

ZONING ADVISORY COMMITTEE (ZAC)

◀ **Minutes of Meeting** ▶ September 29, 2010

Meeting Title	: Zoning Advisory Committee
Date	: September 29, 2010
Time	: 7:00 PM
Place	: Cordaville Hall Upper Hearing Room
Chair Person	: Dana Cunningham
In Attendance (Cttee)	: Dana Cunningham, Bill Boland, Sam Stivers, Kathy Bartolini, Lee Bartolini, Judi Barrett, and Hillary Young Brigandi
Also in Attendance	: Ed Estella, Anthony Bartolini, Michael Bartolini, Jack Bartolini, Mary Hynes, Freddie Gillespie, and Billy Depietri
Absent	: Steve Davis, Don Morris and John Leeds
Agenda	: Continued Discussion of Article VIII"
Minutes Submitted By	: HYB
Minutes Submitted On	: November 2, 2010;
Next Meeting (Public)	: Date: Unknown Time: Place:
Next Meeting (ZAC)	: Date: October 6, 2010, October 20, 2010, November 3, 2010, November 17, 2010 and December 8, 2010 Time: 7:00 p.m. Place: Cordaville Hall

Decisions:

#	Decision
1.	Added meeting dates, November 17 and December 8, 2010
2.	Approved Minutes of August 4, 2010 as amended, 5/0 vote.
3.	Approved Minutes of August 26, 2010 as amended, 5/0 vote.
4.	Approved Minutes of September 1, 2010 as written, 4/0/1 Stivers abstained.

Action Items:

#	Action Item	Owner	Status	Due Date	Comments
1.					
2.					
3.					

Carry-Over Items for Next Meeting:

#	Description
1.	
2.	

The Committee went over the revised open space definition prepared by Meme Luttrell and the building analysis prepared by William Depietri's office showing that two of his buildings

(153 Cordaville Road and The Crossing at White's Corner) could not have been built by right with the proposed open space requirements.

Dates for future meetings were discussed and two new meetings were set. Dates for November will be difficult due to planned vacations and work commitments of ZAC members. Judi Barrett explained the remainder of process for those present:

- 3rd reading should only take 3 meetings – product is known as a “hearing draft”
- Draft goes to Town Counsel for review
- ZAC meets with Department Heads
- Public hearings

so that there was an understanding of how much work remains.

Jack Bartolini commented that it was better to “get it right” than to worry about timetables. Committee members agreed but stated they still need a schedule.

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H. Shared Parking – Sam Stivers asked if this section applied to both commercial and residential developments to which Judi Barrett explained that the intent was just commercial, stating that she would edit the language to reflect that. Sam Stivers also noted a reference error.

§174-37.3 Design Standards for vehicular use areas.

Sam Stivers noted a reference error. Dana Cunningham asked if this section was new to which Judi stated a great deal of it was. He then noted that in item A, (2)(b) there was a decrease in frontage (from 200' currently to 150') and an increase in the FAR (from .6 to .7) to which Judi stated that the incentive has to be meaningful enough so someone will chose to do it and the Committee needs to make a policy decision if they want to have this incentive for shared access or not and if not what the standards should be. Dana Cunningham then stated that he felt less access onto Route 9 was better and that there should be incentives.

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A, *Item 3* – Sam Stivers suggested limiting the maximum instead of the minimums specified. Judi explained that this was to limit impervious surfaces – it specifies tight control over access and provides smaller parking lots. Sam Stivers asked if that would limit emergency vehicles to which Judi stated that she would want input from the Fire Chief before it was finalized. She then stated that this was the standard in much more complicated traffic areas and she would be surprised if emergency vehicles could not access a site. Bill Boland stated that some access ways on Route 9 were difficult now and that you would need to make sure big delivery trucks or buses can get in the spaces. Jack Bartolini stated that the new fire truck was supposed to be able to access narrow driveways. Lee Bartolini suggested that Judi speak with the Fire Chief Mauro about this item. Frederica Gillespie stated that many fire department standards defeat regional standards and that there needs to be a level of education so that things can be made smaller and still safe. Kathy Bartolini stated that in an emergency most people would not mind if emergency vehicles drove over the grass is necessary.

