



TOWN OF NORTHBOROUGH PLANNING BOARD

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Approved 5/7/13

Planning Board Meeting Minutes January 29, 2013

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

Others Present: Kathy Joubert, Town Planner; David Kane, MIS/GIS Director; Fred Lonardo, Inspector of Buildings/Zoning Enforcement Officer; Tom Blasko, Amy Jo White, Brian Smith, Laura Ziton

Chairman Leif opened the meeting at a 7:00 pm.

Wireless Bylaw Review

David Kane, MIS/GIS Director, presented a slide show of 10 maps entitled "Town of Northborough WCF Setbacks, identified as follows:

- *Map 1, Residential & Non-Residential Zoning Districts*
- *Map 2, 1 Mile Setback from Existing WCFs*
- *Map 3, 1000' Setback from School Property Lines*
- *Map 4, Residential Zoning Districts 300' WCF Height Setbacks*
- *Map 5, Residential Zoning Districts 500' Setback from Residential Structures*
- *Map 6, Residential Zoning Districts WCF Height & Residential Structure Setbacks*
- *Map 7, Non-Residential Zoning Districts 187.5' WCF Height Setbacks*
- *Map 8, Non-Residential Zoning Districts 500' Setback from Residential Parcels*
- *Map 9, Non-Residential Zoning Districts WCF Height & Residential Parcel Setbacks*
- *Map 10, All WCF Setbacks*

Ms. Joubert and Mr. Kane reviewed the 10 cell tower maps with the board. Ms. Joubert stated Map 10 basically shows what the existing WCF bylaw allows.

Mr. Leif stated that, based on today's bylaw, the only place where new towers could be located are in the industrial districts in the northwest and southeast areas of town.

Ms. Joubert stated the majority of the available land is State property owned by the Department of Conservation and Recreation (DCR) or the Department of Fisheries and Wildlife and is not all industrial land. Referring to the northwest area, Ms. Joubert stated there is a lot of land on Mt. Pisgah. No parcels have been identified, but primarily in this area is conservation land and the back yards of pork-chop lots on Green Street, Howard Street and Ball Street. The northern-most land is owned by the Town and another area is owned by the Department of Fisheries and Wildlife.

Mr. Leif stated with the existing bylaw, and the WCFs that have been installed, the town has prohibited any WCFs in residential areas of town. If someone had a problem in town, the bylaw would say it cannot be done.

Ms. Capobianco stated it seems the northwest and southeast could handle some facilities.

Mr. Leif stated the problem is whether or not the companies will locate in places other than where people need coverage. He stated the current bylaw effectively prohibits new service in highly populated areas and zones.

Amy Jo White, 23 Brigham Street asked if there are a lot of places for carriers to co-locate now.

Ms. Joubert replied there is space on the tower at the police station, but pretty much all other facilities are full.

Tom Blasko, 18 Pond View Way, stated if the new bylaw will be providing multiple towers in one location, the ability to co-locate will change.

Ms. Joubert agreed, stated that's not in the current bylaw.

Ms. Gillespie stated carriers still have the option of rooftop installations.

Mr. Leif reviewed the proposed changes to the bylaw, as follows:

1. A tower is now defined separately. WCF no longer means "tower".
2. WCFs allowed on rooftops and side mounted
3. No longer a 1-mile distance between towers and towers can be located on the same site (multiple towers on the same site)
4. School setbacks reduced to 500 feet

Ms. Joubert stated Mr. Kane will prepare new maps based on the proposed bylaw for the meeting after tomorrow night's meeting.

Ms. Joubert introduced the new Zoning Enforcement Officer/Inspector of Buildings, Fred Lonardo, to the board.

Mr. Leif stated Ms. Joubert sent the latest draft bylaw with notations to the board. He explained the only change of substance is to Section 7-10-040E(1)(a), with the addition of the words "and school buildings" at the end of the paragraph.

Ms. Capobianco noted some text is bolded and some is not in Section 7-10-040H.

Ms. Joubert stated once the bylaw has been approved at town meeting, it will be sent to a company for formatting.

Ms. Capobianco stated "maximum building height limits" should be added to Section 7-10-040H(2); and Section 7-10-040H(3) would stay as is. Regarding Section 7-10-040H(4)(a), she asked if there is a requirement that the applicant owns the land.

Ms. Joubert stated the bylaw doesn't say anything about that. Today, the bylaw exempts amateur radio towers. It could be that the FCC has a requirement, but the town doesn't.

Mr. Pember noted the application requires the signature of the landowner.

Ms. Joubert stated if the applicant is not the owner of the land, both the applicant and the land owner have to sign the application.

Mr. Leif questioned if a bond should be required in the event a tower is not removed.

