



NORTHBRIDGE PLANNING BOARD

MINUTES

Tuesday, March 08, 2011



Janet Dolber, Chair called the meeting to order at 7:00 PM. Barbara Gaudette, Edward Palmer, Richard Griggs and Kevin Curtin were in attendance. R. Gary Bechtholdt II, Town Planner was also present.

The following members of the public were also in attendance: Mary Arakelian; Susan H.; Sue Green; Roy Uthoff; Marylyn MacIlvane; Randy Swigor; and Cindy Key.

I. CITIZENS FORUM

Prior to seeking public comment Ms. Dolber explained that the street acceptance for Shining Rock Golf will not be consider for the Spring Town Meeting, as there are a number of items that still need to be addressed before the Planning Board will consider.

Sue Green expressed concern of Shining Rock Golf Community -(Clubhouse Lane) driveway damage sinking and cracking and also noted the concrete apron(s) are too steep.

Marylyn MacIlvane reiterated her concerns of lack of responsibility on the part of the developer (Norwood Bank) to address the issue relative to tire damage sustained when her husband drove vehicle into driveway, when the sidewalks along Clubhouse Lane were being re-poured (exposed rebar).

II. ANR PLAN –REVIEW/DECISION

None

III. (7:05 PM) ZONING AMENDMENT -PUBLIC HEARING

Zoning Bylaws Section 173-4 [Establishment of Zoning Map]

Residential –Three (R-3) to Business –One (B-1) / Assessor Map 14 Parcel(s) 57, 56 and 55

Ms. Dolber confirmed that the legal and public notice requirements were satisfied. Ms. Dolber read the public hearing notice to consider zoning amendment article for the 2011 Spring Annual Town Meeting to amend the Town of Northbridge Zoning Bylaw Section 173-4 [Establishment of Zoning Map] by expanding the Business –One (B-1) Zoning District to include the following parcels designated as Assessors Map 14 Parcel(s) 57, 56 & 55. Said properties are located on Church Street within the vicinity of Plummer’s Corner (Providence Road / Church Street and are currently zoned Residential –Three (R-3); upon motion duly made (Griggs) and seconded (Curtin) the Planning Board opened the public hearing.

Mr. Bechtholdt explained the intent of the zoning amendment is to change the zoning designation of three parcels on Church Street; Assessor Map 14 Parcel(s) 57, 56 and 55 from Residential to Business.

Mr. Bechtholdt thanked Mary Arakelian (owner of Varky’s Cleaners) for coming to the Planning Board meeting and reminded the Board that Ms. Arakelian; sometime last fall (November 2010) approached the town concerning the zoning/land-use status of Varky’s Cleaners.

Mr. Bechtholdt explained through discussions with the Building Inspector and review of the subject property file; the current use (drycleaners), which has been the land-use for nearly 40-plus years may be

considered pre-existing non-conforming in that the underlying zoning district (Residential –Three) does not allow such use (dry cleaning).

Mr. Bechtholdt briefly reviewed a memorandum he prepared (December 09, 2010) which notes back in 1976, Mr. Varkis Arakelian petitioned the Zoning Board to allow for a residential dwelling unit on the upper-story of the building and permission to extend an existing 30” pipe 100-feet. In the decision 13-V-76, the Zoning Board of Appeals granted such request; however the property may have been classified in error as a Business –One (B-1) zone. The residential component was never acted on. According to the Building Inspector the current use as a drycleaners may continue within the residential zone, however no-change in use (another business use) would be permitted.

Mr. Bechtholdt briefly reviewed that the Planning Board, in an effort to clear-up the land-use and property zoning designation agreed to work with Ms. Arakelian in changing the zone from R-3 to B-1. The zoning amendment includes changing the zoning of three (3) properties; two of which Ms. Arakelian owns, the third property owner, Eileen Poulin was notified prior to this public hearing and in advance of the Boards formal considerations. Mr. Bechtholdt concluded by referring the Planning Board to color hand-out that the Planning office prepared illustrating the existing zoning within the area, as well as the Assessor Map parcels and aerial-photo of the subject properties.

