



NORTHBRIDGE PLANNING BOARD MINUTES

Tuesday, September 13, 2016

Recognizing the presence of a quorum Chairman Brian Massey called the Planning Board meeting to order at or about 7:00PM with Mark Key, and Harry Berkowitz in attendance. James Berkowitz arrived at 7:30PM. R. Gary Bechtholdt II, Town Planner was also present. Pamela Ferrara and Cindy Key, Associate Member were absent.

The following members of the public were in attendance: C.J. Stasinos, Eric Dias, Suzanne Vanderzicht, and Andrew Downing.

I. CITIZENS FORUM

C.J. Stasinos of 565 Roosevelt Drive inquired about the status of Roosevelt Drive, noting a number of concerns he raised still remain unresolved. Mr. Stasinos is concerned that the town is looking to accept the roadways for street acceptance in the fall. Mr. Massey agreed with Mr. Stasinos and informed him that the Planning Board withdrew the street acceptance article(s) for the Fall Annual Town Meeting.

Mr. Massey explained the purpose of the Planning Board's site visit (August 30, 2016) was to review the overall status of the subdivision and to make observations specific to the readiness of Roosevelt Drive and Wilson Street for street acceptance consideration. Mr. Massey noted at the conclusion of the site visit the Planning Board determined that the roadways were not ready and voted to withdraw the street acceptance articles.

Mr. Key stated the purpose of the Planning Board's site visit was to put eyes on the situation.

Mr. Bechtholdt explained that in addition to the Planning Board, the Board's consulting engineer (JH Engineering Group, LLC) also attended the site visit and will prepare a comprehensive report detailing outstanding issues. Mr. Massey noted the Developer will need to address punchlist items.

Mr. Massey indicated concerns such as his driveway, curbing and landscaping/screening around utility boxes will need to be addressed by the Developer. Mr. Massey explained screening around the utility boxes is something the utility companies like to discourage because plantings become overgrown and restrict access for service. Mr. Massey explained screening is a requirement of the subdivision rules and regulations and will need to be satisfied based upon his request.

Mr. Stasinos thanked the Planning Board and appreciated their efforts.

II. FORM A

None –Mr. Bechtholdt informed the Planning Board that the ANR application for Cooper Road (AP 20 Parcel 123) had initially been submitted, however never finalized; the Planning Board tabled action until such time the completed application was received.

III. ZONING AMENDMENT -PUBLIC HEARING

MGL CH 40A SEC 5 [Adoption or Change of Zoning Bylaws]

Table of Use Regulations §173.12 [Heritage Zoning District]

Upon motion duly made and seconded the Planning Board waived the reading of the public hearing notice; Mr. Bechtholdt indicated notification requirements had been satisfied.

"In accordance with MGL CH 40A SEC 5, the Northbridge Planning Board shall hold a public hearing Tuesday, September 13, 2016 at 7:05 PM, in the Selectmen's Room of the Town Hall, 7 Main Street, Whitinsville, MA 0158 to consider zoning amendment(s) to the Northbridge Zoning Bylaw Section 173-12 [Table of Use Regulations] by allowing the following Retail and Services by-right in the Heritage Zoning District (H): Miscellaneous Businesses and Offices for Administration. 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 reminded the Planning Board at an earlier meeting the Board met with the owner of the property (Steven Asadoorian) at the corner of Hill Street and Cottage Street (3 Cottage Street) which is located within the Heritage Zoning District. In talking with property owner the Board began to understand the limitations associated with permitted uses within the Heritage zone and why there had been little to no interest in utilizing this long-vacant property.

The Planning Board reviewed the existing Table of Use Regulations [Section 173-12] of the Zoning Bylaw for the Heritage Zoning District and acknowledged once again uses permitted by-right are limited. The Planning Board then reviewed the proposed zoning amendment to allow Miscellaneous business offices and services and Office for administrative, executive, professional sales and other similar use by-right within the Heritage zone, whereas such uses are currently not permitted or allowed by special permit.

Zoning amendment article provided below:

1. Amend Zoning Bylaw Chapter 173 Section 173-12 [Table of Use Regulations] as follows:

- a. Retail and Services-

USE		ZONING DISTRICT										
Retail and Service:	R-1	R-2	R-3	R-4	R-5	R-6	B-1	B-2	B-3 (1)	I-1	I-2	H
Miscellaneous business offices and services	--	--	--	--	--	--	P	P	P	S (3)	S (3)	-- <u>P</u>

Amend Section 173-12 by ALLOWING “Miscellaneous business offices and services” by-right (P) within the Heritage (H) Zoning District whereas such use is currently not permitted (--).

b. Retail and Services-

USE	ZONING DISTRICT											
Retail and Service:	R-1	R-2	R-3	R-4	R-5	R-6	B-1	B-2	B-3 (1)	I-1	I-2	H
Office for administrative, executive, professional, sales and other similar uses	--	--	--	--	--	--	P	P	P	S	P	<u>S P</u>

Amend Section 173-12 by ALLOWING “Office for administrative, executive, professional, sales and other similar uses” by-right (P) within the Heritage (H) Zoning District whereas such use is currently permitted by special permit (S).

