



TOWN OF NORTHBOROUGH PLANNING BOARD

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Approved 3/21/17

**Planning Board
Meeting Minutes
January 3, 2017**

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

Others in attendance: Kathy Joubert, Town Planner

Chair Theresa Capobianco called the meeting to order at 7:00PM.

Master Plan – Ms. Joubert indicated that the RFP is being finalized and should go out at the end of January or in early February.

Subdivision Rules & Regulations – Ms. Joubert stated that she has no updates to provide at this time.

Bond reductions and Lot Releases - Ms. Joubert indicated that these will be addressed at the next meeting.

Recreational Marijuana Regulations – Ms. Joubert explained that a moratorium will be proposed at Town Meeting, and Town Counsel has drafted the language for the warrant that will be provided for the board's next meeting. She indicated that the draft language before the board this evening will need to be modified because of a recent vote by legislators to postpone the store opening date from January 2018 to sometime during the summer of 2018.

Ms. Poretsky explained that she and Ms. Joubert had attended a meeting about recreational marijuana, and Ms. Joubert has forwarded a copy of the slides to the board members. She noted that one of the concerns raised was that some towns do not have medical marijuana bylaws and she questioned where we stand on one, since recreational marijuana will be zoned anywhere that medical marijuana is allowed. Ms. Joubert reiterated that the town is proposing a one year moratorium to allow time to develop regulations. Ms. Harrison commented that recreational marijuana will not be legal until the middle of 2018, so we will not need to address zoning until Town Meeting 2018. Ms. Poretsky voiced concern that anyone who secures a license for medical marijuana now will be able to add the recreational use later and we will not be able to legally prevent that if we do not have an appropriate bylaw in place. Ms. Harrison questioned whether medical marijuana dispensaries tend to transition to recreational use. Ms. Joubert agreed to further investigate.

Ms. Joubert explained that the town does not currently have any medical marijuana dispensaries but there is a cultivation facility proposed for Lawrence Street that has received a letter of non-opposition from the Board of Selectmen. She noted that the applicant has gone through the three phases of the MA Department of Public Health process, and the next step will be to apply for local Site Plan Review. In response to a question from Ms. Poretsky, Mr. Litchfield indicated that the proposed location is in the Industrial zone on Lawrence Street.

Ms. Poretsky suggested that the board ask Town Counsel what the lack of a medical marijuana bylaw would leave the town open to and what repercussions there might be. Ms. Capobianco noted that the proposed moratorium would allow the town time to put regulations in place. Ms. Poretsky reiterated that the moratorium is only for recreational marijuana and emphasized the importance of ensuring that the town is covered if we don't have a medical marijuana bylaw in place. Ms. Joubert discussed the timing of the moratorium and the Town Meeting 2017 vote and voiced her opinion that the town is not in any jeopardy. She also noted that Town Counsel is providing advisories on a regular basis.

Ms. Poretsky expressed her desire to address both medical and recreational marijuana at the same time. Ms. Poretsky commented that the message she took away from the recent meeting was that all existing medical marijuana facilities will have first choice to become a recreational marijuana facility, and any of those medical marijuana facilities in operation will have the ability to add the recreational use. She indicated that she would not want the town to be left open to any problems. Ms. Gillespie recalled that the board was split as to what areas in town these facilities should be permitted. Ms. Joubert stated that the Board of Selectmen has made it very clear numerous times that they would not support a facility in the downtown area or along Main Street.

Green Communities – Ms. Joubert explained that town staff had met with Kelly Brown, Central Regional Coordinator, MA Department of Energy Resources, the same staff member the Board had met with last summer and the next step will be to propose a general bylaw for the adoption of the stretch code at the upcoming Town Meeting. Ms. Joubert noted that the state will provide language for the town warrant. In addition, Town Counsel will be reviewing our current bylaw to determine if it hinders any large scale developments and, if so, additional bylaws will be proposed for the following Town Meeting. Mr. Pember asked whether the stretch code will be proposed by the Planning Board or the Board of Selectmen. Ms. Joubert indicated that this has not yet been discussed, but voiced her expectation that the Planning Board will do so.

