



## NORTHBRIDGE PLANNING BOARD MINUTES

Tuesday, March 22, 2016

Recognizing the presence of a quorum Chairman Brian Massey called the meeting to order at 7:00PM with George Murray, Pamela Ferrara, James Berkowitz, and Cindy Key, Associate Member in attendance. R. Gary Bechtholdt II, Town Planner was also present. Mark Key, Vice Chairman was absent.

The following members of the public were in attendance: William Mello; Karina Quinn (Guerriere & Halnon, Inc.); Normand Gamache (Guerriere & Halnon, Inc.); Robert Knapik; Joel Brown; Steven Venincasa; Pat Mahoney; Norman Mahoney; Peggy Novick; Paul Hutnak; and Muneer Ahmed

### I. CITIZENS FORUM

None

### II. FORM A

#### Quaker Street (Assessors Map 27 Parcel 39 & 44) –ANR Plan

Karina Quinn of Guerriere & Halnon, Inc. reviewed ANR plan (81-p) for 2094 Quaker Street, including Assessors Map 27 Parcels 39 & 44 showing three (3) lots; Lot #1, Lot #2 and Lot #3 as shown and described on plan entitled "Plan of Land on 2094 Quaker Street in Northbridge, MA" dated March 18, 2016 and revised March 21, 2016, prepared by Guerriere & Halnon, Inc. Mr. Bechtholdt explained to the Board that an ANR Checklist had been completed by the Planning Office, noting the Assessors Map still indicates a portion of the subject property as Upton State Forest. Planning Board acknowledged previous discussions with the Planning Board concerning the common driveway and special permit/variance review of the Zoning Board of Appeals. *Upon motion duly made (Murray) and seconded (Ferrara) the Planning Board voted (4-0) to grant ANR endorsement.* Planning Board members endorsed the ANR plan at the conclusion of the meeting.

### III. ZONING AMENDMENT(S) –PUBLIC HEARING

§173-12 [Table of Use Regulations] Retail & Services

Mr. Bechtholdt indicated to the Board that it was his understanding that the notification requirements had been satisfied. Upon motion duly made (Murray) and seconded (Ferrara) the Planning Board voted (4-0) to waive the reading of the public hearing notice.

"In accordance with MGL CH 40A SEC 5, the Northbridge Planning Board will hold public hearing(s) Tuesday, March 22, 2016 beginning at 7:05 PM, in the Selectmen's Room of the Town Hall, 7 Main Street, Whitinsville, MA to consider zoning amendments to the Northbridge Zoning Bylaw (1) AMEND Section 173-12 [Table of Use Regulations] by allowing Stores, Food establishments, Miscellaneous Businesses, and Offices in the B1, B2 and B3 (Business Zones) by-right and (2) AMEND Section 173-4 [Zoning Map] by extending the Business-Two (B2) Zoning District along Church Street to included AP14/162&160, the former Milford Regional Medical Center (18 & 28 Granite Street) currently zoned Residential-Three (R3). A copy of the proposed zoning amendments and supportive documents are on file at the Office of the Town Clerk (7 Main Street) and Community Planning & Development Office (14 Hill Street) and may be reviewed during normal office

hours. The purpose of this hearing is to provide an opportunity for public comment; anyone wishing to be heard should attend said hearing at the time and place designated.”

The Planning Board opened the public hearing. Mr. Bechtholdt provided an overview of the proposed amendments, identified as article 20 through article 24 in the Spring Annual Town Meeting warrant.

Article 20 -to amend the Northbridge Zoning Bylaw Chapter 173 §173-12 [Table of Use Regulations] by allowing “Stores usually selling a combination of 2 or more of the following: dry goods, apparel and accessories, furniture and home furnishings, small wares, hardware and food” by-right (P) within the B-2 Zoning District whereas such use is currently allowed by special permit (S).

Chairman Massey sought input from the public, having none Mr. Bechtholdt provided an overview of the next proposed amendments:

Article 21 -to amend the Northbridge Zoning Bylaw Chapter 173 §173-12 [Table of Use Regulations] by allowing “Establishments primarily selling food and drink for home preparation and consumption or on its premises” by-right (P) within the B-2 and B-3 Zoning Districts whereas such use is currently allowed by special permit (S).

Chairman Massey sought input from the public and Planning Board, having none Mr. Bechtholdt provided an overview of the next proposed amendments:

Article 22 -to amend the Northbridge Zoning Bylaw Chapter 173 §173-12 [Table of Use Regulations] by allowing “Miscellaneous business offices and services” by-right (P) within the B-2 Zoning District whereas such use is currently allowed by special permit (S).

Chairman Massey sought input from the public and Planning Board, having none Mr. Bechtholdt provided an overview of the next proposed amendments:

Article 23 -to amend the Northbridge Zoning Bylaw Chapter 173 §173-12 [Table of Use Regulations] by allowing “Office for administrative, executive, professional, sales and other similar uses” by-right (P) within the Business –One (B1), Business-Two (B2) and Business –Three (B3) Zoning Districts whereas such use is currently not permitted (--).

Chairman Massey sought input from the public and Planning Board, having none Mr. Bechtholdt provided an overview of the next proposed amendments:

Article 24 -to amend the Northbridge Zoning Bylaw Chapter 173 §173-42 [Establishment of Zoning Map] by extending the Business-Two (B-2) Zoning District along Church Street to include Assessor Map 14 Parcel(s) 162 & 160, the former Milford Regional Medical Center located at 18 & 28 Granite Street; the subject property is currently included in the Residential-Three (R-3) Zoning District.

