



NORTHBRIDGE PLANNING BOARD MINUTES

Tuesday, June 11, 2013

Brett Simas, Chair called the meeting to order at 7:00 PM; Barbara Gaudette, Janet Dolber, Edward Palmer, and George Murray were in attendance. R. Gary Bechtholdt II, Town Planner was also present. Cindy Key, associate member were absent.

The following members of the public were in attendance: William Mello; Phyllis Dipalma; Susanne Grady; Joy Anderson; Lorie Langille; Carl Morrison; Penelope Morrison; Richard J. Cadrin; Richard Cronin; Sue Cronin; Barbara Brochu; Steven Caya; Deb Turgeon; Don Turgeon; Bette Marseglia; Robert Marseglia; Joyce Augustus; & Kenneth Konicki.

I. CITIZEN FORUM

Carl Morrison and Robert Marseglia, on behalf of residents within the Marston Heights development reviewed with the Board concerns with outstanding issues not completed by the developer (J&F Marinella Dev.). Mr. Murray recued himself, noting that he had work with the developer, J&F Marinella Dev. and as such did not participate in the discussion. Mr. Murray adjourned from the table and left the meeting room during the presentation.

Mr. Marseglia noted though he has only lived there since January he has seen very little progress in advancing the development to completion. Mr. Morrison explained the residents are looking to the Planning Board to help get the developer to finish his obligations within the common areas, noting there is a big disparity from what is out there (completed) verses what was approved by the Planning Board; we are at a point of great frustration and seeking assistance from the Board. Mr. Morrison provided series of photographs illustrating a number of ongoing concerns: from missing street signs, fire alarm box, and streetlights to damaged sidewalk, paving, and landscaping.

Mr. Palmer explained that he has been to the development; it looks terrible. Mr. Palmer expressed concerns with the developer jumping from one project to another and not completing anything. Ms. Gaudette agreed that there was a significant amount of improvements that still needed to be done; unfortunately the developer has a pattern of delaying completion (leaving work unfinished). Ms. Gaudette stated she feels bad.

The residents feel powerless noted Mr. Morrison (Marseglia) before the development is turned over to the Homeowners Association required work of the common areas should be completed by the developer. Mr. Simas stated the developer has unmet obligations and the Board will encourage them to comply; suggesting he is confident however the outcome will be the proof. Ms. Dobler questioned if the developer is still has a vested interest in this project.

The Planning Board agreed to include this matter on a future agenda; the Town Planner will contact J&F Marinella Development inviting them to their Tuesday, July 09, 2013 meeting (7:25PM). Mr. Bechtholdt shall also provide the developer with a copy of photographs and communications received by the residents of Marston Heights.

Reference is made to letter dated June 11, 2013 from the residents of Marston Heights regarding required improvements at Marston Heights Condominium Development and analysis of Marston Heights approved site plan Vs current status (as of June 08, 2013) –copies of which are included in the file.

Mr. Murray returned to the Planning Board meeting (7:28PM).

II. FORM A'S

None

III. FARNUM CIRCLE -PUBLIC HEARING

MGL CH 41 SEC 81W -Definitive Subdivision Modification

Planning Board open its public hearing for Farnum Circle modification, Mr. Bechtholdt indicated notification requirements had been satisfied. Mr. Bechtholdt also indicated he sent notice to property owners (Farnum Circle) and the developer (Michael Lambert) specific to this public hearing. Upon motion made (Dobler) and seconded (Gaudette) the Planning Board waived the reading of the hearing notice.

Board members welcomed Joyce Augustus and Kenneth Konicki of 14 Farnum Circle. Mr. Simas provided an overview regarding the purpose/intent of the waiver consideration for certain requirements; aimed to advance the completion of the project, thereby addressing known concerns identified and expressed by the property owners within the subdivision (underground utilities, finished paving, etc). Ms. Augustus reviewed with the Board her concerns (overhead utilities) and her recent dealings with the local cable company.

Mr. Bechtholdt reviewed letter dated May 09, 2013 and memorandum dated December 14, 2012 regarding subdivision modification; specifically waiving granite curbing, street trees and landscaping. Mr. Bechtholdt also briefed attendees on the history of the project and the punchlist/cost estimate prepared by the Board's consultant. Mr. Bechtholdt indicated that he has attempted to contact the developer numerous times however such efforts have not resulted in addressing remaining work. Mr. Simas noted the requirement for underground utilities was not under consideration for relief (waiver) from the developer.

Mr. Simas explained that the Board does not have a vested interest in the project and looks to the residents to help prioritize remaining work; noting bond amount held may or may not be enough to do all the work required for the roadway to be considered for street acceptance (public) and address the aboveground utility issues.

