



TOWN OF NORTHBOROUGH PLANNING BOARD

Town Hall Offices • 63 Main Street • Northborough, MA 01532 • 508-393-5019 • 508-393-6996 Fax

Approved 5/7/13

Planning Board Meeting Minutes April 2, 2013

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

Others Present: Kathy Joubert, Town Planner; Fred Lonardo, Inspector of Buildings/Zoning Enforcement Officer; Amy & Scott Poretsky, Deb & Tom Blasko, Brian Smith, Amy Jo White, Mark Calvanese, Doug Ricci, Laura Ziton, Doug Campbell

Chairman Leif opened the meeting at 7:00 pm.

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

Mr. Leif explained there will be a discussion among the Planning Board member, comments from the public will be heard and the Planning Board will vote on the proposed amendments.

ARTICLE 32: There were no comments from the Planning Board or from members of the audience regarding Article 32, which includes the following proposed zoning amendments:

Section 7-02-040 Definitions [FLOOR AREA RATIO (FAR) – The ratio of gross floor area in square feet to the total area of the lot in square feet. (See also “FLOOR AREA,GROSS.”)]

Section 7-05-030 Table of Uses. Table 1. Table of Uses. Part B. Commercial and Industrial Districts Footnote 9 - The maximum number of multifamily units on a lot shall be [twelve (12)] [eight (8)]units by special permit in the Downtown Business, [Business East] and Business West Districts.

Section 7-06-020 Table of Density and Dimensional Regulations, Table 2 Maximum Front Setback BE [25] [75] and BW [25] [75].

Section 7-06-020 Table 2. Table of Density and Dimensional Regulations [Maximum FAR].

[Section 7-06-030 F. Maximum Gross Floor Area Ratio (FAR), the maximum FAR requirements in Table 2 may be increased by special permit, as follows: (1) In the Downtown Business District, the Zoning Board of Appeals may grant a special permit to increase the maximum FAR to 3.0 for a use that provides all of its required off-street parking below grade or at grade inside the building, with access to the parking from the rear of the building. (2) For a mixed-use development in the Business East or Business West District, the Zoning Board of Appeals may grant a special permit to increase the maximum FAR to 1.0; provided, that for every one thousand (1,000) square feet of nonresidential floor area built above a floor area ratio of 0.85, there shall be an at least equal amount of residential floor area provided at the same time and set aside for exclusive residential use. In such cases, the minimum lot area requirement in Table 2, Part B, shall not be used to determine the maximum number of units in a mixed-use development. (3) In the Business South Districts, the Zoning Board of Appeals may grant a special permit to increase the maximum FAR to 0.50 it at least forty percent (40%) of the floor area in the proposed building is located above the ground floor and the Board determines that the increase will not be detrimental to the surrounding area.]

Section 7-06-030 Supplemental Regulations J. Supplemental density and dimensional regulations for certain use classes (1)(b) In the Business East District, for vertical [or horizontal] mixed-use developments [and multifamily developments], twenty thousand (20,000) square feet for the first two (2) units and three thousand five hundred (3,500) square feet per unit for each unit over two (2).

Section 7-09-020 Site Design Standards D. Additional standards for business uses. (1) Building placement and orientation (a) The front façade of a new building and the building's principal entry shall be oriented toward the street. For a development with more than one (1) building on a single lot or a development with multiple lots, buildings located to the rear of a site shall face the access road that serves them. [For any building(s),] Where appropriate,[however,] a building[(s)] may be oriented around a courtyard or respond in design to a prominent feature, such as a corner locations, subject to review by the Design Review Committee and approval by the Planning Board or special permit granting authority, as applicable.

Section 7-09-020 Site Design Standards D. Additional standards for business uses. (4) Location of open space. At least fifty percent (50%) of the minimum required open space under Section 7-06-020 shall be located in front of [or beside] the principal building(s) facing the street [and shall be landscaped in accordance with subsection (5) below]. The requirement of this section may be waived in the Downtown Business District if the proponent provides an alternative site layout that provides equivalent aesthetic and pedestrian benefits, as determined by the Planning Board or special permit granting authority.

