



TOWN OF NORTHBOROUGH PLANNING BOARD

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Approved 7/17/12

Planning Board
Meeting Minutes
May 1, 2012

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

Others Present: Kathy Joubert, Town Planner; Brian Smith, Karen Ares, Carol Chione, Lisa Maselli, Joan Maher, Scott Wellman

RFP for Cell Tower Bylaw Review

Ms. Joubert explained she and Kim Hood, Assistant Town Manager, will meet on Monday, May 7th to review the Request for Proposal for the review of the Cell Tower Bylaw. They plan to put it on various planning websites in approximately 2 weeks.

Town Meeting Citizen's Petitions Amendments Review

Ms. Joubert reviewed a draft document on the Zoning Bylaw's use regulations (Section 7-05), density and dimensional regulations (Section 7-06) and development regulations (Section 7-09) which she had distributed to the members at the meeting.

Classification of Uses, Definition of Horizontal Mixed Use Development:

Ms. Joubert stated this definition is now out of the bylaw, asked the board if they wanted to put it back and if so, what they want to change. She noted there are 3 major sections that pertain to multifamily and mixed use developments.

Ms. Joubert stated the definition of a multifamily development is standard and probably does not need to be changed. The definition of horizontal mixed use development would need to be altered depending on what the board wants to do. She referenced Footnotes 8 and 9 in the Table of Uses, Part B. Ms. Joubert stated density would have to be looked at when looking at multifamily developments also. They could either change the number of units allowed, the square-footage of the parcel, or change both.

She noted the board may also want to look at location of parking areas in relation to mixed-use and multifamily developments.

Open Space

Ms. Joubert stated regardless of what happens with multifamily and mixed use development, the board needs to look at whether or not the definitions of open space and landscape buffers need to be amended. She stated the two citizen's petitions that did not pass at Town Meeting were related to increasing the distance of a development from a neighborhood. The board could look at an increase in physical space or a change in landscape requirements, or both. She stated that, overall, she would recommend doing an analysis in-house to determine how changes will affect each property in the district once the board arrives at what they want to do. She noted it will be time-consuming, but is necessary.

Maximum Gross Floor Area Ratio

Ms. Joubert stated floor area ratio was added to the bylaw in 2009, and suggested the board may want to review it. Table 2 in Section 7-06 is the dimensional table. Section 7-09 relates to development regulations primarily having to do with land clearing, grading, open space, landscape buffers, etc. Site design standards is where the board can make one of the biggest impacts on developments. She asked the members if they want to look at site design standards for the Business East district, or for all districts. These regulations also require that at least one of the buildings needs to face the frontage street. In the same section is the regulation for off-street parking and where the requirement comes in for parking only on the side and rear of the property. She suggested the board might want to look at that specifically for all business districts. It continues to make sense in the Business East, West and Downtown Business Districts, but may be something the board may want to address. She noted the difference between the Business East and Business West districts is the size of the retail allowed, but they have the same amount of multifamily and the same definition of horizontal mixed-use.

Ms. Joubert asked the board what they want to do with mixed use and multifamily use in the Business East district, and suggested that if they agree with the citizens petitions amendments that passed at Town Meeting, they could do nothing and keep them out of that district. They could also look at those developments in relation to other districts.

Mr. Leif stated he would like to look at the mixed-use concept as it was originally proposed, what it will be with the amendments, and what the board foresees going down the road. He stated he would also like to look at having residential ability in zones other than residential and what the differences are across the zoning districts. He stated he would like to have a general discussion that would focus on the density they are seeing and how changes to density would affect properties in those districts.

Ms. Joubert asked if there were any other areas of zoning that need to be included in their review.

Brian Smith, 97 Main Street, stated he thinks the maximum setback rule, new in 2009, is a big problem in the Business East and West districts. It's a contributing factor to the ugliness of

what's being built now. The 2009 zoning is forcing builders to do odd things. A green buffer, lawn and grass are much more in keeping with the way the town looks, and will solve the density and ugliness factors. Buildings should be located further from the street.

Ms. Joubert explained the reason for this was to eliminate parking in the front of property. An example of a better way to go would be the plaza with the Sea Dog restaurant, with limited parking in the front and a landscaped area in front of the front parking spaces. The majority of parking is on the side and rear of the building.

