



NORTHBRIDGE PLANNING BOARD MINUTES

Tuesday, December 13, 2011



Janet Dolber, Chair called the meeting to order at 7:00 PM. Barbara Gaudette, Edward Palmer and Richard Griggs were in attendance. R. Gary Bechtholdt II, Town Planner was also present. Cindy Key, Associate member did not attend. One (1) Planning Board –vacancy.

The following members of the public were in attendance: Frank Marinella, Neil Stanick, Jeff Ciulla, Dennis & Kay Orozco, Ross Trenholm, and Deb Gauthier.

I. CITIZENS FORUM

None

II. ANR PLAN –REVIEW/DECISION

None

III. 279 DOUGLAS ROAD -CONT. PUBLIC MEETING

§173-49.1 [Site Plan Review]

Janet Dolber explained the Planning Board is in receipt of letter (dated November 09, 2011) from Attorney Thomas J. Wickstrom on behalf of the applicant (Douglas Road Industrial Realty Trust) informing the Board of notice to withdraw the site plan application.

Upon motion duly made (Griggs) and seconded (Palmer) the Planning Board voted (4-0) to accept notice of withdraw the 279 Douglas Road site plan review application.

IV. ONE PLUMMERS CORNER -CONT. PUBLIC MEETING

§173-49.1 [Site Plan Review]

Janet Dolber explained the Planning Board is in receipt of communication from the applicant/engineer, Mark Anderson (Heritage Design Group) requesting a continuance to the Planning Board's next scheduled meeting in January 2012. Mr. Bechtholdt informed the Planning Board that the Planning office sent notice to abutters of record notifying them of request for continuance from tonight's meeting.

Upon motion duly made (Palmer) and seconded (Griggs) the Planning Board voted (3-0-1 [Gaudette abstained]) to continue the site plan review to Tuesday, January 10, 2012 at 7:05 PM at the request of the applicant/engineer to allow addition time for plan revisions.

Reference is made to email communication received November 29, 2011 from Mark Anderson, Heritage Design Group on behalf of the applicant requesting continuance.

OLD/NEW BUSINESSApproval of Meeting Minutes- September 13th & 20th, October 11th & 18th, and November 08, 2011

Upon motion duly made (Palmer) and seconded (Griggs) the Planning Board voted (4-0) to accept the meeting minutes of September 13, 2011, September 20, 2011, October 11, 2011, October 18, 2011, and November 08, 2011.

Subdivision Rules & Regulations Amendments –Schedule of hearing date(s)

Mr. Bechtholdt informed the Planning Board that he has not scheduled hearing date(s) for the proposed Subdivision Rules & Regulations.

Community Development Block Grant (CDBG) –FY2012 application

Mr. Bechtholdt informed the Planning Board that the Board of Selectmen at its meeting of December 05, 2011 decided not to submit application.

Hills @ Whitinsville Open Space/Common Driveway –Status

Ms. Dolber thanked Frank Marinella (Developer/Builder) and the property owners for meeting with the Planning Board, noting the purpose of the discussion is to gain an understanding where everyone is at with the issues concerning the common driveway and open space lot.

Frank Marinella began by providing a brief history and overview of the initial site development (home construction) and how it came to be that the common driveway was located on an adjacent lot occupying a portion of open space; which was not realized until a second survey was prepared by Heritage Design Group (initiated by Jeff Ciulla, one of the four property owners). Since that time we (JF Marinella Development) have been working with the homeowners in correcting this issue; we have agreed to prepare survey plans, adjust driveways and to pay for the recording and preparation of legal documents and submission of a new common driveway special permit.

Mr. Marinella explained that the common driveway which serves three (3) house lots (owned by Orosz, Trenholm & Ciulla) is located on a fourth adjacent property owned by Neil & Jennifer Stanick as well as within the open space. During house construction (of Lot 100R –now Orosz) the foundation was poured closer to the easement (and property line) than originally intended; perhaps due to the presence of ledge. Mr. Marinella noted a (revised) easement plan was prepared prior to selling off all of the lots, however unfortunately the plan was never recorded.

Mr. Marinella suggested that the Stanicks would need to grant an easement to allow the common drive to remain; adding that their driveway would also be modified to utilize same access off Morgan Road. Mr. Marinella concluded saying, in addition to fixing this issue he will also address the runoff concerns from the open space lot by installing a drainage pipe/swale along the common driveway which would tie-into the street drainage system (as approved by DPW); the Marinellas are willing to do the work and are waiting to get consensus from all property owners.

