



# TOWN OF NORTHBOROUGH PLANNING BOARD

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Approved 1.16.2020

**Planning Board  
Meeting Minutes  
November 19, 2019**

**Members in attendance:** Kerri Martinek, Chair; Amy Poretzky, Vice Chair; Anthony Ziton; Mille Milton

**Members excused:** Michelle Gillespie

**Others in attendance:** Kathy Joubert, Town Planner; Fred Litchfield, Town Engineer; Sarah Adams, CMRPC; Jason Perreault, 27 Treetop Circle; Henry Squillante, 72 Crestwood Drive; Mitchell Cook, 67 Cherry Street

**Chair Kerri Martinek called the meeting to order shortly after 7:00PM.**

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

Ms. Martinek introduced Sarah Adams from the Central Massachusetts Regional Planning Commission (CMRPC), who briefly discussed her background. She noted that she has been looking at the solar bylaw that was drafted by the town in 2014 and provided board members with a packet that includes previous draft language with a few recommendations from her (copy attached). She stated that she did not delve deeply into it too because both it and the hazardous waste bylaw will depend greatly on the community. She also noted that the solar bylaw needs to address battery concerns because it is a developing technology. She indicated that the battery component is currently being treated as an accessory structure and will continue to be unless the town includes specific language relative to batteries.

Ms. Adams explained that she had highlighted language in the draft that she would like to look at more closely, and noted in red text some additional language that she is proposing. Ms. Martinek mentioned that it appears that Ms. Adams amplified the stormwater management component and added a surety requirement based on a decommissioning plan and estimate done by a professional engineer. Ms. Adams indicated that she has also added language about notification ahead of an ownership change because there is a lot of flipping with solar projects. She also expressed an interest in hearing the board's specific concerns about solar facilities so that so she can be sure they get addressed.

In response to a question from Ms. Martinek about the stormwater management section, Mr. Litchfield indicated that he only recently received it and has not yet had an opportunity to review it.

Mr. Ziton stated that he has no further concerns beyond what Ms. Adams has already included.

Regarding battery storage, Ms. Adams explained that these are normally very enclosed, extremely contained structures and have been treated as accessory structures up to this point. She also indicated that these structures are quite safe, though there is a higher risk of fire than exists with just a solar array.

In response to a question from Ms. Milton about the function of the battery storage, Ms. Adams stated that using them helps the service operator balance out peak energy demand so that power isn't being pumped into the grid at times when demand is low.

Ms. Poretsky mentioned that she and Ms. Martinek had recently attended a session on solar facilities presented by the CMRPC where they heard input about some of the problems. She recalled that a resident from the town of Leicester emphasized a need to limit tree clearing and she would like to be sure this is covered in our bylaw. She also voiced her understanding that solar facilities can be limited or prohibited in residential zones as long as they are not prohibited entirely in town. She expressed her desire to avoid seeing any solar farms in residential areas. Ms. Joubert asked Ms. Adams if the town is able to prohibit both large and small scale facilities in residential zones. Ms. Adams voiced her opinion that the draft bylaw does so, but indicated that the town needs to define what small scale is (typically under 250kw) and how it gets permitted. Ms. Joubert recalled that the town originally only addressed large scale facilities, with a desire to limit them to the industrial districts. Ms. Adams noted that, while the town can prohibit both large and small scale facilities in residential areas, smaller scale projects are typically an accessory to another use and it is difficult to tell someone that they cannot install a small scale ground-mounted solar farm in their yard. She also mentioned that there is no legal recourse for prohibiting large scale solar projects in residential zones as long as they are allowed elsewhere in town.

Ms. Poretsky requested that the bylaw include requirements for effective screening of solar farms and notice of ownership change. She also recommended including pilot agreements to protect the town. She noted that loopholes have been found in other towns' bylaws that enable companies to develop these projects and later declare themselves as nonprofits to avoid paying taxes. She explained that having a pilot agreement upfront allows the town to collect taxes for 20 years in advance. Ms. Adams cautioned the board about pilot agreements and explained that, since they require a town meeting vote, they cannot be a requirement in the bylaw since there are no guarantees about the outcome of the vote. She emphasized the need for carefully worded language to address this concern and suggested that the bylaw could include a provision requiring a developer to propose a pilot agreement. She also stated that she does not believe the board can hinge an approval on a developer obtaining a pilot agreement. Ms. Poretsky suggested that it be included as a condition that would serve as a reminder to the board in the future. Mr. Litchfield suggested that requiring a developer to submit a draft pilot agreement might be appropriate.

