



NORTHBRIDGE PLANNING BOARD MINUTES

Tuesday, April 12, 2016

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

The following members of the public were in attendance: Byron Andrews (Andrews Survey & Engineering, Inc.); Jamie & Beth Hill; Russ & Sheri Bertelsen; Bob & Marianne Schlameuss; Chad Gladue; Ryan Neyland; Brad Waterson; Alex Rogozenski; Kendall Stasinos; Rosa Orazine; & Muneer Ahmed (Carpenter Estates)

I. CITIZENS FORUM

Presidential Farms –Bike Path & Walking Trail

Marianne Schlameuss of Roosevelt Drive expressed concerns with the proximity of the planned bike path and walking trail, suggesting the field markings do not appear to be consistent with the layout shown on the plans. Mrs. Schlameuss felt the trail will be too close to her and her neighbors' homes where there are privacy issues and other concerns. Ms. Schlameuss provided the Planning Board with photographs taken from her back deck showing the field markings of the planned walking trail and a copy of an online petition from approximately 50 residents opposed to the location of the walking trail and access points. Ms. Schlameuss suggested perhaps she and some of her neighbors were a little late in expressing their concerns; indicated that she was not included in the mailings for the modification requested considered last year as she moved in less than a year ago. Ms. Schlameuss suggested she was not aware of the walking trail as she was not a property owner a year ago. Ms. Schlameuss indicated that she supports the idea of walking trails; very appealing to many including her. Ms. Schlameuss stated however having walking trails overlook backyards and windows is a concern to her privacy. Ms. Schlameuss feels have walking trails along the back on the property is different than having a sidewalk along the front of a house, where one would expect vehicles and pedestrian traffic; not in the back where it's a more private space. Ms. Schlameuss noted if she has a gathering she does not want to see people walking a few feet beyond our property line. Ms. Schlameuss indicated that some paid hefty premiums for some of the lots because they were so desirable. Ms. Schlameuss questioned if there would be specified hours for use of the trails, questioning if it would close at dusk and if signage would be installed to designate intended usage. Ms. Schlameuss asked if there would be any barriers to limit usage to only walkers and bikes. Ms. Schlameuss is concerned that user may decide to walk across her yard to leave the trail; invasion of privacy. Ms. Schlameuss questioned if the walking trail cannot go away can it be moved back further to give homes more of a buffer area. Ms. Schlameuss suggested the bike trail and walking paths may not effect a lot of people but for those it does affect in a very significant manner. Ms. Schlameuss provided a series of photographs.

Chairman Massey reminded attendees that Citizens Forum is intended to provide the public with an opportunity to present concerns to the Planning Board. Citizens Forum is not meant to be a back and forth discussion. If the Planning Board feels a follow-up discussion is warranted the matter will be included on a future agenda for review/discussion. Mr. Massey sought addition comments during Citizens Forum.

Russ Bertelsen of Roosevelt Drive asked about the retention basins and expressed concerns with the proximity of the walking path in relation to the drainage ponds which are completely full of water. Mr.

Bertelsen is concerns about users of the walking path (children) where they may see a frog in the drainage pond and get too close to the edge and fall in. Mr. Bertelsen feels the ponds have not been constructed per the approved plan and are not working correctly.

Rosa Orazine expressed concern with the location of the planned walking trails, noting the Developer recently flagged the layout of the paths.

Chairman Massey sought addition comment for Citizens Forum; having none Mr. Massey thanked residents for their input, noting the Planning Board will take it under advisement.

Mr. Bechtholdt indicated that he has been in contact with the Developer and requested the site engineer provide a report to the Planning Board verifying whether or not the drainage ponds have been constructed as approved and working as designed. Additionally, he will also look to the Developer to confirm locations of trail markings to confirm layout is consistent with the approved plan. Mr. Bechtholdt suggested the Planning Board should schedule a site walk to review the bike path and walking trials.