Jeff Ciulla stated that he is okay with moving forward in correcting these issues and is confident things will continue to progress to that end. Mr. Ciulla briefed the Planning Board on the history and course taken to identify and hopefully ultimately resolve those issues.

Mr. Bechtholdt noted that he forwarded the Planning Board communication received from Neil Stanick via email which included proposed lot revision plan (Plan of Property dated October 17, 2011 prepared by Heritage Design Group); showing the adjustments to the house lots and open space.

Ms. Gaudette asked if the common driveway is located within the open space and questioned why the developer/builder (Marinella) would be allowed to be let off the hook for an issue they created. Mr. Bechtholdt explained that the Planning Board, approximately 2-years ago discussed the issues specific to the open space and common driveway; and agreed then that the Board would work with the homeowners and allow for the conveyance of land from the open space, as well as, allow a fourth driveway on a common driveway. Ms. Gaudette did not recall this arrangement; Mr. Bechtholdt will provide additional information for the next meeting.

Mr. Bechtholdt suggested, once all parties (homeowners) are in agreement the next step would be to submit a new Common Driveway Special Permit application and a Form A (ANR plan) to shift lot lines. The Marinellas would also perform the driveway improvements, as well as address the runoff concerns.

Neil Stanick thanked the Planning Board for their assistance and scheduling tonight's discussion; he explained to the Board that he and his wife (Jennifer) own the house lot where the common driveway is on. Mr. Stanick explained that they have approached resolving this issue in 2-ways; (1) to require the common driveway to be moved to where it was suppose to be installed (within the existing easement) or (2) to create a new easement allowing access over their property for the common driveway which is being presented and hopefully to be finalized.

Dennis Orosz explained to the Planning Board that he and his wife, Kay own the first house on the left as one accesses the common driveway. Unbeknownst to them the easement extends right up to their house. If not relocated, the common driveway extends along the side of the house with no separate driveway for their home. Mr. Bechtholdt noted that the proposed plan received indicates this existing easement would be dissolved and discontinued.

Mr. Bechtholdt explained, at first he was not clear as to what plan Mr. Marinella was referring to earlier; however now understands that plan to be an easement plan which was prepared to shift and correct the easement through the lot (now owned by Orosz), however as Mr. Marinella explained; this plan was never recorded.

Mr. Stanick indicated that the neighbors are very close, trying to do things right and wants everyone on the same page. Mr. Marinella stated that he would pay for the driveway construction and improvements; have his attorney draft up agreement; be responsible for the common driveway special permit application; and pay for its recording.

Mr. Ciulla asked for the record what the Planning Board's position is regarding the conveyance of the open space to the town; the Board's position has been and remains not to endorse conveyance until the common driveway issues have been resolved.

Mr. Stanick expressed his appreciation and thanked the Planning Board and Town Planner for their efforts and assistance. Ms. Dolber thanked the homeowners and Mr. Marinella for coming in; senses that they are close and hopes things can be resolved soon.

CMRPC –District Local Technical Assistance (DLTA) Program

Mr. Bechtholdt provided the Planning Board with a copy of CMRPC memorandum dated December 01, 2011 concerning Request of Proposals for availability of fund through the District Local Technical Assistance Program. Mr. Bechtholdt indicated that he has not had the opportunity to review guidelines or this year's eligible activities but hopes to do so in time for the next scheduled Board meeting.

Master Plan Update –Next Steps/Discussion

Mr. Bechtholdt suggested that the Planning Board host another Master Plan Update workshop in January or February. Ms. Gaudette suspects during the winter months and holidays it may be difficult to get residents to participate and recommends that the Planning Board hold off until March. Board members agreed; Mr. Bechtholdt will look to schedule a workshop in March; perhaps Tuesday, March 27, 2012.

Castle Hill Estates Open Space –Discussion

Mr. Bechtholdt reminded the Planning Board, as part of the subdivision approval open space lots were designated within Castle Hill Estates, and as mentioned at Town Meeting the town should pursue conveyance of these parcels. Mr. Bechtholdt indicated that Henry Lane, the developer (Blackstone-Chicago) has provided the Deed/legal descriptions. *Upon motion duly made (Gaudette) and seconded (Palmer) the Board voted (4-0) to have the Town Planner forward Deed to Town Counsel for review in preparation of conveyance/acceptance by the town.*

Heritage Zoning District –Discussion

The Planning Board discussed Northbridge's Heritage Zoning District; specifically the thought of expanding such designation to include the Oakhurst property on Hill Street. During this discussion Ms. Gaudette summarized her conversation with the Yag family (Access -TCA) and their desire to purchase the property, as well as, the discussions had with the Board of Selectmen on December 05, 2011. Ms. Gaudette explained that the Yags were not available to attend tonight's Planning Board meeting.

