



TOWN OF NORTHBOROUGH PLANNING BOARD

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

Approved 7.7.15

Planning Board Meeting Minutes March 3, 2015

Members in attendance: Theresa Capobianco, Chair; Leslie Harrison; George Pember; Michelle Gillespie; Amy Poretsky

Others in attendance: Kathy Joubert, Town Planner; Fred Litchfield, Town Engineer; Elaine Rowe, Board Secretary; Mike Sullivan, Connorstone Engineering; Craig Callahan; Dan Benway; Stephen Lee; Henry Paltrineri

Chair Theresa Capobianco called the meeting to order at 7:04PM.

Public Hearing to discuss the proposed zoning articles for 2015 Town Meeting:

Ms. Capobianco noted that there are 7 warrant articles to amend various sections of the Zoning Bylaw as discussed in previous meetings. Ms. Joubert confirmed that the public hearing was advertised in the paper, and notice went out to abutting towns as well as the Regional Planning Commission and the State.

Ms. Capobianco reviewed the warrant articles as follows:

Article 44

To see if the Town will vote to amend Part 7 of the Northborough Town Code, the Northborough Zoning Bylaw, **Section 7-09-040 Signs, K. Permit Not Required**, by adding the text shown underlined, or take any action relative thereto.

(3)(b) The sign may be erected on private property provided permission from the property owner has been granted. Upon request by the Building Inspector, a copy of the letter granting such permission shall be provided to the Building Inspector.

(3)(c) 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. The date of the open house shall be included on the sign.

The purpose of this amendment is 1.) to have the realtor obtain a letter from the property owner who has granted permission to the realtor to place a sign on their property as the bylaw requires permission be granted. If there are questions from residents as to the placement of the open house sign, the Building Inspector would now have proof as to the property owner granting permission and 2.) to provide the Building Inspector with a date on the sign indicating when the Open House is to be held in order to enforce the removal of the sign if the realtor does not remove the sign in a timely manner per the bylaw.

Article 45

To see if the Town will vote to amend Part 7 of the Northborough Town Code, the Northborough Zoning Bylaw, **Section 7-09-040 Signs, D. Basic Requirements**, by adding the text shown underlined, or take any action relative thereto.

(10) The location, by street number, for all non-residential structures shall be included on the freestanding sign. The portion of the area used for the street address shall not exceed fifteen percent (15%) of the allowed square footage and shall not affect the calculation of allowed sign square footage.

For public safety purposes and for general directional assistance, street numbers will now be required to be placed on freestanding signs. Usually these signs are for buildings with multiple tenants and it's often difficult to read/see the numbers above a doorway.

Article 46

To see if the Town will vote to amend Part 7 of the Northborough Town Code, the Northborough Zoning Bylaw, **Section 7-05-020, Classification of Uses G. Business Uses. (2) Hospitality and Food Service (e) and (g)**, by deleting the text shown in strikethrough and adding the text shown underlined, or take any action relative thereto.

(e) Deli, sandwich shop, ~~or~~ pizza shop or take-out food service: A food service establishment where food is prepared and sold at retail and may or may not be consumed on the premises, such as a deli or sandwich shop serving sandwiches, soups, salads, pizza or other individually portioned food items on a take-out basis. It may include a walk-up service window ~~or counter~~ or counter for take-out food service, but not drive-through service.

~~(g) Take-out food service: A food service establishment in which food prepared and sold at retail may be consumed on the premises or purchased from a counter or a walk-up service window and consumed off the premises, but not a drive-through service.~~

It is redundant to have a separate definition for "take-out food service". This revision will add "take-out food service" to the existing definition for "deli, sandwich shop and pizza shop". This amendment does not change the definition to prohibit any use.

Article 47

To see if the Town will vote to amend Part 7 of the Northborough Town Code, the Northborough Zoning Bylaw, **Section 7-03-060 Design Review, B.** Applicability, by deleting the text shown in strikethrough and replacing it with the next text shown underlined, or take any action relative thereto.

