



TOWN OF NORTHBOROUGH PLANNING BOARD

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Approved 2/17/11

Planning Board
Meeting Minutes
January 4, 2011

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

Others Present: Kathy Joubert, Town Planner; Debbie Grampietro, Administrative Assistant; Gerry Stevens

Approval of Minutes: The minutes of the December 14, 2010 meeting were approved as amended.

Bond Reduction for Cyrus Brook Estates: The board reviewed a bond reduction request for Cyrus Brook Estates, Tony Abu, developer. The original tri-partite agreement bond amount was \$155,500. The bond reduction amount calculated by Fred Litchfield, Town Engineer, was \$40,200. The remaining balance after the calculated reduction would be \$115,300.

Ms. Harrison moved to approve a \$40,200 bond reduction for Cyrus Brook Estates. Ms. Gillespie seconded the motion and the vote was unanimously in favor.

Discussion with Gerry Stevens, 64 Main Street re: Main Street Residential District

Ms. Gillespie recused herself as a board member for this discussion, and joined Ms. Stevens as her real estate agent. Ms. Stevens explained she is trying to sell her home at 64 Main Street, which is in the Main Street Residential District. She stated she has had a number of interested people look at the house, including a psychologist, midwife, and financial planner, none of whom want to live there. In one case, the owner's extended family would live in the home, but the owner would not. In the Main Street Residential District, these types of occupations are allowed as long as the owner lives in the home which, Ms. Stevens stated, is causing issues with the sale of her home. Ms. Stevens stated she believes people do not want to live on a main street these days, especially those with families. She explained she is in the position of having to sell her house and may have to file with the Zoning Board of Appeals (ZBA) for a variance to have a business in the home without the owner in residence.

Mr. Leif asked Ms. Stevens if she would ask for a variance to allow any type of business there, or if she had a particular interest mind.

Ms. Stevens stated the parameters set by the bylaw are fine. Most homes around her are still primarily owner-occupied. There are limits as to what the business could be and she stated she is fine with that, but she would like to allow it not to be owner-occupied.

Mr. Leif reviewed the non-residential uses allowable by special permit from the ZBA without owner occupation in the Main Street Residential District, which include a bed and breakfast, and medical or dental use.

Mr. Lewis stated it seems like a professional office would have less going on than a medical or dental office.

Ms. Stevens stated she is excited about the financial planner who is interested in her house. She stated the person loves the house and the history of the house, and will maintain the integrity of the house.

Ms. Joubert identified the Main Street Residential District. She explained the focus was to allow those houses to have other uses, but tied to the home itself – a home occupation.

Ms. Harrison asked if Ms. Steven's house is on the historic register. Ms. Joubert stated it is not.

Ms. Gillespie stated Ms. Steven's house is considered three units. She explained most houses in the area have turned into multi-unit homes and are not owner occupied.

Mr. Leif stated if the board feels expanding a use allowed by special permit would be reasonable as a professional business office, they could recommend to the ZBA that they grant a variance for this particular use and then propose a change to the bylaw at the 2012 town meeting.

Ms. Harrison stated that it seems odd that professional offices are restricted and medical uses are allowed, since the changes to a building to accommodate a medical office are much more significant than a professional office.

Mr. Leif suggested the board could propose to change medical and dental to BA (by approval).

Mr. Pember stated they should think about the character of the whole area. There is a computer repair business, Gray's Carpet, a funeral home, a gym, and antique business and a graphic design business in this area.

Ms. Joubert stated the Main Street Residential District extends to 77 Main Street. It is two lots deep up School Street, including the Historical Society and the telephone company, and on the other side there is a house with a couple of apartments. Behind that house is the Northborough Grange. Across from Ms. Steven's house is the Town Hall, and the lot next door and the front of 77 Main Street are in the district. Heading west it goes to the Library. The Olive Branch building is not included. On the other side of Main Street, the district stops just before Trinity Church.

Ms. Stevens noted the house next to The Bridge is completely rental units with no owner occupation.

Ms. Joubert explained that when the board looked at this area, which is largely residential, they wanted to keep it residential with multifamily use. The big issue was people didn't want to allow multifamily use, but now there are only one or two homes that are not multifamily.

Ms. Stevens stated she and her husband found it to be a really great neighborhood, but people's expectations are different now. When they bought it, the houses in the area were all single-family homes only, or included an apartment. As Route 20 gets widened in the future, more and more businesses will be located around the perimeter, and it will become less and less attractive for families to live there. The houses take a lot of money to maintain. Her house has been preserved with the exception of a 1950s kitchen. For someone who appreciates the house, it would be a wonderful business situation. She suggested it would be too expensive to remodel, and prohibitively expensive to remodel for medical or dental use.

Mr. Pember asked Ms. Stevens if there is room for a parking area. Ms. Stevens said there is room for 8 cars.

Mr. Pember stated his concern is that future owners could ask for more and more offices, rather than just two.

Mr. Leif stated that under home occupation in the bylaw, it states that any need for parking generated by the home occupation shall be met off the street and other than in a required front yard. The board did address this as far as home occupation, but not as far as a business use allowed by special permit in this district.

Ms. Joubert noted it is in the Downtown Neighborhood District where there is no parking in the front of the property.

Mr. Leif stated if a variance is granted to allow a professional business office and the site already has parking in the front, others might want parking in the front.

Mr. Lewis stated there is not enough room in the front yards of most houses in the area to have parking in the front.

