



TOWN OF NORTHBOROUGH PLANNING BOARD

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**Planning Board
Meeting Minutes
January 30, 2018**

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

Others in attendance: Kathy Joubert, Town Planner; Fred Litchfield, Town Engineer; Judi Barrett, Barrett Planning Group; Tony Abu; Tom Reardon; John Hanna

Continued Discussion with Judi Barrett, Barrett Planning Group RE: Duplex Moratorium and Zoning Amendments for 2018 Town Meeting

Ms. Barrett explained that she had surveyed the members of the Planning Board in an effort to get a sense of the thinking among the group and where there might be opportunities to reach agreement and compromise with regards to changes to the bylaw regarding duplex housing. She commented that this is a complex topic and a difficult decision. She noted that, while she did not find there to be a unanimous position about anything, there does appear to be majority support for the idea of requiring a special permit for two-family housing. She indicated that this should be an easy amendment to the zoning bylaw, if the board wishes to pursue it. She also noted that there seems to be agreement among the majority to limit two-family development to conversions of existing homes. In addition, she stated that the majority is interested in imposing some increase to the minimum required lot size, though there are differing opinions about what that dimensional requirement should be.

Ms. Barrett commented that, because she recognizes that a decision needs to be made soon, she had reviewed where the zoning was before the update in 2009 and provided a summary memo to the board. She noted that two-family homes were previously allowed by right or by special permit in the residential districts. She commented that there were minimal changes to the duplex bylaw with the exception that in Residential A (RA) and Residential B (RB) the board opted to allow for larger homes to include an accessory dwelling. She noted that there was much discussion about dimensional regulations but, at the time, the town did not seem to have an appetite to delve into it. She expressed the importance of addressing dimensional regulations pertaining to dwelling units regardless of whether two-family homes are allowed or not. She expressed concern about the potential for structures that the board would deem as inconsistent with the character of neighborhoods because of scale.

Ms. Barrett noted that the town has initiated an effort to update the Master Plan, and suggested that the board work now to control some of the more serious concerns and address changes in the context of the Master Plan. She indicated that there is tension and disagreement within the group, but believes that a special permit requirement would at least provide the board with the ability to look at duplex projects on a case by case basis.

Ms. Capobianco asked for clarification about the conversion of existing structures and asked if this would mean that the foundation/footprint would remain the same. Ms. Barrett stated that this does not necessarily need to be the case. Ms. Poretsky asked how the town can to stop tear down of existing structures. Ms. Barrett explained that the bylaw would need to include special regulations pertaining to the conversion of an existing structure to clarify that a tear down is not allowed. She suggested that the bylaw could also impose a cap on the amount of expansion allowed or other such limitations. Ms. Poretsky voiced her understanding that some towns specify that conversions must be within the same footprint.

Mr. Pember indicated that he is not part of the majority and has no issue with two-family housing. He stated that the map shows quite a few of them in town, most of which he finds to be decent and not offensive. He noted that there is a two-family home in his neighborhood that he had no issues with when it was built and still has none years later. He agreed that requiring a special permit might be a good idea, citing the structures at the intersection of Route 135 and Summer Street that were built too close to the roadway as his reasoning, and suggested that the issue may have been caught during the special permit process. He stated that he is opposed to imposing an increase in lot sizes, and voiced his opinion that doing so basically means that we do not allow them in town. He expressed a desire to hear input from others about proposed height restrictions.

Ms. Gillespie asked board members for their input about the possibility of allowing duplex housing in the Industrial and/or Business South zones. She commented that some parcels in those areas may not ever get developed the way we would like them to be and may provide a good location for the placement of a two-family dwelling. She indicated that, while she would also like to allow them in the Business East district, she is not sure that the neighborhood would be accepting of doing so. She noted that most of the feedback she receives is that the Residential C (RC) and General Residential (GR) areas are of the most concern, and she would like to see more of them in the Residential A (RA) and Residential B (RB) zones as well as in the Main Street Residential (MSR) and Downtown (DN) areas where there are older homes that would provide great opportunities for conversion. Ms. Gillespie commented that basements in some of these older structures are deteriorating, so tear down may be necessary due to structural issues. She reiterated her desire to see some consideration for allowing them in the Industrial and Business South zones. Ms. Barrett questioned why there were not more two-family dwellings built in the RA and RB districts when they were allowed by special permit. Ms. Gillespie indicated that she did not know, but also noted that she does not have many requests for duplex or two-family housing. She discussed the Compass Pointe development in Boylston, which features very small single family homes in close proximity to one another, which does seem to have some appeal to people who are downsizing.

