



# TOWN OF NORTHBOROUGH PLANNING BOARD

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Approved 2/7/08

## **Joint Meeting of the Zoning Board of Appeals and Planning Board Meeting Minutes January 16, 2008**

**Zoning Board Members present:** Richard Rand, Chairman; Mark Rutan, Clerk; Richard Kane; Sandra Landau, Alternate; Dan Ginsberg, Alternate; Gerry Benson, Alternate

**Planning Board Members present:** Rick Leif, Chairman; George Pember; Robert Rosenberg; Michelle Gillespie

**Others present:** Kathy Joubert, Town Planner; Bill Farnsworth, Building Inspector; Elaine Rowe, Board Secretary; Judi Barrett, Consultant; Fran Bakstran, Board of Selectmen & Zoning Subcommittee

**Chairman Richard Rand called the meeting of the Zoning Board of Appeals to order at 7:10PM.**

**Chairman Rick Leif called the meeting of the Planning Board to order at 7:10PM.**

Ms. Joubert explained that, at their meeting of January 8<sup>th</sup>, the Planning Board discussed comments that had been received since the last joint meeting. Based on comments raised at the last meeting, it is clear that there are some philosophical questions about what direction the town is taking as far a development.

Ms. Joubert also discussed suggestions made at the last joint meeting regarding zoning of the southwest corner where The Loop project is now underway. Ms. Joubert stated that, given the development that is now occurring in that area of town, she believes it would be very beneficial to have Ms. Barrett a fiscal and land use analysis. It is also important to determine how much sewer and water capacity will be available in the area before making a final decision about rezoning.

Ms. Joubert stated that, though it will not be addressed tonight; there is still a question about the Special Permit Granting Authority and Site Plan review processes. She also explained that, based on questions and comments received since the last meeting, the Planning Board has voted to postpone bringing the zoning revisions to Town Meeting in 2008 but is committed to having it ready for Town Meeting 2009. The goal now is to put together a schedule to keep the project on track to be ready for Town Meeting 2009.

Ms. Joubert explained that the purpose of tonight's meeting is to review comments and questions raised since the last meeting, and to get all concerns and issues on the table tonight. She noted that all board members had received a revised packet, which addresses all comments that were received by the submission deadline of January 7, 2008 that was agreed upon at the last joint meeting.

Chairman Leif commented that the Planning Board is of the opinion that there is still a good deal of work to be done to get the bylaw to a point where it needs to be. They believed that the process would be too rushed in order for it to be ready in time for the 2008 Town Meeting. He encouraged everyone to raise all comments and questions now so that we can get a good indication of how much more work is needed. Ms. Barrett explained that the draft dated December 17<sup>th</sup> was in response to all comments received by the December 11<sup>th</sup> deadline.

Chairman Leif noted that the next draft document should incorporate historic comments and any other issues that come out of tonight's meeting. Once that document is completed, the next step will be to spend time reviewing it in a sufficient level of detail to be sure that everything is adequately covered. Ms. Barrett noted that some changes are technical in nature while others relate to policy, which will have to be decided on by the town.

Chairman Leif reiterated that the purpose of tonight's meeting is to have Ms. Barrett lead us through some of the more conceptual comments and changes and see where the two boards stand on reaching an agreement, with the ultimate goal being to arrive at a final draft to incorporate all comments and changes to date.

Ms. Bakstran asked if the two boards or the Planning Board alone will guide the process moving forward, and if the subcommittee will be re-engaged to address some of the resulting changes. Chairman Leif voiced his opinion that the subcommittee had been successful in achieving their objective, and noted that it was always assumed that the ZBA and Planning Board would pass final judgment about the resulting document. He expressed his desire for the majority of the revisions to be accepted as presented, but agreed that it may make sense to reconvene the subcommittee in order to discuss the rationale used to reach some of their conclusions if there are any major changes to be made. Chairman Leif stated that the subcommittee's input needs to be considered before a major change is made. Ms. Bakstran voiced her opinion that this would be critical, especially if the boards will be seeking the subcommittee's endorsement of the final document.

Mr. Ginsberg was uncertain about the subcommittee's future involvement in the process, and was concerned that there was a great deal of work done that now appears to be in jeopardy of being dismissed. Ms. Bakstran echoed similar concerns about the subcommittee's 15 months of work that might be unrecognizable by the time these two boards complete their review and revision process. Chairman Leif stated that the expectation was always that these two boards would have the opportunity to read and respond to the document. Though the timing did not allow for the proposal to be ready for Town Meeting 2008, he does not wish to see the boards relax now, only to find ourselves in the same position next fall.

