



**Zoning Board of Appeals and Planning Board
Joint Meeting Minutes
January 20, 2009**

Planning Board Members Present: Rick Leif, Michelle Gillespie, Bob Rosenberg, George Pember, Daniel Lewis

ZBA Members Present: Dick Rand, Dick Kane, Gerry Benson, Dan Ginsberg

Others Present: Kathy Joubert, Town Planner; Judi Barrett, Community Opportunities Group

Chairman Rick Leif opened the Planning Board meeting at 7pm.

Chairman Dick Rand opened the ZBA meeting

Approval of Minutes

The minutes of joint meetings July 22, 2008 and October 21, 2008 were approved by both boards.

Proposed Zoning Bylaw - Community, Board and Civic Meetings

Ms. Joubert stated the following Community Meetings have been scheduled:

February 25th at the Melican Middle School Library for the Downtown area and Neighborhood Transition District

March 5th at the Melican Middle School Library for Business E and Business West

March 18th at the Zeh School for the Industrial District

Ms. Joubert noted they will invite abutters one lot past the district lines. It will be advertised and letters/memos will be sent to all.

Proposed zoning maps were distributed to all members.

It was noted the most recent report from consultant Judi Barrett was received today and the latest revision is dated January 9th.

Procedure

Mr. Leif stated the January 9th version should reflect the latest comments submitted by board members. He stated he and Ms. Joubert will meet tomorrow to talk about the revision. Most comments were edits or grammar corrections. Some members raised more philosophical issues. The boards may need one more joint meeting to discuss this if everyone is in

agreement. In the meantime, he suggested all members should review the January 9th version to make sure it's changed to their satisfaction.

Ms. Joubert stated Town Counsel has the January 9th version and they are on schedule now to have comments ready by January 30th. Their changes and questions will be coming from a legal standpoint, i.e., Can it be done? Is that is the appeal process they should be following?, etc. She explained she talked with Judi Barrett about possibly having one more meeting if everyone's comments are received by January 30th during the first or second week of February. Ms. Joubert stated she's reserved spots for the warrant, due on February 17th and three weeks after that the final drafts will be printed for the Board of Selectmen.

Ms. Barrett stated she will need to get final comments by the first week in February. If there are philosophical questions to be answered she agreed the boards should meet again.

The board members agreed to hold a joint meeting on Wednesday, January 28th to discuss philosophical issues remaining. Members will get comments back to Ms. Joubert by January 30th.

Southwest Cutoff - Area 1

Two questions to be considered for this area are: 1) Should the underlying zone should be rezoned (Ms. Barrett is recommending RB); and 2) should there be a residential overlay district?

A discussion was held on the zoning for the Southwest Cutoff. Mr. Leif explained Ms. Barrett had originally proposed this zone to be Residential C and then later, Residential B. A Residential Overlay District had also been proposed.

Ms. Joubert and Ms. Barrett presented the following information:

- The area of land, from the top of The Loop to West Main Street, is approximately 220 acres of privately owned land, 40 acres of which includes roads, wetlands and slopes, which means there are approximately 180 acres that could be developed in Area 1.
- If the area was zoned Residential B, requiring 40,000 square-foot lots and 150 feet of frontage, a total of 150 to 180 homes could be built.
- If the area was zoned Residential C, requiring 20,000 square-foot lots and 100 feet of frontage, a total of approximately 300 homes could be built.
- Residential C would promote more development than Residential B.
- The land to the north of West Main Street is zoned Residential B.
- Septic systems could be problematic with wetlands in the area, however Kevin Giblin brought a sewer line up Southwest Cutoff and the westerly part of West Main Street also has sewer service.
- Corresponding zoning in Shrewsbury include 20,000 square-foot lots and all have sewer service.

Mr. Leif stated he thought the idea was to match the surrounding uses and promote the general characteristics of the land for more residential use than commercial use.

Mr. Rand questioned whether this area was that much different from the location of The Loop.

Mr. Leif stated he doesn't believe that area of West Main Street would be able to handle the traffic if Area 1 was zoned the same as The Loop area.

Ms. Barrett stated she based her proposal on the characteristics of the land, which is much steeper up towards West Main Street. The soils are mainly till and even if there is sewer service the land should not be overtaxed. They have an opportunity to save large pieces of land for open space. This is also in agreement with zoning suggestions made in the 1997 Master Plan.

Mr. Lewis confirmed if Bigelow's was included it would be zoned commercial with underlying residential, and asked about Mr. Bigelow's agricultural land.