Section 7-09-030 Off-Street Parking and Loading C. Off-street parking design standards (2) Location, design and construction of off-street parking (a) Off-street parking spaces shall be located behind or beside the principal structure on the lot. No parking shall be located closer to the front lot line than the front line of the principal structure [nearest to the front lot line]. However, the applicable special permit granting authority may grant a special permit to locate up to [fifteen percent (15%)] [twenty-five percent (25%)] of the required off-street parking spaces in front of a principal structure, except in the Downtown Business District, and may also authorize a change in any maximum front yard setback where necessary to accommodate such parking. In granting a special permit, the special permit granting authority may impose design, surface treatment, landscaping, lighting and other requirements to mitigate the visual impact of parking areas on views from the road, and may regulate the location of the remaining parking to achieve the purposes of this section.

ARTICLES 33 & 34

Mr. Leif explained **Article 33** is the proposed Radio Communications Facilities bylaw. It is an amended version of the current Wireless Communications Facilities Bylaw, Section 7-10-040. **Article 34** changes other places in the zoning bylaw that will need to be revised if Article 33 passes.

Mr. Leif asked the Planning Board for any comments or questions they may have on Article 33 and Article 34. The Planning Board had no comments on either of the articles.

Mark Calvanese, 346 Davis Street, asked if the Board talked about changing the setbacks from a school and also about allowing rooftop installations on school buildings.

Mr. Leif stated they did discuss it. They proposed changing the minimum required distance of an RCF to the property line of a school from 1000 feet to 500 feet. Antennas will now have different siting

regulations and can be located on top of buildings, including schools via the Special Permit process. A tower is not allowed on school property.

Mr. Calvanese stated he and the other residents present are concerned about the schools. They don't want towers near schools and or antennas on schools.

Mr. Leif stated many residents have been to all the meetings and the board has made it clear that towers and antennas are separate and that antennas will be able to be located on school buildings. Separating towers and antennas will give the Planning Board a greater ability to deny them, because they will be required to get site plan approval and a special permit for residential and school rooftop, side and interior-mounted installations.

Mr. Calvanese asked how large the antennas will be.

Mr. Leif stated they will be no more than 20 feet higher than the roof of the building or 18 inches off the side of the building.

Ms. Capobianco thanked Mr. Calvanese for coming to all the meetings, noting the consultant took into consideration what residents said. She stated she was not sure what his concerns are.

Mr. Calvanese asked what will prevent multiple antennas from being installed, and if there will be antenna farms installed on schools.

Mr. Leif stated the FCC limits emissions coming from a site. If a second antenna is installed, the applicant would have to demonstrate that emissions fell within the FCC guidelines. That would be the same for other additions, as well. He noted, the bylaw allows the board to get a review of the data from an outside, independent source at the applicant's expense.

Mr. Calvanese asked who would want to put antennas on schools.

Mr. Leif stated carriers have the equipment to service devices inside buildings and homes. They will try to provide this service to their customers and will try to locate them where they have a gap in coverage. Mr. Leif stated the demand for this service is not going away. With the proposed amendments to the WCF bylaw, the board is trying to scale back towers, allow more antennas in a reasonable way, requiring special permitting for school location and in residential locations. The bylaw requires approval of the School Committee before the application is submitted to the Planning Board, and the application requires the signature of the property owner. In discussing this with the school committee, they were open to the idea of hearing proposals. He noted he doesn't think it would take too many antennas to exceed the FCC's total allowed emissions.

Ms. Capobianco noted the board kept the current order of preference for zoning. The applicant proposing to locate on a school is going to have a huge burden.

Scott Poretsky, 47 Indian Meadow Drive, asked the board why they are changing the bylaw.

Mr. Leif reiterated concerns heard by the Board from residents over the past several years and requests to make the bylaw more restrictive. Residents came to the Board asking for fewer towers in town and

this is one of the issues addressed by the Board. The proposed bylaw allows antennas by Special Permit and encourages this use over additional towers.

Mr. Poretsky asked about femtocells inside houses and if the consultant talked about them. He also asked for the name of the WCF consultant hired by the board.

