



TOWN OF NORTHBOROUGH Zoning Board of Appeals

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Approved by Planning Board & ZBA on 4/1/08

Planning Board & Zoning Board of Appeals Meeting Minutes March 18, 2008

(Joint Meeting with Zoning Board of Appeals)

Planning Board Members: Rick Leif, George Pember, Robert Rosenberg, Michelle Gillespie and Donald Hewey

Zoning Board Members: Richard Rand, Richard Kane, Gerry Benson and Dan Ginsberg

Others Present: Kathy Joubert, Town Planner; Bill Farnsworth, Inspector of Buildings/Zoning Enforcement Officer; Fred Litchfield, Town Engineer; Tom Reardon, Zoning Subcommittee Member

Joint Meeting with Zoning Board of Appeals to continue discussion of proposed zoning bylaw for 2009 Annual Town Meeting: Presentation by Tom Reardon, Zoning Subcommittee member RE: Multi-Family Housing Options

Dick Rand called the Zoning Board of Appeals meeting to order at 7:00 pm.

Rick Leif called the Planning Board meeting to order at 7:00 pm.

Rick stated he would like the board to come to a consensus tonight regarding multi-family housing.

Kathy Joubert noted she has distributed a map of the downtown area and a one-page handout from Tom Reardon, along with a copy of Judi Barrett's memo of January 27, 2008, Subject: Options for Multi-Family Housing.

Tom Reardon presented the subcommittee's vision for multi-family housing in the downtown area. He reviewed the map, his handout and Judi Barrett's memo. He pointed out the circled central area in the downtown district and explained this is a ¼-mile walking district, which is one of the principles of smart growth design in a downtown area. People are generally comfortable walking ¼ mile to retail and other commercial establishments. There are multiple existing land uses in the downtown area. The overlap between the existing uses and proposed uses are not exact. Proposed zoning would move existing property lines to eliminate split-zoned lots. Tom explained the subcommittee was supportive of Judi Barrett's memo, which talks about the General Residential, Neighborhood Transition, Downtown, Business East and Business West district as being consistent with the Community Development Plan and smart growth strategies.

Tom stated that, after the last meeting at which the boards voted to support multi-family housing, he went back and looked at lot lines and properties contained within the proposed

downtown and business areas. He looked at what would be feasible, strictly using lot size as criteria, and they would need to be up to two acres in size. Since there are not many existing lots over one acre in the downtown area, it would be highly unlikely to see multi-family housing that would include 12 - 20 units, unless lots were combined and that would be expensive.

Buildings & Development: Tom explained the approach would be to ask what would be the best value in that area. There is a value in having a mixture, with retail on the bottom floor and residential on the second floor, which is more acceptable in the marketplace. Looking at Main Street and South Street as examples, on one acre of land multi-family housing could include approximately 12 units, and would cost \$1.5 million for the initial outlay and \$150 per foot to build. The question is if this is viable. A mixed use would make sense - with retail on first floor, and residential on second and third floors. Also, with residential on the second floor you can have three floors without requiring an elevator. He stated most of the properties in this area have been very stable. Looking at current sizes and projecting into the future, this seemed like a safe analysis.

General Residential: Tom stated a few parcels seemed right for development of multiple units. There are constraints when dealing with buildings on hillsides. For example, 38 Main Street, an historic home built in 1730, could be renovated to include up to 10 units. The concern is how to protect historic homes in this area. The existing property could be converted to 2 - 3 units, and another 6-8 units could be done in back, which would still maintain the character of the area. The Unitarian Church on Whitney Street, which is close to the downtown area, is also in close proximity to Cold Harbor Brook and would mean any renovation would require filing and approvals from the Conservation Commission.

Neighborhood Transition District (NTD): Tom explained this is a new district being proposed, with a portion of the Industrial District on the north side and Business A on the west. The lots are half-way between the Downtown business district and the General Residential district in terms of scale. The properties are a little bit larger, especially on the west end. A section of the NTD on Mill Street still has a number of single-family homes close to the downtown area that could easily be developed into multi-families.

Tom stated he is very comfortable with the proposals from the subcommittee and Judi Barrett, but would add to them his interest in protecting historic homes. Renovation of sensitive areas should be done by special permit and up to a certain scale could be done by right. He would like to see as little obstacles as possible in terms of time of review, but some areas are appropriate to require those reviews. It doesn't seem like larger projects are viable in this area. Conversion of historic homes needs protecting.

Rick stated Judi Barrett had talked about the necessity for zoning to be consistent for homes in certain areas. Tom responded that some homes have already been converted to multi-families and he thinks that would protect them. If an historic home is not maintained it's more difficult to restore them and maintain them for the future.

