

NORTHBRIDGE PLANNING BOARD

MEETING MINUTES

Tuesday, March 28, 2017

Recognizing the presence of a quorum Chairman Brian Massey called the meeting to order at 7:00 PM with James Berkowitz, Pamela Ferrara and Harry Berkowitz in attendance. R. Gary Bechtholdt II, Town Planner was also present. Mark Key was absent with Cindy Key, Associate Member arriving at 7:50 PM.

The following members of the public were in attendance: Anthony DiLuzio; James Shuris (Director of Public Works); Jamie Luchini (Highway Superintendent); W. Robert Knapik; Joseph Antonellis; Sean Sawyer; Joseph Boczanowski (Milford Regional Medical Center); Richard Gomez; Jessica Gomez; Mathew Clemente; & Denis LaTour.

Prior to the start of the meeting Mr. Massey noted the Planning Board meeting of March 14, 2017 had been canceled and postponed to March 28, 2017.

I. CITIZENS FORUM

None

II. FORM A [ANR -81P plan] –Review/Decision

None

III. §173-12 TABLE OF USE REGULATIONS -PUBLIC HEARING

Zoning Amendment -2017 Spring Annual Town Meeting

“Commercial stables, kennels or veterinary hospital”

Allow by Special Permit w/in Business-Two (B2) Zoning District

Upon motion duly made and seconded the Planning Board waived the reading of the notice and opened its public hearing.

“In accordance with MGL CH 40A SEC 5 [Adoption or change of zoning ordinances or bylaws; procedures], the Northbridge Planning Board will hold a public hearing Tuesday, March 28, 2017 (7:05 PM) in the Selectmen’s Room, Northbridge Memorial Town Hall, 7 Main Street, Whitinsville, MA 01588 to AMEND the Zoning Bylaw, Chapter 173 of the Code of Northbridge, Section 173.12 [Table of Use Regulations] by designating “Commercial stables, kennels or veterinary hospital in which all animals, fowl or other forms of life are completely enclosed in pens or other structures” as a use allowed by special permit within the Business-Two (B-2) Zoning District. A copy of the proposed amendment is on file with the Town Clerk (7 Main Street –Town Hall) and Community Planning & Development (14 Hill Street –Town Hall Annex) 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. Brian Massey, Chairman Northbridge Planning Board.”

Mr. Bechtholdt indicated public hearing notification requirements had been satisfied.

Robert Knapik and Joseph Antonellis, representing the seller and buyer of 18 Granite Street, the former Milford Regional Medical Center reviewed with the Planning Board zoning amendment article to allow *Commercial stables, kennels or veterinary hospital in which all animals, fowl or other forms of life are completely enclosed in pens or other structures* within the Business-Two (B2) Zoning District by special permit, where such use is currently limited to Residential-One, Two, Three, Four, and Six Zoning Districts. Mr. Knapik explained amending the Table of Use would allow for the former Milford Regional Medical Center to be reused as a veterinary facility.

Joel Brown, abutter to 18 Granite Street thanked the Planning Board and noted he supported the zoning amendment. Mr. Brown expressed concerns with on-street parking and potential location of outdoor kennels or play areas. Mr. Massey explained before the property is used as a veterinary facility the Zoning Board will need to review an application at which time concerns such as parking and locating an outdoor area will be reviewed. Mr. Massey suggested that the Planning Board would also have an opportunity to review a site plan for consideration. Mr. Brown confirmed with the Board that he, as an abutter would be notified as to when the Zoning Board and Planning Board would consider an application.

Sean Sawyer reviewed with Mr. Brown and the Planning Board his plans for the former Milford Regional Medical Center, noting that he has not finalized a location for any outdoor areas but understands the potential for concerns.

Chairman Massey sought comment from the Planning Board. Harry Berkowitz voiced his support of the zoning change. Pamela Ferrara and James Berkowitz also expressed support of the zoning amendment article. Mr. Massey stated he too supports the zoning amendment. Having no comments from the Planning Board and no additional comments from the public the Planning Board closed its hearing.

