



## NORTHBRIDGE PLANNING BOARD MINUTES

Tuesday, May 25, 2021



*Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, MGL Chapter 30A Section 18 and the Governor's March 15, 2020 Order concerning imposition on strict limitations on the number of people that may gather in one place, meetings of the Northbridge Planning Board shall be conducted via remote participation to the greatest extent possible. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public may adequately access the proceedings as provided in the Order.*

Recognizing the presence of a quorum, Chair Brian Massey (Yes) called the meeting (virtual meeting) to order at 7:04PM. Harry Berkowitz - Yes; Rainer Forst – Yes; Jim Berkowitz - Yes and Andrew Howden (Associate Member) – Yes; were in attendance. Abdul Kafal – was absent (not sworn in yet). R. Gary Bechtholdt II, Town Planner and Barbara A. Kinney, Planning Administrative Assistant were also present.

Attendees also included Byron Andrews, Andrews Survey & Engineering; Rob Knapik; Joe Leonardo, Terreno Realty; Bill Renaud; Tony Brookhouse, Outlaw Two, LLC; and Vincent Osterman.

### I. CITIZENS FORUM

None

### II. FORM A'S 120 HILL STREET -REVIEW/DECISION ANR -81P Plan Assessor Map 15 Parcel 17

Byron Andrews, Andrews Survey & Engineering, explained that this property is part of the estate of James Knott. The point is to create two buildable lots. The old dormitories in back of the Lasell Manor will be on one lot (Lot 1) with frontage on Pine Street. Lot 2 will be the Lasell Manor and parking area with access from Hill Street. The remaining property, Lot 3, (19 acres) will have access from Hill and Pine Streets. The digital submission has been received and all requirements have been met. G. Bechtholdt can sign on the Planning Board's behalf once it has been confirmed that the outstanding items on the ANR checklist have been addressed.

*Upon motion duly made (J. Berkowitz) and seconded (H. Berkowitz), the Planning Board voted 4-0 by roll call vote of H. Berkowitz – Yes; J. Berkowitz – Yes; R. Forst – Yes; and B. Massey – Yes to GRANT ANR endorsement / approval for the above referenced plan, to create Lot 1, having frontage on Pine Street; Lot 2, having frontage on Hill Street; & Lot 3, having frontage on Hill Street as shown and described on the ANR plan.*

### CHURCH STREET EXTENSION -REVIEW/DECISION ANR -81P Plan Assessor Map 28 Parcel 73

Rob Knapik explained that the Approval Not Required plan is for 100 and 200 Commerce Park. The buildings have been constructed and the intention is to divide the property into two parcels. Lot B1 will consist of the first two buildings housing the medical facilities right now and Lot B2 will be the two (2) recent buildings that have been constructed with additional buildings to come. Both parcels meet frontage requirements on

Church Street extension but access for Lot B2 will be via Commerce Drive (easements). Commerce Drive is a private way and this is a planned business development.

The Building Inspector has confirmed that this Approval Not Required will not alter any permits and he supports the division of land. G. Bechtholdt will confirm that the checklist items have been addressed before he endorses the plan for the Planning Board.

*Upon motion duly made (H. Berkowitz) and seconded (J. Berkowitz), the Planning Board voted 4-0 by roll call vote of H. Berkowitz – Yes; J. Berkowitz – Yes; R. Forst – Yes; and B. Massey – Yes to GRANT ANR endorsement for the above referenced plan (consisting of 3 plan sheets); creating Lot B1, consisting of 100 & 200 Commerce Drive and Lot B2, consisting of remaining land as shown and described on the ANR plan.*

### **III. PRESIDENTIAL FARMS -PERFORMANCE SURETY**

#### **Phase II -Washington Street & Phase V -Roosevelt Drive**

The Planning Office is in receipt of an email from David Brossi asking for a continuance because he has received the punchlist from Graves Engineering but has not has a chance to review it. This will be tabled to a future agenda. B. Massey has also asked the Department of Public Works to do a site visit and provide any comments they may have.

