



TOWN OF NORTHBOROUGH

Town Offices

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Approved 2/20/07

Planning Board Meeting Minutes January 29, 2007

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

Others Present: Kathy Joubert, Town Planner; Judi Barrett, Opportunities Group

Chairman Rick Leif opened the meeting at 5:00 pm.

Mr. Leif explained the consensus of the Subcommittee meeting to Mr. Pember.

Rick Leif

- Plan is for comprehensive approach at the 2008 Annual Town Meeting. Present all zoning articles in one year.
- Need to get everything ready by October 2007 and then spend late fall, winter and early spring with an educational campaign
- Fran Bakstran discussed a September special town meeting with a Town Administrator. Selectmen have policy that Special town Meeting are only called for in an emergency. Do not think zoning will qualify as an emergency.
- Two-pronged approach:
 - Reorganize whole bylaw to make it easier and flow better
 - A total revamping from page one – limiting substantive changes to sections already talked about
- Judi Barrett mentioned before that this approach would be beneficial when approaching rewrites of existing bylaws

George Pember

- Was one of his high priorities – to make it easier to read
- As important as substantive changes

Rick Leif

- Mark Donahue instructed Judi to do this comprehensive rewrite and subcommittee will continue to work on substantive changes
- Need to have dialog with Judi Barrett

George Pember

- Number of meetings and budget that we put together – is it OK?

Kathy Joubert

- We are within the contract at this point in the project

Rick Leif

- Need to discuss what to do with the amount of money we got from Kevin Giblin for Brigham woods project
- Half would go to this and use the other for other things
- If this project continues on on, we'll need more money

Judi Barrett

- Project will work more efficiently if you tell me what you prefer and let me start drafting – at least for purposes of getting something before you
- Substantive changes made based on Community Development Plan
- For those sections we weren't going to deal with anyway, they will be only be reformatted.
- Only area of whole bylaw that I think ought to be added to list of substantive conversation is what to do about groundwater regulations.
- Leave as they are, do another day, or deal with them?
- May be a budget issue

Kathy Joubert

- Project over \$54,000
- Have spent \$14,000 as of mid January
- Groundwater bylaw was not part of this scope

Judi Barrett

- Have left zoning rewrite money alone – a little under-billed, but we're fine

Kathy Joubert

- Did talk about reassessing if we need to go into that money
- No source to get more funding
- Town Engineer and DPW Director, who deal with and know groundwater, have talked about getting into a groundwater rewrite.
- We can start to look at it in-house
- Think it will involve company that works specifically on hydrology/groundwater
- State didn't have bylaw when we did our bylaw in 1986

George Pember

- Why doesn't Town Engineer talk with Groundwater Advisory Committee (GAC) about it?
- Keep it away from Planning Board and leave it to GAC do it.

Judi Barrett

- DEP environmental regulations apply only to zones 1 & 2

Kathy Joubert

- We've done a zone 3
- What we have and what Judi would be involved with, is the Industrial district where zone 1 was mapped in 1986.
- Every time someone wants to do something in industrial, they have to come in for a permit.
- Not the way we should be doing zoning

Judi Barrett

- Felt compelled to bring it up
- The way they delineated zone 1 is essentially what the state has zoned 2
- Do you really want to suspend local use to protect groundwater if there's no scientific basis for it?
- At some point, the town needs to look at this.

Kathy Joubert

- Have discussed this in-house
- Concluded we do not have money at this point
- Would have to plan for a budget article

George Pember

- Can we use the money Brendon Properties put up?

Judi Barrett

- Could say we're just going with the State's bylaw
- Do you understand what the impact is?
- Some industrial areas would have overlay lifted

Bob Rosenberg

- DEP looks at where the wells are today
- Some look at potential
- Don't want to confuse the issue

Judi Barrett

- That's an important point
- Think what you'll find is that this is not an attempt to say where wells can go in the future, but based on soil
- Dark blue area on map is high risk, light blue is direct influence and lighter green is indirect influence

Bob Rosenberg

- Light blue reflects potential
- Zone 1 does not represent potential
- DEP's goals and communities goals are not necessarily the same
- Can't rely on it in total

Judi Barrett

- Difference in methodology and intent of regulations

Kathy Joubert

- Want and need to accomplish what the contract encompasses with reorganization
- Didn't ignore groundwater, Wasn't intentionally dismissed – just didn't have the money
- At next meeting with Judi Barrett, Planning Board and Subcommittee will be invited to discuss policy
- Judi has Wednesday, 2/28 open

Judi Barrett

- Regarding site plan, two issues:
 - Whatever your doing, is it working?
 - How is it working?

Don Hewey

- Can't tell because we haven't had a chance to review them if they go to ZBA
- Doesn't seem that ZBA digs in the way we dig in

Rick Leif

- Need Judi's perspective
- Don't have issue bringing these things up
- Sense would be that we wouldn't have a clear direction for Judi by February 28th

Don Hewey

- Will let us know by email if ZBA is going to attend?

