



TOWN OF NORTHBOROUGH Zoning Board of Appeals

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Joint Meeting of the Zoning Board of Appeals and Planning Board Meeting Minutes December 11, 2007

ZBA Members Present: Richard Rand, Chairman; Richard Kane; Sandra Landau, Alternate; Gerry Benson, Alternate; Dan Ginsberg, Alternate

Planning Board Members Present: Rick Leif, Chairman; Donald Hewey; Bob Rosenberg; Michelle Gillespie; George Pember

Others present: Kathy Joubert, Town Planner; Bill Farnsworth, Building Inspector; Elaine Rowe, Board Secretary; Fran Bakstran; Judi Barrett

Chairman Rand and Chairman Leif called their respective meetings to order at 7:15PM.

In Mark Rutan's absence, Sandra Landau was appointed as the third voting member of the Zoning Board of Appeals if needed.

Ms. Joubert informed board members that the purpose of tonight's joint meeting is to present an overview of the proposed revisions to the zoning bylaw. She also noted that everyone should have previously received a copy of the proposed bylaw and a summary that was prepared by the consultant, Judi Barrett. Along with the documents previously provided, she has also provided copies of the zoning maps this evening. Ms. Joubert voiced her desire to have the members of the board voice preliminary questions and comments tonight. Mr. Leif expressed his desire to come out of tonight's meeting with a game plan as to what happens next and what the next key target date will be.

Ms. Barrett discussed the summary document that she provided and her recommendations about ways to improve the business districts in town, and noted that the Planning Board had decided to update and revise the bylaw to be in line with those recommendations. She noted that there are no major changes in the overall designations of how land will be used, but more with the intensity of how it will be developed. She stated that the real substantive changes are with the business districts on either side of the downtown area, the Industrial B district, and the downtown area. In addition, the major difference in geography is an attempt to eliminate split lots whenever possible.

Ms. Barrett also explained that, though there is a change in boundary lines along Route 20, the substantive intent of the zones is not significantly different than what exists today. She stated that the biggest change is the creation of the Neighborhood Transition (NT) district in order to provide more pedestrian traffic and bring people closer to goods and services. In addition, the current Industrial B district becomes Residential C.

Ms. Barrett briefly discussed the sign bylaw, which was condensed to eliminate repetition. She went on to discuss the groundwater protection district and noted that there was some interest within the subcommittee to try to modernize and update it. She indicated that the Water & Sewer Commission recognizes the need for it to be updated and voiced her understanding that they intend to work on the bylaw in 2008. Michelle Gillespie asked Ms. Barrett to highlight the changes that she would propose.

Ms. Joubert noted that the Lyman Street well is scheduled to come back on line and in doing so the town will need to verify that the proper protection zone is provided around the well. The Water & Sewer Commissioners will be handling this matter, and will likely be going to Town Meeting with some potential modifications. She stated that the subcommittee did not wish to suggest any changes before the Water & Sewer Commission had an opportunity to weigh in on the matter. She also mentioned that the town already has more protection on our wells than what is recommended by the DEP.

Mr. Leif stated that the subcommittee did discuss methods to try to minimize the number of variances in the groundwater district. Ms. Barrett noted that this change was agreed to but not yet reflected in the draft document.

Ms. Barrett noted that one objective of the new bylaw is to enable the Industrial B district (IB) to evolve as a residential area, specifically a Neighborhood Transitional District (NT), and noted that this is the direction it has already been moving in. She explained that this zone allows more of a mix of housing than any other zone in the bylaw. She also noted a provision in the regulations that allows for cottage homes within the NT district by special permit.

Ms. Barrett stated that the proposed bylaw changes the language of special permits to some extent. Currently, special permits under section 9 of the Zoning Act include an allowance of use subject to a special permit. The current bylaw contains use regulations that allow use by right and use by exception. The proposed bylaw assumes that a special permit will be granted with certain conditions. Ms. Barrett explained that the new bylaw requires single family home developments of 6 or more units within the Residential A (RA) and Residential B (RB) districts to appear before the Planning Board under the Open Space Residential Development (cluster) bylaw. She noted that this allows the town to have input into the design of the development, with hopes of preserving open space.

