



TOWN OF NORTHBOROUGH PLANNING BOARD

Town Hall Offices • 63 Main Street • Northborough, MA 01532 • 508-393-5019 • 508-393-6996 Fax

Approved 8/3/10

Planning Board Meeting Minutes June 15, 2010

Members Present: Rick Leif, Leslie Harrison, George Pember, Dan Lewis

Others Present: Kathy Joubert, Town Planner; Kim Henderson Lee, Fran Bakstran, Tom Blasko, and Debbie Blasko

Chairman Leif opened the meeting at 7:00 pm.

Ongoing Discussion RE: WCF Bylaw

Ms. Joubert stated she has started to contact other towns for copies of their bylaws and has talked with the Town Administrator, John Coderre, regarding the hiring of a consultant. The cell tower company for the police station has not been hired yet. Once company is hired, Ms. Joubert will discuss bylaw with them. Ms. Joubert explained the Town of Weston paid \$14,000 to update their wireless bylaw in 2010 and she has obtained a copy of the scope of services they used. She stated the Town Planners in Weston and Millbury told her their towns have reduced the setbacks. Both towns did away with any setbacks specifically for schools and chose to use the setbacks for the zoning district. In addition, the distance from a structure was reduced to either twice the height of the tower or 300 feet. The planners in Nantucket and Martha's Vineyard are sending her their bylaws. They were not available on the internet. Ms. Joubert stated the town of Manchester by the Sea, which she thought would have been more restrictive, actually does not have specific setbacks for a WCF, but rather deals with setbacks on a case-by-case basis. In addition, there are no specific restrictions for schools. She stated she has a model bylaw and will be getting information from the Cape Cod Commission as to how many towns have used it. She stated she has been focusing on towns that she believes would be more restrictive.

Mr. Leif stated the board is going to try to look at as many towns as they can, but also look at bordering towns.

Mr. Leif summarized the areas of research for their review of the WCF bylaw, as follows:

1. Gathering information from surrounding and like communities;
2. Getting information from technical experts as to how WCFs work, gaps in coverage, and why vendors place them where they do;

3. Getting reviews and legal opinions as to a reasonable approach for the town to take, court decisions, and precedents that have been set; and
4. Gathering community input as to what they want the bylaw to accomplish.

Ms. Harrison stated she would like to have a technical review. Ms. Joubert stated she would like to have an outside consultant do it, but there is no budget for this.

Mr. Leif stated their goal, if possible, would be to improve cell coverage across town while protecting the residents. The bylaw needs to address both sides of the issue and be defensible. He noted WCFs cannot be eliminated from town.

Tom Blasko, 18 Pond View Way, asked the board members if they are going to be on the same page as the residents. From what he has heard, he believes the board is happy with the way the bylaw reads now. He stated he had previously presented to the board a folder full of WCF bylaws from other towns.

Mr. Leif noted the board looks at two key aspects - managing aesthetics and protection from the possibility of a falling tower. Right now, health issues cannot be regulated and cannot become part of the WCF bylaw discussion.

Kim Henderson-Lee stated the board can require a survey for ambient radio frequency (RF) in the area, which is measurable and regulated. The local government says it can be done.

Ms. Joubert stated the current bylaw requires a test to determine what the RF is. This includes measurements of the total RF amounts emitted by all the co-locators on a tower.

Mr. Blasko stated the board needs to look at existing towers that are intrusive and if there is somewhere else in town to put them. A tower could go on a water tower, or on top of high tension wires, if they are looking for a height advantage.

Ms. Joubert stated that, at the time the WCF bylaw was created, people did not want to see towers grouped together nor did the residents want them on town land, water towers etc.

Deb Blasko, 18 Pond View Way, asked how many towers there are in town now. Ms. Joubert responded there are five towers and others that are rooftop installations.

Ms. Henderson-Lee questioned if they had a bylaw with 1000-foot setbacks, would it leave space to have cell towers, would it be defensible and should spots be designated in town for future WCF development.

Ms. Joubert responded that the original bylaw does this. During their research, they looked at having an overlay district, limiting placement to town sites, and in which districts to put them. They did not want them on municipal sites, did not want to have an overlay district because they wanted people to know where they were

allowed, and did not want them in residential districts, and therefore the bylaw's first choice is industrial.

Ms. Harrison asked what an overlay district means. Ms. Joubert explained that sometimes they are floating districts, which do not have a specific area, and so would require town meeting approval. They can also be overlay districts like the Groundwater Protection Overlay District, which supercede zoning, and is an additional, more restrictive layer than the zoning regulations of the district. Some towns allow them in certain districts. Towns cannot limit a WCF overlay to municipal property because it gives an unfair advantage to the town. The town of Hudson was the last town to do it.

Next Meeting: Ms. Joubert noted the next Planning Board meeting will be held on August 3rd. She stated the town will have chosen the consultant for the police station WCF and hopefully there will be some progress on the technical review. She noted there may be some Brigham Woods mitigation money left which could be used to hire a consultant for the WCF bylaw review. She stated she will have the monetary figure available at the next meeting and she will provide the Board with the scope of service for Weston.

