



TOWN OF NORTHBOROUGH

Town Offices

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Approved 2-20-07

Planning Board Meeting Minutes January 16, 2007

Members Present: Rick Leif, Don Hewey, Bob Rosenberg, George Pember

CZR Subcommittee Members present: Fran Bakstran, Board of Selectmen; Tom Reardon, Design Review Committee; Dan Ginsberg, Zoning Board of Appeals

Others Present: Kathy Joubert, Town Planner; Bill Farnsworth, Inspector Of Buildings/Zoning Enforcement Officer; Judi Barrett, Community Opportunities Group

Chairman Leif opened the meeting at 7:00 pm.

Approval Of Minutes: George Pember moved to approve the minutes of January 2, 2007 with amendments, Bob Rosenberg seconded the motion and the vote was unanimous to approve.

Discussion with Judi Barrett, Community Opportunities Group, Inc. RE: Comprehensive Zoning Reorganization Project

The Board members discussed how they would like to proceed with the zoning reorganization project.

Rick Leif

- Need to look at where we are now in the project
- Talked with everyone personally on the phone
- A lot on our plate – not a lot of time to complete it
- Should we do a section and not the whole thing for 2007 ATM?
- What is impact if only doing Sections 7-12 and 7-16? Can they be done by themselves?
- Options are:
 - Do part of it and get ready for Town Meeting
 - Do all of it and get ready for Town Meeting
 - Do all of it and get ready for possible Special Town Meeting in the Fall
- If Special Town Meeting happened, that would be good but can't plan on it
- If we get it to say what we want to say and get people to support it, would like to do it all
- Also still keeping the option open of doing nothing
- Have to do an educational plan
- Has to be communication leading to Town Meeting

Kathy Joubert

- Aware of only 3 Special Town Meetings in 20 years

Judi Barrett

- Maybe bring it to town meeting next Spring
- Section 7-12 is done, but 7-16 is not

George Pember

- If we only take two parts and make major changes, how will that be in synch with what we have left?
- Would not be comfortable going with 2 parts
- Would be ok with 2 parts if Ms. Barrett said ok – Sections 7-12 & 7-16
- Problem is negative feedback came from two key groups – Selectmen and ZBA

Don Hewey

- Shouldn't stop what we're doing
- Haven't discussed other drafts at all
- All work has been done on 7-12 & 7-16
- Dimensional requirements and new zones would add the level of control he was hoping to see in several places.
- Efforts on parking makes sense
- Worry about how many things in those 2 sections as opposed to what's there now
- And what about 7-04?
- How many tentacles are there with these two
- If we don't take something to Town Meeting, shame on us, because of everything this last year

Bob Rosenberg

- Think we're behind the eight-ball politically
- Uncomfortable taking a shot and failing
- Will keep listening

Fran Bakstran

- Not likely a Special Town Meeting will be held in the Fall
- Can't imagine getting a good reception if we bring it to next year's Town Meeting
- Would lose credibility
- What political eight-ball?
- We're the only ones dealing with this and have heard minor feedback - only on parking and who will be special permit granting authority
- Did an update and try to keep it general at every meeting
- For first time two BOS members brought up issues about the parking
- Problem she had was that they did not sit at our meeting and did not know how we got to it
- Like center of Westborough and Framingham, buildings in front and parking on side and back
- Dawn Rand and Bill Pantazis have businesses in strip mall-type environments
- Arguments were valid, but could not get into deep discussion
- Will be better prepared to discuss it knowledgably at the next meeting
- Their rationales were not educated
- Our first look at what negativity is going to do with this
- Have to get people who can sway others against this to understand
- Will not stop going forward because of negative comments
- Could stop at the last minute if we feel its taking a negative swing – don't have to do it
- Don't cut losses now

- More work to do
- Feel we're making permitting process easier, not more difficult
- How can we present different zones and use regulations and say it's a good idea, but have no idea how we're going to address parking?
- What happens when someone comes to you with a plan and says they're going to do what they want for parking because you don't have any regulations?

Dan Ginsberg

- Right now we have to educate them before we go to Town Meeting.
- If we only bring a part of it, will there be enough information to trust that this part is ok?
- Will we go ahead with it not knowing what will come next?
- Did not speak with Dick Rand - has had no significance guidance from ZBA
- Dick Rand said that from what he has seen, he is not happy with the parking and the trees.
- Also, Mr. Rand indicated he's not sure that every permit should go through Planning Board; Looks like we're putting up barrier except with single family and 2-family homes
- Opened up lots of opportunity for development, but still need design review and site plan
- Bigger question is if we go to Town Meeting should be go with a piece or bring entire package?
- In corporate world, would not present in pieces

Rick Leif

- Will end up with a few hundred people with various ideas of what's going on
- The bigger the thing is, nothing could pass because the uninformed world thinks its way too much.
- Both ways have merit.
- What is impact with going with parking?