Ms. Barrett also explained that the new bylaw allows for different types of mixed use, such as upper story residential in the Business A (BA) district. She also noted that the bylaw provides options for the development of multi-family projects, but eliminates the floating zone for senior residential. She explained that by providing areas for higher density or attached homes; there is no longer a need for the floating zone. She also noted that the bylaw stresses a physical plan for the town and therefore does not allow variable density in outlying zones.

Mr. Kane noted that the Planning Board went to last year's Town Meeting with a proposal to place a limit on senior housing, which he believes will be negated by the removal of the senior overlay district, and he questioned what control the town will now have over senior housing developments. Ms. Landau voiced her opinion that the market will control this. Mr. Kane suggested that, if the town is looking to make a change, he would simply like to know what it is that we are trying to fix and why. Ms. Barrett explained that the areas where the town is allowing a mix of housing are not very big, so she is not concerned with a need to control these types of developments. Mr. Leif stated that he had similar concerns to those of Mr. Kane, but opted to leave it as proposed and get feedback.

Ms. Barrett discussed changes to the parking regulations. She noted that currently the town regulates parking by district but that it should be done by use. By doing so, the required parking is reduced in many instances.

Ms. Barrett explained that the bylaw is written with an eye toward allowing the issuing authority to have the ability to set administrative rules regarding submission requirements, scale of plans, etc. She also noted that the environmental performance has been eliminated in the interest of using the zoning regulations for the purpose that they were intended, especially since the environmental performance is already regulated under state law.

Mr. Leif noted that the scenic road and historic district bylaws will move from the Zoning Bylaw to the General Code. Ms. Joubert confirmed that there will be a warrant article to move exact sections from the Zoning Bylaw to the General Code as written.

Ms. Barrett noted that the revisions include use regulations organized by use and then by district, which should help to eliminate much of the repetition that exists in the current bylaw. She also highlighted the following details relative to the use regulations:

1. places a limit on the size of retail units, which will vary by district.
2. allows for two tiers of use - those allowed by right and those allowed by special permit.
3. moves gas stations out of the downtown area.

Mr. Leif reiterated the desire to redesign the downtown area to make it more pedestrian friendly and move those uses that increase automobile traffic away from downtown.

Ms. Barrett explained that the bylaw provides for variable density housing development, with limits as follows:

Multi Family units:

- NT - up to 4 units by right, 8 by special permit.
- DB - up to 8 units by right, 24 by special permit
- Gateway - 8 units by right, 16 by special permit
- GR - 4 units by right

It was also noted that single family homes are prohibited in the business districts, as this is an inefficient use of land.

Ms. Barrett also discussed maximum setbacks and noted that failure to address building placement on the lot will result in developers pushing the building as far back as possible with parking in front. She also explained that coverage, minimum open space, and height regulations have been incorporated in some districts where deemed appropriate.

Ms. Barrett discussed Appendix C of the bylaw, which is a supplement to the dimensional table specifically addressing uses (mixed use, town house, cottage dwellings, etc.). She noted that the current cluster bylaw does not work, and addressed the need to implement limits and parameters for industrial office campus developments to encourage master site planning of larger industrial projects.

Ms. Barrett suggested that the board members provide questions, comments, and concerns to Ms. Joubert, but noted that there needs to be a deadline for such input. Mr. Leif voiced his opinion that there needs to be more than one level of review, but reiterated the importance

of providing input to Ms. Joubert fairly soon in an effort to determine what philosophical or conceptual issues may exist so that they can be worked through. He suggested that the two boards hold another joint meeting in January to address any issues.

Mr. Leif explained that all warrant articles must be submitted by February 19th. He noted that the bylaw will not be ready in its entirety, but will need to be made available for review prior to Town Meeting. Mr. Leif believes that it is reasonable to assume that the board members will have January, February and a portion of March to work through any issues. He voiced his desire to have concurrence on the bylaw by the end of February.

Board members tentatively agreed to hold another joint meeting on January 16th. Ms. Joubert requested that all comments be submitted to her by January 4th.

