



NORTHBRIDGE PLANNING BOARD MINUTES



Tuesday, January 12, 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 by roll call vote, Chair Brian Massey (Yes) called the meeting (virtual meeting) to order at 7:01PM. Harry Berkowitz – Yes; Abdul Kafal – Yes; James Berkowitz - Yes; and Rainer Forst - Yes were in attendance. No one was absent. R. Gary Bechtholdt II, Town Planner and Barbara A. Kinney, Planning Administrative Assistant were also present. One (1) Planning Board vacancy remains (Associate Member).

Attendees: Kevin Fleming; Steve O'Connell, Turning Point Engineering; Joe Leonardo, Terreno Realty; Steve Olobri; Bill Renaud; Denise Brookhouse (Koopman Lumber); Gary Arpin; Joey Fonseca, Bohler Engineering; Tony Brookhouse, Outlaw Two, LLC; Meghan & Ben King; Mike & Taryn Divirgilio; Steve Divirgilio; Rita Braney; Mike Lebrasseur; Holly Munson.

I. CITIZENS FORUM

B. Massey explained, Citizen's Forum is intended to provide the public with an opportunity to present concerns to the Planning Board not included on the agenda. Citizen's Forum is not meant to be a back-and-forth discussion. If the Planning Board feels a follow-up discussion is warranted, arrangements may be made to discuss concerns at the next available meeting with the hopes of concluding a resolution. Having no comments during Citizens' Forum the Planning Board moved to agenda items.

R. Forst arrived at 7:12PM due to technical difficulties.

II. BURGER KING [1141 PROVIDENCE ROAD] - REVIEW/DECISION

Drive-thru Window -Site Modification

Joey Fonseca, Bohler Engineering, explained that this is an existing Burger King site that is under construction. Work is being done on the exterior. They want to add a second drive-thru order board. Five (5) parking spaces will be removed and American with Disabilities Act (ADA) improvements with a path to the door will be installed. 61 parking spaces will remain and only 35 are required. Some minor grading will be needed and some landscaping will be added. From the new drive-thru, you will be able to exit onto Church Street or take a left back into the parking lot.

Upon motion duly made (H. Berkowitz) and seconded (R. Forst), the Planning Board voted 5-0 by roll call vote of H. Berkowitz – Yes; J. Berkowitz – Yes; A. Kafal – Yes; R. Forst – Yes; and B. Massey – Yes to APPROVE SITE PLAN (MODIFICATION) for 1141 Providence Road [Burger King] to add a second order board (& associated queuing lane), widen the drive-thru entrance, reconfiguration of parking spaces (from 66 to 61), landscaping improvements and a pedestrian connection to Church Street. Reference is made to letter dated December 14,

2020 from Bohler Engineering and site development plan entitled "Site Layout Plan" [plan sheets C-301 & C-701].

III. DIGITAL SUBMISSION STANDARDS - PUBLIC HEARING

Amendment to Subdivision Rules & Regulations

Upon motion duly made (H. Berkowitz) and seconded (J. Berkowitz), the Planning Board voted 5-0 by roll call vote of H. Berkowitz – Yes; J. Berkowitz – Yes; A. Kafal – Yes; R. Forst – Yes; and B. Massey – Yes to waive the reading of the Public Hearing. Upon motion duly made (H. Berkowitz) and seconded (R. Forst), the Planning Board voted 5-0 by roll call vote of H. Berkowitz – Yes; J. Berkowitz – Yes; A. Kafal – Yes; R. Forst – Yes; and B. Massey – Yes to open the Public Hearing.

The notification requirements have been satisfied including publication of the legal ad in the Worcester Telegram and Gazette.

In accordance with the provisions of MGL CH 41 SEC 81-Q, the Northbridge Planning Board shall hold a public hearing Tuesday, January 12, 2021 at 7:15 PM (via ZOOM) to consider amendment to its Subdivision Rules & Regulations -Chapter 222, by adding Digital Submission Standards for subdivision and ANR applications. Copy of Digital Submission Standards (text) is on file with Town Clerk (7 Main Street) and Community Planning & Development (14 Hill Street) and may be viewed online at northbridgema.org/planning-board. As provided for under the Governor's Order Suspending Certain Provisions of the Open Meeting Law, GL c. 30A Sec 18, the Planning Board shall meet via virtual means (ZOOM Meeting). Anyone wishing to be heard may submit comments directly to Community Planning & Development at planning@northbridgema.org or participate during the public hearing (Meeting ID/Passcode to be included on posted Agenda).