Ms. Gillespie stated that the duplex projects that have been constructed in town have been done very well and nobody is saying otherwise, but people are concerned about where they are going, specifically in the RC and GR districts.

Ms. Poretsky noted that she had reviewed the Community Development Plan and the Master Plan and questioned what purpose duplexes are filling. She commented that people are not asking for them, voiced concern about increases in taxes and class sizes, and indicated that residents would not want to see the town need to build new schools or add town services. She also mentioned that duplexes are now taking away from the town's more affordable housing stock, with smaller houses being bought and replaced with two-family dwellings where each side is larger than the house it replaced, which results in people being priced out of town. She stated that the zoning bylaw has restrictions for building a single family house but by allowing duplexes we are essentially allowing two homes to be built on a small lot. She voiced her understanding that owners of single family homes were only allowed to add a maximum of 50% of the total square footage of the home. Ms. Joubert explained that the zoning bylaw was revised to allow up to 80%.

Ms. Poretsky reiterated concerns that duplexes are getting bigger and bigger. Ms. Barrett indicated that this was one of the reasons that she had suggested that the board consider putting dimensional regulations in place. Ms. Poretsky commented that the board had wanted to take duplexes out of the RA and RB zones to preserve the established single family home pattern. Ms. Barrett recalled that there had been a conversation about that section of town and what was being built there, and noted that duplexes are not typically built on large lots due to high land cost. In response to a comment by Ms. Poretsky about affordable housing in Northborough, Ms. Joubert emphasized that duplexes are not considered to be affordable housing but they are housing offered at a different price point, providing an alternative to a single family house at a lower cost. Ms. Barrett suggested that everyone agrees that the issue is not about affordability. She noted that duplexes are being built so it is obvious that people are buying them. Ms. Gillespie voiced her opinion that people are buying these units because they are new construction, which everyone seems to desire. Ms. Poretsky noted that the Town of Westborough requires a minimum lot size of 55,000 square foot and 250 feet of frontage for a duplex and asked why the minimum lot size in Northborough is so low. In response to a direct question from Ms. Capobianco, Ms. Poretsky indicated that she is opposed to duplexes. Ms. Joubert discussed Westborough has only one residential zoning district and the lot size was doubled in the late 1980's from 25,000sf to 50,000sf.

Ms. Capobianco commented that there would need to be a considerable number of duplexes built all at once in a single neighborhood for there to be a realizable impact on class sizes. She also suggested that the town can do redistricting for the schools should such occur. She voiced her opinion that a development of any magnitude would require a bigger process than what we are talking about and reiterated that a few duplexes are not going to be a major impact. She indicated that she does realize that this is a fear of some residents but she believes it is unfounded. She also stated that, based on her conversations, duplexes are not a real concern though she does take issue with the size of some of the structures that were recently built that are too big for the parcel. She commented that imposing a height restriction and requiring

these projects to go through the special permit process will address many of the concerns. She voiced her opinion that duplexes are not appropriate in every district but there are some areas where they fit fine. She agreed that it is offensive when a small ranch home is replaced by two large side-by-side duplexes. She reiterated that she is not opposed to height restrictions or requiring a special permit through the Planning Board. She also commented that, while she is not opposed to allowing tear downs, she would like to restrict projects to a single duplex on one lot.

Mr. Pember discussed homes that are occupied by elderly residents on fixed incomes who are unable to afford maintenance and repairs where the home continues to deteriorate. He noted that when these residents eventually pass away or move to a nursing home, the house is in such disrepair that it is not economically feasible to renovate and the only feasible option is to tear it down and rebuild, which nobody is going to do if they can only build a small single family house. He suggested that there is no incentive for owners to sell or builders to buy, and suggested that the board give this issue close consideration. He noted that there is a general rule of thumb about not being the most expensive house in your neighborhood because you never get your money back, and suggested that if a duplex is the most expensive house in the neighborhood, then having it will increase the value of smaller homes nearby. Ms. Capobianco disagreed, and noted that the values of the homes behind the duplex development on Route 135 near Northgate Road will be negatively impacted.

Ms. Barrett explained that she had recently had the opportunity to work on the housing element of the Master Plan for the Town of Burlington, where they also voiced a lot of concern about tear downs. She indicated that she had done some survey work and held public meetings and there were mixed opinions voiced. Mr. Pember commented that a massive colonial could be built on these lots and it would be no different. Ms. Capobianco suggested that height restrictions and requiring a special permit from the Planning Board could help avoid these situations in the future. Ms. Gillespie agreed, and noted concerns about some of the older homes along Main Street that might not be worthy of saving. She expressed an interest in determining the board's interest in allowing duplexes in the Industrial and Business South zones, and noted that the property on the corner of Bartlett and Lyman Streets would be a perfect location for a duplex development. Ms. Barrett commented that the board does have the ability to deny a special permit if a proposed project is not appropriate for the location. Members of the board commented that denials are quite rare, which Ms. Barrett suggested is a policy issue.

