



TOWN OF NORTHBOROUGH PLANNING BOARD

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Approved 4/17/12

Planning Board Meeting Minutes March 7, 2012

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

Others Present: Kathy Joubert, Town Planner; James Tetreault, Thompson-Liston Associations, Inc., Michael Durkin, Ronald Ferraiuolo, David DeVries

Public Hearing to Consider Proposed Zoning Amendment to Section 7-02-040 Definitions – Lot Width, Minimum

Ms. Joubert stated the proposed zoning amendment is not a change to the meaning of the definition, but a rewording of the existing definition in order to make it easier to understand and apply to the three different types of lots in town: the standard lot, the reduced frontage lot and the pork chop lot. She stated the definition amendment will not stop anyone from doing what they can do now, or entice anyone to create more lots than they can now.

Mr. Leif confirmed the amended definition makes it clear that a house must be located on the lot so as to meet the required minimum lot width of the zoning district when measuring from the front of the house to the rear of the house.

Mr. Pember asked if the definition as amended indicates a house could be located on a lot on a cul-de-sac with 50 feet of frontage measured on a curve.

Ms. Joubert stated there would have to be 100 feet of lot width between the front and back of the house, which creates a box around that area of the lot so that down the road, someone can expand or build around the house without requiring a variance.

Ms. Harrison motioned to close the hearing, Mr. Pember seconded the motion and the vote was unanimously in favor.

Mr. Leif suggested the Board support passage of the Town Meeting article.

Mr. Pember motioned to support adoption of the amendment to Section 7-02-040 Definitions – Lot Width, Minimum, as proposed. Ms. Gillespie seconded the motion and the vote was unanimously in favor of supporting the zoning amendment article.

Continued Public Hearing to Consider Definitive Subdivision Plan “Johnson Avenue Homes” for creation of one lot on Johnson Avenue, Map 52 Parcel 13.

Applicant: Erika Rozentals
Northborough MA

Engineer: Thompson-Liston Assoc., Inc.
Boylston, MA

James Tetreault, Thompson-Liston Associates, Inc., presented revised information to the Board and reviewed the revised plans dated February 22, 2012. Mr. Tetreault reviewed the changes made from the last Planning Board meeting on February 21st, as follows:

- The existing hydrant within 500’ of the cul-de-sac has been added to the plan at the request of Fire Chief. In addition, an extension to the existing water service and another hydrant have been added to the plans at the request of the Department of Public Works for the purpose of improving water service.
- The waiver requesting a reduction of the filing fee was denied and the Applicant paid the total filing fee.
- The waiver requiring the Applicant to submit an estimate of total material quantities for the project was denied. Mr. Tetreault explained their calculations show a total of 200 cubic yards will be cut and 1450 cubic yards will be filled for the entire project. He noted the great majority of earthwork is for filling around the proposed house.
- The Planning Board, Town Planner and Town Engineer found acceptable a waiver requesting the Applicant be allowed to forego the construction of sidewalks with the condition the Applicant would make a contribution to the Town’s sidewalk fund in an amount commensurate with the length of sidewalk not to be constructed. Mr. Tetreault noted the length of sidewalk to be waived is 293 feet.
- Two granite curb inlets to be installed at the two proposed catch basins requested by the Town Engineer have been added to the revised plans.
- Grading around the sediment forebay has been revised to provide for a 10-foot wide access path around the top of it, as requested by the Town Engineer. Mr. Tetreault noted the leaching field has been moved a few feet away to adjust for this revision.
- Mr. Tetreault stated the Town Engineer and Town Planner requested a revision to the right of way limits of the extension of Johnson Avenue so the right of way meets the abutting property at 20 Johnson Avenue, where Johnson Avenue would meet it if it was widened to a 50-foot width. He noted this was done and is shown on the revised plans.
- At the request of the Planning Board, Fire Chief, Town Engineer and Town Planner, the revised plans indicate the tree line within the right of way at the northerly limit of the extension of Johnson Avenue shall be trimmed back to the right of way boundary.

- All property corners are marked with monuments on the grading plan, as requested by the Planning Board.

Mr. Leif stated there should be stakes placed every few feet along the property line between the applicant and the abutter Mr. DeVries.

