



TOWN OF NORTHBOROUGH

Town Offices

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Approved 2/20/07

Planning Board Meeting Minutes February 12, 2007

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

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

Chairman Leif opened the meeting at 5:00 pm

Discussion on proposed zoning amendment for IB district for 2007 Annual Town Meeting as draft by Judi Barrett. Proposes limit of 5000 square feet per retail user in the IB district.

Judi Barrett

- If want to provide some flexibility for design and footprint, don't set an absolute cap on size of building
- Floor Area Ratio (FAR) gives flexibility, may be the way to go
- Go into existing dimensional regulations – Section 7-16
- Could say non-residential uses in Industrial B will not exceed total FAR for uses by right
- Potentially exposing yourself to a lawsuit or legal challenge if FAR is too restrictive and it becomes uneconomical or so unrealistic it forces everyone to get a special permit

Rick Leif

- Re: Proposal
 - 1 – Use clause in Section 7-16-020 (or written is 7-08) Industrial B uses permitted by right – modified by Judi – limiting retail establishment to 5,000 square feet
 - 2 – Pg 29, adding to C – would talk about FAR of X % - that you could not create a structure larger than the X% and Y% by special permit
- Approach for Town Meeting – Planning Board working with Subcommittee
- A series of changes for next Town Meeting, wanted to present comprehensive reorganization
- In meantime, looked at Industrial Zone and because of its bordering residential and small commercial district, didn't make sense to have industrial zoning

- Would like to offer some zoning to manage what might go in there before whole zoning reform done
- Intention to replace this proposed zoning amendment at subsequent Town Meeting

Judi Barrett

- Definition of lot area – Limit to FAR and upland

Rick Leif

- Anyone have problem with bringing this to Town Meeting?
- Short-term changes to Industrial B

George Pember

- If it becomes residential or transitional, how much different is this going to be than what we're proposing for Neighborhood Transition District (NTD)?

Judi Barrett

- Transition is smaller but it is a mixture of commercial and residential, not industrial

George Pember

- Why don't we go for standards of NTD now?
- Whatever NTD is, address it now

Bob Rosenberg

- Business B (BB) district has uses the NTD doesn't

Rick Leif

- NTD will eliminate industrial uses

Bob Rosenberg

- If we establish a 5,000 square-foot maximum this year, but come back with a discussion of 2000 square feet, do we end up with grandfathered proposals?
- Would you go right to the NTD for that area you're talking about?

Rick Leif

- If we go to Town Meeting this year, being too small may raise some issues about what we're trying to do without being able to explain in context of the NTD .
- 5,000 square feet is a manageable size

Kathy Joubert

- Could be an issue with Attorney General that this proposal is making it impossible for someone to develop as of right in the IB district.
- Proposed a FAR of .10 is a red flag
- Proposal is too restrictive in my opinion. Need to look at entire zoning district, not just 77 Main Street

Judi Barrett

- Not recommending this approach of using FAR at this time. No study has been done to see how this would affect all the lots in the IB district. Cannot recommend this as your consultant.

Michelle Gillespie

- NTD could actually be residential as well as retail
- Presentation could be that what you're trying to do is to eliminate anything that doesn't have our vision
- Could actually be residential under new zoning
- Town Meeting would certainly bring that up

Rick Leif

- At town meeting, would talk about our vision of what we think would work well in that area – residential and small retail

Michelle Gillespie

- Housing article – putting housing near NTD
- In agreement with what we're talking about regarding 5,000 square feet for retail in IB

George Pember

- May be temporary now, but really don't know how long it's going to be
- May not get a two-thirds vote at Town Meeting and nothing will change
- Need to take a look at the long term consequences of this proposal

Kathy Joubert

- Board needs to be careful when proposing an amendment they think is temporary. Dangerous to assume future town meetings will have the outcome you hope for

Bob Rosenberg

- In regard to that project, what about grandfathering?

Kathy Joubert

- Did not locate an ANR plan from Stop & Shop in our flat files but that doesn't mean it wasn't done. Could be misfiled in another drawer. Did not check the Registry of Deeds for recording information yet.

Bob Rosenberg

- If they haven't done it already, property owner could file an ANR plan before Town Meeting
- That it hasn't been done yet is irrelevant.
- If they do, triggers two different scheduling of grandfathering
- Very symbolic – depending on what happens
- Just saying regardless of how well we craft for the community, the outcome two years from now could be totally different than anything we thought would happen.

Rick Leif

- Have responsibility to do draft and get on warrant

Judi Barrett

- Could provide you with a draft including FAR by Wednesday but do not agree with doing it this way without studying entire district

Rick Leif

- Keep proposal of limiting each use to 5000 square feet
- And add FAR of .10 as of right and .40 with a special permit
- SPGA would be Planning Board for special permit for .40

Discussion with Judi Barrett completed and Ms. Barrett left to attend another meeting.

