



NORTHBRIDGE PLANNING BOARD

MINUTES

Tuesday, May 26, 2015

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 Cindy Key, Associate member were also present.

The following members of the public were in attendance: Alex Zorrilla; Bruce Caissie; Valerie Dean; Edward Orazine; Todd Frieswick; Shari Ryan; Josh Ryan; Dave Minichiello; John Arrigan; Margaret Fairbanks; Warren Fairbanks; Beth Deneault; Washa Liu; Rainer Forst; Lydia Rajunas; Wayne Duncan; Jamie Bundtzen; Normand Gamache; David Brossi; Andrew Howden; Steven Wildfeuer; Thomas Cacciola; James Thompson; Ann Marie Thompson; Cindy O'Toole; Joseph Leonardo; Russell Bertelsen; Sheri Bertelsen; Steven Dzicek; Linda Dzicek; Arthur Masmanian; Mark Ovia; Maureen Beauregard; Tom Andresen; David MacNeil; Peter Fiore; Kendall Stasinos; Jon Toloczko; John Kwasek; David Sawyer; Joseph Deneault; Mike Hendrikse; Odisefs Tsimogiannis; & Thomas Wickstrom

I. PLANNING BOARD REORGANIZATION

Pamela Ferrara confirmed that she has been sworn-in by the Town Clerk for re-election on the Planning Board.

Upon nomination duly made (Key) and seconded (Ferrara) the Planning Board voted to appoint Brian Massey Planning Board Chairman.

Upon nomination duly made (Murray) and seconded (Massey) the Planning Board voted to appoint Mark Key Planning Board Vice Chairman.

Upon nomination duly made (Murray) and seconded (Key) the Planning Board voted to appoint Pamela Ferrara Planning Board Clerk.

II. CITIZENS FORUM

None

III. FORM A

None

IV. PRESIDENTIAL FARMS –PUBLIC HEARING

Subdivision (Modification) -Walking Trail & Bike Path

The Planning Board opened the public hearing.

Upon motion duly made (Murray) and seconded (Key) the Planning Board voted to waive the reading of the Public Hearing notice for Presidential Farms modification.

In accordance with the provisions of Massachusetts General Laws and the Town of Northbridge Subdivision Rules & Regulations, the Planning Board will hold a public hearing on Tuesday, May 26, 2015 (7:05 PM) in the Selectmen's Chamber of the Northbridge Memorial Town Hall (7 Main Street, Whitinsville, MA 01588) to consider a modification request of Presidential Farms, Inc. (Owner/Developer) to modify approval of the Presidential Farms subdivision. Whereas the Owner/Developer desires to provide a monetary donation to the town in lieu of constructing a walking trail and bike path within the subdivision development as required and shown on definitive subdivision plan entitled "Presidential Farms" a Flexible Development prepared by Guerriere & Halnon, Inc. and dated July 27, 1999 (revised thru 02/06/2001) plan sheet(s) 1-4 "Proposed Recreation Area Plan". Reference is made to Planning Board Certificate of Approval dated February 14, 2000 (Definitive Subdivision) and Planning Board Special Permit(s) dated April 10, 1999 & August 08, 2000 (Flexible Development). Copies of correspondence and documentation concerning this request are on file with the Office of the Town Clerk (Northbridge Memorial Town Hall) and the Community Planning & Development Office (14 Hill Street, Whitinsville, MA 01588) and may be viewed during regular office hours. The purpose of this hearing notice is to provide an opportunity for public comment; anyone wishing to be heard should attend said hearing at the time and place designated.

Mr. Bechtholdt informed the Planning Board that the requirements of the hearing notice were satisfied. The Planning Board welcomed David Brossi, Developer and Normand Gamache (Guerriere & Halnon, Inc.).

Mr. Brossi briefly reviewed the history of the subdivision development, noting when originally approved included a bikeway and walking trail through a section of the open space; given what Mr. Brossi has been told by the town and concerns he has spending resources on a trail/path that might not be maintained he had proposed to the Board the idea of providing funds to the town (donating funds) for specific improvements to an existing recreational facility. Mr. Brossi noted that he would like to use his resources (funds) to something useful with a higher impact to the town; concern once it is constructed and provided to the town it will not be maintained and will be lost or abandoned.

Mr. Brossi indicated that he is prepared and would be happy to build the trails, think the resources will be better used somewhere else, but that's the Board's pleasure.

Mr. Bechtholdt asked Mr. Brossi & Mr. Gamache to describe and show on the plan the location of the planned walking trail & bikeway and asked Mr. Brossi to review with the Board what improvements are still planned for the abutting open space lot (Parcel D) located at the end of Roosevelt Drive (cul-de-sac).

Normand Gamache (Guerriere & Halnon, Inc.) reviewed the location of the planned bikeway & walking trail, pointing out the location of the railroad, Roosevelt Drive, single-family house lots, layout of the walking path (planned from Adams Circle) through Presidential Farms (Open Space Parcel A), and the layout of the planned bike path, to originate at the end of Roosevelt Drive downhill to its terminus at the railroad track.

Mr. Gamache indicated at the time of the subdivision approval (1999/2000) the idea was to connect the bike path with the planned Blackstone River Bikeway however the bikeway has yet to be constructed in Northbridge. Mr. Brossi noted as a result of the dollars recently spent on upgrades for freight rail transportation by the P&W railroad it is unlikely that the regional bikeway will be located along the tracks as originally thought. Mr. Brossi explained that the planned open space, recreational lot (Parcel D) located at the end of Roosevelt Drive is to remain unchanged per the approved plan.

93 Mr. Massey sought questions/comments from the Planning Board concerning the modification request.

94

95 Mr. Brossi noted that a number of the residents were in attendance and welcomed to hear their thoughts.
96 Mr. Key asked what Mr. Brossi thought the estimated annual cost to maintain the planned bike trail and
97 walking path to be; Mr. Brossi did not know but offered that the bikeway (portions of) would be asphalt
98 (pavement) and the walking trail is to be wood-chips. Mr. Brossi suggested, as the Board may know
99 overgrowth and weeds will grow within the woodchip areas overtime; Mr. Key and Mrs. Gaudette agreed
100 suggesting added maintenance costs. Mr. Brossi suggested given the proximity to the wetland resources
101 area it is unlikely one could simply use a weed sprayer to address the weeds, etc.

