



TOWN OF NORTHBOROUGH PLANNING BOARD

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Approved 12.4.18

Planning Board Meeting Minutes November 14, 2018

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

Others in attendance: Kathy Joubert, Town Planner; George Pember; Henry Squillante, 72 Crestwood Drive; Tim Kaelin, 42 Davis Street

Master Plan Steering Committee Update – George Pember, Michelle Gillespie, and Amy Poretsky appeared before the board to provide a progress update on the work of the Master Plan Steering Committee. They noted that the Committee is still working to reach an agreement on the goals and vision statement. In response to a question from Ms. Capobianco about any particular points that are posing an issue, Mr. Pember commented that everything in the consultant's recommendation is being reviewed and commented on. He indicated that, ultimately, each goal did get approved but the vision statement is still being finalized. He also noted that the committee plans to begin discussions about recommendations/action items at their next meeting, which will be a lot more specific.

Mr. Pember stated that Ms. Martinek was in attendance at the last meeting and made the point that, in Northborough, there is a tremendous emphasis on the quality of the school system. He agreed that, though the Master Plan is not school specific, there needs to be content reflecting how much we value our schools. This will be worked into the vision statement.

In response to a question from Ms. Capobianco, Ms. Joubert indicated that the next meeting of the Steering Committee is scheduled for January 3, 2019, with the next public forum likely to be held in late winter or early spring. She explained that the committee members have been asked to take an initial look at recommendations/action steps and provide comments by Friday. She also noted that copies of the information were provided to this board and she invited members to submit any comments to her. Ms. Capobianco asked about the results of the second survey. Ms. Joubert stated that those results will be posted to the website shortly and the goals and vision statement will also be uploaded once finalized.

Ms. Gillespie explained that Rick Leif and Susan Lawrence, school committee member, who is also a member of the Master Plan Steering Committee cautioned the committee about the importance of ensuring that anything it plans relative to the schools is not in conflict with the schools own strategic plan. She stated that, as the committee continues to go through the goals and actions items, they will keep going back to the vision statement with additional modifications to ensure that it is in alignment. Mr. Pember commented that the objective is to keep the vision statement as short as possible.

Ms. Poretsky mentioned that she was unable to attend the last meeting of the Steering Committee and deferred further comments to Ms. Martinek and Mr. Ziton who did attend. Mr. Ziton voiced his opinion that the goals and vision statement are in sync with what residents have said and he expects there will be more discussion when they start addressing the action steps. Ms. Martinek indicated that more clarification and definition is needed with regard to some of the terms used in the survey as there was some confusion about certain questions. She noted that there are varying interpretations of the terms “vibrant” and “attractive” as they apply to the downtown area. She also mentioned that the committee was cautioned that language for the recommendations should not specify the establishment of zoning but should aim to recommend researching zoning and working with a specific entity to resolve any zoning concerns.

Ms. Poretsky agreed that there needs to be more clarity about terms, and commented that “variety” as it pertains to housing means something different to different people. She suggested that any further surveys need to be more specific to convey what is really being asked. Ms. Capobianco asked if the contract with the consultant covers a specific number of surveys. Ms. Joubert explained that three surveys and three public forums were specified but the potential for additions was also discussed. She also noted that a third survey is planned, though what it will address still needs to be better defined. Ms. Poretsky commented that the Planning Board has recently been deferring issues to the Master Plan Steering Committee to address, and those questions are not yet defined. Ms. Gillespie indicated that Norm Corbin from the Historic District Commission suggested that the Steering Committee take a look at the previous Master Plan (1997) to analyze what was accomplished over the last 20 years. Ms. Joubert indicated that she intends to do so in preparation for the next Steering Committee meeting. She mentioned that Rick Leif had taken a look at the 1997 Master Plan and found a focus on Open Space and some of the goals of that committee as well as a funding source. She emphasized that once you have a committee and a dedicated source of funding, such as the Community Preservation Act, a lot can be accomplished as illustrated by the accomplishments of the Open Space Committee since its inception.

