



TOWN OF NORTHBOROUGH PLANNING BOARD

Town Hall Offices • 63 Main Street • Northborough, MA 01532 • 508-393-5019 • 508-393-6996 Fax

Approved 1-8-08

Planning Board Meeting Minutes November 26, 2007

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

Others Present: Kathy Joubert, Town Planner; Fred Litchfield, Town Engineer; Bill Farnsworth, Inspector of Buildings/Zoning Enforcement Officer

Chairman Rick Leif opened the meeting at 7:00 pm.

Covenant for Brigham Woods

Kathy Joubert, Town Planner, stated the covenant for Brigham Woods has expired and the board needs to renew it. Charlie Macgregor, Brendon Properties, told her they were preparing the road for acceptance at 2008 Town Meeting. Kathy suggested to the board they grant a 1-year extension of the covenant. Brendon Properties will be requesting a bond reduction. Fred Litchfield, Town Engineer, will prepare the bond reduction and the town will retain a percentage of it. All conditions in the decision mirror the covenant. If one year is not sufficient, the applicant will have to come back to the board for another extension.

George Pember moved to extend the covenant from Brendon Properties to July 5, 2008. Michelle Gillespie seconded the motion and the vote was unanimous to approve extension.

Final review of final drafts of 7-08, Development Regulations and 7-09, Special Regulations

Rick Leif stated the Comprehensive Zoning Reorganization Subcommittee will have their final meeting on Thursday, November 29th and will finish their review of Judi Barrett's final draft of the revised zoning bylaw. The Subcommittee has had final drafts of all sections for a while and he anticipates there will be no major changes.

7-08, Development Regulations

Kathy Joubert stated there is a modified version of the sign bylaw that she and Bill Farnsworth condensed, reorganized and made a few changes to, and then sent to Judi.

Kathy explained land clearing and grading is a new section. The bylaw still has, and will continue to have, an Earth Removal Board and an Earth Removal permit procedure. It works to prevent someone from clearing a site of more than 20,000 square feet of land and then abandoning it, leaving the town with a raw site and no protection. The project would basically go through a site plan review. Before finalizing the section, the Town Engineer will review it with the Earth Removal Board. This is protection the town doesn't presently have.

Re: Page 33 d - After a brief discussion, it was decided "October" would be changed to "November".

Re: Page 33 E1- "Landowner" will be deleted and "Town Engineer" will be added after the words "Building Inspector".

Re: Page 31, 2d - Bob Rosenberg was not sure what it is accomplishing or doing for the community to have it in there. Kathy Joubert will ask Judi Barrett for clarification.

Re: Page 32, D2 - Bob Rosenberg stated he was not familiar with the standards being applied. Kathy Joubert explained the Natural Heritage program, which protects wildlife habitat and tracks endangered species on construction sites.

Re: Page 33E - Rick made a note that runoff should not be charged directly to "storm drains".

Re: Page 33, 6A - Kathy will check with Fred Litchfield on the time frame for this. Bob Rosenberg stated "seven days of final grading" could go on forever.

Re: Page 34, E3 - Regarding routine inspections, Bob Rosenberg stated he would like it to read that the applicant is responsible. Kathy stated today they have to provide inspection logs to Fred Litchfield. If there's runoff, people will call the town to report it.

Re: Page 34, #4 - Bill Farnsworth stated it should read "Town Engineer" and not "Town".

Re: Page 33 E - George Pember asked who does site inspections when it rains. Kathy responded this item is something that's done today. It's an on-going practice and discussed at pre-construction conferences. Fred Litchfield and/or Kara Buzanoski share the responsibilities, sometimes doing inspections on the weekends, too, if necessary. They will go out prior to a rain event to make sure the sites are buttoned up. If inspections aren't taken care of by the applicant, they will be in violation of the site plan approval. The Earth Removal permit is separate. Bill Farnsworth stated if the applicant is not in compliance he would issue a \$300 per day fine.

George Pember stated that, although this is part of the site plan package, it is different because noncompliance means erosion and the damage can be substantial. Erosion needs immediate action. Bill Farnsworth stated that's why a bond is posted. Bob Rosenberg stated there should be something that motivates the applicant to stay on top of it. They need to know there are consequences to failing to comply.

Kathy Joubert stated it is handled today like that. They don't need a bylaw in place to do what they're doing today. Judi included it as an added layer as more and more troublesome sites are being developed and they're bound to run into some problems with developers who may not care about compliance.

Michelle Gillespie stated Judi told them many times they should be less restrictive because being more restrictive can work against them.

Rick Leif stated that if a site is troublesome as the board goes through the process 7-08-010 is going to come into play. The Board can ask the Town Engineer to guide them on conditions they would want to specify.

7-08-020 - Site Design Standards

Kathy Joubert explained that a lot of this section is taken from the existing site plan review bylaw. It focuses on what the applicant needs to pay attention to and include in their application. Two different sections have been added - Page 36, standards for business uses and Page 38, standards for the Neighborhood Transition District (NTD). Both sections have to do with placement of buildings, location of parking and how much needs to be in those areas. It basically comes down to the look of the site. The Highway district was left out of the list on Page 36 because the subcommittee decided they were not going to dictate parking in some districts. Rick Leif stated parking regulations were in the next section.

