



TOWN OF NORTHBOROUGH PLANNING BOARD

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Approved 6.18.19

Planning Board Meeting Minutes April 9, 2019

Members in attendance: Theresa Capobianco, Chair; Amy Poretsky; Michelle Gillespie; Kerri Martinek; Anthony Ziton

Others in attendance: Kathy Joubert, Town Planner; Fred Litchfield, Town Engineer; Bob Frederico, Building Inspector; Jason Perreault, 27 Treetop Circle; Henry Squillante, 72 Crestwood Drive; Ed Bombard, 28 Crawford Street; Tom Spataro, 7 Lanthorn Road; Ed Murphy, 238 West Main Street; Tom Reardon, 7 Sunset Drive; Mike Sullivan, Connorstone Engineering; Tony Abu

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

Reappointment of Tom Spataro to Financial Planning Committee – Mr. Spataro stated that he has enjoyed his time on the committee and expressed an interest in continuing to serve. Ms. Martinek noted that she had not yet met Mr. Spataro but has heard many good things about him and his experience seems well suited to the position. She asked if he thought there is anything that comes up throughout the year that might make it beneficial to come in and advise the Planning Board about relative to the business of the Financial Planning Committee (FPC). She voiced her opinion that it would be helpful to know if this board's decisions have any impact on what the FPC is doing. Mr. Spataro stated that he could visit periodically to obtain input, and suggested that John Coderre can likely recommend the best meeting to attend to provide a summary. Ms. Martinek asked if Mr. Spataro has noticed any trends during his time on the FPC. Mr. Spataro indicated that he has been impressed with how structured everything is, which makes it easier for the board to do its job. He also mentioned that he has learned a lot being on the committee. Ms. Martinek voiced her opinion that it will be nice to have Mr. Spataro check in from time to time to provide a summary of FPC activities. Ms. Joubert briefly explained the objective of the FPC and the town's Capital Improvement process.

Ms. Gillespie asked Mr. Spataro if the FPC has seen any impacts from the slow-down in building and zoning changes. She indicated that she would find it interesting to know how what comes out of land use impacts the budget. She also voiced her opinion that Mr. Spataro will be a great asset as the town works through the Master Plan process and as this board makes decisions about what to move forward with. Ms. Poretsky expressed appreciation to Mr. Spataro for his participation and commitment to the FPC.

Anthony Ziton made a motion to reappoint Tom Spataro as the Planning Board's representative to the Financial Planning Committee for a three year term to expire on April 30, 2022. Michelle Gillespie seconded; motion carries by unanimous vote.

Ms. Capobianco also thanked Mr. Spataro for his service.

Consideration of Meeting Minutes

Amy Poretsky made a motion to accept the Minutes of the Meeting of March 5, 2019 as amended. Anthony Ziton seconded; motion carries by unanimous vote.

Amy Poretsky made a motion to accept the Minutes of the Meeting of March 19, 2019 as submitted. Anthony Ziton seconded; motion carries by unanimous vote.

Continued Public Hearing RE: 2019 Proposed Zoning Amendments

- **Section 7-03-040 Special Permit, C. Criteria by deleting “shall” and replacing it with “may”**
- **Section 7-03-060 Design Review, E. Appointment of the Design Review Committee by amending composition of the Design Review Commission and adding three year terms**
- **Section 7-05-020 Classification of Uses, G. Business Uses, (1) Trade by adding definition for “temporary outdoor sales of holiday trees, wreaths, or similar horticultural products”**
- **Section 7-05-030, Table of Uses Table 1, Table of Uses, Part B. Commercial and Industrial Districts by adding “temporary outdoor sales of holiday horticultural products” as an allowed use in the business and industrial districts**
- **Section 7-08-020, Special permit required; A. nonconforming use, by deleting the text shown in strikethrough and adding the text shown underlined**
- **Section 7-09-040 Signs B. Definitions; D. Basic requirements; G. Signs in Business Districts; and H. Signs in Industrial District all relating to the addition of “electronic message center” with associated text.**

Ms. Capobianco polled board members for questions about any of the proposed amendments, and there were none expressed. Ms. Capobianco opened the floor for questions from the audience.

Tom Reardon, 7 Sunset Drive, stated that he is a member of the Design Review Committee (DRC) and has questions about the proposed zoning amendment relative to that board. He asked how the board plans to implement the term limits. Ms. Gillespie mentioned that all DRC members were appointed on staggered terms, and expressed her understanding that Ms. Joubert was going to seek Town Counsel input. Ms. Joubert confirmed that Town Counsel will address the issue and advise the board and she anticipates that the imposition of term limits will start with new appointees, but agreed to have clarification prior to Town Meeting.

