



NORTHBRIDGE PLANNING BOARD MINUTES

Tuesday, June 28, 2016

Recognizing the presence of a quorum Chairman Brian Massey called the meeting to order at 7:00PM with Mark Key, Pamela Ferrara, James Berkowitz, and Harry Berkowitz in attendance. R. Gary Bechtholdt II, Town Planner was also present. Cindy Key, Associate Member arrived at 7:15PM.

The following members of the public were in attendance: Brian Distefano; Mark Anderson, Bill Giannopoulos & Patty Giannopoulos

I. CITIZENS FORUM

None

II. FORM A

None

III. LINWOOD MILL LOFTS [HISTORIC MILL ADAPTIVE REUSE DISTRICT] –PUBLIC HEARING

(670 Linwood Ave) Special Permit Modification -Change in Use (Brewery)

Upon separate motion(s) duly made and seconded the Planning Board (5-0) to waive the reading of the Public Hearing and voted (5-0) to open the Public Hearing for the Linwood Mill Special Permit modification to allow for a brewery to be located within the existing 2-story accessory building.

"In accordance with the provisions of MGL & Northbridge Zoning By-Laws Ch 173, Art. XIX [Historic Mill Adaptive Reuse Overlay District] the Planning Board, Special Permit Granting Authority, shall hold a public hearing Tuesday, June 28 2016 at 7:05 PM in the Selectmen's Chambers of the Northbridge Town Hall, (7 Main Street) Whitinsville, MA, to consider the application of Linwood Mill, LLC of Whitinsville, MA to (modification of Special Permit) allow for change in use for a "brewery" to be located within the existing 2-story accessory building of the Linwood Mill Complex. The proposed use, categorized as Manufacturing is permitted by-right within the underlying Zoning District (Industrial-One). The subject property, a designated Priority Development Site (PDS), is located at 670 Linwood Avenue, Assessors Map 5 Parcel 47. Reference is made to Planning Board Special Permit Decision dated June 24, 2009 [01SPP-2009]. A copy of the application and site development plan entitled "Linwood Mill Lofts" dated May 05, 2009 and prepared by Heritage Design Group is on file with the Office of the Town Clerk (7 Main Street) and with the Community Planning & Development office (14 Hill Street) may be inspected during regular office hours. The purpose of this hearing is to provide an opportunity for public comment. Anyone wishing to be heard should attend said meeting at the time & place designated".

Planning Board met with Bill Giannopoulos of the Linwood Mill and with Brian Distefano, Co-owner of a brewery (Purgatory Beer Company) seeking permission to locate within one of the out buildings of the Linwood Mill Complex. Mr. Giannopoulos explained that he is very excited about the proposal; one that will help put Northbridge on the map. Mr. Distefano provided a general overview of his background and the

planned intended use for the currently vacant accessory building. Mr. Distefano explained that Purgatory Beer Company is considered a nano-brewery which is smaller than a microbrewery. The nano-brewery includes a 3-barrel systems which will yield approximately 90-gallons a week. Mr. Distefano indicated the brewery will be a small operation with limited hours, open approximately 3-days a week. Mr. Distefano indicated that they plan to sell growlers and may host tastings ever now and then but not intended to be a hangout; not a bar.

Chairman Massey sought comment from the public; having none Mr. Massey looked to the Planning Board for questions and concerns.

Mr. Key asked Mr. Distefano about his business plan, company start-up, capacity, and future distribution. Mr. Distefano indicated that they plan to stick with the 90-gallon a week number and do not currently plan to venture into distribution at this time. Mr. Key asked what type of feedback Mr. Giannopoulos has received from residents and other tenants within the Linwood Mill Complex; Mr. Giannopoulos indicated that the word is out, the retail tenants are excited and has heard nothing but positive feedback from the residents.

