



NORTHBRIDGE PLANNING BOARD MINUTES

Tuesday, January 24, 2012



Janet Dolber, Chair called the meeting to order at 7:00 PM. Barbara Gaudette, Edward Palmer and Richard Griggs were in attendance. Cindy Key, Associate Member and R. Gary Bechtholdt II, Town Planner was also present. Note: One (1) Planning Board vacancy.

The following members of the public were in attendance: George Murray, Denis LaTour, Tim Reiter, Megan Washington, Mark Anderson (Heritage Design Group), Heather Carr Reiter, and Ken Warchol.

I. CITIZENS FORUM

None

II. ANR PLAN –REVIEW/DECISION

None

III. ZONING AMENDMENT(S) -PUBLIC HEARING

§173-4 [Establishment of Zoning Map] –Heritage Zoning District

§173-6 [Purpose of Heritage District]

§173-12 [Table of Use Regulations] –Heritage Zoning District

Janet Dolber read the hearing notice: In accordance with M.G.L. Ch. 40A Sec. 5, the Northbridge Planning Board will hold a public hearing on Tuesday, January 24, 2012 at 7:05 PM, in the Selectmen's Room of the Northbridge Town Hall, 7 Main Street, Whitinsville, MA to consider the following zoning amendment articles to the Northbridge Zoning Bylaw (1) Section 173-4 [Establishment of Zoning Map] by expanding the Heritage Zoning District (H) to include the following parcels designated as Assessor Map 15 Parcel(s) 17 & 18; said parcels are located off Hill Street and are currently zoned Residential –One (R-1) & Residential – Three (R-3); (2) Section 173-12 [Table of Use Regulations] by allowing "office for administrative, executive, professional, sales and other similar uses" within the Heritage Zoning District (H) via the issuance of a special permit and (3) Section 173-6 [Purpose of Heritage District] by adding additional provisions aimed to provide greater flexibility and opportunity for reuse of historic structures within the Heritage Zoning District. A copy of the proposed zoning amendments are on file at the Office of the Town Clerk (7 Main Street) and with the Community Planning & Development office (14 Hill Street) 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.

Mr. Bechtholdt indicated notification requirements for the proposed zoning amendment articles have been satisfied. The Planning Board opened its public hearing.

Ms. Dolber explained the first proposed amendment is to expand the Heritage Zoning District to include the Oakhurst property on Hill Street. Tim Reiter (resident, Hill Street) asked the Planning Board if they felt the proposed amendment was a positive for the town. Ms. Gaudette responded yes and described the property (Oakhurst) currently for sale with the possibility of the building being lost. Ms. Gaudette explained she was initially contacted by the Yag family, who own a local business in town; they stated they

may be interested in purchasing the property however the existing zoning (residential) would not allow for other uses; Ms. Gaudette suggested given the current residential zoning designation the land itself may be more valuable for development than the building, stating the structure is very important to the history of the town.

Mr. Reiter followed up his initial question, asking if the zoning was to change could someone still develop the Oakhurst site for housing. Mr. Bechtholdt explained that the Heritage Zone allows for residential use through the issuance of a special permit; someone could propose a residential subdivision. The area regulations within the Heritage Zone are similar to the Residential –Three (R-3) zone (20,000 SF minimum & 100-feet frontage); depending on the size of lots and the required setbacks a housing development could be proposed within the Heritage zone.

Ms. Gaudette acknowledged and explained the intent of the second article; amending the Heritage Zoning District provisions is to provide for greater flexibility of uses to encourage reuse of the Oakhurst property. Mr. Bechtholdt pointed out the Heritage provision is not specific to one property (Oakhurst) it would be applicable to all properties within the Heritage zone. Ms. Gaudette read the existing Heritage Zoning District provisions; “the purpose of this district is to preserve and reinforce the visual and historical character of the Memorial Square Area of the Town of Northbridge by regulating the type and intensity of uses which may be proposed within it. Specifically, it is the intention of the provisions for this district to provide for uses which have characteristics similar to those of the uses existing at the time of enactment of this section”.

Heather Carr Reiter (resident, Hill Street) questioned how the proposed amendment would impact the Carr Funeral Home, the Board reviewed the proposed language (copy of warrant provided); designating the Planning Board as the Special Permit Granting Authority within the Heritage zone, allowed for new use/multiple uses, size of alterations, and advisory review by the Northbridge Historical Commission as part of a special permit application for a new use/multiple use.

Denis LaTour (resident, Linwood Avenue) spoke in favor of the zoning amendments. Mr. Bechtholdt explained the third zoning amendment article would expand the uses allowed within the Heritage Zoning District by allowing by special permit office for administrative, executive, professional sales and other similar uses.