Sam Stivers questioned the inbound/outbound lane with a median divider to which Judi stated it was meant to provide separate the lanes. Sam Stivers then stated that the language used did not make sense. Dana Cunningham clarified the use of the egress and Judi stated that the language should read “and” instead of “or”.

Item 4 – Dana Cunningham stated that he would like to see that reduced as well.

Item 6 – Sam Stivers asked for clarification that a vehicle moving in any direction (i.e., “in” or “out”) counted as a “trip”—and not that a “round trip” (i.e., “in” and “out”) is what is counted here. Judi explained that the “trips per average business day” referred to vehicles moving in either direction and that she would make this clear in the next draft. This is standard industry language.

Subsection c – Jack Bartolini asked if the centerline was the same as existing (yes).

B. – Sam Stivers thought this a strange use to which Judi explained that it covers the different type of surfaces.

C, Item 4 – Sam Stivers noted a reference change from 174-33.2(H) to 174-37.2(H)

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Item D-Landscaping – Frederica Gillespie asked about suspected invasive species that have not made the list in regards to requesting firmer language in subsections b & d. Dana Cunningham stated that that was generally done administratively by the Planning Board during the review process. Sam Stivers also noted that the language states that the Planning Board can amend the list of invasive species as needed. He then noted an incorrect reference; 174-33 should have been 174-37. Frederica Gillespie also wanted it noted that a lot of the natural landscaping (trees) framing the office buildings along Route 9 was there not because of the bylaw but because of the wetland regulations. Kathy Bartolini suggested adding “wherever possible” and removing some of the “squishy” language that could be misinterpreted. Judi suggested that the Committee refer to the site plan approval language and standards there which have some strong language so that trees are not removed. Sam Stivers added that he would like to see a high standard wherever possible. Bill Depietri stated that as a developer he would have to have a reason to remove trees.

There was then a discussion regarding the percentage of parking that could be located in the front of a building which is currently 25%. The new bylaw does not allow any off-street parking in the front of a building, although the Planning Board could waive the requirement in exchange for mitigations or the Committee could decide that it could be offered by special permit. Bill Depietri pointed out that the building will appear larger if it is closer to the road with all the parking located in the rear of the building. Judi noted that the setbacks have changed so that there is only a 50’ front setback. The Committee consensus was to leave the language as it is currently proposed.

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Item E – add “by Planning Board”

Subsection (2) – Kathy Bartolini mentioned that the purpose of trees and bushes were to define the median. Overgrown medians are hazardous so she suggested that there be some sort of maintenance aspect to the bylaw to which Dana Cunningham asked for specifics. Kathy Bartolini stated that the beautiful medians in the Temple Street area of Framingham were “death traps”. Judi stated that the zoning enforcement needs to be in the bylaw.

Subsection (2)(h) – Frederica Gillespie wanted the word “open” removed so the phrase now reads “all landscaped space”.

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Judi stated that the lighting standards in the proposed bylaw were consistent with the existing standards.

Item F. Subsection (3) It was noted that language should be added indicating that the pedestrian walkways must be kept clear in all conditions (snow).

§174 37-4 Bicycle Parking

Subsection A (1)-(4) Dana Cunningham thought that "B" should be "A" and vice versa.

Ed Estella asked about bicycle paths and Kathy Bartolini commented on bicycle safety. Judi stated that the Master Plan talks about being more bicycle safe, and then asked why not address it in the zoning. Ed Estella pointed out there are no bicycle paths in Southborough. Surrounding towns have added them, he then added that a suggestion be made to developers that bicycle paths should be added to create an eventual network across towns. Sam Stivers stated that this was a wonderful idea but not relevant to the section being discussed. Judi stated that she would change the order of subsections 1, 2 and 3.