Mr. Key inquired about the zoning. Mr. Bechtholdt explained, in talking with the Inspector of Buildings, it is his understanding that the proposed use (brewery) is to be considered manufacturing which is a by-right use within the underlying zoning district (Industrial-One). Mr. Bechtholdt clarified the reason this application is before the Planning Board is that the Inspector of Buildings determined the change of use requires a determination of the Special Permit Granting Authority in accordance with the special permit issued for the Linwood Mill Complex dated June 24, 2009.

Mr. Key expressed the potential for concerns in the manner of how a tasting is contained and coordinated (impacts on residents, traffic patterns, etc.) Mr. Key indicated that he has seen some really nice, neat, family run breweries and some not so neat and clean; those which tend to attract different elements. Mr. Distefano explained that they intend to manage a professional, clean facility where their goal is to be a place where patrons want to come back.

Chairman Massey sought additional comment from the public and Planning Board. The Planning Board noted receipt of the following: Special Permit Application (Linwood Mill) dated June 01, 2016; Planning Board Special Permit [01-SPP-2009] dated June 24, 2009; Site Development Plan entitled “Linwood Mill Lofts” dated May 05, 2009; Linwood Mill, LLC letter dated April 06, 2016; Inspector of Buildings letter dated June 28, 2016; Conservation Commission memorandum dated June 23, 2016; and Community Planning & Development memorandum dated June 24, 2016.

Mr. Bechtholdt read into the record the Inspector of Buildings letter dated June 28, 2016. Mr. Bechtholdt noted, in talking with the Inspector of Buildings, he indicated that he would work with the Owner/Tenant to address any nuisance concerns if they should arise (noise, odor, etc.).

Having no additional comment or input from the public the Planning Board looked to close the public hearing.

90 *Upon motion duly made (H. Berkowitz) and seconded (Ferrara) the Planning Board voted (5-0) to close the*
91 *public hearing.*

92 *Upon motion duly made (H. Berkowitz) and seconded (Ferrara) the Planning Board, in a roll-call vote (5-0)*
93 *unanimously granted the special permit (modification of) to allow for a brewery to be located within the*
94 *existing 2-story accessory building of the Linwood Mill Complex.*

95
96 *The Planning Board, as the Special Permit Granting Authority, pursuant to the Historic Mill Adaptive Reuse*
97 *zoning bylaw found the application met the requirements and standards set forth and found the brewery to*
98 *not have a significant effect on the character of the surrounding area, as the proposed would occupy an*
99 *existing building within the Linwood Mill Complex. The Planning Board determined that the benefits of the*
100 *proposed outweigh the determinants to the neighborhood and the town.*

101 102 **IV. HILLS AT WHITINSVILLE –PUBLIC HEARING**

103 §222-9 M [Release of performance guaranty]

104 Certificate of Completion [Form O]

105
106 Upon separate motion(s) duly made and seconded the Planning Board (5-0) to waive the reading of the
107 Public Hearing and voted (5-0) to open the Public Hearing for the Hills at Whitinsville request to release
108 remaining performance bond for the completed subdivision project. Mr. Bechtholdt noted the public
109 hearing was originally scheduled for June 21, 2016 but was postponed by the Planning Board at the request
110 of the Applicant.

111
112 *“In accordance with the provisions of Subdivision Rules & Regulations Section 222-9 M [Release of*
113 *performance guaranty], the Planning Board shall hold a public hearing on Tuesday, June 21, 2016 at 8:05 PM,*
114 *Selectmen’s Chambers of the Northbridge Memorial Town Hall (7 Main Street, Whitinsville, MA 01588) to*
115 *consider the Certificate of Completion and Release of Municipal Interest of Hill Street Nominee Trust (c/o WRT*
116 *Management) for subdivision known as “Hills at Whitinsville” (Marston Rd, Nathaniel Dr, Morgan Rd, Hillcrest*
117 *Rd, & Quarry Rd). A copy of the as-built plan and certifications are on file with the Town Clerk (7 Main Street)*
118 *and Planning Office (14 Hill Street) and may be reviewed during normal office hours. The purpose of this*
119 *hearing is to provide an opportunity for public comment, anyone wishing to be heard should attend said*
120 *hearing at the time and place designated”.*

