



# TOWN OF NORTHBOROUGH PLANNING BOARD

Town Hall Offices • 63 Main Street • Northborough, MA 01532 • 508-393-5019 • 508-393-6996 Fax

---

## Planning Board Executive Session Meeting Minutes September 26, 2013

**Members Present:** Rick Leif, Michelle Gillespie, Theresa Capobianco, Leslie Harrison, George Pember

**Others Present:** Kathy Joubert, Town Planner; Fred Lonardo, Inspector of Buildings/Zoning Enforcement Officer

Chairman Leif opened the meeting at 7 pm.

**Executive Session pursuant to MGL Chapter 30A Section 21 Subsection 3 – Litigation – Due to Chair’s determination that a discussion regarding this matter in an open meeting may have a detrimental effect on the position of the Board.**

Leslie Harrison moved the Board vote to enter into Executive Session. Theresa Capobianco seconded the motion and the roll call vote was taken as follows:

*Theresa Capobianco “aye”*

*George Pember “aye”*

*Rick Leif “aye”*

*Leslie Harrison “aye”*

*Michelle Gillespie “aye”*

Mr. Leif noted this is a continuation of their discussion from September 10, 2013 on the merits of appealing another Board’s decision and whether or not the ZBA reached a proper decision in their application of the minimum standards for granting a Variance to allow 20 one-bedroom apartments. At the September 10th meeting, the Board agreed to review the minutes of the ZBA meetings and the ZBA decision for 61-65 West Main Street, ZBA Case No. 13-09 before determining a course of action.

The Board members had received copies of the July 23, 2013 and August 27, 2013 ZBA minutes and the ZBA’s decision for the 61-65 West Main Street mixed-use development, ZBA Case No. 13-09.

A lengthy discussion was held on the merits of the ZBA’s decision. One member did not want to pursue an appeal of the ZBA’s decision after reading the minutes and reviewing the decision. One member stated the criteria for granting the Variance has not been met and she believes the ZBA members exceeded their authority.

At the request of a member, Ms. Joubert explained the criteria for granting a Variance, and the role of the Zoning Board of Appeals.

Theresa Capobianco motioned to petition the Board of Selectmen to authorize Town Counsel to pursue an appeal of the Zoning Board’s decision to grant a Variance for 20 one-bedroom units included in the plans for a Mixed-Use Development at 61-65 West Main Street. Ms. Gillespie

seconded the motion and the vote was 2 members in favor of the motion, 2 members opposed to the motion. One member abstained from voting and the motion failed.

Mr. Pember motioned to adjourn from Executive Session, Ms. Capobianco seconded the motion and the roll call vote was taken as follows:

*Theresa Capobianco "aye"*

*George Pember "aye"*

*Rick Leif "aye"*

*Leslie Harrison "aye"*

*Michelle Gillespie "aye"*

Executive session adjourned to the public meeting at 8pm.

Respectfully submitted,  
Debbie Grampietro, Board Secretary