Mr. Ginsberg asked if the subcommittee should be re-established. Chairman Leif reiterated his opinion that the subcommittee's opinion would be valuable. Mr. Kane agreed, and noted that the subcommittee has done a tremendous amount of detailed analysis and should be retained as a resource going forward.

Chairman Leif reiterated his desire to get all input and feedback on the table by the end of tonight's meeting. Mr. Kane stated that some town residents have asked him if anyone has analyzed what the town will be left with once all of the proposed changes have been made. Chairman Leif noted that the emphasis of the Town Meeting presentation would be to address that. Ms. Barrett voiced her opinion that it would also be helpful for people to see what the town would become without any of these changes. She stated that talking about the resulting physical form and operation of the town without comparing it to what exists today could result in people being misinformed. Mr. Kane agreed that it is important for people to understand both scenarios. He believes that, as long as we can show that we are making a significant improvement, we will be able to gain support for it. Chairman Leif agreed that it is important to ensure that the town's residents understand the benefits of the proposed changes.

Ms. Joubert stated that the two boards need to determine how we are going to move forward with addressing the comments and concerns, and whether issues will be resolved through consensus, majority vote, or some other form. Regardless of what the boards decide, there needs to be some finality to all of these discussions.

Ms. Barrett stated that the two boards need to agree on how decisions are going to be reached. The members that were present suggested that a majority vote of all 11 members present would be the best way to reach a decision. Mr. Rosenberg did not feel that any voting was yet warranted, and voiced his opinion that it would be best to first get the concept issues on the table. Ms. Barrett reiterated her opinion that the two boards need to decide, before there is a disagreement, how such disagreements will be resolved. Chairman Leif commented that the purpose of tonight's meeting is to talk about the larger philosophical issues. Ms. Landau voiced her opinion that people are primarily concerned with the issue of the Special Permit Granting Authority, and this is likely the only real area where it will be board vs. board. Other than that, she feels everyone will vote as individuals with no agenda or affiliation to decide what is best for the town.

It was agreed by the members present that issues would be settled via majority vote.

Ms. Barrett suggested that it would be helpful to hear from everyone who has not yet offered comment.

Mr. Farnsworth stated that his role is not to decide on or comment on philosophical issues, but to balance the zoning bylaw with the state building code. As the town's enforcement officer, his role is to guide how the bylaw gets written based on how it will be enforced. He also stated that, because of other year end responsibilities, he has not yet reviewed the entire document. There are still some sections that he wants to take a closer look at, and he anticipates he will have comments to offer.

Ms. Barrett stated that the building code and bylaw should define use in the same way, though there are some zoning policy changes that could result in varying definitions. Mr. Farnsworth voiced his opinion that the bylaw should not be too detailed, and should allow some flexibility.

Ms. Joubert noted that Mr. Rutan, Mr. Kane, Mr. Pember, and Ms. Gillespie have not yet provided written comments. Mr. Rutan stated that he is satisfied with what has already been submitted and has no further comments. Ms. Gillespie agreed with Mr. Rutan, with the exception that she does have some concerns about changing the lines and districts. Mr. Kane stated that he has no issues. He commented that he does believe that there were instances where changes were made for change sake with no real benefit. Ms. Bakstran offered to clarify, should any of these areas be addressed this evening.

Mr. Pember stated that he would like to see the bylaw allow for nursing homes and assisted living facilities to be developed in other areas as he does not feel that they are allowed in enough districts. He would like people from Northborough to have the ability to go into a facility in Northborough. He also commented that he respects the work that was done by the subcommittee and does not feel we should go beyond that. If there are things that belong in a new master plan, then the town should move forward with drafting a new master plan and not look to address them in the context of zoning. He also noted that the more controversial material will be harder to sell to the public.

Ms. Barrett explained that there had been some discussion about creating an overlay to allow more types and a higher density of housing in the area near downtown. She also noted that the Community Development plan seemed to logically follow that direction for the Industrial B district, with the exception of the Stop & Shop project.

Ms. Barrett asked if the DPW had seen any of the draft documents. Ms. Joubert confirmed that the DPW received copies of all drafts and the director has made some comments.

Chairman Leif voiced his opinion that this zoning package is more than a reorganization of the existing bylaw. He noted that it encompasses quite a bit, including a new way to look at downtown, changing of boundaries, creation of the NT district, and new sections pertaining to Open Space Residential (OSR) and office campus developments. All of these changes seemed reasonable to the subcommittee and it makes sense to pursue them now. He suggested that if anyone is uncomfortable with the scope or has any philosophical issues, it should be discussed at this point.

