



TOWN OF NORTHBOROUGH PLANNING BOARD

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Zoning Board of Appeals on 8/26/08
Approved by the Planning Board on 9/2/08

Planning Board and Zoning Board of Appeals Joint Meeting Minutes June 24, 2008

ZBA Members Present: Richard Rand, Chairman; Mark Rutan, Clerk; Richard Kane; Sandra Landau, Alternate; Gerry Benson, Alternate

Planning Board Members Present: Rick Leif, Chairman; Robert Rosenberg; George Pember; Daniel Lewis

Others Present: Bill Farnsworth, Building Inspector; Elaine Rowe, Board Secretary; Fran Bakstran, Board of Selectmen; Judy Barrett

The Joint Meeting of the Zoning Board of Appeals and Planning Board was called to order at 7:54PM.

Chairman Leif explained that a public information meeting had been held on June 19th for those owning property in the proposed Neighborhood Transition (NT) District. He noted that, though the turnout was light, those who did attend openly expressed their opinions. He invited Ms. Barrett to comment on the meeting and some of her recommendations based on those comments.

Chairman Leif noted that there seemed to be considerable concern about multi-family housing units being allowed. In addition, concerns were raised about the potential for the tear-down of historical structures in order to develop multi-family units.

Chairman Leif also discussed the proposed boundary of the NT District and the possibility of expanding it to the south side of Main Street. He noted that most people along the south side voiced a desire to be included. Robert Rosenberg commented that applying the NT District to only one side of the street would change the character of the neighborhood and the owners on the opposite side of the street would be penalized. Chairman Leif stated that most of the discussion at the public meeting centered on these topics, and noted that Ms. Barrett has offered some alternatives since that time.

Ms. Barrett stated that several people living in this area of town already have apartments in their homes. She noted that the concern regarding allowing multi-family was not so much about the presence of multi-family units but more about the number to be permitted. She also stated some people had a concern that allowing multi-family housing could result in the tear-down of beautiful historic homes in order to replace

them with multi-family developments. She agreed that it is critical to prevent excessive re-development, and noted the following potential solutions:

- leave as general residential and not allow multi-family dwellings at all.
- leave as general residential and allow a small overlay (specifically the lots with frontage on Main Street and the triangle down Summer Street where 2-family and multi-family already exists)
- allow small multi-family dwellings (up to 4 units) and allow only for conversion with a limit on the amount of expansion allowed to an existing structure.
- create a separate district to provide a small gateway into downtown where multi-family units of up for 4 units or other types of home occupation rules (like those being applied in the NT District) could apply.

Ms. Barrett note the importance of finding a compromise between fair concerns that were voiced and accomplishing the objectives from a planning standpoint.

Mr. Rutan asked what would prevent someone from building a 4,000 square foot house and a year later applying for a permit to convert it to a multi-family. Ms. Barrett suggested that the bylaw could include a limit on the age of the structure being converted, but commented that the town should not attempt to use zoning to accomplish what should be done with the Historic District. Mr. Rutan voiced his opinion that there needs to be a firmer definition of “existing structures”. Mr. Farnsworth suggested that the bylaw could stipulate existing structures as those that have been occupied for five years or more.

Chairman Rand voiced agreement with Ms. Barrett’s proposal for the creation of a separate district. Mr. Benson agreed that it provides a reasonable compromise.

Mr. Rosenberg voiced his opinion that using streets as boundaries still poses a problem, specifically since the opposite side of the street would then have differing uses allowed. He also noted a problem with applying NT in this area. He voiced his understanding that the NT District was crafted to maintain conformance of the West Main Street businesses, and that applying NT to the downtown area will simply turn Main Street into West Main Street. Mr. Rosenberg suggested moving this area back to the Industrial B District and inventing the new area at another point in time.

Mr. Farnsworth voiced his impression that there is a great deal of focus on the concerns of the woman who owns the antique store. He noted that, if the new bylaw prohibits the use in a separate structure, we are still not allowing her use. Ms. Barrett commented that she believes that the new bylaw does allow for it. She reiterated that she is trying to balance the concerns voiced with the planning principles that are trying to be achieved, and asked for some direction as to how to move forward.

Chairman Leif commented that the residents affected would be supportive of pulling the NT District back to where the IB zone is with some minor tweaking. Mr. Pember suggested that he would like to see the proposal on paper and the corresponding map that goes with it.

Ms. Landau asked for clarification of Ms. Barrett's meaning of an overlay. Ms. Barrett stated that an overlay is a property in which two sets of zoning regulations apply (a mapped zoning district). Chairman Leif voiced his impression that board members would like Ms. Barrett to draft an overlay district. The members were polled and the vote was 8 in favor and one opposed (Robert Rosenberg) to authorizing Ms. Barrett to draft an overlay district for consideration.