B. Applicability.

(1) Design review by the Design Review Committee shall be required as part of the site plan approval or a special permit with site plan approval for any of the following:

(a) In any business district, new construction or exterior alterations or expansion of any commercial, municipal, institutional or multifamily structure; ~~or~~

(b) In the Downtown Neighborhood District, new construction or exterior alterations or expansion of any multifamily structure or any structure requiring a special permit;

(c) In the Major Commercial Development Overlay District, new construction or exterior alterations or expansion of any multifamily structure or any structure requiring a special permit; or

(d) In any Industrial district, new construction of any extensive uses, institutional uses, mixed uses, business uses, public service or public utility, or industrial uses.

With increased commercial activity in the Industrial district, this amendment would add that any future development in the Industrial district is to be reviewed by the Design Review Committee.

Article 48

To see if the Town will vote to amend Part 7 of the Northborough Town Code, the Northborough Zoning Bylaw, **Section 7-05-030, Table 1. Table of Uses. Part B.** Commercial and Industrial Districts by deleting the text shown in strikethrough and replacing it with the text shown underlined, or take any action relative thereto.

Table 1. Table of Uses. Part B. Commercial and Industrial Districts						
USES	DB	BE	BW	BS	HD	I
Auto sales	N	N	BA <u>N</u>	N	BA	PB

This change would prohibit an auto dealership from locating in the Business West district on West Main Street.

Article 49

To see if the Town will vote to amend Part 7 of the Northborough Town Code, the Northborough Zoning Bylaw, **Section 7-02-040** Definitions, by adding the text shown underlined, or take any action relative thereto.

PARKING AREA AND/OR ACCESS DRIVE – An impervious surface constructed for an access drive and/or the parking of vehicles.

Although these terms are used frequently throughout the Zoning Bylaw, there isn't a specific definition for "parking area or access drive".

Article 50

To see if the Town will vote to amend Part 7 of the Northborough Town Code, the Northborough Zoning Bylaw, **Section 7-09-030 Off-Street Parking and Loading, B.** Off-street parking and loading regulations, (2) Parking and loading space requirements (b) Commercial uses, by adding the text shown underlined, or take any action relative thereto.

[14] Day care centers: minimum one (1) space per employee and one (1) space per five (5) children.

Presently there is not a specific parking requirement for day care centers. This proposed requirement will not pertain to home-based day cares.

George Pember made a motion to request that the Board of Selectmen support approval of all of the proposed zoning changes. Michelle Gillespie seconded; vote unanimous.

Leslie Harrison made a motion to close the hearing for the zoning bylaw change. George Pember seconded; vote unanimous.

Continued discussion with Mike Sullivan regarding the potential Howard Street & Washburn Street subdivision – Mr. Sullivan introduced Craig Callahan, the current owner of the property; Dan Benway, potential buyer; and a couple of abutters. He noted that, during their last appearance before this board, the applicant was seeking input about which direction they should take with the project given some of the constraints on the 9 acre parcel. His first proposal involved a 5 lot subdivision on a 500 foot cul-de-sac off of Washburn Street. He explained that, because of wetlands on the parcel, the Conservation Commission did not view this proposal favorably and asked the applicant to look for other options. At that point, the applicant appeared before this board seeking consideration of a waiver on the road construction and a common driveway and that, too, was met with a less than favorable response. Lastly, a 4 lot development with nearly 400 feet of roadway was discussed, and Mr. Sullivan noted that this

proposal would require three waivers; 1) reduction of the required 50 foot right of way, 2) reduction of the setback required for the right of way, and 3) reduction in the required turning radius. Mr. Sullivan also noted that the applicant has met with the abutters as was requested by the board at the last meeting, and his understanding is that the initial response to the project was favorable.

Craig Callahan, 172A Howard Street, explained that he and his family have resided on the property for 8 years and, over the last 18 months have acquired the adjacent property at 172 Howard Street. He also noted that the home on that property had been vacant for his entire 8 year residency. Mr. Callahan stated that the original plan was for his in-laws to live in the adjacent home, but those plans changed with the passing of his mother-in-law, so he is now looking to sell that property.

Mr. Callahan explained that he was asked to speak with his neighbors about the proposed subdivision. He indicated that he had reviewed the plan with them, including a discussion about the creation of the lots and the proposed improvements to the access drive that could be made in conjunction with the development. He noted that the two abutters who will be directly impacted are in attendance to hear details of the plan as well as share their thoughts.