Kathy reviewed the Demolition Delay Bylaw, which went into effect last year. But still, ultimately, the structure would be demolished. The Historical Commission would be the board to propose another historic district in the town along Main Street. Design guidelines can be used, but they're not regulations.

Michelle Gillespie asked if the exterior of an historic home, such as 38 Main Street, can be saved while gutting the inside. Tom responded it would be difficult and the person must really want to preserve it. Michelle stated she could see someone wanting to preserve it, but not being able to because of its condition.

Kathy stated the map is very useful, a nice snapshot to show how the districts have evolved on their own. A lot of properties are non-conforming. There has been a nice mixed-use development of the area and one way to take it one step further, towards the sustainability the state is promoting to get downtowns to be more viable, is with housing.

The board reviewed and responded to 2.0 - Key Questions, from Judi Barrett's memo.

- ◆ Question: Do you want to allow multi-family housing at all?

Response: The members of both the Planning Board and ZBA responded "yes" to this question.

- ◆ Question: If so, where?

Response: After a discussion, a majority of the members present voted not to allow multi-family units in the General Residential district. Seven of the nine members present were opposed to multi-family in the GR district.

Multi-family will be deleted from the GR district in the proposed zoning bylaw.

- ◆ Question: Should multi-family housing be allowed by right and/or special permit in the proposed NTD, DB, BE and BW districts?

Response: All nine members agree that multi-family should be allowed by right in these districts.

In the downtown business (DB) district, by right up to 8 units and by special permit up to 16 units. Seven members agree.

In the Business West (BW) and Business East (BE) districts, by right up to 8 units and by special permit up to 16 units. All nine members agree.

Neighborhood Transitional (NT) district will be discussed later. Include in discussion that some members would like to see NT expanded to include additional lots on the south side of Main Street.

Question: Should multi-family housing be allowed only if it provides some type of public benefit in addition to diversifying Northborough's housing stock? (For example, additional public benefits might include the inclusion of affordable housing or units designed for young members of the workforce.)

Response: All members present voted in favor of allowing multi-family housing if it provides some type of public benefit in addition to diversifying Northborough's housing stock.

Rick stated the next meeting's discussions will focus on the Neighborhood Transition district and mixed use development.

Kathy stated the next Planning Board meeting is on April 1st.

Chairman Dick Rand adjourned the ZBA meeting.

Planning Board continued with regular meeting.

**9:00 pm Public Hearing for Special Permit Common Driveway Application at
231 South Street Map 83 parcel 88**

Applicant: Leland Law Associates, P.C.
Engineer: Waterman Design Associates, Inc.
Date Submitted: February 1, 2008
Decision Due: 90 days from close of hearing

Chairman Rick Leif read the legal notice for this public hearing.

Attorney Roger Leland, representing the Applicant, Anthony Fiore, and Wayne Bellec, Engineer, Waterman Design, presented the project. The 4.6-acre site, with 435 feet of frontage, is located in Residential C District and Groundwater Protection Overlay District Area 3. No filing with the Conservation Commission will be required. The lot is predominantly wooded except for a residential home with access off South Street. The site is served by public water and on-site sewage disposal.

A feasibility study was done approximately two years ago through Attorney Leland's office. One study showed a common driveway, one showed three additional family access drives, one showed two common driveways, and one showed an 8-lot subdivision. After reviewing the studies, the Applicant decided to minimize the access points on South Street by way of either a subdivision or common driveway. A subdivision would require removing all trees, excessive cuts and significant fill. The new plan as presented will move the driveway of the existing home off of South Street and onto the common driveway. A discussion was held with the Fire Chief in regard to turning movements for emergency vehicles, ability of trucks to maneuver through the site during various conditions and fire suppression systems. From that discussion, a common driveway plan was developed. The common driveway will be built to minimum town road standards. The common driveway will be 650 feet in length, 33 feet right-of-way, and 22 feet in width for pavement.

The soils on the site provided an opportunity to go with an open drainage system, with rain gardens throughout. The runoff comes off the driveway and sheets across to a drainage swale and a rain garden below, discharging into a water quality basin. Unlike a subdivision design with 3-4 detention basins, they have a multitude of rain gardens that work to filter water but also act as landscaping. Water is supplied to the site through an 8-inch cement pipe. Two hydrants are proposed. The sanitary sewer is routed through an 8-inch PVC pipe and connects in South Street.

The plan was designed to minimize pavement and integrate landscaping. The area at the turn of the common driveway will consist of a compacted gravel base with a loam and seed mix that will be drivable. It will be plowed and maintained in order to allow for emergency vehicles, and has been approved by the Fire Chief. Trees on the site have been identified and tree wells have been incorporated into the plan to preserve them as part of the rain garden designs.

Kathy Joubert stated letters from the Fire Chief and Attorney Roger Leland, which addressed comments from the Fire Chief's letter, as well as a second staff letter from the Town Engineer have been distributed to the board.