Ms. Barrett questioned whether the board wants to make changes to these other districts now, given that the town is just beginning a Master Plan process. She voiced her opinion that a more extensive conversation is needed. Ms. Harrison agreed, especially in terms of adding duplexes to other districts as suggested by Ms. Gillespie. She mentioned the project at the entrance to Pine Haven and stated that the location was suitable for placement of duplexes. Ms. Barrett emphasized the desire for balance with satisfying concerns of existing residents while also considering the environment the town wants to create for future residents.

Ms. Gillespie noted the existence of an overlay district near the Wegman's project that seems appropriate for duplex development.

Ms. Joubert reiterated that, when allowed in RA or RB, duplexes were not built so they were removed from these zones when the zoning bylaw was revised in 2009. She noted that, since 2009, there have been no applications seeking a variance for a duplex in either of these zones. She also indicated that she had spoken with the Superintendent of Schools who confirmed that there has not been an increase in class sizes and that they have actually been decreasing. She commented that duplexes have no more impact than a single family home. Ms. Joubert explained that the Superintendent of Schools has also agreed to come in and speak with the board, and she suggested this could be done during the Master Plan process.

Ms. Barrett referenced comments made by Mr. Pember about elderly residents failing to maintain their homes, and agreed that this is a common problem and why we are seeing an influx of two-family structures. Ms. Capobianco voiced her understanding that the Master Plan Committee will take a much closer look at the issue. She noted that the town currently has a moratorium in place that will likely not continue for another year and asked board members for thoughts about what to do at this point. Mr. Pember voiced support of requiring a special permit for these projects. In response to a question from Ms. Capobianco about which zones they should be allowed in, Mr. Pember indicated that he would like to keep them in the zones where they are currently allowed in the bylaw. Ms. Harrison also supported the proposal to require a special permit and expressed a desire to look at dimensional regulations as well. As far as districts where they should be allowed, Ms. Harrison deferred the issue to the Master Plan Committee to work through it. Ms. Capobianco commented that the board is faced with a tight timeline and questioned what should be deferred to the Master Plan Committee and what the board can implement now to protect the town. Ms. Gillespie reiterated that the concerns she hears are about duplexes being allowed in RC and GR, commented that MSR and DN will take care of themselves, and thinks we will eventually see them in RA & RB. She noted that Ms. Joubert had done a great deal of work last year and the moratorium ended up on the floor at Town Meeting because the board could not agree. She commented that, had the board agreed to the setbacks recommended by Ms. Joubert at the time, we would not be here tonight. She recalled that the changes to the setbacks in the RC district were proposed as follows:

Front setback increased from 30 feet to 40 feet
Side setback increased from 15 feet to 20 feet
Rear setback increased from 25 feet to 50 feet

She noted that, since the board was unable to reach a unanimous decision, it had opted to impose a moratorium. She suggested that the board reconsider the proposed setbacks. She voiced her desire to go back to the residents with at least that if we are going to include RC and GR with a requirement for a special permit from the Planning Board. Ms. Poretsky agreed, and indicated that she would like to see the minimum lot size at least doubled, given that these projects result in two houses on a single lot. She also noted that the Main Street residential zone includes older homes and voiced her desire to see only conversions since many people see that area as our downtown and tear downs will likely upset a lot of residents. She mentioned

the housing units adjacent to Trinity Church and applauded the focus on maintaining the historical character of the buildings. She suggested that allowing tear downs and construction of new duplexes will greatly alter the character of downtown and will not appeal to residents. She stated that, while she understands that duplexes are selling, she believes it is because everyone wants to live in Northborough but it does not mean it makes it better for people who are already here. Ms. Barrett expressed curiosity about who is buying duplexes and suggested that it might be an interesting topic for the Master Plan Committee to consider. Ms. Gillespie reiterated that the appeal is that these units are new construction. She suggested that the Master Plan Committee consider Ms. Joubert's original proposal if they are going to consider the issue. Ms. Capobianco voiced uncertainty about having sufficient time to engage in discussion about the dimensional regulations, and stated that the five board members trying to do so tonight without input from the people it is going to affect is not necessarily the right approach. She suggested that part of the solution short-term, during the Master Plan process, would be to require Design Review for two-family dwellings as it would allow the Committee to look at potential projects and ensure that they are consistent with the neighborhood. Ms. Joubert stated that, last year, the board had language proposed that would include duplexes in the Site Plan Review process and noted that this would be a very easy proposal for the board to make. She also suggested that, if the board is going to require a Special Permit for duplexes, the proposal should be for a Special Permit from the Planning Board and not the ZBA in both GR and RC districts. Members of the board agreed. Ms. Joubert commented that it should be easy to get duplexes into the Site Plan Review process. She explained that doing so would give town staff the ability to review driveway locations, topography, and other details to ensure the structure is placed in the best location on the lot. She also noted that Design Review does not currently have guidelines for single family or duplex dwellings. Ms. Barrett suggested that this can be done administratively, so long as the zoning bylaw stipulates "subject to design review and design guidelines are on file with the Planning Board". Ms. Joubert explained that a new contract with Ms. Barrett will need to be drafted for this additional work to add design guidelines for two-family dwelling units.