Upon motion duly made (H. Berkowitz) and seconded (P. Ferrara) the Planning Board voted (4-0) to support the zoning amendment (Article #17) to allow by special permit "Commercial stables, kennels or veterinary hospital in which all animals, fowl or other forms of life are completely enclosed in pens or other structures" within the Business-Two (B2) Zoning District.

The Planning Board shall offer its Report & Recommendation at the Spring Annual Town Meeting scheduled for Tuesday, May 02, 2017.

IV. DPW FACILITY (11 Fletcher Street) -PUBLIC MEETING

Site Plan [§173-49.1 –Site plan review by Planning Board]

The Planning Board met with James Shuris, Director of Public Works; Jamie Luchini, Highway Superintendent and Anthony DiLuzio, Cardinal Construction (OPM) to review the Site Plan Review application for 11 Fletcher Street consisting of a new ±6,700 square-foot vehicle storage building, exterior repairs to the existing DPW garage and other associated site improvements.

Mr. DiLuzio provided an overview of the permitting and approvals necessary for the project and briefed the Board on timelines and schedule of construction. Mr. Shuris and Mr. Luchini briefly reviewed with the Planning Board changes of the site development plan compared to the site approval acted on in 2012 ($\pm 19,300$ square-foot building).

Mr. Luchini reviewed with the Planning Board letter dated March 27, 2017 from the Inspector of Buildings, declaring that the two (2) special permits issued in April 2012 by the Zoning Board - (1) alteration of pre-existing non-conforming lot and (2) work within the Floodplain - have been extended in accordance with the Permit Extension Acts of 2010 & 2012 and are to be considered still valid for this project. Mr. Shuris explained an application (request) to amend the Order of Conditions has been filed and will be reviewed by the Conservation Commission for the revised project.

The Planning Board reviewed Community Planning & Development memorandum dated March 22, 2017, as well as other communications received.

The Planning Board reviewed with Applicant/Engineer proposed paving, location of additional parking spaces, lighting, landscaping, on-site fueling station, municipal sewer connection and the site hydrology (drainage) and location of the stormwater basin.

Chairman Massey looked to the Planning Board members for thoughts and concerns. Harry Berkowitz was pleased to see the project will address historical drainage concerns and the need to connect to municipal sewer. James Berkowitz confirmed that the storage building would be large enough to store all vehicles. Pamela Ferrara recalled working with the Building Planning & Construction Committee years ago and was pleased to see something finally being done.

Having no additional comment from the Planning Board at this time Chairman Massey sought comment from the public in attendance.

Denis LaTour (Linwood Avenue) supported the project; good to see it finally progress. Mr. LaTour asked if something could be done to coordinate removal of the trees damaged along both sides of the river by beavers.

Jessica and Richard Gomez (Fletcher Street) supported the project; nice to see something maintained behind their property. Mrs. Gomez expressed concerns with the proposed stormwater basin (mosquitoes) and the amount of trees and erosion that has occurred over the past several years. Proposed retaining wall does not extend along the basin area; concern of trees being removed and causing erosion along the hill. Mr. Luchini provided a brief overview of how the proposed stormwater basin would function. Mr. Gomez questioned if a fence or buffer could be added along the property to screen and restrict access into the basin area. Mrs. Gomez expressed concerns with removal of trees along the embankment and additional erosion.

Mr. Shuris indicated that the plans before the town do not include any proposed earthwork or removal of the embankment abutting the town property (no excavation). Mr. & Mrs. Gomez explained numerous kids

will visit and access the DPW yard during the weekends suggesting the town may want to install some type of fencing to make it less inviting.

Chairman Massey explained the Planning Board's role and responsibility in reviewing a site plan application, noting the Board has appointed an outside engineering consultant to review the drainage on its behalf. Mr. Massey noted comments received by the Board's consultant will need to be addressed by the Applicant/Engineer.

Mr. Luchini explained that the Building, Planning & Construction Committee is the Applicant for the Town and that he, the DPW Director and the Project Manager are presenting the site plan on their behalf.

Mr. Bechtholdt suggested that Planning Board should consider, as part of its site review to provide for (require) screening whether it be fencing, landscaping or some combination within the vicinity of the drainage basin to minimize impacts on abutters. Harry Berkowitz and James Berkowitz agreed.

