



NORTHBRIDGE PLANNING BOARD MINUTES

Tuesday, October 12, 2010



Janet Dolber, Chair called the meeting to order at 7:00PM. 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: Cindy Key (Clubhouse Lane), Henry Lane (Heritage Park) and Frank Marinella (J&F Marinella Dev, Corp).

I. CITIZENS FORUM

None.

II. ANR PLAN

None.

III. ROCKY ROAD

Planning Board members received memorandum from the Director of Public Works (October 07, 2010) in regards to comments and questions raised at the last Planning Board meeting (September 28, 2010). Mr. Bechtholdt added that he reviewed the file and noted that the Planning Board, in letter dated April 01, 2008 advised Mr. Crosby of 218 Rocky Road that it was the opinion of the Planning Board the groundwater was not directly associated with the improvements completed, suggesting that as a result of seasonal high groundwater (2008). The letter continued to note that some members of the Planning Board had also experienced water in their basements. Ms. Gaudette noted she recalled such discussion.

Mr. Bechtholdt advised the Planning Board that he also pulled the paperwork which detailed the work performed by the third-party contractor. Additionally, in memorandum dated October 06, 2010 Mr. Bechtholdt informed the Planning Board the balance of the performance bond (\$±3,199.25) and noted the cost associated with Town Counsel review will also be charged to this account, suggesting remaining funds, if any would go back to the developer. Ms. Gaudette expressed concerns of returning any funds to the developer and felt that the town should use the funds to address other concerns brought forth by the residents. Mr. Bechtholdt suggested, when the time comes the Planning Board may discuss and consider dispensing remaining funds, if any.

Upon motion duly made (Palmer) and seconded (Griggs) the Planning Board voted to RECOMMEND STREET ACCEPTANCE of Rocky Road. Mr. Bechtholdt explained that he would prepare the Planning Board's Report for the Town Meeting and Ms. Gaudette indicated that she would present the street acceptance article on behalf of the Planning Board. The vote was unanimous (5-0).

IV. HEMLOCK ESTATES

The Planning Board reviewed Malley Engineering reporting dated October 08, 2010 along with the updated punchlist and bond estimate for Hemlock Street Phase I & Phase II (Station 0 + 00 to 18 + 39) and Fir Hill Lane (Station 0 + 00 to 6 + 50). After some initial discussion and confirmation on the bond value presented

the Planning Board, upon motion duly made (Palmer) and seconded (Griggs) voted to REDUCE THE PERFORMANCE BOND to \$172,000.00 as recommended by Malley Engineering, the Planning Board's consulting engineering for the subdivision development. Mr. Bechtholdt indicated that the Planning office had not received communication from DPW relative to Malley's reporting and as such the bond amount shall be subject to DPW review. The vote was unanimous (5-0).

Mr. Bechtholdt informed the Planning Board that the current performance surety notes a completion date of July 2010 and as such will require an extension of the completion date. Upon motion duly made (Griggs) and seconded (Palmer) the Planning Board voted to EXTEND THE DATE OF COMPLETION to October 31, 2011. Mr. Bechtholdt noted that he will prepare the new performance surety and will note the extended date through October 2011. The vote was unanimous (5-0).

V. CASTLE HILL ESTATES

The Planning Board reviewed with Mr. Henry Lane (Blackstone-Chicago) the deficiency list for Castle Hill Estates prepared by the Director of Public Works, a copy of his reporting dated September 16, 2010 was provided in the Planning Board packet and forwarded to Mr. Lane prior to the meeting. Mr. Bechtholdt explained in addition to inviting Mr. Lane he also invited the DPW Director (Sasseville) to attend the meeting so he may review his report with the Board and developer. Mr. Bechtholdt noted that neither Mr. Lane nor Mr. Sasseville contacted the Planning office to inform that they would not be able to attend. The Planning Board thanked Mr. Lane for meeting with them. Mr. Palmer suggested that the Highway Superintendent should attend.

Mr. Bechtholdt reminded everyone that it was the desire of the Planning Board to have DPW's deficiency list in May/June 2010, when the developer would have had the opportunity to address outstanding issues during the construction season. Given the time of year the Planning Board recognized that they would not have sufficient time to consider initiating the process of calling in the bond, Mr. Bechtholdt noted pursuant to MGL Ch 40 Sec 81U, where the developer would have 45-days to address construction that was deemed incomplete or unsatisfactory.