After seeking additional input from the public, the Planning Board closed the public hearing.

Upon motion duly made (Griggs) and seconded (Gaudette) the Planning Board voted (4-0) to recommend zoning amendment article to amend Section 173-4 [Establishment of Zoning Map] of the Northbridge Zoning Bylaws by expanding the Heritage Zoning District to include the following parcels designated as Assessor Map 15 Parcel(s) 17 & 18.

Upon motion duly made (Palmer) and seconded (Gaudette) the Planning Board voted (4-0) to recommend zoning amendment article to amend Section 173-6 [Purpose of Heritage District] of the Northbridge Zoning Bylaws by adding additional provisions as described in Article #2 of the Special Town Meeting warrant: The Planning Board shall be the Special Permit Granting Authority within the Heritage District. By Special Permit, an existing use may also be changed or altered to two or more new uses permitted in the district

under the Table of Use Regulations (Section 173-12), subject to the requirement that such new use(s) shall further preserve the historic character of the main structures, outbuildings and landscape within the subject property. The Special Permit may also authorize and define allowed accessory uses to the new use(s). Alterations which result in an increase to the overall square-footage of any structure contained within the subject property shall be limited to 25% of the existing footprint of that structure. A Special Permit application proposing new structures, additions, or exterior alterations shall be referred to the Northbridge Historical Commission for its consideration, review and report, such report to be submitted to the Planning Board within 35 days of the Commission's receipt of a copy of the application.

Upon motion duly made (Gaudette) and seconded (Griggs) the Planning Board voted (4-0) to recommend zoning amendment article to amend Section 173-12 [Table of Use Regulations] of the Northbridge Zoning Bylaws by allowing by special permit office for administrative, executive, professional sales and other similar uses, as described in Article #3 of the Special Town Meeting warrant.

Prior to adjournment of the Planning Board meeting Ken Warchol, Chairman Northbridge Historical Commission arrived and advised the Board that the Historical Commission is in support of the amendments and will provide recommendation. Mr. Warchol inquired if Ms. Gaudette had found any information regarding the original transfer of the Oakhurst property and potential restrictions. Ms. Gaudette indicated that she has not found anything in the Deeds researched and will provide Mr. Warchol with the documents for his review.

IV. SPECIAL PERMIT APPLICATION -PUBLIC HEARING

§173-27 E (4) [Common driveways] –Carpenter Road

Janet Dolber informed the applicant/engineer that Cindy Key, Planning Board Associate Member would be participating and will vote on the common driveway special permit application. Upon motion duly made (Palmer) and seconded (Gaudette) the Planning Board waived the reading of the hearing notice; Mr. Bechtholdt indicated notification for the special permit application had been satisfied. The Board opened its public hearing.

Mark Anderson of Heritage Design Group (HDG) provided a general overview of the properties, noting the abutting lot Assessor Map 10 Parcel 43 was recently granted a variance from the Zoning Board of Appeals [09-V-2011] from Section 173-18.1 (I) of the Retreat Lot provisions to allow for a common driveway.

Planning Board members reviewed plan entitled "Common Driveway Plan" dated December 16, 2011 prepared by Heritage Design Group showing proposed common driveway utilizing existing driveway of 638 Carpenter Road (40-foot wide driveway & utility easement). Mr. Anderson explained to the Planning Board that the common driveway application included (draft) Declaration/Agreement.

Mr. Bechtholdt asked if the variance issued by the Zoning Board had been recorded and noted one of the conditions of the variance was subject to the approval of an ANR plan (approval-not-required) by the Planning Board. Mr. Bechtholdt noted a number of ANR plans had been reviewed and approved by the Planning Board but was not certain if a final plan (depicting the retreat lot) had been filed and reviewed by the Planning Board; Mr. Anderson will review same and confirm with the Town Planner. Mr. Anderson

explained another condition of variance grant was for the Conservation Commission to review and approve of the proposed activity within the wetland resource areas; this condition has been satisfied.

Mr. Anderson continued, noting the existing driveway will be modified and constructed to meet the requirement for a common driveway (15-foot paved width, etc.). Mr. Bechtholdt suggested if the Planning Board was to grant special permit, the decision include conditions of approval typically required for common driveway applications; such as common driveway shall not be considered or qualify as legal frontage for any lot serviced, as well as, a maintenance agreement shall be provided which shall include a statement that maintenance, snow plow, sanding, etc shall be the responsibility of the homeowners and not the Town of Northbridge.