Chairman Massey sought input from the public and Planning Board. Mr. Murray asked about the status of Quinsigamond Community College, indicating that it was his understanding that Milford Regional Medical may now be looking at something else other than an educational use. Mr. Murray reminded Board members that when the Planning Board held its first zoning public workshop it was suggested by the Executive Director of the Blackstone Valley Chamber of Commerce that Quinsigamond was interested in locating a satellite

campus at this location. Mr. Bechtholdt concurred with Mr. Murray and noted that an educational use may be considered an exempt use, the intent of the zoning amendment would be to allow other uses that are not currently permitted for the property (other than residential). Mr. Bechtholdt explained that the proposed rezone would accomplish that. Mr. Bechtholdt could not say whether or not Quinsigamond was still interested in the property as he did not know. Mr. Bechtholdt noted that Peggy Novick, a representative from the Milford Regional Medical Center was in attendance.

Ms. Novick indicated that Quinsigamond is still interested in the property, noting they will be putting the property on the market soon, suggesting others may be interested as well. Ms. Novick provided the Planning Board with a letter dated March 17, 2016, supporting the proposed zoning change.

Joel Brown (Granite Street) noted that he has lived across the street from Milford Regional Medical for 31-years and asked the Planning Board if they could wait and see what is really planned to go there before the Board moves on the zoning change. Mr. Bechtholdt explained unfortunately that is not a practical process, suggesting it would be nice to have a crystal ball. He mentioned that interested buyers don't typically like to speculate on what could be allowed especially if it is dependent upon whether or not a zone change is subject to Town Meeting approval. Currently the site is zoned residential which limits the types of uses permitted. Mr. Bechtholdt explained that the intent of the zoning amendment is to provide more flexibility in by-right uses as opposed to a residential use or perhaps an exempt use or protected use.

Mr. Brown asked for clarification on which properties are considered for the zone change. Mr. Bechtholdt explained the zone line for Business-Two along Church Street ends at J&S Auto, the amendment would extend the existing B2 to include the Milford Regional Medical Center which occupies two parcels (18 & 28 Granite Street).

Mr. Massey explained that the Board reviewed the existing zoning of the property and looked at what could be permitted under the existing zone of residential and found it to be very limited for the building and property.

Mr. Bechtholdt explained if the property was to change use in all likelihood a site plan review of the Planning Board would be required where the Board would look to minimize the potential impacts to the surrounding area. Ms. Novick indicated that another college is also looking into the property, as well as a restaurant owner. Mr. Brown suggested that he would not like to see a restaurant at that location. Mr. Brown inquired about on-street parking. Mr. Bechtholdt suggested as part of a site plan review the Planning Board would discuss parking and if on-street parking was a concern of the abutters the Board could put a restriction.

Having no additional questions or comments from the Planning Board or the public the Board, upon motion duly made (Murray) and seconded (Ferrara) voted to close the public hearing.

*Upon motion duly made (Murray) and seconded (Ferrara) the Planning Board voted (4-0) to RECOMMEND Article #20 (as presented in the warrant).*

*Upon motion duly made (Murray) and seconded (Ferrara) the Planning Board voted (4-0) to RECOMMEND Article #21 (as presented in the warrant).*

Upon motion duly made (Murray) and seconded (Ferrara) the Planning Board voted (4-0) to recommend Article #22 (as presented in the warrant).

Upon motion duly made (Murray) and seconded (Ferrara) the Planning Board voted (4-0) to recommend Article #23 (as presented in the warrant).

Upon motion duly made (Murray) and seconded (Ferrara) the Planning Board voted (4-0) to recommend Article #24 (as presented in the warrant).

In offering its recommendations the Planning Board recognized the need to expand the uses permitted in the Business zoning districts, whereas such uses are compatible with other uses currently permitted in the zone.

#### IV. ZONING AMENDMENT(S) –PUBLIC HEARING

§173-2B [Terms defined] Contractor's Yard

§173-12 [Table of Use Regulations] Contractor's Yard

§173-27C [Off-street parking standards] Contractor's Yard

Chairman Massey looked to open the public hearing; Mr. Bechtholdt acknowledged that it was his understanding that the notification requirements had been satisfied. Upon motion duly made (Berkowitz) and seconded (Murray) the Planning Board voted (4-0) to waive the reading of the public hearing notice.

"In accordance with MGL CH 40A SEC 5, the Northbridge Planning Board will hold public hearing(s) Tuesday, March 22, 2016 beginning at 7:25 PM, in the Selectmen's Room of the Town Hall, 7 Main Street, Whitinsville, MA to consider the following zoning amendments to the Northbridge Zoning Bylaw: (1.) AMEND Section 173-2 [Terms defined] by inserting defined term for Contractor's Yard, (2.) AMEND Section 173-12 [Use regulations] allowing Contractor's Yard in the B2 & B3 (Business zones) and the I1 & I2 (Industrial zones) by special permit and (3.) AMEND Section 173-27C [Off-street Parking and Loading] by inserting parking standards for Contractor's Yards. A copy of the proposed zoning amendments and supportive documents are on file at the Office of the Town Clerk (7 Main Street) and Community Planning & Development Office (14 Hill Street) and may be reviewed during normal office hours. The purpose of this hearing is to provide an opportunity for public comment; anyone wishing to be heard should attend said hearing at the time and place designated".

