



TOWN OF NORTHBOROUGH PLANNING BOARD

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Approved 5/7/13

Planning Board Meeting Minutes March 5, 2013

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

Others Present: Kathy Joubert, Town Planner; Fred Lonardo, Inspector of Buildings/Zoning Enforcement Officer; Peter Hauge, Charlene Arsenault, Amy Poretsky, Al Aldrich, James Vender Poel, Amy Jo White, Victor Garabedian, John Fouracre, Barbara Smith, Matt Dillon, Mary McCrorey, Kevin Carroll, Laura Ziton, Brian Smith, Rita Matraia, Russ Thompson, Charles Frankian; Susan LaDoux

Chairman Leif opened the meeting at 7:00 pm.

Public Hearing to Consider Proposed Zoning Amendments for 2013 Annual Town Meeting

Proposed Sign Bylaw

Mr. Lonardo and Ms. Joubert presented information on the proposed sign bylaw. Ms. Joubert referenced a memo sent to the Planning Board from the Board of Selectmen (BOS), dated February 27, 2013, regarding proposed zoning amendments to the sign bylaw. Ms. Joubert stated the BOS asked her and Mr. Lonardo if the Planning Board could look at making 3 adjustments to the part of the sign bylaw relating to non-profit organizations. The changes the BOS suggested were 1) limiting the size of the signs for non-profit organizations to 15 square feet; 2) prohibiting these signs from being placed on town property or in the right-of-way of streets; and 3) establishing a time frame for these signs to be put up and taken down after an event.

Ms. Joubert stated she talked with Town Counsel and was told the proposed changes from the BOS are too far from the original scope of the zoning amendments that have been published. Therefore, they do not have the latitude to address signs for non-profit organizations. If the board wants to take up that particular section of the bylaw, it could be done for 2014 Town Meeting. Ms. Joubert reminded the board they had talked about signs for town-sponsored events. She stated the current bylaw is silent as to whether or not non-profit organizations can put signs up on town-owned land.

Regarding town-sponsored events, (7-09-040L Signs), Ms. Joubert stated they do not need this article. Currently, the bylaw is broad enough to include Applefest. As far as town-sponsored events go, they are usually put on by the town. The language is onerous, but on further review, Town Counsel said there is no need for the amendment. She suggested sending a memo to the BOS recommending they do not put it on the warrant.

Ms. Capobianco motioned to inform the Board of Selectmen not to place the amendment to Section 7-09-040L on the Town Meeting warrant. Ms. Gillespie seconded the motion and the vote was unanimously in favor of the motion.

7-09-040K , Special Signs, Real Estate and Open House Signs

Ms. Joubert stated with this proposed article, the BOS are trying to rid the town of sign clutter. They are trying to take signs off public ways, however, this article will be adding signs and therefore may have the opposite result. After a discussion at the last BOS meeting, there is now a special section on real estate signs - how big they can be, where they can be located, and removal of them. She noted this section is 7-09-040K(1)(a), (b) and (c). She stated if they wanted to reconsider this amendment, the board could do the same as they did for the previous article and recommend to the BOS that they not place it on the warrant.

Mr. Pember stated he would like to hear input from real estate brokers.

Mr. Leif stated the issue is that these signs, open house signs, are not on the property that they are advertising.

Fran Bakstran, Westbrook Road, stated open space signs are very temporary. They never seem to be up too long. People wouldn't find the driveway for some homes without the sign. She stated she doesn't think it will cause excessive signage. She stated she thinks the amendment should stay.

Kevin Carroll, 45 Auger Avenue, stated these are usually small signs on a corner. He stated he feels there is no problem with this and it helps people find houses.

Brian Smith, 97 Main Street, stated it is a reasonable provision because it can be very difficult to find an open house.

Ms. Joubert stated the article does not refer to the town's right-of-way or not. It doesn't say where the signs can be located, it just says "off-site". She noted if the board wants to change the language, they would need to do it tonight.

Mr. Leif stated the article has some merit. He suggested bringing it before the town and see how the people feel.

All board members agreed it should be brought to Town Meeting. Ms. Joubert will add wording regarding signs in the town's right of way for the day of an open house and how long the sign remain.

The board recommended putting the article on the warrant with the wording discussed.

Section 7-09-040G Signs, Temporary signs

Ms. Joubert stated the 3 changes to this section are:

- Temporary signs shall not protrude on the sidewalk on such a way as to obstruct
- Addition of the language "sign displayed only during business hours"
- The sign must be located on the property that is advertised.

Ms. Gillespie stated the 45-day limit for a temporary sign seems too short to business owners. She suggested doubling the number of days. If they had one out a week, that would be 52 days. She stated most are for advertising sales or a special class to draw in traffic. Sometimes they may have that once a week.

Ms. Joubert stated if someone wants to put a sign up all the time, it's not a temporary sign for a special day or event.

Barbara Smith, 367 W Main Street, stated it would make a huge difference to have more than 45-days. She stated there is a sign on her building, but it is blocked by a tree.

