



NORTHBRIDGE PLANNING BOARD

MINUTES

Tuesday, April 14, 2015

As a result of the unavailability of the Board of Selectmen's room the Planning Board convened its meeting in the Great Hall of the Northbridge Memorial Town Hall. Recognizing the presence of a quorum Chairman George Murray called the meeting to order at 7:00PM with Barbara Gaudette, Brian Massey, Mark Key, and Pamela Ferrara in attendance. R. Gary Bechtholdt II, Town Planner and Cindy Key, Associate member were also present.

The Planning Board began its meeting with a moment of silence for US Army Corporal John M. Dawson (22) killed on April 08, 2015 in Jalalabad, Afghanistan. Corporal Dawson was a combat medic assigned to First Squadron, 33rd Cavalry Regiment, Third Brigade Combat Team, 101st Airborne Division.

The following members of the public were in attendance: Robert Jassmond; Brain Collins; Joanne Stanley; Joan Blodgett; John Berkowitz; Robert St. Germain; Paul Hutnak; Nelson Widell; James Berkowitz; Robert Knapik; Peter Lachapelle; Dorothy Lash; Thomas Wickstrom; Odisefs Tsimogiannis; Robert Meomartino; Mike Hendrikse; Barbara Crocker; David Crocker; & Sarah Blizzard.

Mr. Murray noted the presence of a court stenographer/recorder.

I. CITIZENS FORUM

None

II. FORM A

None

III. DOUGLAS ROAD (Adjacent to 279 Douglas Rd) –CONT. PUBLIC MEETING

Food Composting Facility -§173-49.1 -Site Plan Review

Mr. Murray suggested the Applicant/Engineer present new information, then open up discussion to the Planning Board, followed by comments from the public in attendance. Mr. Murray reminded participants to speak clearly and loud enough for others to hear; Mr. Murray asked members of the public to raise their hand to be recognized and to state their name and concerns when called upon. Mr. Murray requested all those speaking to remain polite and civil during the discussions.

Robert Knapik on behalf of the Applicant, noted this is a continuation of a public meeting for site plan review (4th meeting of the Board) and explained that revisions to the plans have been submitted and correspondence has been provided in response to Planning Board comments and the Board's reviewing engineer. Mr. Knapik offered that Paul Hutnak, the site engineer (Andrews Survey & Engineering) explain the latest revisions to the plan and then frame the discussions to understanding what if anything remains unanswered or unaddressed by the Planning Board. Mr. Knapik suggested if no items remain outstanding or unaddressed then he hoped the Planning Board would consider closing the public meeting and render a favorable decision. If in the event, Mr. Knapik explained that there are issues or questions unanswered or unaddressed then he would request the Board make them known so they can be discussed. Mr. Knapik indicated this is the typical process for a site plan review, where issues and concerns are defined at the outset, then focused, narrowed and reduced; ultimately to a point where specific matters may be dealt with through appropriate conditions. Mr. Knapik suggested the Board discuss whether or not they are at that

point. Mr. Murray noted for the record receipt of Building Inspector's letter dated April 09, 2015 determining the proposed food composting facility as not an allowed use within the designated Zoning District; Mr. Knapik acknowledged receipt of same.

Mr. Murray explained that he attended a site visit with the Building Inspector to a composting facility in Marlborough, MA. Mr. Murray noted they did not go inside the building however walked around the site. While there Mr. Murray explained that he could smell a real permanent (offensive) smell from the facility, an all-enclosed facility. Mr. Murray noted the facility in Marlboro also had a bio-filter; however because of the cold weather the bio-filter appeared to be frozen to a point where it was inoperable; the leachate was coming out of the building; the seams of the metal building. Mr. Murray indicated traffic at the time of his visit was not bad; only witnessed two vehicles in and out of the facility. Mr. Murray recalled the notion of a negative pressure building was not realized as the building's doors were left open and could smell the odor from the building. Mr. Murray noted when one of the vehicles left the facility with the composting material in it had a real permanent smell. Mr. Murray noted the odor was to a point where he could smell it on his clothes and when he got home his wife noticed the smell.

Mr. Murray noted from a personal standpoint he has a real concern about the smell with this type of facility; however can't speak to noise as he did not hear anything from the fans. Mr. Murray believed the fans were not running when he visited the site because the bio-filter was frozen; he has a real serious concern having a bio-filter unit outside; questioning what do you do when there is 3 to 4-feet of snow that freezes on top of the bio-filter; concerns need to be addressed. Mr. Murray stated that he realizes that the facility in Marlborough may be 10-times as big as what is being proposed, does that mean the smell will only be one tenth the smell; he does not know. Mr. Murray expressed concerns about leachate from trucks leaving the facility, noting he observed (Marlboro) a truck backed into the unit and then came back out again had residue on its tires that actually stayed on to the blacktop; Mr. Murray believes this also attributed to the smells observed.