Ms. Joubert stated the existing bylaw includes a bond, but consultant David Maxson the bond requirement exists elsewhere in the zoning bylaw and is not needed to be stated here again.

Mr. Pember stated he is confused by Section 7-10-040K(1), second paragraph, which refers to the diameter of an antenna. Mr. Leif explained 2 meters is the largest any of the dimensions can be.

Ms. Capobianco stated the correction in red in Section 7-10-040N(2) is not needed.

In review, Mr. Leif stated the new version of the bylaw changes requirements in three different areas.

1. It separates different types of communication facilities, such as WCFs and satellites, and where they reside. In doing that, the board has the flexibility to allow WCFs as roof-mounts, side-mounts and interior mounts on and in buildings, independent of towers, and in an architectural way. In addition, there can now be WCFs on multiple buildings in a business district, or multiple WCFs on a building. This allows some expansion of WCFs to meet consumer and vendor demand, and is a change in a positive direction.
2. It no longer requires towers to be located at least 1 mile apart. The applicant will still need a permit to locate the tower, but it may be helpful to manage the spread of towers in town if they are allowed to exist side by side on properties.
3. It reduces the required 1000-foot distance of a Communication Tower from the property lines of the nearest school parcel to a 500 feet.

Mr. Leif mentioned he would like to meet with the Superintendent and/or the School Committee to talk to them about the proposed WCF bylaw changes. Ms. Joubert stated she will coordinate that before Town Meeting.

An unidentified resident asked how people at town meeting will know what is being proposed.

Mr. Leif stated the board is required to hold a public hearing before Town Meeting. He stated he will make a presentation and summarize the changes on Town Meeting floor. Mr. Maxson will also be there to answer technical questions.

Mr. Pember noted a hard-copy of the warrant is available at the library and on-line.

Mr. Leif stated the map presentation helps a lot and he would like to have it up on the screen during his presentation at Town Meeting. He would like one to consolidate all the proposed changes and show people what that would look like at Town Meeting and for the meeting after tomorrow night's meeting.

Ms. Joubert stated she will ask Mr. Kane to do that.

Ms. Joubert stated the public hearing for proposed zoning amendments for Town Meeting will be held in March.

Laura Ziton, 1 Pond View Way, asked if there was any chance the Town would not support this.

Mr. Leif stated they will do what they can to get the word out and it does require a two-thirds vote to pass at Town Meeting.

Mr. Blasko asked if the board will be keeping the 1000-foot distance from the property lines of a school.

Mr. Leif stated the proposed change is 500 feet from the property lines. The board is going with that and will see what flexibility they have. There is always the opportunity for amendments on the floor of Town Meeting.

Mr. Blasko reviewed Maps #4 and #8 with the board.

Ms. Joubert stated they are to scale at 1" = 2000 feet. She stated only Map #1 does not have parcels identified.

Ms. Ziton stated the bylaw could result in two towers on the same property, 500 feet from the property lines of a school.

Mr. Leif stated that is correct.

Other Zoning Amendments

Mr. Leif stated these proposed amendments came about as a result of the recently constructed mixed-use developments at 130 Main Street and 269 West Main Street (Kendall Square). The size and scale of the developments caused a lot of concern.

Ms. Joubert reviewed her memo of November 17th. She stated the following points summarize the concepts the boards wish to change.

- Alter the Maximum Front Setback by allowing buildings to be placed further back on lots in the Business East and Business West districts.
- Allow for some parking in the front of buildings in the Business East and Business West districts.
- Increase amount of landscaping and pedestrian amenities in the front of buildings in the Business East and Business West.
- Decrease number of multifamily units allowed by special permit on one lot in the Downtown Business district.
- Delete Floor Area Ratio (FAR) in all districts

The following proposed revisions are shown for each section of the Zoning Bylaw that may be affected:

7-02 General Provisions, 7-02-040 Delete the definition of FAR.

Ms. Joubert explained the board did not want mixed-use developments as dense as the two developments recently built, and those were not built to the size they could have been with the existing FAR requirement. They decided to remove FAR all together, rather than altering it.

Mr. Leif stated he was in favor of deleting it. There had been some discussion that it might be useful to create underground parking and a larger building, but there was concern that a developer might construct something very large.

Ms. Joubert stated districts in which FAR is used are the Downtown Business, Business East, Business West and Industrial. She stated her suggestion would be to allow the bylaw more time in which it could be used by developers. Along with the development at 130 Main Street and 269-273 West Main Street (Kendall Place), there has also been the construction of a doctor's office at the corner of 162 Main Street and Gladwail Road. That project required a variance because the building was designed with the main entrance in the back of the property with the parking area. She noted she has heard good things about Kendall Place. She believes the town will never see projects that meet the current FARs. It would mean a vibrant downtown, a lot of mixed use and underground parking. When using FAR, there are also other regulations on the lot that have to be met, such as parking requirements. It can be deleted if the members are not comfortable with it.