Alex Rogozenski noted his support of the bike path and walking trails; however noted he was surprised see the planned layout of the walking trail run through a wetland area and how wide of an area the trail would occupy. Mr. Rogozenski inquired about the approved width (5-feet) of the walking trail and the type of surface. Mr. Bechtholdt explained the Developer still needs to file a Notice of Intent with the Conservation Commission before any construction activity near or within any jurisdictional wetland resource area. The Developer has been in contact with the Conservation office indicating that no construction activity within the jurisdictional area has occurred; the Commission is aware of the planned bike path and walking trial and a couple of members have visited the site to review.

Mr. Bechtholdt provided copies of the approved layout of the walking trails and bike path to those requesting a set. Mr. Bechtholdt noted that the Presidential Farms subdivision and layout of the walking trial/bike path were approved in 1999/2000, noting none of the current Planning Board members were present during its review and approval. Understanding this, the Board is doing its best to work with everyone. Mr. Bechtholdt provided his business card suggesting if anyone has additional comments to contact the Planning Office.

Mr. Massey noted the Planning Board had numerous conversations last year with the Developer and residents about the bike path, walking trial and alternatives for a playground. At the conclusion of the review, it was determined that the Developer was to construct the bike path and walking trails as originally approved. As long as the Developer builds the walking trail and bike path per the approve plan the Planning Board should not have any issues.

Mr. Bertelsen asked if the Developer will be allowed to build within Phase V before the bike path and walking trails are completed. Mr. Bechtholdt indicated the Developer will need to follow the approval sequence of construction as approved by the Planning Board.

II. **BY-LAW REVIEW COMMITTEE –PLANNING BOARD APPOINTMENT**

Sec 8-9 (b) Home Rule Charter

Planning Board reviewed Section 8-8 [Periodic Review, Charter and By-laws]; the bylaw review committee shall consist of two persons appointed by the Town Moderator, two persons appointed by the Board of Selectmen and one person appointed by the Planning Board. After some general discussion the Planning Board tabled appointment, requesting additional information be provided.

III. **FORM A**

Joseph Circle Lot 37R & 67 –ANR Plan

Byron Andrews of Andrews Surveying & Engineering, Inc. reviewed ANR plan entitled “Plan of Land on Joseph Circle in Northbridge, MA” dated March 29, 2016 for subject property identified as Assessors Map 16 Parcel(s) 247-252, Lots 34-37 & Lots 66-67. Mr. Andrews informed the Planning Board that the ANR plan reviewed and approved by the Board (endorsed in December 2015) was not recorded and will be replaced with this new ANR plan which shows an additional lot line reconfiguration for Lots 37R and Lot 67 to accommodate the zoning setback line (side) for the lots.

Upon motion duly made (Murray) and seconded (Ferrara) the Planning Board voted (5-0) to grant ANR endorsement for ANR plan dated March 29, 2016, reconfiguring lots/parcels as shown and described on the plan. Planning Board signed the ANR plan at the close of its meeting.

III. **CARPENTER ESTATES –REVIEW/DECISION**

Performance Bond / Lot Release Request

Mr. Bechtholdt reminded the Planning Board at its last meeting (March 22, 2016) that the Board voted to restrict the number of lot to be released from the Covenant to twelve (12) lots; where the remaining six (6) lots would be held until such time the necessary and required drainage improvements (rain gardens, LIDs) are completed and working as designed. Mr. Bechtholdt explained, in making its decision the Board directed the Developer to consult with its Lender to see if they were willing to reduce the bond amount (to be held) with the understanding that not all of the lots would be released at this time. Mr. Bechtholdt informed the Planning Board that the Developer desires to post the performance bond for the entirety of the subdivision and requests all the lots to be released at this time.

Mr. Bechtholdt, in reference to his email communication, explained that it was his understanding that the Planning Board may not restrict the number of lots released as long as proper surety is provided and the requirements of the subdivision and local regulations are satisfied. Mr. Bechtholdt suggested it is not permissible to hold lots as a performance guarantee. Mr. Bechtholdt explained it was his understanding that the Lender was not agreeable to reducing the number of lots to be released. Mr. Bechtholdt explained instances where a subdivision development is phased or a Developer agrees to hold back lots a partial release is appropriate, but the Board may not require lots as guaranty.

