



# TOWN OF NORTHBOROUGH PLANNING BOARD

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Approved 2-12-14

## Planning Board Meeting Minutes January 27, 2014

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

**Others Present:** Kathy Joubert, Town Planner; Fred Litchfield, Town Engineer; David Kane, MIS/GIS Director; Tom & Deb Blasko; Nancy Kellogg; Amy Poretzky

Chairman Leif opened the meeting at 7pm.

### Proposed Zoning Amendments for 2014 Annual Town Meeting

#### Large-Scale Ground-Mounted Solar Photovoltaic Installations Bylaw

Mr. Kane reviewed the maps he created pertaining to 25' and 50' setbacks when an industrial district abuts a residential district.

Mr. Leif believes the area on Bartlett Street might be the best place to locate the solar farms. The board could give the industrial zone a new name – Industrial SE, for example – and that is where solar farms would be located. He stated he does not favor locating them in the Bearfoot Road area. In the southwest area of town, the Kimball Sand property is large, but the issue would be the baseball facility which borders a residential neighborhood. He noted he is satisfied with the wording of the latest bylaw draft.

Instead of creating a new zoning district, Ms. Joubert stated the board could require the use to be located on a certain sized lot with setbacks of 100'.

Ms. Harrison asked if they could accomplish the same thing through an overlay district as they would by creating a new zoning district, as Mr. Leif suggested. Ms. Joubert stated yes, an overlay district could be created similar to the major commercial overlay district created in 2009. If the board creates a new industrial district (Industrial SE) it would have to be added to the use table and all other areas of the bylaw it affects, and a new zoning map would have to be created, as well.

Ms. Joubert stated there is very limited vacant industrial land in the northeast area of Town and the topography of the Bartlett Street area is difficult. For FedEx, there was a substantial amount of earth removal and movement in order to construct the building. It doesn't make sense to put a solar farm on an industrial-zoned parcel with sewer. This applies to the southwest section of town also along Route 20. With town services available, the land is too valuable to place a solar farm on it. The land in that area is more valuable for commercial development.

Mr. Leif asked about the possibility of the National Grid site at 55 Bearfoot Road and if National Grid decided to get into the solar business, could they do it on their own property. Ms. Joubert responded there really isn't enough land at that site given the present building and parking areas. Mr. Leif stated he does not want to see a solar farm in the Bearfoot Road industrial area.

Ms. Capobianco stated she doesn't have a problem with the industrial district, but would like to see larger setbacks from residential sites. Ms. Joubert reviewed the proposed setbacks from a residential

district. Ms. Capobianco stated she would support a minimum lot size requirement and a 100-foot setback from a residential area.

Mr. Leif noted a minimum of half the setback around the property would have a vegetated buffer. He stated he would like to see the maps with the 100-foot setback.

Ms. Gillespie stated the land in the Bartlett Street area is pretty valuable for development and it's unlikely someone would want to locate a solar farm there when they could make more money with a commercial use.

Ms. Joubert noted for the next meeting, she will have maps with 100-foot setbacks where there are 50-foot setbacks now. If the site abuts a residential use or zone, then all the setbacks would be 100 feet. If they don't abut residential, they will stick to the 25-foot setback of the zoning district.

Ms. Joubert noted warrant articles are due on February 3<sup>rd</sup> and the next Planning Board meeting is on February 4<sup>th</sup>. She will put place holders there. It was noted Mr. Leif will be away the week of February 4<sup>th</sup>.

All members agreed with the text in the latest draft bylaw, which included changes by Dick Jones and other members of the Wind Turbine Committee, as well as changes by Mr. Leif.

### **ZBA Applications**

The members received copies of the applications for 137 West Main Street and 318 Main Street, both of which will be heard at the next ZBA meeting on February 25<sup>th</sup>.

### **Bond Reductions**

Mr. Litchfield presented information on the three subdivision roads up for acceptance at Town Meeting this year, which are Cyrus Way, Weber Lane and Johnson Avenue.

Ms. Gillespie was concerned about the vegetated buffer around part of the high school off Hemlock Drive. She stated a shocking amount of trees have been taken down.

Ms. Joubert stated there are four single (ANR) lots created from one large lot on Hemlock Drive that were cleared by the developer and did not require subdivision or site plan approval. They are all in a residential district.

Mr. Litchfield stated the lots did receive an Earth Removal Permit from the Earthwork Board and also noted the reason behind the number of trees removed on Hemlock Drive is because there is a detention basin within Blueberry Lane and Hemlock Drive in the Evergreen Estates subdivision. At the time the subdivision was approved by the Planning Board, drainage was released onto property owned by the developer. A strip of land where the water was released is on a 15-foot easement and staff was concerned the path of the flow would be blocked. Town staff worked with the developer to make sure a drainage easement was placed on the lots, and flowing into the detention basin in the back, was not blocked. That's the location in which the trees were removed and why. Water could have backed-up into the street or into the houses. They are ANR lots and the town does not have the ability to put conditions on them.

Ms. Gillespie stated she thinks the developer of Stirrup Brook Estates II could have done a better job buffering the new houses from the high school property and asked why a fence wasn't placed around the entire subdivision.

Mr. Litchfield stated the quantity and placement of the trees was required by the Planning Board and the Board did not require a fenced area. The developer did erect a fence on his own property.