Mr. Murray recapped, noting he was only speaking personally, noting he has a number of concerns. Mr. Murray noted the proposed facility will only be 3 to 4 hundred feet away from homes, in Marlboro the homes are approximately 1200 feet away. Mr. Murray understands that there was a gentleman (in Marlborough) that had recently built a \$750,000 home where he cannot open his windows due to the odors from the facility. Mr. Murray suggested the proposed may be a great facility but personally he did not believe it should be put in an area near residential.

Mr. Murray noted in regards to moving things along noted that the Planning Board just received the revised site plan today and does not want to spend a lot of time this evening discussing it. Mr. Murray added, when applicants come before the Board and bring plans and other supportive documents that show up earlier in the day the Board does not have time to review, really not fair to the Board members to be required to review and look at things at the 11th hour and then be asked to make some type of decision. It's not fair to the Board; not fair to the engineer to receive them on the 11th hour and expect him to come back to us (Planning Board) with a review indicating whether the plans are good, isn't good or need to do this, that and the other. Mr. Murray indicated his preference would be not to get into the plan revisions tonight and continue the meeting as the Board has not had an opportunity to review; just received today. Mr. Murray noted the Board is not in a hurry, wants to make sure people have expressed their concerns and offered

input from both sides. Mr. Murray explained that the Board wants to make sure when finished this process it's done correctly for the Applicant and for the town.

Mr. Murray indicated that he supports the position of the Building Inspector with concerns he indicated. Mr. Murray sought comment from the Planning Board members; Mr. Massey indicated he had questions, however noted if the Board does not discuss the site plan he would hold-off for now. Mr. Bechtholdt offered that Mr. Murray was seeking input/comment from the Board as it relates to the Building Inspector's zoning determination and suggested after the Board provide an opportunity for the Applicant to respond as well.

Having no additional comment from the Board at this time, Mr. Murray noted receipt of a letter from the Citizens for the Preservation of Northbridge (CPN). Before reviewing the correspondence Mr. Murray provided the Owner/Applicant with an opportunity to comment on the Building Inspector's zoning determination (not an allowed use).

Mr. Knapik noted that he is aware of the zoning letter and understands that the determination may be based upon a visit to a composting facility in Marlboro. Mr. Knapik thanked Mr. Murray for his time to accompany the Building Inspector to the facility. Mr. Knapik however, suggested with all due respect, that the Board not consider the letter as part of its site plan review as such letter was received after the statutory timeline of 21-days from the date of receipt of the site plan application [Section 173-49.1 D (3) –Northbridge Zoning Bylaw]. Mr. Knapik stated it was his opinion that as provided for in the site plan review requirements the Board is not allowed to consider it as part of its deliberations because it was received after the allotted time.

Mr. Bechtholdt reminded Mr. Knapik that the Planning Board, as part of its initial site plan review (public meeting) sought a separate determination of the Building Inspector specific to zoning and land use. Mr. Bechtholdt noted a letter was received from the Building Inspector last week; tonight's Planning Board meeting is the first opportunity to present his findings. Mr. Bechtholdt asked Mr. Knapik if he had an initial response to the Building Inspector's determination and questioned whether or not the Applicant would withdraw its application. Mr. Knapik noted they prefer not to withdraw the application as a matter of pure efficiency for the sake of the Applicant and the Board. Mr. Knapik once again questioned the 21-day time period to receive comments.

Mr. Knapik asked Mr. Murray whether or not he would consider the Building Inspector's letter as part of his deliberation on the site plan review; Mr. Murray did not offer a response. Mr. Bechtholdt noted that the Planning Board solicited a letter from the Building Inspector and received his determination; the Board is making note of receipt of it for the record.

Mr. Murray acknowledged receipt of a letter requesting the Planning Board reconsider its determination not to require a Development Impact Report (DIR), whereas at the last meeting the Board voted not to require based upon scope of project and thresholds consistent with other projects reviewed by the Planning Board. Mr. Bechtholdt suggested if the Board wants to entertain request to reconsider they may do so now. Mr. Murray indicated reconsideration may be a departure from previous applications, noting he did not believe this project required a Development Impact Report, based upon the amount of traffic, etc.; Mr. Massey indicated that he agreed with Mr. Murray. Mr. Bechtholdt reminded Board members as part of the discussions concerning noise the Planning Board noted opportunity to revisit ambient noise and potential increased levels. Mr. Bechtholdt reviewed that the Board did make the determination that (1) a DIR was not

required per the site plan review provisions and (2) based upon the scope and the understanding of the project with amount of traffic to be generated a DIR would not be required, consistent with other applications.

Mr. Murray, after hearing no objections or comment from the Planning Board to reconsider its vote, turned his attention to the status of the application. Mr. Murray noted the submittal application remains incomplete, noting receipt of the following: response letter dated April 14, 2015; revised site development plan/revised building plans with copies of which have been forwarded to the various municipal departments including Board of Health, Conservation Commission and the Building Inspector. Mr. Bechtholdt noted receipt of email communication from the DPW Director regarding the revised site plan, noting no issues with revised site plan; Mr. Bechtholdt noted, in talking with the Building Inspector he is awaiting response from the Applicant/Engineer concerning side-slope in addition to the Board of Health and Conservation Commission's ongoing review.