Ms. Joubert also noted that the previous Master Plan included a continuous theme about the downtown. Ms. Poretsky noted that there was also an interest in establishing a senior center, which was accomplished, and voiced her opinion that some of the other action items from that plan seem like they would still be applicable today. Ms. Joubert stated that she will have a more complete report for the next meeting of the Master Plan Steering Committee.

An audience member commented that the term “affordable housing” has varied meanings depending on the value of one’s own home. He voiced his opinion that affordable housing is defined by real estate office values and asked if they are town-wide or state-wide. Ms. Gillespie stated that she believes affordable housing qualifications are based on income guidelines that are determined by the state and this is very subjective to the community you are in. She noted that discussions about affordable guidelines aim to determine whether you meet the median income thresholds for it.

Continued Public Hearing for 222 West Main Street Site Plan Approval, Special Permit Common Driveway and Special Permits Two-Family Dwelling Units

Applicant: Abu Construction Inc.

Engineer: Connorstone Engineering Inc.

Date Filed: June 15, 2018

Decision Due: 90 days from close of hearing

Chair Capobianco explained that the applicant has requested a continuance to the board's meeting of December 4, 2018 at 7:15PM. An audience member voiced his understanding that an engineering review will be done some time this week and asked if the project will still be required to come back to the Planning Board. Ms. Capobianco explained that nothing has yet been approved by the Planning Board and the applicant can opt to pursue his application as was originally filed, modify his plan, or withdraw.

Amy Poretsky made a motion to continue the hearing to December 4, 2018 at 7:15PM. Michelle Gillespie seconded; motion carries by unanimous vote.

Consideration of Minutes

Minutes of the Meeting of October 16, 2018 – Ms. Joubert noted that the draft provided to the board members tonight includes some edits requested by Ms. Martinek.

Michelle Gillespie made a motion to accept the Minutes of the Meeting of October 16, 2018 as amended. Anthony Ziton seconded; motion carries by unanimous vote.

Minutes of the Meeting of August 21, 2018 – Ms. Capobianco stated that she has several proposed edits and asked the board members if they would like to address them now or wait until the next meeting. Ms. Joubert indicated that she had edited the draft to include Ms. Capobianco's comments and provided a revised draft for consideration. Ms. Capobianco mentioned that there were some things in the original minutes that made no sense to her and she does not have time to go back and review the tape. She emphasized the importance of having a set of minutes that is functionally useable and literate for members of the public that were not at the meeting and don't have access or the ability to view the recording. She voiced her desire to spend a bit more time to review and edit the document for consideration at the next meeting to ensure that we have a set of minutes that makes sense to put on the town website and reiterated that there is quite a bit that needs to be clarified. Ms. Martinek stated that she has already addressed some of the questions by referring back to the recording of the meeting. She also commented that some of the edits were grammatical corrections of what people said, and noted that people's words cannot be changed. Ms. Capobianco explained that minutes are not intended to be a transcription but are to be a summary, so it is not necessary to quote people exactly. She stated that the document will be memorialized at Town Hall forever and should accurately reflect what transpired. She also commented that she has not seen any other minutes written in this manner. Ms. Martinek disagreed.

Ms. Capobianco indicated that some input is needed from Mr. Litchfield, specifically pertaining to statements about maximizing flow rate and sewer rate conformance and also what provisions should be included on restrictions for the common driveway. Ms. Martinek noted that she did address some of these questions. She also stated that the board can continue to hold off on consideration of these minutes but questioned the

addition of this level of scrutiny that has not been applied to any other set of minutes. Ms. Capobianco explained that her name will be on these minutes and she feels strongly that they need to make sense. She committed to finding time to review them before the board's next meeting. Consideration of the Minutes of the Meeting of August 21, 2018 was deferred to the next meeting.