Ms. Arakelian inquired what would become of the decision issued by the Zoning Board and if her property would be permitted and allowed to change from a drycleaners. Ms. Gaudette mentioned that the variance issued would remain as it runs with the property however after the zone change the variance would no longer be necessary. Mr. Bechtholdt added that Ms. Arakelian may want to talk with the Building Inspector to confirm, but agreed with Ms. Gaudette’s summation.

Ms. Dolber opened discussion with members of the public in the audience; Cindy Key inquired about the property and proximity to the Business zone. Ms. Gaudette explained that three (3) properties are under consideration, changing the zoning from residential to business makes sense as it would be consistent with adjacent properties.

Upon seeking input from the public; hearing none and seeing no need to continue the hearing, the Planning Board upon motion duly made (Gaudette) and seconded (Griggs) voted (5-0) to close the public hearing.

Upon motion duly made (Gaudette) and seconded (Curtin) the Planning Board voted (5-0) to recommend zoning article to amend the Town of Northbridge Zoning Bylaw Section 173-4 [Establishment of Zoning Map] by expanding the Business –One (B-1) Zoning District to include the following parcels designated as Assessors Map 14 Parcel(s) 57, 56 & 55.

IV. (7:15PM) ZONING AMENDMENT -PUBLIC HEARING

Section 173-12 Table of Use Regulations / Water Filter Plant

Ms. Dolber confirmed that the legal and public notice requirements were satisfied. Ms. Dolber read the public hearing notice to consider zoning amendment article for the 2011 Spring Annual Town Meeting to amend the Town of Northbridge Zoning Bylaw Section 173-12 [Table of Use Regulations] by allowing “water filter plant” within the Residential, Business and Industrial Zones By-Right (P) and in the Heritage Zone via

Special Permit (S). The intent of this amendment is to allow water filter plant facilities to be constructed in all zones whereas currently such facilities may only be permitted in the Industrial zones; upon motion duly made and seconded the Planning Board opened the public hearing.

Mr. Bechtholdt advised the Planning Board that Randy Swigor, General Manager for the Whitinsville Water Company was in attendance to review the zoning amendment article and what the Water Company is looking to do to address the iron content in one of its wells.

Mr. Swigor reviewed with the Board his letter of March 01, 2011 which describes the intent of the zoning amendment is to allow water filter plant facilities to be constructed in all zones whereas currently such facilities may only be in the Industrial zones. Mr. Swigor noted, in effort to address the iron/water content from the Carr St wells the Whitinsville Water Company is considering installing a water filter plant on Purgatory Road. The current zoning however does not allow such facility to be cited within the underlying zone (Residential -One).

Mr. Swigor continued noting that the wellfield located on Carr Street in Northbridge has historically had elevated levels of iron and manganese. While not posing a health concern, these minerals do create aesthetic issues within the system. In order to address these issues, the company has retained a consultant to conduct a preliminary treatment evaluation and cost opinion. The goal is to explore treatment options for this water supply and associated costs. In the initial stages of the study, the consultant has identified two potential locations for a treatment facility. One of which is a parcel of property owned by the water company located on Goldthwaite Road near Purgatory Road. The preliminary intent is to erect a single modestly sized building; approximately 40'x40' which will house the necessary filter facilities. The goal will be to remove the iron and manganese levels in the water to near undetectable levels thereby improving the aesthetic qualities of the drinking water. Once the consultant completes the study, the company will know if the locations will be viable for a facility and anticipated costs.

Ms. Gaudette asked about other areas in town, noting she was contacted by owners within the Brendon Woods subdivision off Sutton Street and Kelly Road expressing concerns of discoloration and odor. Mr. Swigor suggested that the property owner should contact the Water Company and they will look into, noting that he was not aware of concerns within this particular part of town. Mr. Swigor noted address the concerns at the Carr Street Wellfield would significantly improve the situation, adding that there are still a number of old pipe throughout the system in Northbridge, this too may cause some discolorations.

