



# **NORTHBRIDGE PLANNING BOARD MINUTES**



**Tuesday, January 22, 2019**

Recognizing the presence of a quorum, Chair Brian Massey called the meeting to order at 7:02 PM. Rainer Forst, James Berkowitz, and Harry Berkowitz were in attendance. Abdul Kafal was absent. R. Gary Bechtholdt II, Town Planner and Barbara A. Kinney, Planning Administrative Assistant, were also present. One (1) Planning Board (PB) vacancy remains (Associate Member).

The following members of the public were in attendance: James Shuris, DPW Director; Mark Kuras, DPW Sewer Superintendent; Megan and Kevin Porter, 17 Spring Street; and Robert Cherrier.

## **CITIZENS FORUM**

None

## **II. FORM A**

None

## **III. WINSTON WOODS DEFINITIVE SUBDIVISION - CONT. PUBLIC HEARING**

Chapter 222 -Subdivision Rules & Regulations

Assessors Map 15A, Parcels 224-232 - Spring Street

The applicant/engineer has requested a continuance. Reference made to letter dated January 09, 2019.

*Motion made by Mr. H. Berkowitz and seconded by Mr. J. Berkowitz. The PB voted 3-0-1 (As a result of not being a PB member at the time the PB opened the Public Hearing, Mr. Forst abstained from voting) to continue the Public Hearing to February 12, 2019 at 7:05PM.*

Chairman Massey expressed concern with the Applicant/Engineer providing requested information in a timely manner, noting the period of decision has already been extended to March 31, 2019.

## **IV. PLANNED BUSINESS DEVELOPMENT - CONT. PUBLIC HEARING**

Special Permit [§173-47 B (2)] & Site Plan Review [§173-49.1]

Auto Repair, Car Wash & Contractors' Yard

Assessor Map 2, Parcel(s) 36 & 37 - Main Street & Water Street

Eric Bazzett, Allen Engineering, and Rob Cherrier, applicant, were present.

Mr. Bazzett explained to the Board that an ANR plan has been prepared in conjunction with the site development proposal. Mr. Bazzett explained to the Board that the Conservation Commission closed its hearing on January 16, 2019 and will issue an Order of Conditions for the project. Mr. Bazzett reviewed

with the Board response letter dated January 08, 2019, noting all comments received to date have been addressed.

Planning Board members noted outdoor storage associated with the contractor units will not be allowed. The Board advised the Applicant that the building facades and signage shall be reviewed and approved by the Planning Board before issuance of building permit(s). Mr. Bechtholdt reminded Mr. Bazzett that coordination with the Director of Public Works will be required for the easement areas, specifically how the town may formally accept them (i.e. Town Meeting).

Mr. Bazzett briefly reviewed with the Board narrative prepared describing potential use of the site which may include used car sales, towing, etc. as well as potential tenants for the contractor units. Chairman Massey noted prior to issuance of occupancy (tenants) the Building Inspector (with copy to the Planning Board) will need to review parking scheduled to confirm parking requirements are satisfied.

Chairman Massey sought additional comment from the Planning Board, having none the Chairman then asked if anyone (public) in attendance had a comments or concerns. *Upon seeking comment from the public, the Planning Board upon motion duly (H. Berkowitz) made and seconded (J. Berkowitz) closed the public hearing (special permit).*

Mr. Bechtholdt suggested if the Board is to grant approval(s), they should make it subject to comments discussed during the review, including conditions of approval typically included in site plan reviews. Mr. Bechtholdt reminded the Applicant/Engineer that an ANR plan needs to be filed and acted on by the Planning Board.

The Planning Board concluded its review (site plan & special permit) for the planned auto repair, car wash and contractor units.

*Upon motion duly made (H. Berkowitz) and seconded (J. Berkowitz) the Planning Board voted 3-0-1 [R. Forst abstained] by roll-call vote to grant special permit for Planned Business Development.* In taking such action the Planning Board directed the Town Planner to prepare the Special Permit decision in accordance with discussions had.

*Upon separate motion duly made (H. Berkowitz) and seconded (J. Berkowitz) the Planning Board voted 3-0-1 [R. Forst abstained] to approve with conditions the site plan for the Planned Business Development.* In taking such action the Planning Board directed the Town Planner to prepare the Certificate of Approval in accordance with discussions and correspondence received.

Rainer Forst abstained from voting, as Mr. Forst was not a member of the Planning Board at the time of the opening of the public hearing or review of the site plan review application.