Ms. Poretsky also recommended that the Planning Board require annual reports, which would allow better tracking of ownership and surety. She also recalled that there was a great deal of discussion about setbacks, screening, and batteries at the recent CMRPC session. She voiced her opinion that the

addition of battery facilities should not be considered a minor site review and the board should require a peer review for both solar projects and batteries, given the level of concern about the battery component.

Ms. Adams referenced section F, item #3, in the document and asked if board members are comfortable with it as written or would like to be more aggressive in terms of screening. Ms. Joubert recalled that, when originally drafted, there was extensive discussion about this. She voiced her opinion that it is fairly robust but noted that she does not know how it compares to that of other towns.

In response to questions from Ms. Joubert about the concern about ownership, Ms. Adams explained that requiring a notice of ownership change makes it easier to get in contact in the event of an issue. Ms. Poretsky recalled that someone at the CMRPC session mentioned the need to transfer the decommissioning and surety whenever there is an ownership change to ensure they go with the new owner. Ms. Adams noted that the money for decommissioning is held in escrow. Ms. Martinek recalled that there was a developer in the audience at the CMRPC session who indicated that there is a high expectancy that solar projects will transfer hands. Ms. Adams commented that the company that develops and installs a project typically does not manage the operation. Ms. Martinek expressed a desire to meet with new owners to ensure that there is no possibility of a misunderstanding of the expectations. Ms. Adams indicated that the language currently covers notification but agreed to add language to require a meeting with town staff and/or a requirement for annual reporting.

Mr. Litchfield noted that permits issued by the Earthwork Board are valid for one year, with applicants required to come back every year. He suggested that such a process could be applied to solar projects, though agreed it could be cumbersome. Ms. Joubert asked if it is possible to make solar project allowed by special permit as was suggested by Ms. Poretsky. Ms. Adams explained that the use must be allowed by right somewhere in town in order for Northborough to retain its Green Community status.

Mr. Zitton asked about the typical footprint for a 250kw system. Ms. Adams stated that this would be difficult to provide since footprints are rapidly changing and would depend on what a developer is proposing. She indicated that the board does have the ability to impose a maximum square footage instead, if they wish. Ms. Joubert asked if the town can require developers to use an existing parking lot or rooftop as opposed to raw land so that there would be no tree clearing needed. Ms. Adams stated that this would present a problem under Massachusetts General Law (MGL) as it would be considered unduly regulating the use. Ms. Martinek asked if farm land is covered, and suggested that it might be worthwhile to bring in farm owners to discuss. Ms. Adams indicated that she has done a considerable number of solar fields on agricultural land in the western part of the state, and agreed that having a conversation with farm owners might be valuable. She mentioned that the government does heavily incentivize dual use (solar above with crops underneath). Ms. Joubert noted that the majority of the town's farmland is APR land and asked about any APR restrictions around solar fields. Ms. Adams stated that she does not believe there are any restrictions but agreed to investigate further.

Ms. Joubert asked if smaller scale solar projects apply to more than simple household use. Ms. Adams confirmed that it does, and noted that 7kw is sufficient to power a residential home. Ms. Joubert

questioned who would develop a small scale solar project and why, and noted that the town currently has one application for an installation in a parking lot. Ms. Adams explained that a 250kw system could be a parking lot canopy system, rooftop panels on an office building, or a small ground-mounted system in a back yard.

Ms. Joubert asked if a small scale solar farm fits into the original draft bylaw or if it would be separate. She also asked if, as a Green Community, the town is required to allow this use by right. Ms. Adams stated that the town does not have to allow it by right in every district. She also indicated that it would not need to be a separate bylaw but small scale solar systems do need to be addressed somewhere in the bylaw.

Ms. Martinek recalled a session about zoning amendments she had attended where an attorney present indicated that small scale solar is part of the exemption, so towns are able to do whatever they want with them. She referenced MGL 40A and asked if this means that the town is still able to regulate them until we are told otherwise. Ms. Adams reiterated that, as long as they are allowed somewhere in town, the town would not be unduly regulating them so can opt not to allow them in all districts. In response to a question from Ms. Joubert about allowing small scale solar since we are a Green Community, Ms. Adams confirmed that solar must be allowed by right somewhere in town, but since large scale projects are allowed in the bylaw, the town would be covered.