**Cyrus Brook Estates:** Mr. Pember motioned to approve a bond reduction for Cyrus Brook Estates from \$115,300 to \$31,000. Ms. Capobianco seconded the motion and the vote was unanimously in favor of approving the bond reduction.

**Stirrup Brook Estates II:** Ms. Harrison motioned to approve a bond reduction from \$36,500 to \$14,000 for Stirrup Brook Estates II. Ms. Capobianco seconded the motion and the vote was unanimously in favor of approving the bond reduction.

### **Sign Bylaw – Most Recent Draft**

Ms. Joubert explained she received an email message from Leslie Rutan, Chairman, Board of Selectmen, with a change Ms. Rutan would like to make to Section K(3)(c), on page 10 of the latest draft of the Sign Bylaw, in bold text, as follows :

*“All signs on any private properties ~~The sign~~ shall only be erected on a Saturday and/or Sunday and shall be removed at the conclusion of the Open House.”*

Mr. Leif stated Ms. Rutan’s proposed change is redundant, but he has no problem with the wording change if it will satisfy Ms. Rutan’s concern. Ms. Capobianco and Mr. Pember suggested not using it, as there are modifiers already in the bylaw 3 times.

Ms. Joubert noted Ms. Rutan told her she would like to have the Board of Selectmen review the bylaw before it goes to Town Meeting.

Mr. Leif stated he will talk personally to Ms. Rutan to see if they can reach a compromise.

Ms. Gillespie stated the board should take out the words “Saturday and Sunday” to Section K(3)(c) because a seller may have people coming during the week. It’s too restrictive to allow it only on two days.

Ms. Gillespie stated if the board is too restrictive, it works against realtors.

Mr. Pember suggested the following wording: *“The sign shall only be erected on the day of the open house and shall be removed at the conclusion of the open house each day.”*

Ms. Gillespie was fine with that. Mr. Leif will talk to Ms. Rutan about the changes.

### **Registered Marijuana Dispensary Bylaw (Medical Marijuana Bylaw)**

The board reviewed the latest version of the draft bylaw for Registered Marijuana Dispensaries sent to them by Ms. Joubert on January 24, 2014, which includes changes to the bylaw from their last meeting on January 14<sup>th</sup>. Ms. Joubert explained she included a requirement for a special permit from the Planning Board for the use, but noted other towns allow them by right. She also located the use in the Highway Business District along Route 9, in which adult entertainment is allowed by special permit from the ZBA. In addition, she noted some towns have added the word “public” to the playground use, Section 7-10-070C(2)(d), and Town Counsel suggested the language does not include “public”. She stated the bylaw closely follows the proposed language in Kopelman & Paige’s draft bylaw.

Ms. Harrison stated she disagrees with most of the RMD bylaw, explaining she doesn’t agree with special setbacks and where it should be located. She does agree with requiring a special permit or a special permit with site plan approval, stating it would be good to be able to look at the proposal.

Mr. Leif asked the board if they want to require a special permit or allow the use by right. Special permitting gives the review board the opportunity to set conditions as of right.

Ms. Capobianco stated that, depending on where it goes, it may be fine to allow it by right.

Ms. Joubert explained that, looking at a 300-foot setback in the Highway Business District, there are 63.27 acres of land available, but it may not all be vacant land. Using a 500-foot setback, there are 57.93 acres; and with a 1000-foot setback there would be nothing available in the Highway Business District.

David Kane, MIS/GIS Director, reviewed the RMD maps with the board.

Mr. Leif stated the industrial districts are too far away and downtown is not good because something nefarious could go on. He believes the Highway Business District manages the perception and allows the possibility of the use locating in Northborough.

Mr. Pember stated the use in the Highway Business District should be allowed by right and in the industrial and commercial districts it would require a special permit with site plan review.

Mr. Leif reiterated he would not like to see them located in the center of town.

Ms. Capobianco stated she would support the use as of right in the Highway Business District, and if it needs to be in the industrial district, require a special permit for the use but leave it for future town meetings. She asked if the board could prohibit use variances for this use. Ms. Joubert stated the board would have to propose a change to the zoning bylaw and prohibit all use variances.

Ms. Capobianco stated to allow it by right would infer they would have to follow the DPH regulations. Ms. Joubert stated the town can be more restrictive than DPH. She noted there are no restrictions for hours of operation in the current zoning bylaw, only restrictions for hours of illuminated signs.

Mr. Leif asked the members if they would like to see the use go through site plan approval process. Ms. Joubert stated if the use was locating in an existing building, it would not require site plan approval by the Planning Board.

For the next meeting:

**RMD/MMJ Bylaw:** Ms. Joubert stated she will revise the draft bylaw over the next few days and send it to the board. If everyone is ok with it, it will be the version she will send out.

**Solar Bylaw:** For the February 12<sup>th</sup> meeting, Mr. Kane will revise the maps showing 100-foot setbacks.

**Sign Bylaw:** Mr. Leif will call Ms. Rutan about the sign bylaw change she is requesting, and if she doesn't agree with the board's proposed change, he will ask her to come to the meeting on February 12<sup>th</sup>.

Next meeting is February 12<sup>th</sup>.

The meeting adjourned at 9:15 pm

Respectfully submitted,  
Debbie Grampietro  
Board Secretary