G. Bechtholdt explained that to change the subdivision rules and regulations a Public Hearing is required but does not need a Town Meeting vote. In addition to hardcopy plans, digital submission standards will be added that will explain that the electronic version will be in Computer Aided Design & Drafting (CADD) format. G. Bechtholdt will take the sample document language and format it into the subdivision rules and regulations. This will be provided to the Planning Board to vote on at another meeting.

Upon motion duly made (H. Berkowitz) and seconded (J. Berkowitz), the Planning Board voted 5-0 by roll call vote of H. Berkowitz – Yes; J. Berkowitz – Yes; A. Kafal – Yes; R. Forst – Yes; and B. Massey – Yes to continue the Public Hearing to February 09, 2021 at 7:05PM.

IV. LEONARDO ESTATES MODIFICATION - PUBLIC HEARING

Request to Eliminate Sidewalk (Windstone Drive)

Upon motion duly made (J. Berkowitz) and seconded (A. Kafal), the Planning Board voted 5-0 by roll call vote of H. Berkowitz – Yes; J. Berkowitz – Yes; A. Kafal – Yes; R. Forst – Yes; and B. Massey – Yes to waive the reading of the Public Hearing Notice. Upon motion duly made (J. Berkowitz) and seconded (A. Kafal), the Planning Board voted 5-0 by roll call vote of H. Berkowitz – Yes; J. Berkowitz – Yes; A. Kafal – Yes; R. Forst – Yes; and B. Massey – Yes to open the Public Hearing.

The notification requirements have been satisfied including publication of the legal ad in the Worcester Telegram and Gazette.

In accordance with the provisions of Massachusetts General Law and the Town of Northbridge Subdivision Rules & Regulations [Chapter 222], the Northbridge Planning Board shall hold a public hearing Tuesday, January 12, 2021 at 7:30 PM (via ZOOM) to consider modification request of Joseph Leonardo, Terreno Realty, LLC (Developer) to eliminate sidewalk along Windstone Drive (Leonardo Estates). As provided for under the Governor's Order Suspending Certain Provisions of the Open Meeting Law, GL c. 30A Sec 18, the Planning Board shall meet via virtual means (ZOOM Meeting). Anyone wishing to be heard may submit comments directly to Community Planning & Development at planning@northbridgemass.org or participate during the public hearing; Meeting ID/Passcode to be included on posted Agenda of the Planning Board.

The planning office is in receipt of a letter from the developer and a petition by the residents to modify the layout of the subdivision by modifying the layout of the sidewalk. Joe Leonardo deferred to Steve O'Connell for the explanation of the modification request. Per previous discussions with the Planning Board, it was determined that this request would require a modification to the subdivision. This modification originated from the attempted installation of the sidewalk and it created significant challenges with the driveways on the right side going into the subdivision. All the residents are in agreement that they do not want the sidewalk. This is a rural area with no sidewalk on Highland Street (adjacent street). Several residents were present for this hearing. H. Berkowitz is in favor of eliminating the sidewalk but with the understanding that they cannot come back later and request the Town to install a sidewalk. B. Massey noted that in the packet the sidewalk improvement is listed in the construction estimate as \$40,810 and wanted to know what the developer intends to do in lieu of the sidewalks. B. Massey would like to see the \$40,810 go to the town for improvements to sidewalks in other areas of town. He then looked to the developer for his agreement on this or if he has another suggestion. J. Leonardo stated that the engineer's estimate has a 15% inflation and uses prevailing wage so it does not represent the actual cost of the sidewalk. J. Leonardo explained that he has already gifted \$18,000 to the town so he feels \$15,000 is reasonable and would like the stipulation that this be satisfied after the next three (3) to five (5) houses are sold. After some discussion, the amount and when it would need to be satisfied was verbally agreed upon. G. Bechtholdt reminded the developer that the community mailbox needs to be ADA accessible on a concrete pad. The developer will also need to check with the post office on their requirements.

Upon motion duly made (H. Berkowitz) and seconded (R. Forst), the Planning Board voted 5-0 by roll call vote of H. Berkowitz – Yes; J. Berkowitz – Yes; A. Kafal – Yes; R. Forst – Yes; and B. Massey – Yes to close the Public Hearing.