Ms. Adams asked how small scale solar projects are permitted currently. Ms. Joubert noted that, to this point, the town has only seen residential installations that have been permitted through the Building Department. Ms. Poretsky questioned the ability for small scale solar to be defined as an amount less than 250kw. Mr. Ziton suggested that they be regulated based on square footage and not power generation. Mr. Litchfield recommended a combination of both so that, as technology changes allowing more kilowatts to be produced on a smaller footprint, the project can be limited based on kilowatts or area of disturbance, whichever is less. Ms. Adams suggested imposing a maximum area since technology is changing so frequently.

In response to a question from Ms. Martinek about battery storage being utilized in small scale projects, Ms. Adams indicated that it could be. She reiterated that the bylaw does not currently include any language specific to the battery component and expressed a desire to discuss it. Mr. Ziton asked about the safety of the battery units. Ms. Adams commented that, though this is not her area of expertise, it is her understanding that the systems are closely monitored and well ventilated but there is a greater risk of fire. She suggested that the bylaw include language to stipulate the expected emergency response.

In response to questions from Ms. Martinek about the stormwater management component, Mr. Litchfield indicated that it seems appropriate but also seems a bit redundant. He recommended that the board focus the solar bylaw on the aspects of disturbance and the battery, and cover stormwater management under the requirements of site plan approval. He agreed that it is fine for it to be included in the solar bylaw as well, but is not necessary.

Ms. Milton asked if the battery component should be separately managed as part of the decommissioning. Ms. Adams explained that the decommissioning plan specifically breaks down exactly what is being decommissioned, so the battery would be part of the plan. She also emphasized that, should a battery be added to a project after the original development, it is important to address the requirement for it to be added to the decommissioning plan.

**Henry Squillante, 72 Crestwood Drive**, asked if the solar farm on the corner of Rice Avenue and Colburn Street is a large scale or small scale installation. Mr. Litchfield and Ms. Joubert stated they were not aware of the project but agreed to check with the Building Inspector. Mr. Squillante referenced the special tax rate for agricultural land and asked if it would revert to the regular tax rate if the owner were to install a solar farm on it. Ms. Joubert stated that she was not certain. Mr. Squillante asked if there is an EMS footprint or other criteria for the batteries. Ms. Adams reiterated that they are very contained and are held to the same standards as any similar equipment. She suggested that the town could ask for an impact study to include any noise generated from the operation. Mr. Squillante asked if there is a regulation about the height and construction of the fence. Ms. Adams mentioned that the language stipulates a sight-impervious fence of a maximum of 6 feet in height.

Mr. Squillante suggested that the board require that a qualified company be used for the decommissioning. Ms. Adams noted that any decommissioning would likely be done by a contractor similar to those that construct the project. She indicated that the plan does not typically state who will do the decommissioning but the board can require it. In response to a question from Mr. Litchfield about the requirement for a demolition permit for decommissioning, Ms. Adams noted that this will depend on what regulations are required and the extent of work that is needed. Mr. Squillante asked if the batteries need to be changed periodically. Ms. Adams mentioned that none have been in use long enough to know, but voiced her understanding that they last 30 years, as does a solar array.

Ms. Joubert voiced her understanding that the board agrees with the five bullet points Ms. Adams has compiled and would seek to impose a footprint regulation for both small and large scale solar projects. Ms. Poretsky requested that language be added to limit tree clearing. Ms. Adams indicated that the board can either specify a maximum lot coverage or impose a maximum limit on clearing. Ms. Poretsky voiced her desire to limit coverage to 50% of the lot. Ms. Joubert mentioned that the previously proposed bylaw included a land clearing soil erosion habitat impact section where this could be added. Ms. Adams asked if imposing a 50% lot coverage limit would result in a prohibition. Ms. Joubert stated that there are two fairly large industrial projects that currently do not contain any structures and another large parcel that may be developed in the next year or so, and confirmed that there are a few areas available if someone would like to pursue a solar installation. Ms. Martinek asked if it would make sense to require developers to come back to the board with a site plan if they are looking to add a battery component. Ms. Adams agreed that it does.

Ms. Martinek also requested that all screening landscape buffers be required to be maintained in perpetuity. Members of the board agreed. Ms. Adams suggested that this requirement be added to the Operations and Maintenance Plan.

Ms. Poretsky voiced a desire to add a requirement to keep any access roadways plowed and maintained to ensure that the system remains accessible.

