



TOWN OF NORTHBOROUGH PLANNING BOARD

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Approved 1/20/15

Planning Board Meeting Minutes December 2, 2014

Members Present: Amy Poretzky, George Pember, Theresa Capobianco, Leslie Harrison, Michelle Gillespie

Others Present: Kathy Joubert, Town Planner

Chairman Capobianco opened the meeting at 7pm.

Decisions Signed for 325 Newton Street Scenic Road Permit, 0 Newton Street Special Permit Common Driveway, and Sterling Court Estates Subdivision

The board reviewed the decisions and made minor adjustments to the language on each.

2015 Town Meeting Zoning Articles – Design Review

Ms. Gillespie stated she wants to have the zoning bylaw amended to require design review for any commercial development in the industrial district and major overlay district. She also mentioned she wants to look at what isn't enforceable regarding the open house signs.

Ms. Joubert stated the reason the building inspector said certain signs are unenforceable is because that section of the bylaw says permits are not required, and it's difficult to enforce when there has been no permit application submitted. Ms. Joubert stated it would be very cumbersome to require permits for every real estate and open house sign. Perhaps dates on the open house signs need to be added? Board members agreed they will need to look at this and perhaps add a new section for these signs.

Section 7-36, Used Car Sales, 14 King Street ZBA application: Referring to Section 7-36 of the zoning bylaw, Ms. Joubert explained the building inspector interprets used car sales are allowed as an accessory use to a towing operation because within the subsection regarding new car sales there's a comma before "with sale of used cars as an accessory use". Due to his interpretation that the used car sales is an accessory use to the towing business on the site, the Zoning Board of Appeals granted a special permit to Andrew DeWolfe, Applicant, for the use of pre-owned vehicle sales on the property at 14 King Street, ZBA Case No. 14-15, at their meeting on November 24th. A condition of the special permit decision is that he is only allowed to have three used cars for sale on the site and they cannot be on route 20 but off to the side of the property on the paved area.

Ms. Poretzky asked if the Applicant should have received a special permit for the towing business, as it is not an allowed use either. A discussion was held regarding the application of the phrase "with sale of used cars as an accessory use" to all other subparagraphs of Section 7-36. Ms. Poretzky stated the original special permit for towing on the site was for Timmy's Towing not DeWolfe. Ms. Poretzky thought special permits ran with the applicant and not the land.

Mr. Pember asked if the board can appeal the ZBA's decision. Ms. Joubert responded they could but she recommended the Planning Board meet with the Building Inspector to discuss his interpretation before they discuss an appeal. The Planning Board would need to request the use of town counsel from the Board of Selectmen. Because of the timing of the ZBA decision and the deadline for filing an appeal, Mr. Pember stated he would like the board to send a letter to the Selectmen now, stating they want to appeal it, rather than wait because of the deadlines.

Ms. Capobianco stated the problem in general is use variances overrule the Master Plan. Ms. Joubert stated if they get money to update the Master Plan, that planning process will really affect some change. If they do get the money, in a year and a half they will have a new master plan that will go to Town Meeting.

Ms. Joubert noted warrant articles are required to be submitted by February 2, 2015, and the board will have to meet twice in January 2015.

Regarding the ZBA decision for 14 King Street, Mr. Pember noted it is important to realize a variance would go with the land and they could be setting themselves up for more trouble. The Applicant would have to apply all over again. All board members agreed to send a letter to the Selectmen to make them aware of the issue that the decision was based on a comma. Ms. Harrison stated she was concerned with the ZBA that they would be so accepting of the building inspector's comma decision.

The board members voted unanimously to send a letter to the Board of Selectmen to request the use of Town Counsel to appeal the ZBA decision for 14 King Street. It was noted that the next Selectmen's meeting is scheduled for December 15th.

Subdivision Rules & Regulations

Ms. Capobianco stated she would like to request Dan Nason, Public Works Director, to attend a January Planning Board meeting to discuss his concerns regarding, and proposed changes to the subdivision control laws.

2015 Town Meeting Zoning Articles cont.

Solar Farms and Medical Marijuana Bylaws

Ms. Harrison stated she should like to see both of these proposed bylaws go back to Town Meeting this coming year.

Large Scale Solar Installations

Ms. Capobianco stated after the last Town Meeting, it is clear residents do not want their property rights restricted. Ms. Gillespie stated a powerful voice will be the people and the parents of high school students who are trying to install solar panels on the high school. They will vote with land-rights people and people working for solar in the high school.

Ms. Capobianco stated she would like to see a resident present the bylaw if they propose it again. Mr. Pember stated if they do it again, they have to change the bylaw to meet the objections of people who don't want it. If their objections are legitimate the bylaw should be changed.

Ms. Joubert noted that with any bylaw there is a risk with going back, especially if the changes people questioned haven't been addressed by the Board. To present the same bylaw and not have it approved again could be very damaging to the Planning Board's credibility. Ms. Harrison agreed, and stated she wanted to work on it for the 2016 Town Meeting.

Ms. Joubert stated perhaps an energy committee could be proposed to the Board of Selectmen and that particular committee, assuming there are experts in the field placed on the committee, could address solar in the future.

Medical Marijuana

The board agreed not to go to 2015 Town Meeting with the solar farms or medical marijuana bylaws.

Update from Leslie Harrison and Amy Poretsky RE: 39 West Main Street Committee

- Ms. Harrison stated the committee talked about a land swap with the owner of 45 West Main Street but they were not interested as they have advertised the sale of their parcel for development.
- The gas station at 35 West Main Street is for sale for \$750,000.
- Tom Reardon is going to do a rendering of the property in accordance with the ZBL.

- The committee discussed the options of a developer buying the town's property and the gas station together and then developing a possible mixed use or a bank. They also discussed purchasing Bucky Roger's property (45 West Main Street) to have one contiguous green space parcel from 39 West Main Street to the war memorial.
- A Request for Proposal (RFP) could be issued by the Town to put conditions on the development of the property if they decide to sell and take that route.
- Some committee members were open to keeping some open space and some suggested using it for a park, which could be funded with Community Preservation money.

The meeting adjourned at 9:35pm.

Respectfully submitted,
Debbie Grampietro
Board Secretary