Mr. Knapik indicated that he has no doubt that the application itself is complete and understands the Planning Board is awaiting further information as a result of reviewing the completed application; in that context Mr. Knapik noted he is also aware of a letter submitted to the Building Inspector that somehow draws the conclusion that a site that is under construction pursuant to two (2) site plan approvals issued by the Planning Board is in violation of those permits, even though it's under construction. The basis of the complaint by Mr. Cundiff is that the slope between the two properties on Douglas Road, the trust property and the glass property is inconsistent with the approved plan. Mr. Knapik suggested of course it is, the site is under construction, but nonetheless we do intend to address with the Building Inspector.

Mr. Knapik did not think for a moment failure to address comments before the Planning Board meeting would be caused for the Board to delay or in any way alter its deliberation on the project. Mr. Knapik suggested the same goes for the complaints before the Conservation Commission; Mr. Knapik indicated that he attended the Commission meeting with essentially the same complaint. Mr. Knapik assumes anything going on between abutters and the Conservation Commission or abutters and the Building Inspector does not affect the Board's decision on site plan approval, if he is incorrect in that assumption would like to be so informed.

Mr. Murray suggested the Planning Board have the Town Planner talk with Town Counsel regarding the zoning determination of the Building Inspector, specifically to see about future proceedings of the Board as it relates to the site plan review application. Mark Key and other Board members agreed that they would like to have clarification from Town Counsel.

Mr. Knapik in noting that Mr. Murray brought up the Marlborough facility earlier, asked if he could have a brief opportunity to comment. For the record Mr. Knapik stated that it is his position that the Building Inspector's failure to respond within the time prescribed in the zoning bylaw means that the Board should not consider his opinion in making its deliberation.

Mr. Knapik continued noting nonetheless, that the Marlborough facility is ten times larger by the measure of the amount of material it will accept per day compared to the proposed facility. Mr. Knapik suggested that Nelson Widell, (consultant) who is considered a leader in the composting industry and very aware of the

Marlborough facility speak to the Board regarding the differences (size and nature) between the proposed and the existing Marlborough facility.

Mr. Widell noted that he has been to the Marlborough facility many times and share concerns of the odors, the housekeeping; the issue is there. That facility was built in 1999 at the wastewater treatment plant, which was there for years. Mr. Widell suggested the Marlborough site is not a very well-run sewer plant; it smelled like hell; way before that plant was built. That plant was built specifically to handle the human sewerage/sludge from the City of Marlborough and mixed garbage. They use drums not for compost, but to mix the material and keep them in there for 2 to 3-days, not an extended period. They compost in the buildings; they have 1,000s of tons of sewage sludge and mixed garbage in the buildings. The Marlborough facility is non-comparable to the proposed.

Mr. Widell suggested that there is an ongoing battle with City of Marlborough and the facility operator where the (city) treatment plant shut-off the value to the wastewater plant so the leachate can no longer go to the wastewater plant and now leaches out of the building. Mr. Widell indicated the Marlborough facility is also a transfer station that takes thousands and thousands of waste from the area into the building and transfers it to New York, etc. In addition to the sewage sludge from Marlborough they bring it from other places; hundreds of tons; ten times bigger; noting in addition to the garbage they mix in sewage sludge; really no comparison. Mr. Widell explained different feed stocks, methods of operation; noting sewage sludge smells, it always does, always will; proposed does not include sewage sludge; not taking in any dead animals; not putting in any compost in a building and leaving there for 6-weeks. The finished compost will leave in sealed container, it's not going to leak like was observed in Marlborough. The trucks will be sealed may have an open top; but no comparison (or resemblance to Marlborough).

Mr. Widell suggested to Mr. Murray what he saw (in Marlborough) is not good; but what is proposed here (in Northbridge) is completely and totally different. The proposed will have one food truck per day, one truck of woodchips every other day and one truck of material compost coming out of sealed drum, that's it. If there is leachate, which there may not be any, the leachate tank will be maintained. If the material is too wet and the drum cannot take it to absorb then the leachate tank will be needed; may be emptied every 2-months. Mr. Widell added; the truck traffic, the size, sewage sludge, they compost in the building (Marlborough facility) it's no wonder it smells so bad there; none of that will go on in this facility (Northbridge) at all; none –there is no comparison.

Mr. Widell suggested Mr. Murray take another look based on information provided, noting what he saw, you don't want, we don't want; we are not proposing, totally different. Mr. Murray asked Mr. Widell if there was a comparable facility around that he could at least observe; one that is of similar size, utilizing technology proposed, etc. Mr. Widell indicated the facility in Nantucket is a wonderfully run facility; it also uses a fabric building and although it does use sewage sludge you cannot smell it. Mr. Widell suggested a lot of this depends on who is running the facilities (so many factors); but to answer the question there is not another tiny, little, food waste-only woodchip composter around here; it would be the first, but there is one in Nantucket run by a very high qualified group of people versus what Mr. Murray saw in Marlborough.

Mr. Widell concluded, respectfully suggesting that the Marlborough facility is a nightmare and not what is proposed (in Northbridge) and should be no comparison; not the same feed stock, not the same size, not the peripheral things that are happening there; none of those things.