Fred Litchfield, Town Engineer, stated drainage and design of the common driveway meet minimum town standards. He would like to see the line of site at the north westerly property line widened and an easement granted to the town for future widening of the road.

Mr. Leland stated he understood people were concerned with what was going to happen to the area. He explained they have tried to design the best and most innovated plan they could. They are in favor of sidewalks and making them better. He stated he thinks the abutters will feel they have enhanced their neighborhood.

Bob Rosenberg asked for an explanation of the easement Fred Litchfield has requested.

Fred Litchfield stated he is recommending that the requested easement start 30 feet at the abutter's property and blend into the right of way jog. This will require revising the plan they have submitted, and they will also have to deed the easement to the Town. Mr. Leland agreed with the easement.

Rick Leif asked for an explanation of the flow of runoff from the area above and behind lot 1.

Mr. Bellec stated the runoff will be collected in a rain garden and, as it fills, will breach out of a spillway with vegetated rain gardens, and will slowly make its way to the areas to which they currently run. The concept in low-impact development is to capture the flow early-on and then allow it to work its way slowly through the lot. They have graded the site so it will flow as it does. It will mimic the existing hydrology flow patterns, except for the area at the top. It's an open-drain approach because it's not going through pipes, but rather through a drainage channel. Stone check dams are being proposed at intervals and there will be temporary pooling as the flow slows down. It slows down the time of concentration and the lagging small watersheds will then peak at different times.

Kathy Joubert stated the state is directing communities to start requiring developers utilize low impact development design.

Don Hewey asked to have the design for the area bordering the south side.

Mr. Bellec stated as the runoff works down the swale to the basin below, it will function like a detention basin. It has a culvert that will work as an outlet control structure to the detention basin. Looking at the development of the southerly lot, there is a rain garden to pick up the flow from the remainder of the lot. They found the increase in flow not significant enough to warrant another rain garden.

Fred Litchfield stated the Department of Environmental Protection (DEP) is leaning towards these. This will be a test case and will be privately owned.

George Pember stated everything to the north of the main part of the driveway will flow to the west and everything to the south will flow to the right of the property. Will anything be in the roads?

Mr. Bellec stated on one side, anything that comes off the hill will be intercepted and the time of concentration will slow down as it comes over and around. On the driveway, it will make its way to swale on either side.

Mr. Pember asked if snow plowed to both sides of the street will cause an impact, mainly to the house directly to the south, because that house has a history of flooding.

Mr. Bellec stated he would suggest that there be an operation and maintenance plan for snow removal for any of the paved spillways along the edges of the road with curbing and occasional breaks. They need to be maintained in winter conditions. It could be as simple as providing stakes indicated the breaks to keep the passageways of the drainage systems open.

Mr. Pember asked what would happen if it's not done and the property gets flooded out.

Mr. Litchfield stated if the operation and maintenance plan is not being honored, as part of the special permit the building inspector would call them to task. It would have to be properly documented to prove that the plan was in defiance of the special permit.

Mr. Pember asked if the rain gardens require any maintenance.

Mr. Litchfield stated some maintenance goes along with them. Mr. Bellec will elaborate in the maintenance plan, however basically they can't allow them to overgrow. Perhaps an overflow pipe in front of the property line that would act as an overflow relief valve would be helpful.

Mr. Leland stated that would be perfectly acceptable. The purpose of the common driveway is to make the area safer. The Chief had asked for an area for people to park.

Mr. Bellec stated they will be introducing directional signage.

Ms. Joubert recommended a common driveway as opposed to four individual driveways. With a common driveway the town is able to work with the applicant as to the best point to come out on the road and the drainage. The alternative for the site could be a subdivision and it's probably more palatable for the neighborhood to have a common driveway.

William Nealon, 235 South Street, asked if there are any appeals pending about this plan.

Mr. Leland stated they had an application before the Zoning Board of Appeals for three 2-family units, which was denied, and they have appealed that decision to land court.

Mr. Nealon asked if the common driveway is built and then they appeal, will they put in twenty or thirty condos. He believes this a different plan than the plan that was before the ZBA.

Mr. Leland stated the only difference is the duplexes.

Ms. Joubert stated the regulations for a common driveway state it can only service up to 5 lots, but the houses can be single-family or 2-family. Tonight the applicant is only here for a special permit for the common driveway.

Mr. Nealon stated if the applicant wins in court and does the 8 duplexes, then in realty we're talking about those 8 duplexes.

Mr. Leif stated what's built on the common driveway will be limited to what is allowed there. It will be either 4 duplexes or the single-family homes.

Bill Farnsworth, Zoning Enforcement Officer/Inspector of Buildings, stated an approval for the common driveway will be to service 4 lots, by the arrangements and plans they approve tonight.

