

PLANNING



Does this stone house built by Joseph Burnett in 1850 still stand? If so, where is it?

[Now called the "Garfield House" for its most recent occupants, the house is on Main Street between Parkerville and Deerfoot Roads.]

Community Preservation Committee

The April 2011 Annual Town Meeting voted to accept our recommendations to appropriate from Community Preservation Act (CPA) funds: \$36,276.22 for the Southborough Affordable Housing Trust, \$189,374.28 as payment towards the bond for the Chestnut Hill Farm Conservation Restriction, \$4,000 to create a Beach Volleyball court at Neary School and \$133,000 for a Playground at South Union School (the Recreation Department). A proposal to appropriate \$21,000 to secure a National Register Historic District nomination was withdrawn by the proponent for further study as to the boundaries.

This year saw the volleyball court and the South Union School playground both finished and in use. The first part of the Oral History Project – “Southborough Memories” - by Donna McDaniel has also been completed and is now for sale.

With the recession still continuing, this was a light year for projects. Only two were presented to the CPC: 1) the Planning Board and the Open Space Preservation Committee requested \$61,000 to research subdivision records and deeds to see if required Open Space has been adequately protected by the language of those records and deeds; and 2) Donna McDaniel requested \$40,000 to update Fences of Stone (the Town History) on the developments in Town since 1970. The CPC voted to recommend both projects to the April 2012 Annual Town Meeting. In addition the CPC voted to recommend approximately \$196,006.11 towards payment of the bond for the Chestnut Hill Farm Conservation Restriction.

Despite being elected to the Planning Board, our hard working chairman, Andrew Mills, wished to continue on the CPC. Paul Cimino resigned as the Planning Board representative on the CPC and Mr. Mills took his place. Since Mr. Mills had been an at large member, we would welcome an interested citizen who would like to apply to fill his vacancy. The Committee meets about a dozen Thursday evenings scattered through the year.

Planning Board

The Planning Board reviewed and analyzed many different projects during fifteen meetings in 2011. The Zoning Advisory Committee continued work on the Comprehensive Zoning Bylaw Update Project, a major implementation step in Southborough's 2008 Master Plan.

In 2011, two members left the Planning Board. Charles Gaffney chose not to run for re-election after having served as a member of the Board since 1985. Mr. Gaffney spent many of his years skillfully leading the Planning Board as its chairman and was also a strong advocate for the Community at the regional level as the Planning Board's representative to the MetroWest Regional Collaborative since its founding as the MetroWest Growth Management Council. Mary Hynes left the Board in May after serving since 2005 due to relocation. In addition to her time on the Planning Board, Ms. Hynes dedicated many hours and strong leadership as the Chair of the Master Plan Steering Committee. The Board thanks both members for their many years of dedicated service to the community. Kathleen Bartolini and Andrew Mills were welcomed as the newest members of the Planning Board.

The Board reviewed and endorsed three "Approval Not Required" plans creating three additional residential building lots. One stone wall hearing for a single family house on Burnett Road was held to insure compliance with the Town's scenic road requirements. The following list summarizes the various subdivisions, site plans and other items that came before the Planning Board during 2011. Additional information about these projects can be obtained in the Planning Department located on the second floor of the Town House.

Subdivisions

- Parmenter Meadows Subdivision, Metcalf Lane – With the assistance of John Woodsmall, Town Engineer and Fuss & O'Neill, the Board's engineering consultant; the Board oversaw continued construction of the subdivision.
- Reservoir View Estates Subdivision, William Colleary Lane – With the assistance of John Woodsmall, Town Engineer and Fuss & O'Neill, the Board's engineering consultant; the Board oversaw continued construction of the subdivision.
- NBR Subdivision, 119 Northboro Road – After granting approval for a Preliminary Subdivision on March 31, 2011, the Planning Board reviewed an application for a Definitive Subdivision at meetings on June 6th, June 27th and July 11th. The Board granted approval for a two lot subdivision which included one existing house.
- Heritage Crossing, East Main Street – After a meeting on July 11th, the Planning Board approved an application for a five lot Preliminary Subdivision.

Site Plan Review and Special Permits

- 40 Mount Vickery Road – On January 10th, the Board continued its review of a Minor Site Plan application that had been referred to the Board by the Site Plan Review Committee in 2010. After a second review meeting on January 24th, the Board granted approval for the construction of the bus storage yard.
- 154 & 156 Northboro Road, Mountain View Park – At public hearings on January 24th, March 7th, April 25th, May 16th, June 6th, and July 11th, the Board continued its review of applications for Site Plan Review and Lower Impact Development Special Permit that had begun in 2010. After completing its review, the Board granted approval for the construction of two 11,700 SF buildings for use as contractors' offices and storage.
- 28-32 Newton Street, Southborough Medical – At public hearings on March 7th, April 25th and May 16th, the Board reviewed an application for a Site Plan Modification to address as-built conditions at the site which substantially deviated from approved plans. After granting approval for site modifications on May 16th, additional site work was completed on December 1st and the Planning Board granted final approval of the finished site on December 19, 2011.