Mr. Knapik, in summary, suggested the Board is essentially barred from considering the Building Inspectors letter; to the extent the Board does consider the information or the substance of it; it should be based upon what the Board just heard that the Marlborough facility, which is the very basis of the Building Inspector's conclusion that the Marlborough facility serves as not real comparison to what is proposed and finally we have said will not accept sewage sludge, not going to accept dead animals; all those things that make us different than the Marlborough facility, much cleaner, much better run, smaller in scale.

For the record, Mr. Knapik noted they are willing to abide by conditions the Board could impose to ensure that the facility is constructed and operated exactly in the manner as the application has said it would be, all along.

Mr. Bechtholdt asked if there was a comparable facility today, with a proven track record that would support the claim that it is not going to generate smells or odor and addresses those types of concerns. Mr. Widell suggested they could probably provide plenty of examples.

Mr. Widell added, reviewing one of the components of the contingency plan with the Planning Board. Mr. Widell noted a bio-filter is a living organism; got woodchips and food compost and the microbes, the natural microbes that are everywhere in the world it's called a soil filter or bio-filter. The microbes actually eat the odor molecules and when it's maintained correctly (that's important) it works beautifully. Mr. Widell explained, if you have an issue you can add high-carbon wood ash, which we have noted in our contingency plan; if that does not work we won't take in any more food waste; we shut it down until its fixed (objectionable odors). Mr. Widell suggested the last thing they want is to cause problems in the neighborhood, they want to be a showcase.

Mr. Massey suggested the Applicant/Engineer come with a reference site or two that can actually give reference to operations and everything else about it to compare (i.e. here is a similar facility; here is what is going on, here is how it is being run), may be a good idea instead of comparing the proposed to a Marlborough or a Nantucket facility, provide the Board with something of a similar scale. Mr. Massey indicated that it was hard to fathom just what it is (proposed), suggesting the information provided has been great, noting he has done some of his own research, but would say a reference site or two would be a good recommendation.

Mr. Widell indicated that he could come up with a few reference sites of similar small scale but not sure if it will mirror exactly what they are proposing with all the bells and whistles. Small scale meaning 10-tons/day of food waste, one using a bio-filter; but Mr. Widell suggested there is not that many exactly like this (all-sealed building, bio-filter, etc.). Mr. Widell noted there are currently 50 composting plants (general permits) in the state of Massachusetts, not one of them have a bio-filter, most of them don't have buildings, and don't have drums put it outside; we are proposing a drum similar to what millions and millions of people are doing in their backyards only bigger. We are proposing all the safeguards in to prove with this facility that it's not going to cause any problems; we can provide you with reference sites that use elements very successfully (not a problem to provide examples) but there is no exact match to what is being proposed.

Mr. Massey noted that he understands that technologies evolve, it gets better, you learn from it; but any references that are close to it gives a good idea and what changes were made to address certain concerns would be helpful for the review. Mr. Bechtholdt asked that a copy of the Contingency Plan be provided to

the Board; Mr. Knapik noted that they can develop a contingency plan and provide it to the Planning Board. Mr. Knapik briefly reviewed and summarized components of a contingency plan.

Mr. Murray, in closing noted once again that he would like the Town Planner to communicate with Town Counsel regarding the zoning determination from the Building Inspector and the Boards' ongoing site plan review. Mr. Murray sought a motion to continue the review.

Upon motion duly made (Massey) and seconded (Ferrara) the Planning Board voted to continue the site plan review to Tuesday, May 12, 2015 at 7:05PM.

The purpose of such continuance is to afford time and opportunity for the Planning Board, its consulting engineer, municipal departments (Board of Health, Conservation Commission), and others to review and provide comment on revised Site Development Plan dated December 31, 2014 (& revised April 09, 2015) and response letter dated April 14, 2015 from the Applicant/Engineer, as well as provide the Applicant/Engineer an opportunity to address outstanding issues and comments, including memorandum dated April 09, 2015 from the Inspector of Buildings to Site Engineer regarding the subject property. In making its determination the Board also noted a desire to contact Town Counsel regarding the zoning determination of the Inspector of Buildings (reference made to letter dated April 09, 2015); specifically future proceedings of the Planning Board as it relates to the site plan review application.

IV. HEMLOCK ESTATES -CONT. PUBLIC HEARING

Subdivision Modification –Smith & Gendron Street Improvements

Paul Hutnak (Andrews Survey & Engineering) reviewed with the Planning Board plan prepared to show proposed improvements to Gendron Street (leveling course, mill area, top course, drainage easement, etc.) Mr. Hutnak noted that the Director of Public Works has reviewed and made verbal recommendation. Mr. Hutnak indicated that he will prepare a letter (narrative) describing proposed improvements to Gendron Street.

Mr. Bechtholdt suggested the Applicant/Engineer provide a letter describing the proposed improvements to Gendron Street, as shown on plan and to have the Director of Public Works to review and provide comment and input to the Planning Board before the Board formalizes a decision.