Mr. Leif stated providers will still be using standard technology in the future, and the femtocells will not be used for a while.

Mr. Poretsky stated femtocells have been used for 5 years and are something that residents decide to have in their home. The consumer can choose to do that. He questioned why the board is making changes that are going to allow installations on schools.

Mr. Leif stated gaps exist in residential neighborhoods and schools exist in residential neighborhoods. An antenna on the roof of a school could satisfy that gap without a tower.

Mr. Poretsky questioned the results of the 30-minute FCC emissions tests the consultant presented to the board. He stated the tests should cover a 12-hour day. He asked if the bylaw covers all schools.

Mr. Leif replied it does cover all schools.

Tom Blasko, 18 Pond View Way, asked if articles 33 and 34 will be voted on as a package at Town Meeting.

Mr. Leif stated if article 33 doesn't pass, there will be no need for article 34.

Mr. Blasko confirmed the proposed bylaw would allow an antenna installation on the roof or side of a building in the industrial zone without requiring a special permit. He asked about setback requirements for them.

Mr. Leif stated there are no setback requirements for rooftop installations in the present or proposed bylaw. However, a tower has to be 500 feet from the property line of the school and 1.5 times the height of the tower from a residential structure.

Mr. Leif stated they would have to get an agreement from the school department and a special permit for a tower. He stated this is a reasonable way to provide cell service in the town on a managed basis. If towers were placed on schools, a lease would be paid to the town. It's not a money-making scheme for the town.

Doug Ricci, 101 Meadow Road, asked the board members if they have children in the Northborough schools.

Ms. Harrison stated she has a child who attends the high school.

Ms. Capobianco stated she has two children in school.

Ms. Gillespie stated one child has graduated and she has another in school.

Mr. Ricci asked if the board members if they hired only one consultant.

Mr. Leif stated they had limited funds and could only hire one consultant. A list of consultants used by other towns was created by the Town Planner, and the consultant chosen was the best, according to the interviews conducted by the Planning Board.

Mr. Ricci asked about the gap analysis.

Mr. Leif referred to the map showing gaps in coverage.

Ms. Gillespie stated she would be surprised if the board had another tower before them.

Ms. Joubert stated there are rooftop installations throughout town. They are camouflaged. She noted there are rooftop installations on the Unitarian Church at 4 Church Street (in the steeple), on the roof of the old town hall at 4 West Main Street, and on the Extra Space Storage building at 456 Main Street. She also noted there is a tower camouflaged as a flag pole at 300 West Main Street, across from Romaine's restaurant.

Mr. Ricci asked if there are private party tax exemptions for putting up antennas.

Ms. Capobianco stated the town does not have anything to do with tax incentives.

Ms. Capobianco stated she wants to make sure everyone understands she has no desire to see an antenna on a school, however it is the board's job to anticipate what could happen in the future. When providers come before the board, they are going to have to show they cannot go anywhere else to get coverage if they want to locate on a school.

Mr. Ricci stated providers will be able to manipulate and do everything they can to locate where they want to locate.

Ms. Capobianco stated every applicant has to manipulate and it's the board's job to protect the residents. She said she has not heard anything about sickness and towers one way or the other.

Mr. Ricci asked the board to look out for the residents' best interests.

Ms. Harrison stated towers have to work harder when they are further away from buildings.

Mr. Poretsky stated towers with co-locators operate at higher power. He stated the Telecommunications Act was based on 1G. India has done studies on 3G and they have banned towers on school buildings.

Deb Blasko, 18 Pond View Way, stated when she was at previous meetings, she didn't think the "buildings" included schools. She suggested having a 1000 foot setback for a roof antenna and/or just excluding schools or limiting the antennas to 2 on schools.

Mr. Leif stated they did spend discussing schools and antennas at previous meetings. They are being allowed because they could close gaps in town and help manage the balance between the site and the gaps.

Ms. Blasko stated a lot of good work has been done to revise the bylaw. She suggested eliminating the school section.

