



TOWN OF NORTHBOROUGH PLANNING BOARD

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

Approved 1/20/15

Planning Board
Executive Session Meeting Minutes
December 12, 2014

Members Present: Theresa Capobianco, Amy Poretsky, George Pember

Others Present: Kathy Joubert, Town Planner

Chairman Capobianco opened the meeting at 4:30pm.

Mr. Pember motioned to enter into Executive Session pursuant to Massachusetts General Laws, Chapter 30A, Section 21, Subsection 3 (litigation) due to the Chair's determination that a discussion regarding this matter in an open meeting may have a detrimental effect on the position of the Board; Ms. Poretsky seconded the motion; the roll call vote was taken as follows:

George Pember "aye"

Theresa Capobianco "aye"

Amy Poretsky "aye"

Discussion focused on the December 3, 2014 letter from the Planning Board to the Town Administrator and Board of Selectmen requesting the services of town counsel to prepare an appeal of the recent ZBA decision pertaining to the granting of a Special Permit for the sale of used cars at 12-14 King Street.

Ms. Capobianco stated the Applicant should have to apply for a Variance for this particular use and is there a method or process which would allow the Applicant to go back before the ZBA due to an interpretation error? Ms. Poretsky agreed with following a process to redirect the Applicant to the ZBA.

Mr. Pember stated he is no longer in favor of pursuing litigation. The letter from the Planning Board to the Board of Selectmen and provided to the Building Inspector sends the message the Planning Board is not satisfied with the interpretation.

Ms. Capobianco stated the Applicant should be made aware of the interpretation issue and should be allowed to withdraw his Special Permit application and apply for a Variance at no charge.

The ZBA may issue a Variance for the sale of used cars but the proper process would be followed. Both Ms. Capobianco and Mr. Pember stated they would not pursue an appeal of the Variance if the Variance was granted by the ZBA. Ms. Poretsky was not sure at this time if she would want to pursue an appeal of the Variance decision if the Variance was granted.

Ms. Capobianco stated if the same restrictions from the Special Permit are placed on the Variance, the issuance of a Variance would become a non-issue in her opinion.

The Board will meet again in Executive Session on December 15, 2014 at 6:00pm. Ms. Joubert will not be available to attend that meeting.

By roll call vote, the Board voted to adjourn the Executive Session. Motion to adjourn made by Ms. Poretsky and second made by Mr. Pember.

Amy Poretsky “aye”

George Pember “aye”

Theresa Capobianco “aye”

Executive Session adjourned at 6:00pm.

Submitted by,

Kathy Joubert, Town Planner