Ms. Joubert advised board members that they can either vote on the articles while the hearing is open in order to entertain any questions that might arise, or can close the hearing and then vote. She also noted that the board must vote on the Citizen Petition. In addition, Ms. Joubert stated that the board must decide about who will present each article at Town Meeting.

Ms. Martinek mentioned an electronic projection sign in the center of town and asked if it needs to be addressed in this proposed bylaw amendment or can be done on the floor at Town Meeting. She voiced her understanding that Mr. Frederico has agreed to look into the matter. In response to a question from Ms. Capobianco, Ms. Martinek explained that one of the businesses in the downtown area has an

electronic projection onto their window (similar to a television screen) and she had questioned how that is addressed in the bylaw. Mr. Frederico stated that he had only noticed the sign when he drove by earlier today and has not yet had an opportunity to look at it more closely to determine what type of sign it is and if it is allowed.

Ms. Capobianco asked if signs located inside a business are allowed in the bylaw. Mr. Frederico confirmed that they are, but reiterated that he needs to determine what is being projected, how it functions, etc. He stated that he hopes to be able to do so by the end of the week, and noted that if he finds that it is allowed it will be grandfathered under the current bylaw. He commented that this is not a technology that he has seen before, and it appears to be projected onto the window from the ceiling. He also noted that it is very bright at night, and the recent projection appeared to be of sporting events. Ms. Capobianco emphasized that the sign is not being used to advertise the business. Mr. Frederico reiterated that he needs to take a closer look before he can make a determination.

Ms. Martinek reiterated her question about how to address this sign in the bylaw. Mr. Frederico reiterated that, if it is an allowable sign under the existing bylaw, it will be grandfathered just like the signs at Moe's, Lion's Club and all others currently in place should the new bylaw pass at Town Meeting.

Ms. Poretsky asked if it is possible to leave the hearing open until Town Meeting to allow the board to meet just prior to Town Meeting if there is a need to do so. Ms. Joubert confirmed that it is possible to do so, but noted that she will not be able to attend as she already has a CPC meeting scheduled that evening. She also stated that she has not yet seen the sign in question, but the specific bylaw being proposed is for a free-standing sign, which is an outdoor sign on some type of pedestal. She commented that she does not believe that the sign being discussed is a free-standing sign, so it would not fit in the scope of the proposed bylaw. She noted that the subject sign will need to be addressed through the existing sign bylaw. Ms. Martinek mentioned that the definition section in the bylaw stipulates any sign that utilizes computer generated messages or uses some other electronic means of changing copy. Ms. Joubert stated that, for the purposes of tonight's hearing for the warrant article, the subject under consideration is a freestanding sign with an electronic message center in the highway business and industrial districts.

Ms. Joubert explained that the conversation is really about two different aspects of the zoning bylaw. Ms. Capobianco noted that the current bylaw has all changeable copy on a freestanding sign, so the board needs to define what changeable copy and electronic message centers are.

Amy Poretsky made a motion to recommend approval of Article 28 to see if the town will vote to amend Part 7 of the Northborough Town Code, the Northborough Zoning Bylaw, Section 7-03-040, Special Permit C. Criteria, by deleting the text shown in strikethrough and adding the text shown underlined, or take any action relative thereto. Michelle Gillespie seconded; motion carries by unanimous vote.

It was agreed that Amy Poretsky will read the motion for Article 28 and Kathy Joubert will make the presentation at Town Meeting.

Michelle Gillespie made a motion to recommend approval of Article 29 to see if the Town will vote to amend Part 7 of the Northborough Town Code, the Northborough Zoning Bylaw, Section 7-03-060, Design Review E. Appointment of the Design Review Committee by deleting the text shown in strikethrough, re-lettering the section, and adding the text shown underlined, or take any action relative thereto. Anthony Ziton seconded; motion carries by unanimous vote.

It was agreed that Kerri Martinek will read the motion for Article 29 and make the presentation at Town Meeting.

Michelle Gillespie made a motion to recommend approval of Article 30 to see if the Town will vote to amend Part 7 of the Northborough Town Code, the Northborough Zoning Bylaw, Section 7-05-020 Classification of uses, G. Business uses, (1) Trade, by adding the text shown underlined, or take any action relative thereto. Kerri Martinek seconded; motion carries by unanimous vote.

It was agreed that Kerri Martinek will read the motion for Article 30 and Kathy Joubert will make the presentation at Town Meeting.

