

PLANNING BOARD
February 14, 2017
Memorial Hall

Members Present: John Michalak, Otto Lies, Scott Carlson (7:20PM) , Tina Stratis, William Ritter

Members Missing: Robert Ricker, Jeff Head

Staff Present: Pam Harding, Director, Liz Fotos, Town Recorder

J. Michalak called the meeting to order at 7:06PM

2017 PLANNING BOARD GOALS- Agenda Items

-Review of Open Space and Residential Design Bylaw

P. Harding stated that at the previous meeting, the Board spoke about density bonus, the sideyard setback (10 ft for OSRD vs 15 for conventional), and increasing the setback requirements that were currently in the OSRD. She stated she created a table for the Boards information.

J. Michalak asked what the next step would be. He asked if they should wait for consensus from all the members and do the changes at once.

The Board reviewed the table.

P. Harding stated that she did not think there was an issue with the 10FT setback for the OSRD but that the Board felt Jordon Road looked dense.

J. Michalak asked about the bonus given in regards to the 25ft no disturb.

P. Harding stated that she added a specific item regarding constrained land that stated that the 25ft no disturb area could not be counted towards the buildable area. She stated the developer will need to cross out the 25ft no disturb, wetlands, and greater than 15% slope on the plans.

W. Ritter asked if any changes were made to the density bonus.

P. Harding replied that at the Boards discretion, the density bonus could be changed. She stated they had changed the ½ mile lot bonus to 1 mile. She stated that was on page three under ‘Density Bonus’ She stated a developer was allowed up to 20% under the Boards discretion.

J. Michalak asked about #5 on ‘Low Impact Techniques’ he stated that they should be encouraging low impact development regardless.

P. Harding replied that they need more specific definitions in the Subdivision Control Regulations . She stated it was in there as an option they were able to use, not a requirement.

W. Ritter asked how the changes made to the density bonus would have effected the cluster on Salisbury Street.

P. Harding replied that they received the density bonus for open space and trails. She stated she would have to look but she thought a lot or two.

T. Stratis asked if they needed to give a density bonus at all.

P. Harding replied that they did not.

W. Ritter stated that more developers would probably take advantage of the OSRD because it would be cheaper to build in that manner.

P. Harding stated that one of the items the Board had not yet discussed was the 3-4 unit structures and the 4-6 unit structures that were allowed under OSRD. She asked how the Board felt about that.

J. Michalak asked if there was any history on these multi-units.

P. Harding replied that it was based on a lot of models and it provides less development footprints and decreases the environmental impacts. She stated that it would not be suitable for every parcel but she asked what the Boards feelings on this type of home was.

O. Lies asked to go back to the conventional requirements for setbacks. He stated right now the front yard setback for all zoning was 30FT, he asked why they wanted to go to 20FT.

P. Harding replied she would support the smaller front yard setback. She stated typically for clusters it gives more of a community feel and people do not traditionally use their front yards as much. She stated if there was going to be a smaller lot size it would make sense to have the larger setback to the rear of the property.

O. Lies stated that he does not see reference to clustering anywhere. He stated he also wanted something where they encourage developers to bring proposals before the Board.

P. Harding stated that the entire bylaws was for a cluster it was just named something different. She stated they did not use the term cluster.

O. Lies stated he would like to see the word 'cluster' He stated that when he was looking at certain subdivisions, like Oak Hill he saw 56 houses in a row, not a cluster of houses. He stated that was not what he wanted to see in OSRD, he wanted to see houses in groups and the Board should encourage that type of building.

W. Ritter stated it was stated in the Intent and Purpose section.

J. Michalak asked if something could be worked into the Towns Desires or General Intent.

W. Ritter suggested adding something to the effect of “the Town desires to encourage cluster residential developments that consume less open land and minimize the total amount of the site.

S. Carlson entered the meeting at 7:20PM.

P. Harding suggested replacing the word ‘less sprawling’ with ‘cluster’

W. Ritter agreed.

O. Lies stated he felt that was a good start but he wanted something a little stronger. He suggested adding something to page 5 under the streets; “an effort should be made to arrange building in clusters rather than in a long main street”. He stated that if it is there, it tells the developer that the Board is more serious about it.