Don Hewey stated the number of lots would not change.

Mr. Leif stated the applicant has a right to come before the Planning Board for the common driveway and the Board needs to focus the discussion on the plan presented.

Brett Bouillianne, 215 South Street, stated his concern is with the winding driveway. They have an open backyard with windows overlooking the woods. There are three turns where car headlights could shine in their windows. It looked like they put a fence or retaining wall along the wall. Could there be a buffer?

Mr. Bellec stated they adhered to common driveway requirements and part of those requirements is a 10% grade maximum. The surface treatment is not typical. An open-grade friction course is planned to allow better traction. They have planned a 4-foot high retaining wall, which comes up 8 feet at a 3:1 slope, so the grade change would be amendable to providing additional buffering.

Mr. Leland stated they would be very willing to provide the buffer.

Mr. Leif asked Mr. Litchfield if he feels there would be light pollution.

Mr. Litchfield replied that with a 4-foot wall adjacent to the driveway, lights would be deflected, but may go over the wall. He recommended the Applicant work out something privately with Mr. Bullion, rather than having it part of the special permit.

Mr. Leif stated the decision could say it would be done to the mutual satisfaction of both parties.

Mr. Bouillianne said he is fine with that as long as there is an amiable decision made.

Mr. Nealon stated water comes rolling down the street and into his driveway and his neighbor's driveway. A storm drain there is always clogged because people throw trash on the street. Every time there's a storm his garage floods. He asked what kind of mitigation he will have. There is a berm and thousands of dollars have been spent to rectify the problem. He's concerned it's all going to flow to his property.

Mr. Bellec stated he appreciates Mr. Nealon's concern and that Mr. Nealon had pointed out the same thing at the ZBA meeting. It sounds like a maintenance issue with the catch basin. He suggested contacting the Department of Public Works to see if they can maintain those structures.

Mr. Leif stated it appears the project will not add to the problem Mr. Nealon is having. The only information they have to make a decision is what's presented to them. He would have the right to take action against the property owners.

Mr. Nealon stated he is concerned with a larger development being built on this parcel and that he would be opposed to.

Mr. Leif suggested Mr. Nealon read the current zoning so he better understands what zoning allows in this area. His concerns about a major development on that property are not likely.

Mr. Litchfield encouraged Mr. Nealon to contact the DPW. They are doing their street cleaning and catch basin cleaning right now.

Mr. Farnsworth stated that, regarding signage on the site, a state law requires that he has to enforce it for public safety. Unit numbers must be on there and the unit numbers must be approved by the Assessors office. This should be a condition of the approval.

The board ran through the conditions as follows:

- Mr. Bullion will work out the lighting issue with applicant and a written agreement will be created about the addition of either a fence or shrubs.
- Additional pipe will be installed. Fred will provide the wording for this.
- Operation and Maintenance Plan will be included - standard wording from Fred.
- The easement will be added to the plan.

Mr. Bellec stated the easement may affect the minimum lot size of one lot but will check the calculation.

Mr. Leland stated they would give the town the land.

Mr. Litchfield stated the town could take the land, but he prefers the easement.

Don Hewey moved to continue the hearing to April 1, 2008 at 9:00 pm. George Pember seconded the motion and the vote was in favor of continuing the hearing.

Ms. Joubert will draft a decision for the Board to review at the April 1st meeting.

Old/New Business

Otis Street ANR: The board signed an ANR plan for 160 Otis Street.

Street Acceptances: Don Hewey moved to approve Mulligan Way, Fairway Drive and Winn Terrace for acceptance at 2008 Town Meeting. Michelle Gillespie seconded the motion and the vote was unanimous to approve.

Mr. Hewey moved to approve Woodstone Road and Fawcett Orchard Circle for acceptance at 2008 Town Meeting, contingent on approval by Town Counsel. Michelle Gillespie seconded the motion and the vote was unanimous to approve.

Mr. Litchfield stated the condition of Woodstone Road and Fawcett Orchard Circle is not great. The top coat was put down years ago. He has a figure in excess of \$100,000 to finish, but money is needed to offset that cost.

Ms. Joubert stated the town received a petition from all the residents of those streets stating they want the streets accepted. The town is piecing this together because there is no developer.

Mr. Pember stated the residents bought their houses there with the understanding there was a problem and now they want the Town to approve it.

Ms. Joubert stated that's why the town required the mini-bonds.

Open Space Plan & Recreation Plan: The Plan needs to be updated, the Open Space Committee is willing to work with staff on it, and Kathy Joubert is requesting the Planning Board dedicate the local planning hours from the Central MA Regional Planning Commission to this project. The Board is in agreement with this.

The meeting adjourned at 10:30 pm.

Respectfully submitted,

Debbie Grampietro
Board Secretary