



# TOWN OF NORTHBOROUGH

Town Offices

63 Main Street

Northborough, Massachusetts 01532

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Approved 7-17-07

## Planning Board Meeting Minutes June 5, 2007

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

Others Present: Kathy Joubert, Town Planner

### Election of Officers

- Chairman - George Pember nominated Rick Leif, Don Hewey seconded
  - Vice Chairman - Bob Rosenberg nominated George Pember; Rick Leif seconded
- The Board voted unanimously to approve.

### Committee Appointments

Current Committee Representatives:

- Open Space Committee - Don Hewey
- Groundwater Advisory Committee - George Pember
- Design Review Committee - Michelle Gillespie
- Housing Partnership - Rick Leif
- CMRPC - Bob Rosenberg
- CPC - Bob Rosenberg

Bob Rosenberg moved to approve the Committee Appointments with all members continuing in their current appointments. George Pember seconded the motion and the vote was unanimous.

### Discussion RE: Joint Meeting with ZBA on June 12<sup>th</sup> and new section 7-10

#### Rick Leif

- Next Tuesday night Judi Barrett will be at the joint meeting of the Planning Board and Zoning Board of Appeals to facilitate the discussion on Section 7-10.
- Re: Section 7-10, Site Plan Approval - will be one-stop to either Planning Board or ZBA
- Subcommittee heading towards:
  - ZBA as Special Permit Granting Authority (SPGA) for residential projects
  - Planning Board as SPGA for Downtown District, Business B East, Business B West and Neighborhood Transition District

#### Kathy Joubert

- For filings needing multiple permits, procedure will be the same as today
- Applicant will file with all necessary boards

- Most likely Applicant would go to ZBA for variance first

**Rick Leif**

- According to decision criteria on Page 8 - "Any variance needed from ZBA would be granted" - condition for site plan review approval
- ZBA would perform site plan approval for Highway District, Industrial and Residential districts
- Main thought process was that subcommittee is doing restructuring of downtown, business and transitional district and this follows the idea/plan for that area
- When looking at residential zones, site plan reviews are for exceptional uses, things significantly different than what you have in residential zones
- Filings that are exceptions to zoning go to ZBA for special permit
- No zoning changes proposed for highway district or for industrial district
- Where special permits granted in Industrial, those are usually exceptions and ZBA would review site plans

**Don Hewey**

- Would A. Duie Pyle have gone to ZBA under proposed new zoning?

**Rick Leif**

- Under this new proposal they would
- Discussion with subcommittee focused on NTD, BB East, BB West and Downtown
- Small amount of time spent talking about Highway and Industrial

**Don Hewey**

- Residential makes sense to me, but not sure about Industrial re: parking
- We've been working on parking as a board and not sure ZBA really understands parking

**Bob Rosenberg**

- Re: ZBA and big projects - ZBA looks at abutters in the room and makes their decisions based on what abutters want
- No abutters to projects in Industrial districts
- No abutters will step forward and speak up against
- Don't think industrial will be served well
- Also, ZBA only meets once a month - will delay projects and hold up applicants
- Section doesn't even address who will be issuing special permit for site plan

**Rick Leif**

- Appears to be consensus of Board that Planning Board should conduct site plan reviews for industrial development as well. Residential to be done by ZBA. Will give this feedback from the board to subcommittee by next week.

**Michelle Gillespie**

- Two other Planning Board members have not given you input
- Think this is an open discussion we should have next week with the ZBA present

**Rick Leif**

- When site plan review with special permit is needed, the board who grants special permit will do site plan review

- Saying that typically you don't do site plan review in residential zones
- Current thinking of site plan review and special permit for all business is by Planning Board
- Site plan and site plan review for Route 9 and Industrial is ZBA
- Bob and Don raised points where it could make sense to have the Planning Board do it

**Kathy Joubert**

- Current bylaw is Planning Board conducts site plan approval for industrial development
- Subcommittee recommends special permits and site plan approval for industrial district be performed by ZBA
- Should be discussed here and with subcommittee

**Michelle Gillespie**

- Don's reason is because Planning Board is working on parking?

**Don Hewey**

- Just a piece of it and working on it in the regulations

**Michelle Gillespie**

- And Bob's is about abutters and frequency of ZBA meetings?

**Rick Leif**

- Yes, they only meet once a month

**Michelle Gillespie**

- They worked on The Loop, didn't they?

**Kathy Joubert**

- Yes, they were on a specific schedule

**Bob Rosenberg**

- Didn't they work on The Loop because they had to do a comprehensive permit?

**Kathy Joubert**

- The applicants (Brendon Homes and Wilder Companies) for the retail development filed for a use variance for the property to be used as business B and requested the parcels be treated as BB for the process.
- Avalon Bay filed for a 40B for a portion of the site.