Planning Board (continued)

- 25 Marlborough Road, Clark Field, St. Mark's School – After a public hearing held on May 16th, the Planning Board voted to grant approval for a Minor Site Plan and Lower Impact Development Special permit to St. Mark's School to allow the reconstruction of the existing Clark Field into a synthetic turf field.
- 3 Willow Street, Riverside Tree and Landscape – At public hearings held on May 16th, June 27th, July 11th, September 12th, October 3rd, November 7th, and November 21st, the Planning Board reviewed applications for Site Plan Review and Lower Impact Development Special Permit. After reviewing the applications, the Board voted to accept a request by the applicant to withdraw the application without prejudice so new plans could be submitted at a later date.
- Brewer Estates, Boston Road – At public hearings on November 21st and December 19th the Planning Board reviewed applications for Site Plan, Lower Impact Development Special Permit, and Flexible Development Special Permit for a seven unit development including three single family units and four duplex units. The public hearings were continued to January 23, 2012.

Other Projects and Discussions

- Zoning Bylaw, Section 174-8.9 Wetland and Floodplain District – On March 21st and April 4th, the Planning Board held public hearings to review a proposed amendment to the Zoning Bylaw which included adoption of new Flood Maps issued by FEMA.
- 495 Development Compact – On April 25th, Bruce Leish of the MetroWest Regional Collaborative met with the Planning Board to review the 495/MetroWest Development Compact. The study is an initiative of the Patrick-Murray Administration through the Executive Office of Housing and Economic Development to create a shared framework for state, regional, and local strategies for priority development and land preservation as well as transportation and other infrastructure investments in the 37 municipalities within the study area.
- Green Communities – On September 12th, Kelly Brown from the Massachusetts Department of Energy Resources and Carl Guyer from Southborough's Green Technology and Recycling Committee discussed State's Green Community initiative.
- CSX/Transflo, Westborough – On October 3rd, the Planning Board discussed the proposed chemical transfer station proposed off Walkup Drive in Westborough that had been recently approved by the Town of Westborough.

Comprehensive Zoning Bylaw Update Project

In concert with the completion of the Master Plan, the Planning Board sponsored an article at the 2008 Annual Town Meeting requesting funds for a consultant team to work with the town to update the town's Zoning Bylaw in order to ensure that the town's bylaws support the goals and objectives of the Master Plan. The zoning bylaw has undergone several major changes without a comprehensive review to ensure internal consistency and compatibility with state laws. This is a critical aspect of the future planning for the town.

The Zoning Advisory Committee (ZAC) met fourteen times in 2011 and completed review of both a second reading draft and third reading draft of the proposed bylaw. Based on comments received during the meeting, a public hearing draft is now being prepared by Community Opportunities Group, the consultant for the project. The public hearing draft will be sent on to the Planning Board for public hearings and then to an annual or special town meeting.

Zoning Board of Appeals

The Zoning Board of Appeals (the “Board”) is a five member board (plus two alternate members) established through State law (MGL Chapter 40A) to hear three types of petitions related to the Town’s zoning regulations. These are Appeals of Decisions of the Building Inspector/Zoning Officer, Variances from the zoning regulations’ requirements and Special Permits when required by the zoning regulations. In addition, the Board hears Comprehensive Permit petitions for affordable housing projects under MGL Chapter 40B. The Board’s activities are administered by staff located on the second floor of the Town House. The Board meets monthly and the scheduled hearing dates and deadlines for applications are available at the Board’s administrative office. Official hearing times and dates for specific cases can be found posted at Town House and unofficial hearing notices are provided as possible at the “Meeting Calendar” link on the Town’s website at www.southboroughma.com.

The Board members are appointed by the Board of Selectmen, with the five regular members appointed for five year staggered terms and with each of the two alternate members appointed for one-year terms. The names of the current members can be found at the front of this report under “Appointments by the Board of Selectmen” as well as on the Town’s website.

On June 22, 2011, Matthew Hurley was elected as Chairman of the Board for a term to expire on June 30, 2012. The Board wishes to thank Sam R. Stivers for his years of dedication to the Board as a sitting member and Chairman. Thomas Bhisikul was appointed as a sitting member in June, along with Tara Bayko and David Eagle as alternate members. The Board wishes to also thank George Piandes and Chris Robbins for serving on the Board as alternate members.