Ms. Harrison noted all parking is in the front of the building at 290 West Main Street, in which Limoncello and other businesses are located.

Mr. Smith asked if the zoning could require a vegetated buffer.

Ms. Joubert said it could.

Mr. Leif stated it is reasonable to ask for what the board wants to see in the front of a site and zoning can regulate it.

Ms. Gillespie mentioned Central One Credit Union, Metrowest Oral Surgery and Trombetta's Ice Cream store as examples of sites designed without parking in the front, and which were all beautifully done.

Ms. Harrison questioned why sites with larger parking areas in the front could not be divided into islands.

Ms. Joubert stated a developer would have to design it that way now, but it was not regulated that way at the time Maney's Plaza was built.

Ms. Gillespie mentioned the Design Review Committee will be meeting next week to go over the latest draft of the Design Review Guidelines.

Ms. Joubert explained they have gone through meetings with the consultant and will pretty much finalize the guidelines at their May 10th meeting. The Planning Board will then meet to approve the guidelines and have them officially adopted. She stated the guidelines are not something that have to go to Town Meeting for approval. In addition, they will be including a series of photographs showing sites that are examples of designs they prefer in Northborough and those they do not prefer in other towns.

Scott Wellman, 67 Coolidge Circle, asked if the design standards are recommendations, and if so, are there any regulations that are more than just guidelines.

Ms. Joubert replied they are guidelines, but there are regulations if the site is in an historic district.

Mr. Smith asked if the guidelines were something particular to Massachusetts.

Ms. Joubert stated she was not sure, but they are referenced as guidelines in most towns that have them.

Mr. Wellman began a discussion on legal issues regarding uses on 429 Whitney Street.

Mr. Leif and Ms. Joubert stated the situation with 429 Whitney Street is not within the purview of the Planning Board. Ms. Joubert reminded the board this is not an issue that can be legally discussed because the town is in litigation regarding that site.

Mr. Wellman suggested the board could put something in the zoning bylaw to say the Planning Board will not make a decision without an official opinion from the Zoning Enforcement Officer. The Planning Board should have the power to look at the legality of a use on a certain property, be able to make a determination and then approve or deny the project.

Ms. Joubert stated the Zoning Enforcement Officer is not an employee of the Planning Board, but is under the Town Administrator's office and is legally bound by state statutes and the state building code.

Ms. Joubert noted if a use is not in the table, it's prohibited. If someone takes exception with the Zoning Enforcement Officer's determination, they can file an appeal with the Zoning Board of Appeals.

Mr. Wellman asked if that can be changed by amending the zoning bylaw. He stated it is grossly unfair that a Planning Board decision would be overturned by a super majority vote of the ZBA.

Mr. Pember stated the ZBA does not determine if the Planning Board has done something wrong. Anyone can appeal to the ZBA if they are not satisfied with the ZEO's decision.

Mr. Leif stated the Planning Board cannot institute regulations that manage the ZEO. Applicants come to the board with projects they want to do. If the use is allowed by right and meets the requirements of the zoning bylaw, the board has to approve it. If they are seeking a special permit, the board can attach conditions and has limited authority to deny it. The only time the board has the authority to deny a project is if it doesn't meet the requirements of the zoning bylaw. The board is limited as to how and when they can say no to a project. It is up to the ZEO to make sure the project is done as presented. He will be the one to determine whether or not there is a violation. If that is not properly done, the issue is then between the ZEO and aggrieved citizens. The ZBA doesn't regulate that process. The bylaw needs to give the board the ability to deny a project by including what they need to manage, like a combined use of commercial and residential uses in town, keeping the quality of life, and bringing some revenue in to town.

Question was asked about posting information on the town's website and Ms. Joubert stated the agendas are posted on the Town's website at least 48 hours prior to the meeting date and approved minutes are also on-line on the town's website.

Mr. Smith stated the Main Street zoning is good and the Business East district has something nice going on with the professional offices that are not megaplexes. That end of town is an introduction to Northborough. The Business East district has exploded into a business center. Nothing has been done in the downtown district. He suggested they should look at form rather than just uses.