Susan LaDoux, 134 School Street and owner of the Doggie Den, 14 Blake Street, asked how the 45 days is calculated if people put out the temporary signs periodically.

Ms. Smith replied people need to call in to the building department. She stated businesses really do need to have something to bring people to their businesses.

Mr. Leif stated the idea is for business owners to get a permanent sign, on the property on which they are located, on which the message can be changed. He stated "45 days" is kind of a definition of occasional. Mr. Leif asked Ms. LaDoux and Ms. Smith how many days they think it should be.

Ms. LaDoux and Ms. Smith agreed 100 days would be good.

Ms. Smith stated she would pay more on her permit to get extended time.

Mr. Leif explained the bylaw is trying to make a distinction between temporary and permanent signs, and is trying to encourage business owners to get permanent signs for their businesses. Some businesses informally put up signs for different things, some even every other day. These signs cannot be managed on a business by business basis. If business owners need to advertise on a regular basis, they need to use a permanent sign.

Ms. LaDoux stated that is setting up the building inspector with a difficult enforcement issue. He is not going to be able to restrict people from putting out temporary signs.

Mr. Russell stated if business owners don't own the property and the owner won't let them put up a sign, the only thing they can do it put up a temporary sign. He stated he puts one out every morning because he can't do it on a permanent basis.

Ms. Bakstran stated people were thrilled with the big clean-up in front of Rocky's Ace Hardware. People want to see temporary signs curbed back and not out on a regular basis. For some businesses that are not on main roads, there is a way to use temporary signs that is not excessive.

Susan Whitney, 19 Blake Street, said the former building inspector, Bill Farnsworth, told her she needed to take her sign down immediately, but patrons of her store told her they would never have known where her store was without her sign on the corner of Blake Street and West Main Street. She stated a Selectman was quoted in the MetroWest News as saying in response "you chose that location".

Mr. Leif stated that, from a zoning perspective, he's not sure there is any way to change the wording for that situation.

Ms. Capobianco stated the sign must be located on the property that it is advertising and that's what the Planning Board added.

Ms. Joubert stated staff has suggested over the years that business owners on Blake Street approach the landowner and ask him to place a directional sign on his property, or approach the town about putting up some sort of directory, such as a light pole with separate, uniform signs. These are possibilities. More and more people are putting up signs on property they don't own and the BOS is getting complaints about it. These possibilities would require a variance because the signs would not be on land the business owner owns. She stated she looked at temporary sign regulations from approximately 35 towns. Some are completely silent, some allow them and some do not. There are towns that are in-between with parameters, like Northborough.

Mr. Russell stated the downtown traffic improvements brought this to a head because the construction was near Blake Street. There were no signs put up by the town or the state for Blake Street businesses like there was for Otis Street when WalMart was doing construction.

Kevin Carroll stated he lived in a town that didn't allow temporary signs and the business owners used ads in small newspapers. He stated wayfarer signs are a good idea.

John Foreacre, 89 West Main Street, 95% of businesses in this town have been hurt deeply by the Northborough Crossing mall. Temporary signs don't harm anyone and they help the business owners. The Planning Board and the BOS need to help them. Increasing the time limit for temporary signs is good, and anyone using a temporary sign should pull a permit and be guided by the same rules and regulations that business people go by and be punished if they don't abide by the rules. He suggested Blake Street should be considered a mall of some sort, where it could be called Blake Street mini-mall. The land is owned by the town and the town would have leverage with Tony Kwan. It would be good for the town and good for those people on Blake Street.

Ms. Smith stated at the very least, the town should grandfather people who have gotten permits and do the right things. She explained she gets 8 customers a month with her sign up.

Laura Barsamian, owner of Trombetta's, 277 Main Street, asked if there are bylaws for electronic signs.

Mr. Leif stated there are and nothing is being proposed to change those regulations.

Ms. Gillespie stated signs are reviewed by the Design Review Committee.

Peter Hauge, representing Honey Farms, 5 West Main Street, asked about permanent signs.

Mr. Leif stated there are no proposed changes to permanent sign regulations.

Ms. LaDoux asked the board if they would be willing to write some kind of bylaw that says when the town instigates construction, temporary signs would be allowed during that construction. She stated people who complained about the signs didn't care about the business owners. They just didn't like the looks of the signs.

Rita Matraia, Core Connection, 290 West Main Street, stated she uses temporary signs for classes starting every 6 weeks and leaves them up for a week. When the hammer came down on these signs, her business went from a 30% increase down to 20%.

Mr. Leif stated he understands the need to modify regulations for signage, and the board needs to do something. He suggested the board look at for next Town Meeting.

Mr. Pember stated he likes what the board is proposing, and would like to have increased days and locations for signs. However, some people who have complained but are not at the meeting and he would like to take their feelings into consideration. Forty-five (45) days is about once a week, and if you're going to advertise that much, they need to get a permanent sign.

Ms. Gillespie stated business owners understand the concerns of the residents, and residents don't want to see businesses ruined. She suggested the board may need to form a subcommittee to study this.