Mr. Murray inquired about the tapering of the roadway alignment, noting Stephen O'Connell from Andrews Survey was to review to see if the roadway width could be maintain throughout and not narrowed at that location (within existing right-of-way). Mr. Murray also thought additional information was going to be provide to define the roadway edge (limits of the roadway); Mr. O'Connell was going to confirm layout and pavement widths (uniform width); Mr. Massey recalled similar discussion. Mr. Hutnak noted he spoke with Mr. O'Connell about this however will talk with Mr. O'Connell to confirm.

Mr. Hutnak confirmed that the DPW Director has reviewed plan; Mr. Bechtholdt noted receipt of email from Mr. Shuris (DPW Director) noting some comments and recommendations for proposed roadway improvement plan.

Upon motion duly made (Ferrara) and seconded (Key) the Planning Board voted (4-0) to CONTINUE the above noted public hearing to Tuesday, April 28, 2015 (7:05PM –Town Hall).

V. PINE KNOLL, SENIOR LIVING DEVELOPMENT –PUBLIC HEARING

Special Permit (Modification) -§173-112 (F)

Mr. Murray noted the next item on the agenda was for a public hearing specific to the Pine Knoll Senior Living Development, as a resident within the development Mr. Murray indicated that he would recuse himself from the proceedings; Mr. Murray left the room as he will not vote or participate on the matter. Mr. Bechtholdt explained, in light of Mr. Murray's recusal Cindy Key, the Planning Board's Associate Member can and will participate and vote on the special permit modification.

Mark Key, Vice Chairman of the Planning Board shall oversee the proceedings. Mr. Bechtholdt indicated that the public hearing notification requirements have since been satisfied.

Mr. Key opened the Public Hearing and sought motion to waive reading of notice. Upon motion duly made (Massey) and seconded (Gaudette) the Board voted to waive the reading of the hearing notice.

Mr. Bechtholdt provided a brief overview of the special permit modification request, calling to the attention of the Planning Board the following correspondence: Community Planning & Development memorandum dated April 07, 2015; Special Permit application from Aris Group, LLC; letter dated March 17, 2015 from Attorney Thomas Wickstrom on behalf of the Owner/Applicant, Mr. Bechtholdt suggested the letter provided by Attorney Wickstrom explains very well the intentions and the history relative to the three (3) designated affordable units. Mr. Bechtholdt also noted copies of the special permit application and the special permit issued by the Planning Board dated January 08, 2002 and subdivision dated June 11, 2008, in addition copy of notice of decision from the Zoning Board of Appeals regarding variance granted [12-V-2014] where the ZBA allowed for the elimination of affordable units of the zoning bylaw with the condition that the Owner/Applicant secure modification of the Planning Board, Special Permit Granting Authority (Senior Living Development) for same to eliminate the affordable units.

Mr. Bechtholdt summarized his memorandum and provided a brief overview of the affordable units. Mr. Bechtholdt explained in action taken October 09, 2014 the Zoning Board of Appeals granted Variance to allow the sale of units originally restricted to be sold at market rates (specifically 15 Hemlock Street, 25 Spruce Street and 49 Spruce Street). Pursuant to such decision the Owner/Applicant shall petition the Planning Board (the Special Permit Granting Authority for the Pine Knoll Senior Living Development) for consideration and determination of alternatives in lieu of the required affordable units as provided for in Section 173-112 (F) of the Northbridge Zoning [Senior Living Bylaw]. Mr. Bechtholdt suggested, the Planning Board, as part of its consideration, should review and establish an agreed upon methodology to determine cost per unit (affordable/market rates). In letter dated March 17, 2015 from Wickstrom Morse, LLP (attached) the Owner/Applicant request the Board consider the affordable unit price of \$165,400.00 based upon calculations by Delphic Associates. As described in Mr. Bechtholdt's memo the Owner/Applicant suggests the Board allow for the first \$165,400.00 of each sale (3-units) to go to the Owner and the remaining balance of the net proceeds go to the Town (an unknown amount). Mr. Bechtholdt suggests however the Board look to identify a market rate amount based upon recent transaction of similar units within the development or surrounding area. Mr. Bechtholdt explained that an amount per unit be specified

and included in the Board's special permit decision; once the Board agrees upon the balance per unit (difference between affordable/market rates) the Planning Board should consider and identify how funds may be utilized. Mr. Bechtholdt suggested the Board review the Senior Living Bylaw to assist in its determination; proceeds should be directed and earmarked for initiatives consistent with the purpose and intent of the Senior Living Bylaw and not simply deposited into the town's general fund, etc. noting as per §173-110 [Purpose] –the Senior Living Bylaw the intent is to promote affordable housing, efficient use of land and public infrastructure and to preserve open space. Mr. Bechtholdt suggests the Board look to establish a special fund (account) that may be used for: (1) preparation of a Housing Production Plan; (2) preparation of a Slum & Blight Inventory for future CDBG applications; and/or (3) the preparation of an Open Space & Recreation Plan (update), noting as part of its condition of the Special Permit the Planning Board should also require the Owner/Applicant to modify necessary condominium documents, Deed Riders, etc. that may need to be amended as a result of the elimination of the three (3) affordable units. The cost associated with these modifications shall be borne by the Owner/Applicant. Prior to the issuance of occupancy the Owner/Applicant shall provide the Building Inspector with a copy of the recorded Special Permit (modification of) and a letter verifying that all related documents for Pine Knoll Condominiums have been amended accordingly.