Mr. Bechtholdt confirmed with Mr. Anderson location of the driveway (proposed common drive) within the easement shown on the plan. Mr. Anderson shall revise the plan to illustrate and show the 15-foot wide driveway. Mr. Bechtholdt also mentioned that the Fire Department typically requires a street address sign for dwellings serviced by common drives to be installed at the roadway (Carpenter Road); signage shall be installed clearly identifying house numbers.

After seeking input from the public, the Planning Board closed the public hearing. *Upon motion duly made (Griggs) and seconded (Palmer) the Planning Board voted (5-0) to grant Special Permit for common driveway pursuant to Section 173-27 E (4) of the Northbridge Zoning Bylaws for subject property; 638 Carpenter Road (AP 10 Parcel 39) and Lot #3 (AP 10 Parcel 43) with conditions. Voting members in the affirmative were: Janet Dolber; Barbara Gaudette; Edward Palmer; Richard Griggs; and Cindy Key.*

In making said determination the Planning Board considered the criteria set forth in Section 173-47 A (1) and Section 173-27 E (4) of the Northbridge Zoning Bylaws; the Board found issuing common driveway permit would reduce the number of curb cuts on Carpenter Road and finds the benefits of the common driveway outweigh detriments to the neighborhood.

OLD/NEW BUSINESS

Approval of Meeting Minutes- January 10, 2012

Upon motion duly made (Palmer) and seconded (Griggs) the Planning Board voted (4-0) to approve the meeting minutes of January 10, 2012.

(Open Meeting Law) Remote Participation / 940 CMR 29.10 –Discussion on local adoption

Ms. Gaudette suggested as a Planning Board does not seem advantageous. All Planning Board members agreed and directed the Town Planner to prepare letter to the Town Manager/Board of Selectmen informing them that the Planning Board does not support local adoption of Remote Participation (940 CMR 29.10).

West End Connector Road, Definitive Subdivision –Scheduling of Public Hearing

Mr. Bechtholdt explained to the Planning Board that the definitive subdivision application for project to be known as “West Side Connector Road” has been filed with the towns of Douglas, Northbridge and Sutton for subject properties located southwesterly of Route 146. Public hearings are scheduled for January 23,

2012 (Sutton); January 24, 2012 (Douglas) and February 28, 2012 (Northbridge). Copy of notices provided to Planning Board members.

Subdivision Rules & Regulations Amendments –Schedule of Hearing date(s)

As mentioned previously the Planning Board shall look to schedule public hearing(s) for consideration of amendments to the town's Subdivision Rules & Regulations after the Spring Annual Town Meeting.

Petition Article(s) / Zoning Amendments –Scheduling of Public Hearings

Mr. Bechtholdt advised the Planning Board that he attended the Board of Selectmen meeting on Monday, January 23, 2012 to review the three (3) zoning amendment articles sponsored by the Planning Board; during which time Attorney Henry Lane also reviewed three (3) petition articles, the zoning amendments the Planning Board briefly previewed during its last meeting of January 10, 2012. Mr. Bechtholdt explained that arrangements have been made for the Planning Board to hold its public hearing(s) for the three (3) zoning amendment petition articles for Tuesday, February 14, 2012.

Special Town Meeting –Tuesday, February 21, 2012

Point of information –no discussion.

Master Plan Update –Next Steps/Discussion

Point of information –no discussion.

Camelot Site Visit –Review/Discussion

Ms. Gaudette noted she was pleased with the site visit concluded earlier in the day, noting it was good and helpful. See also discussions below regarding Camelot –Phasing Plan and Camelot -Performance Bond.

Planning Board –Vacancy

Point of information –no discussion.

Mail –Review

In addition to the mail listed (see attached) the Planning Board noted receipt of the following communications: Planning Board agenda for February 14, 2012 & February 28, 2012; public hearing notice (zoning amendment articles); graphic prepared by the Community Planning & Development office illustrating Heritage Zoning District expansion; (draft) provisions for Section 173-6 [Purpose of Heritage District] as will be printed in the warrant; (draft) provisions for Section 173-12 [Table of Use Regulations] regarding office for administrative, executive, professional sales and other similar use; copy of letter dated January 12, 2012 from the Community Planning & Development office concerning the Planning Board withdraw of the Demolition Delay bylaw consideration for the Special Town Meeting; public hearing notice for common driveway (Carpenter Road); special permit application (Mathew Leonard, common driveway); Common driveway zoning provisions; (draft) common driveway agreement prepared for Carpenter Road; copy of Zoning Board of Appeals decision (Variance 09-V-2011); proposed common driveway plan for Carpenter Road prepared by Heritage Design Group; memorandum dated December 28, 2011 from the Community Planning & Development office regarding common driveway special permit application; memorandum dated January 11, 2012 from Board of Health concerning common driveway special permit application; memorandum dated January 04, 2012 from the Conservation Commission concerning common driveway special permit application; memorandum dated January 11, 2012 from Theodore Kozak, Town