Mr. Pember noted the presence of several audience members that he would like to hear from before the board reaches a conclusion. In response to a question from Ms. Capobianco about Design Review, Mr. Pember deferred to Mr. Reardon for his input. Ms. Harrison and Ms. Gillespie both indicated that they did not have a strong opinion about Design Review for duplexes. Ms. Poretsky stated that she would be very disappointed as both a board member and a town resident if the board does not take the matter to Town Meeting. She noted that the board had over a year to address the subject and it kept getting bumped off the agenda. She voiced frustration that the board had a year and waited until the last meeting and now appears to be deferring the matter to the Master Plan Committee. Ms. Barrett suggested that there are some bigger decisions that should be deferred to the Master Plan Committee.

Ms. Gillespie recalled that the board had a majority vote last year to include the recommendations made by Ms. Joubert, based on the numerous complaints about the issue. She voiced her opinion that the board can't now go back to the residents and indicate that all we are going to do is require a special permit. Ms. Barrett stated that the recommended increases in setbacks should be fine, as it is a modest change. She commented that, when

talking about mixing two-family homes into a single family neighborhood, it is important to consider more than just setbacks, which is where Design Review standards could be beneficial. Ms. Harrison stated that she believed the board had decided it needed more time to study the issue. Ms. Joubert explained that, in addition to increased setbacks, town staff had also suggested increasing the required minimum lot size by 50%, which is where she thinks some of the board members were not in agreement. Mr. Litchfield noted that an increase in required frontage was also recommended. Ms. Joubert mentioned that there is currently no height limitation in the zoning bylaw, but one is being proposed for consideration. Ms. Barrett commented that she has never worked in a community that did not have a height restriction (typically 35 feet) on residential structures. She emphasized the importance of considering a height restriction, and commented that simply prohibiting duplexes will not resolve the character issue. Ms. Harrison recalled that one proposal was to require duplexes to have the appearance of a single family home from the outside. Ms. Gillespie discussed duplexes on Ridge Road that have central entrances that lead to individual entrances, but voiced her opinion that they are not an appealing design. Ms. Barrett stated that she has seen duplexes with a single entrance at the front of the structure and an entrance to the second unit on the side.

Ms. Gillespie suggested that the board consider the following requirements for two-family dwellings:

In Residential C (RC)

- Increase minimum lot size from 20,000 square feet to 30,000 square feet
- Increase required frontage from 100 feet to 150 feet
- Increase front setback from 30 feet to 40 feet
- Increase side setback from 15 feet to 20 feet
- Increase rear setback from 25 feet to 50 feet

In General Residential (GR)

- Increase minimum lot size from 15,000 square feet to 25,000 square feet
- Increase required frontage from 100 feet to 150 feet
- Increase front setback from 30 feet to 40 feet
- Increase side setback from 15 feet to 20 feet
- Increase rear setback from 25 feet to 50 feet

Mr. Pember commented that the proposed changes will eliminate most lots in the RC district and result in a prohibition of duplexes, which he would be opposed to. Ms. Capobianco voiced her opinion that not every lot is appropriate for a duplex. Ms. Barrett indicated that she had worked in towns where two-family homes are allowed on the same size lot as a single family home but has also seen instances where an increased lot size is required.