## **OLD / NEW BUSINESS**

### **Approval of Meeting Minutes –January 08, 2019**

*Motion made by Mr. H. Berkowitz and seconded by Mr. J. Berkowitz. The PB voted 4-0 to approve the minutes of January 08, 2019 as written.*

2019 Spring Annual Town Meeting -Tuesday, May 07, 2019

Point of information. No action needed.

2019 SATM Warrant Closure -Friday, March 08, 2019 (12:00 PM)

Point of information. No action needed.

2019 SATM Planning Board Warrant Articles -Vote to Sponsor Article(s)

Point of information. No action needed.

February 26, 2019 -Vote to Cancel PB Meeting (LHDSC Public Workshop)

*Upon motion duly made (H. Berkowitz) and seconded (R. Forst) the Planning Board voted 4-0 to cancel its meeting of February 26, 2019 to allow the Board to attend the Local Historic District Study Committee's Public Forum scheduled for the same.*

Presidential Farms Open Space Parcel(s) A & D -Status/Update

Tabled with no discussion. Developer was not present.

Presidential Farms Phase II & V -Performance Surety/Lot Release Request

Tabled with no discussion. Developer was not present.

Camelot & Hemlock Estates -Status Reports/Updates (J. Marinella, Developer)

The Planning Board met with Joseph Marinella to discuss the status of the Camelot and Hemlock Estates subdivisions.

Joe Marinella (Developer) stated that all the curbing on Joseph Circle (Camelot) except one lot has been completed. The sidewalks are not complete, and he will continue with them once the weather breaks. There are three (3) to four (4) hydrants to raise. Mr. Marinella anticipates that in May the paving can be done which will complete Joseph Circle. The laterals, curbing, etc. must be confirmed before the paving is done. There is a catch basin in front of the retreat lot driveway that needs to be addressed. Per the regulations, it cannot remain in front of the driveway. Mr. Marinella suggests moving the driveway over as that is the easiest solution. The PB did not support this idea and instructed Mr. Marinella to give this some more thought and talk about the options again in a few weeks. Mr. Bechtholdt does not think moving the driveway is a good, viable option.

Board members asked if the runoff concerns associated 232 Fir Hill Lane (Hemlock Estates) have been addressed, suggesting if not a permanent solution should be installed by spring (at the latest). Board members also expressed concerns with ground water breaking out and making its way onto the roadway, expressing concerns of undermining the road and creating long-term issues with the integrity of the roadway. Chairman Massey directed the Developer to talk with the Highway Superintendent about installing a series of sub-drains along the roadway to capture the groundwater. Mr. Massey stated that the water coming off the back of some of the house lots is incredible which flows across the roadway and misses the catch basin. Mr. Marinella suggested this problem may be remedied once he exposes a catch basin currently plated in the roadway. Mr. Marinella explained to the Board that he is working through the winter, weather permitting. The Planning Board reminded Mr. Marinella that they have initiated calling-in

the performance bond for both projects (Camelot & Hemlock Estates) and can call in the bond if they are not satisfied with the progress. The Board agreed to allow the Developer to continue to complete the subdivision through mid-June at which time the Board will re-evaluate the overall status. Mr. Bechtholdt advised Mr. Marinella that additional chain-link fencing along Fir Hill Lane needs to be installed immediately, suggesting a real safety concerns for pedestrians walking along the sidewalk near the wetland crossing.

Mr. Massey asked Mr. Marinella about the sewer pump(s) station records. Mr. Marinella was contacted in January 2018 and several other times for the maintenance records, per Mr. Kuras. Mr. Marinella stated he has three (3) months here and in the beginning he was not taking times (once a week). Mr. Marinella stated he does not have the manpower to do the checks daily. Mr. Marinella has checked the pump(s) more than that but does not have any run times. Mr. Kuras stated that a history needs to be kept and he has not received any records and it has been at least a year. Mr. Kuras is requesting that records be sent at least once a month. Mr. Massey said there have been issues with the pump(s). Mr. Marinella stated he has records for three (3) or four (4) months. Mr. Massey stated that records are needed for at least one (1) year. When the development is ready for acceptance by the Town the pump station will be accepted too. Mr. Marinella said the old records will be sent and then he can get Mr. Kuras the runs times, etc. going forward. Repair records (slips) will need to be sent to Mr. Kuras as well. Mr. Marinella stated that there is one (1) house to connect then Fir Hill Lane will be completed. The sewer pump station could then be taken over by the Sewer Department. It was explained to Mr. Marinella that there is no partial acceptance of the project as it is tied to street acceptance. The incentive is to complete the project quickly. On another note, Joseph Circle (The Camelot) will be more than six (6) months away as there is no access in several places. That needs to be worked out between Mr. Marinella and the Department of Public Works (DPW).