102

103 Mr. Massey inquired about the location of the paved and asphalt grinding covering portions of the bike path;
104 Mr. Brossi pointed them out on the plan and showed the location of the wetland resources areas throughout
105 the open space parcel. Residents reviewed the plan showing the layout of the bike path and walking trail.

106

107 Mr. Massey explained that the Planning Board would now look to take input from the public in attendance
108 reminding them to raise their hand and state their name when recognized by the Board. Mr. Massy noted
109 there was also a sign-in sheet that was being passed around.

110

111 Warren Fairbanks of Jefferson Avenue reviewed with the Planning Board his comments and concerns, noting
112 he had attended the Planning Board meetings back in 1999 for the then proposed Presidential Farms
113 subdivision, reference is made to communication dated May 26, 2015 distributed to the Planning Board.

114

115 Thomas Cacciola of Lincoln Circle agreed with what Mr. Fairbanks offered and suggested residents within the
116 development have likely paid for this planned amenity, suggesting when he purchased his home the idea of a
117 walking trail was viewed as a positive; so much in fact that he purchased the home versus moving to Grafton.
118 Mr. Cacciola believes having the walking trails will help hold the home values for thirty plus years.

119

120 Cindy O'Toole of Washington Street indicated she too bought with the understanding that there would be a
121 bike path and walking trail.

122

123 Wayne Duncan of Kennedy Circle thinks the bike path and walking trail was a great idea, noting he moved in
124 some 11-years ago. Mr. Duncan however expressed concerns with the ability of the town to maintain these
125 amenities once it is turned over to the town. Mr. Duncan suggested the town will own it or the
126 neighborhood will own, not to be too disparaging but what he has seen around town, the town is going to
127 have a very hard time keeping this safe and maintained. Mr. Duncan also expressed the concern of the
128 walking trail inviting kids and others to utilize the area for unintended purposes (drinking, etc.) Mr. Duncan
129 had serious concerns that the town will not be able to maintain it and will create other problems for the
130 town, suggesting in 5 to 10-years the area will be an overgrown mess.

131

132 Todd Frieswick of Roosevelt Drive strongly agreed with Mr. Duncan, sharing his concerns with long-term
133 maintenance and potential for vandalism. He questions how the town will be able to maintain the bike path
134 & walking trails.

135

136 Mr. Cacciola, the gentleman who spoke earlier, suggested if the town (Planning Board) is to eliminate the
137 bike path and walking trail he would like to see funds go towards maintaining the traffic circles (island cul-de-

sacs) or eliminate the traffic circles entirely noting they create issues for plows and fire trucks; and the town does not maintain the landscaped islands.

Joshua Ryan of Roosevelt Drive, noted he owns a homes where one of the access points to the walking trail is planned and expressed concerns with the lack of rules & regulations that would govern the trails (how it is to be used) and if not created what limitation would be on the open space property (access, etc.).

David Minichiello of Roosevelt Drive shared concerns of Mr. Ryan with lack of rules & regulations for its use, parking, etc. He would like more information as to what that looks like. Mr. Minichiello indicated that he would enjoy the walking trail and bike path. However if the trails were not to be constructed he would like to see money go back into the neighborhood, improve the open space lot to remain (clearly define what those improvements will be versus what improvements are already planned). He questioned how the developer did not know if the open space lot (Parcel D) was to be seeded or not seeded.

Andrew Howden of Washington Street indicated they bought with the understanding of the value of amenities with the purchase of his home. Mr. Howden would not support modifying the subdivision to eliminate the bike path and walking trail. Ms. Gaudette suggested some neighborhoods have association dues to make sure things are maintained. Mr. Howden understood this suggesting they already paid upfront when the purchased their home and this would not be fair as it was not considered or contemplated before the purchase of his home.

James Thompson of Kennedy Circle was curious to learn more detail about the separate open space lot that is to remain (Parcel D) and if there was an opportunity to increase its size, provide improvements to the parcel in addition to just grass. Mr. Thompson suggested additional enhancements to the open space lot in lieu of the bike path and walking trail could make for a very nice improvement to the neighborhood.

Kendall Stasinos of Roosevelt Drive noted that she lives directly across from the open space area (Parcel D) and expressed concerns with a parking area across street; she preferred that no parking be provided or further enhancements.

Alex Zorrilla of Lincoln Circle suggested added value would be about 10% and expressed concern with kids riding bikes in the street. He questioned the donation (amount of funds to be offered by the Developer) in lieu of providing the bike path & walking trail.

Another resident expressed and shared concerns of potential for vandalism, additional construction and parking. Being a biker the resident felt the planned bike path proposal is a joke; he would rather see funds go elsewhere for existing improvements in town.

Jon Toloczko of Lincoln Circle agreed with the comments made by Mr. Howden.

David Sawyer of Lincoln Circle agreed with the concern of long-term maintenance and would rather have a smaller project, a scaled down amenity that is maintainable rather than something big and unmaintainable.

Mr. Zorrilla questioned how the bike path and walking trail will increase the value of his home, noting when he purchased he did not give it any consideration but would like to see how the amenity will increase the value of his home.

A resident who previously provided comment questioned what the town's practice has been in the past that would suggest the town may not be able to maintain the bike path and walking trial.

After receiving input from the residents in attendance Chairman Massey looked to the Planning Board for comment. Mr. Key expressed an understanding with the abutters noting he bought within the Shining Rock Golf Community where there is a trailhead and trail that goes up to Shining Rock which is not maintained at all, understanding it's a bit different than a bike path. Mr. Key suggested the challenge here is not that it's a question of build it or not it's a question of maintain it or not; the dynamics of 1999 are different than the dynamics of 2015. Mr. Key indicated, that at this point he is not pro or con. He noted this Board is not the town; all of us are the town. If I were in that neighborhood would I want a bike path and those other amenities; I probably would. But we need to realize what happens with the maintenance; it is going to come from somewhere and the Town of Northbridge may not be that good at it. If so, then it is up to us a voters and as citizens and perhaps you residents in the neighborhood to take charge whether through conversations with the Board of Selectmen or whoever is responsible for it or doing some of it yourselves. Mr. Key stated that he does not believe anyone on the Board wants to make a decision that is going to create great harm to property values nor do we want to create significant stress on the town which can have an adverse impact on your property value; our job is to balance and listen to both sides and make a good and balanced decision; your input is important and please continue to raise your concerns.