Michelle Gillespie made a motion to recommend approval of Article 31 to see if the Town will vote to amend Part 7 of the Northborough Town Code, the Northborough Zoning Bylaw, Section 7-05-030, Table of Uses Table 1. Table of Uses, Part B. Commercial and Industrial Districts by adding the text shown underlined, or take any action relative thereto. Amy Poretsky seconded; motion carries by unanimous vote.

It was agreed that Kerri Martinek will read the motion for Article 31 and Kathy Joubert will make the presentation at Town Meeting.

Michelle Gillespie made a motion to recommend approval of Article 32 to see if the Town will vote to amend Part 7 of the Northborough Town Code, the Northborough Zoning Bylaw, Section 7-08-020, Special permit required, A. by deleting the text shown in strikethrough and adding the text shown underlined, or take any action relative thereto. Amy Poretsky seconded; motion carries by unanimous vote.

It was agreed that Amy Poretsky will read the motion for Article 32 and make the presentation at Town Meeting.

Anthony Ziton made a motion to recommend approval of Article 33 to see if the Town will vote to amend Part 7 of the Northborough Town Code, the Northborough Zoning Bylaw, Section 7-09-040, Signs B. Definitions; D. Basic requirements, G. Signs in Business Districts (1) Type, size and number of signs. There shall be not more than the following on each lot: (c) Highway Business District [1][a] Freestanding sign; H. Signs in the Industrial District (3) Freestanding signs, by adding the text shown underlined, or take any action relative thereto. Michelle Gillespie seconded; motion carries by unanimous vote.

It was agreed that Anthony Ziton will read the motion for Article 33 and make the presentation at Town Meeting.

Michelle Gillespie made a motion to close the hearing for the 2019 proposed zoning amendments. Anthony Ziton seconded; motion carries by unanimous vote.

Public Hearing RE: Citizen Petition for proposed 2019 Zoning Amendments

- **Section 7-05-030, Table of Uses, Table 1, Part A, by adding Two family dwelling as prohibited use in the RC zoning district**

- **Section 7-05-030, Table of Uses, Table 1, Part A, Two-family dwelling, by deleting reference to RC from footnote 3 and adding new sentence to footnote 3 to read as “Notwithstanding the provisions of Section 7-03-030 or any other provision of this Zoning Bylaw, no use variance for a two-family dwelling shall be permitted in the RA, RB and RC districts.”**
- **Section 7-03-060, Design Review, amend B(1)(e) by deleting reference to RC**
- **Section 7-06, Density and Dimensional Regulations, Table 2, delete RC from Table 2 and delete footnote 1**
- **Section 7-06-030(J)(5) by deleting reference to RC**

Ms. Joubert noted that she had emailed a copy of the Citizen Petition to members of the board. She explained that the petitioner was not able to be present for tonight’s meeting but had submitted a letter and requested that it be read into the minutes. Ms. Capobianco read the letter from Lisa Maselli dated April 8, 2019 (copy attached) into the record.

Ms. Capobianco asked if anyone in the audience had participated in the development of the proposed amendments and would like the opportunity to speak. There was no response.

Ms. Joubert mentioned the challenge of the situation since the petitioner is not present to address any questions. She also noted that she had provided board members with a copy of a comment letter from Bob Frederico (copy attached).

Ms. Joubert voiced concern with many of the statements in the petitioner’s letter. She took issue with the petitioner’s reference to an “en-masse zoning debacle”, and stated that she is not sure what the petitioner is referring to. She also did not agree with the statement about the change being made to the RC district and emphasized that the Planning Board spent almost two years researching and developing that change with the help of a consultant and it was not just quickly thought up on the fly. Ms. Joubert mentioned that the letter goes on to talk about the reverse of what the board had proposed and supported about allowing duplexes in RA and RB districts, and noted that the matter had gone through a very comprehensive zoning committee review process that included town staff research into the number of multifamily units proposed in those districts in the past 10 years. She also discussed her concerns about making zoning changes when the town is in the middle of a Master Plan process, which is a very comprehensive consensus building process with one of the nine chapters being all about housing. Ms. Joubert emphasized that there has been a great deal of work spent by the Master Plan Steering Committee (MPSC) on the housing chapter with a considerable number of recommendations made about providing housing options in town. She noted references made about duplexes being affordable and clarified that they do not go on the subsidized housing inventory, and including them in the bylaw is about having housing options and not about affordability. She mentioned that the petitioner had put together a list of homes built in town over the last 3 to 4 years and the majority of what she presented as duplexes is at a price point different than a single family house. She reiterated that, when you are in the midst of a Master Plan where part of that process is to address housing and how the town should move forward on housing options, she does not believe that making changes to the existing zoning bylaws is something that the board should be doing.