Kathy Joubert

- Yes, will send and email out to ZBA later on this week

Don Hewey

- Will be out of town on March 6th

Kathy Joubert

- Will need to know what the meeting is going to be in March so people know when to file by
- Tuesdays in March – the 6th & the 20th
- Don out on March 6th
- George out the following week until the 19th
- Rick out the third week – leaving the 20th
- Could meet on March 19th – will need to meet in Police Station possibly

George Pember

- Does Demolition Delay Bylaw need to come before us?

Kathy Joubert

- No, it's a general bylaw – doesn't come before Planning Board but I will provide a copy to you for your review

Rick Leif

- Will work on 4 areas of substantive changes
- Then will work on February 28th with Judi on options for policy changes and also formatting

Bob Rosenberg

- Formatting is one thing, but also need to identify policy changes
- Should be put in front of us clearly in order to move forward

Rick Leif

- May get sticky on policy changes
- May take a while to sort through all of that because
- Have personally been more reactive than proactive on Planning Board
- Have taken bylaw as a given and as issues come up, need to consider them
- Don't have a grand scheme as to where zoning in Northborough should go

Kathy Joubert

- Won't see a lot of content being changed beyond content you have already been working on.
- Sign bylaw has not been identified as needing help over the years
- Overall guiding principles have always been based on Master Plan and Community Development Plan.
- Both documents have been endorsed by the Planning Board
- Don't foresee any change to that
- Went through process with Community Development Plan
- Where changes to business and parts of site plan have come from

- Zoning bylaw rewrite/reorganization is in response to recommendations made in the Community Development Plan and the overall need to reorganize the 50-year old zoning bylaws.

Rick Leif

- Could be more to it, like changes to industrial areas
- Residential zoning will stay reasonably unchanged, but still sense there's more to it

Judi Barrett

- Everybody agrees on major themes.
- All share a sense of what we want it to look like.
- Getting there could take multiple paths
- Could say no wiggle room and create a new use district and change regulations for BA.
- Another way is to say: a lot of little lots, most people don't conform – make an overlay district.
- Then some people could say that as long as you leave BA regulations the way they are, it might be fine but we might get a big box retail.
- Simply want BA the way it is with no wiggle room.
- Can disagree on path, but want results the same
- Can get results both ways.
- May want to think of regulations as enticements rather than laws.
- If starting from scratch, seems like most people like picture presented in Community Development Plan – now how do we get there?
- Keep a use district as BA and change regulations
- May make it harder to sell but may get you to where you want to be
- Philosophy of zoning is that where possible it should encourage property owners, not discourage with regulations
- If working with communities who have had bad experience with property owners, they want regulations to be very clear
- Picture in plan not being debated – it's deciding what's the right way to get there.

Kathy Joubert

- Meeting on February 28th with Judi
- She will get policy changes before that
- Subcommittee meeting on the 2/12 – more prescriptive site plan
- March 19th – Planning Board meeting with Judi – she will get back with time

Don Hewey

- Apparent we will not take anything to town meeting
- Have had discussions about ending up with Town Meeting where we're doing nothing
- How much of a job would it be to do nothing more than put a size limit on buildings in the Industrial B until we get rid of the district?
- So townspeople would know we are working on it.
- It would be simple and meaningful and expected that this board does something after the last year and half.
- It might be moot if Stop & Shop comes back to us.

Judi Barrett

- All you would need to do is to decide square footage restriction, as an example up to 10,000 square feet by right and a structure exceeding 10,000 square feet would need special permit.
- Place restriction in use regulations

Don Hewey

- Problem we had was that Industrial B didn't allow retail use to begin with.

Kathy Joubert

- Retail is allowed in Industrial B.

Judi Barrett

- Up to a certain size allowed by right and above that by special permit – easiest way to address it now.
- Would be retaining the use and putting a cap on it.
- I can draft this amendment if you want me to.

George Pember

- A Stop & Shop reaction – to want to prove to the people in town we've heard them loud and clear.
- Doesn't bother me if we don't do it that way
- Will make a presentation saying something is coming and are doing bylaws to address those issues
- Only thing we'd be exposed to is that particular site – if Stop & Shop gets turned down and they decide not to proceed.

Rick Leif

- If judge upholds our decision after Town Meeting then Stop & Shop will appeal that decision.
- Our new regulations would hold
- If they do a new submission after zoning has changed, they would have to do under new zoning.

Kathy Joubert

- If Stop & Shop has an ANR plan then they would be protected and be grandfathered.

Old/New Business

ANR Plan for Stirrup Brook Estates: The Board signed an ANR plan filed by Bob Parente of Newbridge Homes for Stirrup Brook Estates.

Kathy Joubert

All Subcommittee and Planning Board meetings will be posted so Planning Board members can legally attend Subcommittee meetings together.

Adjournment: Mr. Hewey moved to adjourn the meeting. Mr. Rosenberg seconded the motion and the vote was unanimous. The meeting adjourned 6:19 pm

Respectfully submitted,

Debbie Grampietro
Planning, Engineering & ZBA