Ms. Barrett stated they would end up creating split borders if they continued Business West to the Shrewsbury border because Bigelow's parcel goes way back.

Ms. Joubert stated the agricultural land will stay industrial until it is sold. Mr. Bigelow has been to some meetings and has not disagreed with the concept of the land being zoned residential.

Mr. Rutan stated he thought Mr. Bigelow wanted it to remain open as opposed to commercial, but wouldn't be opposed to rezoning to residential.

Mr. Rosenberg asked what Mr. Giblin's position was on zoning it commercial.

Mr. Rutan stated Mr. Giblin had stated there is no good access because of the wetlands, but thought residential would work.

The members voted unanimously to change the proposed zoning in Area 1 to Residential B.

Overlay District Proposal

Ms. Barrett stated the overlay creates a process. It says if someone is in this area with a parcel of land that meets the underlying Residential B zoning, they can present a conceptual plan to the town. The Planning Board would hold a hearing and if they support the plan, it could go to Town Meeting and a sub-district of the zone could be created that would be governed by unique dimensional and use regulations. The overlay district proposal does not describe dimensional regulations, just the process.

A question arose as to why Ms. Barrett chose 40 acres.

Ms. Barrett stated if someone is going to get economic benefit from the zoning, the town ought to get a significant open space trade-off. A goal of zoning is to protect as much land as possible. If a developer wants to put in townhouses and gives the town a certain percentage of open space, the town might consider the proposal. She based the acreage around open space.

Mr. Leif asked why 20 acres wouldn't be a good number.

Ms. Barrett stated she's looking at this in terms of how they can keep as much of this land as unused as possible. She noted this overlay district will be limited to the Southwest Cutoff area.

Mr. Rutan stated he thought 40 acres was large when he read it.

Ms. Joubert stated they are basically talking about 2 landowners - the Borgatti's and the Bigelow's. If someone was going to develop the rest of the Borgatti land for The Loop, they would have that project before them. The developer has stopped at a point where he could do his commercial development. She stated she doesn't see the Borgattis or Bigelows selling off 10-acre pieces of their land if someone could come in to do a significant project.

Mr. Rutan stated large projects are usually done in phases, but if someone was to do one of these and then more acres became available, could they come back to the board?

Ms. Barrett stated they could come back.

Mr. Rosenberg stated what caught his attention is that they really want someone to create this in that area and make it define the character of the area. He thinks that asking them to come up with a 40-acre plan would be a good start to implementing this.

Ms. Gillespie asked what would be a reasonable amount of open space.

Ms. Joubert stated some boards ask the developer how many lots they can do and how much open space will there be. The developer will probably come in with a larger amount of lots and less open space, but then they negotiate. They could include affordable units and back off a little on the open space amount.

Ms. Barrett stated it provides structure around negotiations.

Mr. Benson stated it puts the burden on the developer to present a project that's good for the community. The board can work with the developer to get a development that would be substantial and meet their needs.

Mr. Leif asked if the land in the back of Area 1 would have frontage on the Loop road.

Ms. Joubert stated Kevin Giblin has stub roads off the Loop road.

Mr. Rand stated it's not a public way yet.

Mr. Rutan asked if all of the neighboring Shrewsbury land is far enough away so they wouldn't come off a road in Shrewsbury.

Mr. Leif stated it comes back to if the access of Area 1 would be off West Main Street through Bigelow's and Borgatti's property. With 200 feet of frontage, someone could do a 100-acre project by buying Bigelow's property which could be landlocked to a certain extent unless some public way comes through that development. If a developer took 50 acres and used the frontage from the first development, did, other roadways could be used to foster other projects He questioned if there is 200 feet of frontage somewhere else if Bigelow's doesn't sell.

Ms. Joubert stated the remaining Borgatti parcel has approximately 1300 feet of frontage on West Main Street.

Mr. Rutan stated this proposed zoning is an invitation for a developer to get creative. He thinks it is a win-win situation.

Mr. Rosenberg stated it's all negotiable, but they must be clear as to what they have in mind.

Ms. Barrett stated the purpose statement needs to be beefed up and clear.

Mr. Rosenberg stated they have heard affordable housing mentioned, but that could be a 40B (comprehensive permit) project.

Ms. Barrett stated she's not sure if affordable housing should be included here. It might happen, but there are plenty of other options for affordable housing. She doesn't think this is land they would want to pack unduly in order to get affordable units. It's very pretty, deeply-sloped land. The idea is to get as much open space out of it as you can.

Ms. Gillespie stated that in the beginning, preserving open space was the idea.