Ms. Gaudette expressed concern with the town's ability to maintain the site overtime, suggesting the residents may need to share some of the cost to make sure the amenity remains and take ride in ownership. Mr. Massey agreed with Ms. Gaudette, adding if the bike path and walking trail are to go forward they will be open to the public (the whole town) and not just the residents of the development, a private amenity.

Mr. Massey felt the discussions that were had were good and felt the Board was not in a position to make a decision at this point. Mr. Massey asked residents to think about possible solutions. Mr. Massey agreed with Mr. Key, noting the Department of Public Works has about six (6) guys on staff for the whole town.

Warren Fairbanks appreciated the opportunity for the open forum and suggested the concerns of long-term maintenance may be a bit overblown.

A resident of Lincoln Circle indicated that he rides all the bike trails in town and feels that those who utilize the bike path will maintain it, noting that he has volunteered in the past (removing falling trees, etc.) and does not see vandals throughout town; people in the town/neighborhood are respectful. Other residents noted they have observed vandalism issues in the area (including the model home).

Joseph Deneault of Jefferson Avenue agreed with Mr. Fairbanks; the question to allow a donation in lieu of an asset for the people of the neighborhood and people of Northbridge; the vandalism and other instances people have referred to happen without this bike path and can happen in any location in any neighborhood, in any town. Mr. Deneault felt the real issue is do we want another opportunity for recreation to go by the wayside and have a donation to the town, that he is sure would be put to good use but may not directly

impact the neighborhood. Mr. Deneault believes the bike path and walking trail to be a benefit to the neighborhood, suggesting the town can figure out how to maintain it.

Mr. Brossi indicated that he was not sure if the walking trail & bike path could be built if it has to meet ADA standards.

Mr. Massey thanked everyone for attending and providing comment and asked the Town Planner to provide an overview of the hearing process. Mr. Bechtholdt explained that the Board is going to look to continue the hearing, noting residents will not receive another notice in the mail for the continuance. Mr. Bechtholdt suggested if the Board wants to continue the hearing they may do so, however should identify what additional information they are looking for.

Mr. Key asked if additional information could be provided specific to the adjacent open space lot (Parcel D); Mr. Brossi explained that he would offer additional information, noting he was not prepared tonight to offer specifics. Mr. Key also asked Mr. Brossi to look into the ADA requirements. Mr. Bechtholdt noted as part of the modification request the Developer provided a construction estimate for the bike path and walking trail, suggesting the Board may want to utilize the services of its consulting engineering to prepare an estimate to compare; Planning Board agreed and directed the Town Planner to contact JH Engineering Group, LLC.

Upon motion duly made (Key) and seconded (Ferrara) the Planning Board voted (5-0) to continue the public hearing to Tuesday, June 23, 2015 at 7:35PM. In continuing its meeting Mr. Brossi is to provide additional information concerning Parcel D (adjacent open space lot) and ADA requirements. The Board will also look to review construction estimate prepared by the Board's consulting engineer.

V. QUAKER STREET –PUBLIC MEETING

Repetitive application –ZBA Variance/Special Permit

Chairman Massey called to open the public meeting for Quaker Street repetitive application; Mr. Bechtholdt indicated that the notification requirements had been satisfied. The Planning Board waived the reading of the meeting notice.

In accordance with the provisions of Massachusetts General Laws Chapter 40A Section 16, the Northbridge Planning Board shall hold a public meeting on Tuesday, May 26, 2015 at 7:35PM in the Selectmen's Chambers of the Northbridge Memorial Town Hall, 7 Main Street Whitinsville, MA to consider the repetitive application of Tyre Place LLC (Oxford, MA) for Variance/Special Permit (Zoning Board of Appeals) to support three (3) residential building lots. Subject property includes 2094 Quaker Street; Assessor Map 27 Parcels 39 & 44. A copy of the application and associated documents are on file with the Office of the Town Clerk (7 Main Street) and Planning Office (14 Hill Street Whitinsville, MA) and may be reviewed during normal office hours. The purpose of the meeting is to provide an opportunity for public comment before the Planning Board determines consent. Anyone wishing to be heard should attend said meeting at the time and place designated.

Mr. Bechtholdt provided a brief on the application under consideration, noting in action taken March 12, 2015 the Zoning Board failed to grant Special Permit/Variance to support three building lots. Reference is

made to 14-SP-2014 & 15-SP-2014 –Notice of Decision on Special Permit application(s) and 16-V-2014 & 17-V-2014 –Notice of Decision on Variance Petition(s).

Mr. Bechtholdt explained that the Zoning Act authorizes (re)application to the Zoning Board of Appeals, however no appeal, application or petition that has been unfavorably acted by the Board of Appeals can be acted upon favorably within two years after the date of the final unfavorable action unless approved pursuant to the repetitive petition process.

As prescribed in MGL Ch 40A Sec 16, Mr. Bechtholdt explained in order for the Applicant to file a repetitive application with the Zoning Board the Planning Board must determine specific and material changes in the conditions upon which the previous unfavorable action was based.

Mr. Bechtholdt explained that the Planning Board was not acting on the specific application(s), simply determining if the Applicant has submitted sufficient information that could lead to a finding that there has been a specific and material change in the conditions upon which the previous unfavorable action was based.

Normand Gamache, Land Surveyor (Guerriere & Halnon, Inc.) on behalf of the Applicant reviewed with the Planning Board his letter dated May 14, 2015 and proposed site development plans entitled “Variance Plan of Land” and “Special Permit Plan of Land” dated May 12, 2015. Mr. Gamache provided an overview of the subject property, including ownership history.

Mr. Gamache described the changes to the application noting the site plan now shows two frontage lots that comply with zoning and a potential retreat lot off Quaker Street. Mr. Gamache noted during the Zoning Board review there were issues raised about curb cuts (driveways) and sightlines along Quaker Street. Mr. Gamache suggested the proposed lot layout has favorable sight distances (more than satisfies minimum requirements). Mr. Gamache asked the Board to make a finding in support of the re-application.

