



Town of Northborough Planning Board

63 Main Street
Northborough, MA 01532 – 1994
508-393-5019 Office ~ 508-393-6996 Fax
www.town.northborough.ma.us
planning@town.northborough.ma.us

Northborough Planning Board November 2, 2006 Meeting Minutes

Approved 11/21/06

Members Present: Rick Leif, Don Hewey, Bob Rosenberg, George Pember, Michelle Gillespie

Other Present: Kathy Joubert, Town Planner; Fred Litchfield, Town Engineer; Judi Barrett, Community Opportunities Group

Chairman Leif opened the meeting at 5:00 pm.

Approval of October 5, 2006 Minutes

Mr. Pember moved to approve the minutes. Ms. Gillespie seconded the motion and the vote was unanimous.

Maynard Woods

The Board reviewed a letter from Steve Venincasa of Casa Builders & Developers Corporation dated 10/30/06 and a letter from LaFrambois Well Drilling, Inc.

Fred Litchfield, Town Engineer

- Lot releases - holding lots but base pavement could deteriorate because road can't be finished until last two houses built
- Cost to replace well depends on depth of well

Rick Leif

- Approach would be to get the two homeowners and developer together and talk at a meeting about what to do
- May be \$1000 worth of pump work
- If that didn't work, might have to spend another \$4,000 - \$5000 to repair well
- If comfortable \$15,000 is enough, could release the lots and Board could continue to hold the \$15,000 bond
- Recommend not to do anything until they have an agreement in writing - then agree on bond amount
- Will ask Don Hewey, as private citizen, to give Board an update
- If developer hasn't done what he needs to do, then he won't get the lot releases.

Kathy Joubert, Town Planner

- Conditions in decision cover list of things that developer could do to address well problems
- No mechanism exists for bond to be renegotiated

George Pember

- Is \$15,000 bond enough?
- New well could be installed for \$3,000

Bob Rosenberg

- Why hasn't developer addressed quantity issue and given Board information to show it's been resolved?
- Board doesn't have test results to indicate it has been resolved

Michelle Gillespie

- Should we set up a time table?
- Tell Mr. Venincasa specifics necessary for release of lots
- Board doesn't know if he has or hasn't done work at this point

Letter from Kathy Dalgliesh re: Cable TV Coverage

The Board discussed submitting a letter to Ms. Dalgliesh with input to help her negotiate their new contract. This will be put on the next Planning Board agenda under Old/New business.

Winn Terrace Covenant

The Board reviewed and signed the Covenant for the Winn Terrace subdivision.

Ms. Joubert stated the bond won't be released until the street is accepted. Until that time, the developer is responsible for street plowing. If the neighbors should change their mind and don't want the street accepted, the bond would be released.

Zoning Reorganization Study with Judi Barrett

The Board reviewed Ms. Barrett's draft version of Business District A and 2 maps of the downtown area.

Rick Leif

- October - subcommittee looked at use regulations for business districts
- What would happen if a developer bought multiple contiguous lots, demolished structures and built something new? What would development look like? What would we want to see?
- Encourage certain kinds of redevelopment to happen
- Discourage other kinds
- How would we like districts to be redeveloped?
- Medical centers & doctor's offices allowed by right? – doctor's office makes sense
- Medical center – could be like a Lahey Clinic – wouldn't want it like that
- Would want to do something with this to have more smaller retail uses downtown and not larger ones
- Some small with residential use above
- Mark Donahue says shouldn't be restrictive
- Judi Barrett said smaller by right, larger by special permit
- What is general consensus of Planning Board?
- Do we want to have control over size of building we end up with if multiple lots were assembled?
- Is subcommittee still on right track?
- Took a lot of uses out that didn't belong anymore
- Hotels, motels and boarding houses - BB makes sense, but a Holiday Inn in BA doesn't
- Need to manage time in order to have proposals for 2007 annual town meeting

Judi Barrett

- Going through hierarchy of questions
- Use is good place to start
- Current plan will be to go through same exercise with Business Districts B & C
- Conversation on hold for uses such as square footage caps on retail space
- Subcommittee not in agreement as to how that should work out