*Upon motion duly made (J. Berkowitz) and seconded (H. Berkowitz), the Planning Board voted 4-0 by roll call vote of H. Berkowitz – Yes; J. Berkowitz – Yes; R. Forst – Yes; and B. Massey – Yes to table this discussion until a future agenda.*

### **IV. LEONARDO ESTATES -ISSUANCE OF BUILDING PERMITS**

#### **Windstone Drive -Status of Curbing Installs, Streetlights, etc.**

Joe Leonardo has submitted a building permit application. In 2019, the Planning Board informed J. Leonardo that the curbing needs to be installed or it will hold up sign-offs on the building permit applications. Per J. Leonardo, the curbing has been held up because of the issues with the sidewalk that have now been addressed. In 2020 COVID-19 hit, so not much work was completed. In January 2021 the elimination of the sidewalk was approved. March and April 2021 the weather hindered construction, which bring us to now. J. Leonardo provided a summary dated May 23, 2021 to the Planning Board. The bus stop issue has been resolved and will be installed and the mailbox will be moved and made Americans with Disabilities Act compliant. A portion of curbing has been installed. The sloped curbing has been started. Curbing will be installed on the wetland crossing. The guardrail needs to be installed as well. Two trees per lot will be installed. He wanted to do them all at once, but he will do the ones before the bridge now with a target date of completion for November 2021. Lot 9 is the permit he is seeking and fill is needed in the front of the property. There is a section where cuts need to be done on one side and used as fill (Lot 9) on the other side of the street. The Planning Board is concerned as not much has been done in two (2) years. J. Leonardo was reminded that the cementation of the curbing is a requirement of the State and not the Town. J. Leonardo explained that Lot 9 is under contract and needs a building permit even if for a foundation only or there will be a breach of contract. The Planning Board discussed the possibility of issuing a foundation only permit. However, B. Massey has serious concerns with issuing a foundation only permit because the sidewalk issue was created by the developer and the residents. If he agrees to the foundation only permit, he wants the

developer to understand that there will be no building permit sign-offs until all curbing has been completed in front of Lots 10, 9, 8 and part of 6 (100 feet). Updated drawings must be submitted and the clean-up of the sidewalk areas that have been dug up for a year needs to be completed. On the other side of the street, the curbing must be completed from across the mailbox to the beginning of Lot 17. The easement for Lot 16 goes all the way across to the driveway on Lot 13. The closing for Lot 13 is scheduled for mid-June and the closing for Lot 12 is scheduled for September, per J. Leonardo. The Planning Board reiterated that they must see progress being made.

*Upon motion duly made (H. Berkowitz) and seconded (J. Berkowitz), the Planning Board voted 4-0 by roll call vote of H. Berkowitz – Yes; J. Berkowitz – Yes; R. Forst – Yes; and B. Massey – Yes to allow the issuance of a “Foundation-Only” Building Permit for Lot #9 within the Leonardo Estates subdivision development. In taking such action, the Planning Board noted their displeasure with the lack of progress on behalf of the Developer, Joseph Leonardo, where improvements required of the subdivision approval continue to be delayed. Reference is made to Planning Board letter dated June 28, 2019 to the Building Department indicating similar concerns and the need for the Developer to complete certain improvements within the subdivision (i.e., curbing) before additional building permit applications are signed-off. The Planning Board and Developer mutually agreed that a Building Permit for Lot #9 shall not be sought or issued until such time as the guardrail posts are installed along Windstone Drive and the vertical-granite curbing is completed from the intersection of Highland Street as follows: Northerly side of Windstone Drive from Station 0 + 00 to Station 10 + 25 and from Station 13 + 25 to Station 16 + 25; and Southerly side of Windstone Drive from Station 01 + 75 to Station 6 + 25 and from Station 11 + 75 to Station 17 + 00. The Planning Board shall continue to consider authorizing the issuance of additional building permits on a case-by-case basis, based upon its review of the subdivision improvements and overall status of completion.*

#### **V. CAMELOT -REQUEST EXTENSION DATE OF COMPLETION**

##### **Phase IV -Grace Street**

Bill Renaud and Tony Brookhouse were present to answer questions. G. Bechtholdt noted that the Planning Office in receipt of a letter from Attorney Henry Lane dated May 11, 2021 requesting that the completion date be extended to December 31, 2022. H. Berkowitz commented that the project is looking good and improvements / progress has been made. R. Forst requested clarification on why they are seeking an extension and it was explained to him that this request will keep the approval of the project valid. This is typically done with new bonds and new dates of completion.