Mr. Bechtholdt noted the Developer is prepared to provide the Planning Board with a Lenders Agreement in the amount of \$240,000.00 as estimated by the Board’s consulting engineering. The Developer also requested release of lots at this time. Mr. Bechtholdt reminded Board members that before the lots are formally released that the following needs to be satisfied: as-built on drainage and confirmation letter from

project engineer, recording of MassElectric easement and receipt of monetary contribution of \$5,000.00 for improvements to existing town facilities (ball fields, playgrounds, etc.). Planning Board noted receipt of certifications on the retaining walls.

Upon motion duly made (Murray) and seconded (Ferrara) the Planning Board voted (5-0) to establish a bond amount of \$240,000.00 for the remaining improvements associated with the Carpenter Estates, Definitive Subdivision and as identified in JH Engineering Group LLC., report dated March 06, 2016.

Reference is made to Certificate of Approval dated May 10, 2007 [Definitive Subdivision], Planning Board action dated July 26, 2013 [LID –Low Impact Development] and Special Permit dated December 11, 2006 [Flexible Development].

Mr. Murray questioned how the Planning Board will ensure that the required improvements are completed by the Developer, noting the project includes Low Impact Development (LID) techniques which is something new for the town. Mr. Bechtholdt, understanding his concern, indicated the performance bond held by the town will be the guarantee for the completion of the project. Mr. Bechtholdt suggested if an issue is identified and the Developer is unresponsive he may withhold signing-off a building permits until the matter is resolved. Mr. Bechtholdt agreed with Mr. Murray, noting ideally it would be preferred if the Board was able to hold back lots (restrict lot release), but ultimately it would be the bond.

Mr. Murray expressed concerns with rain gardens and how they may actually work on site. Mr. Bechtholdt indicated that he shared his concerns and noted the rain gardens are included in the bond; if they do not work as constructed then the bond will not be released until the drainage issue is resolved.

Upon motion duly made (Ferrara) and seconded (Berkowitz) the Planning Board voted (4-1 [Murray opposed]) to release the lots within the Carpenter Estates subdivision (Lot 1 – Lot 18); the Open Space Parcel, identified as AP10/4, shall remain restricted to Covenant.

In taking such action the Planning Board indicated that they will withhold issuance of the Form P [Release of Lots] until such time the Owner/Applicant (Developer) satisfies necessary conditions of approval included in the Certificate of Approval dated May 10, 2007 for the entitled Carpenter Estates, Definitive Subdivision and the Special Permit, Flexible Development dated December 11, 2006.

OLD / NEW BUSINESS

Approval of Meeting Minutes –March 08, 2016 & March 22, 2016

Upon motion duly made (Murray) and seconded (Ferrara) the Planning Board voted (5-0) to approve the meeting minutes of March 08, 2016, as amended. Planning Board tabled action for the approval of meeting minutes for March 22, 2016.

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

Point of information –no discussion.

2016 SATM Warrant Articles –Planning Board Recommendations

Mr. Massey indicated that he reviewed with the Board of Selectmen the Planning Board recommendations at its meeting of April 11, 2016. Mr. Bechtholdt noted the Board of Selectmen and Finance Committee are in favor of support of all the Planning Board articles.