Ms. Gillespie asked if the two abutters will keep their existing driveways. Mr. Sullivan indicated that they will. Ms. Gillespie asked about water and septic service. Mr. Callahan noted that the two existing homes are served by town water, and the two proposed homes will be as well. Mr. Sullivan explained that a new septic system will need to be installed for the home at 172 Howard Street. Mr. Callahan confirmed that the two existing homes will remain.

Ms. Gillespie asked about the width of the driveway. Mr. Sullivan stated that the right of way will be a maximum of 40 feet and not the 50 feet that is required in the bylaw. Ms. Gillespie asked if the school bus comes all the way down the driveway or if the children go out to Howard Street. Mr. Callahan confirmed that the pickup is on Howard Street. In response to an additional question from Ms. Gillespie, Mr. Sullivan confirmed that the cul-de-sac roadway will have adequate turning radius for a school bus. Ms. Gillespie asked about sidewalks. Ms. Joubert stated that the applicant is not at a point in the process where they have considered all of the design elements; they are simply looking to get a sense as to whether this plan might be something that the board would support.

Ms. Gillespie asked about access from Washburn Street that was discussed at the last meeting. Mr. Sullivan indicated that there was a question about the legality of doing so, and that idea was abandoned. Ms. Gillespie voiced her assumption that the town will approve a road off of Howard Street. Ms. Joubert indicated that the proposed subdivision will be built in compliance with the town's subdivision rules and regulations, which would result in the road being approved at Town Meeting.

Mr. Pember asked for clarification about the first two waivers. Mr. Sullivan explained that the town requires that a right of way be 15 feet from all abutters, but the proposed right of way will go right to the property line. He also noted that the town requires a 30-foot turning radius, but this project will have closer to 10 to 15 feet to keep it on the property.

Ms. Gillespie asked about the recent subdivision that was approved for East Main Street. Ms. Joubert noted that that project had a 50 foot right of way with 26 feet of pavement. Mr. Litchfield explained that the right of way needs to be 50 feet, with a 30 foot turning radius to allow vehicles to make that turn appropriately.

Chair Capobianco asked the abutters for their comments on the proposal.

Henry Paltrineri, 170 Howard Street, explained that he has lived on the property for 48 years and has had problems with the driveway for most of those years. He noted that the dirt driveway creates dusty conditions that make it hard from him to enjoy his deck and porch, so he would be in favor of paving it. He also commented that there are issues with water flowing down the hill, so the additional drains will be beneficial. He reiterated his support of the project because it will help to alleviate problems on his property.

Steven Lee, 174 Howard Street, also stated that he is not opposed to the proposal and noted that his primary concern would be to ensure drainage is handled properly. He indicated that he would like to ensure that the grading, specifically on lot #1, will remain sufficient so that he does not get additional runoff or have changes to the water table as were experienced with the previous project. He also commented that pavement would be preferred over the existing gravel. Chair Capobianco confirmed that such concerns will be addressed during the approval process.

Ms. Poretzky noted that a waiver is needed to reduce the required 15 foot setback from the neighbors, and questioned where the plows will push the snow if the road is going to be right on the neighbor's property line. Mr. Litchfield stated that, while the plan does not yet show it, there should be a 5-foot strip of grass between the sidewalk and driveway that could accommodate snow storage. Mr. Litchfield also suggested that the neighbors may benefit from accessing their property off of the new roadway. He indicated that, by making the abutters part of the subdivision, they would not be subject to the 15 foot setback, which would remove the requirement for a waiver from the Planning Board. Ms. Capobianco questioned whether bringing the abutting properties into the subdivision would mandate an address change for those residents. Mr. Litchfield voiced his assumption that it might. Ms. Joubert suggested that the applicant explore the matter with the Assessor's Office and Public Safety officials. Mr. Sullivan commented that the pavement will be a minimum of 7 feet off the property line on either side.

Mr. Pember asked if the project has been before the Fire Chief. Mr. Sullivan indicated that it has not. Ms. Capobianco stated that she is pleased to hear that the abutters were consulted and that they are in favor of the proposal.

Release of Bonds - Mr. Litchfield discussed the letters that he had submitted to the board concerning two streets that were accepted at last year's Town Meeting (Weber Lane and Johnson Avenue Extension). He reiterated his recommendation that the board release the remaining funds (\$14,000) plus any accrued interest to the developer for the project on Weber Lane (Stirrup Brook Estates II).