- What happens when several parcels assembled?
- Could end up with structures of single uses out of scale and what is created is no longer what you had in mind
- Do you mean retail of a certain genre or a regulation that says retail allowed by right up to a certain floor area?
- Any individual retail store may be capped at certain size and then may allow to be overridden by special permit
- When you get to design issues, will be a lot clearer to subcommittee and Planning Board
- If design regulations geared to larger stores at future point, don't want to create barriers where intermediate size can't make it - will see a lot of applications for variances
- Take what you can take to Town Meeting and don't chase an artificial deadline
- Design includes site, building and how it all fits together
- Downtown different from area to east and west
- Could evolve to have more density
- Raises questions about what is realistic – some may be doable in the core (downtown) but not to the west
- Are we setting people up to have to go for variance?
- First talk about use – if constraints legitimate, maybe we should be talking about BA being exactly what it is.
- Think about people with split lots – what do we mean for this area?
- Must be sensitive to both areas
- Pair floor area with space caps – decide on what you want and keep barriers to a minimum
- Right now zoning says there can be more than one permitted use on a lot
- Today someone could construct a business that meets setback, have no other requirements except 45 feet of height – could get 4 –5 establishments in there
- Won't find retail on the upper floor – retail on first and residential on second?
- Don't want to end up creating overall cap on size of structure which will give a problem to parcel assembly
- A lot of scale issues can be addressed with good design – don't worry about scale, worry about design review
- Way to deal is to be clear – what is it in your head that's ok?
- Need to be granting standards so Board isn't arbitrary – won't get what you want if process ambiguous
- Question is should you have control if someone is going to invest in assembling parcels?
- Was suggesting cap for retail would apply to individual establishments
- Someone could propose building on lot full of retail - as long as each establishment met the size requirements and dimensional regs
- Not the size of building but establishment size as surrogate for type of business
- Also could have cap on the total size of building – but don't want to get to point where people will say “why am I doing this?”
- Don't want to load up zoning with special permits – say what you want and that's what your regs reflect
- If you want good development, then set parameters with what you want by right in all areas – not just downtown.
- To zone by special permit is a lazy way to do zoning - avoids making policy decisions
- Aside from case law implications, denials of special permits don't hold up in court.
- Have to anchor to a valid criteria – applicant doesn't have to meet a high threshold for special permits
- Business & professional offices – medical center/medical office – definitions need to be updated
- Seemed to be feeling that nobody has problem with a doctor, small group practice, but a larger medical establishment would be out of place
- Very difficult to separate doctor's office from medical center in definitions
- Do you put a cap on the size of office space?
- Doctor's office allowed by right, medical centers by special permit?
- A lot of things in regulations not defined
- People agree would want a bank but not a free-standing ATM; Not appropriate for downtown but may be ok for BB
- What about drive-throughs in downtown?; Don't want Dunkin Donuts or McDonalds – but do you want to say no to a bank or CVS?
- Bylaw now doesn't have category for museums, galleries or assembly halls for performing arts
- These are part and parcel of most successful downtowns.
- If you want facilities for cultural activities, must provide for in zoning regulations and need to define
- Restaurants – much like retail, could think about allowing those of a certain size by right
- Right now says restaurants only by special permit
- What kind of town is this? Has to be places for people to eat, shop, park car, with cultural activities and personal services

- Allow by right up to a certain size and larger by special permit?
- Define by what they serve – alcohol by special permit, non-alcohol by right?
- Home occupations – mixed use – subcommittee already agreed single family home should come out as permitted use
- Still have district with single family home and want to make sure people can have home occupation
- Can't say "can't have a single family home" but can have a home occupation
- Want to evolve to mixed use – already allow multiple use in business by right
- Home occupation is business secondary to residence
- In mixed use it's a different animal - accessory use vs. mixed use with principal uses
- Assessment is different
- Don't make it impossible for someone to have a business but not necessarily to have both businesses primary.
- Already have buildings in downtown that Assessors are calling mixed use - means 2 principle uses or more in the district.
- Zoning right now says you can have home occupation in lawful single-family home or could have any permitted business use.
- Preserve front of building for business at street level but residential can go anywhere else in district but not on first floor
- A recognition that you have an area where you could look at densification –an appropriate area to do it
- Economic potential cannot be devoid of ability to do residential uses – they bring you value to do something else.
- Multi-family or units in a mixed use building are fine.
- Single business multiple uses and project with more than one business – mixed use horizontal -would require special permit.
- Review mixed use, multi-family listed as special permit – assisted living as special permit, accessory apartment, sheltered bus stop, commercial , wireless communication facility
- Suggesting way bylaw is organized, put them with use regulations because that's what they affect
- By right/by special permit uses- right now with district use regulations
- Some uses probably not appropriate for BA - may be appropriate for BB
- May be ready with BA & BB by December – not ready for site plan review section
- To do business district in complete way –revisions to site plan and off-street parking has to be done
- Numbering format must stay the same

