



# TOWN OF NORTHBOROUGH PLANNING BOARD

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Approved 12/6/11

Planning Board  
Meeting Minutes  
November 8, 2011

**Members Present:** Rick Leif, George Pember, Theresa Capobianco, Leslie Harrison, Michelle Gillespie

**Others Present:** Kathy Joubert, Town Planner; Fred Litchfield, Town Engineer; James Tetreault, Thompson-Liston; Tom Blasko, Laura Ziton

Chairman Leif called the meeting to order at 7:00 pm.

## **Discussion with Thompson-Liston Associates RE: Johnson Avenue Potential Subdivision of Land**

Ms. Joubert explained Andrew Liston, Thompson-Liston Associates, has met with town staff to discuss the potential subdivision of an oversized parcel of land at the end of Johnson Avenue.

James Tetreault, Thompson-Liston Associates, distributed a cover letter and three sketches of the property to the members and staff. He explained the 80-year old property owner, Erika Rozentals, wants to get as much value out of the property as possible and they are looking at options for creating a second lot from the existing lot at 26 Johnson Avenue. Mr. Tetreault explained that Sketch 1 shows the existing conditions of the 4-acre subject lot. Sketch 2 shows the proposed subdivision of the parcel with a full cul-de-sac circle to serve both lots 1 and 2, which is not in the owner's best interest. Mr. Tetreault stated Sketch 3 shows a full right-of-way with proposed cul-de-sac property lines, and construction of a hammerhead turnaround, which is what the owner would like to do as it is less expensive than designing and constructing the full cul-de-sac.

Mr. Tetreault explained the existing lot has 33 feet of frontage. Sketch 3 was designed with the misconception that the proposed lots would need 100 feet of frontage. He has discussed the required lot width for the proposed new lots with Bill Farnsworth, Inspector of Buildings/Zoning Enforcement Officer. He stated Mr. Farnsworth said if the frontage for the proposed new lots is off the cul-de-sac circle they only have to meet lot width requirements on the part of the lot at which the house would be located, from the front to the back of the house.

Mr. Tetreault stated he sent Sketch 3 to the Fire Chief by email today. He stated he believes the chief will be fine with the 25-foot radius of the proposed cul-de-sac circle.

Mr. Tetreault noted the neighbor at 7 Rooney Street, on the corner of Johnson Avenue and Rooney Street, has had access to his driveway from the driveway of the subject lot for many years. Mr. Tetreault stated when the lot is subdivided, Ms. Rozentals will grant the neighbor official access to his driveway.

Mr. Tetreault stated they would like the board's permission to subdivide the lot according to Sketch 3, and to grant a waiver to allow an unpaved cul-de-sac circle with a paved hammerhead turnaround for the proposed new lots.

Mr. Leif asked for more clarification on the proposed circle.

Mr. Tetreault stated Johnson Avenue would be extended by the area in pink on Sketch 3, which is the area of the cul-de-sac circle. He explained the options for turning areas are what is shown on Sketch 3, which is an unpaved cul-de-sac circle with a hammerhead turnaround, or a full paved cul-de-sac circle as in Sketch 2.

Mr. Leif asked why a circle is necessary.

Mr. Litchfield stated the cul-de-sac circle is needed to create sufficient frontage for both lots.

Mr. Leif noted the town would own the area within the circle, but would not maintain it. He stated the driveway for the subject property is paved and could pass through the town-owned area.

Mr. Tetreault stated that driveway has a turnaround also, which would have to be diverted from its present path. He stated in principal it's not any different from what happens at other places in town.

Mr. Leif confirmed the driveways of the houses to be built on the new lot would also cross some part of the cul-de-sac.

Mr. Litchfield stated they need to determine what the town would require for construction standards for the cul-de-sac they are creating for frontage for the two lots; what the minimum size of the circle would be allowed; and how far it could be reduced.

Mr. Leif stated he is having a problem with the small paved area, and then the smaller town-owned paved area that wouldn't have to be plowed. Putting the smallest possible paved cul-de-sac there would seem to be a more aesthetically pleasant option. He stated his approach would be to determine what the smallest cul-de-sac could be.

Mr. Litchfield stated it is unfortunate the lot width question came about today because, until now, it had not been clear to him why they had proposed such a large outer circle. Based on the fact that they only need to meet the lot width requirement at the building location, there is a lot more opportunity to make the turnaround smaller.

Mr. Leif stated he would like to see a proposal with a cul-de-sac that meets zoning requirements and is paved.

Mr. Pember stated there are a lot of issues to be resolved. They need to hear from the Fire Chief. There are issues with school buses turning around, trash pick-up, snow storage, and what the town will or will not maintain. The property owner is asking for this to save money on paving, and the Town Engineer says the town doesn't want to maintain the pavement or plow it. There is a lot to be worked out.

Mr. Leif stated one proposal could be a regular standard cul-de-sac and an alternative to show the smaller non-paved cul-de-sac.

Mr. Tetreault said the difference is the unpaved full cul-de-sac and losing pavement at the end as a comparison. The circle is less efficient than the hammerhead and the amount to shrink the circle depends on the turning radius of vehicles.

