



TOWN OF NORTHBOROUGH PLANNING BOARD

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Approved 4/19/16

Planning Board Meeting Minutes January 19, 2016

Members in attendance: Theresa Capobianco, Chair; Michelle Gillespie; Leslie Harrison; George Pember; Amy Poretsky

Others in attendance: Kathy Joubert, Town Planner; Elaine Rowe, Board Secretary

Chair Theresa Capobianco called the meeting to order at 7:02PM.

Ms. Joubert explained that she had provided board members with copies of the outstanding sets of minutes with revisions suggested by Ms. Poretsky. She noted that minutes from an Executive Session can typically be reviewed in public session as long as the board does not need to further discuss the topic matter.

Minutes of the Meeting of October 6, 2015 – Ms. Capobianco indicated that she had no issues with the minutes as drafted. Ms. Poretsky stated that she had suggested some revisions, which were taken directly from the recording of the meeting. Ms. Joubert explained that minutes are to be a summary of the meeting and are not intended to be an exact transcript. Ms. Poretsky noted a desire to have her comments included as they were important to her when reaching her decision. She also expressed concern about the board choosing to include only portions of the minutes. Ms. Harrison recalled that the consultant had said that it is not his place to determine if a significant gap exists, and that he can only supply data to allow the board to reach their decision. Mr. Pember voiced his opinion that, since nobody is appealing the decision, it does not make a difference either way. Ms. Poretsky noted that nobody will go back and watch the video of the meeting, so she would like her comments included in the minutes to support her reason for voting the way that she did should it ever be questioned in the future.

Michelle Gillespie arrived.

Ms. Joubert commented that allowing one board member to edit their portion of the minutes puts the others at a disadvantage. Ms. Poretsky expressed her belief that much of what was

left out of the minutes pertained to her comments, and reiterated her desire for her edits to be included. Ms. Harrison recalled that Mr. Maxson had said that it was up to the board to decide if a significant gap exists, and suggested that his statement should be reflected in the record.

Ms. Poretsky expressed her opinion that the Minutes of the Meeting of October 6, 2015 seemed to be a bit one-sided, so she reviewed the recording of the meeting and found some things that were left out that she believes are important to include. She also stated that she had typed the suggested edits word for word from the recording.

George Pember made a motion to approve the Minutes of the Meeting of October 6, 2015 as amended. Members of the board reviewed the minutes for further revisions, and Ms. Gillespie suggested removing the highlighted section on page 4 of the revised draft. Ms. Gillespie seconded the motion made by Mr. Pember; motion carries by a vote of 3 in favor and one opposed (Theresa Capobianco opposed), with Leslie Harrison abstaining as she was not present at the October 6, 2015 meeting..

Minutes of the Meeting of October 20, 2015 – Leslie Harrison made a motion to approve the Minutes of the Meeting of October 20, 2015 as submitted. George Pember seconded; motion carried by a unanimous vote.

Minutes of the Meeting of November 12, 2015 – Ms. Poretsky noted that she had been told that the decision cannot include anything that is not reflected in the minutes, so she requested revisions that clearly support her comments. She also noted that numbers about traffic counts that she had brought to the meeting were not reflected in the decision and she would like them to be included in the minutes.

George Pember made a motion to approve the Minutes of the Meeting of November 12, 2015 as amended. Michelle Gillespie seconded; motion carries by a vote of 4 in favor and one opposed (Theresa Capobianco opposed).

Minutes of the Executive Session of November 23, 2015 – Ms. Gillespie suggested editing the sentence on page two to reflect that it would NOT be an effective prohibition. Ms. Poretsky noted that the order in paragraph 3 is incorrect and recalled that she went last. Ms. Harrison recalled that Ms. Poretsky opened with the comment that she did not approve.

Ms. Poretsky indicated that she did not recall the statement (bottom of page 3) about the applicant having several meetings to bring up his assumption about bias ever being made. Ms. Joubert noted that part of the reason for allowing the re-application was to avoid a lawsuit being brought by Mr. Swiniarski. Ms. Capobianco voiced her opinion that the sentence should not be removed. Ms. Poretsky asked Ms. Joubert to ask Mr. Doneski about the comment. Ms. Joubert explained that she is required to get approval to contact Town Counsel, and indicated that she was in agreement with Ms. Capobianco.

Ms. Poretsky recalled that she had asked if Verizon had a case for bias, and Mr. Doneski had indicated that they did not. Members of the board agreed to add a statement that Mr. Doneski had stated that if the board moves forward with allowing a re-application, then the issue of bias will be dropped. Ms. Joubert commented that the entire reason that Town Counsel attended the Executive Session was because of the issue of bias, and that Mr. Swiniarski agreed not to pursue the bias issue if the board allowed Verizon to re-apply.

Michelle Gillespie made a motion to approve the Minutes of the Executive Session of November 23, 2015 as amended. Amy Poretsky seconded; motion carried by a unanimous vote.

Minutes of the Meeting of November 23, 2015 - Ms. Joubert provided copies of the draft with Ms. Poretsky's suggested revisions.

Ms. Joubert recalled that Attorney Laughman had specifically discussed a case from the State of Maine. Ms. Poretsky noted that she had done research on the Roswell case and had asked Attorney Laughman about it because it was a federal case.

Ms. Joubert noted that Mr. Maxson had indicated that a variance is needed, but Town Counsel has advised time and again that it is a waiver. Ms. Capobianco emphasized that it is, indeed, a waiver. Ms. Poretsky commented that Mr. Maxson said that the setback from a school is a variance.

Board members discussed their review of the draft decision on the Wireless Communications Facility, which they voted on at their meeting of November 19, 2015. Ms. Harrison voiced concern that Ms. Poretsky felt the board rushed through the process. Ms. Poretsky stated that she had read through the decision and wanted to discuss it further, but others seemed to be anxious to adjourn. Ms. Harrison emphasized that the board has never adjourned a meeting before being done with the business at hand. Ms. Capobianco expressed her desire for the paragraph to remain as originally written.

Leslie Harrison made a motion to approve the Minutes of the Meeting of November 23, 2015 as amended by Ms. Poretsky and further amended tonight. Michelle Gillespie seconded; motion carries by a vote of 4 in favor and one opposed (Theresa Capobianco opposed).

Next Meeting – Ms. Joubert noted that no public hearings have been scheduled for February 2nd. Board members decided the next meeting will be February 16, 2016.

Ms. Joubert also provided board members with a spreadsheet summarizing ZBA activity for the past 5 years. She suggested that the board review it and be prepared to discuss it at their next meeting. Ms. Capobianco asked Ms. Joubert to add detail about which applications were approved and which were denied. Ms. Joubert agreed to do so.

Review Minutes of the Meeting of December 17, 2015 – Ms. Capobianco asked the board to review the Minutes of the Meeting of December 17, 2015 so that they can be finalized tonight. Ms. Poretsky expressed a desire to have more time to review them. Ms. Capobianco reiterated her request for members to read through them.

George Pember made a motion to approve the Minutes of the Meeting of December 17, 2015 as amended. Michelle Gillespie seconded; motion carried by a unanimous vote.

Community Preservation Committee – Ms. Gillespie explained that the White Cliffs application for funding has been withdrawn. Ms. Joubert explained that the applicant is now interested in leasing the property for 3 years, so is not able to seek CPA funding because she does not own the property.

Adjourned at 8:50PM.

Respectfully submitted,

Elaine Rowe
Board Secretary