Manager concerning Remote Participation (940 CMR 29.10); public hearing notices for towns of Douglas, Northbridge & Sutton Planning Boards definitive subdivision review of West Side Connector Road applications; copy of letter dated January 13, 2012 to Henry Lane from the Community Planning & Development office concerning petition articles; copy of hearing notice for zoning amendment petition articles (February 14, 2012); copy of petition articles for the Special Town Meeting; report dated January 13, 2012 from JH Engineering Group LLC concerning Camelot subdivision construction estimates (Phase I); memorandum dated January 23, 2012 from Heritage Design Group concerning Camelot subdivision; email communication from Town Planner sent January 23, 2012 concerning Camelot subdivision request for updated construction schedule, lot release provision & conditions of approval and confirmation of site walk date/time; email communication from Town Planner sent January 19, 2012 concerning Finance Committee meeting of January 25, 2012; and (draft) Planning Board meeting minutes for January 10, 2012.

Other

Finance Committee meeting –Wednesday, January 25, 2012

Mr. Bechtholdt advised that Planning Board that the Finance Committee is scheduled to meet on Wednesday, January 25, 2012 (6:30PM –Town Hall) to review the Planning Board sponsored zoning amendment articles. Ms. Gaudette mentioned that she received a phone call last week from the Town Manager (just prior to/during the Finance Committee meeting of January 18, 2012) however given such short notice she was not able to attend. Ms. Gaudette indicated that she would attend January 25th. Planning Board members and the Town Planner noted because they were not advised of last weeks Finance Committee meeting no one attended. Mr. Bechtholdt explained that he too would attend the Finance Committee meeting on January 25th to review the Planning Board articles, as well as to discuss scheduling for the upcoming Spring Annual Town Meeting. Mr. Bechtholdt mentioned, with the calling of the Special Town Meeting (by the Board of Selectmen) the timing required for scheduling the public hearings (for the petition zoning articles received) did not allow the Planning Board enough time to provide the Finance Committee with its recommendations prior to the printing of the booklets. Mr. Bechtholdt stated that he had cautioned Board members and the Town Manager of this potential concern before the Selectmen called the Special Town Meeting. Unfortunately as a result of three (3) petition zoning articles being submitted for consideration the town booklet may be incomplete. Mr. Bechtholdt explained, moving forward the Planning Board needs to establish a policy for zoning petition articles that are filed last minute and which create timing conflicts for the preparation of the Town Meeting booklets; suggesting that the Planning Board hearings should be concluded 4-weeks prior to Town Meeting to allow enough time for recommendations and inclusion in the booklets.

Camelot -Modification of Approved Phasing Plan

Mark Anderson of Heritage Design Group (HDG) reviewed with the Planning Board request to allow a change in the first phase of the Camelot project (thru to Station 12+75) and as described in HDG memorandum dated January 23, 2012. *Upon motion duly made (Palmer) and seconded (Gaudette) the Planning Board voted (4-0) to consider request to change phasing as a minor modification. Upon separate motion duly made (Palmer) and seconded (Gaudette) the Planning Board voted (4-0) to approve project phasing for Phase I Camelot subdivision.*

Camelot -Performance bond

Mark Anderson of Heritage Design Group (HDG) reviewed with the Planning Board report dated January 13, 2012 from JH Engineering Group LLC, the Planning Board's consultant for the Camelot project. Mr. Bechtholdt reminded the Planning Board that he had provided the Board (and applicant/engineer) with a copy of the original Certificate of Approval for the definitive subdivision (February 18, 2010) and the Scenic Roadway permit (July 15, 2010). The Board will need to review conditions of approval as part of its consideration of lot release, which shall be reviewed at the Planning Board's next scheduled meeting of Tuesday, February 14, 2012. *Upon motion duly made (Palmer) and seconded (Gaudette) the Planning Board voted (4-0) to establish a bond amount of \$670,000.00 for Phase I –Camelot, as detailed in JH Engineering Group LLC, report dated January 13, 2012.*

Adjournment

Having no additional business the Planning Board adjourned its meeting of Tuesday, January 24, 2012 at 8:40 PM.

Respectfully submitted,

Approved by Planning Board –

R. Gary Bechtholdt II
Town Planner

Cc: Town Clerk