*Upon motion duly made (H. Berkowitz) and seconded (J. Berkowitz), the Planning Board voted 4-0 by roll call vote of H. Berkowitz – Yes; J. Berkowitz – Yes; R. Forst – Yes; and B. Massey – Yes to GRANT Extension of the Completion Date for the above noted subdivision development, specifically Phase IV -Camelot, Grace Street serving Lots 11-24. The date of completion shall hereby be extended through December 31, 2022. Reference is made to Covenant dated November 25, 2010 [BK 46877 PG 180], Definitive Subdivision entitled “The Camelot” [Plan Book 886 Plan 81], and letter dated May 11, 2021 from Henry Lane on behalf of John P Puccio and James Puccio, Trustees of Trimount Trust requesting extension.*

#### **OLD/NEW BUSINESS**

Approval of Meeting Minutes -January 12, & May 11, 2021

The minutes of January 12 and May 11, 2021 have been tabled to a future meeting.

Planning Board Meeting July 27, 2021 -Vote to Cancel Meeting

*Upon motion duly made (H. Berkowitz) and seconded (J. Berkowitz), the Planning Board voted 4-0 by roll call vote of H. Berkowitz – Yes; J. Berkowitz – Yes; R. Forst – Yes; and B. Massey – Yes to cancel the July 27, 2021 meeting.*

Planning Board Expenses -Vote to Authorize Expenditure(s)

This is for the authorization of the Planning Office to use some of their expenses to pay an outstanding invoice from Graves Engineering for Carpenter Estates (developer passed away) and Hannah Drive was accepted as a public way at the Fall Annual Town Meeting 2020. *Upon motion duly made (H. Berkowitz) and seconded (J. Berkowitz), the Planning Board voted 4-0 by roll call vote of H. Berkowitz – Yes; J. Berkowitz – Yes; R. Forst – Yes; and B. Massey – Yes to authorize the Planning Office expenses for payment to Graves Engineering for the Carpenter Estates outstanding invoice.*

Earth Removal Board -Vote to Appoint Planning Board Representative

It was noted that H. Berkowitz is the current representative to the Earth Removal Board and he does not mind continuing as the representative. *Upon motion duly made (J. Berkowitz) and seconded (R. Forst), the Planning Board voted 4-0 by roll call vote of H. Berkowitz – Yes; J. Berkowitz – Yes; R. Forst – Yes; and B. Massey – Yes to reappoint H. Berkowitz to the Earth Removal Board.*

Floodplain Bylaw Provisions -Zoning Amendments (Public Hearing TBD)

Placeholder – nothing new to report yet.

Housing Choice Act of 2020 -Zoning Amendments (Public Hearing TBD)

Placeholder – nothing new to report yet.

MGL CH 41 SEC 81U -Proceedings /Hemlock Estates

The Planning Office is working with Bill Renaud and Joe Marinella to satisfy the outstanding invoicing. Graves will then visit the site and prepare a punchlist.

Subdivision/Site Development -Status/Updates

The drainage at *Ashton Place* is completed per Guerriere & Halnon., Inc. in a letter dated May 17, 2021. This is needed for occupancy. There have been informal discussions regarding the land at the end of *Upton Street*. The owner has been approached by Shining Rock Golf Club who may be interested in expanding their golf amenities. They are working with the Building Inspector and more will be shared with the Planning Board once more is known.