Upon motion duly made (H. Berkowitz) and seconded (J. Berkowitz), the Planning Board voted 5-0 by roll call vote of H. Berkowitz – Yes; J. Berkowitz – Yes; A. Kafal – Yes; R. Forst – Yes; and B. Massey – Yes to GRANT WAIVER [Table I -Street Design Standards] to eliminate sidewalk along Windstone Drive within the Leonardo Estates subdivision. In granting waiver, eliminating construction of sidewalk, the Developer offered/agreed to provide the Town with a one-time donation (/gift) of \$15,000.00 to be utilized under the direction of the Director of Public Works towards improvements to existing sidewalks in town. Said monetary donation shall be satisfied by the Developer upon the issuance of the 3rd Building Permit of the remaining house lots within the subdivision. The community mailbox to be installed, shall remain setback and located in accordance with ADA standards. Reference is made to Certificate of Approval -Definitive Subdivision "Leonardo Estates" dated May 30, 2014; letter dated December 04, 2020 from Terreno Realty, LLC (Owner/Developer) requesting elimination of sidewalk; letter dated June 25, 2020 from Terreno Realty, LLC regarding sidewalk; correspondence dated August 28, 2020 from Kevin J. Cotter (50 Windstone Drive) regarding sidewalk; and

Windstone Drive Neighborhood Petition signed by residents of Windstone Drive in support of eliminating sidewalk. All requirements and standards not explicitly waived by the Planning Board shall comply with the Northbridge Subdivision Rules & Regulations and in accordance with the Definitive Subdivision approval issued for Leonardo Estates.

OLD / NEW BUSINESS

Approval of Meeting Minutes –November 24, 2020 & December 08, 2020

Upon motion duly made (H. Berkowitz) and seconded (J. Berkowitz), the Planning Board voted 4-0-1 by roll call vote of H. Berkowitz – Yes; J. Berkowitz – Yes; A. Kafal – Yes; B. Massey – Yes; and R. Forst – Abstain to approve the November 24, 2021 minutes. Upon motion duly made (H. Berkowitz) and seconded (J. Berkowitz), the Planning Board voted 4-0-1 by roll call vote of H. Berkowitz – Yes; J. Berkowitz – Yes; A. Kafal – Yes; B. Massey – Yes; and R. Forst – Abstain to approve the December 08, 2021 minutes.

Camelot (Phase 2 & Phase 3) -Performance Surety/Lot Release Request

The Planning Office is in receipt of a letter dated January 4, 2021 from Turning Point Engineering requesting that the bond be established for Phases 2 and 3 of the Camelot and that lots 45, 46, 48, 49, 51, 52, and 55 be release from the covenant. Steve O'Connell of Turning Point Engineering, Bill Renaud, Tony Brookhouse (builder), Mike Lebrasseur, Holly Munson, and Steve Divirgilio were in attendance. Graves Engineering has sent us the punchlist and the Department of Public Works has reviewed it and has no changes. A construction schedule is needed moving forward. The last construction schedule received was January 11, 2021 and S. O'Connell reviewed the items on the schedule. T. Brookhouse commented that the trees will be arriving Friday, January 15, 2021, the lights will be here in about four (4) to six (6) weeks and the bases will be here in about twelve (12) weeks. The Planning Board agrees that this is a huge improvement over the last developer just by getting a construction schedule. Items such as trees, lights, etc. that have not been completed in the previous Phase(s) will be added to the construction schedule. T. Brookhouse had a construction meeting with Whitinsville Water Company earlier today. He will provide the Planning Board and Department of Public Works with the purchase order for the lights. T. Brookhouse is working with Vince Osterman and they may be able to swap some lights as he has the same ones for Commerce Park and will not need them as quickly. Once these on order arrive, he will replace the ones from V. Osterman. The asphalt plant opens around April 1 and the trees cannot be planted until the ground thaws.

H. Munson is very satisfied with what has been presented. They would like to see stakes where the trees will be planted so they can review the location before the planting. The Planning Board will allow some say from the residents on where the trees are planted but the Planning Board will require that the trees be evenly spaced and line up with the trees across the street. M. Lebrasseur and S. Divirgilio appreciate that the developer will be addressing the outstanding issues and thanked everyone.