Ms. Joubert voiced her understanding that there isn't much undeveloped or underutilized land in the RC district to develop. She commented that the RC and GR districts are the most densely developed in town and are close to being built out. Ms. Barrett asked the board if the intent is

to reduce the incidence of two-family houses or simply control how they turn out. She noted that, if the board is trying to control how they turn out, this can be accomplished through Special Permit Site Plan Review and Design Review. She explained that, if the intent is to reduce the incidence, then a closer look at the dimensional standards is advised. Ms. Capobianco expressed a desire to control the way they look. Ms. Harrison agreed. Ms. Poretsky indicated that she would like to understand the purpose of them. Ms. Barrett reiterated that people are buying them so they are evidently serving some purpose even though it may not be the preferred purpose of the board. Mr. Pember indicated that he would like to control the way they look but emphasized a desire for limited control. Ms. Gillespie agreed that the intent is to control the way they look but was skeptical about having authority to do so through the Design Review process. She discussed the RC and GR districts in which she thinks it is difficult to control with just Design Review and believes the board needs a bit more guidance. Ms. Poretsky voiced her opinion that revised dimensional setbacks are needed. She referenced Ms. Joubert's comments about speaking with the Superintendent of Schools, but noted that she had spoken with the Chairperson for the School Committee who indicated that, though the numbers are lower this year, they do fluctuate and students are being bussed between Proctor and Lincoln Street schools because of these fluctuations. She expressed her understanding that parents are upset about the situation, and would not want to see every house in the Northgate neighborhood torn down and replaced with a duplex. She discussed the need to think about the town's current residents and not just those that we are hoping to bring to town. She reiterated concerns about the impact of these developments on taxes, schools, and services.

Ms. Poretsky also referenced the previous Master Plan from 20 years ago, which indicated that the town was nearing build-out, and voiced her opinion that this is not necessarily a bad thing. She also noted that the summary from the previous plan indicated that residents at the time voiced more opposition than support for large multifamily structures. She explained that the current residents that she speaks with are upset about the duplex issue and do not want to see them in their neighborhoods. Ms. Barrett emphasized the need to separate density and design issues from the school issues and discouraged the board from going down that path. In response to a comment by Ms. Poretsky about changing the character of neighborhoods, Ms. Barrett commented that duplexes alone do not necessarily change the character of a neighborhood, but large structures built out to setbacks designed for smaller structures can.

Ms. Poretsky expressed her desire to require the setbacks as previously proposed by Ms. Joubert. Ms. Gillespie asked about the possibility to impose the new setbacks but retain the original minimum lot sizes. Ms. Barrett indicated that it is certainly possible to do so. Ms. Poretsky stated that she would like to require larger lot sizes, given that there are two dwelling units being built on a single lot. Ms. Harrison asked if it is possible to build any structures if the minimum lot sizes are maintained and the setbacks are increased. Ms. Capobianco suggested that the bylaw could stipulate that any projects involving a tear down be limited to a single duplex only.

Ms. Capobianco noted that, though this is a public meeting and not a public hearing, she would like to get input from members of the audience.

Tom Reardon, 7 Sunset Drive, explained that he is an architect and member of the Design Review Committee (DRC). He referenced a point made by Mr. Pember about the fact that an increase to the required setbacks could result in eliminating the possibility of having duplex developments. He also noted that a factor not being considered is the fact that town bylaw's prohibit the construction of a septic system within a setback. He explained that much of the RC and GR districts are on septic, and increasing rear setbacks will make it impossible to build or alter existing structures. Ms. Capobianco reiterated her opinion that there are some neighborhoods in town that are not appropriate for duplex developments.

Mr. Reardon commented that, if a sprinkler system is added, the height can be increased on any building. He also suggested that imposing a roof height limit will result in structures with shallower roofs. He commented that such a limitation will stylistically affect what the architecture will be, and he would be opposed to that. Ms. Barrett noted that virtually every town she has worked in has height restrictions in the residential areas and it has not resulted in flattening roofs. In response to a question from Mr. Reardon, Ms. Barrett indicated that some towns have imposed ridge limits, but some have not. Mr. Reardon emphasized the need for someone to have the authority to decide what is appropriate for each lot.

Tony Abu stated that changing the requirements in the RC zone will eliminate the ability to construct duplexes on the lots. He noted that houses have doubled in size since 1973 and will continue to get bigger, with the 1,000 square foot home becoming a thing of the past. He agreed that duplexes do not belong everywhere, so someone needs to decide what is an appropriate site for them. He commented that every situation and every lot will be different, and questioned how this will be addressed. He voiced his opinion that the board could impose controls through the special permit process, but emphasized the need to take it seriously. He also stated that continuity is important in building, and must be considered before allowing a duplex in an area where such continuity would be lost. He did, however, feel that lots in areas where there is no continuity to begin with do provide a viable opportunity for duplexes, especially since it is cost prohibitive to build a duplex on the larger lots.

Ms. Gillespie indicated that she had not considered the lack of sewer in the RC district, and asked if most of the homes in the RC district are on septic. Ms. Joubert explained that most of the RA and RB districts are on septic, but it varies beyond that. She voiced her understanding that only about 25% to 30% of the town is on sewer, with a much larger percentage (75% or more) being connected to town water.