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§174 38 Transportation Demand Management

Subsection A Sam Stivers wanted "or" changed to "a". Dana Cunningham wanted to add "time frame" before the word "existing". Kathy Bartolini stated that a plan could list things to be done but not time frame. Judi reminded everyone that this was an industrial district. Kathy also added that some corporations have boiler plate TDM plans that do not always work in Southborough. Dana Cunningham raised the question of second owners who do not follow through or join the TDM plans.

Judi stated that anything over 50,000 sq ft building would require a special permit and a TDM plan is required at 50,000 sq ft – the thresholds are designed to work together. Judi stated she could add language to tighten it up. Ed Estella mentioned a California statute dealing with pollutants in relationship to road convergences, adding that the Committee should be thinking that way to which Judi stated they were.

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§174 39.1 Landscaping/General Provisions

Subsection A, Item 4 Judi was asked to check the reference and then stated that she would incorporate the definitions for open space into the text.

§174 39.1 Landscaping/Basic Requirements

Sam Stivers questioned the invasive planting information to which Judi stated that it was included as due process, although a different publication could be used. Kathy Bartolini asked if they could just amend the list to which Judi stated that there should be a clear standard that is easily found. Frederica Gillespie stated that some towns have phased out invasive species so that businesses can still sell their existing stock, suggesting that there be some sort of "advisory list" notifying that a species will be banned and some species are only invasive in specific climates. Dana Cunningham stated that he preferred to use a standard that everyone knows which he felt was fairer. It was agreed to leave the text as written.

Subsection E Jack Bartolini asked if sprinkler systems were strictly prohibited to which Judi stated yes, unless conservation standards can be met. Jack Bartolini stated that there are a

lot of sites in various towns that are using well water for irrigation. Frederica Gillespie stated that just because the water does not come from the Quabbin Reservoir does not mean there is there is no need for concern. Judi stated that this section was intended for the developer to think about the whole site and what is planted. The water supply is a real problem – there is no endless supply.

Kathy Bartolini asked who enforces this to which Judi stated that the Zoning Enforcement Officer would as part of the zoning code enforcement. Lee Bartolini asked about the use of a private water line to which Judi stated it was still wasting water and this is a conservation standard. Bill Depietri stated that he did not think that they could dictate irrigation methods legally with a private water supply to which Judi stated they could. Kathy Bartolini stated that private wells pull from public aquifers. Jack Bartolini stated that there was the same amount of water now as there was 100 million years ago – it’s just distributed differently. Lee disagreed asking why it was so restrictive and expensive to which Judi stated it was a means for developers to “rethink” turf management with different types of vegetation.

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§174 39.3 Landscaping/Plantings

Sam Stivers questioned subsections A and B to which it was explained that that was the same language that currently exists. He then asked about the ongoing maintenance issue, which is also in the current bylaws.

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Several spelling mistakes were noted.

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Judi noted that the outdoor lighting provisions were the same as the existing bylaw. Sam Stivers questioned the footnote on the page regarding the prohibition of wal-pac light fixtures. Judi also stated that Eric Bernardin, Fuss & O’Neill, who is reviewing the Subdivision Rules and Regulations for Community Opportunity Group, thought that the height of wall mounted fixtures should be increased to twenty (20) feet, rather than the fifteen (15) specified in the text. Jack Bartolini stated that in conversations he had had with Vera Koliass she had indicated she preferred seventeen (17) feet.

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§174 41 Signs

Judi stated that she tried to not touch this section

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§174 41.2 Signs/Basic Requirements

Dana Cunningham asked if there were many changes to which Judi stated that there were some differences. She added horizontal blade signs (90° angle with building front), to be used only in village districts. Sam Stivers stated that he thought they made the front of buildings look cluttered and unattractive. Kathy Bartolini liked them otherwise pedestrians needed to walk out into the street to see the name of the business. Judi stated that they were classic downtown sign look and not suitable for highway areas. The DPW in many towns grant permits to allow them to encroach on the sidewalk area. Dana Cunningham stated that he was in favor of them in the VD as did Kathy Bartolini. Dana Cunningham stated that he did not want to see the visual clutter characterized by the Golden Mile in Framingham to which Bill Boland and Sam Stivers agreed.

VOTED: To adjourn at 9:02 PM