



**NORTHBRIDGE PLANNING BOARD
MINUTES**

Tuesday, August 13, 2019



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Recognizing the presence of a quorum, Chair Brian Massey called the meeting to order at 7:00 PM. Rainer Forst, James Berkowitz, Harry Berkowitz and Abdul Kafal were in all attendance. R. Gary Bechtholdt II, Town Planner was also present with Barbara A. Kinney, Planning/Conservation Administrative Assistant absent. One (1) Planning Board vacancy remains (Associate Member).

The following members of the public were in attendance: Derek Bender; Mark Anastas; David Hunter; Larry Oberlies; Richard Mainville (Andrews Survey & Engineering, Inc.); Linda Bradley (Andrews Survey & Engineering, Inc.); Melody Nydam; & William Renaud.

I. CITIZENS FORUM

None

II. FORM A

Planning Board endorsed ANR plan(s) prepared for 145 West River Street (Lot 1 & Lot 2) -Town of Upton, MA (backland in Northbridge, MA). Mr. Bechtholdt explained because the ANR plan(s) prepared for the Upton Planning Board included land within the Town of Northbridge, the Registry of Deeds requires both (town) Planning Boards to sign the ANR plan(s) before they can be formally recorded. The Planning Board signed ANR plan entitled "Division of Land" of 145 West River Street (Lot 1) Upton & Northbridge, MA and ANR plan entitled "Division of Land" of 145 West River Street (Lot 2) Upton & Northbridge, MA prepared by Andrews Survey & Engineering, Inc. as signed by the Upton Planning Board on July 09, 2019.

III. MOON HILL ESTATES -CONT. PUBLIC HEARING

Definitive Subdivision Review, AP 29/18, 19 & 20 -Moon Hill Road

Mr. Bechtholdt reminded the Board that they tabled action on the waiver requests as they wanted additional input from the Consultant (Graves Engineering, Inc.), Department of Public Works -DPW and the Conservation Commission. Mr. Bechtholdt noted receipt of correspondence from Graves Engineering, Inc. DPW, Northbridge Fire Department and Conservation Commission.

The Planning Board reviewed waiver requests with Applicant/Engineer, reference made to letter dated July 03, 2019 from Andrews Survey & Engineering, Inc. The Board, after discussion voted as follows:

GRANTED waiver as requested for §222-9 C (14)a Definitive Plan -Plan Form & Content; Planning Board, upon motion duly made (H. Berkowitz) and seconded (A. Kafal) voted (5-0) in support of request. In taking such action, the Planning Board acknowledged Graves Engineering, Inc. (Planning Board Consultant) supports request for reasons stated by the Applicant/Engineer (-see letter).

GRANTED waiver as requested for §222-9 D (9)b Definitive Plan -Soil Surveys & Percolation Tests; Planning Board, upon motion duly made (H. Berkowitz) and seconded (A. Kafal) voted (5-0) in support of request. In taking such action, the Planning Board acknowledged Graves Engineering, Inc. (Planning Board Consultant)

supports request for reasons stated by the Applicant/Engineer (-see letter), GEI noted soil & percolation testing was performed within drainage basins areas, etc.

GRANTED §222-13 -Fire Alarm Boxes; Planning Board, upon motion duly made (H. Berkowitz) and seconded (J. Berkowitz) voted (5-0) in support of request. In taking such action, the Planning Board noted provision for fire alarm boxes was eliminated in the Subdivision Rules & Regulations (March 2016), however not updated to reflect amendment.

GRANTED §222-27 A-D -Curbing; Planning Board, upon motion duly made (H. Berkowitz) and seconded (J. Berkowitz) voted (5-0) in support of request allowing for cape cod berms on both sides of the roadway with granite headwalls at all catch basin locations. In taking such action, the Planning Board acknowledged the Conservation Commission prefers (asphalt) cape cod berms to accommodate reptile and amphibian movement across the roadways, where in a rural setting (within locus area) it is particularly important to not create barriers to reptile/amphibian movement. Planning Board also acknowledged that DPW supports waiver request.

GRANTED §222-29 -Sidewalks; Planning Board, upon motion duly made (H. Berkowitz) and seconded (J. Berkowitz) voted (5-0) in support of request to construct sidewalk of bituminous concrete (hot asphalt mix) in accordance with MassDOT specifications. In taking such action, the Planning Board acknowledged DPW supports waiver request.