Harry Berkowitz added that it may be a good idea to install fencing around the property to limit unauthorized access and for security purposes. Mrs. Gomez would like to see something installed to stop the erosions and fencing separating her property and DPW's. Board members indicated that they would like to see fencing along the backside of the property.

Mathew Clemente (Fletcher Street) inquired about construction sequencing and how the area to front of the site (entrance) will be modified. Mr. Luchini reviewed with Mr. Clemente circulation, etc.

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

Harry Berkowitz suggested they (Applicant/Engineer) review the fence concerns and come back to the Planning Board with their proposal on the site plan.

Mr. Shuris explained that the Building, Planning & Construction Committee is scheduled to meet on Thursday, April 06, 2017 at 7:00 PM and encouraged everyone to attend that meeting to review concerns. Mr. Shuris and Mr. Luchini will look to meet with Mr. & Mrs. Gomez as part of their ongoing review with the Conservation Commission.

Upon motion duly made and seconded the Planning Board voted (4-0) to engage the services of JH Engineering Group, LLC to perform consulting services on its behalf. The purpose of JH Engineering Group, LLC services, shall be to provide the Northbridge Planning Board with an independent assessment/review of the Department of Public Works Facility Site Plan Review Application; stormwater management & erosion controls pursuant to state/local bylaw regulations.

Having no additional comment from the public the Planning Board looked to conclude its site plan review.

Upon motion duly made (H. Berkowitz) and seconded (P. Ferrara) voted (4-0) to approve with conditions the site plan review application for the construction of a ±6,700 square-foot vehicle storage building and other associated site improvements for the Department of Public Works located at 11 Fletcher Street.

In addition to general conditions the following shall be addressed: conditions imposed by the Northbridge Conservation Commission; Planning Board Site Plan Review approval shall be subject to comments, if any received by JH Engineering Group, LLC (Consultant); comments received by Community Planning & Development (March 22, 2017); Site Development Plan shall be revised to include additional parking spaces, a minimum of nine (9) spaces for municipal staff and a minimum of four (4) parking spaces to accommodate visitors shall be provided; Site Development Plan shall be revised to provide landscaping and/or fencing to screen the stormwater basin from abutters along Fletcher Street; and Site Development Plan shall be revised accordingly to show sanitary sewer connections to the existing DPW garage building. Notation shall be added to the plan regarding abandonment of the on-site septic system in accordance with 310 CMR 15.000.

V. RECREATIONAL MARIJUANA ESTABLISHMENTS -PUBLIC HEARING

Temporary Zoning Moratorium –Zoning Amendment Article
2017 Spring Annual Town Meeting

Upon motion duly made and seconded the Planning Board waived the reading of the notice and opened its public hearing.

"In accordance with MGL CH 40A SEC 5, the Northbridge Planning Board will hold a public hearing Tuesday, March 14, 2017 (7:05 PM) in the Selectmen's Room, Northbridge Town Hall, 7 Main Street, Whitinsville, MA 01588 to AMEND the Zoning Bylaw by adopting a temporary zoning moratorium on Recreational Marijuana Establishments. Copy of the proposed is on file with the Town Clerk (7 Main Street –Town Hall) and may be reviewed during normal office hours. The purpose of this hearing is to provide opportunity for public comment; anyone wishing to be heard should attend said hearing at the time and place designated. Brian Massey, Chairman Northbridge Planning Board."

Mr. Bechtholdt indicated notification requirements had been satisfied.

Chairman Massey explained the purpose and intent of the temporary zoning moratorium on recreational marijuana establishments. Mr. Massey sought comment and input from the Planning Board. James Berkowitz felt establishing a temporary moratorium made sense and believed it was the right thing to do at this time; Pamela Ferrara and Harry Berkowitz agreed.

Mr. Bechtholdt noted the temporary moratorium would be for 18-months.

Mr. Bechtholdt explained to the Planning Board that Town Counsel had assisted in preparing the draft language and was not sure if any minor changes would be made prior to printing of the warrant and/or the booklets. Mr. Bechtholdt suggested recommendation to support should be subject to further comment by Town Counsel.