Kathy Joubert

- Design isn't just what it looks like – includes dimensions, parking, landscaping
- If retail sizes capped, would that discourage people from investing in downtown real estate?
- If small business successful and wanted to expand, could they expand without applying for a variance or moving to a new location?
- Maybe a cap to a certain point and over that size, a special permit would be necessary
- Variance is not how to manage growth – it's anti-planning
- Build now as per the dimensional requirements – can't further limit a building by saying how a portion of it can be used
- Instead of caps, do by floor/area ratio so size of building fits size of lot
- Cleaning up bylaw is happening in background – when finished will be presented to Planning Board
- Next Planning Board meetings on 11/21, 12/5 & 12/19
- Judi will attend December 5th meeting.
- Administrative revisions will be in by the December 5th meeting
- Have started to look at site plan review section in-house
- Need to do changes with groundwater bylaw
- Judi happy to help town work on groundwater bylaw but not as part of this study
- Fred Litchfield and Bill Farnsworth looking at section of groundwater bylaw – have memos that will be coming forth
- Makes sense to get attention of town to talk about changes to zoning that will make it more business friendly.
- Try to get done for all business zones to present all at once
- Deal with business district as package
- Educate - go to rotary, chamber, etc. to let them know what's coming

- Corridor Nine's Economic Development Committee is supportive of this
- Next year look at industrial zones
- Things have to happen in industrial zones – happening now by variance and don't want to have that happen
- Candle Factory: have IB areas that have residential – a portion of IB needs to be made downtown zoning and the rest such as Whitney Street and upper Hudson Streets needs to be residential
- Need to include just IB this year, too

George Pember

- Wouldn't want retail size to be limited, but would be comfortable with special permit to have more space
- Candle Factory - rezoned years ago specifically for candle factory use – now gone and condos in there now – rezone for residential use?

Michelle Gillespie

- In BA district, only store that is significantly large is CVS right now
- Would like to see the larger ones in BB at the other ends of town – but within the length of it, subtly put a couple in to have a nice mix
- Would like to have more small business boutiques for downtown - larger with special permit
- Pierce Gas Station – a perfect example of a site that someone will need to have a lot of money to clean up and redevelop it.
- Would like to have group look at BB east and BB west

Bob Rosenberg

- Would special permit be about use or site plan?
- Do we want to have something with 12 units and 10,000 square feet per establishment – a 60,000 square foot structure – with no special permit?

Discussion re: Maynard Woods wells

Don Hewey recused himself and participated in this discussion as a resident.

Rick Leif

- There is attraction to releasing lots
- Could request the developer and property owners to have a letter with all signatures in hand at next meeting – if we have it, could take action on releasing the lots.

Don Hewey

- Talked with developer about the time of year of both tests - timing of test was developer's choice, not ours
- To wait to test again until spring would be fair and would give them a chance to see if there was some detriment.
- Suggested if bond remained in place would be enough to cover 2 new wells if necessary
- The two families (Heweys & Kellys) agreed to sign something with Mr. Venincasa if included the terms discussed.
- A decent discussion – seemed amicable – if it remains 10% or more, with bond in place and condition remaining, would have remedy we hoped for.
- We keep bond until we're tested again.
- Agree with getting lots released and getting street finished
- New wells worse-case scenario for both of us – says retest and keep bond in place until we do

George Pember

- Seems action not taken yet because Mr. Hewey wants testing done at same time of year for an apples to apples comparison.
- If sufficient money in bond to put in two new wells if necessary, would be comfortable as long as residents have signed off on agreement.