Ms. Milton asked about the size of the battery facility and whether the bylaw should include something that maintains any screening for neighbors. Ms. Adams confirmed that this is covered in the bylaw.

Ms. Joubert reiterated the desire to add small scale use to the Use Table and to impose a footprint restriction. Ms. Poretsky asked if a clause, similar to that in the marijuana bylaw, should be included to stipulate that no use variances can be granted. Ms. Adams cautioned about doing so, as it might make it solar development impossible if the three properties in the industrial areas get developed. Ms. Joubert agreed to provide Ms. Adams with the use variance language so that she can investigate the possibility of including it in the solar bylaw.

**Hazardous Waste Bylaw** – Ms. Adams voiced her opinion that the town does not need an entire stand-alone bylaw for Hazardous Materials, but noted that there are opportunities to add some clarifying language to the Use Table and other sections to address the board’s concerns. She mentioned that she had reviewed the bylaw and noted some areas that can be improved but, before drafting anything more formal, she would like to hear what the board’s specific concerns are so that they can all be addressed. She suggested that some areas that the board might consider could be groundwater, projects abutting residential uses, noise, and stricter buffers in certain districts. Ms. Poretsky stated that she would like to address all of them. She noted that the hazardous waste facilities currently in town are on commercial properties that abut residential uses with wells, and she would like to implement regulations that would prevent something like that from happening again. She also mentioned that Hudson and Shrewsbury have bylaws prohibiting these facilities and she is concerned that this could result in increased interest in siting one in Northborough. She emphasized her desire to have something more prohibitive to discourage them and provide more protection for the town. Mr. Zitton agreed.

Ms. Poretsky commented that hazardous waste facilities are exempt per the state, and indicated that she would not be in favor of adding the use to Business South or Highway Business as has been suggested in the past. Ms. Martinek asked if these facilities must be allowed by right somewhere in town. Neither Ms. Adams nor Ms. Joubert were certain about this. Ms. Poretsky voiced her understanding that they are always allowed in an industrial area by right but the town can impose buffers and she would be in favor of doing so.

Ms. Adams suggested imposing increased setbacks when abutting a residential use and asked what the board thinks would be appropriate. Ms. Poretsky reiterated that solid waste should be limited to the industrial area, if the town is required to allow it somewhere by right. Ms. Adams noted that solid waste is currently not addressed anywhere in the bylaw and emphasized the need to do so. Ms. Joubert agreed to look into the matter to make sure it is regulated in our zoning bylaw since the state statute requires that it be allowed. Ms. Adams suggested adding language to prohibit locating them within 1000 feet of a well to protect drinking water.

Ms. Martinek expressed concerns about the High School being located near an industrial district. Ms. Joubert mentioned the buildable land in the vicinity of Northborough Crossing where there is still a decent amount of land that could be redeveloped and suggested that the board always keep redevelopment in mind. She noted that the town has not been approached about locating a facility here but now is a good time to address it. She explained that there is only one such facility in town (345 West Main Street) that is not being used currently but still has a valid license so could resume operations at any time. Ms. Martinek expressed the board's intent to have something in place to protect the town and asked if what Ms. Adams has provided is sufficient. Ms. Adams stated that adding the two uses to the use table and specifying that they are only allowed in the industrial district, with a footnote to the density and dimensional regulations table, should provide adequate protection. Members of the board agreed that they would like more than a 100-foot buffer from a residential use. In response to a question from Ms. Poretsky about the minimum recommended setback from a well, Ms. Adams noted that 1000 feet is typical. Mr. Ziton voiced concern that 1000 feet might be too severe and may result in being too prohibitive. Ms. Joubert agreed, and noted that all of the town's industrial areas abut residential, so a 1000 foot setback may not allow for any of these facilities. She suggested mirroring our cell tower language because we do have residences in both our business and industrial areas.

Ms. Poretsky suggested doing an analysis to determine how many lots would be available under the various setback options like was done for the marijuana bylaw. Ms. Martinek suggested starting with a 1000 foot setback to determine if it would leave enough developable land. Ms. Joubert agreed to speak further with Ms. Adams about whether she should ask tow town's GIS Department for help or if this is something the CMRPC can do. She noted that this is a very involved exercise that is worth pursuing, but will take some time.

Ms. Adams mentioned that trucking is potentially a big part of this and asked if there is an appropriate place in the bylaw to insert language about hours of operation so that residents are not being disturbed at inappropriate times. Ms. Milton asked if the bylaw includes stipulation about where trucks with hazardous waste are allowed. Ms. Joubert explained that the town cannot limit traffic on public streets.