Mr. Abu commented that the perception appears to be that duplex developments are growing by leaps and bounds and emphasized that this is not the case. He indicated that there were 3 built in 2015, 4 in 2016, and only 1 in 2017 due to the moratorium. He reiterated that the town is not being inundated by duplexes and noted that this town, like many in the area, is practically built out. He stated that there has been only a 1% increase in population between 2000 and 2010, where the average since 1860 was about 23%, so there is no growth. In response to a comment made by Mr. Abu, Ms. Capobianco and Ms. Joubert emphasized that there is not a school problem.

John Hanna, 2 Blueberry Lane, stated that changes to the dimensional regulations will result in a duplex prohibition. He voiced support for the requirement of a special permit for duplexes, and suggested that design review should be done on a case by case basis.

Mr. Pember recalled that the board had proposed modifications to the front, side and rear setbacks. He noted that Mr. Reardon has emphasized the danger of increasing the rear setback as it would prohibit the ability to install a septic system. He asked Mr. Reardon if he has any issues with the proposed increases to the front and/or side setbacks. Mr. Reardon indicated that he does, and noted that they would limit the size of the footprint of a house that would result in a duplex prohibition. He also commented that, in an established neighborhood where houses are 25 feet from the street, pushing a new home an additional 10 feet back will be awkward. Ms. Barrett agreed that consideration of urban design implications is important, which is why she would not suggest a change to the front setback. She commented that she had only suggested changes to the side setbacks, which seems to have adequately addressed issues in other communities where she has worked. She explained that a special permit allows the board the ability to look at each project on a case by case basis to determine its appropriateness for the lot. She also noted that design review provides the ability to regulate the fit of a building in the neighborhood in which it is proposed, and site plan review affords the ability to look at placement of a house on a lot in relation to what is around it. She suggested that if the goal is to improve the fit of two-family dwellings in established neighborhoods, these tools allow the board to do so. She mentioned challenges if the goal is to reduce the incidence of them, and suggested that a significant change in dimensional regulations could be an issue.

In response to a question from Ms. Gillespie, Ms. Barrett confirmed her recommendations for the RC district are as follows:

- Minimum 30,000 square foot lot
- 150 feet of frontage
- 30 foot front setback
- 20 foot side setback
- 25 foot rear setback

She also indicated that her recommendations for the GR district are the same, with the exception that the minimum lot size would be 25,000 square feet since lots in that zone are typically smaller.

In response to a question from Ms. Harrison, Mr. Reardon stated that changing only the side setbacks might be acceptable. Mr. Abu indicated that it would depend on where a project is to be built. He discussed concerns about recycling lots, many of which have 100 feet of frontage, and wondered what could be done with them. He commented that, if a duplex is not appropriate for a particular lot, someone in town should have the ability to control that. Ms. Poretsky discussed conversations she has had with residents who bought homes for \$350,000 and have concerns with larger, more expensive homes and duplexes going in around them. Ms. Barrett

commented that home ownership today is not what it was 40 years ago, and that “starter” homes do not stay the affordable house that people would want it to. She explained that the purpose of zoning is to allow for the reasonable regulation of structures and uses relative to what is around it. She reiterated that it cannot be expected that the informally affordable stock is going to stay that way.

Ms. Capobianco voiced concern that the original setbacks discussed last year will inadvertently result in yet another “moratorium” on construction of duplexes in some of these areas where they have been otherwise allowed. She voiced her opinion that an increase in the side setbacks along with the special permit, site plan review, and design review will provide sufficient protections near-term, until the issue can be looked at more closely as part of the Master Plan process. Mr. Pember and Ms. Harrison agreed.

Ms. Capobianco suggested that the duplex issue can be more closely scrutinized through the Master Plan process to determine if more restrictions are needed. She noted that, in the meantime, the board members will have the opportunity to see some applications come before them that might highlight other issues not yet considered. In response to a question from Ms. Gillespie about changes to the minimum required lot size, Ms. Capobianco reiterated that there may not be lots in the RC and GR districts that meet the proposed minimums and those that do may not be appropriate for duplex development. Ms. Gillespie voiced concern about going to Town Meeting without sufficient changes since she believes that residents are looking for a bit more than what is being proposed. Ms. Barrett commented that the board should be able to lead the discussion about the change involving requirements for a special permit, site plan review, design review and increases to the side setbacks to illustrate substantial improvement over the existing bylaw in a way that residents will understand. Ms. Capobianco agreed.