320 Roosevelt Drive (Lot #41) Buffer Zone Clearing –Planning Board Approval

Planning Board met with Chad Gladue of 320 Roosevelt Drive concerning his request to remove trees and vegetation within the 50-foot buffer zone area included in his property. Mr. Gladue explained to the Board that he would like to remove some trees and clear the rear of his property to extend his backyard for his kids and dogs. Mr. Gladue noted that he plans to install a white-vinyl fence along the property, as well as plant arborvitaes. Mr. Gladue is aware of the buffer zone restriction on the property and seeks input from the town. The Planning Board acknowledged receipt of Memorandum dated April 08, 2016 from the Town Planner. Mr. Massey appreciates Mr. Gladue meeting with the Planning Board. Mr. Massey suggests before the Planning Board makes a decision that formal notice be sent to abutters to notify them of the request to remove trees and vegetation within the 50-foot buffer area. Mr. Murray questioned why the Board would need to notify abutters; Mr. Bechtholdt explained one of the provisions of the subdivision approval (Presidential Farms) restricted removal of trees within the buffer zone without prior approval from the Planning Board. Mr. Bechtholdt noted he understands the purpose and intent of placing this type of restriction. However, if the Board and the residents, at that time, felt that strongly to preserve open space and buffers; they should have had the Developer incorporate this buffer area into the open space parcels and not included as future building lots. Mr. Bechtholdt supports the idea of notifying abutters, in that if the Board was to approve the clearing activity without notification, we may find ourselves in a situation where a neighbor with the same restrict simply cuts down trees within the buffer zone without approval from the Planning Board. Mr. Bechtholdt suggested sending out notice to all parties will provide an opportunity for all to become aware of the restrictions and the process to seek approvals. Mr. Bechtholdt indicated that he is not aware of what the expectations of this restriction was when the then Planning Board made this a condition of its approval; having a meeting with abutters will provide the Board with perhaps some insight as to what was intended. Mr. Bechtholdt noted it's likely some residents in the neighboring subdivision (direct abutters) may wish to remind the Planning Board why the buffer area was designated. Mr. Gladue reviewed with the Board photographs taken of his backyard and the extent of his planned tree removal. Mr. Key thanked Mr. Gladue for coming before the Board and appreciates him coming forward seeking permission before the fact. Planning Board scheduled a public meeting for May 10, 2016, with notification to abutters.

Linwood Mill Adaptive Reuse Special Permit –Change in Use (Manufacturing)

Planning Board reviewed letter dated April 06, 2016 from Linwood Mill, LLC concerning potential new tenant (brewery) looking to locate in the existing accessory building (storehouse) within the Linwood Mill Complex. Mr. Bechtholdt informed the Board that the Building Inspector considers a brewery to be manufacturing which is an allowed use within the Industrial zone. Mr. Bechtholdt noted under the Historic Mill Adaptive Reuse Overlay Section 173-127 [Permitted Uses]; all permitted uses in the underlying zoning district are permitted uses in the Historic Mill Overlay. Mr. Bechtholdt also noted under the zoning bylaw that multifamily dwelling uses shall only be permitted in conjunction with certain non-residential uses listed in Section 173-127 C; copy provided to the Planning Board. Mr. Bechtholdt indicated that the Building Inspector suggested the Planning Board would need to make a finding on the proposed use whether or not they felt it was compatible with the other uses and surrounding area. Mr. Murray asked the Town Planner if he contacted Town Counsel regarding these provisions as they appear to contradict each other. Mr.

Bechtholdt indicated that he has not talked with Counsel however would seek to do so if the Board would like. The Planning Board determined a modification of the special permit would be required to allow for the change in use. Arrangements will be made for the Planning Board to consider the application at its meeting of May 10, 2016.

Planning Board Studies & Initiatives –Discussion

Tabled –no discussion.

Subdivision/Site Developments –Updates

Planning Board noted receipt of Leonardo Estates subdivision updated dated March 21, 2016; JH Engineering Group report dated March 25, 2016 [Leonardo Estates] and Presidential Farms construction update dated April 06, 2016.