The Planning Board opened the public hearing. Robert Knapik, on behalf of the petitioners and a landowner provided an overview of the proposed amendments identified as articles 27-29 of the Spring Annual Town Meeting warrant.

Mr. Knapik stated the three (3) zoning petition articles together will allow a Contractor's Yard use within certain business zones and Industrial upon receipt of a special permit. By way of background Mr. Knapik explained his client, Russell Shine owns the former Shine's Automotive in Linwood; Mr. Shine is now retired and has found a potential buyer who would like to utilize the property (building, etc.) as a Contractor's Yard. Mr. Knapik explained in preparing to purchase the property the buyer did their due diligence and found that a Contractor's Yard is not allowed under the Northbridge Zoning Bylaws, as it's not a defined term and not a specifically allowed use. Mr. Knapik noted there clearly are a number of existing Contractor's Yards in Northbridge which seem to operate without controversy or ill-effect and those are either pre-existing non-

conforming, lawful uses or perhaps not lawful. The three (3) articles together would (1) define Contractor's Yard [§173-12], (2) designate in which Zoning Districts a Contractor's Yard would be permitted [§173-12] and (3) establish off-street parking and loading requirements for Contractor's Yards [§173-27C].

Mr. Knapik explained Contractor's yard would be allowed in the Business-Two, Business-Three, Industrial-One, and Industrial-Two zones by special permit and not allowed in any Residential, Business-One or Heritage District zones.

Mr. Knapik suggested it appears that the Business-One Zoning District is intended to encompass the several downtowns or central business district areas within the town. Therefore, it seemed to Mr. Knapik that a Contractor's Yard would probably not be a use compatible with the current uses in the B1 Zoning District. Mr. Knapik mentioned that consideration was also given to whether or not a Contractor's Yard should be allowed as-of-right in the Industrial-One and Industrial-Two Zoning Districts but in the end he decided that the town should still be entitled to the control and oversight inherent in the process of granting a Special Permit, even though many of the uses allowed as-of-right in the I-1 and I-2 Zoning Districts are arguably potentially more harmful or offensive than a Contractor's Yard.

Mr. Knapik, after reviewing the rationale for selecting the particular zoning districts, briefed the Planning Board on the justification for allowing a Contractor's Yard by special permit only and not as-of-right. Mr. Knapik suggested because this type of use has the potential to have some elements that may be offensive or a nuisance with regard to noise, etc. Mr. Knapik felt it is a good idea to give the town the discretion to allow Contractor's Yards on a case by case basis. It provides a mechanism whereby the Board could, in appropriate circumstances allow a Contractor's Yard while imposing certain types of restrictions to eliminate or substantially reduce the chances that it is offensive or a nuisance, requiring screening, limiting hours of operation, etc.

Mr. Knapik mentioned that he would have approached the Planning Board to see if the Board was interested in sponsoring the article but time did not allow. Mr. Knapik sought support and a favorable recommendation from the Planning Board.

Chairman Massey opened discussion to the Planning Board. Mr. Murray supported the articles and agreed with Mr. Knapik on the rationale for requiring a special permit, suggesting it may help address long-standing issues in town for similar uses. Mr. Berkowitz voiced his support on the three petition articles. Ms. Ferrara agreed however questioned how the day-to-day operations of a Contractor's Yard would work.

Mr. Knapik suggested tradesmen or contractors would use a contractor's yard, with the expectation that it would be a building with an area designated as an office for administrative assistant and other staff. Part of the building may be used for maintenance of equipment, storage of equipment or overnight storage of supplies while the outside would provide spaces for parking and storage of vehicles and equipment. The use of the contractor's yard would be during business hours. A contractor's yard would not necessarily be a remote location with just supplies.

Mr. Massey indicated his support of the three articles and sought additional comment. Mr. Bechtholdt explained that Mr. Knapik met with the Building Inspector prior to submitting the petition articles for his review. Mr. Bechtholdt supported the need to define this type of use in the town's zoning bylaw.

Having no additional questions or comments from the Board or the public the Planning Board, upon motion duly made (Murray) and seconded (Berkowitz) voted to close the public hearing.

Article 27 -to amend the Northbridge Zoning Bylaw, Article II (Definitions), §173-2B, by inserting the following defined term: Contractor's Yard: Premises, other than a construction site on which a building permit is in force, used by a building or construction contractor or subcontractor, or any other tradesman or landscaper, principally for storage of equipment and supplies, fabrication of subassemblies, and parking of equipment used by such contractor, subcontractor, other tradesman or landscaper, whether conducted inside or outside of a building.

*Upon motion duly made (Murray) and seconded (Ferrara) the Planning Board voted (4-0) to recommend Article #27 by adding a defined term for Contractor's Yard as presented in the warrant.*

Article 28 -to amend the Northbridge Zoning Bylaw, Article V (Use Regulations), §173.12, by allowing Contractor's Yard within the Business-Two, Business-Three, Industrial-One and Industrial-Two Zoning Districts by Special Permit.