Attorney Thomas Wickstrom, on behalf of the Owner/Applicant indicated the request before the Board is not uncommon, noting he had represented other clients in neighboring towns regarding similar request concerning designated affordable units. Mr. Wickstrom felt that he and the Board may be on the same page to facilitate and accommodate such a request. Mr. Wickstrom briefed the Planning Board on the lottery process for affordable units through the state, etc. Mr. Wickstrom provide a brief history of process with conveyance to the new (current) property owner, prior discussions with the town. Mr. Wickstrom introduced the Owner/Applicant (Tom) Odisefs Tsimogiannis. Mr. Wickstrom then spoke to existing housing stock (affordable) in Northbridge (Linwood Mill, etc.) Mr. Wickstrom mentioned how they came up with the number \$165,400.00 and comparables. Mr. Wickstrom then suggested an agreed upon number may be determined and the Aris Group, LLC could simply write a check, rather than await the sale of each individual unit. Mr. Wickstrom suggested perhaps \$50-60K, noting a decision does not need to be made tonight; the Board could look to hire a third-party appraiser (expensed to the Owner/Applicant) to see what market rate number they get and compare the two.

Mr. Key asked questions of the Planning Board; Mr. Massey felt getting an independent appraiser is a good idea. Mr. Massey also thought once agreed upon receiving a lump sum as opposed to payments over time would be easier to track and less complicated for everyone, rather than awaiting the sale of each individual unit. Mr. Massey would like to see the appraisals get a number and move forward; Board members agreed.

Mrs. Key asked if there was a difference between the three (3) units; Mr. Wickstrom indicated that they are similar, noting as part of the third-party appraisal they will review floorplan, etc. Mr. Bechtholdt suggested he has no reason to dispute the affordable rate number provided utilizing the state formula, trust that number for the affordable but what's the difference between the affordable and market rate.

After seeking additional input and comment from the Planning Board Mr. Key opened discussion to members of the public in attendance. Robert Meomartino expressed concern of under valuing the price of the units at a market rate, noting 33 Spruce Street is currently on the market for \$279,000 which is well above the \$165,400 (plus the \$60K) suggested earlier. Mr. Meomartino noted a second concern agreeing

that the Pine Knoll bylaws will need to be changed to reflect the conversion from affordable to market rate units, with the cost associated to be borne by the Owner/Applicant. Lastly, Mr. Meomartino indicated that he is not opposed to the application nor occupying the units however wants to make sure the valuation of the units is fair and the value of the other units (existing market rates) are not compromised or negatively impacted.

Mr. Key suggested there are two steps; the appraisal will be for market value which may be the \$270,000 (we don't know) but the purpose for the Board is to come to some sort of agreement as to what the contribution to the town will be; in the end what the units sells for is what it sells for. Mr. Massey reiterated and agreed with Mr. Key noting if the market value (appraisal) comes in at \$240, 250 or 260K the Owner/Applicant would provide the town with the difference between the affordable rate (\$165,400) and the appraised value.

Mike Hendrikse asked who would be responsible for setting the sale price for the units; the Board noted they do not have any control or authority as to what a unit sells for; the sales price would be up to the owner. Mr. Key noted the Planning Board would have nothing to do with setting the sale price of the units.

Mr. Key explained the purpose of this process is to make a determination in an agreement is the contribution to the town; this Board has nothing to do with setting a selling price for the units.

David Crocker does not want to see his property value go down. Mr. Crocker noted he purchased his unit for \$302,000 and it is now assessed for \$274,000, does not want to see value go down.

Mr. Key reiterated the purpose of the Planning Board is to come to an agreement on the contribution in lieu of providing the affordable units; again the Board has nothing to do with setting a selling price; whether they buy or sell low is not this Board's place.

Mr. Bechtholdt suggested if the Board is agreeable to have the Town Planner solicit services for a third-party appraisal for the purpose of comparing estimated value as offered by the Owner/Applicant. The Board and the Owner/Applicant agreed to engage the services of a real estate appraiser, the cost to be borne by the Owner/Applicant.

Upon motion duly made (Gaudette) and seconded (Key) the Planning Board voted (5-0) to continue the public hearing to Tuesday, May 12, 2015 (7:35PM).

Mr. Murray returned to the Planning Board meeting.

OLD / NEW BUSINESS

Approval of Meeting Minutes –Dec 16, 2014; Jan 13, Jan 27, Feb 10, 2015 and March 10, & March 24, 2015

Upon motion duly made and seconded the Planning Board voted to approve the meeting minutes as amended.

2040 Providence Road Reuse Study –Public Workshop May 12, 2015 (6:00PM –Town Hall)

Mr. Bechtholdt confirmed with the Planning Board meeting (public workshop) date of Tuesday, May 12, 2015 at 6:00PM.