Bill Farnsworth

- Can separate some of the components
- Not all depend on each other to stand
- Can separate use from parking
- What are you allowed to do in a specific zone?
- Right now we have regulations – not throwing out the old regulations

Fran Bakstran

- Except where we're allowing things that we didn't before and that there were no parking standards

Bill Farnsworth

- We have it now and its not like we're creating something that doesn't exist.

Rick Leif

- Could do Section 7-12 without any more parking
- Section 7-16 could we do it with the same parking in the zone?

Judi Barrett

- No, that's the problem. Section 7/16 and parking have to be together.

Kathy Joubert

- Is issue a time factor?; Is that what people are feeling?; What's the hesitation in bringing it?

- Do we pull back and look at a couple of sections if they don't interfere with the rest of the bylaw?

Rick Leif

- We're running out of time.
- Planning Board and subcommittee need to review all parts under suggestion for change now, need to ask our questions and get results that work for Planning Board
- Need to build consensus
- Need to get constituencies on board once we're satisfied with it
- Want Selectmen and ZBA on board
- Wouldn't feel comfortable getting consensus unless we're all in agreement with what we're bringing forward
- If Section 7-12 and Section 7-16 could be done, would take the rest of the month to get them worked out; Then have meetings and then may find things are working for other influential boards
- Will feed it directly to the public

Fran Bakstran

- Those things can be happening at the same time.
- Not all that far away to get through Sections 7-12, 7-16, parking and definitions
- At last subcommittee meeting, spent almost two hours on parking issues
- Mark wanted to bring up other impacts parking will bring, but had to leave meeting
- Talk too much on what we're going to do instead of just doing it
- Went through Section 7-16 and have a number of questions on it
- Will need input from Fred Litchfield, Bill Farnsworth and Kathy Joubert on definitions
- Haven't even talked about site plan and design review

Dan Ginsberg

- Need to hear from Judi Barrett and Kathy Joubert as to what is possible for Town Meeting

Rick Leif

- In terms of going forward with some or all, what are time constraints?
- Warrant is not going to include all the wording changes to zoning
- Warrant will only say one or multiple articles that will reference sections to be changed
- Don't have to have everything done behind the scenes by mid-February
- When would we have to have final wording?

Judi Barrett

- When the public hearing is advertised

Kathy Joubert

- Selectmen and Town Administrator will want a draft hard copy beforehand
- Public hearing then done from draft
- At public hearing, may make changes if you want to
- After public hearing closes, that's the document that will go to Town Meeting

Rick Leif

- If we can, push off date as long as possible to have completed draft
- Third week in March?

Kathy Joubert

- Judi Barrett can't be there on March 20th
- May want to start the public hearing on March 6th and continue to another time in March, then close the hearing
- Could go with opening the public hearing the 3rd week in March and continuing to the 2nd week in April
- Always like to schedule 2 nights for the public hearing
- Gives you and the public a second time to make comments
- Used to close the hearing the night of Town Meeting – that's too tight
- In addition, still could have other hearings at those Planning Board meetings

Rick Leif

- How far in advance to advertise the public hearing?

Judi Barrett

- Two weeks in advance and documents must be available to the public

Don Hewey

- Documents would be actual wording of the new bylaw

Kathy Joubert

- Could go to April 3rd for second hearing, but would have to be done then

Rick Leif

- Could hold 1st meeting in March

Judi Barrett

- Would prefer March 22nd

Rick Leif

- Don't have to confirm tonight
- Would like to do hearing 4th week in March

Judi Barrett

- Concerned with pushing it off that much – will fall on me more than you

Rick Leif

- Assume that we'll do public hearing at first meeting in March

Judi Barrett

- Have public information meeting at first meeting in March
- Accomplish that and have opportunity to present what's discussed
- Won't have the legal clock ticking
- Will have sense of what's going to happen
- Will know if you're not ready
- Or maybe will feel good about going ahead
- Continue public hearing to April
- Many communities take that tact
- Not just about public information
- Should be a process of getting public input
- Respect people who say there's not enough parking
- Have to be able to have people say those things

- If approach them with package and have not given them an opportunity to change what's been written, any number of things can occur
- People can come to hear what's being thought about and give you feedback before you have the legal problems with advertising

Kathy Joubert

- Public informational meeting on March 6th and schedule public hearing for March 29th
- She will be in Philadelphia for the week of April 16th

Don Hewey

- Based on Town Meeting being the following week, will we have time to get something we have consensus on and also time to talk to people?