Cyrus Brook Estates - Bond Amount & Lot Releases

Bond Amount: In a letter dated June 14, 2010 to the Planning Board, Fred Litchfield, Town Engineer, stated he reviewed the Cyrus Brook Estates subdivision and recommends a bond amount of \$155,500, based on the work installed to date.

Ms. Harrison moved to approve the bond amount of \$155,500 for the Cyrus Brook Estates subdivision. Mr. Lewis seconded the motion and the vote was unanimously in favor.

Lot Releases: Ms. Harrison moved to approve the release of lots 1 - 7 of the Cyrus Brook Subdivision. Mr. Lewis seconded the motion and the vote was unanimously in favor. Ms. Joubert noted she will hold the signed lot release form until the town receives the bond money from the developer.

Copley Woods and Maynard Woods Bond releases

Ms. Joubert noted all the subdivision roads have been accepted at Town Meeting and now all but 20% of the original bond amount needs to be released. She stated the bond amount to retain for the Copley Woods subdivision is \$37,960 and the amount for Maynard Woods subdivision is \$86,600. This money will be returned to the developers upon completion of filing all road acceptance plans with the Registry of Deeds.

Mr. Lewis moved to reduce the Copley Woods subdivision bond to \$37,960 and the Maynard Woods subdivision bond to \$86,600. Mr. Pember seconded the motion and the vote was unanimously in favor.

Approval of June 1, 2010 Minutes: Mr. Pember moved to approve the minutes of June 1, 2010 as written. Ms. Harrison seconded the motion and the vote was unanimously in favor.

Mo Tougas - New England Forestry Land

Ms. Joubert stated Mo Tougas is looking at purchasing, through the APR program, an additional 35 acres of land, which he leases now. Mr. Tougas is working with the Department of Agriculture to get the Agricultural Protection Restriction and is looking for letters of support from various boards.

Ms. Joubert noted the town does not collect taxes from the property now, but would if Mr. Tougas owned it. The value to Mr. Tougas is that the land gets valued as agricultural land so he pays lower taxes. The Department of Agriculture wants to know if the use is appropriate for the property. Ms. Joubert stated she will be putting together a letter and will be asking the Open Space Committee, as well as the Planning Board, for their support on behalf of Mr. Tougas.

Open Space & Recreation Plan Letters of Support: Ms. Joubert stated the State requires letters of support for the Open Space and Recreation Plan. Updating of the plan is almost done and she is planning to go to the July 19th Board of Selectmen meeting to give them an update. She will also be scheduling a community meeting on August 2nd. Ms. Joubert asked the members for their support of the plan, which the Planning Board has done in the past. All members agreed to submit a letter of support for the Open Space & Recreation Plan from the Planning Board.

Westborough State Hospital Land: Selectmen Fran Bakstran explained she, Selectmen Dawn Rand, and Town Planner Kathy Joubert went to the first meeting of the commission formed to look at the Westborough State Hospital land.

Ms. Joubert stated the State has hired a consultant to spend the summer meeting with the towns to talk about land use and zoning. Westborough has no zoning on this because it is designated as state land. Northborough's land has always been zoned Industrial. Westborough voted in some mixed use development depending on what type of land Northborough ends up with. The brunt of the land being disposed of is in Westborough. A lot of the land in Northborough is owned by the fish and game, but is not being disposed of. Some surplus land is in Northborough. The consultant will look at it and then, after they ask the state agencies, will ask the representatives from Northborough what the Town would like it to be used for. They will be setting up another meeting after Labor Day. The Trails Committee, Open Space Committee and Historic Commission are interested in maintaining the land as open space.

MA Housing Institute: Mr. Leif stated he went to a meeting of the MA Housing Institute last week, which is composed of a lot of government agencies having to do with housing in the state. Discussed at the institute was the growing concern that Massachusetts is going to struggle to get out of its economic problems because there is not enough affordable housing for people looking for the types of jobs that will be becoming available. He stated the real affordable housing issue in the state is that

communities do not encourage the type of housing needed. Vehicles by which to change this have been looked at negatively. There is going to be an active effort in November to repeal Chapter 40B, which is not perfect and probably needs revision. If the state needs to produce housing, Chapter 40B needs to stay. Towns will be worse off without it than with it. There will be a lot of support to defeat the ballot question.

Mr. Leif stated they also talked about changes in general to Chapter 40A. Some suggestions have been made including allowing impact fees and inclusionary zoning. Also a new section, Chapter 40U, has been proposed. It gives towns the choice to actively modify zoning to make it more responsive and appropriate for residential and commercial zoning. A town has to be approved to become part of Chapter 40U.

Ms. Joubert noted Chapter 40U has not been approved yet.

The meeting adjourned at 9:00 pm.

Submitted by
Debbie Grampietro
Planning Board Secretary