Ms. Gillespie asked about the procedure moving forward. Mr. Leif stated that the responsibility to guide this through Town Meeting will lie with the Planning Board. Ms. Barrett noted that, when there is an agreed upon document there will be an annotated version for proposal at Town Meeting. She also noted that it may be necessary for the two boards to meet at times when she might be unable to attend. Ms. Joubert explained that once the Board of Selectmen closes the warrant and holds their meeting on it, it will be necessary to have the bylaw available to the public, though there will still be opportunities to work on it up until Town Meeting through the Planning Board public hearing process.

Mr. Leif noted that some administrative regulations will become effective immediately following Town Meeting, and stressed the need to be prepared for that. He polled the members for any reaction to the proposal thus far.

George Pember noted that the Planning Board had pushed for inclusionary zoning and asked if this was discussed by the subcommittee. Mr. Leif indicated that it was discussed extensively, and the subcommittee intentionally left it out at this point.. He also noted that the Housing Partnership was recently reactivated, and the subcommittee felt it was important to give them the opportunity to work on this. Ms. Joubert explained that the Housing Partnership has submitted an application to the Community Preservation Committee for funds to hire a consultant to implement a housing development plan.

Mr. Pember noted that one of the objectives of the zoning bylaw revision was to minimize the number of hearings for certain requests that are customarily approved. Mr. Ginsberg noted that this was addressed by the subcommittee, especially with regard to nonconforming lots by virtue of the groundwater overlay district. He voiced his understanding that some alterations will no longer be required to go to the zoning board, specifically when there is no change to the nonconformity of the structure. For these situations, more authority will be given to town staff, and the applicant will have the ability to appeal to the ZBA if they are not satisfied with the ruling by town staff.

Mr. Ginsberg voiced his understanding that the Planning Board will be responsible for moving forward with the final revised bylaw, and would prefer to have input and support from the ZBA. Mr. Leif stated that work is needed on an outreach publicity program, but noted his desire not to do so until the two boards can reach a general consensus. Mr. Kane noted that if a full consensus cannot be reached, the Planning Board will still be responsible to move forward. Mr. Leif agreed, but noted that the key objective is to move towards consensus or at least understand the major points of dissention. Ms. Joubert indicated that the intent has always been to go to Town Meeting as a unified group to support this document.

Mr. Rand questioned the location of the NT district, which Ms. Barrett clarified. Mr. Rand voiced his impression that there are numerous businesses already located in the area of town and he questioned the ability to easily convert it to residential. Ms. Barrett noted that there are some business uses allowed in the NT District, and the revised bylaw will easily pick up what currently exists.

Mr. Rand asked if there had been any thought to making the Industrial zone in the area of Routes 9 & 20 into a business zone. Ms. Barrett agreed to look into it. Mr. Leif agreed that it might be logical to extend the Business West district. Mr. Rand voiced his opinion that the areas between Tomlin Hill Road and Route 9, and Davis Street to Route 9 should be classified as business zones, and voiced his doubts that this area will ever be industrial. Ms. Joubert explained that the developer for The Loop has the right of first refusal for the Kimball Sand property. Ms. Barrett stated that if these are the future development plans for the land, then the zoning in that area should be changed to reflect it.

Mr. Benson asked how much additional development will be possible with the sewer extension that was installed in conjunction with The Loop project. Ms. Joubert indicated that this will depend on what capacity the DEP gives to the town.

Mr. Leif reiterated his request for input about the bylaw revisions, specifically conceptual or philosophical. Ms. Gillespie voiced concern about the makeup of the NT District, as her initial impression was that it was planned to include more commercial uses and it now sounds as though it will be primarily residential.

The Boards were reminded to submit any comments/questions to Kathy Joubert, Town Planner by January 4, 2008 and the next joint meeting will be held on January 16, 2008.

Richard Kane made a motion to adjourn the meeting of the Zoning Board of Appeals. Ms. Landau seconded, vote unanimous.

Michelle Gillespie made a motion to adjourn the meeting on the Planning Board. George Pember seconded, vote unanimous.

Adjourned at 9:09PM.

Respectfully submitted,

Elaine Rowe
Board Secretary