Ms. Joubert explained that she had done the original draft of the minutes in order to keep the process moving and keep the board on track. She asked if the board would like her to ask the Board Secretary to go back and create a set of minutes from the recording. Ms. Capobianco voiced her opinion that it is not necessary to do so and suggested that the sections needing Mr. Litchfield's input should be easy for him to address. Ms. Poretsky indicated that she found no issues with the recent draft, but Ms. Capobianco reiterated the need for them to make sense should anyone refer back to them in the future.

2019 Town Meeting –

Ms. Joubert explained that she is working with the Building Inspector to draft language for the warrant to address seasonal sales. In addition, they are working on the draft language to address possible proposed changes to the zoning bylaw as follows:

Electronic Message Boards - Ms. Joubert noted that Mr. Frederico has obtained some information from other towns pertaining to electronic message boards to provide the board with more definition, and language will be drafted to limit them to the Highway Business and Industrial districts based on previous conversations with the board.

Hazardous Waste Facilities - Ms. Joubert indicated that she is working to obtain language from the Department of Environmental Protection (DEP) about hazardous waste facilities. She noted that, in speaking with other communities, most of their bylaws are very specific and seem to have come about in reaction to a certain project. She mentioned that she hopes to have a draft for the board's review at the December meeting.

Nonconformance – Ms. Joubert explained that she presented Ms. Poretsky's suggestions about nonconformance language to the Zoning Board of Appeals (ZBA) and it will be addressed at their November meeting.

Term Limits for Board/Committee Members - Ms. Joubert stated that she had researched the matter of term limits and found that two-thirds of the boards in town have term limits on appointees. She commented that most boards are appointed with only the School Committee, Planning Board, and Board of Selectmen being elected. She indicated that most are appointed by the Board of Selectmen but the Planning Board appoints the Design Review Committee (DRC) and the Town Moderator may also have some appointments for certain committees. She stated that appointments are typically for three years, with appointees having the option to seek re-appointment if they wish. She also noted that none of the boards or committees currently have a limit on the number of times an individual can be reappointed. Ms. Capobianco suggested that, if the Planning Board decides to limit appointments to the DRC to three years with the ability to re-appoint, terms should be staggered to prevent all five positions from lapsing at the same time. She mentioned that this would allow others who may be interested to seek appointment to the board, assuming that they have the specific skills/experience required for the role. Ms. Joubert was asked about affording those on the board the

opportunity to seek reappointment. She explained the current process, in which the Town Administrator sends a letter to an existing board member asking if they wish to be considered for reappointment. If so, they are reappointed and if not, a board vacancy is advertised until it is filled. In response to a question from Ms. Capobianco about whether this is a policy, Ms. Joubert confirmed that it is but indicated that she did not know if it was actually part of the town charter.

Ms. Martinek expressed appreciation to Ms. Joubert for the additional research and asked if a change to policy would require a change to the bylaw. Ms. Joubert reiterated her uncertainty about the policy but noted that if the board wants to add term limits to the DRC, they would need to take it to Town Meeting to revise the zoning bylaw. Ms. Martinek expressed a desire to establish a term of appointment and to address reappointments. She indicated that she would prefer to provide an opportunity to open seats up to members of the public and not simply just reappoint the same member time after time. Ms. Joubert indicated that, since this differs from the current practice, it will need to be discussed with the Town Administrator. In response to a question from Ms. Capobianco about a uniform policy that must be followed, Ms. Joubert agreed to investigate. Ms. Poretsky agreed that it is important to give others a chance to serve on town boards and committees. Ms. Joubert mentioned that, in the past, the town has begged for participation with many positions remaining open for a year or more. Ms. Capobianco suggested that the board also consider the addition of alternates to the DRC given concerns about attendance at some meetings. Ms. Joubert reiterated her intent to investigate further as the matter would need to go to Town Meeting for adoption of a state statute that is required in order to appoint alternates.