Old/New Business

Next Meeting: The next Planning Board meeting will be held on February 20th at 6:00 pm.

Maynard Woods Agreement

Don Hewey

- He and neighbors have come to an agreement with Steve Venincasa
- Agreement has not been signed. Has 4 unsigned copies here tonight.

Kathy Joubert

- Could provide the copies to me and I'll have Mr. Venincasa to come to the office and sign it

Don Hewey

- Would rather see him sign agreement myself

Kathy Joubert

- Will schedule it as first item on the February 20th agenda and will notify Mr. Venincasa to attend meeting. Will Board also considering releasing final two lots in subdivision?

February 20th Site Plan Bylaw Presentation with ZBA

Michelle Gillespie

- Can you research other towns - are their ZBA or Planning Boards site plan authority? SPGA?

Kathy Joubert

- Preparing presentation of site plan review history in Massachusetts

- In that example, includes generally accepted practices, but not specific towns
- Will also present an overview of Northborough's site plan review bylaw

George Pember

- Even if ZBA is decision-maker, still should have technical information from Planning Board

Kathy Joubert

- Present draft from Judi Barrett contains a technical review to be done by the Planning Board

George Pember

- CVS never came back to us, they should have come back for another review before ZBA closed the hearing

Kathy Joubert

- Provided revised plans to you at last meeting, put out 5 sets of 1/15/07 revised plans at last meeting and collected 4 back after meeting
- Only one of you took the plans home

Michelle Gillespie

- Thought CVS was still in review process with ZBA

Kathy Joubert

- ZBA is special permit granting authority for this application and it's their decision to keep hearing open or close it

George Pember

- Under new bylaw, can it be stated that hearing can't be closed until technical review of Planning Board received?
- Want to be careful about reviewing plans and implication that Northborough doesn't want business
- Way to prevent business is to make applicant go through numerous boards for the same review and have them bounce from one board to another
- Must be conscious of time frames as we do this
- State's reputation of anti-business is killing people, we don't want the same perception here in town

Rick Leif

- We need to come to agreement as to how we want to see site plans in the future.
- For library, Planning Board may not be finished with review on February 20th so we could send letter to ZBA asking them not to close the hearing until we've sent comment letter

Kathy Joubert

- When a site plan is filed, Planning Board always receives copies

- Each planning board in past has handled it differently – some have had all applicants come to Planning Board, sometimes only certain applicants would be asked to attend meeting.
- Historically, Planning Board gives comments to ZBA although each board has been different in frequency and level of comments to ZBA
- Sensing some board members not satisfied with this process or how site plans are handled
- Need to discuss this now, do not wait for future meeting
- Process has been the same for as long as I've been here
- This past year is first time I've been involved in attending every ZBA meeting
- ZBA may open and close or may continue their hearings at their discretion
- If want to provide more comments to ZBA, need to be aware of their time frame and how they schedule hearings. Applicants file at end of one month to be put on the next month's agenda. Planning Board has at least one if not two meetings during that time frame to review.

Rick Leif

- Expectation was that site plan review by the Planning Board ends up on agenda

Kathy Joubert

- In the past, Planning Board has asked to put certain applications on agenda
- For future Planning Board agendas, will add site plans before the ZBA
- In the past, which applicants you wanted to come before the board was driven by the Planning Board

Don Hewey

- For CVS review, you did produce letter and Board didn't agree with the draft
- Thought we were going to have the traffic information and thought we were commenting again
- Had a problem with the memo because it was not what we wanted to say

Kathy Joubert

- No reason for me to send a memo without you telling me to send it. Would not send out unauthorized memo, serves no purpose for me to do so
- Memo was discussed at August meeting, board members stated which comment should be placed first
- At August ZBA meeting, one of ZBA members said to me that three of the Planning Board members were at the meeting and nobody offered any comments – CVS was there
- An easy remedy - will put site plans under old/new business on the agenda from now on

Rick Leif

- Will come up with a strategy as to how and when we'll provide comments

Bob Rosenberg

- During Havana Club ZBA hearing Dick Kane asked about the Planning Board's position on it and I was uncomfortable that the response was given by George Pember, as the applicant's attorney.
- George – you spoke for the Planning Board and you were there as an attorney representing an applicant

George Pember

- Will defer to Kathy next time

CPTC Annual Conference

Kathy passed out 2007 CPTC conference information

Don Hewey

Flipping through January 16th minutes I don't see comments from Bob Rosenberg about executive session minutes being released to the public.

Debbie Grampietro

Those comments were made at the January 29th meeting. I'm working on those minutes now.

Adjournment

Don Hewey moved to adjourn the meeting. George Pember seconded the motion and the vote was unanimous.

The meeting adjourned at 7:00 pm.

Respectfully submitted,

Debbie Grampietro
Planning, Engineering & ZBA