Zoning amendments

Ms. Joubert distributed documentation, reflective of previous discussions, for the board's review. Proposed changes were discussed as follows:

Multifamily dwellings

In Business West District - Ms. Joubert noted that the bylaw currently allows two units by special permit for the first 20,000 square feet of land and an additional 3500 square feet per unit, up to a maximum of 8 units. She noted that the proposed change maintains the 20,000 square feet for the first two units but will increase the requirement to an additional 7,000 for each additional unit up to a maximum of 6 units.

Downtown Business District – Ms. Joubert explained that the bylaw currently requires 10,000 square feet for the first two units and 3,500 square feet for each additional unit, up to a maximum of 8 units. She indicated that the proposal will not increase the land area requirements but does reduce the maximum number of units from 8 to 6. In response to a question from Mr. Pember, Ms. Joubert indicated that the building at the end of Blake Street has 12 units. Mr. Pember stated that there has been positive feedback about that building, which would not be allowed under the revised bylaw. Ms. Gillespie commented that that building is 3 stories high and asked if there is a limitation on the number of stories allowed in the Downtown district. Ms. Joubert noted that the bylaw imposes a height restriction of 45 feet, which would represent 3 stories. Ms. Pember suggested that the real issue for the downtown area is not the size of the building or number of occupants, but whether there is sufficient parking. He noted that there is more than adequate parking for the building at the end of Blake Street.

Ms. Gillespie voiced support for the proposal to decrease the number of units, but expressed her opinion that 6 units on an acre of land that would be allowable in Business West may be too dense.

Mr. Pember noted that, in previous studies, residents indicated that they wanted to see a variety of housing options and by restricting it we are going against what the town residents said they wanted. He indicated that he would be supportive of the changes proposed for the Business West district but does not have an issue with allowing 8 units in the Downtown district so long as there is sufficient parking. Ms. Gillespie stated that she is not opposed to multifamily units but is opposed to the density that is currently allowed.

Ms. Poretsky stated that many of the complaints that she has heard pertain to drainage and grading, and suggested that more land may help to alleviate some of these problems. Mr. Pember commented that developers are not allowed to increase runoff and, if this should occur, the neighbors have the right to seek damages.

Ms. Joubert explained that she plans to discuss the proposed zoning changes with the ZBA at their meeting on January 24, 2017. She agreed to provide the Planning Board with a summary of that discussion at their February meeting.

Two-family dwellings

General Residential District - Ms. Joubert noted that two-family dwellings are currently allowed by right in the General Residential district and reviewed the current and proposed dimensional requirements

Currently	Proposed
15,000 square foot lot	22,500 square foot lot
100 feet of frontage	150 feet of frontage
30 foot front setback	40 foot front setback
15 foot side setback	20 foot side setback
25 foot rear setback	no change

Ms. Joubert commented that the town is not averse to two-family dwellings but would like to address the issue of scale. She suggested that increasing the lot size and setbacks does not limit the size of the structures but they will appear differently on a larger lot with increased frontage.

Residential C District – Ms. Joubert noted that two-family dwelling area allowed by special permit in the Residential C district, and require 20,000 square feet of land and 100 feet of frontage. She explained that the proposal is to increase the minimum lot size to 30,000 square feet with 150 feet of frontage, with the same setback increases as those proposed for General Residential. Mr. Pember indicated that he would not be in favor of this proposal.

Ms. Harrison asked why no increase to the rear setbacks. Ms. Joubert noted the Board had not mentioned rear setbacks as an issue. Ms. Gillespie suggested further consideration of the side setback and voiced her opinion that 20 feet does not seem like much if there is a large structure on the lot.

Ms. Joubert explained these proposed numbers are for discussion purposes and a starting point for the Board to discuss changes to the dimensional regulations for duplexes.

Next meeting – Ms. Joubert explained that the agenda for the next meeting includes a public hearing for a common driveway on Green Street. She noted that the project is currently before the Conservation Commission.

Next ZBA Meeting – Ms. Joubert noted that the agenda for the next ZBA meeting includes the following:

- Existing lot on Church Street adjacent to one of the older cell towers in town where the applicant is seeking relief from the cell tower bylaw
- Additional signs at Northborough Crossing

Ms. Harrison asked about the status of the cell tower proposed for Carney Park. Ms. Joubert noted that the applicant had a couple of other projects to complete first elsewhere in the State. She stated that, once the building permit is pulled, construction should be done in 3 to 4 weeks.

Meeting adjourned at 7:55PM.

Respectfully submitted,

Elaine Rowe
Board Secretary