



TOWN OF NORTHBOROUGH PLANNING BOARD

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Approved 2-3-09

Planning Board Meeting Minutes January 6, 2009

Members Present: Rick Leif, Bob Rosenberg, Michelle Gillespie, George Pember, Daniel Lewis

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

Final Changes to Zoning Bylaw Draft

Mr. Leif stated he and Ms. Joubert talked about ideas for the zoning presentation at Town Meeting, including who will make the presentation and what the order of presenting will be. Some meetings with community organizations have already been scheduled. Rick stated Ms. Joubert and Judi Barrett, Consultant, Community Opportunities Group, will work on a PowerPoint presentation. Mr. Leif explained he put together a sheet with key changes to the bylaw. He noted maps will be made for each zone to show old zones overlaid over new zones to compare differences in locations of old and new zones.

Review of Review Key Changes Sheet

(Prepared by Rick Leif)

BA to Downtown Business

Strategy

Location for small businesses

Encourage more of a village center feel, better pedestrian access

Provide housing alternatives

5,000 sq ft by right, up to 15,000 sq ft by special permit

Max. front setback

Parking side or rear

No drive throughs

Mixed residential and business use

8 units by right, up to 24 units by special permit

Ms. Gillespie suggested they may want to remind residents that current zoning does not protect them if a big box store came in now.

Mr. Farnsworth stated they may want to show examples of building sizes.

Mr. Leif stated that for each of the zones they will want to explain the current and new zoning and the differences.

Ms. Gillespie it should be mentioned that this is preservation - preserving the downtown for the small village center feel.

BB to Business East and West

Business East

Strategy

- Location for medium size businesses

- Provide housing alternatives

- 15,000 sq ft by right, up to 25,000 sq ft by special permit

- Max front setback

- Parking side or rear

- No drive throughs

- Mixed residential and business use

- 8 units by right, up to 16 units by special permit

Business West

Strategy

- Location for larger businesses

- Provide housing alternatives

- 15,000 sq ft by right, up to 50,000 sq ft by special permit

- Max front setback

- Limited front parking

- Mixed residential and business use

- 8 units by right, 16 units by special permit

Mr. Lewis stated he has questions regarding the maximum front setback. He plans on doing some draft drawings as to how this would pertain to additions to existing homes. He stated if an historic building was located 40 - 50 feet from the front property line and the new zoning would require a 20-foot setback would that mean any addition would have to be built onto the front of the house? That is not the intent of this change.

Mr. Rosenberg suggested this is where nonconformance rules come in. If someone wants to put on an addition it would be no closer to a nonconforming lot line and now this is saying it would be the opposite of that.

Mr. Lewis stated parking in front of the building is a soft way of having the building closer up. The wording should say "front line" of the building. The idea is to have people put buildings closer to the street.

Business South

Strategy

Rezone portions of Lawrence Street and Otis Street currently zoned industrial

Bring zoning into line with businesses currently in this area

What are size limits? No reference in footnote 10, page 25.

Mr. Leif stated the idea is to limit major industrial applications to this part of town. They are just trying to have the zoning conform to what is currently there. They will not be introducing business sizes or multi-family units.

Ms. Joubert explained footnote 10 says in Business South a building up to 15,000 square feet is permitted.

Mr. Leif stated he and Ms. Joubert will be working on these over the next week to try to get it wrapped up by the third week of the month to make presentations.

Ms. Joubert stated meetings with some community groups have been scheduled as follows:

- ❖ Northborough Rotary - January 27th at West Side Grille
- ❖ Northborough Action Committee - February 6th at the Legion Post
- ❖ Northborough Lions Club - February 17th @ 7 pm at AJ's

Neighborhood Transition District (NTD)

Strategy

Rezone Industrial B district (primarily along Hudson Street to Allen Street)

Bring zoning into line with primarily residential nature of the area

Provide housing alternatives

Single family or two-family by right

Multi family, 4 units by right, up to 8 units by special permit

Small custom/craft shops or professional offices allowed in residences

Small retail, not to exceed 2,000 sq ft allowed by special permit

Main Street Residential District

Strategy

Allow limited non-residential uses in part of GR abutting Downtown district

Provide housing alternatives

Change to small part of General Residential District (Main St east of DB to Summer)

Maintains all current provisions of GR and adds:

Allows small shops or offices in residences

Allows limited multi-family only by conversion of existing buildings

Up to 4 units by special permit

Mr. Leif stated they are changing a small part of the General Residential area from Main Street east of downtown to the river. It will include some small shops, offices, residences and multi-family homes by conversion of existing buildings only.

Mr. Rosenberg pointed out that zoning in the downtown area does not allow drive through service. He stated they may want to point out that they are allowed in Business West, so as not to seem like they don't want them in town.

Ms. Joubert asked if they should bring up gas stations, which have been taken out of zoning in the downtown area.

Mr. Leif suggested they point out that they are allowed in Business B East, Business B West and Business South. He stated they don't want to give the impression they're shutting down all gas stations, just new ones.