Ms. Martinek stipulated that the heart of her request came about because of some comments that were made back in August that caused her to wonder about the process for changing committee members and she discovered that there really is no process. She voiced concern that there is no avenue for the board to evaluate performance or continued candidacy and no means to allow for reflection. She expressed a desire to establish a method or tool to do so. She also commented that we have recently seen a trend in resident interest to be more involved and she would like to provide them that opportunity.

Ms. Poretsky indicated that she would like to add language to the bylaw about nonconforming signs to require them to be brought into conformance in the event of a change in use/ownership. She noted that other towns appear to include this stipulation in their bylaws. In response to a question from Ms. Gillespie about an example of a specific situation in town, Ms. Poretsky discussed electronic message boards that have been the topic of recent conversation. She referred to the existing sign at 293 West Main Street and noted that any future occupant of that property would be allowed to retain it. She explained that her proposal would require any new business to conform to any new bylaw that may have been enacted subsequent to the establishment of that sign. She commented that other towns seem to be adamant about bringing signs back into conformity and she does not know why we would not be interested in doing so as well. Ms. Gillespie voiced her opinion that such a requirement could potentially put a financial burden on business owners. She discussed the plaza where Ace Hardware is located and voiced concern about requiring those signs to change as businesses come and go, which would result in the loss of uniformity that would look ridiculous and would not make sense. Ms. Joubert agreed that the proposal would need to be thoroughly thought through. Ms. Capobianco commented that free standing digital media signs, like those at Moe's garage and Dr. Moheban's office, can be treated differently because they involve a single business. She mentioned that commercial signs are very expensive, and expressed a desire to ensure that the board is cognoscente of the burden it would place on the business owner. Ms. Poretsky agreed that these are valid points.

Ms. Gillespie discussed the Shops Way development and voiced her opinion that businesses along the section of Route 20 from Davis Street to Route 9 should be able to have electronic signs as they make perfect sense there. In response to a question from Ms. Capobianco about the gravel pit operations, Ms. Joubert indicated that the mining is expected to continue for approximately 5-7 more years.

Mr. Ziton mentioned that he had travelled around town at night and taken pictures of the various signs, and provided board members with copies of his photographs for reference. He noted that the signs in the development at 290 West Main Street are all front-lit and they look quite good and are extremely visible, perhaps even more so than backlit signs. He stated that, while he understands the concerns about the financial burden on business owners, he would like to continue the discussion about bringing some conformity to signs in the Business East, Business West, and Downtown districts. He also commented that Westborough and Southborough are very specific about allowing only front-lit signs throughout town with the exception of Route 9. He suggested that, if we are trying to add some consistency and make the town more attractive, this is something we should continue to look at.

In response to a question from Ms. Poretzky about whether a front-lit sign would be less expensive than backlit, Ms. Capobianco stated that the sign for her business is a tiny, carved wooden sign only a fraction of the size of some of these other signs and cost her around \$1200. She noted that she does not have the added expense involved with illuminating it and maintaining that, and would imagine that that it would cost about \$7,000 or more to swap out some of these signs. She commented that the only way to enable businesses the ability to comply with the proposed requirement would be with financial assistance to get it done. While she agreed that the front-lit signs are much more attractive and contribute to the small town charm, she emphasized that any change to the bylaw to obtain more conformity must include some consideration of the financial impact to business owners.

Ms. Joubert suggested that, if the board is looking at a whole-scale change about signs, they might consider taking the sign regulations out of the zoning bylaw and putting it in the general bylaw where the town would have the ability to include a "sunset clause" requiring conformance with the new regulations within a specified period of time.