GRANTED Table I -Street Design Standards; Planning Board, upon motion duly made (H. Berkowitz) and seconded (J. Berkowitz) voted (5-0) in support of request to allow for 9% maximum grade along a ±382-foot portion of Valerie Run from Station ±2+97 to Station ±6+79 and a ±476-foot portion from Station ±18+78 to Station ±23+54 and along a ±304-foot portion of Monica Way from Station ±17+55 to Station ±20+59. In taking such action, the Planning Board acknowledged the DPW and Fire Chief supports waiver request.

GRANTED Table II -Standards for Cul-de-sacs; Planning Board, upon motion duly made (H. Berkowitz) and seconded (J. Berkowitz) voted (5-0) in support of request to eliminate the construction of the cul-de-sac and landscape island at the end of Monica Way, where the right-of-way (roadway layout) shall remain providing frontage for Lots 14, 15 & 16. In allowing waiver, the Owner/Applicant shall extend pavement into cul-de-sac area whereby providing snow storage areas. In taking such action, the Planning Board acknowledged DPW and Fire Chief supports waiver request. Planning Board noted that DPW shall review planned snow storage area on the revised plan set (to be submitted).

DENIED Roadway Cross Section; Planning Board, upon motion duly made (H. Berkowitz) and seconded (R. Forst) voted (5-0) not to support request to eliminate the grass strip, whereby the sidewalk shall be setback from the roadway in accordance with the minimum width requirements for a grass strip. In taking such action, the Planning Board noted given the waiver from vertical granite curbing (§222-27 A-D -Curbing), sidewalk cannot be located at the roadway edge. Street trees may be planted at the limit of right-of-way.

Mr. Bechtholdt inquired about the status of the ECIS -Environmental and Community Impact Statement, noting the Planning Board has been awaiting receipt since the filing of the definitive subdivision application.

Richard Mainville, PE (Andrews Survey & Engineering, Inc.) on behalf of Melody Nydam (Owner/Applicant) provided a brief overview of the status of the subdivision plan revisions (phasing plan, etc.), comments received from Graves Engineering, Inc., the Board's consulting engineer and review of Notice of Intent filed with the Conservation Commission. Mr. Mainville indicated that the ECIS report is nearing completion and should be available to be distributed within the next few days. Mr. Bechtholdt reminded Mr. Mainville that written response letter(s) shall also be provided addressing all comments received to date.

Revised plans, written response comments and the Environmental and Community Impact Statement report is to be provided to the Planning office within the next week.

Having no additional comments from the Planning Board, Chair Massey sought further input from the public.

Mark Anastas, resident inquired what roadway improvements are planned for Moon Hill Road. Mr. Massey explained that he spoke with the Highway Superintendent, noting the town will be performing some pavement patching along Moon Hill Road, depending upon what funds are remaining from this year's street paving program. Additionally, as part of the subdivision development there will be roadway improvements (curb-to-curb), including upgrades to drainage, etc. The timing of this will be incorporated in a subdivision approval. Harry Berkowitz agreed, noting DPW will likely perform some paving patching along Moon Hill Road similar to what was done in prior years with other roadways. Mr. Bechtholdt explained a subdivision approval typically includes as conditions offsite improvements, which in this case would be specific to Moon Hill Road.

Upon motion duly made (H. Berkowitz) and seconded (J. Berkowitz), the Planning Board voted (6-0) to CONTINUE the Public Hearing to Tuesday, September 10, 2019 at 7:15PM.

OLD / NEW BUSINES

Approval of Meeting Minutes -March 26, April 16 & 23, June 11 & 25, and July 23, 2019

Upon motion duly made (H. Berkowitz) and seconded (J. Berkowitz) the Planning Board voted (5-0) to approve the meeting minutes for April 23, 2019. Planning Board tabled action on the other meeting minutes.

Local Historic District Bylaw -Planning Board Public Hearing (7:00PM -October 08, 2019)

Mr. Bechtholdt clarified that the Local Historic District Study Committee would host the Public Hearing on the proposed Local Historic District Bylaw for Whitinsville Downtown Crossroads, where the Planning Board members are welcomed to attend. Mr. Bechtholdt noted that the Board has been provided a copy of the DRAFT bylaw which will be reviewed and considered at the Fall Annual Town Meeting. Mr. Bechtholdt asked Board members to review and will solicit input (recommendation) from the Planning Board at its next scheduled meeting.