Ms. Gillespie noted that, in the past, the board has seen many projects in the site plan review process that have been allowed but haven’t worked. She reiterated that there were numerous complaints about the duplex issue and suggested that further consideration is warranted. Mr. Reardon asked about the number of lots in the RC district of greater than 30,000 square feet and how many in the GR district have greater than 25,000 square feet. Ms. Gillespie stated that the board had asked town staff to look at this last year, and this is the recommendation that they came back with. Mr. Reardon stated that, if there are not any lots that meet these proposed minimums, then the town is essentially eliminating the ability to build. Ms. Joubert explained that town staff had looked at the lots, but not from the perspective of how many lots of these sizes exist. She noted that town staff had looked at the land use pattern and what the dimensions should be. Ms. Capobianco noted that the board would also like to impose a height restriction.

Ms. Joubert voiced her opinion that going to Town Meeting with the five changes proposed (requirement for special permit, site plan review, design review, increase side setbacks, and impose a height restriction), will show tremendous progress by the board. She emphasized that this is a level of review that the town has never had before for this type of land use. Ms. Barrett agreed.

Ms. Gillespie explained that she had asked Ms. Poretsky if she would be agreeable to the five proposed changes without any further changes to the dimensional regulations. Ms. Poretsky stated that she had looked at the 9 surrounding communities, who all seem to have way more setbacks than we do. In response to comments made by Ms. Poretsky, Ms. Barrett commented that Shrewsbury has special rules for the Lakeway district along Route 9, but for other districts there is only a modest uptick in both the minimum lot size and side yard setbacks for duplexes. Ms. Joubert cautioned the board about looking at other communities, since every town is unique.

Ms. Harrison commented that she found Mr. Reardon's comments about the impact that changes to the rear setback will have on septic systems and front setbacks to be of value. Ms. Poretsky asked about minimum lot sizes. Ms. Capobianco asked if it is possible to determine if there would be any buildable lots if the proposed increases are put into effect. Mr. Litchfield indicated that no inventory had been taken. Ms. Barrett asked about having this information available for the board's next meeting.

After some discussion, members of the board agreed to meet again on February 6th. Ms. Capobianco expressed a desire to further discuss lot size during the meeting and requested that town staff provide details as to the number of 25,000 square foot lots in the GR district and the number of 30,000 square foot lots in the RC district so the board can evaluate and make a coherent decision. Ms. Barrett asked if the board members were in agreement with the other proposed changes (special permit, site plan review, design review, increase to side setbacks, and height restrictions), Members of the board all indicated that they are.

Mr. Pember asked Mr. Reardon to clarify his comments about objecting to the proposed height restrictions. Ms. Barrett commented that it is a question of mid-point versus peak. Mr. Reardon explained that the restriction reduces an architect's flexibility with design, specifically when working with sloped sites. Ms. Barrett stated that it is possible to write a regulation to account for this. In response to a comment by Mr. Reardon, Ms. Joubert noted that the definition of building height per the zoning bylaw is as follows:

BUILDING HEIGHT - *Building height shall be measured as the vertical distance from the average finish grade at the perimeter of the building to the average height of the highest roof plane. Building height shall not include spires, cupolas, antennas, or similar parts of structures which do not enclose potentially habitable floor space.*

Mr. Reardon agreed that a 35 foot height restriction, based on this definition, would be acceptable.

Ms. Capobianco commented that the board has resolved what they can, and noted that we it will reconvene next Tuesday to address the issue of minimum lot size. Mr. Pember expressed a desire to know the total number of lots in each zone as well as the number of 25,000 square foot lots in the GR district and the number of 30,000 square foot lots in the RC district. Ms. Capobianco noted that it would be helpful to know how many lots exceed the current minimum

lot sizes (15,000 for GR and 20,000 for RC) so that the board can determine what minimum lot size might be appropriate.

Ms. Poretsky asked if town residents will be able to speak at the next meeting, given that developers were given the opportunity to do so. Ms. Capobianco agreed that they would, provided that the board not hear the same comment multiple times and not be inundated with a room full of people talking over one another. She emphasized that this is a public meeting and not a public hearing. Ms. Barrett commented that this is a land use policy issue and, while she understands that the board cares about what residents think, it also needs to consider future residents. She stated that the town has a policy that has been in place for a long time, and the board needs to determine how to continue to accommodate the objective of a land use policy while making it fit in the neighborhoods. She noted that people are very concerned about development in almost every town she works in, but it is not feasible to let everyone be involved in a decision about what is going to be built on a lot adjacent to them.

In response to a question from Ms. Gillespie about frontage, Ms. Barrett indicated that it is difficult to provide data about frontage. She explained that, in other towns, she has seen minimum required frontage increased for some uses but not for others. She also commented that it is not uncommon for single family homes and two-family homes to have the same dimensional regulations, but it is also not uncommon for them to be different. Ms. Gillespie asked about driveways. Ms. Barrett noted that some towns require a single driveway for duplexes, with a separation between the driveway and adjacent lot.

