



# TOWN OF NORTHBOROUGH PLANNING BOARD

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Approved 1/5/10

Planning Board  
Meeting Minutes  
November 17, 2009

Members Present: George Pember, Leslie Harrison, Rick Leif, Daniel Lewis, Michelle Gillespie

Others Present: Kathy Joubert, Town Planner; Bill Farnsworth, Inspector of Buildings/Zoning Enforcement Officer; Kevin Quinn, Quinn Engineering;

Chairman Leif opened the meeting at 7:00 pm

## **Cyrus Brook Subdivision – Review of Draft Decision**

Kevin Quinn, Quinn Engineering, was present, representing the applicant. He stated the project went before the Groundwater Advisory Committee and the members voted to recommend approval of the definitive subdivision plan. They also received approval from the Zoning Board of Appeals for a special permit for the use of duplexes in the district and in a Groundwater Overlay Protection district, and a variance for the location of a retaining wall. In addition, the Conservation Commission issued an Order of Conditions for the project.

Mr. Pember recused himself for this hearing because he represents one of the land owners.

Ms. Gillespie moved to approve the definitive subdivision plan for Cyrus Brook Estates, Mr. Lewis seconded the motion and the vote was unanimously in favor of approval.

Ms. Harrison moved to approve the common driveway special permit for Cyrus Brook Estates, Mr. Lewis seconded and the vote was unanimously in favor of approval.

Ms. Gillespie moved to close the hearing for the common driveway special permit, Ms. Harrison seconded the motion and the vote was unanimously in favor of approval.

Ms. Gillespie moved to close the hearing for the Cyrus Brook Estates definitive subdivision plan, Ms. Harrison seconded the motion and the vote was unanimously in favor of approval.

## **55 Bearfoot Road WCF**

Mr. Leif read a letter from Attorney Robert Longden, representing the applicant, National Grid, requesting to continue the hearing to the next Planning Board meeting. Ms. Joubert noted she received an email from Mr. Longden stating the line of sight study was completed and is favorable. She recommended continuing the hearing to December 15<sup>th</sup> at 7:00 pm.

Ms. Harrison asked if the line of sight study is from the 55 Bearfoot Road site. Mr. Leif said they don't know, the applicant hasn't provided any additional information to the Board.

Ms. Gillespie moved to continue the hearing to December 15, 2009 at 7:00 pm, Mr. Pember seconded the motion and the vote was unanimously in favor of continuing.

Ms. Joubert noted the applicant was not present so there could be no discussion.

At this time, Mr. Lewis left the meeting.

### **Proposed change to Wireless Communication Facility Bylaw – Laura Zitton**

Laura Zitton, 1 Pond View Way, stated she is preparing a proposal for increasing the current 500-foot setback of a WCF from a residential area. She has learned a lot from the 55 Bearfoot Road hearing about the FCC restrictions for cell towers. Health issues are a concern, even though they are not allowed to discuss it. She mentioned an article from the World Health Organization (WHO) regarding cancer risks and cell towers.

Mr. Leif stated the reason the board can't make a decision based on health risks doesn't have to do with data but with restrictions from the FCC.

Ms. Zitton stated she is hoping that increasing the distance between people and cell towers will help. Residential areas are now in close proximity to where cell towers are located and the impact is also to aesthetics and the general nature of the town. Towers will be encroaching on residential areas and more towers will be needed in the future. It will be helpful for all residents to have increased setbacks. Currently the setback is 500 feet from a residential area but 1000 feet from a school. Her interpretation is it's important to be 1000 feet from kids in school, but not for kids at home. It would make sense if the numbers were the same and all were protected equally. Ms. Zitton submitted a list of residents who are actively involved in the proposal to increase the setback. She stated the board's information is helpful and asked what is required to increase the setback.

Janet Sandstrom, 1B Pond View Way, asked if they go before Town Meeting and the 1,000 foot setback passed, could it be overwritten. Ms. Joubert stated it could be overruled by the Attorney General if it appears to be arbitrary. Once he grants approval, it can't be overwritten, but someone could go to the ZBA for a variance. It would take a 2/3 vote on town meeting floor. Ms. Sandstrom asked if they needed to get a certain amount of signatures.

Mr. Leif stated if the Planning Board decided to sponsor the amendment, the citizens would not have to do it. It would be tough to get it passed without the endorsement of the Planning Board. The residents would need to get their friends and neighbors to support it at Town Meeting, too. If the Planning Board decided not to support it, the residents would need 10 signatures to present it as a citizen's petition.

Mr. Leif asked Ms. Joubert to put together a list of towns with WCF information.

Ms. Gillespie noted that whoever has come before is already grandfathered in.

Ms. Joubert read the requirements for setback of WCFs and discussed the reasoning behind the 1000 foot setback from schools. Basically there is not scientific reasoning for having a greater separation between schools and cell towers as compared to homes and cell towers. Northborough's bylaw was modeled after Grafton's bylaw and Grafton had no reasoning for the greater setback other than residents on the bylaw committee thought the towers should be farther away from schools.

Anthony Ziton, 1 Pond View Way, stated they would be looking to make it 1,000 feet in any instance.

Ms. Joubert stated that the setbacks should be reviewed in all the districts and if the Board were to closely look at why a setback exists which is to allow for a safe distance between the tower and a structure should the tower or monopole fall over, 500 feet is excessive as the towers can only be 125 feet in height.