W. Ritter stated that if the Board changes this, it should be done in D1B.

J. Michalak agreed. He stated that they could add something after the first sentence such as ‘The Town encourages the development of clustered homes’. He asked how many homes they considered a cluster.

O. Lies replied he believed 6-8 was typical.

J. Michalak suggested adding in ‘groups of no more than 8 units.’

P. Harding cautioned the Board that if they made these suggested changes they were going to end up with numerous cul de sacs which does not promote neighborhoods or connective roadways.

J. Michalak asked O. Lies if that was what he was envisioning.

O. Lies agreed it was. He asked P. Harding for the sample that was given from the CMRPC presentation.

P. Harding stated that the topography of the town was difficult to mimic that particular example.

The Board discussed their feelings on various subdivisions in town.

J. Michalak asked the Board what it was they were trying to control with these changes. He asked if there was something in particular that they did not like and what they were trying to accomplish.

T. Stratis stated that she felt that the lots on Oak Hill were too small.

P. Harding stated they had 20FT setback in the front and 10FT on the side.

T. Stratis stated both were too close.

O. Lies stated that the Board had the opportunity to come up with something that was aesthetically pleasing and appealing and that they did not have that happening currently.

S. Carlson stated that some towns do not allow garage doors to be in the front of the property. He asked how they did that.

P. Harding replied they probably had some type of design bylaw. She asked what the purpose of doing this was.

S. Carlson replied it was to make the subdivisions look good.

P. Harding stated she thought the Board had more of an issue with the density bonus and the land clearing.

W. Ritter stated he thought that the density bonus was what the Board questioned as well. He stated that if the Board changed the density bonus they would have more room and the developers could design the space differently.

J. Michalak asked the Board how they wished to proceed. He asked if the Board wanted to focus on the density bonus or if they wanted to look more into the aesthetics of the subdivisions

W. Ritter stated that every few years, the Board discusses the design review process but he would rather not be the Board that decides on architectural design or colors or anything of that nature. He stated he thought the Board wanted to discuss and review the density bonus.

S. Carlson asked about lot size and frontage.

P. Harding stated that the frontage was currently 80.

S. Carlson asked if low impact went to 60.

W. Ritter stated that the lots were not the problem. He stated that because of the cost of land, the developers needed the square footage of the houses to make their money back.

O. Lies stated that maybe the Board should review the size of the dwellings.

W. Ritter stated he did not think the Board could do that.

P. Harding stated that they could restrict pervious area and do it with a setback.

J. Michalak stated that he personally did not have an issue with the density bonus but he wanted to hear the concerns of the Board members. He stated he was not sure about calculating pervious area.

P. Harding stated they have it in the by right zoning it is just a different standard based on a percentage of the lot size. She stated typically the building footprint could not exceed more than 25%.

W. Ritter asked if they increased the frontage to 80FT instead of 60FT if they conquered some of the issues being discussed. He stated this would give the developer the opportunity to move the houses around a bit. He stated with the 60FT they were encouraging longer tall houses and this would increase the flexibility.

P. Harding stated that if they wanted more space they could increase the sideyard.

W. Ritter stated that he did not feel that the regulations needed dramatic altering. He stated that he understood the question of the houses being so close together but he believed changing the frontage requirements would help that.

J. Michalak asked if the Board wanted to move the frontage to 80FT.

S. Carlson stated that if they go to 80FT they would then give up the buffer. He stated his opinion was to save the trees. He stated that if they want to do the 80FT frontage there is not a lot left for the house and they would do it at the expense of the trees.

J. Michalak asked if they were also thinking about changing the sideyard.

P. Harding stated that they were. She stated it is 10FT for all structures under dimensional requirements. She stated most conventional building has 15FT sideyards with the exception of r 40 and r 10.