Kathy explained the sign design standards are pretty limited in the Neighborhood Transition District because it's primarily a residential district.

Re: Page 39 - Don Hewey stated off-street parking should be in section 7-08-030. Kathy Joubert will check with Judi Barrett on this.

Michelle Gillespie stated she was glad to see the reference to non-invasive plants in the landscaping section.

Re: Page 34 B1, Stormwater runoff - Bob wanted to know who the authority is for this. Kathy stated the state tells them how to do it. She explained the town's Stormwater Management Bylaw is being worked on by other departments and boards.

Re: Page 35 5a - George stated they will need a copy of the Planning Board Rules and Regulations. Kathy stated Judi will work with the board on developing rules and regulations as part of her contract.

Re: Page 35 5a1 - Bob asked if this is saying a business use doesn't have to have a 25-foot buffer. Kathy replied the buffer still applies if the mixed use development abuts a residential district. If the lot is in the downtown business district and it abuts a residential district, there needs to be a buffer. Rick stated the second sentence seems to exempt the buffer in the downtown area. Bob stated it's probably for smaller lots. George stated he thinks the language is OK as is and the intent is not to discourage development downtown. Rick Leif suggested the point of 5a1 is to manage down buffer requirements in the downtown district. Eventually the Planning Board should say whether or not they'd like to institute buffering. They should get clarification from Judi on this. Bob asked what would prevent an applicant from developing a spite strip. Kathy stated there is nothing to prevent it and there are some in town. They are usually done to gain access to a property and there is no way to prohibit them. Bill Farnsworth stated they could add a lot-shape factor. Kathy stated there are many lots that don't have buffers. Michelle Gillespie stated they can't micromanage everything. Bob stated whatever term they're using for buffered area, for example "landscape buffer", it should be used consistently throughout the document.

Re: Page 36 iv - Bob stated it seems like they want to say a buffer around the multifamily use and the residential district, but the last sentence says "along the boundaries". It should be said in both sentences or not at all. Kathy stated she would keep "along boundaries" and clarify it in 5A.

Re: Page 36 C - George asked how this is enforced. Kathy explained the Conservation Commission has a condition that it has to go through one growing season before they'll issue a Certificate of Compliance. George asked if they would require something similar and if it

would be nothing more than an ethical or good-will obligation. Kathy replied it's something the bylaw says the applicant has to do regardless of whether or not it's a condition. Bill stated if they don't do it, then they'll be fined \$300 per day as per the zoning bylaw or they could be taken to housing court. George asked if "substantial alterations" is defined somewhere. Kathy will look into it.

Re: Page 36 C1a - George stated he has a problem with requiring the front façade to be oriented towards the street. Kathy explained the bylaw gives the applicant an out with the courtyard or prominent feature option and it says "may" be oriented, not "shall". Rick stated all this was in the Community Development Plan and meets the feeling of what the subcommittee wants for the downtown area - a friendlier, street approach. Michelle stated some lots don't work like that. Bill stated he has a problem telling people their front door has to be a certain way, what it has to look like and that they have to have a principle entry in the front. How does a building with three sides apply? In that case, there is no principle entrance. Kathy stated it goes to the question of what they want their downtown to look like. This comes from the Community Development Plan - some people will love it and some will not. In the end, a majority of Planning Board members has to agree with whatever this is going to say. There are concepts going on - the store up front, parking in the rear and front facing the street, which doesn't necessarily work all the time. Rick stated the concept is people could walk down the street and go in and out of the front doors of the stores.

Re: Page 37, 4 - Kathy stated we want landscaping in there but it can be waived. It's not requiring that 50% of the lot has to be open space and it's not just for downtown, but for all business districts - BB East and BB West also.

Re: Page 36 5c - Regarding replacement of trees and shrubs approved, Bob stated this should be changed to read "species as shown on the approved site plan".

Re: Page 36 5b - Bob stated every applicant will say there's not enough room. Don stated he likes the idea of eliminating chain-link fences. Kathy stated it's referring to a situation that's not conducive to being landscaped, like a rock outcropping. Kathy will ask Judi to work some wording in with "conducive".

Re: Page 39, D - Kathy stated this section is trying to direct applicants. Tom Reardon liked it.

7-08-030 - Off-Street Parking & Loading

Don stated he has the same issues as before. Reducing the parking size as the only standard doesn't make sense. Some lots in town conform and some don't. Kathy stated they are using the Institute of Traffic Engineers' (ITE) standard size parking space, which is 9'x18'. The biggest change in this section is the parking is not done by district, but by use, which is what the Planning Board wanted to see. Don agreed with the use concept. He stated he has not gone through and mapped out comparisons. He asked if they are all more liberal than they were. Kathy replied that she didn't have a sense of that because they've abandoned the old bylaw.

