



NORTHBRIDGE PLANNING BOARD MINUTES

Tuesday, June 08, 2010



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

PLANNING BOARD -REORGANIZATION

Ms. Gaudette explained that the Planning Board will reorganize and sought recommendations for Planning Board Chair, Vice Chair and Clerk. Upon motion(s) duly made and seconded the Planning Board voted Janet Dolber –Chair, Barbara Gaudette –Vice Chair and Richard Griggs –Clerk.

I. CITIZENS FORUM

Jeff Ciulla of 152 Morgan Road explained that he and his neighbor, Dennis Orosz attended the meeting to receive some additional assurances from the Board regarding the planned changes to the open space parcel and common driveway. Mr. Ciulla mentioned two concerns; (1.) the property line adjustments, suggesting that the overall size of the open space parcel should not be greatly reduced; feels addressing the driveway issues does not necessary require a lot of the open space to be conveyed out to the abutting property owner (Trenholm), as shown on the draft planned prepared by Heritage Design Group (HDG) dated March 22, 2010. Mr. Ciulla noted that it seemed much of the discussions had with the Marinellas and HDG were focused with the Trenholm and necessary with the other homeowners. (2.) Mr. Ciulla refer to a stockpile of construction materials within the open space, noting the plan prepared by HDG would convey same to portion of open space to the Trenholms. Mr. Ciulla showed some photos, however not provided for the record. Mr. Ciulla is concerned that the construction material is safety issue and may be in violation of the town's bylaws within the residential zone. Ms. Gaudette explained that she knows the role of the Building Inspector and knows our building inspector will do his job if a zoning concern is brought to his attention, you will not know if this is a violation until you get a ruling.

In closing the Board noted that they will presume all parties are agreeable to planned changes once an ANR application and plan is presented to the Board for its consideration. If all parties are not in agreement then it is presumed that an ANR application will not be filed.

II. FORM A'S

Hillcrest Road –ANR plan

The Planning Board upon motion duly made and seconded voted (5-0) to accept the Applicant/Engineer request to withdraw ANR application concerning roadway access/utility Hillcrest Road. Reference is made to Certificate of Approval dated February 18, 2010 [Camelot Definitive Subdivision] Condition(s) A6 & A7 and cited as follows: (6) As part of the Hills at Whitinsville subdivision approval (June 2000) a 40-foot right-of-way & utility easement was reserved between Lot(s) 33 & 32 (the Hills) to provide access to Open Space Lot 7 w/in the Hills at Whitinsville subdivision and the abutting property AP 16 Parcel 28, the Camelot subject property. Roadway A as laid out on the Camelot definitive plan shall utilize said right-of-way & utility easement. (7) An ANR plan shall be presented to the Planning Board for the purpose of conveying certain parcels of land from Open Space Lot #5 & Open Space Lot #7 within the Hills at Whitinsville subdivision to AP 28/16 so that layout of Roadway A, between Station 26+00 and Station 29+00 is located within the 40-foot right-of-way & utility easement and subject property Assessors Map 16 Parcel 28.

It is the understanding of the Planning Board that the above noted shall be addressed via the recording of an 81-X plan [Grading, Access, Utility, & Roadway Easement(s)] with the Worcester Registry of Deeds; same to be conveyed and shown on the entitled Camelot Definitive Subdivision plan. In making said determination the Planning Board noted the associated administrative fee shall not be refunded to applicant/engineer.

CASTLE HILL ESTATES -REVIEW/DISCUSSION

Subdivision Status MGL CH41 SEC 81U [Subdivision Control]

Ms. Dolber explained that the Planning Board is still awaiting commentary from the Department of Public Works listing deficiencies within the subdivision development. Ms. Gaudette expressed here concern specifically the collapsed catchbasin on Clover Hill Road, suggesting that the Planning Board write a letter to the DPW. Mr. Bechtholdt indicated that the DPW is aware of this specific concern and also explained to the Board that he coordinated and attended two (2) site visits with the Director of Public Works and the Highway Superintendent. Mr. Bechtholdt noted that he has been in contact with the DPW regarding the preparation of a deficiency list for the Castle Hill Estates subdivisions.

Scott Donahue of 130 Clover Hill Road updated the Board and noted that the hole around the catchbasin has increased in size and with the warmer weather (hot temperatures) the pavement around the catchbasin is extremely soft. Mr. Donahue also inquired if the Town Manager has provided any response to the questions asked during the last Board of Selectmen's meeting. Mr. Bechtholdt noted that he has been in contact with the Town Manger concerning the catchbasin however was not at the Board of Selectmen's meeting; Mr. Bechtholdt mentioned that he has provided Town Counsel with copy of the approval and the performance bond secured by the applicant/developer and will check with the Town Manager regarding any additional information or concerns raised at the Board of Selectmen's meeting.