The Board briefly reviewed the DPW report. Mr. Lane noted that there was no reason to doubt what was identified in the DPW report, noting some may be normal wear and tear concerns. The Planning Board then noted potential issues with the status of the sidewalk in that, the sidewalk as noted in DPW's report may not satisfy the requirements of ADA. Mr. Lane felt the sidewalks were built prior to ADA being an issue, noting many sidewalks constructed during this time may not satisfy these regulations. Mr. Bechtholdt mentioned that he recalled some discussion between the Town Manager and Town Counsel concerning liability concerns. Mr. Bechtholdt explained that he was not privy to what was discussed, however assumed it may be in regards to the sidewalk issue and ADA. Mr. Bechtholdt explained that he would contact the Town Manager again regarding this matter.

Ms. Gaudette expressed concerns and inquired about the status of the open space parcels and when the land would be offered to the town. Mr. Lane indicated that they remain open space and would be willing to convey the open space to the town at any time.

Mr. Bechtholdt explained, in addition to the deficiencies listed by DPW, the developer is also required to provide layout plans, install monumentation, prepare legal descriptions for street acceptance, and as well as in this case convey open space parcels. Mr. Lane indicated that Guerriere & Halnon had begun preparing the as-builts and would look into setting the bound (monumentation) and preparing legal documents for street acceptance and conveyance of the open space parcels.

The Planning Board agreed to have Mr. Lane review DPW's deficiency list and asked that he put together proposal to address items identified. The Board will revisit this matter at its meeting of December 14, 2010. Mr. Lane also agreed to provide the Planning Board with the necessary legal descriptions in advance of the December meeting if possible.

OLD / NEW BUSINESS

Minutes –Approval

Upon motion duly made (Gaudette) and seconded (Griggs) the Planning Board voted (4-0-1 [Palmer abstained]) to APPROVE MEETING MINUTES OF SEPTEMBER 28, 2010. Upon separate motion duly made (Griggs) and seconded (Curtin) the Planning Board voted (3-0-2 [Gaudette & Palmer abstained]) to APPROVE MEETING MINUTES OF SEPTEMBER 07, 2010. The Planning Board tabled action concerning the July 22, 2008 & August 24, 2010 meeting minutes.

October 19, 2010 Planning Board meeting – Cancel/Postpone to 11/09/2010

The Planning Board upon motion duly made (Gaudette) and seconded (Palmer) voted (5-0) to CANCEL THE OCTOBER 19, 2010 MEETING. The next scheduled meeting of the Planning Board shall be Tuesday, November 09, 2010. Mr. Bechtholdt noted in the event the Planning Board receives a Form A application he will look to schedule a special meeting prior to the November meeting.

Planning Board Recommendation/Report(s) –FATM Warrant Articles

As noted above -upon motion duly made (Palmer) and seconded (Griggs) the Planning Board voted (5-0) to RECOMMEND STREET ACCEPTANCE of Rocky Road.

2010 Fall Annual Town Meeting –Tuesday, October 26, 2010

As noted above -Mr. Bechtholdt explained that he would prepare the Planning Board's Report for the Town Meeting and Ms. Gaudette indicated that she would present the street acceptance article on behalf of the Planning Board.

Pine Knoll Subdivision –Release of Covenant (original 2004)

Planning Board reviewed letter dated September 30, 2010 from Faith Lane regarding the Hemlock Estates subdivision (formerly known as Pine Knoll) and request to release the original Covenant. The Planning Board upon motion duly made (Palmer) and seconded (Gaudette) voted to RELEASE THE COVENANT for Pine Knoll and reaffirmed the Covenant dated July 16, 2008 for Hemlock Estates in place thereof. The vote was unanimous (5-0).

In making said determination the Board noted that the original Covenant dated October 26, 2004 is released and replaced with a (new) Covenant dated July 16, 2008 [Worcester Registry BK 43289 PG 319] for the Hemlock Estates, Definitive Subdivision showing thirty-one (31) single-family lots and Parcel F;

consisting of twenty-one (21) senior living-units permitted by the Northbridge Planning Board in Special Permit dated June 11, 2008.

Hemlock Estates –Extension of Completion Date

As noted above –the Planning Board upon motion duly made (Griggs) and seconded (Palmer) voted to EXTEND THE DATE OF COMPLETION to October 31, 2011. The vote was unanimous (5-0).

Aldrich School Town Hall Annex –Status

Mr. Bechtholdt explained there remain a number of final punchlist items that need to be resolved before Planning, Conservation Commission, Building (& Zoning Board of Appeals) and the Board of Health offices are relocated to the Aldrich School. Mr. Bechtholdt indicated that the move is imminent however reminder the Planning Board that the office located at 21 Piedmont Street had packed since last fall and has been in a state of flux for some time.