121
122 Planning Board met with Mark Anderson of Heritage Design Group on behalf of the Owner/Applicant. Mr.
123 Anderson explained that all associated roadways within the subdivision have been accepted by the Town
124 (Fall 2006). Mr. Anderson indicated that all associated improvements and obligations of the
125 Owner/Applicant have been satisfied and respectfully requests the Planning Board issue final release of the
126 performance bond held with the town. Reference made to Heritage Design Group memorandum dated June
127 01, 2016 requesting release.

128
129 Mr. Bechtholdt explained to the Planning Board that the performance bond held for this particular project
130 consisted on three (3) components: 1) roadway & infrastructure; 2) fire alarm call-boxes & 3) wetland
131 replication. Mr. Bechtholdt reminded Planning Board members that the Fire Department, during the time of
132 subdivision completion, contemplated whether or not to continue to require the installation of fire alarm
133 call-boxes within the subdivisions. In the meantime, a bond was established (deposited) for the remaining
134 installation; the Fire Department later determined they would no longer utilize this type of equipment.

Mr. Bechtholdt explained the Order of Conditions issued by the Conservation Commission required that the wetland replication area approved for this project be guaranteed for a period of a few years after completion; another bond was established (deposited) in addition to the typical bonding for a subdivision roadway and improvements. Mr. Bechtholdt reviewed with the Planning Board Conservation Commission memorandum dated April 20, 2016 recommending the release of their portion of the bond.

In accordance with Section 222-9 M [Release of performance guaranty], the Planning Board noted receipt of the following: Community Planning & Development Memorandum dated June 03, 2016; Board of Health Memorandum dated June 15, 2016 and Inspector of Buildings letter dated June 23, 2016.

Planning Board acknowledged receipt of a copy of email communication from the Town Treasurer that was received by the Town Planner on June 17, 2016.

Chairman Massey reviewed with the Planning Board his understanding that the Owner owes back taxes for the seven (7) open space parcels within the subdivision. Mr. Massey stated that he considers the delinquent taxes to be an issue for final bond release as these parcels are directly related to the subdivision approval. Mr. Massey suggested the Board may vote to release the performance bond subject to satisfying the taxes or vote to continue the hearing, thereby providing the owner additional time an opportunity to address the tax issue.

Mr. Anderson acknowledged his understanding of the status of taxes owed. Mr. Anderson disagreed with Mr. Massey's position and felt that the tax issue was a separate matter, not something the Planning Board had jurisdiction over. Mr. Massey disagreed and reminded Mr. Anderson that the Open Space parcels are to be conveyed to the town and were considered for acceptance this past fall. However, the article was withdrawn because of the back taxes owed.

Mr. Key asked Mr. Anderson if there was any intentions to pay-off the back taxes; Mr. Anderson replied no.

Mr. Massey suggested the Open Space parcels will not be accepted by the Town until the taxes are paid in full. Mr. Berkowitz agreed, noting the Finance Committee will want to know the status before recommending acceptance at a Town Meeting.

The Planning Board reviewed with Mr. Anderson the amount of the performance bond (\$20,110.62) and the amount of taxes owed, as of June 16, 2016 (\$9,874.68). Mr. Massey suggested Mr. Anderson talk with the Owner, Hill Street Nominee Trust c/o WRT Management, about satisfying the taxes before final bond release.

Mr. Bechtholdt suggested that he would contact the Treasurer and Accountant to see if proceeds (balance) from the bond held by the Town could be used to pay the taxes owed; that way, the Owner would not need to come up with additional funds to pay the taxes and receive the funds held in the bond.

