



TOWN OF NORTHBOROUGH Zoning Board of Appeals

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Zoning Board of Appeals Meeting Minutes May 22, 2012

Members in attendance: Richard Rand, Chairman; Richard Kane; Fran Bakstran; Robert Berger, alternate; Jeffrey Cayer, alternate

Members excused: Mark Rutan, Clerk; Craig Gugger

Others in attendance: Bill Farnsworth, Building Inspector; Mark O'Hagan

Chairman Rand called the meeting to order at 7:05PM.

Chairman Rand introduced and welcomed Jeff Cayer to the board.

Chairman Rand noted that, in the absence of Mark Rutan and Craig Gugger, both Robert Berger and Jeff Cayer will vote on the matters before the board this evening.

Discussion with Rob Harrington, Framingham Savings Bank, developer of Laurence Place, regarding permit condition limiting units to 2 bedrooms, ZBA Case No. 09-11

Chairman Rand explained that the board was in receipt of a letter indicating that Mr. Harrington will not be in attendance this evening and is requesting a continuance to the June meeting.

Discussion with Mark Rhodes, developer of Church Street Village regarding revised landscape plan and streetlights, ZBA Case No. 05-04

Chairman Rand explained that the Church Street Village project is a 40B development approved by the board in 2005. Mark O'Hagan stated that the project is nearly complete and they are wrapping up the last few remaining items. He explained that, during review by town staff, it was noted that there had been a couple of modifications that require the board's approval prior to final sign off by town officials. He indicated that Kathy Joubert had suggested that he appear before the board to be sure that members were comfortable with the modifications.

Mr. O'Hagan noted that there were some minor revisions to the landscaping and lighting plans over what was originally presented. He detailed the changes as follows:

- **Landscaping Plan** - Mr. O'Hagan noted that there is more landscaping at the front entrance of the property and around the individual buildings than was originally proposed. Also, because of

the amount of infrastructure located underground, there was concern about root balls impacting the structures, so some of the tree varieties and locations are different than what was shown on the original plan. Mr. O'Hagan noted that the revised plans show those trees marked as "P" (proposed), and indicated that they will be planted upon approval of this board.

- Lighting Plan – Mr. O'Hagan explained that residential fixtures were proposed for the project, and the quantity and locations are the same as what was shown on the original plan. He explained that the original plan shows that the fixtures were to be on 12-foot poles but only 6-foot poles were installed. Chairman Rand asked how many lights were included on the original Plan. Mr. O'Hagan indicated that there were 6 planned, but that they were of a different style.

Mr. O'Hagan requested that the board accept the revised landscaping and lighting plans and consider the changes to be non-substantial. He noted that the only issues still outstanding are the final financial review and final as-built, both of which should be completed within the next two weeks.

Mr. Farnsworth explained that condition 26 in the board's decision requires that the final landscaping plan be submitted. He noted that, once the project is underway, he must ensure that the developer follows the plans as approved. Since modifications to the landscaping and lighting were noticed in the field, the developer was asked to come back to the board to review those changes and obtain approval. Mr. Farnsworth stated that neither he, Kathy Joubert, or Fred Litchfield had any objections to the modified locations for the lighting fixtures, but that there was concern about the board's stipulation of 12-foot poles in the decision. Mr. Kane asked if a 6-foot fixture is more apt to shine more directly into someone's eyes. Mr. Farnsworth did not believe so. Mr. Farnsworth reiterated that, since the decision stipulated street trees of specific size and in specific locations, the board must approve the modification to both size and location and must deem it a non-substantial change before he can issue the final Certificates of Occupancy.

Mr. O'Hagan indicated that he did not recall discussions with this board about the specifics of the lighting fixtures. He also noted that he would not typically recommend 12-foot high fixtures because they are more difficult to maintain and more obtrusive on residents.

Ms. Bakstran asked if the modified plan has the same quantity of fixtures as the original plan. Mr. O'Hagan confirmed that it does. Ms. Bakstran asked if the wattage is the same. Mr. O'Hagan voiced his understanding that the original plan indicated 150-watt bulbs, but the modified plan has 60-watt bulbs. Ms. Bakstran asked if it is possible to increase the wattage and commented she likes the idea of softer lighting.

Ms. Bakstran asked if the modifications on the trees and shrubs will result in a difference in water usage that would cause concerns about drainage or flooding. Mr. O'Hagan stated that there are no concerns.

Ms. Bakstran asked if the condominium management entity has a bylaw requiring 12-foot light fixtures. Mr. O'Hagan stated that there is no reference in the bylaw other than the requirement to maintain the infrastructure.

Chairman Rand commented that the drain at the corner of Fall Drive does not appear to be working. Mr. O'Hagan noted that it may have been impacted during recent paving work and agreed to check into the matter. He also voiced his understanding that the Town Engineer will review all of the infrastructure and drainage prior to releasing the balance of the bond.

Fran Bakstran made a motion to accept the revised landscaping plan as presented and to recognize it as a non-substantial change. Richard Kane seconded, vote unanimous.

Fran Bakstran made a motion to accept the revised lighting plan dated as presented and to recognize it as a non-substantial change. Richard Kane seconded, vote unanimous.

Old/New Business

Ms. Bakstran stated that the homes on Country Candle Lane are being advertised as 3-bedroom units even though she knows that they were approved for only 2-bedroom units in the project. Mr. Farnsworth noted that the building permit and all of the Certificates of Occupancy show 2-bedroom units. He also commented that the developer is having difficulty marketing the 2-bedroom units and indicated that sales will be easier if they can be marketed as 3-bedroom units. Ms. Bakstran emphasized that they were approved as 2-bedroom units and the developer originally agreed to that condition so should comply. She also voiced her understanding that the project on Hudson Street is selling 2-bedroom units without any difficulty.

Adjourned at 7:45PM.

Respectfully submitted,

Elaine Rowe
Board Secretary