Chairman Leif asked if others in the group feel that this general package covers too much. Mr. Pember stated that he is comfortable with the package as it is now, but voiced concern about adding any more controversial issues into it. No other issues were raised.

Chairman Leif voiced his opinion that the major issues to be addressed are as follows:

- consideration of what is going on along the Route 20 corridor
- multi family housing

Chairman Rand agreed that there had been a lot of good work done on the zoning, but voiced his opinion that the subcommittee should have gone further. Specifically, now that the property where The Loop is being developed has changed to business zoning, he thinks that area of town should all be changed. Chairman Leif commented that it may make sense to do some of the analysis work to determine what some of the possibilities might be, and then re-evaluate later in the year whether it makes sense to pursue this matter as part of this document. Mr. Pember agreed that this is a critical issue that needs to be dealt with in the near future, but not as part of this document. Mr. Kane stated that, in order to fully evaluate this issue, we need considerable input from the DPW about the availability and capacity of water and sewer in that area. Chairman Leif questioned whether it is reasonable to assume that the research and analysis can be completed in the coming year. Mr. Kane voiced his opinion that it cannot be done in a timely enough fashion to be included in this plan, but reiterated the importance of being ready to move forward with it.

Ms. Gillespie commented that the overall expansion of the NT and business districts along Route 20 might make people nervous. Mr. Kane stated that there is a misconception in town that The Loop project involves only Route 9 property. He agreed with Mr. Pember's position that it should be rezoned and presented separately.

Mr. Kane also noted that, once The Loop is completed, development in that area will take off at a rapid rate and the town needs to be prepared to have some control over it. Ms. Joubert voiced her opinion that the southwest area is presenting itself such that we need to deal with it as part of this process. In addition, given the variances that were granted for The Loop, the town will be hard pressed not to continue granting use variances for similar projects. Mr. Benson stated that the Avalon project has already reserved room for expansion, so the boards can either do this right and set it up to benefit the town or let it simply unfold based on the resulting developments.

Chairman Leif suggested that town staff be asked to put together a plan, and for the boards to reserve judgment about whether to include it as part of the package. Mr. Kane reiterated the importance of moving forward to reach a decision about what to do in this area of town.

Ms. Landau reiterated that the town would prefer not to have zoning by variance. Mr. Rutan stated that he would like to know what portion of Route 20 would be affected by this rezoning.

Ms. Joubert asked if the consensus of the boards is to have town staff move forward and bring back some initial information from which to make a decision about how to proceed. Mr. Pember suggested that this issue may be cause to re-establish the subcommittee. Ms. Bakstran suggested that the boards allow town staff and Ms. Barrett to move forward, but to reserve judgment about whether to include it in the proposal for Town Meeting 2009.

Chairman Leif explained that the work being done by Ms. Barrett has been paid for from mitigation money from a project in town. He noted that the Planning Board had a list of uses for the remainder of the fund, but it now appears that additional funds will be needed for further work on this project. It was agreed that town staff should develop a scope of work so that the Planning Board could make a decision about further funding.

Mr. Pember questioned if this rezoning is important enough to try to arrange for a special town meeting in the fall instead of waiting until April 2009. Board members felt that the proposal and presentation will not be ready before April 2009.

Mr. Rosenberg discussed the issue of multi-unit residential projects, which appear in the GR and NT districts under the proposed new zoning. He also commented that the Senior Residential Communities (SRC) currently allowed at least provided a different kind of housing for a segment of the population and provided financial benefit to the community. Mr. Rosenberg voiced his understanding that there is a proposal for funding of a housing needs analysis being brought to Town Meeting.

Mr. Rosenberg voiced his opinion that making the downtown area more pedestrian friendly is much more involved than simply putting in high density housing. He discussed the need to address more of the infrastructure concerns, and noted that very little has been done over the last 12 years to make the downtown pedestrian friendly.

Mr. Rosenberg also discussed concerns that this proposal would create the potential for homes sitting on 1.5 acre parcel or larger being torn down to construct multi-unit homes. While this would be a windfall for those homeowners, it creates a significant threat to the town's historic homes.

Mr. Kane also voiced concern, and discussed other communities that have taken this direction with the result being the disappearance of the downtown area and multi-family housing creating slums in the downtown area.

Chairman Leif reiterated that multi unit housing, in and of itself, will not make the downtown area more pedestrian friendly. However, this type of development within walking distance of the downtown area will help to encourage more pedestrian traffic. Chairman Leif also discussed using zoning changes to increase the housing choices in town, specifically with regard to different price points that are not currently offered. He admitted that there was little consideration of the impact on existing properties and historic structures. Mr. Kane commented that, as multifamily residences increase, the businesses will begin to move to the outskirts of town.