*Upon motion duly made (Murray) and seconded (Ferrara) the Planning Board voted (4-0) to recommend Article #28 by allowing Contractor's Yard within the Business-Two, Business-Three, Industrial-One and Industrial-Two Zoning Districts by Special Permit (as presented in the warrant).*

Article 29 –to amend the Northbridge Zoning Bylaw, Article VIII (Off-Street Parking and Loading), §173-27C, by requiring Contractor's yard to have one parking space per every 750 square-feet of net floor space.

*Upon motion duly made (Murray) and seconded (Ferrara) the Planning Board voted (4-0) to recommend Article #29 requiring one parking space per 750 square-feet for Contractor's Yard (as presented in the warrant).*

In offering its recommendations on petition articles 27-29 the Planning Board acknowledged that the petitioner consulted with the Building Inspector/Zoning Enforcement Officer prior to submitting the articles. The Planning Board recognizes the need to incorporate Contractor's Yard in the terms defined in its Zoning Bylaw, thereby to provide clarity and codify similar uses that may already be in existence. Additionally, the Planning Board supports Contractor's Yard by Special Permit where the town would maintain some oversight and control over the proposed use.

#### V. QUAKER STREET –CONT. PUBLIC HEARING

Special Permit §173-27 E (4) -Common driveway

Chairman Massey explained that Mark Key, Vice Chairman was not in attendance and that Cindy Key, the Associate Member was also not present resulting in the Board of only have 4-voting members (qualifying as a quorum) for this scheduled continued public hearing for the special permit application of common driveway. Chairman Massey offered the Applicant/Engineer the opportunity to continue the hearing without discussion or to proceed; Applicant/Engineer acknowledged having only 4-voting members for the Special Permit and requested the Board to proceed with the hearing.

Karina Quinn of Guerriere & Halnon, Inc. provided the Planning Board with an update, noting since the last meeting (March 08, 2016) the Applicant/Engineer met with the Safety Committee for review and approval. Ms. Quinn noted that during construction of the driveway the Fire Department would be notified and provided an opportunity to review the slope/grade of the common driveway prior to any final paving of the drive to ensure the ladder truck could access site without bottoming out. Reference is made to Safety Committee meeting minutes of March 16, 2016.

Ms. Quinn informed the Board that the driveway along the entrance at Quaker Street was reconfigured so that the grading is slightly under the 10% slope of a distance of approximately 100-feet and then flattens out further into the site. Ms. Quinn indicated that total length of the drive is now proposed at 460-feet as opposed to 480-feet. Ms. Quinn then reviewed the swale which was added to the plan as suggested at the last Planning Board meeting. Mr. Bechtholdt asked that the required street address sign be shown on the plan.

Chairman Massey sought comment from the Planning Board; Mr. Murray suggested the street address sign be located before the driveway (west side) and to make sure the sign is clear of vegetation. Mr. Berkowitz and Ms. Ferrara noted their satisfaction with the plan. Mr. Massey asked for clarification on the length of the swale along the driveway; Ms. Quinn reviewed the plan showing the swale along the entirety of the driveway.

Having no additional comments from the Planning Board Chairman Massey sought comments/concerns from the public, having none the Board looked to review the draft prepared by the Community Planning & Development Office and voted (4-0) to close the public hearing and deliberated on the Applicant's special permit application.

*Upon motion duly made (Murray) and seconded (Ferrara) the Planning Board voted (4-0) to grant with conditions the Special Permit for Common Driveway -Quaker Street to service two proposed single-family house lots.*

Conditions of approval includes the following: minimum pavement width of 15-feet; common drive must satisfy requirements of Northbridge Zoning By-Law Section 173-27 E (4); grade of driveway shall not exceed 15% as provided for in Section 173-27 E (2); common drive shall be laid out entirely within an access and utility easement of at least 25-feet wide, where the common driveway shall not be considered or qualify as legal frontage for any lots serviced by the common drive; street address sign for Lot #2 & Lot #3 shall be installed at Quaker Street to minimize potential confusion regarding access to homes/property in the event of an emergency. Street address sign shall be located in accordance with (as shown on) the Common Driveway plan, unless otherwise approved by the Fire/Police departments. Such signage shall be set back as to not inhibit sightlines along Quaker Street and kept clear of excessive vegetation; adequate drainage shall be provided. The driveway shall be designed and constructed in a manner to minimize washout, erosion and prevent drainage onto Quaker Street. Excessive stormwater runoff shall not be permitted onto the public way (Quaker Street), the driveway shall be designed to direct and capture the runoff accordingly. Owner/Applicant shall be responsible for maintenance of stormwater and erosion controls, failure to do so may result in zoning violation(s). A drainage swale shall be constructed along the southerly side of the drive to direct runoff as shown and designed on the approved Common Driveway plan. A rip-rap swale shall be constructed as shown on the plan; copy of recorded Special Permit (Common Driveway) shall be given to the

Planning Office and Building Department prior to the Issuance of Building Permit with evidence that an agreement is in place that allows the right to access said easement for driveway. Prior to Issuance of Occupancy the required common driveway signage shall be installed by the Owner/Applicant and reviewed and approved by the Northbridge Fire Department; During construction the applicant shall take whatever means necessary to insure dust/debris from construction does not aggravate adjacent properties. Construction of the common drive shall comply with the Orders of Conditions, if any, issued by the Northbridge Conservation Commission; Copy of executed legal document(s) shall be provided to the Planning Board and Building Department; said document shall demonstrate that maintenance, repair, snow removal, and liability of the driveway shall remain perpetually the responsibility of the private parties and/or their successor of interest and not the responsibility of the Town on Northbridge. Copy of executed agreement(s) providing access over the common drive to all the lots and making the lots served by the common drive jointly and as described above shall be provided to the Building Department; Compliance with the common drive construction/design requirements shall be demonstrated to the Building Inspector by means of inspection and as-built plan certification prepared by a Registered Professional Engineer prior to the Issuance of Occupancy for lots serviced by the common driveway; and Violation of any conditions noted herein or failure to comply with this Special Permit shall subject the Owner(s) and/or their successors of interest to zoning enforcement action in accordance with the remedies set forth in M.G.L. c. 40A and as may otherwise be provided in the Zoning By-Law.