Upon motion duly made (H. Berkowitz) and seconded (A. Kafal), the Planning Board voted 5-0 by roll call vote of H. Berkowitz – Yes; J. Berkowitz – Yes; A. Kafal – Yes; B. Massey – Yes; and R. Forst – Yes TO ESTABLISH the performance bond secured by A Surety Company (Form H) for The Camelot (Phases 2 & 3), as determined by Graves Engineering, Inc. (Consultant), and consented to by the Director of Public Works. In accordance with the above action, the surety held shall be in the amount of \$559,000 (Phase 2) and \$508,000 (Phase 3) for a total of \$1,067,000. Reference is made to Graves Engineering, Inc. report attached hereto dated January 06, 2021. Also, at its meeting on January 12, 2021, the Planning Board upon motion duly made (H. Berkowitz) and seconded (A. Kafal) voted (5-0) to RELEASE the following Lots: 45, 46, 48, 49, 51, 52, 55 (7 lots).

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Public Shade Trees (Scenic Roadways) -DPW/Tree Warden

The Department of Public Works submitted a letter to the Planning Board dated December 10, 2020 explaining that several trees on designated scenic roads (by Lot 2 or 3 Hill Street, 196 Quaker Street and 230 Quaker Street) are a public safety issue and will be removed.

Subdivision/Site Development -Status/Updates

None

(2020) Planning Board Annual Report

The draft report is being assembled and will be provided to the Planning Board in the future for review.

FY2022 -Planning Board Budget

The budget for FY22 is level funded so it will be the same as FY21.

Planning Board Associate Member –Vacancy

Point of information.

Planning Board Concerns

B. Massey suggested the Planning Board look at the subdivision rules and regulations for the possibility of eliminating the cul-de-sac islands or any other changes. G. Bechtholdt reminded the Planning Board that Town Meeting action is not needed to change them. B. Massey suggested they start looking at it and have a conservation about them a little bit at a time. Comments from the Department of Public Works will be needed, then the Planning Board will get everything organized and then have a Public Hearing.

Mail –Review

In addition to the mail listed (see attached) the Planning Board noted receipt of the following communications: Planning Board Agenda dated January 12, 2021; Draft Agenda January 26, 2021; Citizens Forum document; Letter dated December 14, 2020 to Town Planner from Bohler Engineering regarding Existing Burger King Minor Site Plan Modification; Public Hearing Notice for Digital Submission Standards for subdivision and ANR plans; Email dated October 14, 2020 to Town Planner from CMRPC regarding Digital Submission Standards; Public Hearing Notice for Leonardo Estates Modification of Sidewalk; Letter dated December 04, 2020 to Planning Board from Terreno Realty, LLC regarding Leonardo Estates Subdivision Sidewalks; Conceptual Lot Grading Plan for Leonardo Estates; Memo dated August 28, 2020 to Planning Board Chair, Town Planner and Town Manager concerning Leonardo Estates Construction Change / Modification – Sidewalk; Letter dated June 25, 2020 to Planning Board from Terreno Realty, LLC concerning Leonardo Estates Subdivision – Sidewalks; Graves Engineering Construction Cost Estimate for Leonardo Estates dated August 31, 2020; Petition from Windstone Drive residents to eliminate the sidewalk at Leonardo Estates; Draft minutes of November 24, 2020; Draft minutes of December 08, 2020; Letter dated January 06, 2021 to Planning Board from Graves Engineering regarding The Camelot Phases 2 & 3 Construction Cost Estimate; Email dated January 07, 2021 to Town Planner from Turning Point Engineering regarding The Camelot Bond Establishment & Lot Release Request; Letter dated January 04, 2021 to Planning Board from Turning Point Engineering regarding The Camelot Establish Bond and Partial Release of Covenant; Graves Engineering Engineer's Opinion Construction Cost Estimate for The Camelot Phase 2 dated January 06, 2021; Graves Engineering Engineer's Opinion Construction Cost Estimate for The Camelot Phase

3 dated January 06, 2021; The Camelot Layout Plan; The Camelot Landscape, Lighting & Signage Plan; Certificate of Approval dated February 18, 2010 for The Camelot Definitive Subdivision; Letter dated December 10, 2020 to Planning Board from DPW Highway Superintendent concerning tree removal on scenic roads; Graves Engineering Site Visit Report dated December 4, 2020 for Stone Hill Condominiums; Graves Engineering Site Visit Report dated December 1, 2020 for The Camelot Phases 2 & 3; Graves Engineering Site Visit Report dated December 4, 2020 for The Camelot Phases 2 & 3; Graves Engineering Site Visit Report dated December 15, 2020 for The Camelot Phases 2 & 3; Graves Engineering Site Visit Report dated December 21, 2020 for The Camelot Phases 2 & 3; Graves Engineering Site Visit Report dated December 23, 2020 for The Camelot Phases 2 & 3; Summary sheet of Planning Board Budget FY20, FY21 and FY22; Memo dated December 23, 2020 to Town Planner from DPW Director concerning Ornamental LED Streetlight / Underground Electric Package Procedures (August 2020); Community Planning & Development Weekly Report January 04-08, 2021; Planning Board Schedule of Meeting Dates 2021.