Ms. Landau asked why there was no use or consideration of the plan developed by the Conway School 8 years ago, which included some wonderful suggestions for the downtown area. She noted that one of the major elements of the plan was to eliminate wires and poles by moving utilities underground.

Chairman Leif noted that the subcommittee had concentrated on how changes in the zoning around housing could, over time, create more of the environment we are seeking. The subcommittee felt that residential use in the downtown area would

support the pedestrian-friendly goal, but that single family housing in this area was not the desire. He reiterated that there had been no consideration about the long term impact to historic structures that currently exist. Mr. Kane commented that the town will be faced with developers trying to maximize their economic realization on properties throughout town. Ms. Barrett cited the town of Framingham, who virtually lost their downtown when they zoned business away from it.

Ms. Joubert explained that the town is in the midst of a contract with a traffic consultant, and noted that one thing that being considered is the redesign of the traffic signals, bringing the streets back to fewer lanes, and including some pedestrian enhancements. In that process, both the Conway Plan and the downtown plan have been discussed.

Ms. Bakstran asked the members of the board to consider the question of whether multifamily housing is a housing use that we wish to encourage in the downtown area and, if not in downtown, then where. Mr. Kane voiced his opinion that allowing rental units in larger homes is different than allowing a developer to build multifamily projects. Ms. Barrett suggested that the town could consider allowing multifamily development by special permit, while multifamily conversion could be allowed by right. The town could also opt to allow multifamily conversion by right with the condition that it must be owner-occupied.

Ms. Joubert suggested creating a Historic District. Ms. Barrett voiced her opinion that his would be the best approach, and suggested that it be further investigated. Mr. Pember asked if it would be appropriate to send a message to the Board of Selectmen requesting the establishment of a Historic District. Ms. Bakstran noted that the Historical Commission is already working on this matter.

Chairman Leif suggested that it may make sense for Ms. Barrett to provide the boards with a proposal for alternative ways to create multifamily zoning to address some of the concerns voiced this evening. It would also be prudent for the boards to have an understanding about the status of the traffic improvement plan and how it fits with the goals of the new zoning.

Ms. Joubert agreed to provide an update on the traffic improvement plan, but also indicated that it would be beneficial to answer the basic question about multifamily zoning before enlisting Ms. Barrett to do more work. She asked if the members of the two boards wish to see multifamily developments in town. If so, where would they like to see them and, if not, we can simply move on. Ms. Joubert clarified that a multifamily unit is categorized as more than two units.

Ms. Landau commented that, because of the lack of public transportation, those in the older population will, at some time, be unable to remain in their isolated neighborhoods. At that point, they would likely prefer to be in the downtown area where they can walk to goods and services. Ms. Bakstran explained that currently the Senior Housing overlay allows those types of developments anywhere in town. By allowing multifamily developments in the downtown area, it allows for developments without age restrictions. Mr. Kane voiced his opinion that there are many older people with large homes who

would like the ability to take in renters to enable them to stay in their homes. He would be in favor of allowing conversion by right, as was suggested by Ms. Barrett.

Chairman Leif asked Mr. Rosenberg for further comment. Mr. Rosenberg reiterated his concern about the potential for tear downs in order to develop multifamily units. He believes the conversion idea is viable and may offer an attractive option for some of the homeowners, though voiced concern that the cost of conversion would likely be greater than a tear down. He still believes that a tear down scenario is not in the best interest of the town. Mr. Rosenberg also mentioned that he is still interested in hearing from the Housing Partnership about what they feel are the housing needs for the town.

Ms. Barrett commented that multifamily housing will meet a need not currently being met in town. She explained that the town will eventually end up with a saturation of single family homes with no buyers. By diversifying now, we preserve the value of those single family houses.

Ms. Gillespie voiced her opinion that some of the single family homes on Main Street cannot be converted into multifamily without a tear down. She also noted that the key point to keep in mind is that the town does not currently have diversity in our housing.

Mr. Leif reiterated his suggestion for Ms. Barrett to look at alternative ways to provide multifamily housing. Ms. Joubert proposed another joint meeting to continue this discussion, preferably some time within the next few weeks. Board members agreed to meet on February 7<sup>th</sup>.

Richard Kane made a motion to adjourn the meeting of the Zoning Board of Appeals. Mark Rutan seconded, vote unanimous.

Bob Rosenberg made a motion to adjourn the meeting of the Planning Board. George Pember seconded, vote unanimous.

**Adjourned at 9:30PM.**

Respectfully submitted,

Elaine Rowe  
Board Secretary