Reference is made to plan entitled "Special Permit Plan for Common Driveway for 2094 Quaker Street (Map 27/Parcels 39 & 44)" prepared by Guerriere & Halnon, Inc.

## **VI. STREET ACCEPTANCE –PUBLIC MEETING**

### **Fairway Drive –Layout/Recommendation**

Chairman Massey looked to open the public meeting; Mr. Bechtholdt acknowledged that it was his understanding that the notification requirements had been satisfied. Upon motion duly made (Berkowitz) and seconded (Murray) the Planning Board voted (4-0) to waive the reading of the public meeting notice.

"The Planning Board shall hold a public meeting on Tuesday, March 22, 2016 (7:45PM) in the Selectmen's Room of the Northbridge Memorial Town Hall (7 Main Street, Whitinsville, MA) to consider its recommendation to Layout Fairway Drive (remaining portion of) located within the Shining Rock Golf Community subdivision. Such recommendation (to the Board of Selectmen) is to be done in conjunction with street acceptance considerations at the 2016 Spring Annual Town Meeting scheduled for Tuesday, May 03, 2016. A copy of the proposed street acceptance /layout plan along with legal description(s) and other supportive documentation is on file with the Office of the Town Clerk, 7 Main Street and with the Community Planning & Development Office, 14 Hill Street (Town Hall Annex) and may be reviewed during normal office hours. The purpose of this meeting is to provide an opportunity for public comment, anyone wishing to be heard should attend said meeting at the time and place designated."

Planning Board acknowledged receipt of Board of Selectmen's vote of intent to lay out the remaining portion of Fairway Drive; reference is made to memorandum dated March 16, 2016. The Planning Board reviewed street acceptance checklist prepared by the Community Planning & Development Office, the Layout/Acceptance Plan, copy of (draft) Easement language, memorandum from Director of Public Works, email communication from the Sewer Superintendent, memorandum from the Fire Chief regarding hydrants, and correspondence from Developer's engineer.



Mr. Bechtholdt updated the Planning Board on the status of remaining punchlist items noting that the sidewalk and curbing has been extended per the plan and the cracks in the sidewalk repaired.

Mr. Bechtholdt acknowledged that Steven Venicassa, Developer was in attendance and reminded Board members that meeting notice was sent to property owners, suggesting before the Planning Board makes a recommendation the Board should solicit input from the public. Chairman Massey thanked Mr. Venicassa for attending and addressing noted concerns. Mr. Massey sought comment from the Planning Board; having none he opened discussion to the public.

Norman Mahoney inquired if the performance bond could be held by the town until outstanding issues within individual units are corrected or if the bond was specific to the street. Mr. Bechtholdt informed Mr. Mahoney that the bond held by the Planning Board was specific to the subdivision roadway and associated improvements, including street trees, street lights, water/sewer, and drainage; Mr. Massey confirmed same.

Mr. Bechtholdt advised the Planning Board that Town Counsel has reviewed the legal descriptions and conveyance documents; indicating the documents are satisfactory and the Board may make its recommendation to the Board of Selectmen.

Mr. Murray asked Mr. Mahoney if any of his concerns related to his property may be adjacent to the street; Mr. Mahoney believed his concerns were not covered in the subdivision bond such as drainage concerns to the rear of his unit. Mrs. Mahoney added the back of the unit needs to be graded and reseeded, indicating there is a drainage pipe from the golf course that may flood the basements. Mr. Venicassa noted he was not aware of the issues suggesting Brian Clarke, his Site Contractor likely is. Mr. Venicassa suggested they need to wait until the weather warms up before seeding. Mr. Massey suggested Mr. & Mrs. Mahoney continue to work with the Developer to address concerns. Board members and the public had no additional comments specific to the subdivision roadway.

*Upon motion duly made (Murray) and seconded (Ferrara) the Planning Board voted (4-0) to recommend the layout of Fairway Drive, remaining portion of. Upon separate motion duly made (Ferrara) and seconded (Berkowitz) the Planning Board voted (4-0) to recommend acceptance of Fairway Drive as a public way.*

## VII. LAND DONATION –REVIEW/RECOMMENDATION

The Hills at Whitinsville –Open Space Parcels (Petition article)

Mr. Bechtholdt read memorandum dated April 28, 2016 from Heritage Design Group, on behalf of Hill Street Nominee Trust requesting to pass over petition article for the open space land donation within the Hills at Whitinsville subdivision. *The Planning Board acknowledged receipt of request and voted (4-0) to support the motion to pass over.*

## OLD / NEW BUSINESS

Approval of Meeting Minutes –March 08, 2016

Tabled –no discussion.

2016 Spring Annual Town Meeting –Tuesday, May 03, 2016 (7:00 PM)

Point of information –no discussion.