Mr. Simas opened the hearing to other residents in attendance. Mr. Caya explained to the Planning Board that he was the developer for Deer Track Court a 4-lot subdivision behind Farnum Circle, Mrs. Turgeon noted she was an abutter to the subdivision, owning a home within Deer Track Court. Mr. Caya explained when he was doing the subdivision he had to post a \$100,000.00 bond and was not sure why the Board was not going after the bank who signed the Covenant rather than just the money held in the bond; which is not enough. Mr. Bechtholdt explained that the Board would not be able to go after the bank because the Covenant was released when the Planning Board established a different surety with

the developer (performance bond) Mr. Bechtholdt mentioned the lots were released from the Covenant when the developer provided the cash bond, unfortunately the developer has yet to complete the work. Mr. Bechtholdt explained, the next step in the process would be to prepare a new punchlist of outstanding issues (minus improvements waived / including underground utilities) and provide same to developer informing him he has 45-days pursuant to MGL to complete the work, and if not the next step would be for the town (Planning Board) to solicit a third party to complete the work.

Mr. Bechtholdt noted the Farnum Circle subdivision is 2-lots (for one new house), there is no drainage, no detention pond, no sidewalk and no public utilities (private water & septic) –waiving curing would not impact the drainage provided the Board does not allow for the removal of the landscape island in the cul-de-sac (additional paving increases impervious cover).

Ms. Gaudette questioned if the Board could allow a driveway (2 driveways) instead of the roadway. Mr. Bechtholdt explained that the subdivision roadway was required for the creation of the second house lot; without the roadway the new house lot (14 Farnum Circle) would not be considered a building lot, satisfying both the minimum lot area and frontage requirements of the residential district. Mr. Bechtholdt suggested if the Board was willing to waive the construction of the roadway they may consider Farnum Circle a “paper street” that is a street approved but not constructed. Ms. Augustus was agreeable to this idea. Mr. Bechtholdt explained if the Planning Board desires to consider this option they would need to hold a separate public hearing specific to waiving the construction. Board members agreed this may be the best solution given the situation.

Mr. Mello explained that he likes the look of the Deer Track Court neighborhood and would like to see as much enforced as possible for Farnum Circle, with that said he would support whatever to have the utilities underground.

Mr. Simas sought additional comments from the residents in attendance; having none Mr. Simas looked to close the hearing. Mr. Bechtholdt suggested if the Board wants to consider additional waiver at a subsequent hearing they would not follow the same procedures in MGL CH 41 81W and post another meeting, the Board could still act on the waivers under consideration this evening.

Board members briefly reviewed with Joyce Augustus and Kenneth Konicki (14 Farnum Circle) preference concerning underground utilities versus public/private road.

The Planning Board closed its public hearing.

Upon motion duly made (Dobler) and seconded (Gaudette) the Planning Board voted (4-0-1 [Murray abstained]) to GRANT the following waivers for Farnum Circle: Table I –Street Design Standards: type of curb (6) /vertical face, granite; Table I –Street Design Standards: type of curb (5) /granite sloped; Table II –Standards for Cul-de-sacs: Landscape island in the center of turnaround /required; and 222-10 F -Street Trees.

As part of its consideration the Planning Board noted they may consider additional waivers specific to the construction of the roadway in an effort to satisfy concerns (outstanding issues) expressed by the residents of the subdivision. In doing so the subdivision roadway may remain private and not subject to

consideration for street acceptance. Prior to taking such further action the Planning Board will hold a public hearing pursuant to Mass General Laws.

IV. ASH STREET EXTENSION -PUBLIC HEARING

SEC 222-9 M [Release of performance guaranty]

Planning Board open its public hearing for Ash Street Extension final release; Mr. Bechtholdt indicated notification requirements had been satisfied. Upon motion made (Dobler) and seconded (Gaudette) the Planning Board waived the reading of the hearing notice.

The Board reviewed letter dated May 16, 2013 to the Town Clerk from the Town Planner, (draft) Form O –Certificate of Release of Municipal Interest in Subdivision Performance Security prepared by the Planning office and letter dated May 17, 2013 from Henry J. Lane, Attorney for Equinox Realty Trust regarding final release. Mr. Bechtholdt briefly reviewed with the Planning Board town meeting action (2013 Spring Annual) where Ash Street Extension (subdivision roadway) was approved as a public way.

Upon motion duly made (Palmer) and seconded (Gaudette) the Planning Board voted (5-0) to GRANT RELEASE of the performance surety for the Ash Street Extension subdivision pursuant to the provisions of Section 222-9 M [Northbridge Subdivision Rules & Regulations] and issued final release of the remaining funds (±\$15,000.00) held for Ash Street Extension.