Ms. Harrison stated the residents had made references to property values, but based on the data, that's not supportable.

Mr. Leif stated if the board says they're doing this to protect property values, the Attorney General will say it's not supportable and will ask for supportable data.

Ms. Gillespie stated one thing to focus on is aesthetics.

Mr. Blasko stated the bylaw does focus on aesthetics, but says there is great emphasis on a decision within residential areas. He stated he doubts the town will say the value has gone down and risk losing tax revenue. He asked what the difference is between the 500-foot setback and the 1,000 foot setback in terms of the safety factor.

Ms. Joubert restated the safety in the bylaw refers to fall zones and that's what the numbers refer to. They're not arbitrary. If a 125-foot tower fell, it wouldn't travel more than 4 times it's height, which is where the 500-foot setback came from. It's standard in the bylaw. The reason for the 1,000-foot setback from a school, which came from the Grafton bylaw, was due to the high concentration of students and the thought that those students could be outside in the rare event of a tower collapsing. The subcommittee wanted to make it more than 500 feet, the number started growing, and then it was arbitrarily set at 1,000 feet. It is highly unlikely a tower would fall, but the distances are based on fall zones.

Deb Blasko, 18 Pond View Way, stated the information is helpful, but it makes sense that both the distance from a residential area and from a school should be the same.

Ms. Harrison suggested perhaps they should both be 500 feet.

Mr. Leif stated they need to do an analysis of WCF requirements in other towns.

Ms. Zitton asked about Town Meeting schedule.

Mr. Leif stated items for the warrant are submitted in February and the warrant is closed in March.

Ms. Sandstrom asked if they went to Town Meeting with Planning Board backing, could National Grid still go ahead with the WCF. Also, if they continued and wanted to change the project, could it still apply.

Mr. Leif replied they could go ahead with the WCF as present. As long as they opened the hearing prior to Town Meeting starts, they go by the rules at the time they applied. After Town Meeting they have to go by the new rules if the application is submitted after Town Meeting.

Ms. Joubert stated if the change is dramatically different, they would have to reapply. If it ends up being a roof-top antenna, it doesn't require a public hearing.

Bill Donovan, 3B Pond View Way, asked when the clock starts ticking.

Ms. Joubert stated as long as the continuances are viewed as reasonable and pertinent, and the applicant supplies the reason for it to the board, the decision clock doesn't start until the hearing is closed for the current application. It depends on what the applicant is going to do. They may ask to amend it if what they want to do still requires a special permit.

Mr. Blasko asked what the height restrictions are on a rooftop installation.

Ms. Joubert stated it's 10 feet, but if they want more they could apply for a special permit from the Planning Board or go for a variance if necessary.

Ms. Harrison asked if it was a rooftop, would it be a whole other application.

Ms. Joubert stated it depends and the applicant is not present.

Mr. Pember stated he doesn't know how to study this and get an answer. Their function is to act on behalf of the citizens of the town and if WCFs are restricted to certain areas and then other citizens don't get reception, he questions if they will have served all the residents or just a few. Will they have done a disservice to the town if they do this?

Mr. Farnsworth stated FCC regulations impose prohibitions and restrictions through states and towns so cell towers can't be touched. The residents would need a lot of justification for what they want to do.

Ms. Joubert will review bylaws from other communities and provide the board with that information.

### **Laurence Place**

The board and staff continued their discussion on Laurence Place from the last meeting, including whether the impact resulting from the proposed change from a Senior Residential Community to a non-age restricted development would be to the neighborhood or the town; if they should ask for a reduction in the number of units; if they should restrict the remaining 25 units to be built to 2 bedrooms; and, to off-set the density bonus, if they should ask for a financial contribution per unit.

Mr. Leif stated the board's recommendations to the ZBA would be to either stand by what was approved at Town Meeting or go with the non-age restricted development with 5 3-bedroom units and 25 2-bedroom units.

Ms. Joubert noted the non-age restricted development would have the same density and appearance as the senior residential community would, so there would be no negative impact on the neighborhood.

Mr. Farnsworth noted the Fire Department costs are 3-4 times higher for a senior residential community than a non-age restricted development.

Ms. Joubert stated the number to use in the spreadsheet per student is \$11,000, per Cheryl Levesque.

Mr. Leif stated he will revise his figures in his analysis and change the memo to reference the new numbers. The board will use the second version of the memo to send to the ZBA.

### **Update on Bond for Assabet Farm Estates**

Ms. Joubert reported that Town Counsel received a check for \$85,500 from the bonding company and, through the Earth Removal Board, are pursuing the \$11,000 bond. With that, there should be enough money so that the town won't have to spend any money on finishing the subdivision. The DPW has already done a little work so the town can plow it and will not charge the residents. Some catch basins and other structures have been fixed. Staff will be working out in-house whether or not the work will be done by the town or sent out to bid.

### **429 Whitney Street**

Ms. Joubert gave a brief explanation of activities at 429 Whitney Street. She stated a person purchased the property and is bringing in animals. The material he's bringing in is not compactable so it could not be built upon. He will eventually plant on it. He has reports on where the material is coming from and the type of dirt it is. He's legitimate, but it's been emotional for the neighborhood.

The meeting adjourned at 8:30 pm.

Respectfully submitted,

Debbie Grampietro  
Planning Board Secretary