Mr. Frederico referenced the letter from the petitioner in which she compares recently constructed homes with the homes in Northgate at @ \$425,000. He noted that most homes in Northborough are

1100 to 1200 square feet and the square footages of the units that were sold are nearly double the size of anything in Northgate, and indicated that he would be reluctant to use these as a comparator as they are not accurate.

Mr. Frederico referenced his comment letter (copy attached), in which he discussed some of his thoughts about taking duplexes out of the RC District. He noted that, if the Citizen Petition passes at Town Meeting, the only allowable zones in town for duplexes will be General Residential (GR), Main Street Residential (MSR) and Downtown Neighborhood (DN). He noted that he had taken a look at those three zones and there are potentially only three parcels that would qualify for a duplex. He also commented that, in looking at the allowable areas in those three zones, there are very few lots that have the minimum required frontage or lot area and they are all built out. He stated that, since duplexes can be a less expensive housing option, he fears that this becomes exclusionary zoning and is almost economic segregation, which is a big issue. He mentioned that the Governor has announced a directive to come up with 135,000 additional housing units across the state by 2025. He stated that, if the directive passes, it will also reduce the 2/3 majority vote requirement at Town Meeting to a simple majority vote. Mr. Frederico voiced his understanding that this directive has the support of realtors, housing officials, contractors, and the Massachusetts Municipal Association. He indicated that the action proposed in the Citizen Petition results in preventing people from having the ability to have a more affordable option and reiterated that economic segregation is a real possibility.

Ms. Poretsky stated that she came before this board as a resident in the past, prior to joining the board, with something to propose and was advised to bring the matter to Town Meeting. She mentioned that, as a representative elected by the residents of the town, she feels strongly that the petitioner deserves to be heard and this petition should go to Town Meeting. Ms. Joubert confirmed that the petitioner has gone through the appropriate process and the petition will go to Town Meeting, but voiced her desire that residents work through the Planning Board, especially when it pertains to zoning since it is a complicated process and intertwined with the Master Plan.

Ms. Joubert mentioned that the third survey for the Master Plan is now underway, and is all about the recommendations. She reiterated that the Citizen Petition will go to Town Meeting, but voiced her opinion that it is premature. She advised the board that they will need to make their recommendations on this article tonight.

Ms. Poretsky referred to the comments made about exclusionary zoning. She explained that she had done quite a bit of research on housing for the Master Plan, in which she looked at how many of the 351 towns in the state have achieved the 10% affordable housing requirement under 40B. She noted that Northborough is currently at 12% and only 50 towns have exceeded the required 10%, so she does not agree that Northborough is imposing economic segregation. She voiced her hope that the state would go to towns that have not reached the 10% and make them do their part. She also indicated that she has been approached by town residents who bought smaller homes in town and mentioned that they would not have been able to afford to live here had the small home been torn down and replaced with duplexes priced at \$500,000+. She reiterated that she does not believe that Northborough is economically segregating anyone; the town has done a great job in terms of affordable housing, and is actually way ahead of other towns.

Ms. Martinek stated that, when she looks at the housing comparison provided by the petitioner, she views it differently. She emphasized that \$493,000 is not affordable and questioned what need two-family homes are serving if not affordability as a starter home or elderly housing. Mr. Frederico suggested that they serve a housing need for those who cannot afford a new, single family home priced

at \$800,000. He also stated that two-family homes provide another housing option. Ms. Martinek recalled that residents on South Street complained about the duplexes that were squeezed onto a small lot there.

Ms. Capobianco stated that the issue with Northgate is that it is highly sought after neighborhood as it presents a good way to start out in the town. She noted that the idea that those houses are only slightly less expensive than a brand new duplex that has a garage and all of the upgrades suggests that people are going to pay an extraordinary amount of money for something that is decades old versus paying a little bit more for brand new as opposed to a new single family home that is hundreds of thousands of dollar more.

Ms. Gillespie agreed that there is an element of the population seeking housing in the \$500,000 range and cannot afford a new single family home. She mentioned the renovation project on Hudson Street and noted that there is a real struggle around when to tear down and when to remodel. She expressed a desire to know what the community is thinking.

Mr. Frederico noted the new dimensional regulations for duplexes that were approved at the last Town Meeting and voiced his opinion that builders will always try to build to the limit of those regulations in order to maximize their investment. He does not believe that anyone will be interested in building a duplex with units of only 1200 square feet.