2016 SATM Warrant Articles –Planning Board Recommendations

See discussions above.

The Hills at Whitinsville –Performance Bond Release

Withdrawn –Mr. Bechtholdt explained that he received a communication on behalf of the Owner/Applicant indicating that as a result of the recent passing of one of the Trustees the matter(s) specific to the Hills at Whitinsville (open space parcels and subdivision) will be postponed (withdrawn/passed over). Consideration of final bond release was tabled at this time.

Carpenter Estates Performance Bond/Lot Release –Discussion

Paul Hutnak (Andrews Survey & Engineering, Inc.) and Muneer Ahmed, on behalf of the Developer met with the Planning Board concerning the establishment of a performance bond for the Carpenter Estates subdivision and consideration of lot release. Planning Board acknowledged receipt of JH Engineering Group, LLC (Planning Board's consulting engineer) report dated March 06, 2016, including punchlist items and construction budget estimates (\$239,734.75). Mr. Bechtholdt informed the Board that he has had conversation with the Developer reminding him that conditions of approval and requirements of the subdivision Rules & Regulations will need to be satisfied prior to formal lot release. Mr. Bechtholdt also advised the Planning Board that an extension on the construction completion date should be considered at this time and should be reflected on the performance bond accordingly. Planning Board acknowledged receipt of communication from the Director of Public Works indicating acceptance of the retaining wall(s) construction; reference is made to memorandum dated March 09, 2016. Mr. Bechtholdt explained that the project engineer needs to provide an as-built and letter/narrative certifying that stormwater and drainage improvements have been installed. Mr. Bechtholdt explained that confirmation from National Grid and/or DPW detailing locations of transformer pads and verification that conduit is installed shall also be provided prior to formal release. Additionally, as part of the subdivision approval, the Applicant agreed to provide the town with a one-time monetary contribution of \$5,000.00 towards improvements of town recreational facilities. Mr. Bechtholdt informed the Planning Board that a Lenders Agreement (Form K) with Milford National Bank and Trust will be used to secure remaining improvements of the subdivision. Mr. Bechtholdt indicated that he sent correspondence to the various town departments and Whitinsville Water Company; not aware of any additional concerns other than items listed in JH Engineering's reporting. Mr. Bechtholdt suggested that the Planning Board consider the extension request first. *Upon motion duly made (Murray) and seconded (Ferrara) the Planning Board voted (4-0) to grant a one-year extension of the completion date through March 22, 2017.* The Planning Board then considered establishing the bond amount. *Upon motion duly made (Ferrara) and seconded (Berkowitz) the Planning Board voted (4-0) to establish a bond amount of \$240,000.00 as identified and estimated by JH Engineering Group, LLC in report dated March 06, 2016.* The Planning Board then considered the lot release request; reference made to letter dated March 22, 2015 for release of lots 1-18. Mr. Bechtholdt suggested if the Board is to grant lot release, the release should be subject to the Developer satisfying the conditions of approval, including securing the performance bond. The Planning Board reviewed conditions of approval. Mr. Hutnak reminded the Planning Board that the project received project modification which allowed for LID –Low Impact Development techniques to be employed rather than a typical or standard drain-to-basin stormwater management. Mr. Hutnak explained that the raingardens and other LID measures will be constructed per the approvals, however, at this time they have not be installed. They will be constructed in conjunction with the various driveway crossings. Mr. Hutnak indicated that he could provide a letter describing site conditions and existing erosion and sediment controls within the subdivision but could not prepare any as-builts at this time. Mr. Bechtholdt reminded