Ms. Martinek explained that she and Mr. Ziton had attended a class about special permits and variances conducted by Pamela Brown and found it to be very interesting. She noted that Ms. Brown had discussed case law that resulted in changes to how special permits are viewed by the courts. She asked if there is any opportunity to hold a joint meeting with the ZBA to look at our special permit bylaw, or perhaps even doing a similar course with them. Ms. Joubert agreed to investigate the cost to provide such a course. Ms. Martinek noted that she had attended the recent course to ensure that she was interpreting bylaws and regulations properly. She noted as a new member, she learned a great deal from the class including things that she didn't know before, for example, that it's possible to deny a special permit. Mr. Ziton agreed that the course was valuable and voiced his opinion that every member of both boards should take the course if they have not already done so. Ms. Joubert confirmed that there is funding in the budget for these types of things. Ms. Capobianco suggested asking the ZBA if they would like to participate in such an event with the Planning Board. She commented that it might not be possible to have anything ready for the upcoming Town Meeting, but we can certainly start the process. Ms. Joubert agreed to extend the invitation to the ZBA at their November meeting.

Master Plan – Ms. Poretsky mentioned that she had drafted some comments about the proposed action items in preparing to address them in an upcoming meeting, and has provided members with a copy of those comments. She voiced her opinion that, as a Planning Board designee to the Master Plan Steering Committee, she believes that she is not only responsible for bringing information back to this board but also has a duty to bring her expertise as a member of the Planning Board to them. She expressed a desire to devote a portion of each Planning Board meeting to discussion about the Master Plan process to be sure that there is nothing that is not being addressed. In response to a question from Ms. Capobianco about open meeting law, Ms. Joubert confirmed that any such discussion should be part of an open meeting. She also agreed with Ms. Poretsky's suggestion since the purpose of having each board represented on the Master Plan Steering Committee is to facilitate the sharing of information with the respective boards. She also noted that the committee has just started the process and has not yet discussed the action items, so the board is under no time pressure at this point. She reiterated that the Master Plan Steering Committee is scheduled to discuss the action items at their January 3, 2019 meeting. Ms. Poretsky expressed a desire for the Planning Board to discuss prior to that meeting, and suggested that perhaps a second meeting should be held in December. After discussing the agenda for the December 4th meeting, Ms. Capobianco voiced her opinion that the Planning Board should have time to discuss the Master Plan at that meeting. Ms. Poretsky suggested that the board return to holding two meetings each month so one meeting can be devoted to hearings and the second could be used to discuss Planning issues.

Design Review Committee (DRC) update – Ms. Gillespie explained that there is a brief meeting of the DRC scheduled for Friday morning from 8:00am to 9:00am.

Community Preservation Committee (CPC) – Ms. Gillespie mentioned that she had been a member of the CPC for a number of years and asked Mr. Ziton if he has a list of the projects seeking funding. Ms. Joubert explained that they have not yet been provided to the committee members but will be by the end of the week. She also noted that the first hearing will likely not be until January.

Special Permit – Ms. Poretsky expressed a desire to provide an update for the benefit of anyone who was at the previous meeting and did not hear the answer to the question the board raised about the ability to impose a condition of either time or ownership on a special permit. She explained that it was determined that the board is able to do so, though it is not recommended in all instances. Ms. Capobianco asked if the ZBA imposed such a condition in the decision for the dog walking business on Brewer Street. Ms. Joubert confirmed that they did, with the special permit to run specifically with the applicant's business name and details about the licensing that he has were also included. In response to a question about boarding, Ms. Joubert indicated that the business owner can board up to three dogs in addition to his own dogs. She reiterated that boarding more than three dogs would result in the business being categorized as a kennel per our bylaw.

222 West Main Street - Ms. Martinek expressed a desire to obtain a copy of the ANR application to create the 5 lots for the plan endorsed on July 14, 2017. Ms. Joubert noted that Mr. Ziton had also asked for a copy, and she will ask Debbie Grampietro to locate it so she can provide it to the board members.

Meeting adjourned at 9:25PM.

Respectfully submitted,

Elaine Rowe
Board Secretary