Mr. Massey asked Planning Board members for initial thoughts; Mr. Murray agreed with Mr. Gamache indicating that he feels the application is a significant change. Mr. Massey then opened up discussions to residents in attendance.

Arthur Masmanian of Quaker Street questioned why the total frontage changed from what appears on the town maps and what is shown on the plans presented to the town. Mr. Gamache indicated that the total frontage has not changed between the plans, noting the distribution of the frontage between the lots have varied depending upon the proposed layouts but the total frontage has not changed.

Mr. Gamache explained to Mr. Masmanian and others that the Assessors’ Maps are not always accurate; they are prepared to provide an illustration of plots of land in location for tax purposes. Mr. Gamache clarified that the total frontage along Quaker Street is 549-feet. Board members agreed with Mr. Gamache’s description of the accuracy of the Assessor maps.

Mr. Key asked Mr. Masmanian what his specific concern was relative to frontage; Mr. Masmanian felt there was not enough frontage along Quaker Street for the three (3) house lots. Mr. Gamache explained to the Board that the distance are the same on both plan and reviewed same with Mr. Masmanian. The Board

315 explained to Mr. Masmanian that the Assessors' Maps are not accurate and should not be used to determine
316 frontage of a particular plot of land; the Board looks to professional land surveyors to prepare a plan with
317 their surveyor stamp certifying the accuracy. Mr. Gamache noted that a lot goes into preparing a plot plan,
318 such as deed research, document research, etc. which is the responsibility of a Land Surveyor. Mr.
319 Masmanian suggested what if he got his own surveyor to proof otherwise; Mr. Gamache noted that he could
320 hire his own surveyor; however he would need to contact Mr. Gamache to review his work.

321
322 Mr. Massey sought additional comment from the public. Linda Dzicek of Quaker Street explained to the
323 Board that her property was at one time included in the proposed Apple Ridge Estates and disagreed with
324 the total acreage of the site and provided the Planning Board with some information.

325
326 David MacNeil of Quaker Street asked what the distance was between the houses proposed on lots from his
327 property (approximately 50-feet); Mr. McNeil noted concerns of existing granite and water run-off indicating
328 that he already has water in his basement. Mr. MacNeil indicated a concern of additional impacts with three
329 (3) additional homes and inquired about septic system installation (blasting). Mr. Bechtholdt explained that
330 the Fire Department issues Blasting Permits and depending upon the proximity from the blasting location a
331 pre-blast survey would be done; questions concerning the Blasting Permit and pre-blast surveys were
332 directed to the Fire Department.

333
334 Mr. Gamache indicated that the locations of the homes have not been finalized, locations may change based
335 upon site conditions, Title V and other factors. The building footprints shown on the layout plan are
336 conceptual and not finalized.

337
338 Mr. MacNeil also expressed concerns with the lack of town water within the area, suggesting the house on
339 the subject property that recently burned was a result of lack of water for fire protection.

340
341 Mark Ovia of Leland Road indicated that the plan references two Deeds, noting the total acreage as defined
342 in the two Deeds is different than what is shown on the plan (some 30+ acre difference). Mr. Ovia
343 questioned the ownership of some of the land in question and suggested the layout as shown on the plan
344 presented to the Planning Board was not ready for consideration.

345
346 Mr. Gamache explained that the same issues came up during the Zoning Board hearing suggesting they have
347 provided documentation to support the application (title report, etc.); Mr. Gamache explained as a Surveyor
348 he has researched the property and has viewed legal descriptions from as far back as 1805 & 1810 (have all
349 Deeds) through the town to the current Owner. Mr. Gamache explained the terminology in the Deeds is
350 something he has to interpret as a Land Surveyor. Mr. Gamache in referencing the plan noted the shape of
351 back property has been the same since 1810, what changed was the Town of Uxbridge and the Town of
352 Northbridge took the parcel for taxes; depending upon which side of the town line it was on; the part taken
353 by Northbridge was sold to a Mr. Smith who then sold it to his client's father some 50-years ago. Mr.
354 Gamache explained the other parcel is the land his client purchased at Auction from the town; it has a chain
355 of title clean to the brothers named Tyre, suggesting that's where they got the name Tyre Place, LLC. Mr.
356 Gamache reiterated that they have done the research and they actually were able to trace it back to 1810
357 right back to the town, from the town and to the current owner.

Mr. Gamache indicated surveying is what he does for a living; reminded the Planning Board the application and consideration before them regarding the repetitive application. The Zoning Board will also look at the application to determine if it is significantly different before they can act of the application.

Mr. MacNeil explained to the Planning Board that one of the reasons he bought his house was that the town map showed the abutting parcel as Upton State Forest.

Mr. Massey sought additional input and comment from the Planning Board; Mr. Key looked to the Board and Mr. Gamache for clarification on significant change; Mr. Gamache explained that the prior application was for 2 retreat lots (special permits) and 2 variances; the new application would be for 1 retreat lot. Having no additional comment the Board closed the public meeting.

Upon motion duly made (Murray) and seconded (Ferrara) the Planning Board voted (5-0) to consent to the application for reconsideration before the Zoning Board.

In making its decision the Planning Board determined information presented at the meeting and described to be specific and material changes that warrant reconsideration of the Zoning Board.

VI. PINE KNOLL, SENIOR LIVING DEVELOPMENT -CONT. PUBLIC HEARING
Special Permit (Modification) -§173-112(F)

Mr. Murray explained that he would recuse himself from the public hearing; Mr. Murray left the room and will not vote or participate on the mater. Chairman Massey acknowledged once again that Cindy Key, the Planning Board's Associate member will participate in the discussions and vote on the special permit modification.

Mr. Bechtholdt explained at the last meeting the Planning Board and Applicant were awaiting receipt of the third party appraisal(s) to assist in determining the difference between the market rate value and the affordable units. The Board reviewed appraisals prepared by Maria Hopkins Associates with Attorney Wickstrom and the Applicant, Odisefs Tsimogiannis. The appraisals for each of the three (3) units; 15 Hemlock Street, 25 Spruce Street & 49 Spruce Street is \$262,000.00.