Mr. Hutnak of the need to install temporary measures to capture runoff from the building lots so the stormwater does not negatively impact or compromise the swales that will be installed along the roadway (and resource areas). Mr. Hutnak agreed to install check-dams, straw-wattles, silt-socks, and other controls as the lots are developed. Planning Board consented to allowing the Applicant/Engineer to provide a narrative on how stormwater will be handled in the interim and during lot construction. Mr. Murray expressed concerns with releasing all of the house lots at this time, noting in the past the Planning Board has required that lots be held back. Mr. Murray stated that he was not in favor of releasing all the lots, especially for this project as this type of construction (LID) is new to all of us and we should err on the side of caution. Mr. Murray recalled when the original developer came before the Planning Board he indicated that they would sell/build the lots individually and install the raingardens along the way. Mr. Murray was agreeable to establishing the bond but reiterated that he was not comfortable in releasing all the lots, wanting to see how things progressed with the rain gardens before releasing all the lots. Mr. Hutnak questioned the reasoning for not releasing the 18-lots; Mr. Murray stated he was concerned with the number of lots and wants to make sure the rain gardens work before all the lots are released. Mr. Bechtholdt offered that restricting the number of lots in the past was used as a safeguard to ensure if something was to go wrong in a subdivision, the Board would have lots restricted to the Covenant as an incentive to complete the work. Mr. Murray agreed and suggested that holding back lots gives the Board some leverage. Mr. Bechtholdt reminded Mr. Hutnak that in instances where this Board has released lots in the past the projects had been phased where lots remained restricted to the Covenant and not released all at once. Mr. Bechtholdt noted that it's the Developers' right to ask for all the lots to be released and can understand Mr. Murray's concerns as well. Mr. Massey agreed with Mr. Murray's sentiments and asked the Developer if the Board was to only release some of the lots which ones worked for him. Mr. Bechtholdt asked the Developer whether the Lender's Agreement was contingent upon the release of all the lots or would they be agreeable to holding back some of the lots. Mr. Ahmed indicated that he would need to check with the Lender but suggested it should not be a problem. Mr. Ahmed suggested ten (10) lots be released. Mr. Bechtholdt reminded the Board that they held back two (2) lots for Hemlock Estates. Mr. Murray suggested the Planning Board grant release for nine (9) lots which would take lot development to the crest of the hill. Mr. Bechtholdt reminded the Developer that he could request additional lots as often as desired. Mr. Hutnak offered if they were to receive release of twelve (12) lots that would take them to the culvert in the street which is basically where the last rain garden will be located. Mr. Hutnak noted the remaining six (6) lots would not have any associated rain gardens which would alleviate Mr. Murray's concerns. The Planning Board supported the release of the following lots: 1-7 & 14-18. Mr. Bechtholdt asked Mr. Hutnak to designate a station number for the purposes of establishing a revised bond amount for the subdivision should the Lender decide not to bond the entire subdivision understanding that not all the lots are to be released. Mr. Hutnak indicated the bond amount could be set for Station 0+00 through Station 13+50. Mr. Bechtholdt asked the Planning Board if they were agreeable to allow for the bond amount to be revised (reduced) should the Lender not agree to the full amount with the understanding that only twelve (12) lots are to be released and not all eighteen (18). The Board was amendable to revising the bond amount to be determined by JH Engineering Group for Station 0+00 to Station 13+50. *Upon motion duly made (Murray) and seconded (Ferrara) the Planning Board voted (4-0) to release the following twelve (12) lots: 1, 2, 3, 4, 5, 6, 7, 14, 15, 16, 17, & 18 subject to the Developer posting the performance bond and satisfying the requirements of the Subdivision Rules & Regulation and conditions of the subdivision approval.*

Planning Board Studies & Initiatives –Discussion

Tabled –no discussion.

Subdivision/Site Developments –Updates

Mr. Bechtholdt mentioned that Barbara Kinney, Planning Board administrative assistant recently sent notice to the various Developers in town requesting they provide the Board with a status report and updated construction schedule. Mr. Bechtholdt indicated that the developer for Leonardo Estates had provided a response and that the developer for Presidential Farms contacted the Planning office and will provide an update for the next meeting. Mr. Bechtholdt explained that he has not heard from the developer for Hemlock Estates or the Camelot subdivision.

Mail –Review

In addition to the mail listed (see attached) the Planning Board noted receipt of the following communications: March 22, 2016 Agenda; Draft Agendas for April 12, 2016, April 26, 2016, May 10, 2016 and May 24, 2016; Public Hearing Notice for proposed Zoning Amendments to Section 173-12 (Table of Use Regulations by allowing store, food establishments and miscellaneous businesses and offices in the B1, B2, and B3 (Business Zones) by-right and Section 173-4 (Zoning Map) by extending the B2 zone along Church Street to include AP 14 / 162 & 160, the former Milford Regional Medical Center 18 & 28 Granite Street, currently zoned R3; Article 20, Amend Zoning Bylaw Chapter 173-12 (Table of Use Regulations) stores usually selling a combination of 2 or more of the following: dry goods, apparel and accessories, furniture and home furnishings, small wares, hardware and food by right in the B-2 zoning district whereas such use is currently allowed by special permit; Article 21, Amend Zoning Bylaw Chapter 173 Section 173-12 (Table of Use Regulations) establishments primarily selling food and drink for home preparation and consumption or on its premises by-right within the B-2 and B-3 zoning districts whereas such use is currently allowed by special permit; Article 22, Amend Section 173-12 by allowing “Miscellaneous business offices and services” by-right within the B-2 zoning district whereas such use is currently allowed by special permit; Article 23, Amend Zoning Bylaw Chapter 173 Section 173-12 (Table of Use Regulations) by allowing “ Office for administrative, executive, professional sales and other similar uses” by-right within the B-1, B-2 ad B-3 zoning districts whereas such use is currently not permitted; Article 24, Amend Zoning Bylaw Chapter 173 Section 173-4 (Establishment of Zoning Map) by extending the B-2 zoning district along Church Street to include Assessor Map 14, Parcels 162 and 160, the former Milford Regional Medical Center located at 18 & 28 Granite Street and the subject property is currently in the R-3 zoning district; Public Hearing Notice for the proposed amendment to the Zoning Bylaw to amend Section 173-2 (Terms defined) by inserting defined term for Contractors Yard and amend Section 173-12 (Use regulations) allowing Contractor’s Yard in the B2 and B3 (Business zones) and the I1 and I2 (Industrial zones) by special permit and amend Section 173-27C (Off street parking and Loading) by inserting parking standards for Contractor’s Yards; Proposed Town Meeting Articles: Article 1 (Article 27) Amend Zoning Bylaws, Article II (Definitions), Section 173-2B, by inserting the defined term for Contractor’s Yard, Article 2 (Article 28) Amend the Zoning Bylaws, Article V (Use Regulations), Section 173.12 by inserting Contractor’s Yard in the Table of Use Regulations, and Article 3 (Article #29) Amend the Zoning Bylaws, Article VII (Off-Street Parking and Loading), Section 173-27 by inserting in the Table of Off-Street Parking Standards under the category “Industrial and Institutional” Contractor’s Yard 1 per 750 square feet of nfs; Email dated February 24, 2016 to Town Planner and Building Inspector with a cc to Frank Niro from attorney Rob Knapik regarding the Proposed zoning amendment article(s) on Contractor’s Yards; Public Meeting Notice to consider the layout of Fairway Drive (remaining portion of) located within the Shining Rock Golf Community subdivision; Memo dated March 16, 2016 to Town Planner from Executive Assistant to the Town Manager regarding the intent to lay out the remaining portion of Fairway Drive; Fairway Drive street acceptance checklist; Street Acceptance Plan for Fairway Drive dated November 11, 2014; Fairway Drive Description and easements; Memo dated March 10, 2016 to Town Planner from DPW