Southwest

Strategy

- Create overlays on current Industrial zoning (Southwest cutoff, Rt 20 to Rt 9)

- Bring zoning in south portion (near Rt 9) into line with commercial nature of area

- Bring zoning in north portion (Davis St between Rt 20 and West Main St) into line with residential nature of the area

Industrial

Strategy

- Encourages light manufacturing, warehouse, office uses

- Provides provisions for master planning of large industrial projects

Eliminate split lots

Strategy

- Need a few words here

- Show affected lots on map

Ms. Joubert stated she will meet with Ms. Barrett and the GIS Director to go over the final version of the proposed new zoning map. They will work on wording for elimination of split lots and will show the affected lots on the map.

Presentations to Civic Groups

Ms. Joubert suggested inviting ZBA members to participate in these presentations and discussions.

Mr. Leif stated they had talked about writing an executive summary that the Board of Selectmen would get before Town Meeting and that would be available to the public

prior to Town Meeting. A large quantity of the proposed new zoning bylaw will be available at Town Meeting.

Ms. Joubert noted Kelly Burke, Senior Center Director, suggested they contact the Men's Club and also could make a presentation to a group of senior men and women. Ms. Burke is working to set that up in February or March.

Citizens and Neighborhood Groups

Mr. Leif asked if they want to have another community meeting for the downtown area for residents that would be separate from business owners.

Ms. Joubert stated they could have one meeting on the NTD and Downtown area, one on Business East and Business West and one on the Southwest area.

Mr. Leif and Ms. Joubert agreed these meetings should take place in February. Ms. Joubert asked if they would want Ms. Barrett to attend the meetings.

Mr. Leif responded the proposed bylaw is ultimately the Planning Board's project and it is their job to explain it to the citizens and show them how it will affect them. He stated he prefers not having Ms. Barrett attend the community meetings.

Mr. Pember asked if they have money to pay the consultant to attend the meetings.

Ms. Joubert stated they had set aside money for Ms. Barrett to attend 3 - 4 meetings, 1 public hearing and Town Meeting.

Ms. Gillespie stated she would like to see the members of the ZBA present it along with them. She suggested they might want to have some of the original Sub Committee members who first worked on the project join them as well.

Ms. Gillespie stated they haven't decided who will be presenting at Town Meeting. She stated she thought ZBA Chairman Dick Rand would also present with Mr. Leif and suggested it would be a good trial run to have them present to the citizens groups to prepare them for Town Meeting.

Ms. Joubert suggested that at Town Meeting they may want to bring in Sub Committee members Mark Donahue, (Industrial Development Committee) and Fran Bakstran (Board of Selectmen) to explain their involvement and who they represent.

Ms. Gillespie stated the more presenters they bring up who represent other groups, the more likely people will identify with this being more than just a Planning Board project.

Bond Update

Assabet Farm Estates - Fred Litchfield, Town Engineer

Mr. Litchfield gave an update to the Planning Board regarding the Assabet Farm Estates subdivision bond, as follows:

The Assabet Farms Definitive Subdivision, consisting of 5 lots including one existing home was approved by the Planning Board on October 21, 2003. The Northeast Financial Management Corporation posted a subdivision bond in the amount of \$85,500 on November 15, 2004 upon completion of utility installation and base pavement. The construction of all four of the new homes and the occupancy of each has been complete since December 16, 2005. During the construction season of 2006, work consisted primarily of installation of the granite curbing, grass plots and the base coat of asphalt on the sidewalk. The installation of the overflow pipe in Hudson Street for the underground drainage system still remains incomplete despite numerous requests of the developer to complete the installation. During each of the last two construction seasons the Engineering Department has held several meetings with the goal of encouraging the developer to complete the drainage work and the other work remaining in the subdivision and move forward to accepting Silas Drive as a public street. However, each time the developer said work will be completed, nothing was done as promised including several missed deadlines for extensions of permits by other Town boards and committees.

Mr. Litchfield stated he is requesting the Planning Board schedule a meeting and find the developer of the Assabet Farm Estates Definitive Subdivision (Signature Homes) in default and start the process of calling the bond so the Town may move forward with the completion of the subdivision before the end of the next construction season.

Mr. Leif questioned whether the bond amount would be sufficient to get the work done.

Mr. Litchfield stated there is always some risk, but at this time prices could be good because there's not a lot of work.

Ms. Joubert reviewed the process outlined by Town Counsel. First they need to determine if the developer is in default. Every project is supposed to be done in two years and most developers will ask for a 1 - 2 year extension. This developer has never asked for an extension and has gone past his time frame. The Planning Board needs to get an estimate from the Town Engineer as to how much this will cost. The Planning Board then needs to send a certified letter to the developer telling him about the Town Engineer's report, and give him a certain amount of time in which to finish the work. Assuming the developer is not going to do that, then the town would do the work with the bond money.

Mr. Litchfield stated he expects there will be resistance to taking the bond, if not by the developer then by the bond-holding company. He noted the Town Meeting warrant closes in February but this road wouldn't be put on the warrant for acceptance until 2010.

Mr. Rosenberg asked what the exposure is to the drain not being completed.

Mr. Litchfield stated there is potential for the same type of problem that happened on Kendall Drive. It could back up and run into Hudson Street and cause a bad icing situation depending on the time of year.