In response to a question from Mr. Ziton, Mr. Frederico clarified that the remaining allowable sections in town only have three lots that would qualify for a duplex under the current zoning laws. Ms. Joubert indicated that the petitioner is proposing to delete them in General Residential, Main Street Residential, and Downtown Neighborhood. Mr. Ziton asked if we know how many lots in RC would allow for a duplex. Ms. Joubert explained that the GIS Department had previously indicated that there is no formula that can be used to determine that figure. Mr. Ziton voiced his assumption that there are likely not many.

Mr. Ziton asked if it would be possible for someone to purchase two lots in Northgate and combine them to construct duplexes. Ms. Joubert stated that, though it would be possible to do so, they would only be able to build one duplex. She also noted that the lots in Northgate are all non-conforming and the lot sizes do not meet the current bylaw. Mr. Frederico explained that the section of the bylaw pertaining to non-conforming contains 7 or 8 items that allow certain things to be done in certain districts and 99% of that list of conditions is designed for Northgate. He mentioned that, if those conditions did not exist, virtually every building permit application for Northgate would go before the ZBA. He commented that this is a neighborhood of small homes on small lots, and it would be difficult to get anything bigger in there.

Ms. Joubert stated that she struggles with the bylaw changes that the board is bringing to Town Meeting this year given that we are in the midst of a Master Plan process, out of which zoning changes should come, and reiterated her opinion that there should not be any zoning changes considered in the midst of the Master Plan. In response to a question from Mr. Ziton, Ms. Joubert reiterated that the Citizen Petition will go to Town Meeting and the board is required to make a recommendation.

Ms. Martinek referenced what was passed last year with two family design guidelines and asked where they stand. Ms. Joubert explained that, due to the Citizen Petition, it was delayed a few weeks but a final draft is expected to be provided to the DRC by the end of the week. She noted that those guidelines still need to be adopted by the DRC, whether the Citizen Petition passes or not, since

duplexes are still allowed in other districts. Ms. Martinek commented that the character of the neighborhood seems to be a continuing theme and asked how the board can help residents protect that character. Ms. Joubert indicated that this is something that this board should address in the near future. She also suggested that, if the way zoning reads today is not satisfactory but the town still wants to allow duplexes, perhaps we could look at limiting the size of them. Ms. Poretsky referred to Judi Barrett's first memo in which she emphasized that the issue is all about what the residents want, and noted that this is the way that she is leaning.

In response to a question from Ms. Capobianco about whether the new master plan survey includes questions about housing, Ms. Joubert confirmed that it does. She noted that the survey includes 21 very detailed questions and provides for the rating of recommendations as well as questions related to housing goal.

Ms. Gillespie agreed with Ms. Poretsky and voiced her understanding that there are 6 or 7 Citizen Petitions being brought to Town Meeting this year and asked if the Board of Selectmen have voted on theirs. Mr. Perreault indicated that the Board of Selectmen does not actually make a recommendation about them. Ms. Joubert stated that the Planning Board is required to make a recommendation by law on the petitions relating to zoning. Ms. Gillespie expressed a desire to hear what the public has to say, and she believes that the addition of the waiver for duplexes at last year's Town Meeting was the motivation for the filing of the petition. She stated that she understands comments about new housing and how people would like to see things like the rehab project on Hudson Street as opposed to tear downs, but she also recognizes that there are some buildings where it is just not feasible and a tear down is the only option. She stated that she is pleased to see the Citizen Petition go to Town Meeting where we can get some discussion about the issue. She recommended that the board seek to eliminate the waiver that was put in last year.

Ms. Capobianco noted that Article 40 includes multiple amendments and asked if this is an "all or nothing" situation. Ms. Joubert indicated that, through the public hearing process, the Planning Board can propose amendments to the article that would be done as a motion on the floor at Town Meeting. She stated that, since this is not a Planning Board article, it is not the board's original motion to make but the board could speak with the petitioner to see if she might be willing to consider an amended article based on the public hearing. She noted that, without the petitioner being present tonight, she thinks that the board could present an amendment on the Town Meeting floor.

Ms. Capobianco noted that the Master Plan Steering Committee has been meeting and taking resident input for nearly a year and she believes that we might be "snatching defeat from the jaws of victory" if we amend zoning before the Master Plan is done. She reiterated that, through the Master Plan, we will have consensus from town residents who will stand behind it. In addition, the Planning Board would have the ability to look to the Master Plan results and what should be done in accordance with it. She voiced agreement that the Citizen Petition is a bit premature, given where we are with the Master Plan process.