Director regarding Fairway Drive Road Acceptance; Email dated February 25, 2016 to Town Planner from DPW Sewer Superintendent concerning Fairway Drive; Memo dated January 22, 2016 to Town Planner from Fire Chief regarding Fairway Drive Extension – Fire Hydrant; Letter dated March 8, 2016 to Planning Board from Tunison Dias, Inc. concerning Fairway Drive Roadway Acceptance; Letter dated March 7, 2016 to Town Planner with a cc: to Conservation Commission, DPW Director, and DPW Sewer Superintendent from JH Engineering concerning Shining Rock Golf Community Fairway Drive Road Acceptance; Email dated January 29, 2016 to Tunison Dias from Whitinsville Water Company regarding Fairway Drive Extension; Letter dated March 8, 2016 to Planning Board from Tunison Dias regarding Fairway Drive roadway acceptance; Memo dated March 2, 2016 to Guerriere & Halnon with a cc: to DPW Highway, NFD / Safety Committee, and Conservation Commission from Town Planner concerning 2094 Quaker Street special permit – common driveway; Draft Conditions for Common Driveway Quaker Street; Special Permit Plan for Common Driveway 2094 Quaker Street with a revised date of March 8, 2016; Article 30 (Petition) acceptance of the approximately 127 acres of open space land located off of Hill Street and Prospect Street in and around the subdivision known as “The Hills at Whitinsville”; Plan of Land for Hill Street Nominee Trust dated November 27, 2012; Legal Description of Open Space Lot 1; Legal Descriptions of Open Space Lot 2; Legal Description of Open Space Lot 3; Legal Description of Open Space Lot 4; Legal Description of Open Space Lot 5, Legal Description of Open Space Lot 6; Legal Description of Open Space Lot 7; Draft 2016 FATM The Hills – Land Donation Plan; memo dated March 10, 2016 to Planning Board from Conservation Commission regarding Hills at Whitinsville Open Space Land; Email dated March 16, 2016 to Heritage Design Group with a cc: to Town Manager, Planning Board Chair, and Planning Administrative Assistant from Town Planner regarding the Hills Open Space land donation and back taxes owed; Email dated March 16, 2016 to Town Planner from Planning Administrative Assistant regarding Hills at Whitinsville Fire and Wetlands account; Letter dated March 6, 2016 to Town Planner from JH Engineering concerning Carpenter Estates Engineer’s Construction estimate; Memo dated March 9, 2016 to Town Planner from DPW Director concerning Carpenter Estates retaining wall acceptance; Email dated March 15, 2016 to Mujeeb Construction with a cc: to Planning Administrative Assistant and Planning Board Chair from Town Planner concerning Carpenter Estates Engineer’s estimate; Form K Performance Secured by Lenders Agreement for Carpenter Estates; Email dated March 17, 2016 to DPW Director with a cc: to DPW Highway Superintendent from Town Planner concerning Carpenter Estates Bond Estimate; Bylaw Review Committee 2 Vacancies; Email dated March 14, 2016 to Town Planner with a cc: to Town Manager, Planning Board and Planning Administrative Assistant from DPW Director regarding Main Street – Wal-Mart sewer connection; 2016 Planning Board meeting schedule.

#### Other

Mr. Bechtholdt informed the Planning Board that the Board needs to appoint a representative for the Bylaw Review Committee in accordance with Section 8-9b of the Home Rule Charter; arrangements will be made for the Planning Board to appoint at its next meeting. Mr. Bechtholdt advised the Planning Board that Graves Engineering has completed its second review of the proposed sewer extension into Sutton (along Main Street) noting that he sent a follow-up email to the DPW Director, Sewer Superintendent and Town Manager reminding them that the build-out potential along Main Street be considered in the design/construction of the proposed sewer system and not designed exclusively for the existing Walmart facility. The Planning Board acknowledged receipt of Mark Kuras, Sewer Superintendent’s email reply concerning the sewer extension proposal. Mr. Bechtholdt advised the Board that there were no new items currently included on the April 12, 2016 Planning Board agenda, however he anticipates receipt of a site plan application for a proposed self-storage facility for property located at the corner of Douglas Road and Castle Hill Road. Chairman Massey and the other Planning Board members in attendance were agreeable to

canceling its next scheduled meeting if no new applications are received in time for consideration at the April 12, 2016 meeting.

**ADJOURNMENT**

Having no additional business the Planning Board adjourned its meeting of Tuesday, March 22, 2016 at or about 8:30 PM.

Respectfully submitted,

Approved by the Planning Board –

R. Gary Bechtholdt II  
Town Planner

Cc: Town Clerk