Mr. Bechtholdt provided the Planning Board with copy of Massachusetts General Law Chapter 41 Section(s) 81U & 81W [Subdivision Control], as well as copy of MGL Ch 40 Sec 6N [Private ways; temporary repairs, ordinance or by-laws]. Mr. Bechtholdt explained the Northbridge may not have any additional subdivision provisions or town bylaw [MGL Ch 40 Sec 6N] that would authorize utilization of public funds.

The Board briefly reviewed the MGL provisions provided and noted perhaps similar to the plowing/sanding issues maybe the DPW can pursue legal actions for concerns of safety. Mr. Bechtholdt explained that the DPW has issued bill(s) to the applicant/developer for plowing and sanding services that the town had to perform this past winter. Mr. Bechtholdt understands that the applicant/developer has not satisfied payment and the town may look to take the applicant/developer to court, noting that there may be two or three subdivisions that the DPW had to perform plowing and sanding services this past year.

PRESIDENTIAL FARMS PHASE III

Open Space Restriction and Access & Utility Easement

Mr. Bechtholdt explained to the Planning Board that as part of the certificate of approval for the Presidential Farms, prior to the issuance of building permits within Phase 3 a number of conditions need to be satisfied; these requirements were noted in the Board's vote to release the phase 3 lots (reference is made to Planning Board action taken April 27, 2010).

The applicant/developer has provided documents specific to Condition #34 regarding Parcel B-1 Open Space Restriction; a copy of the following will be forwarded to Town Counsel for review: Presidential Farms Land Trust; Quitclaim Deed; and Agricultural Open Space Preservation Restriction (reference is made to letter dated May 20, 2010 from Attorney Liana Moore of Bowditch & Dewy on behalf of the applicant/developer).

The Planning Board reviewed letter dated June 08, 2010 from Normand Gamache of Guerriere & Halnon on behalf of the applicant/developer concerning access/utility easement on lots 28 & 29.

Upon motion duly made and seconded voted (5-0) to eliminate the 50-foot wide Access & Utility easement at the end of Roosevelt Road; Lot(s) 28 & 29. In making said determination the Planning Board agreed with Mr. Gamache that such provision (access/utility easement) was no longer necessary as a result of subsequent frontage lot developments along Sprague Street. The Planning Board explained that applicant/developer shall file an ANR plan to further document such action.

OLD/NEW BUSINESS

Minutes -Approval

None

Marino Estates –Certificate of Completion & Release of Municipal Interest

The Planning Board upon motion duly made and seconded voted (5-0) to issue a Certificate of Completion and Release of Municipal Interest for the Marion Estates Subdivision, consisting of Olivia Drive. The Planning Board noted that Olivia Drive was accepted as a public way at the 2009 Fall Annual Town Meeting and as such the Board also issued a final bond release on November 24, 2009.

Hemlock Estates –Extension Request

The Planning Board upon motion duly made and seconded voted (5-0) to grant a one-year extension for the Hemlock Estates subdivision through July 10, 2011. Reference is made to letter dated May 26, 2010 from Heritage Design Group on behalf of the applicant/developer (J&F Marinella). The applicant/developer shall provide the Planning Board with an updated construction schedule with copy to be forwarded to the Department of Public Works and Malley Engineering, the Planning Board's consulting engineer.

Rocky Road –Street Acceptance

Mr. Bechtholdt noted that he is in receipt of some additional documentation from Charlie Michaud, applicant/developer of the Rocky Road subdivision. As the Board may recall Rocky Road remains unaccepted. Legal descriptions and other street acceptance documents will be forwarded to Town Counsel in preparation for street acceptance consideration at the 2011 Fall Annual Town Meeting.

Green Meadow Court –Status

Mr. Bechtholdt noted that he has reviewed the file and has not found any written confirmation from the DPW regarding whether or not the applicant/developer would be required to perform any additional work, maintenance or otherwise within the subdivision drainage pond. Mr. Bechtholdt explained that the Highway Superintendent has indicated on a number of occasion that no additional work would be required of the developer, the drainage ponds appears to be working just fine.

Mr. Bechtholdt indicated that he has asked that the DPW provide a communication for the file, noting that the homeowners where the drainage pond is has expressed concerns with the developer and does not want him to access their property if its not necessary. Mr. Bechtholdt reminded the Board the developer and the residents of Green Meadow Court were working together in preparation for street acceptance last spring/fall however because the status of whether or not the developer needed to access the drainage pond remained unanswered the homeowner did not feel comfortable with signing-off certain waivers or release prepared by the applicant's attorney in preparation for formal street acceptance.

Mr. Bechtholdt indicated that he would contact the Highway Superintendent once again regarding this matter and will explain to him that it is the Planning Board's desire to have this subdivision roadway ready for consideration at the next Fall Annual Town Meeting.