J. Michalak asked if they went to an 80FT frontage what that would do.

P. Harding stated that Vista Circle is an 80FT frontage with 10FT sideyard.

J. Michalak stated if they made all these changes they would lose the benefit of open space.

P. Harding agreed.

J. Michalak asked if the Board had any additional suggestions.

O. Lies stated that on the original report from Eric Smith, CMRPC, when discussing lot dimensions, common driveways were discussed. He stated that the Board may want to look at that as they have huge houses on smaller lots. He stated that it was also discussed that some towns limit dwellings to two bedrooms and that was something they could discuss as well.

P. Harding stated that she would not want to restrict homes to two bedrooms but that max area may take care of everyone's concerns.

J. Michalak asked what percentage current lots were at.

P. Harding replied she would have to look at the footprints but she thought around 10%; lot size 10K for 1000-1200 dwelling. She stated that was just going off the average footprint and not accounting for driveways.

J. Michalak stated he was not sure about common driveways.

T. Stratis stated she did not like them.

O. Lies stated that it was a way to preserve green space and that maybe the Board should consider it.

W. Ritter stated he felt that was a different matter and that they were granted by special permit.

J. Michalak stated that the Board had a lot of ideas to think over.

P. Harding stated she thought the original intention of doing this was to tweak the existing OSRD a little.

J. Michalak replied that he thinks that as people think about it more they want to tweak additional things. He stated that they need to consider what is within their control as a Board and not get too far away from the benefits of open space or restrict development too much. He stated he thinks the 80FT frontage would address a lot of the concerns the Board discussed.

S. Carlson asked what big parcels remained in Town to be developed. He asked in what zoning districts they were.

P. Harding replied R1 and R2. She stated that a majority of R 40 is not serviced by sewer and then there are tare down parcels as well. She stated Vista Circle had one house on it with land behind it.

W. Ritter stated that Vista Circle was not identified as land to build on and came out of no where so he assumes there are other parcels like that as well.

J. Michalak stated that the other thing that P. Harding bought up was the 4-6 family units and should that be removed as an option.

P. Harding stated they were only allowed in the R M district and in underlying districts by special permits. She stated with the change to building codes and the addition of sprinkler systems for more than 4 units, many people stick to 3 units to avoid the expense.

J. Michalak asked if that was only for the OSRD.

P. Harding replied it could be done in conventional building in the R M zone by special permit.

J. Michalak asked if they Board thought it should be removed from the table.

W. Ritter stated it could stand by itself under special permits.

J. Michalak asked what the next step would be.

P. Harding asked if the Board wanted to do 70FT for the setback to then allow 50FT after the setback for the house. The Board agreed.

P. Harding reviewed the changes the Board suggested: increase frontage to 70FT for R40, R1, R2, and R10 zones and add the cluster language to the first page.

J. Michalak asked P. Harding to make those changes and bring it to the next meeting for the rest of the Board to review. He asked if a public hearing was the next step.

P. Harding stated that they would need to propose the bylaw to Town Meeting so they would refer the matter to the Board of Selectmen order to place a warrant item and then schedule a Public Hearing.

J. Michalak asked if there was still enough time to do this.

P. Harding replied there was.

P. Harding stated that one other thing for the Board to consider was that White Oak had bought up that there were detention ponds in the open space parcels. She stated that they did not count towards open space but they have been placed within the open space parcel that is conveyed to White Oak so the HOA has to own and maintain it but its within the conservation land. She stated that it has not prohibited White Oak from taking land thus far but they were not thrilled with it and it was something for the Board to consider.

J. Michalak asked if that was something that they could make explicit.

P. Harding stated that if the Board does not want the systems in open space they should add a line that the stormwater systems should not be placed within open space.

T. Stratis left the meeting at 8:01PM.

-Recreational Marijuana

J. Michalak asked if this was the sample wording for the recreational marijuana bylaw.

T. Stratis returned to the meeting at 8:03PM.

P. Harding stated that what she provided was the model language that was used throughout the state. She stated that this version was passed through the Attorney General's office with an expiration of June 30, 2018 but she felt that the Town could possibly extend it longer if needed.

P. Harding stated there was a 6 month delay on the CCC so there was not a lot of time to form a bylaw with the June 30 deadline. She stated if they don't do it now they will have to go back next year for an extension.