Michelle Gillespie

- Would like to see timetable in agreement
- Should set date to have remedy in place and go ahead release the two lots

Mr. Rosenberg

- Is there any liability issue to the Town because this was done a couple of years ago - now replacing with different set of conditions ?

Kathy Joubert

- \$15,000 bond in place just for the wells
- Per decision, wells should have been tested 2 years ago
- Decision has not been followed to letter of law and now not changing things significantly
- Decision doesn't have deadline for remedy
- Having developer write up agreement and residents sign it is more than we have now.
- Will contact Steve Venincasa with what Board wants
- If he wants lots released in November, needs to get back in touch with the Heweys and the Kellys, put together agreement, and have them sign for meeting in November.
- Board decided to ensure as extra protection that we would have separate bond and lots would be held back.

Discussion re: Haitsma Property – 455 Main Street

Mr. Hewey joined the discussion as a Board member.

DPW Director, Kara Buzanoski, sent a memo to Town boards, committee and commissions regarding the property at 455 Main Street, purchased by the Sewer Enterprise Fund in August 2004. Consultants have determined there are over 17 acres of property that is not suitable for the Town's sewer needs and Ms. Buzanoski would like to know if there is any Town interest in purchasing this portion of the property from the Sewer Enterprise Fund. An appraisal of the land was planned.

Kathy Joubert

- Water & Sewer Commission doesn't want to renew short-term financing
- Hasn't seen plan from appraiser

George Pember

- Could this land be put aside for affordable units from subdivisions in other locations?

Rick Leif

- Would Board like to do anything?
- Action will require Town Meeting action.
- Should we get rest of 20 acres under Town control by using CPA funds?
- If want to acquire the rest of it, what is the fair price?
- Water & Sewer Commission would like to get their whole \$2.5 million back
- Interested in it right now

- Involvement could include the recently formed Housing Partnership
- Will recommend to get application before CPC
- Who will drive project?
- Wouldn't have an issue driving it – would have all three components in it
- Ask to appraise looking at density/multifamily
- Get Recreation Commission and Open Space Committee behind it and others who are proponents to be by-ins at Town Meeting

Bob Rosenberg

- Haitsma wants home parcels to be part of plan
- Historical preservation interest?
- Short-term financing not directly related to this parcel
- Will have to refinance anyway because won't have the \$1.9 million
- Short-term financing confuses the matter
- CPA fund set aside money for open space
- Just received money from the state to match last years and have collected an equal amount
- Significant amount already for open space - fund is in play and is accumulating money
- Could put forth a 4-year bond and pay with CPA funds
- If Water & Sewer Commission puts it out for proposal, developer will get special permit to do a 40B
- Developer will come up with some way to make it worth spending money on
- Bought using money of those who used water and sewer services - now challenge is how to split up cost
- CPA funds will pay for portion of it, the other portion still needs to be paid by Water & Sewer and residents who used it.
- Those people may want to sell it at Town Meeting.

Don Hewey

- Walked site 2 weeks ago
- Flat, beautiful open space as soon as you get past the barn and wetlands
- No access to home on right side
- Left side is homestead
- Other privately held with an easement for driveway
- No other access to home
- Value established based on if 5 lots could work
- Can you have 5 lots with another resident sharing same driveway?
- Still a single driveway
- Easement will confuse things
- During a discussions with Kevin Giblin he said if there was a place to build affordables off-site developers would be more amenable to it

Michelle Gillespie

- After Lincoln Street property didn't go through, town regretted it
- Too ambitious in the time we have
- Buy it this year and come back in 2008 to discuss plans for parcel
- Impossible to do it before Town Meeting

Old/New Business

59 Hudson Street: The house on 59 Hudson Street has been taken down. Tony Abu will have an informational letter ready for the lottery by December and will hold the lottery in January. Two of the four units will be local preference.

Mr. Hewey moved to adjourn the meeting. Mr. Pember seconded and the vote was unanimous.

The meeting adjourned at 7:30 pm.

Respectfully submitted,

Debbie Grampietro, Secretary
Planning & Engineering