



TOWN OF NORTHBOROUGH Zoning Board of Appeals

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Approved 5-26-09

Zoning Board of Appeals Meeting Minutes March 24, 2009

Members present: Richard Rand, Chairman; Mark Rutan, Clerk; Richard Kane; Gerry Benson, Alternate; Dan Ginsberg, Alternate

Members excused: Sandra Landau, Alternate

Others present: Kathy Joubert, Town Planner; Elaine Rowe, Board Secretary

Chairman Rand called the meeting to order at 7:08PM.

Discussion and Vote on Proposed Zoning Bylaw and Map - Chairman Rand polled the board about who should be included in the vote about the zoning changes. He voiced his opinion that everyone, including the alternates, should vote on the matter. Mr. Ginsberg suggested that the alternates could be polled prior to a vote by the members. Mr. Kane voiced his opinion that the entire board, including alternates, should be allowed to vote. Mr. Rutan agreed.

Richard Kane made a motion that all members, including alternates, be included in the vote for consideration of the zoning changes. Mark Rutan seconded, vote unanimous.

Consideration of the proposed changes - Mr. Kane stated that, though there are many good things in the proposed by law, there are a few things that are of concern so he is inclined to vote against it. Specifically, he does not agree with the proposed changes to the zoning on the Borgatti property. He feels strongly that it should remain residential. He also commented that there are a few things being proposed in the downtown area that he is not in favor of, so he cannot support the proposal. Chairman Rand voiced agreement with Mr. Kane's position about the changes to the property currently owned by the Borgatti family. He also disagrees with the performance standards as written in the bylaw. Chairman Rand recalled that the inclusion of the performance standards was voted down three times, but it was thrown back into the draft because one member of the Planning Board forced the issue. Mr. Kane stated that he is a proponent of them being included, and is pleased with the way that they were re-written. Chairman Rand reiterated his preference that the performance standards not be included.

Chairman Rand commented that he is also against approving the revised bylaw. He noted that, if it has to be taken in its entirety, he does not feel that he can support it. Mr. Kane stated that there was a good amount of fine work and some positive changes, but voiced regret that there are just a few things that people are opposed to that may result in its defeat.

Mr. Ginsberg stated that he is in favor of approving the changes, and noted that the revised bylaw is better than what currently exists. He also commented that it would not be feasible to attempt to change the existing bylaw on a paragraph-by-paragraph basis. He reiterated his support, and noted that the revised bylaw is more in line with the Community Development plan from years ago.

Mr. Benson commented that there are a few things in the proposed bylaw that he is not entirely pleased about, and the inclusion of the performance standards is one of them. He indicated that the group, as a body, had agreed not to have them included but they somehow resurfaced and are now part of the document. He also stated that a comment was made that the Industrial Committee needed them, but that Committee never met to discuss the issue. He reiterated his displeasure that the performance standards were put back into the document.

Mr. Benson discussed the issue of the zoning and overlay district on the property currently owned by the Borgatti family. He noted that he originally thought that there would be an overlay for the entire industrial parcel, but somehow that is now proposed to be rezoned residential. Given that the board has already allowed rezoning of half of what was the industrial zone in that area (The Shops 9@20 and the Avalon apartments), he does not envision any industrial development happening in the area between there and the Bigelow property. Ms. Joubert voiced her understanding that Kevin Giblin's engineers are working on two different residential designs for that parcel.

Mr. Kane voiced his opinion that the town needs development to contribute to the tax base and reduce the burden on the residents. Mr. Benson agreed, but reiterated his opinion that it would not occur in that area.

Mr. Benson voiced his opinion that, as a whole, he has to believe that this is a better document than what we currently have. He feels that it is clearer, easier to read, and easier to understand. While he thinks it is unfortunate that it is an all or nothing vote, he is in favor of approving it. He also reiterated that the board always has the ability to improve upon it in coming years.

Mark Rutan made a motion that the board to vote to support the zoning changes and revised bylaw. Richard Kane seconded. Vote was four in favor and one opposed (Richard Kane opposed).

Review Minutes of the Meeting of Sept 23, 2008 - Richard Kane made a motion to approve the Minutes of the Meeting of September 23, 2008 as modified. Mark Rutan seconded, vote unanimous.

Review Minutes of the Meeting of February 24, 2009 - Richard Kane made a motion to approve the Minutes of the Meeting of February 24, 2009 as submitted. Mark Rutan seconded, vote unanimous.

Adjourned at 7:37PM.

Respectfully submitted,

Elaine Rowe
Board Secretary