Planning Board Concerns

B. Massey stated that he appreciates the emails and A. Howden volunteering to meet with members. However, members cannot meet with more than two (2) unless a special meeting is called. The Planning Board does not try to do this very often as the members are volunteers with busy lives. He suggests each member review the reports, do their own site visit and make their own observations, and also try to understand the engineers report items. The Board wants the developer to move forward but they also need assurances that things will get done. There must be a give-and-take compromise. The developments are

private and are the developers' responsibility until the Town accepts the roadway. There is no guaranty that the road will be accepted by the Town. It must pass with a 2/3 majority vote at Town Meeting. The Planning Board uses the Subdivision Rules and Regulations as guidelines and to provide oversight. R. Forst explained that he will share the Charter Review Minutes regarding the Planning Board once they have been prepared and the Bylaw Review Committee will be established to review the bylaws for any changes to be presented at the Fall Annual Town Meeting in October.

#### Mail -Review

In addition to the mail listed (see attached) the Planning Board noted receipt of the following communications: Planning Board Agenda dated May 25, 2021; Planning Board draft agenda dated June 08, 2021; Form A Application for Endorsement of Plan Believed Not to Require Approval dated April 06, 2021 for 120 Hill Street; Division of Land of 120 Hill Street plan dated April 06, 2021; Checklist for Approval Not Required Plan for 120 Hill Street dated May 18, 2021; Assessor's Map of 120 Hill Street; Form A Application for Endorsement of Plan Believed Not to Require Approval dated May 07, 2021 for Church Street Extension (Osterman Commerce Park); Osterman Commerce Park A Planned Business Development Plan of Land in Northbridge, MA dated May 07, 2021; Checklist for Approval Not Required Plan for Osterman Commerce Park (Church Street Extension) dated May 20, 2021; Letter dated May 19, 2021 to Building Inspector from Law Office of W. Robert Knapik, PC regarding Osterman Commerce Park; Letter dated March 26, 2021 to Planning Board from Graves Engineering, Inc. regarding Presidential Farms Phase II (Washington Street) and Phase V Roosevelt Drive Engineer's Construction Cost Estimates; Letter dated May 10, 2021 to Planning Board from Terreno Realty, LLC concerning Leonardo Estates Subdivision Status Report as of May 10, 2021; Letter dated June 28, 2019 to Building Inspector from Town Planner concerning Leonardo Estates Issuance of Building Permits; Layout Plan of Leonardo Estates dated August 13, 2013; Certificate of Approval dated January 15, 2021 for Leonardo Estates Definitive Subdivision Modification; Letter dated May 11, 2021 to Planning Board from Lane and Hamer regarding The Camelot Estates; Email dated May 12, 2021 to Town Planner, Conservation Administrative Assistant and Board of Health Administrator concerning annual reappointments; Hemlock Estates Construction Schedule; The Camelot Construction Schedule; Letter dated May 17, 2021 to Planning Board from Guerriere & Halnon, Inc. concerning Site Drainage System and other site improvements Verification for Ashton Place; MuniMapper plan of land off Upton Street; Community Planning & Development Weekly Report May 17-21, 2021; Planning Board Schedule of Meeting Dates 2021.

#### Other

In person meetings will be coming soon.

#### **ADJOURNMENT**

Having no additional business, the Planning Board adjourned its meeting of May 25, 2021 at or about 8:54 PM.

Respectfully submitted,

Barbara A. Kinney  
Planning Administrative Assistant

Approved by the Planning Board:

June 22, 2021

Cc: Town Clerk /File

May 25, 2021

Planning Board

FROM	DATE	SUBJECT
Mariel Calnan	05/12/2021	Email – Hemlock Estates Concerns
Nicolle Voellings	05/12/2021	Email – Hemlock Estates Concerns

Grafton

- Public Hearing Notice – Application of Feedback Earth, Inc. (applicant) and Troiano Realty, LLC (owner) to modify an approved Special Permit Decision and Site Plan Approval for a building addition and to expand an existing concrete pad at 109 Creeper Hill Road.

Upton

- Public Hearing Notice – Application of Lobisser Building Corporation; William Young Trust and Shirley Lambert Trust (property owners) for a Special Permit for a Senior Housing Community entitled “Cobbler’s Creek” located off North Street, Westboro Road and Eames Lane.
- Public Hearing Notice – Application of Michael Connearney for a Modification of previously approved Special Permit for property located off Mendon Street (274, 276, 278 & 280).