Henry Squillante, 72 Crestwood Drive, voiced his opinion that some people who own single family homes fear that a duplex could be built on an adjacent lot and result in the view from their home being that of a large building. He noted that his daughter lives next door to a large duplex in his neighborhood and has mentioned that she has someone looking down at her from their second floor. He also suggested that, if an economic disadvantage exists, it is in senior housing where a real need exists.

Jason Perreault, 27 Treetop Circle, identified himself as a member of the Board of Selectmen and the Master Plan Steering Committee but noted that he is speaking as a private citizen. He asked if the subject of the Citizen Petition pertains to the same bylaw as was the subject of a recent application for a waiver. Ms. Capobianco indicated that the last portion of the petition would seek to delete the waiver in the bylaw.

Mr. Perreault stated that he has never been a fan of zoning bylaws being enacted through a Citizen Petition, and noted that Massachusetts General Laws empower municipalities to have a Planning Board who is endowed with the ability to do it. He also mentioned that he is not sensing much agreement about the Citizen Petition coming out of tonight's discussions and suggested that any recommendation from the Planning Board should be a unanimous or near unanimous statement and not one from a divided board. He also voiced his opinion that the timing of this presentation relative to the Master Plan process is relevant. He noted that there is a lot of consideration in the Master Plan process for housing, and to take this step through a Citizen Petition does seem premature. Mr. Perreault respectfully asked the board to not recommend approval of this Citizen Petition article. He emphasized that, given the vast amount of conversation that has occurred on the subject of duplexes over the past years, this Citizen Petition is yet another change being proposed that has not been adequately discussed on its own merit. He also stated that he does not find tonight's discussion helpful given that the petitioner is not present to defend it. He noted that the letter presented is colored with a lot of opinion and not much fact, and he does not find what is before the board to be persuasive enough to recommend approval at Town Meeting.

Ms. Capobianco recalled that in a recent meeting the question of a zoning amendment to eliminate the waiver was before the board and was defeated by a vote of 3 to 2.

Ms. Gillespie voiced disappointment that the petitioner is not present. She suggested that the board can wait to hear what residents thoughts are about the petition and can then take it up for further action. She wondered whether the resident is bringing this petition forward because she recognizes that the board is struggling with the issue, and she believes it would not be before the board if the board had not been split about the waiver.

Ms. Joubert noted that the Master Plan does not go into the specifics of mentioning duplexes. Ms. Gillespie stated that she is not sure the public has the patience to wait 5 to 7 years on this, and she suggested that if we use the Master Plan as a reason to wait, she envisions more Citizen Petitions being brought forward. Ms. Joubert noted that the Master Plan is a blueprint for going forward and she hopes the public will understand that process.

Ms. Poretsky noted that the 1997 Master Plan did ask for input about housing types and people were not in favor of duplexes but they still went forward. She also noted that duplexes have been continually discussed during the time that she has been a member of the board but in this new Master Plan we are not really asking questions about duplexes or multi-family housing. She mentioned that there is a question on the survey about high density housing but she is not sure how it is being interpreted by the public and is not sure if we are getting to the real answer. She reiterated that residents keep talking about duplexes and now we have this Citizen Petition to address them. She expressed her opinion that if she moves forward and does not approve this, she is not listening to the people, which is what she promised when she ran for office. She indicated a readiness to vote on it. Ms. Capobianco stated that members can take a position as a Planning Board member based upon procedure and what we do as a board but can take a different position as a public citizen. Ms. Poretsky commented that, if residents are saying they don't want them, then she would want to give them that chance. Ms. Capobianco noted

that the board has only had one application in the year that the bylaw has been in effect and nobody is here representing the citizen petition. Mr. Perreault reiterated that his issue is not with the substance of the petition but more about the process.

Ms. Gillespie recommended keeping everything as is but eliminating the waiver. Ms. Capobianco clarified that Ms. Gillespie wishes to modify the language to eliminate part 1, 2, 3 except delete the existing footnote. Ms. Gillespie stated that, since the board cannot ask questions of the petitioner, that would be her suggestion.

Ms. Martinek asked if during discussion at Town Meeting it appears that residents are feeling differently than we expected, will it be possible to make an amendment on the floor. Ms. Capobianco confirmed that it would be possible to do so as a citizen. Ms. Joubert indicated that anyone can propose an amendment on the floor but any time someone has tried to amend something that has not made its way through the board in the past, it has created confusion on the floor of town meeting.

Mr. Ziton stated that he would be in favor of keeping the petition as is. Ms. Martinek and Ms. Poretsky agreed. Ms. Poretsky also asked if it is possible to keep the hearing open and seek to have the petitioner come before the board prior to Town Meeting to discuss it. She suggested that if this is not possible, then the petition should be left as is. Ms. Capobianco stated that she would not want to amend the petition in any manner.