Mr. Leif stated there will be a lot of people at Town Meeting and this bylaw gives the town the opportunity to increase the use of technology over time. Everyone will have their own view on how this manages negative impacts – what are the look and view lines of the neighborhood. A lot of people come from different perspectives and some want to have their reception improved. After working with the consultant, the board is proposing to require a special permit for locating on a school. On the floor of Town Meeting, if the feeling is that the town doesn't want it, it won't pass. Until the bylaw has changed, applicants will have to go before the Zoning Board of Appeals.

Mr. Ricci asked if Verizon gets an antenna, does it make it easier for co-locators to locate. He also asked if a ham radio could go on top of a school.

Ms. Joubert replied it will not make it easier. They still have to come before the board.

Mr. Leif stated a ham radio has to be located on the property of the owner.

Mr. Pember stated if a carrier wants to locate on a school, the school committee would have to sign the application. He stated he believes it is highly unlikely the school committee would do that.

Mr. Leif stated that, with the proposed bylaw, the board can, on a limited basis, provide service to the town.

Ms. Blasko stated it's one thing if the town wants to put up a tower or a rooftop themselves, but the bylaw doesn't limit it to just the town.

Mr. Leif stated he understands the concerns people have expressed tonight.

Mr. Poretzky stated the National Association of Realtors online say towers have an impact on property values.

Ms. Capobianco questioned whether that includes antennas. She stated a lot of people don't know where antennas are located in town.

Mr. Leif stated he believes what the board is proposing strikes a reasonable balance between providing service and managing.

Ms. Gillespie stated the likelihood of it going on a school, because there will be trees and obstacles in the way, doesn't exist in the near future. To date, there is only 1 carrier on the tower at the Police Station.

Alvin Aldrich, 370 Davis Street, stated he doesn't see any protection with the special permit process. It can't address health care and only addresses aesthetics.

Ms. Gillespie and Mr. Pember stated a special permit can't be denied, but it can be regulated.

Ms. Joubert stated a cell tower tried to locate in a residential neighborhood and the Planning Board asked them why they were proposing to locate there and not in an industrial or business zone. The applicant could not answer the question. Basically, they saw the gap and wanted to locate there. The applicant later withdrew. In another case, the applicant was very close to another cell tower. The Planning Board went through the process and was told to show the board that they couldn't locate anywhere else. The applicant couldn't show that, therefore the board denied the application and the applicant did not come back again.

Ms. Poretsky noted the required one mile distance from one tower to another has been eliminated.

Ms. Joubert replied the purpose of that is so people would be able to put a second tower on an existing site. Right now, the present bylaw does not allow that. The applicant has to go in the order of the preferred zoning locations.

Mr. Leif stated the current bylaw does not allow siting of WCF facilities. The maps show the impacts of what the changes will allow. The language will be in the bylaw and the special permit criteria.

Mr. Poretsky asked how much the town spent on the consultant.

Ms. Joubert stated the consultant was paid \$10,000.

Mr. Blasko asked if a special permit can be denied.

Ms. Joubert stated it can be denied if the applicant does not meet the bylaw.

Ms. Gillespie stated the applicant has to exhaust all avenues before they get to a school.

Mr. Poretsky asked if the children's parents will be notified.

Ms. Joubert stated they will be notified if they live within 300 feet of the site.

Ms. Blasko asked the board to consider taking the schools out of the proposed bylaw and leaving them as is in the current bylaw.

Amy Poretsky submitted a document to the board.

Ms. Capobianco motioned to close the hearing, Ms. Gillespie seconded the motion and the vote was unanimously in favor of the motion.

Vote on Article 32: Ms. Harrison motioned to recommend approval of Article 32, Mr. Pember seconded the motion and the vote was unanimously in favor of the motion.

Vote on Article 33: Ms. Capobianco motioned to recommend approval of Article 33 and Mr. Pember seconded the motion.

Ms. Capobianco asked if it is possible for someone who is unsatisfied with the article at Town Meeting to move to amend it.

Ms. Joubert replied it is possible.

Ms. Capobianco asked if the rest could be approved if someone wanted to amend a small sentence.

Mr. Leif stated the person would have to make sure the wording was approved by Town Counsel.

Ms. Capobianco asked if the schools could be separated from the bylaw. She stated she would not like to see the whole thing fail because of the schools.