After some general discussion relative to the potential siting of a water filter plant on Purgatory/Goldthwaite Rd and upon seeking additional input from the general public; having none the Planning Board upon motion (Gaudette) and seconded (Griggs) voted (5-0) to close the public hearing.

Upon motion duly made (Palmer) and seconded (Gaudette) the Planning Board voted (5-0) to recommend zoning article to amend the Town of Northbridge Zoning Bylaw Section 173-12 [Table of Use Regulations] by allowing "water filter plant" within the Residential, Business and Industrial Zones By-Right (P) and in the Heritage Zone via Special Permit (S).

In taking such action the Planning Board noted amending this zoning provision would allow the Whitinsville Water Company to construct a water filter plant within the vicinity of the Carr Street Wellfield which will

help address the elevated levels of iron and manganese in town. The subject property is located within a residential zone, where currently such use (water filter plant) is not permitted.

V. (7:30PM) ZONING AMENDMENT -PUBLIC HEARING

Section 173-18 [Floodway and Floodplain District] / FEMA's Flood Insurance Rate Map Update

Ms. Dolber confirmed that the legal and public notice requirements were satisfied. Ms. Dolber read the public hearing notice to consider zoning amendment article for the 2011 Spring Annual Town Meeting to amend the Town of Northbridge Zoning Bylaw Section 173-18 [Floodway and Floodplain District] by (1) updating the District Delineation [§173-18 B1-B2], (2) removing reference to Zones A1-A30, (3) amending the Base Flood Elevation and Floodway Data [§173-18 E], and (4) updating the Notification of Watercourse Alteration (addresses) [§173-18 G]; upon motion duly made and seconded the Planning Board opened the public hearing.

Mr. Bechtholdt reviewed with the Planning Board the Massachusetts Department of Conservation & Recreation's Flood Management Program, where back in April 2009, in partnership with the Federal Emergency Management Agency, Northbridge was provided with preliminary copies of the Flood Insurance Study/FIS Report and Flood Insurance Rate Map/FIRM as part of what is known as the Flood Map Modernization in Massachusetts. Mr. Bechtholdt indicated that he has spoken with a number of property owners over the past several weeks concerning this amendment and they understand that the purpose of the zoning article is simply to reference the updated FEMA panels to remain eligible under the Flood Hazard Management Program.

Mr. Bechtholdt added, in communication with Christopher Markesich of the Flood Hazard Management Program, FEMA recently notified the town that the final Flood Elevation determinations were completed for Northbridge, which includes new Base Flood Elevations /BFEs. Mr. Bechtholdt indicated, as a result of this action, Northbridge is required to satisfy certain additional requirements pursuant to Section 1361 of the National Flood Insurance Act of 1968 within six (6) months. Accordingly, prior to July 04, 2011 Northbridge is required, as a condition of continued eligibility in the National Flood Insurance Program, to adopt or show evidence of adoption of floodplain management regulations that meet the standards of the National Flood Insurance Program. The Planning office has been communicating with Mr. Markesich of the Flood Hazard Management Program who is assisting communities in updating local bylaw and ordinances to help ensure they remain compliant with the provisions of the NFIP. Mr. Bechtholdt added that a copy of the FEMA notification should also be forwarded to Town Counsel for your review and input on additional action, if so required of the town to remain eligible.

Mr. Bechtholdt advised the Planning Board that the town is now in receipt (March 01, 2011) of the Flood Insurance Study (FIS) materials for Worcester County prepared by the Department of Homeland Security's Federal Emergency Management Agency (FEMA). These materials include the Flood Insurance Rate Map (FIRM) panels, FIRM map index and the FIS Report (volumes 1 – 5) received from Luis Rodriguez, PE Chief, Engineering Management Branch –Federal Insurance and Mitigation Administration (-FEMA office).

Mr. Bechtholdt briefly reviewed with the Planning Board amendment(s) to Section 173-18 [Floodway and Floodplain Districts] which includes: revising language to reflect countywide mapping format; deleting reference to Zone A1 – A30; and updating the notification addresses. Mr. Bechtholdt added, that the

Planning office is currently in possession of the updated Flood Insurance Rate Maps for Northbridge and upon formal acceptance at Town Meeting the map panels, as well as the FIS reports will be provided to and maintained within the Building Department.