Michelle Gillespie made a motion to recommend approval of Article 40. Anthony Ziton seconded; motion carries by a vote of three in favor and two opposed (Theresa Capobianco and Michelle Gillespie opposed).

Michelle Gillespie made a motion to close the hearing. Anthony Ziton seconded; motion carries by unanimous vote.

Site Plan Approval for Land Clearing or Grading at 222 West Main Street

Applicant: Abu Construction, Inc.

Engineer: Connorstone Engineering, Inc.

Date Submitted: February 28, 2019

Decision Due: May 29, 2019 8:15pm

Mike Sullivan appeared on behalf of Tony Abu, owner and applicant, and noted that the board is familiar with the site located at the corner of Lincoln Street and Route 20. He explained that the site currently has a house, barn and pavement and current vegetation is predominantly lawn and field. Mr. Sullivan stated that the bylaw covers clearing and grading of the land, and there is very little clearing needed due to the existing conditions.

Mr. Sullivan discussed the applicant's plans to construct three single family homes with driveways off of Lincoln Street. He noted that two houses will be 40 to 50 feet off of the property line and the third will be approximately 80 feet back at one corner. He also noted that the topography runs from the rear to the front of the property, and the plan includes an increase of approximately two feet at the front and a cut in the rear of the houses. He indicated that utilities will be provided from Lincoln Street. He also stated that the plans show the area of trees to be saved, and the two to be removed.

Mr. Sullivan explained that the bylaw requires approval for any disturbance of over 20,000 square feet and noted that individually each lot is below that threshold but the entirety is 48,000 square feet.

Mr. Sullivan discussed impervious coverage and noted that, due to existing conditions, lot 4 will have a reduction of approximately 1300 square feet of impervious area, lot 5 is a reduction of 500 square feet and lot 3 currently has no impervious coverage so will have a 100% increase.

Mr. Sullivan noted the 6 criteria that need to be evaluated, per the bylaw, as follows:

- Minimize site alteration and land clearing – Mr. Sullivan noted that the plan does accomplish this. He mentioned that the majority of the mature trees will remain with only 2, 14-inch trees to be removed.
- Protect wildlife habitat – Mr. Sullivan stated that there are no rare or endangered species in this area, so this would not be applicable.
- Protect existing vegetation – Mr. Sullivan indicated that the site is primarily lawn and field, so there is not much to deal with. He explained that the trees will be protected by fencing during construction, and reiterated that Mr. Abu has been fanatical about saving the trees.
- Proper site management – Mr. Sullivan confirmed that plans provide for appropriate site management, including preservation of trees with fencing.
- Protect site during construction – Mr. Sullivan noted that plans include erosion controls encapsulating the entire site with both waddles and silt fence so that there are no impacts on Lincoln Street. He indicated that any stockpiling of materials will have hay bales at the toe of the slope to catch any erosion before it leaves the site and, if it is to be long term, it will be hydro-seeded to prevent erosion. He also mentioned that plans provide structures at the front to direct runoff to infiltrate into the ground so there will not be any spillage on the road. In addition, as included in Mr. Litchfield's comment letter, there will be a stone apron at the access point onto Lincoln Street to prevent silt on the road when trucks are entering and leaving and Mr. Abu will sweep any silt that does get onto the roadway.
- Revegetation of the site immediately following construction – Mr. Sullivan noted that these are spec houses, so Mr. Abu will want to have the site cleaned up and properly seeded and vegetated as soon as possible.

Mr. Litchfield discussed his review letter (copy attached) and agreed that the plan does grade the site appropriately. He noted that there is only about 16,000 square feet of disturbance per lot so if Mr. Abu had opted to develop one site at a time, he would not be before the board tonight. He mentioned that the plan indicates that there is a sewer easement and he would recommend that the board require a recorded copy of the easement be submitted to the town prior to the sale of the lots, as this gives the town the ability to work on the sewer line should the need arise. He noted that roadway opening permits are required for each lot, and the sewer connections require a clay barrier. He stated that the stone tracking pad that Mr. Sullivan mentioned is important and he recommends that the applicant be limited to a single construction access onto Lincoln Street that would stay in effect until the driveways for the three homes are ready to be paved. He also suggested that the construction entrance should be as far away from West Main Street as possible.

Mr. Litchfield noted that erosion control barriers are shown around the limit of the lot on Lincoln and West Main Streets, but if one house is finished and sold prior to the one on the adjacent lot, erosion controls should be extended to isolate each lot.