Other

None

ADJOURNMENT

Having no additional business, the Planning Board adjourned its meeting of January 12, 2021 at or about 8:27PM.

Respectfully submitted,

Approved by the Planning Board:



Barbara A. Kinney
Planning Administrative Assistant



Cc: Town Clerk
/File

January 12, 2021

Planning Board

FROM	DATE	SUBJECT
Florencia	Rec'd 12/14/2020	Community Outreach Meeting Marijuana Establishment In Uxbridge
Community Preservation Committee	Rec'd 12/18/2020	Public Hearing Notice regarding Guidance Document
DPW	12/23/2020	Ornamental LED Streetlight / Underground Electric Subdivision Status
Graves Engineering Inc.	01/05/2021	Mike's Way Definitive Plan & Stormwater Review
Town Manager's Office	01/07/2021	Street Acceptance / Hannah Drive (Carpenter Estates)
Town of Sutton	Rec'd 1/11/2021	Application and Supporting Documents for Mickey's Carwash

Douglas

- Public Hearing Notice – Application of Carol Gogolinski and William Cogley for a Special Permit for duplex dwellings on Gilboa Court.
- Public Hearing Notice – Application of Aris Group (owner) and The Picket Fence Restaurant (applicant) for a Special Permit to construct a concrete patio for an outside tent at 338 Main Street.
- Public Hearing Notice – Application of Dauphinais Concrete (applicant) and Pyne Sand & Stone Company (owner) for a Site Plan Review for the installation of a second batch plant at 1 Lackey Dam Road.

Grafton

- Public Hearing Notice – Application of Steven Theodora D'Angelo for a Special Permit for an accessory apartment at 7 Alana Drive.

Sutton

- Public Hearing Notice – Application of Worcester Sand & Gravel for an Earth Removal Permit at 11 Hatchery Drive, 49 Buttonwood Avenue, 26 Hatchery Drive and 39R Hatchery Drive.
- Public Hearing Notice – Applications of Atlas Box, LLC for a Special Permit to use the existing building for office space, light manufacturing / assembly space, and warehouse space at 68 Providence Road.
- Public Hearing Notice – Application of PVS Care Care, SPE, d/b/a Mickey's Car Wash and Detail Shop for a Modification to Approved Site Plan and V. D. Route 146 Overlay District Bylaw (Special Permit) to allow 3 total business signs for the car wash and also to allow one of the signs to be a new freestanding sign constructed outside the limit of the property where the car wash exists, but within the property limits of Pleasant Valley Crossing shopping center development at 10 & 17 Galaxy Pass.

Upton ZBA

- Public Hearing Notice – Application of Timothy & Rose Cornu for a Special Permit relative to a Class 2 license for Wayland Foreign Motors, LLC at 138 Milford Street; Application of Kaari Hayward for a Variance to build an addition to a pre-existing, nonconforming house at 103 Crockett Road; Application of David Duffy, Jr. for a Variance to build a new single-family residence adjacent to an existing nonconforming garage 1.6 feet from the side property line at 126 Elm Street.

Uxbridge

- Public Hearing Notice – Application of Redwood Associates BE, LLC for a Special Permit for the operation of Redwood's Blacksmith Shop at 555 Hazel Street.
- Public Hearing Notice – Application of Roman Catholic Bishop of Worcester, a corporation sole, St. Mary's Parish, for a Special Permit for the expansion of a 11,235 square foot gymnasium / classroom addition to the Our Lady of the Valley Regional School at 75 Mendon Street.

Uxbridge ZBA

- Public Hearing Notice – Application of Pintos Plumbing & Heating for a Variance of 18 feet 8 inches from the front setback requirement of 40 feet to construct a single-family dwelling at 10 Rockmeadow Road.