After discussing availability, it was agreed that this issue will be further discussed at the board's December 3<sup>rd</sup> meeting. Ms. Joubert reiterated that the mapping analysis will not be ready by then.

**Interview RE: Design Review Committee Candidate Lisa Maselli** – Ms. Martinek explained that Ms. Gillespie could not attend this evening's meeting due to illness and indicated that she would be amenable to the board proceeding without her being present. Members of the board voiced a desire to do so.

Ms. Martinek noted that Ms. Maselli has applied to a vacancy on the Design Review Committee (DRC).

Mr. Ziton asked Ms. Maselli if she had any "hot buttons" or if there was something specific in town that motivated her to get involved. Ms. Maselli explained that she has been a resident for approximately 20 years and design review is close to her heart. She discussed her ownership of antique homes both in town and previously in Westborough. She stated that she has reviewed the DRC bylaw and has found it

to be in line with how she feels. She indicated that she has a lot of experience working with area towns and believes that her natural talents and abilities make her a good fit. Mr. Zitton asked if Ms. Maselli has any influence that she would like to bring to the board that might alter some of the designs, or if there is anything she may want to see done differently. Ms. Maselli expressed a desire to enhance what the DRC has been doing and noted the importance of looking at plans from various standpoints including elevations, what the structure looks like in the neighborhood, and if it creates a homogenous look for the area.

Ms. Milton asked Ms. Maselli what improvements she would like to see in town. Ms. Maselli reiterated that she would like to see more of a homogenous look. In addition, considering the interest in having a walking downtown, she would like to see more contiguous sidewalks. She also expressed a desire to have more trees and noted that we have lost several over the last 10 years that have not been replenished.

Ms. Poretsky noted that the DRC meets on Fridays at 8AM and there have been some issues with convening a quorum in the past. Ms. Maselli confirmed her ability to attend at that time.

Ms. Martinek mentioned that Ms. Maselli has a very interesting resume that includes a variety of design components. Ms. Maselli stated that she has 35 years of experience with design and provided board members with examples of work she has done over the years, including renovations on her own home and projects she has done for clients. She also indicated that she has done some interior design work, and did a fair amount of work for Kevin Giblin of Brendon Homes in the past. Ms. Martinek noted that Ms. Maselli's expertise seems to span multiple areas and asked what she feels is her primary expertise. Ms. Maselli stated that the concept of design is the same, and the medium does not matter.

Ms. Martinek noted that Ms. Maselli's application reflects her regular attendance at Town Meeting, occasional attendance at meetings of other town boards, as well as participation on the Westborough Finance Committee and ad hoc Wastewater Committee. Ms. Maselli indicated that she also worked with the Westborough Historical Society, which was quite active at the time.

Ms. Martinek reiterated that the DRC typically meets on Fridays at 8AM, and it appears that this does not pose an issue for Ms. Maselli. She explained that the DRC serves in an advisory capacity and reviews different site plans and makes a recommendation to the Planning Board. She noted that the DRC is comprised of two architects, a landscape architect, a town resident, and Planning Board member Michelle Gillespie serves as chair. She emphasized the value that the DRC's input provides to the board since they offer a different lens than this board, given their expertise.

Ms. Martinek recalled that the board had intensely discussed what attributes they would like to see in the resident member of the board and agreed that some sort of design element would be valuable. She commented that the DRC team members complement each other quite well and work together very effectively.

Ms. Martinek welcomed questions from Ms. Maselli about the DRC role. Ms. Maselli expressed a desire to learn more about how the two boards interface. Ms. Martinek noted that the board has outlined which cases would trigger a design review and asked Ms. Joubert if she has any sense from the Master Plan Steering Committee meetings whether the DRC may play a different role going forward. Ms. Joubert stated that it will not, and noted that the DRC's primary focus has always been and will continue to be the design component of the building. She explained that the DRC typically holds three meetings with an applicant before they appear before the permit granting authority.

Ms. Martinek mentioned that the downtown area also triggers a DRC review. Ms. Joubert voiced her expectation that the first project that the town takes out of the Master Plan will likely be looking at the downtown. She noted that, going forward, there could be design components that may change but that is covered in the site plan bylaw.