Ms. Dolber opened discussion to members of the public in the audience; Cindy Key inquired about land reclamation and what happens if land was not previously designated is flooded. Mr. Bechtholdt suggested particular questions are better suited for FEMA and suggested that he would try to contact them, noting that Mr. Markesich, who has been a tremendous resource for the Planning office for this initiative, is no longer with Flood Hazard Management Program. Ms. Cindy noted that she was familiar with instances in other parts of the country (Texas & South Carolina) where properties were lost and structures were not able to be rebuilt.

Upon seeking additional input from the general public; having none the Planning Board upon motion (Gaudette) and seconded (Griggs) voted (5-0) to close the public hearing.

Upon motion duly made (Palmer) and seconded (Gaudette) the Planning Board voted (5-0) to recommend zoning article to amend the Northbridge Zoning Bylaw Section 173-18 [Floodway and Floodplain District] by (1) updating the District Delineation [§173-18 B1-B2], (2) removing reference to Zones A1-A30, (3) amending the Base Flood Elevation and Floodway Data [§173-18 E], and (4) updating the Notification of Watercourse Alteration (addresses) [§173-18 G] as detailed in the warrant article.

In taking such action the Planning Board noted, in order for Northbridge to remain eligible under the National Flood Insurance Program; Section 173-18 [Floodway and Floodplain District] of the town's zoning bylaws must be amended accordingly within 6-months of the effective date (July 04, 2011) of the new (updated) Flood Insurance Rate Maps.

OLD/NEW BUSINESS

Minutes –February 22, 2011

Upon motion duly made (Palmer) and seconded (Curtin) the Planning Board voted (4-0-1 [Gaudette abstained]) to APPROVE the meeting minutes of February 22, 2011.

Housing Production Plan Public Workshop

The Planning Board decided to hold-off on the public workshop until after the Spring Annual Town Meeting and rescheduled workshop for Tuesday, May 24th at 6PM in the Planning office of the Aldrich School –Town Hall Annex (14 Hill Street).

43D Expedited Permitting (Northbridge/Sutton Roadway Study) –Status/Review

Mr. Bechtholdt provided the Planning Board with copy of the workshop notes and mentioned that he will be meeting with Sutton and CMRPC –Central Mass Regional Planning Commission later in the month, after which he will provide the Board with a copy of the complete report for review and comment.

Shining Rock Golf Community Streetlights –Construction Change (per DPW)

Mr. Bechtholdt reminded the Planning Board that this matter was tabled from the last meeting (02/22/11) as Board members wanted the opportunity to observe the area to determine whether or not certain

streetlights should be eliminated. Given the need for further time, the Planning Board tabled consideration to its meeting of March 22, 2011.

Spring Annual Town Meeting –May 03, 2011

Date of the Spring Annual Town Meeting

Planning Board Article(s) –Discussion/Vote to Sponsor

Mr. Bechtholdt provided the Planning Board with a copy of Planning memorandum dated February 22, 2011 sent to the Board of Selectmen and Town Manager requesting whether or not the Selectmen desired consideration of increasing the residential lot area requirements to help curb the town's overall build-out, which had been mentioned during a previous Selectmen meeting. Mr. Bechtholdt explained that he has not heard from the Selectmen or Town Manager regarding this matter and asked if this was something that the Planning Board wanted to consider. Planning Board members were apathetic to the idea at this time.

On a separate matter Mr. Bechtholdt advised the Planning Board that consideration of changing the zoning from industrial to residential within a portion of the Shining Rock Golf Community will need to be tabled as there is not enough time to satisfy the public hearing and postings requirements before the Spring Annual Town Meeting. Planning Board members agreed to consider this zoning article for the Fall Annual Town Meeting.

Mr. Bechtholdt advised the Planning Board that he spoke with John Galvani of Norwood Bank this afternoon and indicated although they to continue to progress there are still a number of items to be addressed before the Planning Board considers the roadways within the Shining Rock Golf Community ready for street acceptance. Mr. Bechtholdt indicated that he is still awaiting a report from the Sewer Department and DPW-Highway, however did receive report from Malley Engineering, the Boards consulting engineer for Shining Rock Golf.