Mail –Review

In addition to reviewing the mail received (list attached hereto) and the above the Planning Board also received the following communications: Planning memorandum dated October 06, 2010 regarding Rocky Road performance bond balance; Planning memorandum dated October 06, 2010 to DPW Director regarding comments raised during the September 28, 2010 Planning Board review of Rocky Road; email communication sent September 29, 2010 to DPW regarding Rocky Road; Planning memorandum dated October 06, 2010 regarding Hemlock Estates performance bond; DRAFT meeting minutes of August 07, 2010 Planning Board site walk of Hemlock Estates; Malley Engineering report dated September 04, 2010 regarding Hemlock Estates; DPW correspondence dated August 17, 2010 regarding sidewalks installation of Hemlock Estates; three (3) DPW photographs (print-out) of sidewalk / utility pole along Hemlock Street; email communication(s) from Sewer Superintendent regarding Hemlock Estates received September 03, 2010 and August 23, 2010; Director of Public Works memo dated September 16, 2010 regarding Castle Hill Estates deficiencies; copy of Planning letter dated September 29, 2010 to Henry Lane regarding Castle Hill Estates; DRAFT Planning Board meeting minutes of September 07, 2010; 2010 Fall Annual Town Meeting Warrant; letter dated September 30, 2010 from Faith Lane regarding Pine Knoll/Hemlock Estates Covenant; Planning memorandum dated September 29, 2010 to Town Manager regarding FY12 –MHC Survey & Planning Grant Program; letter dated October 01, 2010 from Massachusetts Department of Agricultural Resources (MDAR) regarding Presidential Farms Agricultural Preservation Restriction; Special Permit Decision –Flexible Development (modification) dated August 08, 2000 for Presidential Farms; Certificate of Approval dated February 14, 2000 for Presidential Farms Definitive Subdivision; copy of executed Lot Release (Form P) dated July 15, 2010 for Presidential Farms –Phase 3; Malley Engineering report dated September 24, 2010 regarding Shining Rock Golf Community; Planning memorandum dated October 12, 2010 to DPW regarding performance surety and lot release request; Planning letter dated October 12, 2010 to Eric Dias, Tunison Smith regarding Shining Rock Golf Community performance surety and lot release request; Malley Engineering report dated October 08, 2010 regarding punchlist and bond value estimate for Shining Rock Drive (remainder of); and Planning office letter dated October 08, 2010 to Norwood Cooperative Bank regarding overall status and update on Shining Rock Golf Community.

Other

Presidential Farms –Ms. Gaudette thanked Mr. Bechtholdt for providing copy of the Presidential Farms Certificate of Approval (February 14, 2000), which included Agricultural Open Space Restriction

(Attachment A) for the property on Hill Street. Mr. Bechtholdt noted that a copy of same has also been forwarded to Town Counsel and indicated upon receipt of correspondence from legal counsel this matter will be added to a subsequent Planning Board agenda.

Trust for Public Land –Mr. Bechtholdt explained to the Planning Board that he was in contact with the Trust for Public Land, noting that they work with municipalities to promote the Community Preservation Act. Mr. Bechtholdt inquired if the Planning Board would be interested in meeting with Kim Gilman, Program Manager for the Trust for Public Land for the November 09, 2010 meeting. Ms. Gaudette felt it would be beneficial to have someone from TPL attend. Mr. Bechtholdt is to make arrangements for the November 9th meeting (7:05PM).

Massachusetts Historical Commission FY12 Survey & Planning Grant Program –Mr. Bechtholdt indicated to the Planning Board that the Town Manager has asked the Planning office to look into submitted grant application for the preparation of a Building Conditions & Window Survey Assessment of the Town Hall. Mr. Bechtholdt explained because the Town Hall is under a preservation restriction cannot simple repair/replace windows. Mr. Bechtholdt mentioned that he is awaiting additional input and guidance from the Town Manager as to the amount to be requested noting that the grant program requires a 50/50% match. The pre-application or letter of intent to apply is due November 15, 2010, with the full application due February 7th 2011.

Fairlawn Christian Reformed Church –Planning Board signed Certificate of Approval dated October 04, 2010 for the “Fairlawn Christian Reformed Church” site development located at 305 Goldthwaite Road.

Adjournment

Having no additional business the Planning Board adjourned its meeting of Tuesday, October 12, 2010 at or about 8:00 PM.

Respectfully submitted,

R. Gary Bechtholdt II
Town Planner

Cc: Town Clerk