*Provision(s) to be ADDED is indicated by underline; Provision(s) to be DELETED is indicated by ~~strikethrough~~

The Planning Board reviewed the locus area of the town’s Heritage Zoning District (H). Harry Berkowitz noted the Heritage zone is more or less Memorial Square and the surrounding area. Mr. Bechtholdt agreed, noting a few years ago the town extended the Heritage Zone to include Oakhurst/Lasell Manor on Church Street.

After discussing the existing uses within the Heritage zone the Planning Board sought comment from the public; having none the Board voted (3-0) to close the public hearing.

Upon motion duly made (H. Berkowitz) and seconded (M. Key) the Planning Board voted (3-0) to recommend Article #10 of the 2016 Fall Annual Town Meeting to amend Northbridge Zoning Bylaw Chapter 173 §173-12 [Table of Use Regulations] by allowing “Miscellaneous business offices and services” and “Office for administrative, executive, professional, sales and other similar uses” by-right within the Heritage (H) Zoning District.

After the vote Harry Berkowitz asked if the Planning Board’s vote needed to be a super majority of the Board and questioned if only three (3) members could vote. Mr. Bechtholdt noted that Town Meeting will require a 2/3 majority vote and was not sure if the same needed to be satisfied by the Planning Board, noting the Planning Board’s vote is only a recommendation. Mr. Bechtholdt suggested in instances where the Planning Board is the Special Permit Granting Authority for a development application, a 2/3 majority vote of the Board would be required for a decision. Mr. Bechtholdt reviewed the guidance book for adopting zoning bylaws prepared by the state and did not find any reference to 2/3 majority vote of the Planning Board.

James Berkowitz arrived at 7:30PM, due to the Planning Board closure of the public hearing earlier Mr. Berkowitz was unable to vote on the zoning amendment article. The vote of the Planning Board for the

zoning amendment article (recommendation) was (3-0); with Brian Massey, Mark Key and Harry Berkowitz voting in the affirmative. Pamela Ferrara and James Berkowitz were absent.

Upon motion duly made and seconded the Planning Board voted to reconsider its vote and upon separate motion duly made and seconded voted (4-0) to recommend the zoning amendment article as printed in the warrant, with Brian Massey, Mark Key, Harry Berkowitz, and James Berkowitz voting in the affirmative. Pamela Ferrara was absent.

As noted above, it is unclear whether or not a super majority of the Planning Board is required for offering a recommendation on a zoning amendment article.

IV. STREET ACCEPTANCE –PUBLIC MEETING

Shining Rock Drive (remaining portion of)
Layout –Recommendation

Upon motion duly made and seconded the Planning Board waived the reading of the meeting notice. Mr. Bechtholdt indicated notification requirements had been satisfied, noting copies of the notice, layout plan and legal description were delivered to owners of record along this portion of Shining Rock Drive.

“The Planning Board shall hold a public meeting on Tuesday, September 13, 2016 (7:15 PM) in the Selectmen’s Room of the Northbridge Memorial Town Hall, 7 Main Street, Whitinsville, MA to consider its recommendation to layout Shining Rock Drive (remaining portion of) within the Shining Rock Golf Community residential subdivision. Such recommendation (to the Board of Selectmen) shall be done in conjunction with street acceptance consideration for the Fall Annual Town Meeting scheduled for Tuesday, October 25, 2016. A copy of the proposed layout plan, legal descriptions and other conveyance documents are on file with the Office of the Town Clerk, 7 Main Street and with the Planning 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.”

Eric Dias, PE of Strongpoint Engineering Solutions, LLC., reviewed with the Planning Board street acceptance considerations. Mr. Dias stated he attend a meeting last week with the municipal department heads, noting only a few checklist items remain.

Mr. Bechtholdt reminded Mr. Dias that any changes to the Layout/Acceptance Plan will need to be done by October 03, 2016 prior to the Board of Selectmen’s meeting to layout the roadway. Mr. Dias acknowledged that there were a couple of Scribner’s errors on the plan which his surveyors are working to correct.