2015 Spring Annual Town Meeting -Tuesday, May 05, 2015 (7:00PM)

Mr. Bechtholdt informed the Planning Board of the scheduled Spring Annual Town Meeting; copies of the warrant will be made available.

Rebecca Road Stone Wall (Right-of-Way) –Status/Update

Mr. Bechtholdt informed the Planning Board that Mr. Massey had attempted to record the Indemnification Agreement on two occasions at the Registry of Deeds however was not able to do so (Registry would not accept it). Mr. Bechtholdt suggested perhaps it was because the earlier version did not include a deed reference and/or Assessor information. Mr. Massey explained, in talking with the DPW Director and others, that indemnification agreements are local agreements between the town and the homeowners; kept on local record, a legal binding document, so when homeowner sells the are kept on file. Mr. Massey noted the he went to the Worcester Registry of Deeds he was there a long time, no one there had ever received for recording such an agreement. The supervisor at the Registry explained to Mr. Massey that it was not something they could record, it's a local agreement. Mr. Massey explained after leaving the Registry he went to his attorney and the town and that's when he found out indemnifications are filed with the town and are a legal binding document; which means if I put my house on the market I have to disclose that there is an indemnification. Mr. Murray asked what happened to the procedure your attorney was working on to have it recorded. Mr. Massey noted he revised the original agreement himself, adding the deed references, parcel information, and notary. Mr. Massey explained that revised document was also not able to be recorded at the Registry. Mr. Murray asked if the Town Planner could check with Town Counsel to see if that document is recordable; Mr. Murray did not understand why such a document could not be recorded at the Registry of Deeds. Mr. Massey noted that the DPW Director has reviewed the agreement, approved and put it on file. Mr. Bechtholdt will check with Town Counsel to confirm if an Indemnification Agreement needs to be filed with the Registry.

Subdivision/Site Developments –Status/Update(s)

Mr. Bechtholdt quickly briefed the Board on Presidential Farms –complaint received from homeowner regarding the current phase under construction (loud noises, construction vehicles, blocking road); Mr. Bechtholdt explained that he reached out to David Brossi, Developer reminding him that this is no longer just a construction site it's a neighborhood. Mr. Bechtholdt hoped the issue would be resolved, noting he reminded Mr. Brossi that he does not like receiving these type of calls. Mr. Bechtholdt also mentioned when he contacted Mr. Brossi he suggested the Developer reach out to the homeowners and perhaps provide them with an overall update on the subdivision and a construction schedule to keep them in the loop and better informed (create a better dialogue). Mr. Bechtholdt then briefed the Board on the Camelot subdivision about JH Engineering's recent inspections; Mr. Bechtholdt reiterated previous noted concerns with the Planning Board allowing the Developer to develop lots out of sequence with the approved phasing of the project. Mr. Bechtholdt indicated the he also reached out to Stephen O'Connell (Andrews Survey & Engineering) regarding the status of the looping of the waterline (Adams Circle) for the Hemlock Estates subdivision; reminding the Board that they were told completion of the waterline would be in October 2014; Mr. O'Connell now suggests the line will be in sometime during the summer of 2015. Mr. Bechtholdt noted that he has not heard from John Barges for Hillside Garden Estates, although like other developers is waiting

to hear back from the DPW concerning the installation of streetlights. Mr. Bechtholdt asked if the Chairman would talk to the Town Manager about the DPW Directors prolonged delay in responding to Developer's requests to install the required streetlights within subdivisions; lack of action and coordination. Planning Board members shared concerns. Mr. Murray will look to set up a time to review with the Town Manager.

Green Meadow Court –Status/Update

Tabled no discussion.

Farnum Circle –Status/Update

Mr. Bechtholdt noted that he is reviewing the scope of work with JH Engineering Group and expressed concern with potential funding shortfall to relocate and bury the utilities, may have options.