Re: Page 48, d ii A & B - Don stated A was more than 20 parking spaces, now its more than 30 and B was one tree per every 10 spaces and now its one per every 3 spaces. These are fairly significant changes. Michelle stated they are asking for trees of at least 2 inches in diameter, so they will be mature. Don stated the applicant will buy the bigger tree, but the islands they're going on are half the size and that doesn't seem to be consistent. Bill stated the Fire Chief has said as trees grow they spread out, site line is blocked and it's dangerous to public

safety. Don stated he is serious about having interior landscaping. Bob stated he thought performance standards only applied to the Industrial district and not commercial sites. Kathy Joubert stated the effects shrubs have can be very dramatic, visually blocking out parking lots. Don stated his concerns are the size of the parking spaces, the size of trees and the size of planting areas for the trees.

Re: Page 47 c i - George wanted the words "and recorded" added to the end of the sentence.

Re: Page 51 1 - Bicycle facilities: Kathy Joubert stated they would have to be centrally located or in an area that made sense. Rick stated it's not a major issue for the developer to put in a bike rack.

Re: Page 42 c - Don stated he was curious as to why zoning has changed in other districts but not in industrial. Rick said the subcommittee's thought was that the industrial zones are out of the way, on the outskirts of town and the amount of pavement isn't as big a deal as it is in the business zones. Kathy explained Judi didn't reduce the space standards, the ITE standards have changed and what Judi put forth is the industry standard today. Rick stated open space requirements help to reduce pavement. Don said he doesn't understand the basis of the reductions. Bill explained that on Forbes Road and Bearfoot Road a lot of parking areas are based on the square footage of buildings. Those buildings were originally for storage and now they have too much pavement. If they feel they don't have enough parking now, they'll come back in for a review. Rick stated the object is to build with less asphalt.

Signs

Kathy stated she, Judi and Bill worked on the changes to this bylaw. There were some questions about the size of signs in the highway district. They have taken out the exception throughout the bylaw, allowing people to have two free-standing signs, but the total of the two signs can't exceed the size of the one sign allowed. Bill explained the language has changed relating to signs for a second direct access other than those facing the street. Judi will make a change to the exception wording on page 57.

Michelle asked if the lighting of signs is addressed. Kathy explained they did not include a requirement that signs have to be externally lit. George asked if that might be something to put in design review standards. Kathy stated illuminated signs are not allowed in the residential districts. The Design Review Committee has asked applicants for signs to be externally lit. The bylaw can be written either way. Michelle stated she would like to have a future discussion on this. Bill stated it's important to ask where they're being placed and what is their purpose? Is the size appropriate? Does it block traffic? Is it too small, so drivers slow down too much in order to see them?

Re: Page 54 D3 - Don said to change B5 to C5.

Re: Page 59 1b - Michelle asked for clarification of 1b which states a real estate sign shall advertise only the premises on which it is located. Kathy stated it means it can only advertise the property it's on. Michelle asked about one-day sale signs. Bill stated there is no such thing as a one-day sale. Some temporary signs are up for years. Kathy stated some businesses have light boards and they just keep erasing and changing them. Bill stated he can't do much about them. Kathy explained that Bill will write the business owner a ticket, but nothing happens because the owner will go to the Board of Selectmen and complain about it.

George wanted to know if a person would have to get a permit every time the wording on a sign changed. Bill stated every time the business name changed they would need a permit. A

sign for a new business requires a permit. George stated it shouldn't make a difference if the wording is different and said he was not happy with it.

Re: Page 53 B3 - Rick asked Bill if he has had any problems with this. Bill said he hasn't had any objections to the regulation or interpretation of it in 15 years. He stated signs are covered under the building code. Bob stated it should be left in if other towns do it.

Rick explained the final version of the bylaw by the subcommittee was not necessarily going to be the Planning Board's version. If the Board takes 3 hours on one section, it's not going to be done in time to bring it to town meeting. Kathy stated the only section the Board hasn't gone over in depth is 7-09. A joint meeting of the Planning Board and ZBA is scheduled for December 11th for Judi to do an overview of the bylaw. She will go through each section and talk about what it entails. At their meeting tomorrow night, ZBA will go through some of the sections. They'll need to understand where the questions are coming from. Michelle stated minor word edits should be sent to Kathy by email ahead of time. They need to utilize Judi and Kathy in order to manage the process, otherwise they'll spend hours and hours on sections and the new bylaw will never get to town meeting. High-level issues should come back to the board. They have to move on time-management issues in order to get to town meeting.

Kathy explained Judi will make all changes and corrections after the last subcommittee meeting on November 29th. She will also produce an annotated version. It has to be ready to go to the Town Administrator by the middle of February.

Rick stated they need to do public education and have to resolve conceptual issues beforehand.

Old/New Business

Maynard Woods well update from Don Hewey. Settlement agreement reached by all three parties (Hewey/Raye, Gordon's, and Steve Venincasa) and extension of time granted by the two parties to Steve Venincasa. Mr. Venincasa will come to next board meeting on December 3, 2007 and provide completed signed agreement.

Meeting adjourned.

Respectfully submitted by,
Debbie Grampietro
Administrative Assistant
Planning Department