2019 (FATM) Fall Annual Town Meeting -Tuesday, October 22, 2019

Point of information -no discussion.

2019 FATM -Warrant Closes (Friday, August 23, 2019)

Point of information -no discussion.

2019 FATM -Vote to Sponsor Warrant Article(s)

Planning Board took no action to sponsor zoning amendment article(s) for the Fall Annual Town Meeting.

Presidential Farms Parcel D (Open Space) -Status Update

Mr. Bechtholdt informed the Planning Board that Metacomet Land Trust has since decided, rather than having the Developer disturb the open space parcel, as directed by the Board (meeting of July 23, 2019), the Trust indicated they were satisfied with the current condition of the open space and would look to refresh the area in the fall and next spring. *Upon motion duly made (H. Berkowitz) and seconded (A. Kafal) the Planning Board voted (5-0) to release the issuance of building permit restriction for Phase V -Presidential Farms.* The Town Planner shall issue an updated letter to the Inspector of Buildings regarding such action. Mr. Bechtholdt advised the Board that as soon as he heard from Metacomet Land Trust he contacted the Developer to inform him of same.

Camelot -Status & Updated Construction Schedule

Brian Massey noted he lives within the Camelot subdivision and will recuse himself from discussions (voting). Mr. Bechtholdt explained to the Board that he contacted the Developer, Joseph Marinella (J&F Marinella Dev) previously advising him of intentions to recommend the Board initiate the process to call-in the performance surety for Camelot. Mr. Bechtholdt briefly reviewed with the Board the process of calling-in a bond; explaining its not an automatic thing, it's a process.

William Renaud, on behalf of the Developer (J&F Marinella Dev.) met with the Planning Board requesting more time. Mr. Renaud indicated the two (2) hydrants will be moved within the week and does not see anything in the punchlist that should take a lot of work and sought more time from the Board to do so.

Harry Berkowitz explained that initiating the calling-in process takes time, months pursuant to Mass General Law, suggesting if work is done within the timeframe the Board may rescind its vote.

The Board briefly reviewed with Mr. Renaud what was remaining. Mr. Bechtholdt explained that he spoke with JH Engineering Group, LLC (Board Consultant) to put together an updated punchlist and incorporate items identified by DPW, noting once this information is received, he will prepare notification which will include the punchlist list items.

Mr. Bechtholdt noted, the clock will not start ticking until the notification is delivered to J&F Marinella Development. Mr. Bechtholdt agreed with Mr. Berkowitz, suggesting the Developer provide the Board with an updated construction scheduled for the September 10th meeting and arrangements will be made for a subsequent meeting to review progress; if the Board is satisfied with work completed, the Board does not need to act on calling-in the bond.

Upon motion duly made (R. Forst) and seconded (A. Kafal) the Planning Board voted (4-0-1 [Massey abstained]) to initiate calling-in the performance surety for the Camelot subdivision.

In taking such action the Town Planner will send notification to the Developer informing of the Planning Boards intention to call-in the bond (Deposit of Money) in accordance with MGL. Mr. Bechtholdt noted once he receives the updated punchlist from JH Engineering Group, LLC he will deliver the notification, suggesting it could be as early as this week or next.

Hemlock Estates -Status & Updated Construction Schedule

The Planning Board indicated same situation as the Camelot development, where the Hemlock Estates subdivision has not progressed in some time and in some instance the condition of the roadway has deteriorated. William Renaud, on behalf of the Developer (J&F Marinella Dev.) agreed with the Planning Board, noting he will be meeting with the Highway Superintendent to review boulder location along the right-of-way of Fir Hill Lane, explaining before the curbing is set wants to confirm how far back the boulders need to be relocated. Mr. Massey indicated that he may be available to attend same and asked to be kept in the loop.

Mr. Massey highly recommended the cracks in the roadway(s) be addressed ASAP, noting the Hemlock Street is starting to deteriorate; which may result in the need to mill/grinding and repaving of the entire roadway. Harry Berkowitz agreed, noting sections of Roosevelt Drive (Presidential Farms) had to be repaved before street acceptance.