Once Mr. Marinella gets the reports to Mr. Kuras, then quarterly checks can be done. Mr. Massey is looking for DPW to get proactive, as they will own and be responsible for the pumps once accepted by the town.

Subdivision Streetlight Installation -Status/Updates (J. Shuris, Department of Public Works (DPW) Director)  
*The Camelot* - Mr. Marinella stated that there are four (4) bases in and poured on Rebecca Road. There are two (2) sonotubes on Joseph Circle that have been dug but not poured. One of the bases is sheared off and Mr. Marinella stated that he will drill it and redo it. Per Mr. Shuris, Bob Moran from National Grid will not accept that and it will need to be a complete redo or need documents regarding the stress on the bolts, height, etc. There are new people at National Grid and everything must meet National Grid standards. There are six (6) or seven (7) total lights on Rebecca Rd. and Joseph Circle. Mr. Massey wanted to know if Mr. Marinella has all the documents to the DPW to move forward with National Grid including the checklist. Maybe a meeting is needed with Mr. Marinella, DPW and National Grid so everyone is all on the same page. Mr. Shuris stated that better open communication is needed. Maybe once every couple of weeks, Mr. Shuris and Mr. Marinella should meet and review the progress for both projects (Camelot & Hemlock Estates).

*Leonardo Estates* – the four (4) bases are in and a letter will be provided. Three (3) bases are ready to go and one (1) is on hold. Mr. Shuris will let the Planning Board know as he is just waiting for National Grid.

*Presidential Farms* – Washington Street is not energized.

The DPW will work with the builders on the checklist.

Proposed Zoning Amendment -Recreational Marijuana Cultivator w/in R2

The Planning Board reviewed the Zoning Board application for Variance request to allow a Marijuana retail establishment to be located within Osterman Commerce Park, an approved mixed-use planned business development. The proposed Marijuana retail establishment would occupy a portion of an existing building located at 200 Commerce Drive within the Industrial One (I-1) Zoning District.

*Upon its review, the Planning Board voted (4-0) in support of the Variance request to allow for the siting and operation of a Marijuana retail establishment within 500 feet of a town playground and registered child care facility. In making its recommendation to grant, the Planning Board noted the retail establishment would be separated from both the park and child care facility by Osterman Drive and an active railroad. Additionally, the Board identified Osterman Commerce Park as an appropriate and suitable location for this new legal use, away from downtown and within an area that could accommodate traffic and parking. The Planning Board is the Special Permit Granting Authority for recreational marijuana establishments. Should the Zoning Board grant relief, the Owner/Applicant would still need to satisfy other zoning requirements of Section 173-18.6 (Recreational marijuana establishments), in addition to Site Plan Review of the Planning Board. Concerns of screening, security and other potential impacts may be discussed and included as conditions of its Special Permit & Site Plan approvals.*

Local Historic District Study (Consultant) –Vote to Expend Funds

The study remains incomplete and updates need to be made. Aris Group made a donation to the Town with regards to a Special Permit Modification for Pine Knoll. These funds have been used for several projects including the Open Space Plan and Housing Production Plan. There is money still available to hire a consultant to finish the Local Historic District Study. Someone who knows what they are doing is needed because if it is incomplete or not correct, the State will not accept it. The cost is estimated at \$4,500.

*Motion made by Mr. H. Berkowitz and seconded by Mr. J. Berkowitz. The PB voted 4-0 to allocate the funds to hire a consultant to finish the Local Historic District Study.*

Green Meadow Court -MGL CH 41 SEC 81U Proceedings

Point of information. No action needed.

2018 Annual Report of the Planning Board (Draft) –Review

Planning Board was provided copy of the draft Annual Report of the Planning Board; to be submitted for inclusion in the 2019 report.

FY2020 Planning Board Budget (Draft) –Review

Planning Board was provided a copy of the budget request for FY2020.

Planning Board Vacancy -Associate Member

Point of information. No action needed.

Planning -Weekly Report(s)

PB had no comments.

Planning Board Concerns

Harry Berkowitz asked if the Planning Board would be interested in sponsoring a zoning amendment article to rezone the four (4) property along Providence Road from Riverdale Street to the cemetery; including the former PawSteps Veterinary building which is now vacant. Mr. Berkowitz suggested based upon its current zoning, Residential another business use would be allowed. Rezoning the parcels from Residential to Business would put all uses in conformance and allow for a business use to utilize the former vet building, where today, under existing zoning only residential use is allowed. The Board will look to invite property owners of the four (4) parcel to their next meeting scheduled for February 12, 2019 to discuss options to rezone the parcels from Residential to Business.

