Milton asked how public comments and feedback related to priority, as well as who were the stakeholders. Ms. Gillespie gave a detailed explanation for both.

Mr. Ziton looked at affordable housing as it compared to the town's housing stock and put together a spreadsheet where you could enter a percentage growth that would result in the percentage of affordable housing and how it would be impacted by that growth. While he thinks affordable housing is important for the community, more focus should be on the senior housing. He suggested H2-3 should "investigate" appropriate areas for missing middle housing rather than "identify" appropriate areas for missing middle housing.

There were no comments to the Natural, Cultural and Historic Resources section.

Ms. Martinek's summation of Housing: maintaining the existing character of neighborhoods; the need to understand the impact; timing for implementation (it is not the order, only a list of recommendations); seniors are called out separately; joining the price point study with the Housing Production Plan; reflecting an impact study; and language change in H2-3.

Economic Development: Ms. Martinek wanted to incorporate into the Master Plan the need for a downtown development plan and economic development plan. She mentioned a Real Estate Advisory firm creating a redevelopment strategy and felt that the regional planning agency should be added instead of a real estate advisory firm. If that is the strategy we want, make sure that agency's expertise corresponds with what we want for a deliverable. Ms. Poretsky suggested adding an Economic Development Committee to ED.2-1.

Open Space: Ms. Milton said addressing accessibility for parks was discussed by the Community Preservation Committee. If the park they are updating is included in the plan, it would address the issue. Ms. Joubert said an accessibility survey will be included in the Open Space and Recreation Plan (which is mandated by the state) and this plan is in the process of being updated with the Open Space Committee and CMRPC.

Public Facilities: Ms. Martinek said there was a part about making sure we represent public facilities. She did not see how we track public facilities (e.g., cost, maintenance, scheduling). Ms. Joubert said a Facilities Manager position has been funded but not yet filled. It currently falls under the DPW through the capital plan process.

Ms. Martinek said other parts talked about communication and the website. How do we keep up with technology? She suggested social media; possibly electronic voting. Her comment was about modernizing. Schools are important to residents in town. Her comments were about

updating the schools. Should something be added to monitor school size and to keep in queue with the MA School Building Authority to qualify for partial reimbursement for design and construction costs? Residents also commented on a new community center for meetings; how does the senior center play into that, how is it leveraged.

Regarding a community center, Ms. Gillespie said there are some bullets about additional parking at the library; there is no direct access to the front of the library, or flexible or additional flexible meeting spaces. She said a community center doesn't necessarily have to be the senior center; it can be a combination of two buildings; you might see long-term use of the library as more of a community center as people take out books less.

Transportation: No comments.

Ms. Martinek suggested the Planning Board take comments through January 31, 2020 and the Master Plan discussion will be placed on the February 18, 2020 agenda.

Consideration of Minutes – Mr. Ziton made a motion to approve the Meeting Minutes of November 5, 2019; Ms. Milton seconded; all voted in favor; motion approved.

2020 Annual Town Meeting – Articles are due February 3<sup>rd</sup>; Town Meeting begins April 27<sup>th</sup>.

Upcoming Planning Board Meetings are scheduled for February 4<sup>th</sup>, February 18<sup>th</sup>; March 3<sup>rd</sup>, March 17<sup>th</sup>, April 7<sup>th</sup> and April 21<sup>st</sup>.

The next ZBA Meeting is scheduled for January 28<sup>th</sup>.

The meeting was adjourned at 9:55 p.m.

Respectfully submitted,

Melanie Rich  
Board Secretary