Ms. Barrett stated the Master Plan saw the land in the way that they did - with uses that would be the least disturbing and would get them the most open space. The idea is to negotiate the open space - to create a structure for an applicant to come in and have Town Meeting make the decision on the use of the land.

Mr. Ginsberg stated it would really be up to the developer to present a good plan and if it's not enticing, they wouldn't approve it.

Mr. Rosenberg stated if all they have is conventional development there would be no community benefit.

Mr. Benson stated it would encourage the big developer who has more resources and can design a community.

Mr. Kane stated it's a mechanism to a process that lets the developer and board be creative in developing a worthwhile project.

Mr. Lewis stated it would make sense to leave the area of the single family home zoned business - where Bigelow's is now.

Mr. Rosenberg stated if they are encouraging 200 feet of frontage, it puts a dent into what someone can do there.

Mr. Lewis asked if it would make sense to leave it business west, if they brought a street in across from Crawford Street.

Ms. Barrett stated if they choose to do that, they should bring the overlay district line up to West Main Street. They would have a choice under the overlay rules.

Ms. Joubert stated it wouldn't follow their lot lines. Part of it would be in BB West and the rest would be in Residential B. They would have to pick an arbitrary line and anything in there would be subject to a variance.

Ms. Barrett stated they are trying to eliminate the need for that.

Mr. Leif stated by agreeing to change the zoning from Industrial A to Residential B, they're saying that, prior to Mr. Lewis' comment, all Bigelow property would be zoned Residential B. Mr. Lewis' suggestion was to expand BB West across the front of the property. He questioned what the reason was for that.

Mr. Lewis stated it would be to try to match the property with its current use.

Mr. Leif stated his sense is not to do it.

Mr. Pember stated that, no matter what Bill Bigelow's opinion is, he is one of three siblings who own it, and once they pass away there could be other relatives who don't care what's done.

Ms. Joubert stated there are a couple of lots that are zoned business but they put into the residential district because it makes sense for the town that these should be residential. Over the course of 20 years businesses moved in there, but they are surrounded by residential use. Do they zone for the exception or for the benefit of the community? It makes sense to zone it all the same.

All members voted in favor of leaving the overlay district (7-07-040) in the proposed zoning.

Zoning Maps

Three zoning maps were distributed.

Business West (BW) Map

Ms. Joubert stated there were no questions on the Business West (BW) map. Each one of the maps is true to discussions they had along the way. The GIS department will be doing the new zoning map for town meeting, following lot lines and going to the middle of streams.

Mr. Rutan stated some lots on the west side of Route 20 seem to have a back slice that's in the commercial district or is a separate lot that has a 10-foot width.

Ms. Joubert stated they went lot by lot as to who owns what and the triangular area behind the lots belongs to DelGrecco - Brossi Brothers. The maps were highly magnified to find the lot lines.

Mr. Pember noted the Post Office is on the northeast corner of the map, but didn't get included. Members agreed it should be included in the BW area.

Mr. Rosenberg stated in the same area of the map Claflin Farm Road runs into the BW district and has always run into Business District B. He asked if there was some future use that it should be directed towards.

Ms. Gillespie stated she thought someone had thought about doing a subdivision there.

Ms. Joubert stated the subdivision stopped there because that land isn't part of Chatfield Notch, but is the boundary of what they purchased.

Mr. Rosenberg stated unless they keep the existing business line, the area should be recognized as residential.

Ms. Joubert noted there is a stub road there and the abutting land is part of Maney's land.

Ms. Gillespie stated Mr. Maney came before the Planning Board about his problem with taxation of the property and had discussed that he wanted to develop it back there. Some people were concerned about which house they would take to get into that property. She wondered how it would be done if it was zoned for business.

Ms. Joubert stated they would have to come before the Planning Board for the subdivision process.

Mr. Rosenberg asked if there would be a parcel that could accommodate a big business in the midst of a residential area.

Ms. Barrett stated if there is concern about this and they can pull the line back to the existing line. They would not be abandoning the idea of following lot lines, but some lots are exceptions. Once the district line is taken out to the buffer line, the buffer goes away. They need to make sure they protect residential areas so they won't have businesses in their front yard.

Mr. Leif asked if they are recommending taking the portion of Maney's property that is in BW now and pulling back the line to match the old zoning line and, if so, would it be all the way around.

Ms. Joubert stated it can be pulled back to the lot line and brought all the way over to touch where the corner almost hits, go around the corner, and follow the old zoning line in a northerly manner from the back of the Post Office, follow the Maney line. Basically everything in orange back to the dotted line would be changed to Residential C.

All agreed with this change.