Fran Bakstran

- Will get consensus before April
- Informational meeting while in draft form
- Can't sell something we're not ready on
- Go to public hearing with done deal

Kathy Joubert

- Should be out talking to people to set up informational meeting in February and March

Judi Barrett

- Wrote zoning to implement Community Development Plan
- Pulled out all old files from that project
- What are we doing if we say use and dimensional regulations now?
- Point of that plan was not to liberalize use and dimensional regulations
- Really about design
- What do you want business district to be?
- Added a standard not in her previous draft
- As a planner, she says – what do I think of when I think of an attractive business area? - Not just what it looks like from the road, but green space also
- Would take open space percentage out of Section 7-16
- Can't make current parking regulations work with open space percentage
- Have to deal with parking regulations
- If not ready to look at parking regulations, leave dimensional regulations alone for now
- Could make it less economic to build and would force people into special permits
- Could take use regulations if want to segment
- Section 7-16 and parking are inseparable issues
- Take-home points to Community Development were – what kind of places do you want these to be and how do you make attractive to investors?
- If you say new constructions can't go up front, have to make it very attractive to them to come here and off-set
- They either get or don't get what parking does to a site.
- If we got to parking standards, would make it less onerous than what you have now
- If you want good things to come out of the plan, regulations have to work.
- Regulations have to make development sense.
- Got to get on the parking first – have to get resolved before discussion on Section 7-16
- Lots of parking – will have to review open space
- If its asphalt you want, current zoning bylaw will give it to you.

Kathy Joubert

- Can't give Section 7-12 to Town Meeting without dimensions

Judi

- If you want to take 7-12 to Town Meeting, separate Business B (BB) and Neighborhood Transitional District (NTD), but don't deal with dimensional.
- Amendments would be to BB, Use and Industrial regulations for NTD
- If push came to shove, look at use regulations – could massage the rest
- Strong recommendation is to take whole thing as package because it all works together.
- Everything works together, which is what was said in the Community Development Plan.
- Problem is if you take use and dimensional regulations and deal with the rest later, you don't have parking standards.
- Can't put picture up of what we want if we don't have it

Rick Leif

- What about Sections 7-12 and 7-16 with existing site plan review?

Judi Barrett

- Will need to amend site plan review to pick up Neighborhood Transitional District.
- Would have to do amending to Section 7-24
- NTD is an in-fill zone - a zone that's evolving
- NTD will have some kind of site plan review
- Only other concern is adding uses to business districts that are not there and site plan application doesn't cover those
- Need the review tool to make the product come out the way we tell people we want it – a review tool that matches reality

Rick Leif

- Your feeling is it shouldn't be separated

Judi Barrett

- Had conversations and was in agreement in principle with what you want to get to
- View of zoning is: the process has to work
- Administrative procedures have to make sense as to what you're trying to get to
- If you forego those in your eagerness to get substance to the people – if you put that out there without procedural pieces – asking for trouble
- Have already had trouble and now are at risk with the way your bylaw is set up
- Would suggest to take site plan review to Town Meeting
- Need that straightened out before you do anything else
- Take whole package – makes an honest representation
- Will maximize the probability that what you want has a chance to be accomplished

Rick Leif

- Will the Town agree to that much zoning at one time?

Judi Barrett

- Have seen it done and have seen problems with going too soon
- Examples - Town of Salisbury
 - Worked hard but weren't ready
 - Didn't have time to do public outreach
 - Took to Town Meeting and talked knowing they were going to pull out

- Made it in two town meetings
 - Passed unanimously
 - Had taken the summer to do homework
- Town of Wilmington
 - Finished new Master Plan
 - Called for Neighborhood Activity Center – called them “nodes of activity”
 - One involved area near train with industrial properties and developer who wanted mixed use
 - Town worked very hard – everyone loved it
 - Went to Selectmen and ZBA – had trouble
 - Weren’t talking about substance as much as procedural turf problems
 - Needed to work out battles
 - Board of Selectmen concerned – voted down
 - Bylaw will go back this year with Planning Board consent after damage control
 - Every town needs to find its place of peace
 - Who do you want on board?
 - Have you heard their legitimate concerns?
 - Will you make changes?