Leslie Harrison made a motion to release the bond being held for Stirrup Brook Estates II. Amy Poretzky seconded; vote unanimous.

Mr. Litchfield also recommended that the board release the bond (\$10,000 plus any accrued interest) being held for the Johnson Avenue Extension project.

Leslie Harrison made a motion to release the bond being held for the Johnson Avenue Extension project. Michelle Gillespie seconded; vote unanimous.

Newton Street – Mr. Litchfield discussed a letter he received from Mr. Ramadan in which he asked Mr. Litchfield to contact National Grid about costs to move some utility poles on the property. He noted that, in researching the matter, he has learned that National Grid does not own the poles and therefore will not be imposing any fees. Mr. Litchfield stated that the poles are owned by Verizon and, though Mr. Ramadan has asked Verizon to waive any fees associated with moving the poles, Verizon does not appear to be receptive to that idea. At Verizon's request, Mr. Litchfield has provided them with documentation that Newton Street is an approved road.

Mr. Litchfield voiced his understanding that there is an issue because the new plan shows the poles in very close proximity to the stone walls. He commented that Verizon is concerned about any bracing for those poles being located on private property, so Mr. Ramadan will be required to secure easements to do so. Mr. Litchfield explained that he is researching the matter further, and indicated that his main concern is that the town not be responsible for any of these costs. He emphasized his position that, were Mr. Ramadan not building these houses, the town would not be making these roadway improvements. Mr. Litchfield also indicated that the matter will be discussed in the field next week to determine if the poles can be located in compliance with Verizon's criteria. Given the situation, he does not yet have a bond amount calculated but hopes to provide it at the next meeting.

Earth Work Permits – Mr. Litchfield explained that a bylaw amendment that was approved at the 2002 Town Meeting in an effort to streamline the process for Earth Work permits for industrial projects has proven not to be effective. Given that, he is now recommending that it is more appropriate for these projects to go before the Earth Works Board.

Ms. Capobianco asked if the Earth Work approval is a pre-requisite to Planning Board or ZBA approval. Ms. Joubert indicated that the Earth Work approval is typically done after all other approvals are in place. She also noted that this is not a zoning bylaw change, and the Earthwork Board is in favor of the proposal and will hold a public hearing on the issue on April 1, 2015. Mr. Pember voiced his opinion that the Town Moderator may ask for the Planning Board's recommendation. Ms. Joubert agreed to prepare a memo for the Town Moderator.

George Pember made a motion to support the change to part 2 of the Town Code regarding the Earthwork Board. Michelle Gillespie seconded; vote unanimous.

Master Plan Update – In response to a question from Ms. Capobianco, Ms. Joubert indicated that the request to update the Master Plan has reached the Financial Planning Committee who will likely recommend that it be funded. She voiced her understanding that the estimated cost is \$130,000. Ms. Joubert stated that she will be taking the matter before the Financial Planning Committee on March 12th, and she expects that they will ask if the Planning Board supports the request.

Ms. Capobianco acknowledged comments made by Ms. Poretsky at the previous meeting, and recognized that while the population numbers have not changed considerably, the town's demographic is different. She noted that younger people are moving into town and starting their families, resulting in a different community than what existed in 1997. She voiced her opinion that it could be beneficial to go through the process and make revisions to the plan if warranted.

Ms. Poretsky expressed a desire to survey the town's residents to see if opinions have changed before spending \$130,000 unnecessarily. She noted that, from conversations she has had, it seems that many people agree with the existing Master Plan and do not feel it needs to change. Ms. Harrison voiced support for taking a fresh look at the plan. Ms. Poretsky asked if it will be necessary to spend the entire \$130,000. Ms. Gillespie noted that it would be beneficial to take another look, and suggested that at least two members of Planning Board should serve on the Committee and volunteered to be one of them. Ms. Joubert explained that the Master Plan is not just a land use document, but involves every department in order to come up with a comprehensive plan. She also voiced her opinion that the 1997 plan is woefully out of date and agreed to request that the Board of Selectmen include at least two members of the Planning Board on the Master Plan Committee.