Mail –Review

In addition to the mail listed (-see attached) the Planning Board noted receipt of the following communications: April 14, 2015 Agenda; April 28, 2015 Draft Agenda; May 12, 2015 Draft Agenda; Letter dated April 9, 2015 to Planning Board from Building Inspector regarding Douglas Road Composting Facility; Memo dated April 9, 2015 to Andrews Engineering from Building Inspector regarding property adjacent to 279 Douglas Road; Memo dated March 11, 2015 to Planning Board from Town Planner regarding Douglas Road Composting Facility Site Plan Review; Memo dated April 7, 2015 to Planning Board from Conservation Commission regarding 279 Douglas Road (Adjacent to); Memo dated March 23, 2015 to Planning Board from Conservation Commission regarding 279 Douglas Road (Adjacent to); Memo dated March 23, 2015 to Town Planner from Board of Health regarding Douglas Road Composting Facility; Letter dated March 31, 2015 to Town Planner from JH Engineering regarding Douglas Road Composting Facility Peer Review; Letter dated March 26, 2015 to Planning Board from WGM Fabricators, LLC regarding the Douglas Road Compost Facility; Letter dated March 23, 2015 to Planning Board from Citizen's for the Preservation of Northbridge regarding Douglas Road Composting Facility Site Plan; Site Plans with revision date of March 3, 2015 prepared by Andrews Engineering for Site Plan Composting Facility 279 Douglas Road (Adjacent to) and marked up; Letter dated March 11, 2015 to Town Clerk from Town Planner concerning Hemlock Estates Subdivision Modification Smith & Gendron Street Improvements Continuance; Email dated March 9, 2015 to Town Planner from Andrews Engineering concerning Hemlock Estates Smith & Gendron Street Improvements; Email dated March 25, 2015 to Town Planner from Andrews Engineering concerning Hemlock Estates Subdivision Modification Smith & Gendron Streets; Letter dated March 25, 2015 to Town Clerk from Town Planner regarding Pine Knoll Senior Living Development Special Permit Modification – Affordable Units; Public Hearing Notice for Modification of Special Permit for project known as Pine Knoll, Senior Living Development; Memo dated April 7, 2015 to Planning Board from Town Planner regarding Pine Knoll Senior Living Development Special Permit Modification – Removal of Affordability Restriction; Letter dated March 17, 2015 to Planning Board from Wickstrom Morse, LLP regarding Modification of Special Permit Pine Knoll Condominiums; Special Permit Application dated December 15, 2014 from Aris Group, LLC for 15 Hemlock Street, 25 Spruce Street and 49 Spruce Street; Certificate of Granting Special Permit dated November 16, 2004 to FSB Development Corporation for Gendron Street; Special Permit dated January 8, 2002 to FSB Corporation for Pine Hill: An Adult Living Community; Certificate of Approval dated July 10, 2008 for Hemlock Estates; Certificate of Approval dated June 11, 2008 for Definitive Subdivision Hemlock Estates; Notice of Decision on Variance Petition from Zoning Board of Appeals for 15 Hemlock Street, 25 Spruce Street, and 49 Spruce Street; Decision by Zoning Board of Appeals for 15 Hemlock Street, 25 Spruce Street and 49 Spruce Street; Draft Minutes of December 16, 2014; Draft Minutes of January 13, 2015; Draft Minutes of January 27,

2015; Draft Minutes of February 10, 2015; Draft Minutes of March 10, 2015; Draft Minutes of March 24, 2015; Hold Harmless and Indemnification Agreement for 192 Rebecca Road; Email dated April 8, 2015 to DPW Director with a cc to Brian Massey (owner) from Town Planner concerning 192 Rebecca Road Indemnification; Email dated April 9, 2015 to DPW Director with a cc to Planning Board Chair from Town Planner regarding Streetlights (new installation); Memo dated March 30, 2015 to Town Manager and Sewer Superintendent from Town Planner concerning Sutton Sewer Extension (Proposed) for Main Street / Walmart; Letter dated March 25, 2015 to Town Clerk from Town Planner regarding Solar Electric Generating Facility Site Plan Approval Extension; Memo dated April 6, 2015 to Planning Board from Conservation Commission concerning Presidential Farms Phase V; Memo dated April 6, 2015 to Planning Board from Conservation Commission regarding Foppema's Farm; Email dated April 1, 2015 to Town Planner from CMRPC concerning Freight Rail Project; Email dated March 27, 2015 to CMRPC with a cc to Planning Board Chair from Town Planner concerning Northbridge's Interest in Freight Rail Project; Email to Town Planner from CMRPC dated April 8, 2015 regarding 2nd Round DLTA Funding Call for Projects; Memo dated April 8, 2015 to CMRPC Delegates and Other Local Municipal Officials from CMRPC regarding Second Round District Local Technical Assistance (DLTA) Call for Projects to CMRPC Municipalities; CMRPC District Local Technical Assistance 2015 Application; Email to Town Planner from CMRPC concerning TIP/LRTP Environmental Consultation 2015; Worcester Telegram & Gazette article dated March 30, 2015 on Central MA Grown launched to promote local farm products; Email dated April 8, 2015 to MassPlanners from Mass Development regarding 2015 TA Connector April Workshop Announcement; 2015 Planning Board Meeting Schedule.

Other

Mr. Bechtholdt provided Board with copy of memorandum dated March 30, 2015 to the Town Manager and Sewer Superintendent regarding Sutton sewer extension (Walmart/Main Street); copy of site plan approval extension for Solar Electric Generating Facility. Mr. Bechtholdt reviewed with the Board CMRPC's District Local Technical Assistance nomination form for 2015, suggesting the town looked to prepare a reconnaissance and action plan for one of its designated Priority Preservation Areas (Blackstone River & Canal), suggesting it would be timely in that with the National Parks designation includes the river and canal as well as historic Whitinsville. The Board offered its support to submit application to CMRPC.

ADJOURNMENT

Having no additional business the Planning Board adjourned its meeting of Tuesday, April 14, 2015 at or about 9:05 PM.

Respectfully submitted,

Approved by the Planning Board –

R. Gary Bechtholdt II
Town Planner

Cc: Town Clerk