Ms. LaDoux asked how the sign got put up on Otis Street.

Ms. Joubert stated Otis Street is a town road and WalMart got permission from the town. The downtown traffic improvements is a state project.

Ms. Capobianco stated she does not have a problem with the 45 days, but is having second thoughts about the amendment to require the sign to be on property owned by the business owner. Their inability to be located by a sign could cause them to go out of business. However, not having that amendment could be a disaster. She stated she cannot stand behind the article as written and would not want it to go to Town Meeting this year.

Mr. Leif suggested the board send a memo to the BOS that the board voted 3 in favor, 1 opposed to recommend that this article not be placed on the Town Meeting warrant this year.

Ms. Joubert stated the Planning Board is sponsoring the sign articles, but ultimately it's up to the BOS to place the articles on the warrant.

Dimensional & Density Changes

Ms. Joubert stated the 2009 zoning bylaw rewrite instituted the Business East and Business West districts, through which they tried to accomplish the ability to have mixed use that would combine residential and business uses, vertical mixed uses and horizontal mixed uses. The concepts were new in the zoning bylaw, and were an effort to encourage business along Route 20 and a smaller footprint for residential development. Discussions were held on moving parking away from the front of businesses in order to get away from a strip-mall look. After it was approved, the board said they would look at this zoning in the future and make changes if necessary.

Horizontal Mixed-Use Developments

Ms. Joubert stated a couple of horizontal mixed-use developments have been constructed, and so far, there have been some concerns about the placement of buildings on the lots, open space, and that landscaping could be improved. Citizen petitions passed at Town Meeting last year, and as a result, no multi-family or horizontal mixed-use developments are allowed in the Business East district. Those changes from petitions approved last year are being carried through the zoning. In one of the sections, horizontal zoning was not removed and that needs to be corrected this year.

Floor Area Ratio

Mr. Leif explained using Floor Area Ratio resulting in developments that did not happen as we thought they would. FAR would allow some developments to be larger than what the board thought they would

be and are not what the board likes right now. If FAR is deleted from zoning, (Section 7-02-040) it would help to regulate down the density of these developments.

Reduction of Multi-family dwelling units

The board agreed to change the number of allowed multi-family units from 12 to 8. (Section 7-05-030) Also, this is a section in which the reference to the Business East district must be removed.

Maximum Front Setbacks

The board agreed to change the maximum front setback requirement from 50 feet to 75 feet, in order to allow buildings to be further from the street and allow some parking in front of the building.

Modification of Open Space requirement

The board agreed to the requirement that 50% of open space shall be in the front of the building. (Section 7-09-020)

Off-Street Parking

The board agreed to allow limited parking in the front of the lot with the appropriate landscaping. (Section 7-09-030)

Radio Communications Facilities

Mr. Leif stated the board has learned that WCFs are only one type of communications that can be done with towers. Therefore, the title of the section has been changed to Radio Communication Facilities (RCF). The term WCF has been in the bylaw for quite a while. The bylaw basically centered on placement of large towers, with 1 tower on a parcel, setbacks from residential properties and schools, and priority placement zones. It tried to manage the possible spread of towers and their impact on the town and yet residents use their technology and that technology is growing. Providers look for ways to provide service. Apparently there are gaps in service in town. The FCC has policies and does not allow towns to prohibit facilities if they can prove there is no other way they can close their gaps. The town cannot prohibit these facilities purely based on perceived health risks. There are valid concerns about the increase in these facilities and the increase in the need for service. Therefore, the board hired a consulting firm that had a lot of experience with RCFs and guided the board as to how to revise the current bylaw. The consultant, David Maxson from Isotrope, educated the board on wireless technology, reviewed the bylaw and suggested changes to it. Mr. Maxson will be at Town Meeting to answer questions as to how wireless will be provided in the future, as there will always be a need for antennas because they will not be replaced by satellites. The board learned that antennas and towers are 2 separate items and antennas don't have to be located on towers. Also, there are a lot of other forms of communications, including TV, ham radios and satellites. Through the process, the board discovered that, based on the current bylaw, because antennas and towers are one and the same, it is not possible to locate any tower in town without a variance from the Zoning Board of Appeals. The board also looked at bylaws from other towns and found there was very little consistency.

Maps for Town Meeting

Mr. Leif reviewed the maps he will be presenting at Town Meeting, which he identified as follows:

- Map 1, Current Zoning – shows that current setbacks force new WCFs out to random locations on the outskirts of town and that new coverage needs in the middle of town cannot be addressed

- Map 2, Proposed Setbacks for New Towers (125-foot and 75-foot Maximum Heights) – shows limited additional places where towers could be located.
- Map 3, Proposed Setbacks for Building-Attached WCFs, Subject to Site Plan Review Only – shows where non-tower antennas can be located in business and industrial zones

The public hearing was continued to the next meeting on April 2, 2013.

The meeting adjourned at 9:30 pm.

Respectfully submitted,

Debbie Grampietro
Board Secretary