Mr. Bechtholdt reviewed with the Planning Board the outstanding issues noted at the department head meeting: painting of hydrant(s), streetlight installation, driveway apron repair, and the need to clean out the catch basins. Mr. Bechtholdt also mentioned that the 2012 As-built plan will need to be updated to show new driveway locations.

Mr. Bechtholdt informed the Board that the Department of Public Works is working with National Grid on the streetlight installation. Mr. Dias informed the Board that driveway apron has been marked for repair and will be completed within the next week.

Mr. Bechtholdt mentioned Town Counsel, in reviewing the conveyance documents, does not foresee an issue with the acceptance; needed to confirm status of the sewer easement and drainage. A title exam has been prepared and will be reviewed by Town Counsel.

The Planning Board acknowledged receipt of the following communications: Whitinsville Water Co. letter dated September 07, 2016; Department of Public Works –Highway Division letter dated September 06, 2016; Fire Department memorandum dated August 30, 2016; Department of Public Works –Sewer Division letter dated September 07, 2016; Department of Public Works letter dated September 07, 2016; Strong Point Engineering Solutions, LLC As-built Certification dated September 06, 2016; Strong Point Engineering Solutions, LLC Binder Course Seasonal certification dated September 06, 2016; and copy of email communication from Kopelman and Paige (Town Counsel) received September 07, 2016.

Andrew Downing of 624 Shining Rock Drive asked about the maintenance of the island cul-de-sac. Mr. Massey indicated once the road is accepted the town would be responsible for its maintenance, as well as the sanding and plowing of the roadway. Mr. Key cautioned Mr. Downing suggesting the town will likely not maintain the island cul-de-sac (mow the grass on a regular basis). Mr. Massey agreed, suggesting if the neighbors want it to look nice, neighbors that help themselves make for a good neighborhood; adding the Highway Department would be happy too if abutters assisting with its maintenance.

Mr. Downing questioned if it was the Developers responsibility to remove a dead tree along the back property line or if it was something he should talk to the builder about. Mr. Massey suggested he talk with the builder as the Board's reviewing is specific to the subdivision roadway and its right-of-way.

Mr. Downing asked when the streetlights would be turned on. Mr. Bechtholdt explained that the town's Department of Public Works is currently working with National Grid to energize the lights. Once DPW provides National Grid with the necessary verifications that the town will assume the responsibility of payment the lights will be activated.

Having no additional comments from the Planning Board or the public in attendance the Planning Board closed the public meeting.

Upon motion duly made (H. Berkowitz) and seconded (M. Key) the Planning Board voted (3-0) to recommend the layout of Shining Rock Drive (remaining portion of).

The Planning Board thanked Mr. Dias and Mr. Downing for attending the meeting.

V. ANRs & SUBDIVISIONS –DISCUSSION

Role of the Planning Board

No discussion -Chairman Massey tabled to a subsequent meeting.

OLD / NEW BUSINESS

Approval of Meeting Minutes –July 28, 2016; August 23, 2016 & August 30, 2016

Planning Board tabled consideration of approval of meeting minutes.

206 2016 Fall Annual Town Meeting –Tuesday, October 25, 2016 (7:00PM)

207 Point of information –no discussion.

208
209 2016 FATM –Planning Board Article(s) Recommendations

210 Planning Board reviewed Article 9 –to see if the Town will vote to secure funds (\$35,000.00) for the purpose
211 of hiring a consultant to assist the Planning Board in the preparation of a Master Plan; Article 10 –to see if
212 the Town will vote to amend the Table of Use Regulations to allow Miscellaneous business office and
213 services and Office for administrative, executive, professional sales and other similar uses by-right within the
214 Heritage Zoning District; and Article 11 –to see if the Town will vote to accept the remaining portion of
215 Shining Rock Drive as a public way. *Upon motion duly made (M. Key) and seconded (H. Berkowitz) the*
216 *Planning Board voted (4-0) to support Article 9 [Master Plan update]. Upon motion duly made (M. Key) and*
217 *seconded (J. Berkowitz) the Planning Board voted (4-0) to support Article 11 [Shining Rock Drive –Street*
218 *Acceptance].*