Ms. Capobianco voiced appreciation for Ms. Barrett's efforts on behalf of the board.

Continued Zoning Discussion for 2018 Town Meeting, Proposed bylaws for Recreational Marijuana

Ms. Capobianco noted that Ms. Joubert had provided the board with redlined changes to the draft articles for review. Ms. Joubert noted that the board had asked about having the issue of social consumption called out separately, and Town Counsel has provided that in addition to a section stipulating that no use variances may be granted. She also noted that a prohibition of marijuana accessories, which was discussed heavily at the Board of Selectmen's meeting, has been added.

Ms. Joubert explained that she had added an article to address an incorrect reference in the site plan process in the bylaw. She agreed to have the draft proposal for the bylaw pertaining to duplexes for the board's next meeting. Ms. Poretsky expressed a desire to have time to review the recreational marijuana draft article more thoroughly. Ms. Joubert agreed that it can be addressed at the next meeting, but will need to be advertised shortly thereafter. Ms. Harrison indicated that she does not support the recreational marijuana prohibition.

Amended application for 89 West Main – Ms. Joubert explained that the applicant has met diligently with the Design Review Committee and she anticipates that they will be ready to go before the Zoning Board of Appeals in February.

172 Bearfoot Road – Ms. Joubert explained that the applicant will be meeting with the Design Review Committee on February 9th, so should be appearing at the Planning Board’s meeting on March 6th.

Ms. Poretsky asked about the purpose of duplex housing if it is not affordability. Ms. Joubert explained it’s another form of housing. Ms. Gillespie noted that duplexes are popular with families entering the housing market who want new construction and cannot afford a newly constructed single family home. Ms. Poretsky indicated that she is trying to determine why certain towns are open to them while others are more restrictive. Ms. Capobianco suggested that all communities are different, with varying preferences about housing and land use. She commented that, while the board can look to other towns for ideas, we should not necessarily look to them for firm guidance. Ms. Poretsky mentioned that there is nothing that requires the town to allow them. Ms. Joubert confirmed that it is up to the community to decide, and suggested that the matter could be addressed through the Master Plan process.

Ms. Gillespie asked about the allowed use by special permit, and whether the board could deny it. Ms. Joubert explained that, while neighbors can express opinions about a project, the board’s decision cannot be based on them. She noted that the criteria, though somewhat ambiguous, is outlined in the state statute and in the Zoning Bylaw and the board must look at that criteria when rendering a decision. She discussed the criteria as follows:

C. Criteria. Unless otherwise specified herein, special permits shall be granted by the special permit granting authority only upon its written determination that the adverse effects of the proposed use will not outweigh its beneficial impacts to the town or the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site. In addition to any specific factors that may be set forth elsewhere in this bylaw, the determination shall include consideration of each of the following:

- (1) The proposal is in substantial harmony with the Northborough Master Plan and other plans approved or amended from time to time by the Northborough Planning Board, and with the purposes of this bylaw;*
- (2) The proposed site is an appropriate location for such use;*
- (3) The use as developed will not adversely affect the neighborhood;*
- (4) There will be no nuisance or serious hazard to vehicles or pedestrians;*
- (5) Adequate and appropriate facilities will be provided for the proper operation of the proposed use;*
- (6) The proposed use will conform to any special requirements of the special permit granting authority as stated in its written decision; and*

(7) The proposal could not reasonably be altered to reduce adverse impacts on the natural environment, to be compatible with historic development patterns of the town, or to preserve historically significant buildings.

D. Conditions. Special permits may be granted with such reasonable conditions, safeguards, or limitations on time or use, including performance guarantees, as the special permit granting authority may deem necessary to serve the purposes of this bylaw. Such conditions may include but shall not be limited to the following:

(1) Private disposal of refuse or solid waste;

(2) Deadline to commence construction;

(3) Limitations on signage, number of vehicles or parking spaces, noise, or hours of operation of construction equipment;

(4) Requirements pertaining to integrated emergency or alarm systems, maintenance, landscaping, dust control, wastewater disposal or water supply, bond or other performance guarantee; and

(5) Term for years with or without automatic renewals, to the extent allowed by law.

Ms. Joubert emphasized that the special permit process allows the board to impose conditions on a project. She voiced her opinion that a special permit is difficult, if not impossible, to deny. Ms. Gillespie indicated that town residents need to be aware of this when the matter is discussed at Town Meeting.

Meeting adjourned at 9:20PM.

Respectfully submitted,

Elaine Rowe
Board Secretary