The Planning Board acknowledged receipt of letter dated May 26, 2015; Attorney Wickstrom reviewed the letter with the Board which aimed to assist in how to go about arriving at a number for the amount to be provided in lieu of the affordable units and how they come up with the \$70,000.00 figure.

Mr. Massey asked Planning Board members for comment; Mrs. Key asked if the units were currently rented (2 currently empty and 1 occupied), noting the carrying costs (insurance, condo fees, utilities, etc.) for the units would remain whether or not the units were affordable or not.

Mr. Key stated the challenge with presenting numbers is that it's really easy to dive deep into the numbers and the analytics; he would rather not but if needed will. Mr. Key noted that the Planning memorandum dated April 07, 2015 provided to the Planning Board said the Owner/Applicant suggested the Board allow for the first \$160,000 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. Key thought that seemed pretty simple; when the Board met the

first time it sounded really good, but it's become way more complex than that and Mr. Key would like to see something much simpler. Mr. Key suggested if you want to number dive suggest use a cost basis of \$495,000 I think the real cost basis is more like \$450,000 based on what is recorded (based on the purchase price). Mr. Wickstrom noted there was more to the sale than just the units and included a promissory note, etc. Mr. Key understood and did not want to get into that. Mr. Key explained the premise he was going on is there is probably some delta between the numbers; the starting point is the appraisal which is the \$262,000 and the \$165,000 where the net balance of the proceeds would go to the town; if we do that then the number is significantly different than the \$70,000 offered. Mr. Key understands what their starting point is; the question is how we get to the middle.

Mr. Wickstrom agreed with Mr. Key's summations and noted that after the first meeting he and his client decided rather than assume the risks of how long before the units sell and other associated situations they wanted to reconsider and offer a lump sum to simplify and expedite things. They figured it would be easier to give the town funds upfront prior to the sale. Mr. Key understood, agreeing that was the right way to approach it. Mr. Key indicated, however he was not comfortable with the number suggested (\$70,000). Mr. Key noted he was sure what the number is and would like to hear from other Board members.

Mr. Wickstrom clarified the process of the lottery for the affordable units. Mrs. Ferrara questioned why have the appraisals if they are not to be considered. Mr. Massey sees the value in having the appraisals.

Mr. Wickstrom noted that the Owner is willing to wait and see what the market is based upon the sale price of a similar unit currently on the market. Board members did not feel it was their position to set the sale price nor did they want to track the sale price of units to determine an amount for the town.

Mr. Bechtholdt suggested the easiest would be to arrive at a number and have the Owner provide the town with a lump sum. Mr. Bechtholdt noted there are three (3) units and all but one has an occupancy.

Mr. Massey opened discussions with residents in attendance. Mike Hendrikse of Spruce Street stated he was happy with the appraisals, however remains concerned that once the affordables are converted to market rate there is nothing in place to prevent the Owner from selling low which would impact the value of his home. Mrs. Key and other Board members noted that there are no restrictions now if he wanted to sell low, the Board cannot set the sale price. Mr. Hendrikse felt the Board could and has an obligation to make sure he does not give the units away.

Having no additional comments from the residents Mr. Massey looked to the Board for more questions and input. Mr. Massey agreed with Mr. Key suggesting the \$70,000 is too low and shared concerns of protecting residents so the units are not sold low.

Mr. Hendrikse, noting he would like to see the units sold and have homeowners in them suggested to put a minimum on the sale price of the units; Mr. Hendrikse asked the Board not to relieve them of the affordable units unless the Owner agrees to set a minimum sale price for the units. Mrs. Key and other Board members felt they could not set the sale price.

Mr. Key suggested the \$70,000 per unit may be the number based upon the figures and calculations presented; Mr. Wickstrom expressed concerns with the amount of risk assumed by the Owner and

questioned who would put out that amount of money, best case scenario with the costs already associated with the purchase price of the units, etc. Mr. Bechtholdt reminded Mr. Wickstrom that the Owner assumed the risks when he purchased the properties; Mr. Key agreed.

Mr. Key noted the intention here is not to get squeezed on the side but to be fair and find some middle ground. Mr. Massey agreed that the \$70,000 was too low. Mr. Key noted that we have a little bit more to go on with the appraisals in hand; Mr. Wickstrom agreed however expressed apprehension noting there has not been a market rate unit sale in over 3-years and concern with setting an agreed upon number (in lieu of) not knowing what the sale price of the 3-units will be.

Attorney Wickstrom, after consultation with the Owner/Applicant, asked the Board to continue the hearing, suggesting the \$210k was a good starting point. Mr. Key noted the starting point was \$262k (appraisal) suggesting a good ending point would be the \$210,000 amount, noting unless there is specific reason to consider that that is not a good number. Attorney Wickstrom had some skepticism that that number would work.

Upon motion duly made (Key) and seconded (Key) the Planning Board voted (5-0) to continue the public hearing to Tuesday, June 23 2015 at 7:55PM.

Mr. Murray returned to the Planning Board meeting.

OLD / NEW BUSINESS

Approval of Meeting Minutes –April 28, 2015 & May 12, 2015

Planning Board tabled action.

Economic Development Strategies & Opportunities –Discussion

Mr. Bechtholdt noted that he has been meeting with the Town Manager and Mr. Murray on economic development strategies and opportunities in town and suggested the Board may look to host a workshop in the upcoming months (after summer) to discussion potential rezoning of properties. Mr. Bechtholdt noted receipt of letter dated May 18, 2015 from Don Virostek of Reservoir Properties Realty Corporation concerning consideration to rezone property located at 674 Church Street to Business.