Kathy Joubert

- As a planner, it’s about process
- A level playing field – everyone follows same process
- Should focus on site plan
- Think there is a method to bringing pieces to Town Meeting
- Pieces we were going to bring are Sections 7-12, 16 and 20
- Becoming more clear we can’t break off those pieces because they rely on each other
- Site plan is its own process
- Process isn’t bad right now
- But continually hear “why didn’t they go through site plan?”
- Getting the look and feel of how people envision how this town should be developing

Rick Leif

- There’s time to focus our energy on doing that if subcommittee and planning board felt it was reasonable to take that course of action.
- Subcommittee meeting coming up on Monday
- Try in next 2 weeks to take site plan forward
- Logically we could do that
- If need something this year – leave out parking

Judi Barrett

- Can make districts but if not rules for them, what does that accomplish?

Dan Ginsberg

- Just taking Sections 7-12 and 7-16 doesn’t make sense

Fran Bakstran

- Agrees with Dan Ginsberg

Tom Reardon

- Has reviewed site plan and is very comfortable with draft written by Judi Barrett

Rick Leif

- So our options are:
 - Bring all to Town Meeting
 - Bring Site Plan Review only
 - Wait for Special TM or next ATM

Tom Reardon

- Have 4 new projects
- Applying Judi's draft to new sites
- Very workable – good for sites, good for Town and good for developers
- Comfortable with everything
- A lot farther along than our hesitations warrant
- Saw Site Plan Review and Design Review last week
- Have worked with it a lot
- Very comfortable with the documents

Judi Barrett

- She added design standards since Tom reviewed

Tom Reardon

- Don't have a sense for what the community feels
- Deals with developers
- Very favorable response from developers about changes

Judi Barrett

- If focus on site plan review, it will force those in disagreement out in the open
- If want that debate and get resolved outside of other issues, site plan review is good way to force that out in the open

Fran Bakstran

- If we do site plan by itself -
 - issues with parking won't go away
 - a year more of development that isn't in the vision of what we had in 2004
- Still in 2008 we'll have the ability to stop buildings we don't want
- Things we said in 2004 are still what we're saying now
- Not as put-off by two members of Board of Selectmen – would prefer going for everything
- Think that it is more than reasonable to get it done if we start managing time better
- Didn't need to take two hours to talk about parking
- Build consensus and move on
- We've already talked an hour about what we're talking about.
- We need to manage time better and we'll get it done

Dan Ginsberg

- Question is do we have to?
- Where is the thrust of this meeting?

Fran Bakstran

- Signed on to get this whole thing done
- See nothing that says we can't get this done

Dan Ginsberg

- Do we have enough time?

Fran Bakstran

- Yes, if we would stop spending time talking about it and just do it.

George Pember

- Don't feel pressured
- We can come with 10 warrant articles and pass on the other ones
- Keep trucking – try to get the whole thing done
- If find controversy, pass over and work on them in the summer

Rick Leif

- Multiple article approach – some made it
- Do we have zoning that doesn't work?

Judi Barrett

- Would help if Board of Selectmen works with us about sequencing of articles

George Pember

- May want site plan to go first

Judi Barrett

- Would not want Section 7-16 before parking regulations

Rick Leif

- Set up warrant articles appropriately
- Could be managed by sequence of the articles

Kathy Joubert

- Does make sense to say this is the order
- Frames what you want to be concentrating on
- Think site plan, parking, Sections 7-12 and 7-16

George Pember

- In agreement with that if 4 warrant issues - site plan, parking, Sections 7-12 and 7-16
- Leads people to think positively
- Would be in favor of that
- Agree with Fran – enough time

Bob Rosenberg

- Once we get beyond 7-20-040, interplay with this and the rest of the bylaw creates too many details to tie up.
- A complicated package to present
- Stay with site plan approval and design review – no parking

Don Hewey

- Section 7-20-040 - Yes
- Don't think we wasted time
- Planning Board makes the ultimate decision not the subcommittee

- Willing to tackle it
- Believe the order is fine

Fran Bakstran

- Didn't say time was wasted – said we spent a lot of time on it

Judi Barrett

- After last meeting, went through bylaws
- Have 209 Massachusetts bylaws on computer
- Created chart showing parking standards of MA towns (reviewed with those present)
- Will see that parking standards are all over the place
- Amherst and Beverly similar – reduce with size of building
- Little rhyme or reason to Massachusetts parking standards
- Soften blow of parking – don't have sliding scale with size of building
- Don't think Section 7-16 is that hard to resolve, but if not comfortable don't deal with it yet
- No matter who you speak with, retailers believe they need as much parking as they can get and they want it in the front of the building.
- Who's interest are we trying to serve – employers and employees in parking lots?
- Test size by how full lot is
- Day after Thanksgiving and days right before Christmas are how size determined now
- Do you want to stress asphalt or green space?
- Your decision – can't stress both
- If not ready, put it off – nothing wrong with that