Chairman Massey suggested the Planning Board look to continue the hearing; Mr. Anderson agreed with the continuance and indicated that he would talk with his clients. The Board asked Mr. Anderson to come back to the Board with options to satisfy the taxes.

After some general discussion on the status of the Open Space parcels and future acceptance considerations Mr. Massey looked to the Board for a vote.

Upon motion duly made (H. Berkowitz) and seconded (Ferrara) the Planning Board voted (5-0) to continue the public hearing to Tuesday, July 26, 2016 at 7:35PM to provide additional time for review and opportunity for the Owner to address concerns.

OLD / NEW BUSINESS

Approval of Meeting Minutes – April 12, 2016; May 10, 2016 & June 21, 2016

Tabled –no discussion.

3 Cottage Street –Residential Use/Addition (proposed)

Planning Board acknowledged receipt of letter from Kathy & Gerald Gonynor proposing to convert 3 Cottage Street (currently on the market for sale) to a single-family house which is located with the Heritage Zoning District. Mr. Bechtholdt indicated that it was his understanding that someone was planning on attending tonight's meeting to review the process for permitting. Mr. Bechtholdt noted that the Building Inspector has since talked with them regarding this matter and perhaps (1) they know what they need to do or (2) they are no longer interested in pursuing at this time. Reference is made to email communication from the Building Inspector received June 20, 2016.

Subdivision/Site Developments –Updates

Mr. Bechtholdt informed the Planning Board that a portion of Phase I, Rebecca Road (Camelot) was top-coated last week under the direction of the DPW Director and the Planning Board's consulting engineer. Mr. Bechtholdt informed the Board that JH Engineering Group has provide review comments for the Douglas Road self-storage site plan; Mr. Bechtholdt also mentioned that he walked the site with Bill Renaud to review existing trees along Douglas Road and Castle Hill Road. Mr. Bechtholdt informed the Planning Board that the Conservation Commission has issued an Order of Conditions for the bike path and walking trails within Presidential Farms. Mr. Bechtholdt also provided Board members with a copy of Memorandum dated June 23, 2016 that he sent to the Northbridge Disability Commission, as requested. Planning Board acknowledged receipt of communication from Guerriere & Halnon, Inc. regarding trail accessibility and guidelines.

Mail –Review

In addition to the mail listed the Planning Board noted receipt of the following communications: June 28, 2016 agenda; Draft Agenda for the July 26, 2016 meeting; Public Hearing Notice for Linwood Mill, LLC for the modification of the Special Permit; Special Permit Application dated June 1, 2016 for Linwood Mill, LLC; 2 Plot Plans of the Linwood Mill complex; Letter dated April 6, 2016 to Town Planner from Linwood Mill, LLC regarding the allowance of a brewing facility at the Linwood Mill; Memo dated June 24, 2016 to Planning Board from Town Planner regarding Linwood Mill Complex Change in Use – Brewery; Picture of the Linwood Mill Building that would house the brewery; Memo dated June 23, 2016 to Planning Board from Conservation Commission regarding Linwood Mill Lofts Special Permit Modification; Public Hearing Notice for the consideration of the Certificate of Completion and Release of Municipal Interest of the subdivision known as "Hills at Whitinsville;" Memo dated June 1, 2016 to Town Planner from Heritage Design Group concerning the Hills at Whitinsville; Memo dated April 20, 2016 to Planning Board from Conservation Commission concerning the Hills at Whitinsville Bond Release; Memo dated June 3, 2016 to Board of Health,