**Don Hewey**

- Under new zoning, they would grant the variance and then it would come to Planning Board?

**Rick Leif**

- If it didn't need a special permit, then Planning Board would do site plan review
- Planning Board would be required to make sure they had the variance they need from ZBA

**Kathy Joubert**

- Again, it just makes sense they would get the variances they need prior to going forward

**George Pember**

- In theory, they could come back later for a variance
- I'm on the fence about whether it should be Planning Board or ZBA for industrial district site plan review
- Kathy's input about The Loop project, would suggest they have the desire to meet more than once a month if needed
- But, as Bob said, they tend to be guided by members of the audience
- If there's a big stink about a project, the ZBA tends to vote against it
- That's not planning

**Don Hewey**

- That's true for residential, but not for Industrial

**Rick**

- Ultimately subcommittee will recommend what it wants to recommend
- Then we'll have the joint meeting

**Don Hewey**

- Thought it was a good document in general

**Kathy Joubert**

- Subcommittee said it was ultimately up to the two boards to decide who should conduct site plan reviews
- Re: The Loop project - largest project this community has seen, not only in land acreage but also in square footage of buildings, number of residential units, and traffic volume
- Majority of people in the audience opposed the development. They voiced their opposition at the hearings, wrote letters, made telephone calls and when it came to the ZBA voting on the proposal, the board voted to approve it. The ZBA almost met more than monthly to conduct the public hearings for this development and also devoted specific agendas to only these proposals.

**Bob Rosenberg**

- There were no Northboro abutters - only Shrewsbury abutters
- ZBA had no counter-balancing - no direct abutters

**Kathy Joubert**

- Abutters from Northborough were there who were against it and ZBA did not turn it down

**Michelle Gillespie**

- Yes, John O'Mara for one.

**Rick Leif**

- Planning Board needs to stay away from personalizing and saying we don't like the way you do business as a board

- When you look at the kind of things you need special permits for, in BB East, BB West, Downtown and Neighborhood Transition District, they are same kind of things
- Special permits in Industrial zones are things that are different than what's allowed in there by right
- If we agree on this philosophy for who does what, how does it fit in the basic philosophy?
- How does Planning Board play out existing zoning in a reasonable way?
- Need to focus on these things for the joint meeting with ZBA
- We need to focus on what the Planning Board wants to do and ZBA ought to do
- Need to stay away from some of the less philosophical things

#### **Kathy Joubert**

- Subcommittee reviewed special uses and what board should issue them based on the special permits being issued as an exception should be the ZBA and special permits which were part of the overall planning picture and achieved the overall goal of developing the business districts should be issued by Planning Board

#### **Don Hewey**

- For instance, groundwater would flow in this direction based on that description?

#### **Kathy Joubert**

- Subcommittee hasn't gotten to groundwater yet

#### **Rick Leif**

- Need to review Section 7-10 in detail

#### **Don Hewey**

- Interested in decision criteria on page 7
- Spent year dealing with site plan because we "shall" approve it
- Any ability to deny?
- Also Decision Criteria, (b)(1), infers that those things would require input from the Conservation Commission

#### **Rick Leif**

- Re: site plan approval - Judi has said the way the state statute is set up, it's either approved or approved with conditions
- Our site plan bylaw will never say there are conditions for denial, except for lack of information needed to make decision.
- There is that one thing - a smidgeon of case law - where we could say we don't think any conditions could offset the negative effects - probably odds are one in a million. With Stop & Shop, we chose to issue the denial due to lack of information to reach a decision

#### **Don Hewey**

- On page 6 - B(1) "submission of complete site plan application" - what does that mean? What does complete site plan mean?

**Kathy Joubert**

- If any question about a submission being complete, Town Clerk will call staff (myself or Bill Farnsworth)
- Most often staff reviews plans before applicants submit them.
- Burden is on the applicant to make sure application is complete.

**Don Hewey**

- Page 9 - please explain F(2)(a) regarding point person for Site Plan Review Committee

**Kathy Joubert**

- How Judi originally had it was that every application comes through Building Inspector. Mr. Farnsworth wanted to change it to the applications coming to Planning but we discussed it further with Judi and decided it needs to be Building Inspector as point person to get Site Plan Review Committee together

**Rick Leif**

- Basically site plan approval done for all non-residential applications and size depends on if it goes to Site Plan Review Committee or Planning Board

**Don Hewey**

- Decision criteria - number of trees removed - same wording that's in subdivision rules and regulations about trees?