In accordance with said vote the balance of the performance bond shall be released to Equinox Properties Realty Trust, upon the recording of the street acceptance conveyance documents.

V. ST. CAMILLUS HEALTH CENTER –CONT. PUBLIC HEARING

§173-49.1 -Site Plan Review

Mr. Bechtholdt advised the Planning Board that the Applicant/Engineer has yet to provide revised site development plans for the St. Camillus parking area(s) and has asked for another continuance.

Upon motion duly made and seconded the Planning Board voted (4-0-1 [Murray]) to CONTINUE the site plan review to Tuesday, July 09, 2013 at 7:15PM, as requested by the Applicant/Engineer.

OLD/NEW BUSINESS

Approval of Meeting Minutes –May 28, 2013

Upon motion duly made (Palmer) and seconded (Dolber) the Planning Board voted (5-0) to ACCEPT the meeting minutes of May 28, 2013.

Planning Board Reorganization –Nomination/Appointment of Clerk

Upon motion duly made (Palmer) and seconded (Gaudette) the Planning Board voted (5-0) to DESIGNATE George S. Murray –Clerk.

Dept of Public Health -Medical Marijuana Treatment Centers Regulations

Mr. Bechtholdt informed the Planning Board that the Department of Public Health has released its regulations for Medical Marijuana. Over the next several months the Planning office will be working with the Health Department, Police Department, Building Inspector, and Town Manager to review DPH's regulations and consider local zoning options for siting within the town. A copy of DPH (Medical Marijuana Work Group) communication dated May 08, 2013 summary was provided to the Planning Board members.

Camelot Subdivision –Status Report (Phase I & II)

Mr. Bechtholdt informed the Board that he has not received any new information since the last meeting and noted in talking with Jeff Howland (Board's consultant) concerns raised by Sewer Superintendents noted last meeting have not been resolved. Mr. Bechtholdt mentioned that it was his understanding Mr. Howland was hoping to conduct a site inspection to review the sewer pump and other aspects of the subdivision development. Mr. Bechtholdt suggested the Planning Board may want to conduct a site walk of its own. Planning Board agreed and set a site walk for Monday, June 17, 2013 at 6:00PM for the Camelot subdivision. Mr. Murray indicated that he would not participate in the site walk or discussions concerning the Camelot subdivision, noting he had work with the developer, J&F Marinella Dev. Mr. Bechtholdt will post a meeting notice for the site walk and will inform Joe Marinella of same.

Linwood Mill Lofts –Crosswalk/Linwood Ave

Mr. Bechtholdt shared with the Board email communication from James Shuris, DPW Director received May 29, 2013 concerning proposed pedestrian crosswalk on Linwood Avenue. Mr. Bechtholdt mentioned that he has not had a chance to review with Matt Mittelstadt of EA Fish. Ms. Gaudette explained there should be two (2) crosswalks proposed on Linwood Avenue; one at the Linwood Mill and another at the current terminus of the Mumford Riverwalk just west of the Victorian within the proximity of Heritage Park. Mr. Murray suggested the proposal should be reviewed by the Safety Committee for recommendation on the location; Board members agreed.

OSRP Update –Schedule Meeting Dates

The next meeting of the Open Space & Recreation Plan Update Workshop is Tuesday, July 09, 2013 (6:00PM –Town Hall).

Mail –Review

In addition to the mail listed (see attached) the Planning Board noted receipt of the following communications: (Draft) June 18, 2013 agenda; (Draft) July 09, 2013 agenda; Open Space and Recreation Plan Requirements Document; Public Hearing Notice for Farnum Circle to consider a Modification to the Definitive Subdivision; Letter dated May 9, 2013 to Doreen Cedrone from Gary Bechtholdt regarding Farnum Circle Subdivision Modification; Copy of Section 81W Modification, amendment or rescission of approval of plan; conditions; Memo dated December 14, 2012 to Barbara Gaudette, Planning Board Chair from Gary Bechtholdt concerning Farnum Circle; Letter dated November 6, 2012 to Gary Bechtholdt from JH Engineering regarding Farnum Circle Engineer's Construction Estimate; Copy of Farnum Circle Definitive Subdivision Plan; Letter dated November 29, 2012 to Michael Lambert from Gary Bechtholdt concerning Farnum Circle status; Letter dated November 29, 2012 to Tricia Lambert from Gary Bechtholdt concerning Farnum Circle status; Letter dated November 29, 2012 to Joyce Augustus and Kenneth Konicki from Gary Bechtholdt concerning Farnum Circle status; Three