Mail –Review

In addition to the mail listed (see attached) the Planning Board noted receipt of the following communications: Agenda for the January 22, 2019 meeting; Draft Agenda for the February 12, 2019 meeting; Letter dated January 09, 2019 to Planning Board from Guerriere & Halnon regarding Winston Woods continuance; Letter dated January 8, 2019 to Town Planner from Allen Engineering regarding Main St. Planned Business Development plan review comments; Main St. Planned Business Development Plans with a revision date of January 03, 2019; Draft Minutes of January 08, 2019; Letter dated January 02, 2019 to Planning Board from KP Law regarding Presidential Farms Subdivision; Memo dated January 14, 2019 to Town Planner & Planning Board from DPW Director regarding Presidential Farms Streetlight Status; Memo dated March 20, 2018 to National Grid from DPW Director concerning Presidential Farms Street Lights; Memo dated January 14, 2019 to Town Planner and Planning Board from DPW Director concerning The Camelot Street Light Status; Memo dated January 14, 2019 to Town Planner and Planning Board from DPW Director concerning Hemlock Estates Street Light Status; Email dated January 14, 2019 to DPW Director from Planning Board Chair regarding Street Light Procedures, Requirements, Checklists, Sample Letters and Standards; Letter dated December 19, 2018 to Planning Board from Chloe Mawn regarding zoning amendment for marijuana cultivation; Agreement for donation of funds to the Town of Northbridge; Memo dated November 30, 2015 to Town Planner from Executive Assistant to the Town Manager regarding Aris Group, LLC – Agreement for Donation of Funds; Planning Board 2018 Annual Report draft; Draft FY20 PB budget; Memo dated January 11, 2019 to Community Preservation Committee from Community Planning & Development regarding Community Preservation Committee Representative from Planning Board; Email dated January 13, 2019 to PB Administrative Assistant from Town Planner regarding Northbridge Traffic Counts; Email dated January 09, 2019 to Planning Board from Rainer Forst concerning problem on Fir Hill Lane; Presidential Farms Open Space Parcel(s) A & D Status/Update and Phase II & V Performance Surety/Lot Release Request; Community Planning & Development Weekly Report for January 14-18, 2019; Community Planning & Development Weekly Report for January 07-11, 2019; Email dated January 11, 2019 to J & F Marinella from Town Planner regarding Hemlock Estates Fir Hill Lane Chain Link Fencing; Email dated January 15, 2019 to Town Planner & J & F Marinella from DPW Director concerning the Camelot fire hydrants; 2019 Planning Board Schedule of Meeting Dates.

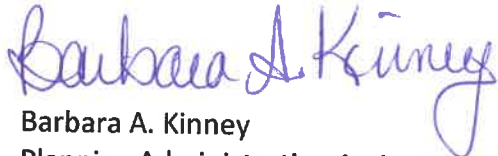
Other

None

Adjournment

*Motion made by Mr. H. Berkowitz and seconded by Mr. J. Berkowitz. The PB having no additional business voted 4-0 to adjourn its meeting of January 22, 2019 at or about 8:20PM.*

Respectfully submitted,



Barbara A. Kinney

Planning Administrative Assistant

Approved by the Planning Board:



Cc: Town Clerk  
/File

## Planning Board

[illegible]

## Grafton

- Decision – Approved with Conditions the Modification of Special Permit of Valiant Enterprises, LLC to extend the period to construct a Registered Marijuana Dispensary at 8 Millennium Drive.

## Uxbridge

- Public Hearing Notice – Application of Richard Hurteau for a Special Permit Modification to amend condition #6 for the property located at 0 Quaker Street.

## Uxbridge ZBA

- Public Hearing Notice – Application of Jeffry and Katie Morgan (owners) and Ben Mueller (applicant) for a Variance to construct a detached garage 40 feet from the front at 140 Kasey Court.

## ZBA

- Public Hearing Notice – Application of Adam Dezago for a Variance for an existing shed and carport located within the side and front setback at 239 School Street.
- Public Hearing Notice – Application of Eskar, LLC for a Variance from section 173-18.6 E (2) which requires a Marijuana Distribution Business to be at least 500 feet from a child care facility and town playground at 200 Commerce Park and is owned by VE Properties IX, LLC.
- Decision – Granted Variance for Roger Miles Coburn at 35 Paul Place to construct a 24 x 28 foot detached garage within the side yard setback and the lot size restriction of a corner lot.
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