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

Mr. Bechtholdt read email communication from Town Counsel (provided to the Planning Board) concerning the Hold Harmless and Indemnification Agreement: “Confirming our telephone conversation this afternoon – the indemnification document does not, in my view, need to be recorded at the Registry of Deeds. As the description in your e-mail of April 15 indicates, it can be the case that the Registry will refuse to accept for recording certain documents. In this instance, we have the written undertaking of the landowner in question and this can serve as the operative document. As Public Works Director Shuris noted in his e-mail of April 8, a copy of the document should be provided to relevant Town departments so that all are aware of the existence of the indemnification agreement. As discussed, please confirm that the Town is holding the original signed document. (Mr. Massey’s Attorney, Tom Wickstrom, has informed me that is the case.) If for some reason the present arrangement proves unsatisfactory, we can revisit the subject in the future. Please contact me if you have any further questions. David J. Doneski, Esq. Kopelman and Paige, P.C.” Mr. Murray

questioned why it was not to be recorded; Mr. Bechtholdt noted that we asked Town Counsel after Mr. Massey attempted to record the Indemnification Agreement on multiple occasions, as to whether or not that type of document could be recorded. Mr. Murray noted that he would like the Planning Board to hold-off on this as he is awaiting a response from the Registry of Deeds (Mrs. Fattman). Mr. Murray noted that he was fine with the language of the Indemnification Agreement but felt it should be recorded with the Registry of Deeds which was part of the decision. Mr. Murray explained until he hears something different he thinks the Board should not act. Mr. Key understood somewhat where Mr. Murray was coming from however did not understand if the Board has notification from Town Counsel advising them (the Board) of a path which holds the town harmless, isn't that what we were looking for? Mr. Murray disagreed suggesting the Board was looking to 2 things: the holds harmless and to have something that traveled with the property if it were sold so people were aware they are responsible for the wall. Mr. Key questioned if that was the Board's responsibility to see that the homeowner identifies and carries out his or her responsible to notify someone of something on the property. Mr. Murray felt yes because it's a private road; it is not a road that has been accepted by the town. Mr. Key feels the Board continues to go at the same thing; Mr. Murray agreed suggesting if it was done properly at the beginning we would not be doing this a year and a half later. Mr. Key stated there was no properly; when Mr. Massey sat before this Board, before joining this Planning Board there was no properly; he was the test case. Mr. Key agrees the Board needs to get it right; not for Mr. Massey but for the other instances there may be; there needs to be some process in place but does not understand why this Board is the place to determine that process when in his view point it's a legal matter. Mr. Murray suggested it is because we (the Board) represent the town and there is a problem with that being within the town-owned right-of-way. Mr. Key suggested the Board is the filter for it but is bothered that it's still on the agenda and the animosity it creates on the Board. Mr. Murray suggested if it was taken care of from the beginning, suggesting the Board go back and look at the emails; we were told on numerous occasions (go back to the minutes) it was going to be recorded, it was working to be recorded, it was working with the language, it was going to be recorded, it was going to be recorded, it is on the lawyer's desk to be recorded; nobody ever said anything then all of sudden it could not be recorded. Mr. Key asked how the Board can put this to bed; Mr. Murray suggested you can put it to bed and he will follow-up on his own. Mr. Key did not feel that was healthy for the make-up of the Board and our ability to work together; it needs to be open and transparent and that's how it's started open and transparent. Mr. Key suggested there was some bravery in bringing it up; Mr. Murray corrected, noting it was mentioned during a walkthrough of the subdivision. Mr. Massey asked by whom; Mr. Murray responded by his son. Mr. Massey asked Mr. Murray if his son put in an irrigation system; to which Mr. Murray responded yes he did. Mr. Massey asked Mr. Murray if it is in the right-of-way; Mr. Murray was not sure. Mr. Massey stated that it was. Mr. Murray suggested that Mr. Massey contact Driscoll who installed it or call Christopher his son. Mr. Massey indicated that was not his job; adding what he was trying to say is when the original opinion came back from Town Counsel it said Indemnification, nowhere did it say it had to be filed at the Registry of Deeds. Mr. Massey added according to Town Counsel and his attorney he is required by law to disclose the Indemnification Agreement that is filed with the Town of Northbridge. The Highway Department is responsible for all Indemnification Agreements and right of ways. They maintain all Indemnification Agreements and right-of-ways for this town; so when they do land taking like Sutton Street (roadway improvement project), etc. a lawyer goes down and has everyone sign an Indemnification Agreement to keep on file with the Highway Department. Those go with the life of the property, with every homeowner that has an Indemnification Agreement, and you can ask Mr. Shuris (DPW Director) who has approved it a number of times now; it is up to me to disclose this; I could be prosecuted because it is on file with the town. Mr. Massey agrees with the emails Mr. Murray cited earlier, (not denying them) noting that he was doing and acting on what he was

being told. Mr. Massey has been to the Registry of Deeds twice now and was told they don't do it. Mr. Massey feels he has followed the rules and its good; he has done everything that he can at this point and looked the Planning Board to take a vote to approve the Indemnification Agreement, suggesting moving forward with other properties they need to be consistent and ask everybody to file these with the Registry of Deeds (which he thinks is totally wrong to every homeowner when we are already liable to the town anyway); there are hundreds if not thousands of violations. Mr. Massey suggested that it was great he was the test case and feels he has been more than respectful of the town and this Board to do everything within his power; but at this point there is nothing more he can do. Mr. Massey agrees with Mr. Key that he is tired of it, has done everything he can, has been more than fair and it needs to be put to bed; for the sake of this Board and the town. Mr. Massey suggested moving forward the Board use this policy for every violation; they file an Indemnification Agreement with the town. Mr. Bechtholdt clarified that it's a DPW town policy not a Planning Board policy; suggesting the only reason it came before the Planning Board is because in this instance it's on a private way that has the potential to be a public way; he wanted to make sure it was addressed. Mr. Bechtholdt suggested moving forward if there are similar issues on private roads that may be a subdivision the Board needs to look to DPW, if it's a public road it's the DPW, really a separate matter from the Planning Board. The DPW deals with the (public) right-of-way. Mr. Massey agreed, noting that DPW runs these and owns them and keeps track of them and has offered to put his Indemnification Agreement on file with every department, noting again that he is required by law to disclose this which he has no problem doing so. Mr. Massey stated, as a homeowner and citizen of the town, moving forward if this is the process we need to make it easier for the homeowners and what makes sense for the town; and if the policy has always been to keep them on file with the town then that's what we should be doing. Mr. Bechtholdt indicated that he would file the Indemnification Agreement with DPW and the other town departments.