photographs of Farnum Circle taken on December 13, 2012; Section of January 8, 2013 Minutes regarding Farnum Circle; Section of April 9, 2013 Minutes regarding Farnum Circle; Section of December 11, 2012 Minutes regarding Farnum Circle; Section of November 27, 2012 Minutes regarding Farnum Circle; Section of November 13, 2012 Minutes regarding Farnum Circle; Section of October 16, 2012 Minutes regarding Farnum Circle; Section of October 2, 2012 Minutes regarding Farnum Circle; Section of November 13, 2012 Minutes regarding Farnum Circle; Section of September 18, 2012 Minutes regarding Farnum Circle; Section of September 11, 2012 Minutes regarding Farnum Circle; Section of August 28, 2012 Minutes regarding Farnum Circle; Public Hearing Notice for Ash Street Extension for release of performance surety and Certificate of Completion & Release of Municipal Interest; Draft of Form O Certificate of Completion and Release of Municipal Interest in Subdivision Performance Surety for Ash Street; Letter dated May 17, 2013 to Gary Bechtholdt from Lane & Hamer regarding Ash Street Extension – Release of Bond; Letter dated March 7, 2013 to Gary Bechtholdt from JH Engineering regarding St. Camillus Health Center Site Plan Peer Review; Memo dated March 7, 2013 to Planning Board from Gary Bechtholdt concerning St. Camillus Health Center Site Plan Review; Draft Meeting Minutes of May 28, 2013; Memo dated May 8, 2013 to Interim Commissioner Lauren Smith and Members of the Public Health Council from DPH Medical Marijuana Work Group regarding the Request for Approval for Promulgation of Regulations at 105 CMR 725.000: Implementation of An Act for Humanitarian Medical Use of Marijuana (Chapter 369 of the Acts of 2012); Email dated May 29, 2013 to James Shuris and Robert Van Meter with a cc to Matt Mittelstadt and Planning Board from Gary Bechtholdt concerning Linwood Avenue Pedestrian Crosswalk; Memo dated May 21, 2013 to James Shuris and Robert Van Meter from Gary Bechtholdt regarding the Pedestrian Crosswalk on Linwood Avenue; Document of Crosswalks; Board of Selectmen License Routing Slip for Mill House Wine & Spirits; Letter dated May 30, 2013 to Thomas Hansson from Gary Bechtholdt concerning Hope Street Repetitive Application; & Planning Board 2013 Meeting Schedule.

Other

Mr. Bechtholdt advised the Planning Board that he was approached by Frank Marinella, developer (J&F Marinella Dev) for the Pine Knoll Senior Living Development (w/in Hemlock Estates) to see if the Board would be willing to waive the requirement for affordable units and allow market rate units in exchange for a monetary amount of funds. Mr. Bechtholdt reminded the Board that the Pine Knoll development requires 3 affordable units and was not sure if the Board could consider/grant such request. Mr. Bechtholdt has solicited the input of the Building Inspector/Zoning Enforcement Office for guidance. The Planning Board requested the developer (J&F Marinella Dev.) attend its next meeting to review the status of Pine Knoll. Mr. Murray indicated that he would not participate in discussions concerning Pine Knoll or Hemlock subdivision, noting he worked with the developer and lives at Pine Knoll. Mr. Bechtholdt informed the Board of a potential issue regarding Osterman Commerce Park concerning recent waterline installation that may or may not be permitted by the DPW and/or the Water Company. Mr. Bechtholdt advised the Planning Board that an individual recently purchased the Quaker Street Landfill and is looking to install a solar farm on the property –reference is made to letter dated May 28, 2013 from Peter Losordo of International Carbon Recovery Corp; Mr. Bechtholdt mentioned a portion of the site (300-feet from the roadway) is zoned to allow this type of facility the portion along Quaker Street (frontage) is located within the residential zone does not allow this use according to the Building Inspector. In addition to securing local permits (building permit, conservation commission, etc) a post-closure permit may need to be issued by DEP. Mr. Bechtholdt mentioned that it is his understanding that the town is required to maintain the capped landfill; mows and upkeeps the property (private) in

coordination with DEP through the Board of Health. Mr. Bechtholdt informed the Board that he signed-off on the building permit application for the 5-plex on Fairway Drive within the Shining Rock Golf development.

Adjournment

Having no additional business the Planning Board adjourned its meeting of Tuesday, June 11, 2013 at or about 8:50 PM.

Respectfully submitted,

Approved by Planning Board –

R. Gary Bechtholdt II
Town Planner

Cc: Town Clerk