In preparation for the Planning Board discussion the Planning office prepared memorandum dated December 07, 2011, a copy of which had been forwarded to the Board of Selectmen and Town Manager. Communication describes the current Heritage Zoning District, existing provisions for the Heritage Zone, table of use and area regulations, as well as, proposed zoning amendment language. Mr. Bechtholdt noted that he is reviewing same with the Building Inspector, as another amendment for multiple-use would also need to be considered; he is awaiting input from the Building Inspector.

Ms. Gaudette indicated that she was not sure if calling a special town meeting would be necessary. Ms. Gaudette also explained that she was contacted by Kenneth Warchol, Chairman of the Historical Commission, who informed her that the property may have a deed restriction concerning future occupants and for-profit entities. Ms. Gaudette suggested perhaps this may be the case but was not sure; noting the property was first transferred from the Lasell family to the Episcopal Church (Springfield), then to the Worcester Diocese and to the House of Affirmation; all non-profits. Ms. Gaudette noted that she

mentioned this to the Town Planner who has not been able to find documentation or review same with Mr. Warchol.

Ms. Dolber agreed with holding-off on a special meeting; stating it is customary for a buyer to enter into a purchase and sales agreement; this would allow them to conduct their due diligence and seek a zoning amendment if necessary. Ms. Dolber questioned if the potential buyers have contacted the sellers; having a P&S may eliminate the need for a special town meeting.

At the conclusion of this discussion, Planning Board members acknowledged their support of zoning amendment article(s) to preserve and promote the reuse of this historic property; including expanding the Heritage Zoning District and amending zoning provisions.

2011 Planning Board Report –Review

Mr. Bechtholdt advised the Planning Board that Annual Reports are due January 17, 2012; a draft report of the Planning Board prepared by the Planning office was provided in the Planning Board's packet for consideration. Mr. Bechtholdt asked Board members to review prior to the January 10, 2012 meeting so the report may be finalized and submitted to the Town Manager's Office.

Subdivision –Status Report(s)

Mr. Bechtholdt briefly reviewed with the Planning Board active subdivisions; noting the Planning office is in receipt of response letter (November 30, 2011) from Heritage Design Group concerning Carpenter Estates and JH Engineering Group, LLC (Planning Board consultant) review of the proposed roadway profile revisions. Mr. Bechtholdt also mentioned Planning Board packet includes reports from JH Engineering Group, LLC concerning the Camelot subdivision. Ms. Gaudette mentioned that she viewed the subdivision roadway recently and found it to be very clean and well maintained. Mr. Bechtholdt agreed, noting it appears they (Marinellas) have been able to manage the site and hoped it would continue through completion. Board members questioned the location of the foundation recently constructed; stating it looks like it may be on Lot 2 and not Lot #1 as authorized by the Board, Mr. Bechtholdt mentioned that he would check with the Building Inspector. Mr. Bechtholdt also mentioned, now that the town has hired a new Highway Superintendent he hopes to meet with him to review the various subdivisions; specifically Castle Hill Estates and Farnum Circle, noting that the Planning office has been unsuccessful in contacting the developer.

Planning Board –Vacancy

Mr. Bechtholdt informed the Planning Board that no one has submitted Talent Bank Forms for filling the Planning Board vacancy. Mr. Bechtholdt mentioned it was nice to see such interests from residents in the two (2) openings on the Playground and Recreation Committee (4 candidates), adding not sure why there is not similar interests in serving on the Planning Board, adding its an exciting time to be on the Planning Board as the town updates its Master Plan.