Chairman Leif suggested moving forward through the list of comments that were previously submitted by the various board members. Mr. Rosenberg voiced concern that there is no ongoing performance standard in the proposed zoning bylaw. He suggested that the boards either need to decide that we will have no environmental performance standards and eliminate them, or specify what they are and be consistent. He reiterated that there is a good amount of material in the bylaw that has been totally eliminated in the current proposal. Ms. Barrett noted that the content has not been totally eliminated but has been moved elsewhere. She explained that the consensus on the subcommittee was that everything that the town attempted to regulate in the environmental standards is already regulated by another bylaw, board, or agency. She also stated that there were further concerns about the town not having the ability to enforce many of these standards. Ms. Barrett voiced her opinion that everything in the performance standards is already regulated elsewhere, but she agreed to add it back in if so desired. Mr. Farnsworth agreed that most of the standards are regulated elsewhere, and voiced concern about confusion and difficulty with enforcement that can arise when there are conflicting regulations.

Mr. Rosenberg stated that authors of these other regulations may not be as logical or community-friendly as our own local regulations would be, and noted that he is not in favor of deleting the environmental standards from the zoning bylaw. Mr. Farnsworth reiterated that the zoning bylaw needs to be enforceable and understandable. Mr. Rosenberg voiced his opinion that the environmental standards have more to do with quality of life than with dimensional regulations.

Chairman Leif asked for input about this matter from other board members. Mr. Kane agreed with Mr. Rosenberg's position that they should be included in the zoning bylaw. Mr. Benson commented that having them in the bylaw gives the town some extra protection and better leverage. Mr. Farnsworth cautioned the board members to be careful about what is written.

Ms. Barrett agreed that it would be fine to leave the standards in the bylaw, but called attention to section B5 in the existing environmental standards. She explained that there are extensive site design standards provided elsewhere, so it is not necessary to include them in the environmental standards.

Ms. Landau voiced agreement with Mr. Farnsworth's concerns about not overburdening the issue of enforcement, but she also agreed that the community is more concerned about environmental issues that affect the quality of life than with dimensional issues. Mr. Farnsworth requested that careful attention be given to ensure that the new document is worded correctly, for both compliance and enforcement reasons.

Chairman Rand and Mr. Lewis both agreed that the environmental standards should be put back into the bylaw as applicable. Ms. Barrett agreed to ask Ms. Joubert to draft a grid to check for any potential conflicts between the zoning bylaw and other regulations.

It was agreed that the consensus among the board members is to have Ms. Barrett restore the performance standards, in a cleaned-up fashion, with the exception of section B5.

Mr. Rosenberg addressed the issue of drive-through facilities and noted that they are regulated for food service but not for retail businesses. He voiced concern that drive-through facilities change the character of the area in which they exist. Ms. Barrett explained that other communities have allowed them with the stipulation that they must be located at the back of the building. They can also be allowed under special permit only, as a means of maintaining control over their locations. Chairman Leif polled the board members for their input. Chairman Rand expressed a desire to have some type of regulation applied to this type of business. Chairman Leif voiced his desire to see them prohibited in the downtown area. Members of the two boards agreed, with the exception of Chairman Rand who suggested that they be allowed in the Highway District by special permit only.

Chairman Leif made a motion to not allow drive-through facilities of any sort in the downtown area, and to allow them in other business districts (including Highway District) by special permit only. Gerry Benson seconded, vote was 6 in favor and 3 opposed. Mr. Pember noted that the ultimate decision for any given business should be based on the potential impact to pedestrians, traffic, issues with queuing, etc.

Board members addressed the issue of gas stations, and it was noted that gas station use is expanded in the business district under the proposed revisions. Mr. Rosenberg commented that the zoning was changed to prohibit gas stations in the downtown area, based on the pedestrian-friendly goal for that area. Ms. Barrett commented that, in order to get gas stations out of the downtown area, the town needs to provide a desirable place for them to go.

Mr. Rosenberg commented that the existing downtown gas stations will likely stay put, and posed the question of whether this use should be allowed in Business East and Business West. Mr. Benson voiced his opinion that new gas station developments are aiming for the mega-pump, mini-mart formats, which require larger properties that do not exist in the downtown area. Chairman Leif voiced his opinion that gas stations should be permitted only in the Highway District. Board members agreed that gas stations should only be allowed in the Highway District or by special permit in Industrial B.

Next Joint Meeting – Members of the ZBA and Planning Board agreed to hold another joint meeting on July 22nd, beginning at 7:30PM. Chairman Leif asked Ms. Barrett to try to move forward with what was discussed this evening.

Review Minutes of the Joint Meeting of June 3, 2008 – George Pember requested the following edits to the minutes:

Page 3, middle of page – amend “lead” to read “led”
Page 5 – amend “BB East” to read “BB West”

On behalf of the Planning Board, George Pember made a motion to accept the Minutes of the Joint Meeting of June 3, 2008 as amended. Robert Rosenberg seconded, vote unanimous.

On behalf of the Zoning Board of Appeals, Richard Kane made a motion to accept the Minutes of the Joint Meeting of June 3, 2008 as amended. Mark Rutan seconded, vote unanimous.

The Joint Meeting adjourned at 9:45PM.

Respectfully submitted,

Elaine Rowe
Board Secretary