Ms. Stevens stated originally her house had a large barn with a circular driveway. The backyard is beautiful and it would not make sense to fill in the driveway with grass and pave the beautiful backyard.

Mr. Leif suggested the board could handle this on a case by case basis. When Ms. Stevens goes before the ZBA, the board could send a letter stating that, although zoning doesn't allow it, in this specific case, the board would agree with a variance. In the future, if more of these situations come up, the board may have to look at changing the zoning. It may be premature right now.

Mr. Pember stated that the consultant, Judi Barrett, stressed that zoning should be done by what the people need and not by variances. This may be the only request we ever have. He stated it is not likely the ZBA will deny the variance.

Mr. Lewis stated he thinks professional office use is appropriate and stated the board has to think about encouraging the character of the neighborhood, but allowing something that responds to the market.

Mr. Pember suggested it might make sense to say ZBA should consider restrictions on any variance in order to maintain the character of the building and the yard.

Ms. Harrison asked if a variance was granted and then the new owner sells the house, would the variance stay with the house. Mr. Pember responded that the variance runs with the land.

Mr. Leif asked if it was possible for a variance to be granted with the condition that the historic architecture would be maintained. Ms. Joubert said the board could ask for it. The board could ask for a condition that the house has to remain and not be demolished, but the ZBA could look at it only as whether or not a professional office should be allowed there.

Mr. Leif suggested to Ms. Stevens that she should be sure the definition of professional or business office sites what she needs before she files with the ZBA.

Ms. Joubert noted the filing deadline for the February 22nd ZBA meeting is January 20th.

Ms. Gillespie returned to the meeting as a board member.

Rules & Regulations - Fee Schedule

The board reviewed the proposed filing fee schedule for Planning Board Rules & Regulations, distributed by Ms. Joubert, as follows:

APPENDIX A Schedule of Application Fees

Application fees shall be paid at the time of filing an application for a special permit or site plan approval and shall be nonrefundable. These fees shall be in addition to peer review fees and inspection fees under Sections 12 and 13 of the Planning Board's Rules and Regulations.

The fees for each type of application shall be as follows:

<i>Industrial District special permit:</i>	<i>\$150</i>
<i>Industrial/Office Campus Master Plan special permit:</i>	<i>\$500 + .05/square foot</i>
<i>Wireless communication facility:</i>	<i>\$1000 if Special Permit \$500 if no Special Permit</i>
<i>Common driveway:</i>	<i>\$1000 + \$100 per lot</i>
<i>Planned Residential Development District (PRDD) special permit:</i>	<i>\$1000 + \$100 per dwelling unit; \$250 + \$50 per dwelling unit for revised plan</i>
<i>Open space-residential development:</i>	<i>\$1000 + \$100 per lot; \$250 + \$50 per lot for revised plan; \$100 per lot release</i>

Site plan approval:

\$500 + .05/square foot

Land clearing and grading:

20,000 sq ft - 40,000 square feet = \$400

>40,000 sq ft = .02/square foot

Ms. Joubert explained she researched fee schedules of towns similar to Northborough, and some larger, that have a fair amount of development, and more sophisticated fee schedules. She looked at the cost of staff time, as well, to arrive at the proposed fee amounts.

A brief discussion was held and the board members agreed the fees were appropriate. One change was made to Land Clearing and Grading, and that fee will be amended to read: **Land clearing and grading: \$.02/square foot**

Mr. Pember moved to close the hearing for the adoption of the Planning Board Rules & Regulations. Ms. Gillespie seconded the motion and the vote was unanimously in favor.

Ms. Harrison moved to adopt the Planning Board Rules & Regulations as amended. Ms. Gillespie seconded the motion and the vote was unanimously in favor.

WCF Bylaw

Mr. Lewis stated he would support not doing anything with the existing bylaw this year. He stated he thinks the existing bylaw is too restrictive regarding setbacks.

Mr. Pember stated he thinks the setbacks in the bylaw are excessive and would like to shorten them up substantially, to at least 500 feet from a school.

Mr. Leif stated he would like to get more technical information on how cell towers work and the ramifications of keeping the setbacks as is, or expanding them further. He stated the Board needs to reach a balance between service and the residents' wants.

Ms. Gillespie stated towers have to go somewhere and wherever they go, as growth occurs, someone will eventually abut them. The citizens proposing the changes are in a residential district that abuts an industrial district. The question is how far WCFs should be from a residential property. Those residents want setbacks to be 1000 feet, not 500 feet.

Mr. Leif reiterated that the bylaw lays out a preference as to where the WCFs are located. Now, with active competition, the demand for good coverage, and what people want for service, it has become a complicated situation. He stated our bylaw is as good as any town's and it is premature to put something before town meeting now.

Ms. Harrison stated the distinction between the setbacks for schools and houses makes no sense, and there is no way to prepare for it appropriately for town meeting this year.

Mr. Leif stated the rules and regulations allow for the board to have peer reviews. Ms. Joubert noted the WCF bylaw does, as well.

SA Farms, 429 & 432 Whitney Street: Ms. Joubert stated she talked with Santo Anza's engineer today and he will be submitting a site plan this week. The continued hearing with the Planning Board will be on January 18th at the Library's meeting room. She noted the two appeal hearings for 429 Whitney Street will be heard at the ZBA's January 25th meeting, which will also be at the library.

Ms. Harrison noted she may be out of town on January 18th.

The meeting adjourned at 9:00 pm.

Respectfully submitted,
Debbie Grampietro
Board Secretary