Ms. Poretsky expressed support for Ms. Maselli and believes she will be a great addition to the DRC. Mr. Ziton and Ms. Milton agreed. Ms. Martinek voiced her opinion that Ms. Maselli satisfies quite a few components of the original list of experience and relevant background that the board was hoping to find for the resident member of the DRC. She also expressed support.

Anthony Ziton made a motion to appoint Lisa Maselli to the Design Review Committee. Millie Milton seconded; motion carries by unanimous vote.

Ms. Joubert advised Ms. Maselli that the DRC is scheduled to meet tomorrow morning at 8:00AM and encouraged her to attend if she is available.

### **Consideration of Minutes**

**Minutes of the Meeting of October 1, 2019** – In response to a question from Ms. Martinek about whether the Zoning Board of Appeals (ZBA) has reviewed the draft minutes, Ms. Joubert stated that she had opted to provide them to the Planning Board first. Ms. Martinek expressed a desire to obtain comments/approval from the ZBA for the portion of the minutes covering the joint meeting. Members of the board agreed. Consideration of the Minutes of the Meeting of October 1, 2019 was deferred until ZBA review can be done.

### **Consideration of Decisions**

Ms. Joubert explained that she had provided board members with final draft decisions for 0 Hudson Street and 41 Lyman Street, incorporating comments from Mr. Litchfield, Ms. Poretsky, Ms. Milton, and Ms. Martinek.

**41 Lyman Street** – Ms. Poretsky noted that the project is in the groundwater 1 district and explained that she is comfortable approving it because the equipment being stored onsite will be new with minimal risk of leaking. She questioned whether the decision should include language about new/similar equipment in the event the property should change hands in the future. Mr. Litchfield

noted that the point of groundwater approval was to limit the amount of liquids that could be stored to make sure it did not exceed the amount that could be contained. Ms. Poretsky mentioned that the original decision included a condition requiring provision of a list of materials to be stored onsite. Mr. Litchfield indicated that the original use was a storage company, where the actual nature of what was being stored was somewhat unknown. In response to a question from Ms. Martinek, Mr. Litchfield confirmed that the language in the draft decision adequately addresses the issue.

**Site Plan for Lexus, 14 Belmont Street** – Ms. Joubert explained that the applicant will be meeting with the Design Review Committee (DRC) tomorrow and is scheduled to start their hearing with the ZBA a week from tonight. She provided board members with a copy of the plans that the DRC will be reviewing. She noted that the main difference between the revised site plan and the original is the elimination of the 1100 square foot addition for the service bay. She voiced her understanding that there is extensive work proposed on the outside of the building, with new materials proposed to update the look. She also recalled that the DRC had asked for additional details for the sign, which have been provided, and noted that a variance will be needed for the new sign.

**Mitchell Cook, 67 Cherry Street** appeared on behalf of Lexus. He explained that he is committed to the town and noted that the plan is simply for a makeover to the building that he believes will be advantageous to the community. Ms. Joubert stated that she has confirmed that the facility is licensed through the Board of Selectmen for 198 vehicles and has been since 2003 or 2004. She advised that the Police Department does yearly inspections and there have never been any violations. Mr. Litchfield stated that he reviewed the plans, which appear to be fairly straight-forward, and he has just learned that the proposed service bay addition has been eliminated so the only construction is around the showroom in the front. He voiced uncertainty about whether there are still modifications planned to the drainage and gas line, but he expects there are. He voiced support for the proposal but noted that the Stormwater Operations and Maintenance Plan required annual reports but he has not been getting them. He stated that, from working with Mr. Cook over the years, he realizes that there have been some issues with the drainage system that have been resolved and he expects that the required records can be provided before obtaining a building permit and that annual reports will be provided going forward.

In response to questions from Mr. Ziton about the signage, Mr. Litchfield explained that there is a note in the application indicating that the new wall sign will be in conformance with the original approval. He discussed the existing freestanding sign that was the subject of a variance granted in 2017. Ms. Joubert explained that the applicant is seeking to amend the variance and is planning to install a sign that is slightly smaller (103 square feet).

Ms. Poretsky asked about the Building Inspector's interpretation about Earthworks. Mr. Litchfield noted that the original plan did trigger Earthworks but there may be changes that would eliminate the need. He explained that the threshold is a disturbance of 100 cubic yards or more, so he would task the project engineer with doing the calculation and determining if the project will involve the removal or import of more than 100 cubic yards. Ms. Poretsky noted that the plan shows the removal of a parking space, and asked about any additional pavement to be installed.