Downtown Business (DB) Map

Ms. Joubert noted the red on the map represents the Downtown Business district. To the right, in orange, is the Main Street Residential zone. There are two yellow parcels in the Neighborhood Transition district and the pink/purple area represents Laurence Candle Factory holdings. At the top of the page there are 3 legs of the Candle Factor that go out to Whitney Street. In between that area, the parcel lines isolate two General Residential parcels which are the two legs closest to the intersection of Whitney Street and Church Street. The most southerly one is believed to be owned by the Laurence's. The pink area follows lot lines of property owned by the Laurence's and currently is zoned Industrial B. The proposed zoning will change that to residential zoning with the senior residential overlay there.

Regarding why GR was chosen instead of RC, Mr. Rosenberg stated GR was flexible to accommodate what's currently there. He questioned if it makes sense to simplify that side of the road to GR.

Ms. Joubert stated it gets more serious when something is taken away, rather than when the zoning change gives more.

Mr. Rosenberg stated he was concerned about the yellow area that goes off to the north through all the Residential C area because it's in the downtown neighborhood area. It has a lot of potential but it's a big hillside that extends up behind a lot of houses. He asked what the potential use would be. He would propose to maintain it as Residential C.

No members had a problem with changing that particular area to Residential C.

Mr. Rosenberg stated there is only one of the orange parcels on the east side of Summer Street that they haven't discussed. It's a parcel that travels along the back of the other parcels. There is also one more lot on Summer Street on the west side, owned by Richard Tucker, that is not part of that and he wondered if they had discussed it.

Ms. Gillespie stated they had talked about matching it across the street.

Ms. Joubert stated they'll stay in General Residential. She had a question on the property on Monroe Street. To the left of the word Monroe on the map is a bank and behind the bank's parking lot on the parcel in the yellow strip is a white house. She asked if that should stay zoned General Residential or be moved into the Downtown Neighborhood district.

All members agreed to leave it in General Residential.

Business East (BE) Map

Ms. Joubert stated the easterly most section of the map on the corner of Main Street and Hemlock Drive doesn't represent true lot lines because it's been combined. The first house on Hemlock Drive is on a split lot and is used as an office and a detailing area.

Mr. Rutan stated it should stay Residential C.

Ms. Joubert stated heading west at the intersection of Bartlett Street and Main Street, some houses there are included for the sake of the district. On the land to the east by the triangle is a house with rental property, a barbecue place, Britney's Café and two residential homes that have always been in a residential zone but people have been asking questions about doing business in there. This includes the two houses on the corner of Bartlett Street and East Main Street. The lot in between Deacon Street and Allison Road has two long gray buildings on it. Today it is a split lot and an automotive shop is run there. They struggled as to whether they should follow the lot line to East Main Street or follow the back of their lot line. They decided for the sake of the residential neighborhood to follow the rear lot line and make them residential and they would become a pre-existing, non-conforming lot that would be grand-fathered in.

All members stated they thought that made sense.

Ms. Joubert stated on Stratton Way there's a tiny pod that's connected to land behind it (in white) that's part of the White Cliff's subdivision. It's not an isolated island. They made a judgment call and called it residential.

Mr. Rosenberg asked about the ownership of two white triangular lots in the middle of the green area on the south side of Main Street between Peaslee School and the town garage.

Ms. Joubert stated both are owned by the town, so they made a call that they should be part of the Residential C district.

Ms. Joubert stated she needs to verify the proposed zoning of land owned by Richard Record on Hudson Street in the area of Dunia Gardens and the Residence at the Falls, on which is a conforming storage yard.

Mr. Ginsberg stated Mr. Record runs a very noisy business, including explosions.

Ms. Joubert stated he is in the excavation business.

Mr. Rosenberg stated they were considering it to be obsolete in it's use and expect it to evolve.

Ms. Joubert noted the area around it is residential and to do anything else, it would have to be residential.

Mr. Rosenberg motioned to zone the property owned by Richard Record Residential C, Mr. Kane seconded the motion and the vote was all in favor, with Mr. Ginsberg abstaining because he is an abutter.

Ms. Joubert stated they will review the Business South district at the next meeting. She noted she has an outline for the site plan submission portion of the Planning Board Rules and Regulations.

The Zoning Board of Appeals meeting adjourned at 9:20 pm.

ANR Plan

292 Crawford Street: The Planning Board reviewed and signed an ANR plan for 292 Crawford Street, submitted by Waterman Design for Robert Percy.

The Planning Board meeting adjourned at 9:30 pm.

Respectfully submitted,

Debbie Grampietro
Board Secretary