Similarly, Delwyn Barnes Drive is not ready for consideration as there is an easement issue that will need to be resolved before street acceptance. Mr. Bechtholdt noted that he will continue to work with the developers and Town Counsel in getting these roadways ready for the Fall Town Meeting.

Mr. Bechtholdt suggested that he would like for the Planning Board to start the process of evaluating the older subdivisions, those that have not been formally accepted; listing Castle Hill Estates; Green Meadow Court; Farnum Circle; and Highland Hills. Board members mentioned that it was their understanding that both the Highway Superintendent and Director of Public Works are retiring this summer.

2011 SATM Warrant –Close Friday, March 18, 2011

Date of the closing of the warrant for the Spring Annual Town Meeting noted above. Mr. Bechtholdt explained tonight's meeting is the last one scheduled before the warrant closes and unless a petition article is received, the three (3) zoning articles discussed this evening will be the only zoning amendments considered at the Spring Annual.

Mail –Review

In addition to the mail listed (see attached) the Planning Board noted receipt of the following communications: email communication(s) from Mark Key (Clubhouse Lane) and Cindy Key regarding

sidewalks and driveway aprons along Clubhouse Lane within the Shining Rock Golf Community; letter dated March 03, 2011 from Town Counsel regarding Shining Rock Golf Community street acceptance; Malley Engineering report dated February 16, 2011; Planning memorandum dated February 11, 2011 to Board of Selectmen/Town Manager regarding additional zoning amendment articles for the 2011 SATM; Planning memorandum dated February 28, 2011 to the Planning Board regarding proposed zoning change for portion of Shining Rock Golf Community (industrial to residential); Norwood Bank letter dated February 17, 2011 regarding sidewalk and driveway issues along Clubhouse Lane within the Shining Rock Golf Community; Planning memorandum dated February 28, 2011 to the Planning Board concerning proposed changes to the Subdivision Rules & Regulations.

Other

Mr. Bechtholdt informed the Planning Board that he was contacted Monday March 07, 2011 by one of the homeowners of the Morgan Road common driveway. The owner expressed concerns of stormwater runoff from the adjacent property (designated open space within the Hills at Whitinsville) which runs down the driveway and then across causing concerns of icing and deterioration of the driveway. Mr. Bechtholdt added that he did drive by the common driveway Monday evening and observed water pouring down the driveway. Mr. Bechtholdt mentioned that he did contact the developer (Marinella) and will be meeting with them and the DPW Director as they propose to connect a drainage pipe to catchbasin in the roadway.

Mr. Bechtholdt suggested that the developer, in the past has agreed to correct the problem, which not only includes water runoff from the open space lot, but also the need to shift property lines and modify the special permit (common driveway) to include a fourth property, in which a portion of the common driveway currently is on their land. Mr. Bechtholdt added that he is not sure why this has not been resolved, reminding the Planning Board that they have met with the homeowners last year and all seemed to be in agreement to what may be the best solution to resolve the situation; adding the developer has been willing to prepare the plans, permit and correct the water issue. Mr. Bechtholdt will report back to the Planning Board once he talks to the developer once again.

Mr. Bechtholdt mentioned to the Planning Board that he updated his February 22, 2011 memorandum to include provisions for community mailboxes and requirement to have as-builts and layout plans prior to lot release to the list of proposed subdivision rule and regulation changes. Ms. Dolber suggested that the list also include minimum lengths for cul-de-sacs. Mr. Bechtholdt will update the list and the Planning Board will discuss at an upcoming meeting. Mr. Bechtholdt noted changes to the subdivision rules and regulations require a public hearing however does not require town meeting action.

Adjournment

Having no additional business the Planning Board adjourned its meeting of Tuesday, March 08, 2011 at 8:35 PM.

Respectfully submitted,

Approved by Planning Board –March 22, 2011

R. Gary Bechtholdt II
Town Planner

Cc: Town Clerk