Ms. Martinek confirmed that the Planning Board has no issues with or objections to the proposal as presented. She and the members of the board agreed to send a letter to the ZBA stipulating such. Mr. Litchfield indicated that he has provided Mr. Cook with a copy of his comment letter.

**Master Plan Steering Committee Update** – Ms. Poretsky noted that the Planning Board’s public hearing on the Master Plan is scheduled for December 10<sup>th</sup>, and will include a presentation by members of the Master Plan Steering Committee. Board members discussed the hearing and agreed that questions should be entertained following conclusion of the entire presentation.

Ms. Joubert explained that she is in the process of incorporating the most recent revisions and expects to provide board members with a final version by Monday, November 25<sup>th</sup>. Ms. Poretsky requested that a hardcopy of the document be made available at the Library, Town Hall, and Senior Center for residents to review. Ms. Joubert agreed to do so and also noted that it will be posted on both the Town and Master Plan websites and a public notice will be published soon.

**ANRs, Lot Releases, Bonds** – Ms. Joubert confirmed that there are none to be addressed.

#### **Subcommittee Updates**

- **Community Preservation Committee (CPC)** – Ms. Milton discussed the recent meeting and noted that there were several applications submitted for funding for a variety of projects including
  - Library** – redoing crown molding and plastering in the internet café
  - Open Space**– replenishment of their reserve fund
  - White Cliffs** – new roof
  - Historic Committee** – placement of cemetery on the National Register and restoration of the Civil War memorial
  - Conservation Commission** – pond vegetation management
  - Affordable Housing** – request for an extension of funds
  - Recreation** – upgrades to the playground at Assabet Park to bring it into compliance with ADA requirements for handicap accessibility
- **Groundwater Advisory Committee (GAC)** – Ms. Poretsky voiced her understanding that a meeting is scheduled for December 4<sup>th</sup>.
- **Design Review Committee (DRC)** – Ms. Martinek reiterated that the DRC will be meeting tomorrow morning to address the Lexus project.
- **Central Massachusetts Regional Planning Commission (CMRPC)** – Ms. Martinek noted that the CMRPC recently held their quarterly meeting, which featured a presentation on solar as previously mentioned. She voiced her opinion that the presentation was nicely done and well worth the time.

Ms. Joubert noted that she had originally planned to attend the Legislative Breakfast planned for this Friday from 8:30AM to 10:00AM at the West Boylston Senior Center but now finds she is unable to do so. She offered the opportunity to attend to any board member who might be interested and available.

**Preparation for 2020 Annual Town Meeting** – Ms. Martinek asked if any board members have anything that they would like to look at for the upcoming Town Meeting. She suggested that it should not be anything too labor intensive, given the solar and hazardous waste bylaws that are being proposed.

Ms. Poretsky provided a handout (copy attached) detailing some issues that she would like to consider:

**Kennels** – Ms. Poretsky noted that kennels are currently allowed in the Residential A district and asked how board members feel about allowing them in a residential neighborhood given the recent application before the ZBA and concerns raised by the neighbors. She recalled that the application was for a dog walking business but it did involve a large number of dogs. She also mentioned that there are currently a few kennels in town that she is aware of (one on Hudson Street and two in the downtown area). She discussed her preference to remove them from any residential districts and leave them in the Business West district. She also suggested that they could be added as an allowed use in the industrial district.

Ms. Poretsky also expressed a desire to update the definition of a kennel in the bylaw. She provided members with the state definitions and a link to the state bylaw for dogs. She noted that she looked at the bylaws for Southborough, Westborough, and Northborough and has provided proposed language that incorporates features of each in addition to the state bylaw. She requested that board members review it at their leisure.

**Commercial Recreation (gyms)** – Ms. Poretsky explained that there has been interest in recent years in locating gyms in old warehouses so she recommends that they be allowed in the industrial areas to encourage re-use of existing warehouse buildings.

**Commercial Greenhouses and Wholesale Trade** – Ms. Poretsky voiced her opinion that these regulations may be old and may need to be updated. She noted that, with the legalization of recreational marijuana facilities, it seems that there is an effort to squeeze them in where they may not be wanted so she proposes modifying the section pertaining to commercial greenhouses to allow them by special permit in order to enable the town to have some control over what comes in.

Ms. Poretsky also explained that Wholesale Trade addresses warehouses and outdoor storage. She noted that the Business West district is an area where we are trying to attract restaurants and shops and move away from commercial uses like warehousing and trucking, so she thought it might now make sense to remove the use from Business West.