Ms. Joubert stated the trash truck and school bus travel that road now and that would not change.

Mr. Leif stated they would like another presentation with two alternatives with the costs for each - one with a regular cul-de-sac and the other with the town road for frontage purposes and the hammerhead turnaround.

Ms. Joubert and the members scheduled the next meeting for December 6, 2011.

Ms. Joubert noted real estate agent Mike Durkin, representing the property owner, was present.

### **WCF Discussion Re: Isotrope's Presentation Last Meeting**

Mr. Leif stated he thinks David Maxson from Isotrope, did a good job with his presentation on cell towers. It is clear cell tower technology is here to stay and towers will not be going away. They are going to be large, obtrusive structures. He stated it is interesting that more demand is now inside the home and the construction of homes makes it difficult to receive signals inside them. He said he believes more and more residents are going to get upset that, in order to get these services, ugly structures are going to be built near their neighborhoods. Mr. Leif stated he feels the board needs to take a more serious look at where the town is going and at a WCF master plan.

Mr. Pember stated he thought the minutes of the meeting coverage were great. He said different companies would need different coverage and he thinks anticipating where the town would need coverage would be money not well spent. He doesn't see the town coming up with graphs and anticipating where people are going to collocate. He stated it would be a terrible waste of money.

Ms. Capobianco and Ms. Harrison agreed.

Ms. Capobianco stated the intent of the mapping was to determine where the monopoles are now and where they might be needed.

Ms. Joubert stated there are pros and cons to this type of mapping of anticipated towers in that animosity and campaigns against a cell tower may be created in neighborhoods before anything is even filed. It's a possible side effect of doing the study.

Mr. Leif stated the fact of the matter is that if that is the case, proposals will eventually come to the town to satisfy those gaps.

Ms. Harrison stated the difference is that would be a reaction to a real proposal.

Ms. Joubert stated a residential area is the last place the town wants a WCF, according to the bylaw.

Ms. Capobianco stated the bylaw states where towers are to be located by a hierarchy. She suggested it would be equally effective to identify which types of structures will be built. The bylaw also requires the applicant to demonstrate that they cannot locate someplace else. She suggested the bylaw could designate degrees of intrusiveness to minimize the effects on the neighborhood.

Mr. Leif stated he does not disagree with Ms. Joubert's point about people getting upset. The question is how well the board can be prepared to address these situations when they come up. He stated it would be great to have a technical expert at the beginning of the WCF hearings, but he thinks the board is missing an opportunity by not doing a mapping exercise. The cost isn't that much – one is \$5000 and one is \$10,000. It is not prohibitively expensive to map the areas of town.

Ms. Capobianco asked what the mapping is really going to demonstrate and what they would be mapping.

Mr. Pember stated it could get very complicated.

Ms. Harrison noted it would be carrier-specific and wouldn't that create the need for multiple maps anticipating where each company could locate?

Mr. Leif suggested asking Mr. Maxson and a representative from CityScape to come to a subsequent meeting to discuss what the town will get out of the phases, how it will work and what the end product will be.

Ms. Joubert stated CityScape was an exhibitor she visited at a conference she went to recently and she is disappointed because she hasn't received a phone call from them. They only deal with municipalities. She stated she put a request on the planners list serve with questions

regarding David Maxson, including why they have used him and have they used anyone else. She will need to get proposals from two other people. Depending on what the board wants, it's possible Town Counsel could do what the Board needs. Mapping of the town would require someone like David Maxson.

Mr. Leif noted if they had Town Counsel help, he would still like to have a technical expert like David Maxson involved.

Ms. Joubert agreed, stating especially for peer review.

Mr. Leif stated that, besides Town Counsel for legal review, he would like to have David Maxson suggest how the bylaw would change and what they would want the bylaw to direct people to do. It will be important to have someone with a technical background for that.

Mr. Pember asked what kind of money is available to set aside for this.

Ms. Joubert stated there are a few options. Isotrope's full scope is \$9000. David Maxson lists a bylaw review as \$2200, but she believes it may be more than that. For review of the bylaw, changes and assisting the board with hearings, the cost is \$5000. In the Brigham Woods mitigation account there is \$20,000 remaining and \$5000 of that will be used to pay consultant Judi Barrett for review of Design Review guidelines. If the Board did not want to use the remaining Brigham Woods funds, an alternative would be to present a warrant article at town meeting and the first question from the Town Administrator will be how do you want to raise that money – through taxation, bonding etc.

Mr. Leif stated this issue will continue to affect the town over the next five to ten years. It will be a growing challenge for the town. The board's approach could be to go to Town Meeting and explain the Planning Board has been looking into this and the town has a decent bylaw right now. However, changes may need to be made due to the increased need for technology to service customers. They could say the board does not want to do this on a case-by-case basis going forward, and would like to do a study of the environment as far as what is going on in town and how to give the Planning Board better guidance going forward. Then they could say if they'd like the Planning Board to do it on a case-by-case basis, they will keep doing it, but people may become dissatisfied. They could tell them if they are willing to approve Planning Board money to do this through taxation, the board will get the study done and produce a zoning bylaw that the town will have to vote on, and that will address this in the future. It is a growing issue and they can either leave things the way they are or the board can get out ahead of it. There is a possibility they will say no to this and the board wouldn't do it if the town doesn't want it. However, if the town says to go ahead and the board does it, they'll need to go back to town meeting after changes are made, and it could get voted down after spending the money.