Fire Chief, and Building Inspector from Town Planner concerning the Hills at Whitinsville Certificate of Completion and Release of Municipal Interest; Subdivision Rules and Regulation Sec 22-9 M; Memo dated June 15, 2016 to Town Planner from Board of Health concerning Hills at Whitinsville Certificate of Completion / Release of Municipal Interest; Letter dated June 23, 2016 to Town Planner from the Building Inspector concerning the Hills at Whitinsville; Email dated June 23, 2016 to Heritage Design Group from Planning Administrative Assistant concerning the account balance in the bond for Hills at Whitinsville; Email dated June 17, 2016 to Town Planner with a cc: to Board of Health, Building Inspector, Town Manager and Town Accountant from Town Treasurer concerning the Hills at Whitinsville Certificate of Completion / Release of Municipal Interest; Form O Certificate of Completion and Release of Municipal Interest in Subdivision Performance Security; Letter dated June 20, 2016 to Planning Board from Kathy & Gerald Gonynor regarding 3 Cottage Street; Subdivision Rules & Regulations Chapter 173 Section 173-6; Email dated June 20, 2016 to Town Planner from Building Inspector regarding 3 Cottage Street; Letter dated June 21, 2016 to Building Inspector from the Planning Board concerning 320 Roosevelt Drive (Lot 41 Presidential Farms) 50 foot Buffer Zone (Potential) Violation; Email dated June 23, 2016 to Town Planner and DPW Highway Superintendent with a cc: to J & F Marinella, Andrews Engineering, Planning Administrative Assistant, JH Engineering and Planning Board Chair from DPW Director regarding Rebecca Road (Camelot); Memo dated June 23, 2016 to Disability Commission with a cc: to Guerriere & Halnon, Inc. from Planning Board concerning the Presidential Farms Bike Path & Walking Trail Accessibility Standards; Document from Guerriere & Halnon, Inc. concerning Presidential Farms Walking Trail & Bike Path.

Other

Mr. Massey informed the Planning Board that he spoke with James Sheehan, Building Inspector (/Zoning Enforcement Officer), concerning the Board's request to inspect the 50-foot buffer zone within Presidential Farms subdivision to determine if a violation occurred. Mr. Massey explained that the Inspector met with the property owner, reviewed the property and determined that no violation had occurred. Planning Board members appreciated Mr. Sheehan's assistance. Mr. Bechtholdt indicated that he would talk with the Inspector and ask that a written record be included in the file so he could inform those issuing the complaint. Mr. Bechtholdt advised the Board that Barbara Kinney, Planning/Conservation Administrative Assistant received a call from property owner within Presidential Farms requesting guidance on the 50-foot buffer zone; reference is made to Conservation Commission Memorandum dated June 27, 2016. Mr. Bechtholdt informed the Planning Board that arrangements will be made for Beals + Thomas, Inc. (Consultant) to meet with the Open Space & Recreation Plan Update Committee at 6PM before the next scheduled meeting of the Planning Board (July 26, 2016). Mr. Bechtholdt informed the Planning Board that he will look to contact Karen Sunnarborg (consultant) to schedule a workshop in August 2016 for the Housing Production Plan. Mr. Bechtholdt informed the Board that the Owner of 2040 Providence Road would like the town to reapply for the state's "Trail Grant" as this year's application was not selected. Mr. Bechtholdt explained that he suggested to the Owner (representative) that the town may have other projects they wish to consider next year and that he contact the Town as we get closer to the Grant application solicitation from the State. Mr. Bechtholdt would like for the Board to review to see if another project may be more deserving or more competitive. Mr. Bechtholdt informed the Planning Board of the MA Historical Commissions selection of the Northbridge Memorial Town Hall (Great Hall restoration project) for this year's MA Preservation Projects Fund (Round 22) grant in the amount of \$50,000.00. Chairman Massey reminded the Planning Board that during subsequent meetings he will look to include general discussion topics to educate and inform Board members, such as performance bonds/surety, etc. Ms. Ferrara indicated that she walked the bike path (Presidential Farms) and visited Leonardo Estates.

ADJOURNMENT

Having no additional business the Planning Board adjourned its meeting of Tuesday, June 28, 2016 at or about 8:00 PM.

Respectfully submitted,

Approved by the Planning Board –

R. Gary Bechtholdt II
Town Planner

Cc: Town Clerk