Temporary Moratorium on Recreational Marijuana Establishments

Purpose -On November 08, 2016, the voters of the Commonwealth approved a law regulating the cultivation, processing, distribution, possession and use of marijuana for recreational purposes (new G.L. c. 94G, Regulations of the Use and Distribution of Marijuana Not Medically Prescribed). The law, which allows certain personal use and possession of marijuana, took effect on December 15, 2016 and (as amended on December 30, 2016; Chapter 351 of the Acts of 2016) requires a Cannabis Control Commission to issue regulations regarding the licensing of commercial activities by March 15, 2018, and to begin accepting applications for licenses on April 1, 2018. Currently under the Zoning Bylaw, a non-medical Marijuana Establishment hereinafter, a "Recreational Marijuana Establishment"), as defined in G.L. c. 94G; §1, is not specifically addressed in the Zoning Bylaw. Regulations to be promulgated by the Cannabis Control Commission may provide guidance on certain aspects of local regulation of Recreational Marijuana Establishments. The regulation of recreational marijuana raises novel legal, planning, and public safety issues, and the Town needs time to study and consider the regulation of Recreational Marijuana Establishments and address such issues, as well as to address the potential impact of the State regulations on local zoning and to undertake a planning process to consider amending the Zoning Bylaw regarding regulation of Recreational Marijuana Establishments. The Town intends to adopt a temporary moratorium on the use of land and structures in the Town for Recreational Marijuana Establishments so as to allow sufficient time to address the effects of such structures and uses in the Town and to enact bylaws in a consistent manner.

Definition -"Recreational Marijuana Establishment" shall mean a "marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business."

Temporary Moratorium -For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaw to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for a Recreational Marijuana Establishment and other uses related to recreational marijuana. The moratorium shall be in effect through November 30, 2018 or until such time as the Town adopts Zoning Bylaw amendments that regulate Recreational Marijuana Establishments, whichever occurs earlier. During moratorium period, the Town shall undertake a planning process to address the potential impacts of recreational marijuana in the Town, and to consider the Cannabis Control Commission regulations regarding Recreational Marijuana Establishments, and shall consider adopting new Zoning Bylaws in response to these new issues.

Chairman Massey briefly reviewed a flowchart detailing the proceedings and municipal options prepared by Community Planning & Development. Chairman Massey sought comment from the public in attendance; having none the Planning Board closed its public hearing.

Upon motion duly made (P. Ferrara) and seconded (H. Berkowitz) the Planning Board voted (4-0) to recommend Article # 18 of the 2017 Spring Annual Town Meeting to amend the Northbridge Zoning Bylaw by adding a new section entitled "Temporary Moratorium on Recreational Marijuana Establishments" as described and presented in the Town Meeting Warrant.

The Planning Board shall offer its Report & Recommendation at the Spring Annual Town Meeting scheduled for Tuesday, May 02, 2017.

OLD / NEW BUSINESS

Approval of Meeting Minutes –February 28, 2017

Upon motion duly made (H. Berkowitz) and seconded (P. Ferrara) the Planning Board voted (4-0) to approve the meeting minutes of February 28, 2017 as amended.

2017 Spring Annual Town Meeting (SATM) –Tuesday, May 02, 2017

Point of information –no discussion.

Self-Storage Facility (Douglas Rd/Castle Hill Rd) Project Signage –Review/Decision

Planning Board review and re-affirmed its approval of the Conceptual Drawing prepared by Sunshine Sign Co. dated February 01, 2017, identified as Option E. The revised drawing (proposed signage) addresses comments noted during the Planning Board meeting of February 28, 2017, as illustrated, the project sign (as revised) shall not include an electronic message board and shall be reduced in overall height from approximately 18-feet to 14-feet.

(Draft) Open Space & Recreation Plan Update and (Draft) Housing Production Plan –Status/Update

Ongoing –no additional discussions at this time.

Economic Development Strategic Plan Public Forum –Tuesday, April 11, 2017 (7:00PM –Town Hall)

Point of information –no discussion. Mr. Bechtholdt informed the Planning Board that the Planning office will prepare and distribute mailings to business/industrial zoned properties. Additionally, a public forum notice will be included on the town's homepage and shall run on the local cable access channel.