Mr. Litchfield stated that the grading behind lots 3 & 4 is rather steep in a small area. He noted that the plans indicate the area is to be grass. He mentioned that grass on a 2-to-1 slope is difficult to mow, so he recommends that they spread it out to enable it to be mowed or install a small wall.

Mr. Litchfield stated that the applicant should also follow the items in section 1-5 of the chapter regarding monitoring of mostly construction procedures, including provision of an as-built plan.

Ms. Capobianco questioned the single access point and asked if this will limit the manner in which the land clearing can be done if the lots are to have a barrier as well. Mr. Litchfield explained that the tracking pad is to be installed at the construction entrance and he is looking for a pad and the creation of a staging area, with the driveways not being cut in until they are ready to utilize them.

Mr. Sullivan confirmed that the applicant has no issues with the majority of the letter with the exception of the 2-to-1 slope. He asked to have the ability to work with Mr. Litchfield prior to obtaining the Certificate of Occupancy to come up with something mutually agreeable for the cover and the slope. Mr. Litchfield agreed to do so.

In response to a request for clarification of item #8, Mr. Litchfield confirmed that he was referring to completion of the finished grade, but he also requested that temporary stabilization be installed for the winter if the project runs long.

Mr. Ziton asked if West Main Street goes right up to the property or if there is something in between. Mr. Sullivan stated that the right of way goes right up to the property, and showed the property line and edge of pavement on the plans. He mentioned that there is considerable distance from the edge of pavement to Mr. Abu's property. In response to a question from Mr. Ziton about regulated hours of operation, Mr. Litchfield explained that they are regulated through the Building Inspector's office.

Henry Squillante asked if any blasting will be done. Mr. Sullivan stated that there is no reason to believe that there is any ledge based on test holes, so no blasting is anticipated.

Ms. Joubert recalled that, at the last meeting, she had been asked if the applicant had been through the process with the Historical District Commission and she confirmed that he has.

Ms. Poretsky noted a comment in the application about a modification to the ANR being needed. Mr. Litchfield indicated that no modification is required.

Michelle Gillespie made a motion to approve the Site Plan Approval application for 222 West Main Street as presented with the conditions as requested in the Town Engineer's letter dated April 4, 2019 the requirement that preserved trees will be fenced off prior to land clearing and the applicant will follow-up with the Town Engineer with respect to the slope in the back prior to the issuance of a Certificate of Occupancy. Anthony Ziton seconded; motion carried by unanimous vote.

Planning Board Meeting Schedule – Ms. Joubert noted that the next meeting is scheduled for May 7, 2019 and will include a public hearing on site plan approval for 109 West Main Street.

In response to a question from Ms. Gillespie, Ms. Joubert expressed her expectation that the Master Plan Steering Committee will be wrapping up their work by the end of the summer.

Following discussion about the summer meeting schedule, members of the board agreed to meet on June 18, July 16, and August 6.

Ms. Joubert informed the board that she received a letter from some residents that live on Newton Street seeking information about the roadway improvements there. She noted town staff will need to take a look at it and will likely make a recommendation to the board at their June meeting. She mentioned that, since there has not been any progress in about a year, the recommendation will likely be to call the bond that is in place.

New Fire Station – Ms. Poretsky noted that there was a meeting about the proposed Fire Station held with the Board of Selectmen last week and she provided board members with information that she had received at that meeting. She mentioned that municipal buildings are required to go through site plan approval and Design Review, and she suggested that someone from the Planning Board or Design Review Committee should be on the Fire Station Building Committee so that plans do not get too far along without their input. She noted that part of the Master Plan involves discussions about the downtown area, and she thinks it is important that the Fire Station design be aligned with the residents' vision for the downtown.

Mr. Ziton asked if anyone from the DRC has had any access, visibility or input into the design. Ms. Joubert indicated that there is no design yet and explained that the architect will be selected if the article is approved at Town Meeting in April and the debt exclusion is approved at the annual town election in May. She noted that, for any building process in town, the first phase is an article at Town Meeting to purchase the property and hire a designer to work with the committee, and the following year's Town Meeting will include a vote on the project and provision of funds. In response to a question from Mr. Ziton, Ms. Joubert confirmed that the project will go through Design Review and Site Plan Approval.

A gentleman from the audience discussed the upcoming Candidate's Night to be held at the American Legion at 6:30PM on May 6th. He stated that this is a good opportunity for residents to get to know the candidates before they vote, and he hopes it will be a successful event. He encouraged everyone to attend.

Meeting adjourned at 9:20PM.

Respectfully submitted,

Elaine Rowe
Board Secretary