219
220 Tree Warden Request(s) –Public Shade Trees

221 Planning Board noted receipt of email communication received August 31, 2016 from the Director of Public
222 Works (Tree Warden) regarding Scenic roads and public shade trees and memorandum dated August 31,
223 2016 from the Highway Superintendent regarding tree removal. The Planning Board acknowledged receipt
224 of the following MA General Law provisions: Chapter 87 Section 3 [Shade Trees -Cutting of public shade
225 trees, public shade trees, damages to fee owner], Section 4 [Shade Trees –Cutting down or removing public
226 shade trees, approval of selectmen or mayor], and Section 5 [Shade Trees –Cutting down, trimming or
227 removing bushes and small trees] regarding exemptions. Harry Berkowitz believed the town bylaw requires
228 public shade trees to be replaced if located along a designated Scenic road. Mr. Berkowitz believed a public
229 hearing of the Planning Board is required prior to the removal of public shade trees along a Scenic Roadway.
230 The Planning Board tabled action and sought additional information on the possible exemptions for public
231 shade trees on Scenic Roads. The Planning Board will look to review and take up this matter at its meeting of
232 September 20, 2016.

233
234 Leonardo Estates –Performance Bond Update

235 Mr. Bechtholdt reminded the Planning Board at its meeting of July 26, 2016 the Board voted to establish a
236 performance bond for Leonardo Estates in the amount of \$183,862.00; since this time the Developer has
237 completed additional improvements within Phase 1 (Station 0+00 to 9+00) and seeks a reduction in the
238 amount to be posted. Mr. Bechtholdt explained to the Planning Board that the Developer requests the
239 Board reconsider the amount before he formalizes a surety agreement. Planning Board reviewed JH
240 Engineering Group, LLC report dated September 12, 2016 with an updated, estimated construction cost of
241 \$161,667.00. *Upon motion duly made (H. Berkowitz) and seconded (M. Key) the Planning Board voted (4-0)*
242 *to (re)establish a bond amount of \$161,667.00 for construction/improvements associated with Phase 1*
243 *(Station 0+00 to 9+00) Leonardo Estates.*

244
245 Subdivision/Site Developments –Updates

246 Mr. Bechtholdt informed the Planning Board that he received an email communication (September 13, 2016)
247 from a property owner within the Presidential Farms subdivision who is opposed to the Planning Board's
248 decision allowing the Developer to install chain-linked fencing along Roosevelt Drive. Mr. Bechtholdt read
249 into the record the following as requested by the homeowner: *"I am unable to attend tonight's planning*
250 *board meeting but would like my comment to be on record, I absolutely do not support the replacing of the*

guardrail with a galvanized chain link fence (which is already 80% complete with poles and horizontal supporting members). this style of fence will stick out like a sore thumb and over the years will turn into a rusty menace that will tarnish the look of the neighborhood. at the VERY least if he (Dave Brossi) is not going to be held to the plan of putting a guardrail in place, the substitute should be something ascetically pleasing, such as Black PVC coated chain link fencing or a wooden post and beam style guardrail... something that fits more the natural look of the neighborhood. but under no circumstances should he be permitted to install a galvanized chain link fence in that location (or any location) in our neighborhood. Thank you". –Chad P. Gladue. Mr. Bechtholdt informed the Planning Board that he spoke once again with the Inspector of Buildings who confirmed that a fence is a requirement of the building code. Mr. Bechtholdt also mentioned to the Board that upon receipt of the email he visited the site to observe the fence, suggesting how one views the fence is very subjective and encourage Planning Board members to review the fencing. The Board felt as long as the Developer installed the fencing as required they would be satisfied.

Planning Board -Comments/Concerns

Planning Board members reviewed the remaining schedule for the calendar year of 2016 and noted a potential meeting cancelation for October 18, 2016. Mr. Massey asked the Town Planner to schedule a time with developers of all the active developments to meet with the Board to review the overall status of the subdivisions: Camelot, Hemlock and Carpenter Estates for October 11, 2016 and Presidential Farms and Leonardo Estates for November 01, 2016. Mr. Bechtholdt reminded the Board that the Farnum Circle subdivision still remains incomplete, noting that he has not heard from the property owners in quite some time. Mr. Bechtholdt suggested the Planning Board may want to prioritize remaining work and solicit contractors in the spring to complete improvements deemed appropriate by the Planning Board based upon the amount of funds held and necessary to closeout the project; Board members agreed.