Subdivision/Site Developments –Status/Update(s)

Mr. Bechtholdt explained to the Planning Board that he has invited the following developers to the next scheduled meeting to provide the Board with a status report and update: J&F Marinella Development (Hemlock Estates and the Camelot subdivision), Steve Venicassa (Shining Rock Golf Community), John Barges (Hillside Garden Estates), and Mujeeb Ahmed (Carpenter Estates). Mr. Bechtholdt confirmed with Mr. Murray that a follow-up construction meeting was held last week for Carpenter Estates (looking to revise wetland crossing).

Leonardo Estates –Development Status/Update

Joseph Leonardo, Developer of Leonardo Estates (Terreno Realty, LLC) reviewed with the Planning Board the status of the subdivision development located off Highland Street (and Benson Road); reference is made to status report dated May 21, 2015 prepared by Joseph Leonardo (distributed to the Planning Board). Mr. Leonardo provided an overview on the status onsite (erosion control, basin, etc.) and activity within Highland Street and Benson Road (delayed due to ledge and coordination with NGrid to hold one of the existing poles during excavation). Mr. Leonardo noted that he has been coordinating the offsite roadwork (Benson/Highland) with the DPW Director, James Shuris and plans to coordinate with the Board's consulting engineer (JH Engineering Group) with the subdivision construction. Mr. Leonardo confirmed for the Town Planner that he has a Road Opening Permit with the town (DPW) and has posted the necessary bonding. Mr. Bechtholdt confirmed with Mr. Leonardo that the water company and the sewer department has overseen and inspected the work within Highland Street and Benson Road; Mr. Leonardo noted that the water company has been out a number of times and that Mr. Shuris and Mr. Luchini drive up every day. Mr.

Leonardo noted that he himself is not up there every day but has seen the Sewer Superintendent (Mark Kuras) there as well. Mr. Bechtholdt reminded the Board that the slope (grade) of the gravity line was very slight and questioned if inspections have been done to make sure the sewer line is installed correctly; Mr. Leonardo noted that they have taken elevations (manhole-to-manhole) to confirm slopes. Mr. Bechtholdt informed the Board that the Planning office hosted a pre-construction meeting attended by the Developer, DPW, JH Engineering Group, and Mr. Murray to review project schedule and confirm who would be responsible for what inspections; DPW Director understands that the water company, the highway and the sewer (DPW) are responsible for the review and inspection of the improvements being made on Benson Road and Highland Street; they may forward their correspondence to the consulting engineer (JH Engineering Group) to keep them in the loop but they (DPW & water company) understand they are responsible for the review and oversight of the work associated within Benson Road and Highland Street. JH Engineering will do the review for the subdivision, the water company (Whitinsville Water Company) will review the water installation, and the Sewer superintendent will review the sewer installation; with correspondence or items of concern provided to JH Engineering Group (for reporting and bonding). Mr. Bechtholdt noted that he has had this discussion on a number of occasions and everyone should be on the same page as far as who is inspecting what and who is responsible for what. Mr. Leonardo confirmed for the Board that installation of the sewer laterals to the existing house lots are being done, noting one of the laterals at the corner (Benson/Highland) will be done once additional work is completed to address the necessary crossing of the waterline at that location. Mr. Bechtholdt asked Mr. Leonardo if he has coordinated with the property owners; Mr. Leonardo confirmed, suggesting all are very engaged. Nothing has changed with the laterals. Bruce Caissie of Benson Road expressed concerns with traffic patterns due to construction. Mr. Murray welcomed Mr. Caissie to visit Sutton Street (also under construction). Mr. Leonardo hopes to be off Highland and Benson within the next few weeks. The Planning Board thanked Mr. Leonardo for attending the meeting.

Farnum Circle –Price Proposals (Scenario 1)

Mr. Bechtholdt provided the Planning Board with a copy of the Request of Services, soliciting for the scope of services discussed previously along with a copy of the distribution list. Mr. Bechtholdt noted that he has scheduled a site walk scheduled for May 27, 2015 (10AM) and will review with the Planning Board responses received at its meeting of June 09, 2015. Mr. Bechtholdt explained that the Request for Services was identified as Scenario 1, in the event no price proposals are received or the Board looks to modify the scope upon input from the homeowners and others. Mr. Bechtholdt suggested if the Board is unable to select a contractor for Scenario 1 at its meeting of June 09, 2015 the Board should be prepared to have discussion concerning modify the scope of work, which may or may not include the underground utilities. Mr. Bechtholdt informed the Board that he has notified and invited the homeowners to the June 09, 2015 Planning Board meeting.

Green Meadow Court –Status/Update

Tabled –no discussion.

Mail –Review

In addition to the mail listed (-see attached) the Planning Board noted receipt of the following communications: May 26, 2015 Agenda; Draft Agendas for June 9, 2015, June 23, 2015, July 14, 2015, and July 28, 2015; Public Hearing Notice for Presidential Farms, Inc. Modification Request with regards to the walking trail and bike path; Letter dated May 6, 2015 to Residents from Presidential Farms (Brossi Realty)