Kathy Joubert

- What course of action?
- Think it's a time-management issue - whether its our meetings or personally how much people can donate to it
- If people feeling the least bit unsure of that, then we shouldn't spend time convincing ourselves.
- If not there, then don't have a lot of time to get there.
- Best use of time is to pick something.
- It would be site plan for me.
- Very excited about new districts
- Need parking, design and site plan review to go along with Sections 7-12 or 7-16
- Very happy to get site plan approved at Town Meeting
- Not leaving any of it - coming back in May to finish off the rest

Dan Ginsberg

- Will be willing to put in hours to do site plan review and work on others
- If they're ready and we can't go further, fine
- If we can do all, lets go for it if we have fortitude
- We are volunteers and have gone this far – we can go ahead
- Will require a lot of political influence and consensus-building
- Subcommittee seems to be willing
- Can't make the meeting on the 27th in the morning

Bob Rosenberg

- Dimensional Regulations - Minimum Open Space – is that new?

Judi Barrett

- Yes – first draft had it, but standard lower
- Adding in floor area ratio (FAR) is important
- They work together
- If not ready to deal with parking, let's not do it
- Lets set up work plan with eye towards the sequence of events

Fran Bakstran

- Think that's what I heard from George Pember and Dan Ginsberg
- Need to realize some things are not movable and need to go on
- Have spent time on things that could change in a year from now
- Still have time and desire to commit
- Do site plan and work our way back
- Then the sell and consensus-building
- At some point, say "this is the parking and what we believe in and you have to trust us"
- Will be built through the educational process
- Let's just do it

Rick Leif

- Start with site plan review 7-20-040
- Won't say site plan is done until we have agreement with the two boards
- Agree with what Judi Barrett has proposed
- Want to make sure ZBA agrees and their input is taken into account

Fran Bakstran

- How do we decide what goes to ZBA and Planning Board?

Judi Barrett

- SPGA varies in towns
- Sometimes BOS is also SPGA for site plan

Fran Bakstran

- Happy to know not always done one way
- As diverse as other communities

Judi Barrett

- Practice has evolved to custom everywhere
- Planning Boards do most site plan reviews in Massachusetts
- In Barnstable, all site plan review done by building inspector with site plan review board
- A matter of technical standards
- In the end, its not the site plan committee acting as a unit, it's the building inspector

Rick Leif

- Review 7-20-040 at sub committee meeting
- Planning Board also to review
- Planning Board meeting for 4th Tuesday of the month
- Two subcommittee meetings (1/22 and 1/29) before the Planning Board meeting on the 1/30
- Site plan review to extent that we are working with ZBA and others

Fran Bakstran

- After the 1/22 and 1/29 subcommittee meetings, bring final site plan review to the Planning Board on 1/29.

Kathy Joubert

- Should have Judi Barrett at first meeting
- How about a 5 pm meeting on Monday, January 29th?
- Could go from subcommittee meeting to Planning Board

Judi Barrett

- Schedule gets harder as town meeting gets closer

Kathy Joubert

- Meeting this Saturday for Planning Board and Subcommittee members from 10 am – 12 pm at Town Hall.
- Other meetings in the future are scheduled as follows:
 - Monday, 1-22 for Subcommittee and Planning Board, from 3:30 pm – 5:30 pm
 - Monday, 1-29 for Subcommittee and Planning Board, from 3:30 pm – 5:00 pm
 - Tuesday, 1-30 Planning Board meeting

Discussion: Release of executive session minutes

Bob Rosenberg wanted to have the Board discuss executive session minutes released because they are public records. Mr. Rosenberg asked that the Board review the status of executive session minutes periodically.

George Pember stated that while a case is in litigation they should not be released to the public because the opposing attorney would be able to gather information from the minutes that could be used against the town in court.

Kathy Joubert agreed with Mr. Pember and stated staff has been told executive session minutes cannot be released to the public until legal issues involved have been settled. She told Mr. Rosenberg she will check with Town Counsel to confirm this.

Adjournment: Mr. Rosenberg moved to adjourn the meeting, Mr. Hewey seconded the motion and the vote was unanimous to approve.

The meeting adjourned at 9:30 pm.

Respectfully submitted,

Debbie Grampietro
Administrative Assistant
Planning, Engineering & ZBA