Mr. Tetreault stated they can do that and asked if there could be wording in the decision to give them the flexibility to either stake the line, or before construction begins, do the monumentation and easement markers.

Ms. Joubert reviewed the draft subdivision approval decision she had sent to the board. In addition, the Open Space waiver and Streetlighting waiver had been added in.

Ronald Ferraiuolo, 7 Rooney Street, stated he spoke with Mr. Tetreault about the plans to reduce the grade of the asphalt and his concern that it might drop 8 – 10 inches at the location of his driveway. He asked if they would bring the asphalt into his driveway.

Mr. Tetreault suggested they could agree to pave through to the driveway from Johnson Avenue at the property line to help out with the transitioning the grade through to the driveway.

Ms. Joubert noted it is required in the Subdivision Rules and Regulations.

Mr. Ferraiuolo was concerned that trees at the end of Johnson Avenue at the subject property were going to be taken down. He stated they are the only screening he has from the other property.

Ms. Joubert stated the trees are in the Town's right of way.

Ms. Joubert noted she was going to add a condition to the decision that the limits of the curbing will be evaluated during construction in the field to prevent water ponding on Mr. Ferraiuolo's property at 7 Rooney Street.

Mr. Pember motioned to close the hearing, Ms. Harrison seconded the motion and the vote was unanimously in favor of closing the hearing.

Ms. Harrison motioned to approve the Johnson Avenue Homes subdivision per the plans submitted, dated January 17, 2012 and revised on February 22, 2012, and the conditions of the draft decision dated March 7, 2012. Mr. Pember seconded the motion and the vote was unanimously in favor of approval.

Cell Tower Consultant Update

Ms. Joubert stated Kim Hood, Assistant Town Administrator, will be putting together and advertising the RFP for the Cell Tower consultant.

130 Main Street ZBA Application

Mr. Pember recused himself at this time.

Ms. Harrison expressed concern about the project proposed by Tim Shay at 130 Main Street, which is before the Zoning Board of Appeals. She stated she attended the last meeting and felt the neighbors were not asking for the project to be denied, but that their biggest concern was the proposed Brigham Street curb cut. She stated it seemed the special break-away gate could be used instead. She stated the Town Engineer explained at the meeting that there are a lot of concerns with the intersection at Main Street (Route 20) and Brigham Street. She stated she believes the traffic study presented by the Applicant was not necessarily the whole picture, and the neighbors have a lot of valid concerns. She asked if there was anything at this point the Planning Board could do, and also how they would answer the neighbors' question regarding what benefit the project is to them.

Ms. Joubert stated there isn't any specific language in the purpose section of the zoning bylaw that states a project has to show how it benefits a neighborhood, but there is specific language in the purpose section of the zoning bylaw to promote the general welfare of the Town, protect its inhabitants, etc. In reviewing special permits, the boards granting special permits shall consider certain criteria which include the proposal being in substantial harmony with the Master Plan and other plans; appropriate location; not adversely affect the neighborhood; not be a nuisance; the proposed use will not outweigh its beneficial impacts to the town or neighborhood in view of the particular characteristics of the site and of the proposal in relation to that site; and appropriate facilities will be provided for the proper operation of the use.

Ms. Joubert stated removing the Brigham Street curb cut would have an impact because it would force traffic to go out onto Route 20 from the site. It is anticipated that vehicles coming from Route 20 East will drive into the development from Brigham Street; and those coming from Route 20 West will go into the site from Route 20 and leave it via Brigham Street. Ms. Joubert stated staff discussed that, of the two, the Route 20 curb cut would be the one that should be closed in order to reduce accidents, however limiting access to the site does not make good planning sense and the Town has no control over Route 20. Without a second means of access to the site on Brigham Street, vehicles would be forced in and out of the site from Route 20, which will create another point of conflict. She noted that, when reviewing a site plan, two points of access are always preferred if the site allows for it.

Ms. Harrison stated it is not a typical intersection and questioned the comprehensiveness of Mr. Shay's traffic study.