Upon motion duly made (H. Berkowitz) and seconded (R. Forst) the Planning Board voted (5-0) to initiate calling-in the performance surety for the Hemlock Estates subdivision.

In taking such action the Town Planner will send notification to the Developer informing of the Planning Boards intention to call-in the bond (Deposit of Money) in accordance with MGL. Mr. Bechtholdt noted once he receives the updated punchlist from JH Engineering Group, LLC he will deliver the notification, suggesting it could be as early as this week or next.

Carpenter Estates -Status & Updated Construction Schedule

Mr. Bechtholdt informed the Board that he spoke with the Developer representative (Muneer Ahmed) earlier advising that his recommendation to the Planning Board would be to initiate the process of calling-in the performance surety for the subdivision. Mr. Bechtholdt noted he explained to the Mr. Ahmed that this may not be something his lender would appreciate, hoping it would motivate him to some action and complete the project. Mr. Bechtholdt informed the Board that he met with the Developer (Mujeeb & Muneer Ahmed) and the Site Contractor (Dale Bangma) multiple times, most recently July 02, 2019 to review the project and construction scheduling to complete the work. Mr. Bechtholdt suggested this last meeting, like similar ones, did not result in significant progress, noting on-site survey work and markings were done and some general earthwork at Carpenter Road/Hannah Drive and along the roadway entrance was completed (started). Mr. Bechtholdt recommended the Board initiate calling-in the surety in accordance with Mass General Laws and notify the Developer (and lender) accordingly. Mr. Bechtholdt explained that he spoke with JH Engineering Group, Inc., the Planning Board Consulting Engineer prior to the meeting to prepare an updated punchlist of remaining work -to be included with the notification.

Upon motion duly made (H. Berkowitz) and seconded (R. Forst) the Planning Board voted (5-0) to initiate calling-in the performance surety (Lenders Agreement) held for the Carpenter Estates subdivision.

Leonardo Estates -Status & Updated Construction Schedule

Mr. Bechtholdt advised the Board that he spoke with the Developer (Joe Leonardo) earlier in the day; Mr. Leonardo is working to have a contractor install curbing & sidewalk, having difficulties with contracting subcontractors. Mr. Bechtholdt noted, the Developer indicated that he would be providing the Board with a correspondence soon. Brian Massey asked if the Board should start the same process (initiate calling-in the

performance surety) for Leonardo Estates. Mr. Bechtholdt noted the Developer has been attentive to addressing concerns and believes the Board has his attention. Mr. Bechtholdt the performance bond for Leonardo Estates, like Carpenter is through the end of the year (December 31, 2019), if the Board becomes concerns with lack of progress then the Planning Board may initiate calling-in the bond; Harry Berkowitz and the other the Board members agreed. The Board took no action and will look to review correspondence at its next meeting.

Mass General Law Chapter 41 Sec 81U -Notification(s)

Copy of MGL provision included in the Planning Board packet -see discussion above for Camelot, Hemlock Estates and Carpenter Estates.

Green Meadow Court -Status

Mr. Bechtholdt informed the Planning Board that Green Meadow Court has not been formally accepted as a public way, noting efforts were made to complete project a number of years ago with the Developer, however at the time property owners refused to work with the Developer. Recently, Mr. Bechtholdt explained a resident contacted the Planning Board regarding the status of the road noting areas are starting to deteriorate. Planning Board suggested they would revisit this matter in the spring, as its likely too late in the construction season to find contractors, etc. Mr. Bechtholdt added that Rumonoski Drive, located of Highland Street is also an un-accepted public way, noting the roadway was accepted at a Town Meeting years ago (1990's) however due to conveyance discrepancies the formal acceptance was never recorded with the Registry of Deeds. Mr. Bechtholdt explained that he had researched and prepared an extensive packet detailing property owners and easement areas which was provided to Town Counsel years ago, however believes the Town Manager, at the time did not want to expend town funds to review. Harry Berkowitz recalled the issues with the Developer where sewer and drainage was relocated and installed without updating plans. Mr. Berkowitz also noted the subgrade of the roadway is an issue as well. Mr. Bechtholdt suggested if the Board want to address Green Meadow Court in the spring the Board may look to explore Rumonoski Drive afterwards.

Planning Board -Associate Member (Vacancy)

Mr. Bechtholdt informed the Board that the Planning office had recently contacted those who had submitted Talent Bank Forms, however has not heard back from residents.