Local Historic District Study Initiative –Status/Update Subdivision/Site Developments –Updates

Mr. Bechtholdt explained to the Planning Board that the Local Historic District Study Committee needs to conduct property owner surveys and prepare a preliminary study report. Once received the Planning office will assist the Planning Board in its review.

Planning Board Concerns –Discussion

None at this time.

Mail –Review

In addition to the mail listed (attached) the Planning Board noted receipt of the following communications: Planning Board Agenda March 28, 2017; Draft Agendas April 11, 2017 and April 25, 2017; Letter dated March 13, 2017 to Town Clerk with cc: Planning Board from Town Planner regarding Planning Board Meeting cancellation of March 14, 2017; Postponed/Rescheduled agenda for the March 14, 2017 meeting; Reminder about what Citizen's Forum is for; Public Hearing Notice for Bylaw Amendment to amend Chapter 173, Section 173.12 (Table of Use Regulations) by designating "Commercial stables, kennels or veterinary hospital in which all animals, fowl or other forms of life are completely enclosed in pens or other structures" as a use

300 allowed by special permit within the B-2 Zoning District; Letter dated March 1, 2017 to Town Clerk with a cc:
301 to Town Manager/BOS, Building Inspector, Planning Board, and Finance Committee from Town Planner
302 concerning 2017 SATM Table of Use Regulations Zoning Amendment Article; Letter dated February 23, 2017
303 to Planning Board Chairman from Milford Regional Medical Center, Inc. Crotoft & Sawyer Ventures, LLC by
304 their attorneys W. Robert Knapik and Joseph M. Antonellis, respectively, regarding the proposed Zoning
305 Change in the B-2 district; Proposed Town Meeting Article; Zoning Map May 2016; Public Meeting Notice for
306 11 Fletcher Street (DPW) consisting for a planned +/-7,600 sf vehicle storage building, exterior repairs to the
307 existing +/-4,200 sf facility and other associated site improvements; four pages of plans for the proposed
308 improvements to the DPW facility; Memo dated March 22, 2017 to Planning Board with a cc: to Town
309 Manager/BOS, DPW Highway, Applicant/Engineer, Board of Health, DPW Sewer, Building Inspector, Fire
310 Chief, Conservation Commission and Whitinsville Water Company from Town Planner concerning DPW
311 Facility at 11 Fletcher St Site Plan Review; Site Plan Review Checklist for DPW Facility (11 Fletcher St), Draft
312 letter not dated to Town Clerk with a cc: to Conservation Commission and the Applicant/Engineer from Town
313 Planner regarding DPW Facility Site Plan Review –Engineering Consulting Services; Public Hearing Notice to
314 amend the Zoning Bylaw by adopting a Temporary Zoning Moratorium on recreational marijuana
315 establishments; Letter dated March 13, 2017 to Town Clerk with a cc: to Town Manager/BOS and Planning
316 Board from Town Planner concerning Recreational Marijuana Establishments Public Hearing for a Temporary
317 Zoning Moratorium –Zoning Amendment Article 2017 SATM; Wording for the proposed Temporary
318 Moratorium on Recreational Marijuana Establishments; Memo dated March 01, 2017 to Planning Board
319 Chairman from Board of Health regarding Temporary Zoning Moratorium on Recreational Marijuana
320 Establishments; Letter dated February 15, 2017 to Town Clerk with a cc: to Town Manager/BOS, Planning
321 Board, Building Inspector and Finance Committee from Town Planner concerning 2017 SATM Temporary
322 Moratorium on Recreational Marijuana Establishments Zoning Amendment Article; Memo dated January 31,
323 2017 to Town Manager with a cc: to Planning Board, Board of Health, Building Department, and Police Chief
324 from Town Planner concerning Regulations and Taxation of Marijuana Act Zoning –Local Implementation; KP
325 Law The Regulation and Taxation of Marijuana Act; Email dated March 20, 2017 to Town Planner from Town
326 Manager regarding local ballot option (Recreational Marijuana Establishments); Draft Meeting minutes of
327 February 28, 2017; Letter dated March 15, 2017 to Zoning Board of Appeals with a cc: to Town Clerk, D.
328 Koopman (Owner), Sunshine Sign Co. (Applicant) and Building Inspector from Town Planner regarding 25
329 Castle Hill Road Signage (Northbridge Self-Storage Facility) Variance Application; Northbridge Economic
330 Development Strategic Plan Public Forum Agenda for April 11, 2017; Northbridge Economic Development
331 Strategic Plan Public Forum Agenda for April 11, 2016; Northbridge Economic Development Strategic Plan
332 Public Forum on April 11, 2017 Introduction and Desired Outcomes; Northbridge Economic Development
333 Strategic Plan Community Interviews/Stakeholder Interviews; Letter dated February 13, 2017 to Property
334 Owners of Proposed Local Historic District from the Local Historic District Study Committee; Names and
335 addresses of who was sent the Local Historic District letter; Map of Local Historic District area; Memo dated
336 March 22, 2017 to Planning Board from Town Planner regarding CMRPC LTA Hours (Local Technical
337 Assistance) –Zoning Book Update; Traffic Counts Planned within Northbridge; Email dated March 02, 2017 to
338 J & F Marinella and Andrews Engineering from Town Planner concerning Hemlock Estates (and Camelot)
339 sewer pump stations; Memo dated March 01, 2017 to Planning Board from WWTP Superintendent regarding
340 Hemlock Subdivision; Presidential Farms schedule Planning Board site visit; The Camelot overall construction
341 schedule dated March 13, 2017; Plan of the Camelot; MMA article “Westborough becomes first in state to
342 ban marijuana businesses;” Article “Here’s How Much MA Could Make Off Legal Marijuana;” Article “MA