629 concerning modification to Presidential Farms walking trail and bike path; Letter dated March 30, 2015 to
630 Planning Board from Guerriere & Halnon, Inc. concerning Presidential Farms Walking Trail and Bike Path;
631 Earthworks Site Development & Utilities, Inc. Estimate dated April 7, 2015 for the construction of walking
632 path(s) and bike trail(s) at Presidential Farms; Proposed Recreation Area Plan for Presidential Farms dated
633 May 24, 2000; Memo dated May 19, 2015 to Planning Board from Town Planner regarding Presidential
634 Farms walking trail and bike path modification; Minutes of March 24, 2015 page 4; Memo dated February 7,
635 2013 to Planning Board from Town Planner regarding Presidential Farms; Earthworks Site Development &
636 Utilities, Inc. Estimate dated January 23, 2015 for construction of walking path(s) at Presidential Farms;
637 Earthworks Site Development & Utilities, Inc. Proposal dated April 23, 2013 for Presidential Farms Walking
638 Paths and Bike Paths; Email dated May 21, 2015 to Town Planner with a cc to Town Manager & Planning
639 Board Chair from Kopelman & Paige (Town Counsel) regarding Pine Knoll Donation of Funds and Presidential
640 Farms Donation of Funds; Draft Agreement for Donation of Funds to the Town of Northbridge; Notice of
641 Public Meeting for repetitive application of Tyre Place, LLC for property located at 2094 Quaker Street; Letter
642 dated May 14, 2015 to Planning Board from Guerriere & Halnon, Inc. regarding Quaker Street Property
643 Owned by Tyre Place, LLC; Special Permit Plan of Land of Quaker Street; Variance of Plan of Land for Quaker
644 Street; Memo dated May 14, 2015 to Planning Board from Town Planner regarding 2094 Quaker Street
645 Repetitive Application; MGL Chapter 40A (Zoning), Section 16 (Final unfavorable decision by permit granting
646 authorities, reconsideration, withdrawal of petitions for variance or applications for special permit); Zoning
647 Board of Appeals (ZBA) Meeting Minutes of March 12, 2015; Zoning Board of Appeals Decision (14-SP-2014)
648 for Special Permit brought by Tyre Place, LLC regarding property at 2094 Quaker Street; ZBA Notice of
649 Decision on Special Permit Application for 2094 Quaker Street; ZBA Decision (15-SP-2014) for Special Permit
650 brought by Tyre Place, LLC regarding property at 2094 Quaker Street; Notice of Decision on Variance Petition
651 (16-V-2014) for Tyre Place, LLC concerning Parcel 2; ZBA Decision for Variance (16-V-2014) brought by Tyre
652 Place, LLC regarding 2094 Quaker Street; ZBA Notice of Decision on Variance Petition (17-V-2014) for Tyre
653 Place regarding Parcel 3; ZBA Decision for Variance (17-V-2014) brought by Tyre Place, LLC for 2094 Quaker
654 Street; ZBA Notice of Decision on Special Permit Application (14-SP-2014) of Tyre Place for 2094 Quaker
655 Street; Letter dated March 25, 2015 to Town Clerk with cc: to Owner/Applicant from Town Planner
656 concerning Pine Knoll Senior Living Development Continued Public Hearing of Special Permit Modification –
657 Affordable Units; Memo dated April 7, 2015 to Planning Board with cc: to Owner / applicant and Building
658 Department from Town Planner regarding Pine Knoll Senior Living Development Special Permit (Modification
659 of) - Removal of affordability restriction; Email dated May 21, 2015 to Town Planner with cc: to Town
660 Manager and Planning Board Chair from Town Counsel regarding Pine Knoll Donation of Funds and
661 Presidential Farms Donation of Funds; Agreement for Donation of Funds to the Town of Northbridge; Email
662 dated May 15, 2015 to Town Manager, Lane & Hamer, VE Properties, Chamber of Commerce, Friendly
663 Discount Liquors, Hill Street Nominee Trust, Realtors Marty Green and Ed Renaud, Planning Chair with a cc:
664 to Executive Assistant to Town Manager, Planning Administrative Assistant from Town Planner regarding
665 Economic Development – Strategies and Opportunities; Letter dated May 21, 2015 to J & F Marinella
666 Development Corp from Planning Administrative Assistant regarding Hemlock Estates status and
667 construction schedule; Letter dated May 21, 2015 to J & F Marinella Development Corp. from Planning
668 Administrative Assistant concerning The Camelot status and construction schedule; Letter dated May 21,
669 2015 to Shining Rock Developers from Planning Administrative Assistant concerning Shining Rock Golf
670 Community (Fairway Drive / Shining Rock Drive) status and construction schedule; Letter dated May 21, 2015
671 to Hillside Garden Estates LLC from Planning Administrative Assistant concerning Hillside Garden Estates
672 status and construction schedule; Letter dated May 21, 2015 to Mujeeb Construction Company from
673 Planning Administrative Assistant concerning Carpenter Estates status and construction schedule; Email

dated May 19, 2015 to Town Planner from DPW Sewer Superintendent regarding the Camelot Sewer; Request for Services (Construction) Price Proposals – Scenario 1 dated May 13, 2015 for Farnum Circle; Email dated May 15, 2015 to Mujeeb Construction Company and Quarry Hill Excavating with a cc: to DPW Director, DPW Highway Superintendent, JH Engineering, Building Inspector, Planning Administrative Assistant and Planning Board Chair regarding Carpenter Estates Construction Meeting; Email dated May 14, 2015 to DPW Director, DPW Highway Superintendent, DPW Sewer Superintendent with a cc: to Planning Board Chair, JH Engineering, & Planning Administrative Assistant concerning Leonardo Estates Water and Sewer Installation (Benson Road and Highland Street); Planning Grant Briefing Flyer; Road Work 2015 Season; Planning Board 2015 Schedule of Planning Board Meetings.

Other

Mr. Bechtholdt advised the Board that he has contacted the Sewer Superintendent requesting input on the status of the offsite sewer improvements associated with Leonardo Estates and updates for Camelot and Hemlock Estates. Mr. Bechtholdt mentioned that according to the Sewer Superintendent he is not aware of any issues within Camelot; lines have been inspected. Mr. Bechtholdt provided the Planning Board with a copy of DPW's 2015 Roadwork list; Mr. Bechtholdt mentioned that it was nice to see the town has the funds to repair and improve the town roads, noting he sat in on a pre-construction meeting last week. Mr. Bechtholdt noted that Mr. Murray had asked him prior to the meeting when the Douglas Road appeal was to be heard; Mr. Bechtholdt indicated that the Zoning Board of Appeals has scheduled its hearing for June 11, 2015 (noting the Board continue its review to June 23, 2015). The Planning Board briefly reviewed its agenda for June 23, 2015, Mr. Bechtholdt indicated that he could change the date/time for the Subdivision Rules & Regulations amendment. Mr. Bechtholdt mentioned that he was contacted by Chip Rogers for Woonsocket Glass Manufacturing (369 Douglas Road) and has since met onsite with Mr. Rogers and the Building Inspector regarding the placement of additional boulders and rip-rap along the site driveway; Planning Board reviewed letter and illustration provided. The Board determined based upon the scope of work no additional action of the Planning Board would be required; a correspondence indicating such will be provided to the Building Inspector, Conservation Commission and included in the Planning Board file.

ADJOURNMENT

Having no additional business the Planning Board adjourned its meeting of Tuesday, May 26, 2015 at or about 9:55 PM.

Respectfully submitted,

Approved by the Planning Board –

R. Gary Bechtholdt II
Town Planner

Cc: Town Clerk