J. Michalak shared with the Board a few articles showing what other towns were doing. He stated that he thought a temporary moratorium similar to what the town did for medical marijuana was the way to go.

W. Ritter agreed.

Motion by W. Ritter, seconded by T. Stratis, it was UNANIMOUSLY VOTED TO PRESENT ZONING BYLAW AMENDMENT FOR RECREATIONAL MARIJUANA TO THE BOARD OF SELECTMEN FOR MAY TOWN MEETING.

O. Lies asked if the Board had a public hearing before Town Meeting. P. Harding confirmed they did.

MASTER PLAN IMPLEMENTATION ITEMS

J. Michalak stated that they had not yet spoke about this too much that that they did distribute copies of the Implementation actions to see what they had done. He asked if there was anything specific that the Board wanted to look at.

P. Haring stated that they wanted to review the items designated to the Planning Board.

J. Michalak asked if anyone had any comments or concerns.

W. Ritter stated that he felt that the Board had completed a number of items from the Master Plan. He stated that as a Board they had reviewed them, some they completed, some they determined it was not in the towns best interest to do, and some were pending.

J. Michalak stated it was his understanding that 2018 was the year that they would begin to look at the Master Plan again. He stated that he knows the Planning Board wanted to work with the Town Manager and set up a committee. He stated he thinks that the Board is early on this but wanted to keep it on as an agenda item.

P. Harding suggested consolidating the items into the areas that impacted the Planning Board.

SUBDIVISION CONTROL REGULATIONS- Section I-VI

J. Michalak asked if DPW was still working on these items.

P. Harding confirmed they were. She stated at the beginning of the year, she does the numbers for the subdivisions and the building permits so she would have that for the Board at the next meeting as well.

O. Lies asked if the revisions being made by DPW would be ready for Town Meeting.

P. Harding replied that those revisions just needed a Public Hearing held by the Planning Board.

**APPROVAL NOT REQUIRED- Wood Street and Wahlstrom Lane- Mark Kent R-40
Aquifer Protection Overlay**

P. Harding showed the plans to the Board and stated the applicant was taking one parcel and dividing it into two. She showed them the frontage and where there was open space and conservation restrictions on the land.

Motion by W. Ritter, seconded by T. Stratis, it was UNANIMOUSLY VOTED TO APPROVE THE ANR FOR WOOD STREET AND WAHLSTROM LANE AS PRESENTED.

**APPROVAL NOT REQUIRED- Wachusett Valley Estates-Greenstone Realty, LLC
Amendment to existing lot line**

P. Harding presented the plans to the Board. She stated that parcel X had a gate that went to the property line so the applicant wanted to put a 10ft amendment to the lot line so they are able to access the pump station gate without going onto abutting lots.

P. Harding stated that DPW asked for the lot line amendment rather than an easement.

Motion by W. Ritter, seconded by T. Stratis, it was UNANIMOUSLY VOTED TO APPROVE THE ANR FOR WACHUSETT VALLEY ESTATES AS PRESENTED.

**RECOMMENDATIONS TO THE ZONING BOARD OF APPEALS
Special Permit/ Variance-Accessory Apartment and Sideyard Setback Relief- 64
Greenwood Parkway- Mitchell and Tracie Cahan**

P. Harding stated that this was a recommendation for the ZBA regarding accessory apartment and the applicant needed relief from the setback.

A motion was made by W. Ritter that the Planning Board should make no recommendation because there was no planning significance. The motion was seconded by S. Carlson.

W. Ritter asked if the in-law apartment complied with the Towns' bylaw. P. Harding confirmed that it did.

O. Lies stated that they had issues in the past with the accessory apartments and the way that the bylaw is written. He stated that he would like to add to the Planning Board goals that they meet with ZBA to see if they are happy with the bylaw as it is.

O. Lies stated that he would like to recommend against this matter to the ZBA because it is just another problem in the making and another accessory apartment in town. He stated there is an issue with this once the relative moves out and his is against this types of situations.