Ms. Gillespie stated the communities that are further east, such as Natick and Wayland, have determined what they want their towns to look like along the major roads and highways that go through their towns. She referred back to Mr. Pember's suggestion to look at the Master Plan.

Lisa Maselli, 13 Maple Street, asked how the Master Plan could be reinstated.

Ms. Joubert explained she has requested \$100,000 in funding for the past several years and other needs of other departments have been funded to date. There is an involved process with the Financial Planning Committee for capital requests and the Master Plan is working its way up.

Mr. Pember stated they would need to hire a professional person to guide them through the project because it is very complicated. A professional person might spend in excess of 100 hours doing it.

Ms. Joubert stated a shortened master planning process was done with the 2004 Community Development Plan, which is a much more precise document that focuses on economic development and affordable housing. A lot of workshops were held on Saturdays with over 100 people in attendance discussing the future of the town. This Community Development Plan was the basis for many of the 2009 zoning changes.

Ms. Chione stated she read the Community Development Plan and believes there is a large group of people in town who would still like to preserve the town the way it is.

Ms. Joubert stated she agrees, but the question is how to do it.

Mr. Leif stated the question is going to be how to make changes to get things looking closer to what they want them to be.

Karen Ares, 31 Leland Drive, stated the board is talking about design criteria and guidelines, and not a law, but questioned how the towns of Cape Cod are required to have signs that are all the same.

Ms. Joubert stated they do it with a sign bylaw.

Ms. Maselli questioned what benefit there is to the town to allow more multifamily housing when they can work on other things.

Mr. Leif stated they have no preconceived notion one way or the other as to whether they will introduce the multifamily issue next year. He explained all they can ever do is to look at what makes sense for the whole town, and realize different sections have different needs.

Ms. Ares stated density is a major issue.

Mr. Smith stated they should look at housing without the commercial aspect. Apartments are not necessarily low-income. He suggested looking at how they can create alternative housing and stated it does not have to be located on the main street. He stated he would like the cottage idea on Hudson Street to be promoted. He suggested partnering up with a developer to create it.

Mr. Pember stated they should ask the Housing Authority and the Affordable Housing Committee what they want to see in the future.

Mr. Leif explained the Housing Authority and the Affordable Housing Corporation will be getting a CPA-funded needs analysis that will give them a sense of what is needed in town.

Ms. Joubert noted it will be finished soon.

Ms. Maselli asked about creating an apartment district, and suggested putting it in an area to which people are going to enjoy going home.

Mr. Smith stated public parking is critical to attract people.

Ms. Ares asked if the number of certain types of businesses can be limited.

Ms. Joubert stated zoning is about land use. They can regulate what they want to allow, but not the number of one type of business. The 2009 zoning prohibits gas stations in the downtown district and any kind of car lot, as an example. Regarding Ms. Maselli's question on an apartment area, Ms. Joubert said they could put certain businesses in a zone. With zoning, if it is going to be restricted, it has to have a zone, as with the adult entertainment district on Route 9.

Ms. Gillespie stated a lot of people are attracted by signs.

Ms. Joubert stated she and the building inspector spent three years working on signs, and she believes a sign bylaw should be in the general code. If it's in the general code, there's no grandfathering.

Mr. Leif stated he would like to review the bylaw in relation to the project on West Main Street and how it complied with the regulations. He stated he wants to change the bylaw to manage density, building placement and parking, and if those changes would make sense for the Business East district and other districts.

Next Meeting: The next meeting will be held on May 16th. Other dates discussed for meetings during the summer were June 5th, June 27th, July 17th and August 14th. It was noted Mr. Leif would be away from May 24th – June 20th, and therefore will not be attending the June 5th meeting.

Wireless Companies in Northborough: Ms. Joubert reviewed a list of Wireless Communication Facilities in town she had distributed to the members at the meeting.

26 Johnson Avenue Covenant: The board signed the covenant for the Johnson Avenue Homes subdivision at 26 Johnson Avenue.

Approval of Minutes: The minutes of April 17, 2012 were approved as amended.

The meeting adjourned at 9 pm.

Respectfully submitted,

Debbie Grampietro
Board Secretary