**Commercial Storage Facility** – Ms. Poretsky noted that there are a number of existing warehouses with available space, so she suggests prohibiting the use in Business West and encouraging the use of existing space.

**Industrial Uses** – Ms. Poretsky voiced her opinion that these uses (light manufacturing, research and development, warehouse, trucking, contractor yards and accessory uses) should not be prohibited but should be required to come before the board for a special permit.

Ms. Poretsky recalled a recommendation that the zoning bylaw be reviewed annually and updated as needed.

Ms. Poretsky suggested that underground tanks be removed from the bylaw.

**Home Occupation** – Ms. Poretsky emphasized that this use is a major issue for her. She recalled an application before another board earlier this year where there were a number of questions about the Building Inspector’s interpretation. She explained that she had attended a class where the lawyer who presented said that home occupation is an area where it is important to be more restrictive to ensure that you only allow uses that you would want to see in town. She expressed a desire to modify the definition of a home occupation as “an accessory use wholly within an owner occupied detached single family dwelling” because she believes that was the intent. She also recommended additional changes, based on her research of bylaws from other towns. She noted that many stipulated that no more than one non-resident can be employed on the premises, while some allowed for more by special permit. She indicated that she would like to impose the restriction and not allow for it by special permit. She would also like to add the condition that the home occupation can occupy no more than 25% of the existing gross floor area or 400 square feet, whichever is smaller, and remove “except by special permit”.

**Signs** – Ms. Poretsky note that the current bylaw allows of a lit sign for a home occupation in a residential district and she would like to prohibit them.

**Sale of Goods** – Ms. Poretsky noted that some town include a stipulation about hours of operation for sale of goods in a home occupation, and she would like to consider doing so.

Ms. Poretsky also suggested that there be no use or storage of hazardous materials permitted for a home occupation.

**Vehicles** – Ms. Poretsky mentioned that many towns addressed the issue of commercial vehicles and weight limits to ensure that large, oversized vehicles are not being parked in a residential area.

Ms. Poretsky reiterated her desire to strengthen up the language for home occupation use. She also noted that Northborough is the only town where she found mention of “home personal service”. She mentioned that Framingham has a very simple bylaw related to home occupation as well as an extremely good Zoning Bylaw and she encouraged board members to review it. She commented that every section lists a purpose and intent, which she believes could prove helpful in alleviating some of the issues with interpretation that we have seen with Building Inspectors over the years. In addition, she

noted that Framingham has a large list of prohibited uses and she would be in favor of adding something similar to our bylaw.

**Funeral Homes** – Ms. Poretsky explained that funeral homes are allowed in the Residential C (RC) district by special permit. She mentioned that we currently only have one, in the Main Street Residential district, and suggested that the bylaw be revised to allow it there only and remove it from RC and General Residential. She agreed that there is not a high demand, but knows that most neighbors would not be happy to see one next door.

Ms. Martinek suggested that board members review the information provided by Ms. Poretsky and be prepared for further discussion at the next meeting.

Mr. Ziton voiced a desire to take another look at the possibility of eliminating the waiver for 2-family homes from the Zoning Bylaw.

**Town Planner Update** – Ms. Joubert discussed an application received earlier in the day for a project at 5 Goddard Road (contractor's yard) that will be on the board's agenda for the December 12<sup>th</sup> meeting. She explained that the applicant will be before the GAC on December 4<sup>th</sup> and she will learn from the DRC tomorrow about when they would like to meet. Ms. Martinek requested that the board be provided with materials at least 48 hours to their meeting to allow for a thorough review.

**Next Planning Board Meetings - December 3<sup>rd</sup> and 12<sup>th</sup>; January 7<sup>th</sup> & 21<sup>st</sup>**

Ms. Joubert noted that Steris will be back before the board on December 3<sup>rd</sup>. She stated that they have been provided with the board's memo but she has not received any additional information from them. Ms. Martinek mentioned that Steris has invited town staff and board members to visit their facility in New Jersey.

**Next ZBA Meeting - November 26<sup>th</sup>** – Ms. Martinek reiterated her request to have the ZBA review and comment on the Minutes of the Joint Meeting of October 1, 2019. Ms. Joubert agreed to do so as well as providing them with a brief memo confirming that the Planning Board has no objections to the Lexus Site Plan as proposed.

**Meeting adjourned at 9:45PM.**

Respectfully submitted

Elaine Rowe  
Board Secretary