treasurer Deb Goldberg wants \$10 million to help her start enforcing new marijuana law;" Article "Municipalities want new, clear path to outlaw pot shops;" Article "Legislation aims to keep MA family farms alive and well;" 2017 Planning Board meeting schedule.

Other

Mr. Bechtholdt explained to the Board that he and Chairman Massey met with J&F Marinella Development on Monday, March 13, 2017 to review with the two (2) abutters of Rebecca Road, extension to Hillcrest, as part of the Camelot subdivision to coordinate relocating their driveways and sequencing construction. Mr. Marinella is to contact the abutters during the upcoming months to keep them in the loop. Planning Board reviewed proposed sign for Parker Insurance to replace the existing damaged sign on Church Street. Harry Berkowitz supported the monument-style sign with message board, suggesting if Koopman (Self-storage facility on Douglas Road) had proposed a monument-style sign he would have supported that one as well. James Berkowitz and Pamela Ferrara also indicated support for the proposed replacement sign. Mr. Massey asked if the new sign would be the same size as the existing; Mr. Bechtholdt noted the stacked-brick base of the sign would remain the same. Mr. Bechtholdt explained that it was his understanding that the proposed sign may require a variance from the Zoning Board and that the Owner/Applicant wanted to solicit the Planning Board for comment prior to filing additional permits. Board members voiced their support of the proposed replacement sign with message board. Mr. Massey suggested it would be difficult to limit these types of signs as the precedents has already been set with the Gaudette Insurance sign, Koopman sign and the McDonald sign, etc. The Board understands that more and more businesses may look to utilize electronic-message boards to promote their companies. Chairman Massey sought a motion from the Planning Board to support the proposed replacement sign. *Upon motion duly made (H. Berkowitz) and seconded (P. Ferrara) the Planning Board voted 4-0 to support the proposed sign for Parker Insurance with electronic-message board.* The Planning Board requests that Central Massachusetts Regional Planning Commission (CMRPC) utilize Local Technical Assistance (LTA) hours allocated for the Town of Northbridge to perform a Zoning book update. The LTA project would be limited to incorporating zoning amendments not previously added to the town's zoning book. The scope of service shall include CMRPC reviewing our existing Zoning book and updating the provisions accordingly based upon bylaw amendments approved at Town Meeting. The Planning Office shall provide CMRPC with electronic copies of the identified zoning amendment provisions for inclusion in the zoning book update. It is estimated that a project such as this should take approximately 7 to 8 hours to complete.

Adjournment

Having no additional business the Planning Board adjourned its meeting of Tuesday, March 28, 2017 at or about 8:40 PM.

Respectfully submitted,

Approved by the Planning Board –

R. Gary Bechtholdt II
Northbridge Town Planner

Cc: Town Clerk