Ms. Gillespie commented that the Master Plan will open up discussion about the town's infrastructure, and emphasized the importance of having buy-in from the community on that infrastructure. Mr. Pember commented that he has been advocating for a new Master Plan for many years. Ms. Capobianco noted that 80% of the board supports funding for an updated Master Plan.

Leslie Harrison made a motion to support funding for a new Master Plan and the request for the Board of Selectmen to include at least two members of the Planning Board on the Committee. The vote was 4 in favor, with one abstaining (Amy Poretsky).

Consideration of Minutes of the Meeting of February 3, 2015 – Leslie Harrison made a motion to approve the Minutes of the Meeting of February 3, 2015 as amended. Michelle Gillespie seconded; vote unanimous.

Community Preservation Committee (CPC) Update – Ms. Gillespie explained that the CPC will be discussing the Community Preservation Plan at their meeting on Thursday evening. She also noted that they will be requesting funding for the following projects at this year's Town Meeting

- Signage for historical areas

- Old Brigham Street burial ground GPR search & mapping
- Additional basketball court improvements
- Peaslee school playground.
- Affordable Housing Reserve Fund

Ms. Gillespie also commented about the great work being done by the Historical Society.

March meeting of the Zoning Board of Appeals (ZBA) - Ms. Joubert explained that Bistro Limoncello will be appearing before the ZBA for a special permit due to change in ownership.

Ms. Joubert also noted that the hearing for the project at 25 West Main Street will be continued as the applicant is not yet done with the Design Review Committee.

March 17, 2015 Planning Board meeting – Ms. Joubert stated that the only item on the agenda at this time is Site Plan approval for the project at 300 Bartlett Street.

White Cliffs – Mr. Pember inquired about the situation with the White Cliffs. Ms. Joubert indicated that there is nothing before the Planning Board for consideration at this point. She explained that the Historical Commission has been expending a great deal of effort in their attempts to save the property. She also mentioned that the Historical Commission will be resubmitting an application to the Massachusetts Historical Commission for a preservation restriction and explained that, without that restriction, CPC funds cannot be used towards it.

Ms. Joubert voiced her understanding that the property is on the market, but there are currently no potential buyers. She also indicated that Representative McGovern's office is working with the town in an effort to facilitate some sort of preservation of the building. Ms. Harrison asked about the possibility of creating a historical district on the site. Ms. Joubert stated that the current owners are not in favor of the idea, but it is on the Town Warrant so is under consideration.

Ms. Gillespie voiced appreciation to Ms. Poretsky for sitting on the 39 West Main Street Ad Hoc Committee. She also expressed concern that it may not be feasible to expect the CPC to be able to accomplish all that is necessary in one year. Ms. Joubert explained that, based on the Ad Hoc Committee's recommendation to the Board of Selectmen, a stay of execution was adopted that will prevent the town from disposing of the property immediately. She indicated that, while the document provides for a one year stay, if the CPC receives a proposal for a viable project that cannot be ready for the 2016 Town Meeting it would be logical for the Board of Selectmen to extend that deadline.

Ms. Poretsky asked if the CPC will be able to determine viability as soon as the application is accepted. Ms. Joubert explained that the CPC does not make that determination until their application process is completed and the public hearing is held. She suggested that any interested group should put a plan together and present their proposal to the Open Space

Committee along with any other appropriate town entities before bringing it to the CPC. Ms. Harrison commented that there is a possibility for competing proposals for the same property.

Ms. Poretsky voiced her understanding that the CPC is permitted to pay up to the appraised value and asked if it is possible to fund any costs in excess of that with another cash source. Ms. Joubert agreed to clarify with Town Counsel whether it is possible to do so. Ms. Poretsky mentioned that the track at Ellsworth McAfee Park was partially funded with free cash. Mr. Litchfield suggested that the DPW may have done some of the work there.

Ms. Poretsky commented that town green space is included in the Master Plan. Ms. Gillespie suggested that the board also look at the Community Development Plan. Ms. Joubert emphasized the importance of getting support from the various town groups that deal with open space.

Ms. Gillespie also thanked Leslie Harrison for her efforts with respect to the 39 West Main Street Ad Hoc Committee and the Open Space Committee and Ms. Capobianco thanked David Gillespie for his contribution to provide public access for the Planning Board meetings.

Adjourned at 8:30PM.

Respectfully submitted,

Elaine Rowe
Board Secretary