Mail –Review

In addition to the mail listed (see attached) the Planning Board noted receipt of the following communications: Planning Board agenda for April 12, 2016; Draft Agendas for April 26, 2016, May 10, 2016 and May 24, 2016; Presidential Farms Bike Path and Walking Trails possible topic under Citizen's Forum; Presidential Farms Recreation Area Plan; Detail Plan of walking and bike path; Section 8-9 Periodic Review, Charter and By-Laws; Letter dated March 22, 2016 to Town Clerk with a cc to Attorney Henry Lane, Board of Selectmen, Town Manager and Planning Board from Town Moderator regarding appointment of Henry Lane to the Bylaw Review Committee; Checklist for Approval Not Required for Joseph Circle (Lots 34-37 & 66-67); Plan of Land for Joseph Circle; Email dated March 25, 2016 to Planning Board from Town Planner concerning Carpenter Estates Lot Release; Form K Performance Secured by Lenders Agreement dated March 25, 2016 for Carpenter Estates; Letter dated March 6, 2016 to Town Planner from JH Engineering regarding Carpenter Estates Engineer's Construction Estimate; Letter dated March 22, 2016 to Town Planner from Mujeeb Construction Company regarding Site Conditions and Construction Schedule for Carpenter Estates; Form P Release of Lots for Carpenter Estates; Letter dated March 22, 2016 to Town Planner from Mujeeb Construction Company regarding Request for Release of Lots at Carpenter Estates; Draft Minutes for March 8, 2016; Warrant for Spring Annual Town Meeting; Letter dated April 7, 2016 to Town Planner from Chad Gladue concerning clearing of trees in restricted buffer (within his property lines) to create larger backyard for kids and dogs; Presidential Farms Definitive Subdivision / Flexible Development Certificate of Approval (February 14, 2000); Letter dated April 6, 2016 to Town Planner from Linwood Mill, LLC regarding a prospective tenant (Purgatory Beer Company, LLC); Map of Linwood Mill Complex; Email dated March 31, 2016 to Town Planner with a cc: to Building Inspector and Planning Board Chair from Marty Green concerning Linwood Mill Lofts – Brewery; Certificate of Approval dated June 24, 2009 for Special Permit – Historic Mill Adaptive Reuse Overlay District for the Linwood Mill Lofts; Zoning Section 173-127 Permitted Uses of Historical Mill Overlay; Letter dated March 21, 2016 to Planning Office from Terreno Realty, LLC regarding Leonardo Estates Update; Letter dated March 25, 2016 to Town Planner with a cc: to Conservation Commission, DPW Sewer Superintendent; DPW Director; Whitinsville Water Company and Fire Chief from JH Engineering concerning Leonardo Estates Construction Observation Report; Construction Sequencing and Erosion Control Plan for Phase V Presidential Farms; Presidential Farms Construction Update dated April 6, 2016; Memo dated March 29, 2016 to Town Clerk from Town Planner regarding Subdivision Rules and Regulations Amendments; General Updates Community Planning & Development; 2016 Planning Board Meeting Schedule.

Other

Planning Board noted receipt of Community Planning & Development Memorandum dated March 29, 2016 concerning the filing of the amendments to the Subdivision Rules & Regulations [amended 3-08-2016]. Mr. Bechtholdt indicated that he had anticipated receipt of a site plan review application for Douglas Road self-storage facility in time for the April 26 2016 meeting. However, it does not appear they will be ready for review. Mr. Bechtholdt noted the April 26, 2016 agenda is currently empty; Mr. Massey suggested if application(s) are not received by next week and can wait until the first meeting in May, then he will look to cancel the April 26, 2016 meeting; Planning Board members agreed. The Planning Board reviewed proceeding for the Spring Annual Town Meeting, Planning Board Reports & Recommendations. Mr. Bechtholdt provided the Planning Board with a general update on the status of the Open Space & Recreation Plan –initial draft prepared by Beals + Thomas, Inc. and date for another public workshop (June/July), sometime after Town Meeting. Mr. Bechtholdt also provided a brief update on the status of the Housing Production Plan, noting a public forum will also be held sometime this Spring/Summer depending upon scheduling. The Planning Board noted receipt of Community Planning & Development general update report prepared by the Town Planner that included the status of the Planning Board articles, MA Historical Commission grant for the Town Hall (Great Hall) and the Rockdale Youth Center Relocation Project (CDBG-DR).

ADJOURNMENT

Having no additional business the Planning Board adjourned its meeting of Tuesday, April 12, 2016 at or about 8:15 PM.

Respectfully submitted,

Approved by the Planning Board –

R. Gary Bechtholdt II
Town Planner

Cc: Town Clerk