J. Michalak stated they were only asking about the setback.

P. Harding stated they were not asking for the Boards approval on the accessory apartment as they meet the bylaw requirements, they were asking about relief because of the sideyard setback.

S. Carlson asked if they met everything else and asked what the total square footage they were allowed in the apartment.

P. Harding replied 700sq ft.

J. Michalak suggested that rather simply objecting this item, they should try to open the dialogue up with the ZBA and see if they shared concerns across Boards. He stated that if the Board just objects on a case by case basis the ZBA would not know where they stood and that they had concerns on the nature of the apartment.

O. Lies stated they should certainly do that.

J. Michalak asked that if they did vote negatively on this application, what would the grounds for doing so be.

W. Ritter stated that he thinks this is something that meets requirements and he would renew his motion to make no recommendation on this particular applicant. He stated he is happy to meet with ZBA on the bylaw in general but not this application in particular.

W. Ritter renewed his motion.

Motion by W. Ritter, seconded by S. Carlson, it was VOTED BY A VOTE OF 4-0-1 TO MAKE NO RECOMMENATION TO THE ZBA BECAUSE THERE WAS NO PLANNING SIGNIFICANCE FOR SPECIAL PERMIT/ VARIANCE- ACCESSORY APARTMENT AND SIDEYARD SET BACK RELIEF FOR 64 GREENWOOD PARKWAY/ MITCHELL AND TRACIE CAHAN. (Lies: abstain).

W. Ritter stated that he respected O. Lies opinion about having the ZBA come into the Planning Board for a meeting but suggested the Board goes to a ZBA meeting instead.

P. Harding stated that if a quorum goes, the Planning Board would need to post for a meeting. She offered to write a letter to the ZBA outlining the Planning Boards concerns.

J. Michalak asked if the Town could send update letters out to homes that fell into this category alerting them of the bylaw.

P. Harding replied that it did appear on the deed as a deed restriction. She stated it is clearly stated at the registry that the occupancy is restricted to the named individual on the deed. She stated the issue is the continued enforcement after someone closes.

J. Michalak asked if the Board thought that a reminder letter indicated that you may be breaking the law would be beneficial.

S. Carlson asked if the town knew how many there were.

P. Harding stated that they have recent numbers but no historical records.

J. Michalak asked P. Harding to open the dialogue with the ZBA.

P. Harding replied that she would send a letter expressing the Planning Board's concern and suggesting that the Boards meet for discussion.

Sideyard setback (No on Agenda)

Motion by W. Ritter, seconded by O. Lies, it was UNANIMOUSLY VOTED TO MAKE NO RECOMMENDATION AS THERE WAS LIMITED PLANNING SIGNIFICANCE.

APPROVAL OF MINUTES

None

MISC

O. Lies reminded the Board that the DLTA Technical Assistance had been approved for the year so the Board should give it some thought as to what they wished to accomplish with it.

P. Harding replied she thought the Board was going to move forward with Jefferson Mill Project.

W. Ritter asked if there was any update to the Summit Wynds Appeal.

P. Harding replied that the application was forwarded to the Board. She stated the hearing was January 5, 2017 and the ZBA upheld the enforcement. She stated the appeal period expired and Summit Wynds did not appeal it within the 20 day period.

J. Michalak asked if there was any additional information from the petitioner on used car sales in Town.

P. Harding replied that she spoke with Town Counsel and the Board can not change the petition. She stated they vote on it as is and if there is anything within the proposal the Board supports they can move forward with it separately.

J. Michalak asked if there was time for the applicant to change anything if they determined they wished to do so.

P. Harding replied there was.

J. Michalak gave P. Harding an email that he had received regarding the posting of legal notices and their requirements.

P. Harding stated that the hearings are published and that she could look into the email in detail.

NEXT MEETING: FEBRUARY 28, 2017

Motion by W. Ritter, seconded by S. Carlson, it was UNANIMOUSLY VOTED TO ADJOURN THE FEBRUARY 14, 2017 PLANNING BOARD MEETING AT 8:41PM.

APPROVED AT THE MARCH 28, 2017 MEETING: _____