Mail –Review

In addition to the mail listed (see attached) the Planning Board noted receipt of the following communications: email communication received November 29, 2011 from Mark Anderson, Heritage Design Group regarding One Plummers Corner; Community Planning & Development memorandum dated through March 24, 2011 regarding proposed Subdivision Rules & Regulations amendments; Community Planning &

Development memorandum dated December 01, 2011 to Board of Selectmen regarding FY20112 Community Development Block Grant program; copy of Community Planning & Development letter dated November 28, 2011 to property owners regarding open space/common driveway; copy of Planning Board action dated March 24, 2010 concerning open space conveyance; memorandum dated December 01, 2011 from CMRPC –regional planning agency concerning availability of funding/request for proposals (DLTA program); email communication received December 01, 2011 from Megan DiPrete, CMRPC regarding DLTA program; copy of Deed provided by Henry Lane (Blackstone-Chicago Corporation) concerning Castle Hill Estates open space; Assessor Map showing Oakhurst property locus (Hill Street); Community Planning & Development memorandum dated December 07, 2011 concerning Oakhurst property and Heritage Zoning District; (draft) 2011 Planning Board Report; Tunison Dias, Inc letter dated November 11, 2011 concerning Shining Rock Golf Clubhouse (as-built grading & drainage certification); Tunison Dias, Inc letter dated November 11, 2011 concerning Shining Rock Golf Clubhouse (as-built response to comments); Clubhouse As-Built Plan dated 11/01/11 prepared by Tunison Dias, Inc; JH Engineering Group LLC report dated November 18, 2011 concerning Camelot subdivision; JH Engineering Group LLC communication dated November 16, 2011 concerning Camelot compaction test results; email communication from Carl Morrison received November 29, 2011 concerning Marston Heights; Heritage Design Group letter dated November 30, 2011 concerning Carpenter Estates; email communication from Town Planner (Mr. Bechtholdt) sent December 01, 2011 to Planning Board concerning December 13th Planning Board agenda; 2011 Planning Board meeting dates; memorandum dated December 01, 2011 from Office of the Town Manager concerning 2011 Annual Town Report; email communication sent December 03, 2011 from Carl Morrison concerning Marston Heights; letter dated December 02, 2011 from John H. Chafee Blackstone River Valley National Heritage Corridor Commission concerning roadway and infrastructure improvements Sutton Street; memorandum dated December 05, 2011 from Community Planning & Development office concerning department update; email communication from Mark Anderson, Heritage Design Group sent December 13, 2011 concerning the Hills open space; communication from Doreen A. Cedrone, Town Clerk dated December 06, 2011 concerning Conflict of Interest Law and training requirements; copy of summary of the conflict of interest law for municipal employees (and acknowledgement form); copy of public hearing notice concerning FY2012 Massachusetts Community Development Block Grant; and copy of letter dated November 17, 2011 from CMRPC concerning regional traffic counting program for 2011.

Other

Mr. Bechtholdt advised the Planning Board that he was contacted by the Building Inspector, James Sheehan who wanted to know if the Planning Board was all set with the Shining Rock Golf Clubhouse facility before he issued a Certificate of Occupancy. Ms. Gaudette said she spoke with one of the residents up there who mentioned they recently attended a gathering at the clubhouse. Board members indicated they were pleased with the project and had no issues.

Mr. Bechtholdt distributed to each Planning Board member in attendance Summary of the Conflict of Interest Law for Municipal; asking them to acknowledge receipt by signing and returning the form provided by the Office of the Town Clerk. Additionally, Mr. Bechtholdt advised the Board they may need to complete the online training once again as the training needs to be completed every two (2) years. Board members questioned if the 2-year period has expired already. Mr. Bechtholdt believed it had, however will check with the Town Clerk.

Mr. Bechtholdt informed the Planning Board that he was contacted once again by a group of residents within the Marston Heights development (Condo Lot #2 –the Hills at Whitinsville subdivision); they continue to be frustrated with the inactivity on the developers (Marinella) part to complete the required landscaping (street trees) and installation of streetlights. Mr. Bechtholdt explained the residents originally wanted to meet with the Planning at its next available meeting in hopes of advancing and resolving these outstanding issues, however have since decided to wait until next spring to meet with the Board. Mr. Bechtholdt also mentioned that it was his understanding one of residents has been in contact with the developer, who assured them that significant plantings will take place in the spring. Mr. Bechtholdt mentioned the Marston Heights development project was approved under site plan review although has characteristics of a subdivision which makes for some challenges in enforcement and oversight, noting the Board however required a performance bond for completion of improvements.

Adjournment

Having no additional business the Planning Board adjourned its meeting of Tuesday, December 13, 2011 at 8:20 PM.

Respectfully submitted,

Approved by Planning Board –

R. Gary Bechtholdt II
Town Planner

Cc: Town Clerk