**Kathy Joubert**

- Yes, same type of thing
- It's in the subdivision rules and regulation and also in the scenic road bylaw
- In subdivision regulations its planting trees of a certain size
- Board decisions would contain details about landscaping

**Don Hewey**

- Agree with taking out single reference to a 6-inch diameter tree
- Wanted to make sure I was on the right track

**Rick Leif**

- Bob Rosenberg - sent sample bylaws from the Citizens Planner Training Collaborative (CPTC)
- All had to do with situations when ZBA was SPGA and Planning Board doing site plan review
- With way this is coming across, is that moot point?
- To Bob: Do you agree with the proposed wording of 7-10?

**Bob Rosenberg**

- Yes, strategy being pursued is to keep the two together at all times

**George Pember**

- Would like to see the minutes for this meeting before going to joint meeting

**Rick Leif**

- Next subcommittee meetings are on June 19<sup>th</sup> and July 2<sup>nd</sup>

- Three sections that will have to be pulled out and have separate joint meetings on: 7-04, 7-10 and Schedule Of Dimensional Requirements
- These will have to be done simultaneously
- Eventually we will have to look at the whole new zoning bylaw to make sure something didn't get dropped
- Ultimately we are responsible for the zoning

#### Old/New Business

##### Update re: Newton Street Scenic Road decision

The board reviewed a letter from Bill Farnsworth, Zoning Enforcement Officer, about the stone wall.

##### Don Hewey

- Doesn't seem like Bill is talking about the same part of the wall as I was.

##### Kathy Joubert

- Went with Bill twice to inspect the wall
- Confusion has to be how Bill has worded it
- We had the plan out and measured according to the plan
- Aware that what was removed was the one he originally asked for and to which Board has said no

##### Don Hewey

- Don't think Bill can address that with the occupancy permit
- If he can hold him up from finishing that one until he puts the wall back together, that would be nice.

##### Kathy Joubert

- Ziad Ramadan is working on an ANR plan for that additional lot.

##### Rick Leif

- Would like an update as to what's going on up there for our July meeting

##### Memo from Kathy Joubert Re: Zoning approved at Town Meeting

Kathy Joubert distributed a memo she had written for the Board. She explained that every year she prepares a packet for the Attorney General with documents included in the process for presenting zoning amendments at town meetings. This year, when preparing these documents, she was unable to find a copy of the tear sheet for the legal advertisement which was supposed to be in the March 26<sup>th</sup> edition of the Worcester Telegram & Gazette. (The tear sheet for the first printing of the notice, on March 17<sup>th</sup>, was in the file.) She contacted the legal advertising office of the newspaper and asked to have a copy sent to us. Three weeks later, a staff member of the Telegram & Gazette called the Planning office and stated they had never printed the second hearing notice. Kathy stated she then called the Attorney General's office and was told that, once they receive the packet from the Town, they will send her back a notice saying the filing has a procedural defect. Then she will have to re-advertise the notice in the paper. If anyone notifies the town that they are aggrieved by the procedural defect, the amendment would have to go through a town meeting process again.

**Contract Extension for Judi Barrett, Consultant for Comprehensive Zoning Reorganization Project**

Kathy Joubert explained she has a given letter to the Town Administrator requesting an extension for additional hours for Judi Barrett, Communities Opportunity Group, to work on the Comprehensive Zoning Reorganization project. The extension, calculated by Judi, included additional meetings & work totaling approximately \$3500. The total expenditure for this project will be approximately \$57,000 and Judi's services will run through 2008 Town Meeting.

The Board expressed an interest in opening up discussions again on what they would like to do with the funds remaining after this project has been completed. Kathy has a list of original requests for funding and will supply the Board with this information at the next meeting.

**Annual Dinner for Central Mass Regional Planning Commission June 14<sup>th</sup>**

Members will let Kathy know if they want to attend.

**Maynard Wood Well Testing - Letter from Steve Venincasa**

**Kathy Joubert**

- Just received letter today. Letter says well testing done and, based on test results, no significant change from original test in May 2003
- Have not compared these test results to previous tests. Will have Board of Health agent do so for upcoming meeting.

**Don Hewey**

- Wife's agreement was that there was no change from the test run in February or March of this year. From the last test, the change was very much present
- If Mr. Venincasa is saying there was a change and everything's OK, then that's not right.
- Tests identical to the last one February

**Committee Reports - Kathy Joubert**

- Housing Partnership has met again
- Open Space Committee meeting on Thursday, June 14<sup>th</sup> to talk about a revised game plan for additional money and to make recommendation on Borgatti property

**Planning Board Next regular meeting: Tuesday, July 17<sup>th</sup>**

**Adjournment:** Don Hewey moved to adjourn the meeting. Michelle Gillespie seconded the motion and the vote was unanimous. The meeting adjourned at 8:30 pm.

Respectfully submitted,

Debbie Grampietro, Planning & Engineering