Ms. Joubert asked that, if the board is only talking about reviewing the existing bylaw and coming up with amendments, do they really want to do that at town meeting and why they

would not want to use the money available for it. In addition, she stated there will be the need to go to town meeting for funding for the update of the groundwater bylaw.

Ms. Gillespie stated if the board decides to go before town meeting and ask for funding, a subcommittee will most likely be recommended and this would delay any changes to the by-law. She suggested contacting a town that has recently done a bylaw revision; ask if they were happy with the results. Did they include mapping, what were the results, and was worth it to doing. She stated that, as Ms. Capobianco said, the board could make the bylaw more restrictive or tiered to make it harder to build a tower located in a residential area.

She suggested the board should also talk about an alternative energy bylaw as well as the groundwater bylaw. There may be problems down the line, but she would like to see what other communities have done before they decide what to do.

Ms. Joubert confirmed the board is talking about mapping and a review of the bylaw. She stated Westford did an update to their bylaw and mapping, which was passed at town meeting. Weston did it last year and used David Maxson to write a bylaw, which was approved. Weston did it without mapping.

Mr. Leif stated there could be information from mapping that could suggest changes to the bylaw once they see what the coverage looks like.

Ms. Joubert asked which members are in favor of mapping.

Ms. Gillespie stated she is in favor of mapping and doing something with the bylaw.

Ms. Harrison stated there is the question of a money source, and the board may have other issues to bring to town meeting.

Mr. Leif stated he would like to have Mr. Maxson come back and talk to him about what the board is proposing, what they would do as far as mapping, and what they would get.

Mr. Pember reminded them Mr. Maxson charged \$900 for a one-hour presentation. He suggested the board would need to do a request for proposal.

Mr. Leif stated he would still like to have him come back.

Ms. Joubert stated she could send out requests for proposals and then have the respondents come in for an interview. She could also ask Mr. Maxson if he would come back to the board for a follow-up.

Ms. Joubert confirmed three members are not in favor of mapping.

Mr. Leif suggested taking town meeting off the table. He stated the cost of the review of the Design Review guidelines could cost \$8000. There is no rush if the board does not go to town meeting. He stated they may find a third candidate and develop an RFP.

Ms. Joubert stated there is a hook with CityScape. They'll do the mapping and review, but the town will be obligated to have them review all the WCF filings they get.

Ms. Capobianco asked if CityScape provides someone who lives and works only in Massachusetts.

Ms. Joubert replied she doesn't know, but based on her conversations with the three staff members, they all live out of state.

Mr. Leif stated he thinks it is important that the town understand there's an issue that the board understands, but is caught between a rock and a hard place. He stated he is not sure a lot of people understand that. People may not even care right now, but they will if someone proposes a facility near them. The objective now is to get three different vendors.

Mr. Pember stated he would like their proposals to be broken into components, such as how much for mapping, a review and rewrite of the bylaws, and background.

Ms. Joubert confirmed the RFP would include a review and update of the bylaw, an existing coverage mapping, a coverage analysis showing gaps and pressure points, and locations of future WCFs. She stated she will put a draft RFP together and send it to the board to review.

Tom Blasko, 18 Pond View Way, stated he was impressed with David Maxson. He likes the idea of a peer review at the applicant's expense. He stated he understands there is new technology and does not see the telecommunications act changing.

Ms. Joubert stated Brigham Woods mitigation money was a gift and the board has done a great job of stretching that money with what they have accomplished. Alternative energy bylaws are an area the Board may want to pursue.

Mr. Leif stated their agendas are open right now to meet once a month and plan a meeting for the groundwater issue.

Ms. Joubert stated she would like to wait for the next DPW Director to be hired and involve that person with the reworking of the groundwater bylaw. The former director had it scheduled to do with the water and sewer commission.

Ms. Joubert stated warrant articles are due by February 1<sup>st</sup>.

### **Approval of Minutes**

The board approved the minutes of the October 11, 2011 meeting with amendments.

### **Wind Turbine Committee**

Mr. Pember stated he would like an update on the progress of the Wind Committee and the turbine.

**Sidewalks**

Ms. Gillespie asked about a master plan for future sidewalks. Ms. Joubert replied that she and the former DPW Director had kept a list of potential locations for sidewalks and most have been taken care of by the DPW, with a focus on those around the Proctor Elementary School. The DPW no longer has the ability to construct sidewalks due to budget reductions and loss of staff but Ms. Joubert will update the list and have it for the Board at a future meeting.

The meeting adjourned at 9 pm.

Respectfully submitted,  
Debbie Grampietro  
Board Secretary