Planning -Weekly Report(s)

Planning Board acknowledged receipt -no discussion.

Planning Board Concerns

Mr. Rainer asked for copies of the punchlists for the subdivisions; Mr. Bechtholdt noted once Planning received the updated punchlist(s) from JH Engineering Group, LLC copy of same will be forward to the Developer and Planning Board members.

CMRPC LPA Hours

Mr. Bechtholdt reviewed with the Planning Board memorandum dated July 22, 2019 from CMRPC regarding Local Planning Assistance -LPA Hours available; where the town is eligible to received up to 12-hours of planning technical assistance.

Mail –Review

In addition to the mail listed (attached) the Planning Board noted receipt of the following communications: Planning Board Agenda (August 13, 2019); Draft Planning Board Agendas (September 10, 2019, September 24, 2019, & October 08, 2019); Memorandum dated July 16, 2019 to Planning Board and Andrews Survey & Engineering from Town Planner regarding Moon Hill Estates Definitive Subdivision Plan Application - Revised/Updated Plan Set; Letter dated July 03, 2019 to Planning Board from Andrews Survey & Engineering concerning Moon Hill Estates Revised Request for Waivers; Memo dated August 07, 2019 to Planning Board from Conservation Commission concerning Moon Hill Estates Curbing Waiver Request; Memo dated July 23, 2019 to Planning Board Chairman from DPW Highway concerning Moon Hill Estates Waiver Requests; Memo dated August 07, 2019 to Impact Real Estate & Development, Inc. from Police Department concerning Approval of Street Names for Moon Hill Estates; Memo received August 06, 2019 to Planning Board from Fire Department concerning Moon Hill Estates street names; Draft Planning Board minutes of April 23, 2019; Public Hearing Notice for Whitinsville-Downtown Crossroads Local Historic District; Memo dated July 24, 2019 to Board of Selectmen from Local Historic District Study Committee regarding Whitinsville -Local Historic District Study LHD Bylaw; Draft Whitinsville Downtown Crossroads Local Historic District Bylaw; Map of Whitinsville-Downtown Crossroads Local Historic District; Document announcing Whittin Village Walking Tour for Saturday, September 21, 2019; copy of MGL Part 1, Title VII, Chapter 41, Section 81U; Community Planning & Development Weekly Report for July 29-August 02, 2019; Community Planning & Development Weekly Report for July 22-26, 2019; Email dated August 06, 2019 to Andrews Survey & Engineering from Town Planner concerning leaving of S. O'Connell and the projects he was involved with here in Northbridge; Letter dated August 06, 2019 to US Economic Development Administration from Town Planner regarding Southern Worcester County Economic Development Organization Comprehensive Economic Development Strategy (CEDS); & 2019 Planning Board Schedule of Meeting Dates.

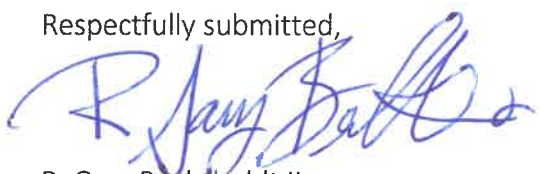
Other

Planning Board noted receipt of correspondence from DPW Director/Tree Warden dated August 06, 2019 regarding public shade trees that are in poor condition and a tree hazard (386 Kelly Rd, Cooper Rd, & 243 Hill St). Point of information -no action taken. Planning Board endorsed site development plan set for Phase 2 - Oakhurst/Lasell Road Solar project (Northbridge/Sutton).

Adjournment

Having no additional business, the Planning Board adjourned its meeting of August 13, 2019 at or about 8:00PM.

Respectfully submitted,



R. Gary Bechtholdt II
Town Planner

Approved by the Planning Board:

09/10/19

Cc: Town Clerk
/File

August 13, 2019

Planning Board

FROM	DATE	SUBJECT
MA Municipal Association	Summer 2019	The Beacon Newsletter
Graves Engineering	07/29/2019	Stone Hill Condominiums Site Plan & Stormwater Review

Weekly Report for

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Upton ZBA

- Decision – Granted with Conditions the Special Permit to Kevin Lobisser, Lobisser & Ferreira Construction Corp. to construct a new 4-bedroom house with an in-law apartment at Lot 1 Fiske Avenue.
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