Mr. Rosenberg stated he wondered if part of the work could or should be done in advance of accepting the road and also if whether or not they get the easement has an impact on whether or not they pave the road.

Ms. Joubert stated the next step is to have Mr. Litchfield put together the estimate for the February 3rd meeting and then move on from there.

Mr. Pember stated he thinks they need to find them in default.

Mr. Pember motioned to find Signature Homes in default of the Assabet Farm Estates Subdivision approved by the Planning Board in 2003. Ms. Gillespie seconded the motion and the vote was unanimous.

Ms. Joubert suggested the Board should wait to make that kind of vote as they should first invite the developer to the next meeting to discuss this situation.

Mr. Rosenberg motioned to rescind the vote finding the developer of Assabet Farm Estates in default. Mr. Lewis seconded the motion and the vote was 4 in favor, 1 opposed (Mr. Pember).

Mr. Litchfield will prepare a cost estimate to finish the work and Ms. Joubert will invite the developer and residents to the next meeting on February 3, 2009.

Maynard Woods Plowing

Ms. Joubert stated she and Mr. Litchfield have received calls from one resident of the Maynard Woods subdivision telling them the developer does not plow the streets during or after snow storms. The condition of the road is such that the Town cannot plow it due to structures still raised on the pavement and the granite curbing not being set yet. Plows could catch that and not only damage the road, but could also damage the plow truck and the driver. The town has agreed to sand it, but the developer hasn't signed up for that yet. The top coat of pavement is not on due to the last two remaining lots being under construction.

Ms. Joubert noted the school buses have used the road this winter.

Mr. Litchfield stated he told the developer he had to do better. He hasn't heard if the developer is going to have the town sand it or not.

Mr. Rosenberg asked at what point in the process the developer can pave the road.

Mr. Litchfield stated the town prefers to have people in the houses before paving, however if the houses are built and not sold, he would say it could be paved. He will

send a letter to the developer summarizing this conversation and state the snow plowing has to be done in a more timely manner.

Zoning Information Meetings Community, BOS and All-Board

Ms. Joubert will meet with the Town Administrator about the Selectmen's meeting schedule.

Mark Donahue will be included in the meeting with the Industrial Development Committee.

A round-table interview/discussion will be taped and shown on cable TV. Ms. Joubert will discuss this further with Kathy Dalglish, Cable TV Director. The time frame will be March/April, and they can tape it any time it's convenient. Ms. Joubert noted sub committee members Fran Bakstran, BOS, and Mark Donahue, IDC, offered their help.

Ms. Joubert stated she will be checking in with Middle School principal Pat Montimurro about using the Middle School library to hold meetings.

Ms. Joubert noted meetings with citizens will be held on February 4th and 25th, and March 4th. The All-Board meeting will be held on March 18th. The public hearing for their two zoning articles will be held on April 7th and April 21st. Articles are due by February 16th and the public hearing will be held at two meetings in April 7th and 21st. One article will be for the proposed new zoning and one will be for the new zoning map.

Mr. Leif stated they need to get an updated draft from Judi Barrett by Friday. Town Counsel and board members will get copies and then minor revisions can be made after that if necessary.

Ms. Joubert stated it would be beneficial to have the consultant at the public hearings if something unexpected occurs because she'll know what they'll have to do with it. Any changes at town meeting would have to be made by amendments on town meeting floor.

Mr. Farnsworth stated its good to see everyone's comments, but not everyone from the Planning Board and Zoning Board of Appeals has commented. He asked if they should assume those people who have not commented have no comments.

Mr. Leif stated yes but if anyone still has any other comments they should be emailed to Ms. Joubert by the end of this week.

Old/New Business

496 West Main Street - A common driveway application hearing will be held at the Planning Board's February 3rd meeting. An ANR was signed a few months ago for this property, which is close to Ward Hill in Shrewsbury.

Southwest Cutoff, The Loop - Final site plans for The Loop have been submitted as required in the ZBA decision. It is currently being reviewed by staff and Nitsch Engineering.

Approval of Minutes

The minutes of October 7, 2008 were approved with amendments and the minutes of November 3, 2008 were approved as written.

Open Space Committee Report

Mr. Lewis stated the Open Space Committee is working on buying land on Mt. Pisgah owned by Andrew Silver.

CMRPC Report

Mr. Rosenberg stated the CMRPC is having a presentation on Thursday on walkable communities.

CPC Report

Mr. Rosenberg stated 9 applications were submitted for CPC funding. The applications were divided into two groups and the public hearing for their presentations will open on January 15th and will continue to January 29th. The committee will then meet again in February before going to town meeting.

Housing Partnership

Mr. Leif stated they are meeting on a limited basis and are trying to develop a needs analysis through a proposal to the CPC for funding next year.

The Northborough Affordable Housing Corporation (NAHC), a non-profit housing trust, of which Mr. Leif is a member, received \$300,000 in CPA funds last year and has requested additional funds this year. This funding will be used to purchase and/or rehab affordable housing.

The meeting adjourned at 9:30 pm.

Respectfully submitted,

Debbie Grampietro
Planning Board Secretary