Ms. Joubert stated no one is disputing it is a bad intersection but that is not the fault of this proposal. Staff has no reason to believe the traffic study submitted by Mr. Shay is not accurate. Ms. Joubert compared the situation to the project being constructed on West Main Street by Kendall Homes, stating that location is a much busier location on Route 20 and the project is larger, but the traffic it will generate did not warrant a study nor did any board ask for a traffic

study to be done. She stated it is not Mr. Shay's responsibility to fix an existing problem. It's the responsibility of the town. She noted Mr. Shay has agreed to have his traffic consultant get information for the town in order to move forward with Mass Highway to get signalization for the intersection.

Ms. Gillespie questioned the location of King Street in relation to the Kendall Homes project which has only one access to and from the site.

Ms. Joubert replied there is not a direct connection to that street from the site.

Regarding the 130 Main Street project, Ms. Gillespie stated nobody likes change or something happening in their backyard, but this is all within a zone in which it is allowed.

Ms. Harrison stated the residents did not indicate that they want to kill the project, but they have specific modifications of which they are in favor.

Ms. Joubert stated some of the neighbors have talked with the Town Clerk's office about changing the zoning. The Town Clerk advised them to talk to town staff about the citizen's petition process. Ms. Joubert explained the Planning Board is required to hold a public hearing on a citizen's petition.

Mr. Leif stated the board is required to give an opinion on these things, and they will see what the petitions are when they hold their public hearing. The board will have to reach a decision as to what they're going to say about it at Town Meeting.

Mr. Leif stated the zoning in general discussed at Town Meeting in 2009 was that there is a need to create more units at lower price points in Northborough. The Boards wanted to allow by special permit some mixed commercial and residential use. The maximum number of dwelling units allowed by special permit in a business zone is 12. The fewer number allowed, the less opportunity there is for this type of housing. He stated he understands the concerns, but he believes the boards have done something in the long-term that is good for the town. He stated zoning can't be done lot by lot. The Planning Board made this zoning change for a valid reason.

Ms. Gillespie stated that when they were proposing the zoning changes, they said they might have to revisit it in the future.

Mr. Leif stated maybe it will be something to discuss and address at Town Meeting 2013. He stated people viewed less expensive housing as projects, but the zoning is addressing housing for young people who are just starting out, and others who may not want to own a home. He stated he would not be in favor of changing the bylaw if that's what the petitioners are bringing forth. They did not make this type of project available by right or propose that a huge number of units could be built.

Ms. Gillespie asked if the Demolition Delay Bylaw could delay the project and if someone would be able to buy the property in the meantime.

Ms. Joubert stated the Demolition Delay Bylaw does delay a project for 180 days if the Historical Commission determines the structure is of historical significance.

Mr. Leif stated he has seen it work in order to have a structure moved to another location.

Ms. Gillespie asked if the town could buy a house in order to give the bylaw some substance.

Mr. Leif stated they would have the right of first refusal if it was on the National Register. They could have a restriction that the owner would not be able to sell the house until the town reviews it. It is more likely they could put restrictions and deeds on these properties.

162 Main Street ZBA Application

Ms. Joubert reviewed the ZBA petition for 162 Main Street. The Applicant proposes to demolish the existing building and seeks a variance to allow the entrance of a medical office building he plans to construct to be in the back of the building where the parking will be located. An employee entrance will be located on the side of the building facing Gladwalt Road. The front of the building will be landscaped. Rooms for patients are proposed to be located in the front of the building. The Applicant located the main entrance in the back of the building because he does not want people coming into the building and through the area where he will be treating patients. The zoning bylaw requires the main entrance to be in the front of the building and parking to be located in the rear of the property. Therefore a variance is required to locate the main entrance in the rear of the building. Ms. Joubert suggested the board may want to look at this regulation for next year's town meeting.

Ms. Joubert distributed the most recent architectural renderings submitted by the Applicant for the site. Ms. Gillespie noted the windows in the patient rooms are located higher up for privacy.

Mr. Leif suggested the Board send a letter to the ZBA expressing their support of the project.

Approval of Minutes

The minutes of January 17, 2012 and February 21, 2012 were approved as amended.

The meeting adjourned at 9:00 pm.

Respectfully submitted,

Debbie Grampietro
Board Secretary