Mail –Review

In addition to the mail listed (attached) the Planning Board noted receipt of the following communications: Planning Board agenda for the September 13, 2016 meeting; Draft Agenda for the September 20, 2016 and September 27, 2016 meetings; Citizen's Forum document; Checklist for Approval Not Required Plan dated September 06, 2016 for Cooper Road; Plan of Land at 276 Cooper Road; Public Hearing Notice for proposed zoning amendment(s) to the Northbridge Zoning Bylaw Section 173-12 (Table of Use Regulations); Letter dated August 24, 2016 to Town Clerk with cc: to Town Manager/BOS, Planning Board, Building Inspector, and Finance Committee from Town Planner regarding 2016 FATM Planning Board –Zoning Amendment Article(s); Zoning Amendment Bylaw Chapter 173 Section 173-123 (Table of Use Regulations) change(s); Heritage Zoning District Zoning Map Locus Area Downtown Whitinsville; Public Meeting Notice for layout of Shining Rock Drive (remaining portion); Plans of Shining Rock Drive Extension; Exhibit A Shining Rock Drive; Memo dated September 08, 2016 to Planning Board from Town Planner concerning Shining Rock Drive (remaining portion) street acceptance; Letter dated September 07, 2016 to Town Planner from Whitinsville Water Company concerning Street Acceptance of Shining Rock Drive (remaining portion/cul-de-sac); Memo dated September 06, 2016 to all included parties from DPW Highway Superintendent concerning Roosevelt Drive, Wilson Street and Shining Rock Drive; Memo dated August 30, 2016 to Town Planner from Fire Chief regarding the fire hydrants at Presidential Farms; Street Acceptance Checklist for Shining Rock Drive; Memo dated September 07, 2016 to Planning Board from DPW Sewer Superintendent concerning Shining Rock Drive; Memo dated September 07, 2016 to all included parties from DPW Highway Superintendent concerning Shining Rock Drive; Letter dated September 06, 2016 to Planning Board from Strong Point Engineering concerning Shining Rock Drive Station 29+71 to end As-built Certification; Letter dated

September 6, 2016 to Planning Board from Strong Point Engineering concerning Shining Rock Drive Station 29+71 to end Binder Course Seasonal Certification; Email dated September 07, 2016 to Town Planner with a cc: to Town Manager from Kopelman & Paige regarding Shining Rock Drive (Phase 2); Draft #2 of the warrant for the 2016 FATM; Email dated August 31, 2016 to Town Planner with a cc: to DPW Highway Superintendent from DPW Director regarding Tree List; Memo dated August 31, 2016 to DPW Director from DPW Highway Superintendent regarding Tree Removal; Part I, Title XIV, Chapter 87, Section 3 Cutting of public shade trees; public hearing; damages to fee owner; Part I, Title XIV, Chapter 87, Section 4 Cutting down or removing public shade trees & approval of selectmen or mayor; Part I, Title XIV, Chapter 87, Section 5 Cutting down, trimming or removing bushes and small trees; Email dated August 31, 2016 to Town Planner from Terreno Realty regarding Leonardo Estates performance bond; Picture of 6" HDPE Subdrain at Leonardo Estates; Letter dated August 31, 2016 to Town Clerk with a cc: to Presidential Farms, Inc., Guerriere & Halnon, Inc., JH Engineering Group, LLC and the Building Inspector from Town Planner regarding Presidential Farms construction change from Guard Rail to Fencing; Email dated September 01, 2016 to Planning Board and Planning Administrative Assistant from Town Planner concerning Presidential Farms Bike & Walking Path –ADA Regulations; Email dated September 8, 2016 to Carolyn Parker Consulting from Town Planner regarding 4 & 16 North Main Street; 2016 Planning Board Meeting Schedule.

Other

Mr. Bechtholdt noted he and Chairman Massey will attend the Finance Committee meeting on September 14, 2016 to review the Planning Board articles for the Fall Annual Town Meeting. Mr. Bechtholdt advised the Planning Board that they are still awaiting input from the Disability Commission regarding the bike path and walking trails within Presidential Farms subdivision. Mr. Bechtholdt noted that he spoke with the Chairman of the Disability Commission, who provided him with a packet of general information. Mr. Bechtholdt indicated that the Disability Chairman suggested to him that the walking trails and bike path likely do not need to meet ADA standards, however has not received anything in writing. Mr. Massey asked Mr. Bechtholdt to reach out to the Disability Chairman once again and asked that the Disability Commission provide their opinion on whether or not the bike path and walking trails need to conform to ADA standards, adding that way the Planning Board can provide an initial response to the residents and have some information when they solicit input and legal opinion from Town Counsel before the improvements are accepted by the town. Planning Board noted receipt of a copy of an email communication from the Town Planner regarding 4 & 16 North Main Street and possible site changes.

ADJOURNMENT

Having no additional business the Planning Board adjourned its meeting of Tuesday, September 13, 2016 at or about 8:05 PM.

Respectfully submitted,

Approved by the Planning Board –

R. Gary Bechtholdt II
Town Planner

Cc: Town Clerk