Open Space & Recreation Plan –Update /OSRP Committee status

Mr. Bechtholdt explained that there remain a number of vacancies for this committee, the Planning Board has done a number of public workshops over the past 18-months; however still need the assistance of the Open Space Committee to update the plan.

Local Historic Districts –Discussion/Review

Mr. Bechtholdt explained that he spoke with Ken Warchol, Chair of the Northbridge Historical Commission about meeting with the Planning Board to discuss possible designation of a Local Historic District (LHD) for Whitinsville. Once Mr. Warchol confirms his availability on June 22nd (the Planning Board's next scheduled meeting) he will confirm. Mr. Bechtholdt noted that he will also invite Joanna Doherty Community Planning for the John H. Chafee Blackstone River Valley National Heritage Corridor and Ellen Carlson Community Planner for the National Parks Service.

Mr. Bechtholdt understands there may be the potential for a National Park in the Blackstone Valley. Accordingly, if a park were established and it included Whitinsville the National Park Service would want assurances that important historic resources in the village were adequately protected; via the inclusion of a Local Historic District. In Mr. Bechtholdt discussions with Mr. Warchol Northbridge considered adoption of a LHD for Whitinsville (1990s) however at the time failed to gain the support to move forward (would require Town Meeting action). The purpose of the June 22nd meeting with the Planning Board will be to gain a general understanding of Local Historic Districts, the benefits of LHD, the difference between Local Historic District & a National Register District, and then pursue support of the Board of Selectmen to explore the idea of a LHD and appoint a Local Historic District Study Committee.

Subdivision Control & Zoning Act -Overview

Mr. Bechtholdt asked if any of the Planning Board members had difficulty accessing the DHCD link which included various guidance documents for Subdivision Control, Zoning, and ANR applications.

Subdivision(s) –Status/Update

Mr. Bechtholdt noted that he is awaiting receipt of reports from DPW and the Board's consulting engineer(s).

Mail –Review

In addition to the mail received (listing attached) the Board received copies of the following communications: letter dated 05.11.2010 from Guerriere & Halnon, Inc regarding Lot 3 Prairie Street; letter dated May 17, 2010 from Planning office to Henry Lane regarding Castle Hill Estates; letter dated May 07, 2010 from Planning to Mr. Lane regarding Castle Hill Estates; Planning memorandum dated May 06, 2010 to Donahues regarding Castle Hill Estates; copy of MGL CH 41 SEC 81U & SEC 81Y; letter dated April 17, 2010 from Kelly and Scott Donahue regarding Castle Hill Estates (catchbasin); DPW memo dated May 05, 2008 regarding Castle Hill Estates; Form G (September 11, 2001) –Performance Secured by Deposit of Money for Castle Hill Estates; Planning Board Certificate of Modification dated February 13, 1990 (Castle Hill Estates); Form N –Control Form Castle Hill Estates; Planning memorandum dated May 07, 2010 to John Barges regarding Hillside Garden Estates; letters dated May 07, 2010 and May 13, 2010 from John Barges regarding Hillside Garden Estates; email communication (May 19, 2010) from Planning office regarding Hillside Garden Estates site visit; Planning Board Certificate of Approval –Hillside Garden Estates modification dated January 13, 2010; Planning letter dated April 06, 2010 to Jeff Ciulla regarding the Hills at Whitinsville Open Space; email communication (May 12, 2010) from Jen Stanick regarding common driveway Morgan Road (The Hills at Whitinsville); draft meeting minutes March 23, 2010 & April 13, 2010; Workshop notice from Mass Audubon regarding Blackstone River Watershed (June 01, 2010 at 6:30PM); Planning memorandum dated February 23, 2010 regarding unaccepted subdivision roadways; email communication (April 27, 2010) from Cindy Key regarding streetlights within Shining Rock Golf development; Town Manager memorandum dated April 28, 2010 regarding Town Counsel services; email communication (May 18, 2010) from DPW Director regarding Castle Hill and Green Meadow plowing; email communication (April 28, 2010) from Howie Fease regarding Burdon Pond; email communication (April 28, 2010) from Planning to Mr. Fease regarding Burdon Pond; email communication (April 27, 2010) from Howie Fease regarding Swan Pond; email communication (May 12, 2010) from Executive Assistant to Town Manager regarding Open Space Committee; email communication (May 12, 2010) from DPW Director to Randy Swigor Whitinsville Water regarding sanitary sewer survey report; and 2010 Planning Board meeting schedule.

Adjournment

Have no additional business the Planning Board adjourned its meeting of Tuesday, June 08, 2010 at or about 8:15 PM.

Respectfully submitted,

R. Gary Bechtholdt II
Northbridge Town Planner

Cc: Town Clerk