Ms. Joubert stated by virtue of the article not being published in the warrant, if you wanted to amend your proposal, and approve it, the handout would reflect the changes. The presentation would state that this would be allowed every place but the schools.

Mr. Leif stated his PowerPoint presentation indicates they will be allowed on schools. If the board members want to take that out, Ms. Joubert would make the changes and his presentation would include every place except schools.

Mr. Pember stated David Maxson said there are a lot of school districts that have requested antennas on schools because if there are minor carriers in the area, if there's an emergency in the school and someone has to call for help in a hurry, there can be no service from that carrier. Teachers and students would be calling for help. If people are calling on cell phones that don't work, that's a dangerous situation that puts children in more danger.

Ms. Joubert stated she and Mr. Leif went before the School Committee and the Superintendent of Schools and made a proposal about this, so they would have an understanding of the proposed bylaw. She stated they wanted to educate the committee on what the Planning Board will be proposing.

Mr. Leif stated that, based on public hearing input, they should decide if they want to change it.

Ms. Harrison stated she is not sure to not allow location or to limit it to one carrier.

Mr. Leif stated they need to either keep it in or take it out.

Ms. Joubert asked the board if they wanted to take into account the section that refers to residential districts also. She stated it does not appear to be a concern that these could be placed on houses.

Mr. Leif stated they have to keep in mind why they did this. The board recognizes that the use of this technology is growing. Just about everybody in town has these devices and not all areas of town currently get service. As new technologies come out, they are trying to get new services into town and craft changes to the bylaw that manage how this is going to be done so they can anticipate and manage the increase in the town. The more they start taking out, the more they move back to the old bylaw with limited service. If they take the schools and residential neighborhoods out, eventually someone will have a valid right to locate in the town and then the town will end up in Land Court if it's denied. The bylaw needs to be changed to keep the town out of court and manage the towers.

Mr. Pember stated Mr. Leif or another member could make the change when Mr. Leif gives his presentation.

Ms. Harrison suggested keeping the language as is, since the schools and residential neighborhoods can't be separate.

Ms. Capobianco stated she agrees. They reminded those present that the board had many meetings at which much data was presented by an expert they hired. She stated she appreciates the 4 or 5 people who came to all the meetings. She stated it is short-sighted for people to try to change things at the last minute, considering the work the board went through to get where they are today. An amendment can be made on Town Meeting floor. The board took a lot of steps to do this, but an amendment may need to be a consideration sometime in the future.

Mr. Poretsky asked which boards vote on the article at town meeting.

Ms. Gillespie stated the Planning Board makes a recommendation to Town Meeting.

Mr. Calvanese asked how an amendment would be done.

Ms. Gillespie stated Ms. Joubert would work with anyone who wanted to know the process.

Ms. Joubert stated there's a format and wording that has to be approved by Town Counsel.

Mr. Pember stated he agrees that, after all the meetings, they should go with it and if an amendment goes through, that's ok, but he doesn't want to see the whole thing fail.

Vote on Article 33: All members were in favor of recommending approval of Article 33. Discussion – all in favor of approving article 33.

Vote on Article 34: Mr. Pember motioned to recommend approval of Article 34, Ms. Harrison seconded the motion and the vote was unanimously in favor of the motion.

Vote on Article 36: Ms. Joubert stated this article changes the code as far as how changes will appear. Ms. Capobianco motioned to recommend approval of Article 36, Mr. Pember seconded the motion and the vote was unanimously in favor of the motion.

Approval of Minutes: The board approved the minutes of October 2, 2012 and January 15, 2013. It was noted Mr. Pember recused himself during the meeting on October 2, 2012 and did not vote on approval of them.

Vote on Jason Perreault: The board voted to approve the appointment of Jason Perreault to the Financial Planning Committee for a 3 year term.

Ms. Joubert noted Town Meeting will be held on April 22nd and she will post a meeting that will run through Town Meeting for 7:30 pm on April 22nd.

The meeting adjourned at 9:30 pm.

Respectfully submitted,

Debbie Grampietro
Board Secretary