Ms. Harrison stated she thought people objected to the front entrance being located in the back of the building.

Mr. Lonardo stated he has no experience with it.

Ms. Capobianco asked if it was deleted, would it prevent someone from constructing a 3-story building with underground parking.

Ms. Joubert stated it wouldn't prevent it, but it would not encourage it either. The FAR encourages builders to be creative. Some business districts have 3 stories or 45-feet as maximum height. It would be like the density of downtown Natick or Framingham.

Mr. Lonardo stated they use the state building code for height.

Ms. Joubert stated the committees that worked on the revision of the bylaw went through 2-3 years of public meetings, sent out surveys that went out to the public, met with the public and then developed the zoning to support it. It wasn't just the Planning Board members who worked on it. It was years of working with a consultant.

Mr. Leif stated he is starting to see it played out and is wondering if they went too far. He stated he thinks taking FAR out will keep it from swinging too far in the wrong direction, and he would feel more comfortable with it out of the bylaw. The board members agreed they would like to take it out.

Horizontal Mixed-Use and Multifamily Use

Ms. Joubert stated the maximum number of allowed units for a multi-family structure in the Downtown Business, Business East and Business West districts has been changed from the current maximum allowed 12 units to 6 units.

Horizontal mixed use and multi-family use has been deleted from the Business East district, but a two-family structure (duplex) can still be done.

The board decided to leave the dimensional requirements alone and reduce the number of units to 8.

Maximum Front Setback

Ms. Joubert noted the board members like the look of 318 Main Street (former Lazio's location), but do not like the front of the Skribbles building at 348 Main Street.

Mr. Leif stated they need to specify that they expect some kind of tasteful treatment to be done between the street and the front line of the building. He noted Kendall Place at 269-273 West Main Street has a lot of open space in the back, but to maximize their curb appeal, the board needs to encourage developers to landscape in the front.

Ms. Capobianco stated she doesn't mind if the building is pushed back from the front property line as long as they put greenery in the front of the building.

Ms. Joubert stated it will bring parking to the front, like 318 Main Street, with no limit.

Mr. Pember stated one reason for having the buildings upfront is so people would park in the back, and then have the ability to walk to other buildings as well. However, the Business East district doesn't work like that. People won't be walking.

Ms. Harrison agreed it will not work in the Business East district.

Ms. Joubert suggested requiring a maximum front setback.

Mr. Leif stated there has to be some wording to require landscaping within the open space and between abutting uses.

Ms. Joubert noted open space isn't just landscaping. It also includes things like detention basins, so it can't be required that all open space shall be landscaped because that would result in variances. She reminded the board that Scribbles did not go before the Design Review Committee because it was built before 2009.

Mr. Leif stated if the wording was not changed and it required that 50% of open space be in front of the building, no more than 20% could be grass. He stated it should require a buffer.

Ms. Joubert stated a buffer is meant to visually conceal or help with noise. No business would want to buffer a development from the street.

Ms. Joubert explained the Design Review Committee sits down and spends a good part of their meeting telling developers to beef-up their landscaping. Chuck Black, developer of Kendall Place, planted about 1/4 sized plants to what was shown on the plan, which included grasses and plants.

Ms. Gillespie noted Kendall Place has an island with a beautiful tree, but put in small plants.

Ms. Joubert stated the plants and tree will eventually grow. She stated the board needs to decide how they will police this through the zoning bylaw.

Ms. Capobianco suggested requiring a 75-foot maximum front setback with 50% open space in the front and then rely on the Design Review Committee for landscaping.

Mr. Lonardo stated he would have to enforce that through a landscaping as-built plan.

Ms. Joubert stated there is not enough staff to measure the plants to make sure they conform. Ms. Joubert suggested they could require 50% open space and then could require that 75% of the open space is planted.

Mr. Leif stated it says essentially that on the bottom of page 85. He suggested to add to D4 "at least 50% of open space shall be located in front of the principle building facing the street and shall be landscaped in accordance with subsection 5 Subsection 5 would stay as it is, but "the side" will be taken out.

Next Meetings: Ms. Joubert stated the discussion will be continued to tomorrow night, January 30th. The meetings after January 30th will be held on Tuesday, February 5th, and Tuesday, March 5th. There will be no meeting on February 19th. A public hearing will be scheduled for a public hearing to amend the location a driveway in Stirrup Brook Estates II. Ms. Joubert noted WCF maps will not be ready for the February 5th meeting.

The meeting adjourned at 10:00 pm.

Respectfully Submitted,

Debbie Grampietro
Board Secretary