The following cases were heard by the Board during 2011:

- (1) 1/26/11 **2 Old Harry Road – Brian and Jennifer Gallagher – Special Permit** - The petitioner proposes to construct a detached two (2) bay garage in addition to the existing three (3) bay attached garage. Approved on 1/26/11.
- (2) 1/26/11 **257 Turnpike Road - Deerfoot, LLC – Special Permit** - The petitioner proposes to replace the 40 foot flagpole-style monopole and the six (6) antennas mounted inside the flagpole on the building’s roof. Approved with conditions 1/26/11.
- (3) 3/2/11 **150 Framingham Road – David McIntire – Appeal of Building Inspector Decision** -The petitioner is seeking an appeal of the Building Inspector’s decision under MGL, Chapter 40A, Section 8 for zoning compliance. The petitioner is appealing the Building Inspector’s letter dated January 18, 2011. The decision of the Building Inspector was upheld on 4/27/11.
- (4) 3/30/11 **365 Turnpike Road – Cumberland Farms, Inc. – Special Permit** - The petitioner is seeking to exceed the number of wall signs permitted per business fronting Route 9. The petitioner proposes to erect one wall sign, two signs on the blade wall and two signs on the gas canopy for a total of five signs. Application withdrawn without prejudice on 4/27/11.
- (5) 3/30/11 **365 Turnpike Road – Cumberland Farms, Inc. – Special Permit** - The petitioner is seeking to exceed the maximum area of signs allowed. The petitioner proposes to erect signs exceeding seventy-five (75) square feet. Application withdrawn without prejudice on 4/27/11.
- (6) 3/30/11 **365 Turnpike Road – Cumberland Farms, Inc. – Variance** - The petitioner is seeking relief from the seventy-five (75) foot front-yard setback. The Petitioner proposes to construct a canopy over the gas island pumps. Application withdrawn without prejudice on 4/27/11.
- (7) 3/30/11 **365 Turnpike Road – Cumberland Farms, Inc. – Variance** - The petitioner is seeking relief from the fifty (50) foot rear-yard setback. The Petitioner proposes to construct a convenience store. Application withdrawn without prejudice on 4/27/11.

Zoning Board of Appeals (continued)

- (8) 4/27/11 **72 Flagg Road – John Bartolini, Jr. – Special Permit** - The petitioner is seeking to convert a single family dwelling to a two-family dwelling in an Industrial zoned district. Approved with conditions on 4/27/11.
- (9) 6/22/11 **10 Parker Street – Laiju Zhang – Variance** - The petitioner is seeking to add a porch inside his front-yard setback in a Residential B zone. Application withdrawn without prejudice on 7/27/11.
- (10) 6/22/11 **11A Cherry Street – Richard Gordon – Section 6 Finding** - The petitioner is seeking to demolish a pre-existing, non-conforming structure and rebuild on a non-conforming lot in a Residential B zone. Approved with conditions on 9/28/11.
- (11) 6/22/11 **11A Cherry Street – Richard Gordon – Special Permit** - The petitioner is seeking to create an Accessory Apartment in the existing garage that would exceed 25 percent of the square footage of the primary dwelling in a Residential B zone. Application withdrawn without prejudice on 7/27/11.
- (12) 6/22/11 **11A Cherry Street – Richard Gordon – Variance** - The petitioner is seeking a to convert an existing garage into an Accessory Apartment on the same lot as the primary dwelling in a Residential B zone. Application withdrawn without prejudice on 7/27/11.
- (13) 7/27/11 **0 Oregon Road – Absolut Realty Trust – Variance** - The petitioner is seeking a variance to construct a condominium project. The applicant proposes to develop a fifteen (15) unit, over fifty-five (55) housing development on the plans previously approved under a 40B Comprehensive Permit. Approved with conditions on 8/24/11.
- (14) 8/24/11 **101 Breakneck Hill Road – Massachusetts Department of Transportation – Special Permit** - The petitioner proposes to install additional antennas on the existing telecommunication tower. Approved with conditions on 8/24/11.
- (15) 9/28/11 **365 Turnpike Road – Cumberland Farms, Inc. – Special Permit** - The petitioner is seeking to exceed the number of wall signs permitted per business fronting Route 9. Continued to 1/25/12.
- (16) 9/28/11 **365 Turnpike Road – Cumberland Farms, Inc. – Variance** - The petitioner is seeking relief from the seventy-five (75) foot front-yard setback. The Petitioner proposes to install a canopy over the gas islands. Continued to 1/25/12.
- (17) 9/28/11 **365 Turnpike Road – Cumberland Farms, Inc. – Variance** - The petitioner is seeking relief from the fifty (50) foot rear-yard setback. The Petitioner proposes to construct a new convenience store. Continued to 1/25/12.
- (18) 11/30/11 **10 Turnpike Road – Sprint Spectrum, L.P. – Special Permit** - The petitioner is seeking to install additional antennas and cabinets to an existing telecommunication tower. Approved on 11/30/11.

The Zoning Board of Appeals met on the following dates to discuss administrative issues:

April 14th, April 25th, June 13th, June 14th and July 19th.

Summary of 2011 Board Decisions (Approved; Denied; Withdrawn; Pending):

Variations (7): 1 Approved; 4 Withdrawn; 2 Pending

Special Permits (9): 5 Approved; 1 Pending; 3 Withdrawn

Administrative Decisions (Findings/Appeals) (2): 1 Approved; 1 Withdrawn

Comprehensive Permits (0): 0 Approved