



## **NORTHBRIDGE PLANNING BOARD MINUTES**

Monday, April 30, 2012



Janet Dolber, Chair called the meeting to order at 7:05 PM. Barbara Gaudette and Edward Palmer were in attendance. R. Gary Bechtholdt II, Town Planner was also present. Richard Griggs and Cindy Key, Associate member were absent. Note: One (1) Planning Board vacancy.

The following members of the public were in attendance: George Murray, Frank Marinella (JF Marinella Development) and Joseph Marinella (JF Marinella Development).

### **I. CAMELOT SUBDIVISION**

#### **Performance Bond/Lot Release Request**

Frank Marinella (developer) explained to the Planning Board that they (JF Marinella Development) are prepared to provide the town with a deposit of money (Form G) in the amount of \$200,000.00 for Phase 1A of the Camelot subdivision to allow for the release of lots (10 of the 16 w/in Phase 1A). Mr. Marinella (Frank) suggested the \$200k is approximately \$20,000 for each lot requested to be released; noting JH Engineering Group (Planning Board engineering consultant) has estimate construction costs for Phase 1A amount of \$373k which could be reduced to \$334k as additional work has been completed since. Mr. Bechtholdt provided a copy of the Phasing plan for the Camelot subdivision which detailed the roadways and location of house lots.

Ms. Gaudette expressed concerns noting remaining work included in the punchlist (JH Engineering Group reporting) is for the entirety of Phase 1A not just for 10 lots; adding the amount of \$373k does not include the sewer pump station or sewer line installation which is another \$280k. Mr. Marinella (Joe) explained due to the delays with the Sewer Department in selecting a pump, installation could not begin; we (JF Marinella Dev) have agreed to withhold occupancies until the sewer service is complete. Ms. Dolber expressed concerns with the timing of getting the sewer online noting the pumps are to be custom built and not something one could buy off the shelf. Ms. Gaudette added, she was concerned with the disconnect between the developer's engineer and the Sewer Department on the type of pump, size of pump and whether or not 3-phase power to the subdivision was required. Mr. Bechtholdt agreed and explained the issue concerning 3-phase appears to have been addressed; as the pump representative the Sewer Department recommended and attended a meeting with the developer and Sewer Superintendent indicated the type of pump selected could be connected to a convertor eliminating the need to have 3-phase power. Mr. Bechtholdt clarified that he knows nothing about sewer pumps and 3-phase power and defers to the Sewer Superintendent for his expertise. Mr. Bechtholdt added however, it has come to his attention that the definitive plans prepared by the applicant's engineer may have originally specified 3-phase power for the sewer pump.

Mr. Marinella (Joe) explained that he has agreed to install whatever the Sewer Department tells them to install although this has taken too long we (JF Marinella Development) now ready to move on. Mr. Bechtholdt asked about the status of preparing the necessary shop drawings and specification of the pump, which still need to be forwarded to the Sewer Department and JH Engineering for review. Mr. Murray indicated that Williamson Pump is preparing the shop drawings now.

Mr. Palmer questioned why they (JF Marinella) were in such a rush to get building permits when 2 to 3 weeks after the Board agreed to the issuance of building permits home construction has not even begun. Mr. Marinella (Joe) explained the permitting process noting that the Conservation Commission needed to sign-off before the permit applications were submitted to the Building Inspector; Mr. Palmer acknowledged reason for delay and thanked Joe for the response.

Ms. Gaudette explained she understands the difficulties and process JF Marinella Development may be going through due to the economy, however when the Planning Board makes a decision as a Board the focus should be on the town; suggesting the request to release lots is overreaching and beyond what the Planning Board can do. Ms. Gaudette expressed real concern if things go south the Planning Board should not be held responsible. Mr. Marinella (Joe) assured the Planning Board that nothing will go wrong, they are committed to completing the project; and are ready to move forward. Mr. Palmer agreed with Ms. Gaudette, citing the \$200k does not cover the estimated cost prepared by the Planning Board's consultant. Mr. Marinella (Joe) suggested \$200k cash is a lot of money which they (JF Marinella Dev) are willing to put up now and have the town hold until work is completed.

Ms. Gaudette explained she has been on the Planning Board for some time and has been through this before where developers have had the best intentions and due to unforeseen circumstances the project goes sour and the developer walks; not a risk the Planning Board should undertake.

Mr. Palmer agreed with Ms. Gaudette noting that he has been on the Planning Board for 10-years and has feels prior Boards may have wished they handled certain things differently; does not want to end up with a rotten apple. Mr. Palmer suggested that he is willing to help the project proceed as much as possible but cannot bend.

Mr. Marinella (Joe) briefed the Board on all the projects they (JF Marinella Dev) have done in town; noting they are not going anywhere. Ms. Gaudette explained her job and responsibility as a Planning Board member overrides this; we are representatives of the town looking out for the entirety of the town. Mr. Marinella (Joe) suggested he could prepare weekly progress reports to track things; with the performance bond in place we (JF Marinella) plan on working immediately to keep moving in addressing items identified in the punchlist.

Mr. Palmer acknowledged work being done presently and suggested if JF Marinella Development plans on getting Phase I work done soon they (JF Marinella Dev) should come back in a month or so when more work is done and at a point where the proposed bond amount is equal to what the Board's engineer is suggesting. Mr. Marinella (Joe) stated once again, \$200k is a lot of money; we are doing the work and now that we (JF Marinella Dev) know what type of pumps we need to install things continue to progress with the sewer line installation.

Mr. Marinella (Frank) suggested if the Board was concerned with the number of lots seeking to be released (10-lots) then perhaps the Planning Board could release five (5) lots at this time. Ms. Gaudette noted with today's economy the way it is JF Marinella Development has undertaken a huge project (65-lots); the Board wants to see the project succeed and completed; its not a personal issue; its about what the Board should do and not do; not in a position where the Planning Board should take on the same risk.

Mr. Palmer added the developer needs to follow the conditions of approval and asked what the Town Planner thought. Mr. Bechtholdt shared same concerns as the Planning Board, noting once the lots are released there may be no turning back; those lots would no longer be restricted to the covenant and may be sold to individual owners. If the Board was to release the lots they would not be able to control the sale of lots. The bond amount suggested by JF Marinella Dev (\$200k) does not cover the \$373k estimated by the Board's consulting engineering (referencing JH Engineering Group, LLC report dated April 19, 2012) not to mention the remaining sewer line and sewer pump installation which is another \$280k. Mr. Marinella (Frank) suggested the remaining sewer work would not take as long as the initial installation, as the remaining sections do not need to be a deep and should be easy work. Mr. Marinella (Frank) also stated that they (JF Marinella Dev) are not able to close on any lots (sale of house lot) until a certificate of occupancy for the house is issued by the Building Department. This will only occur after the sewer is installed, operational and signed-off by the town.

Mr. Palmer reiterated his concerns and stated perhaps the developer should not have started the project when then did and now they are looking for the Board to bend. Mr. Marinella (Joe) insisted that they are looking to do things accordingly and how they proceed with other projects in other towns. Mr. Marinella (Joe) explained that they (JF Marinella Dev) have done all the construction work to date without any construction loans; all out of pocket. They (JF Marinella) are now looking to secure funding through a lender for home construction and as part of this they (JF Marinella Dev) need to bond the roadway. Mr. Bechtholdt asked if their lender required the lots to be released. Mr. Marinella (Joe) replied no, they (the lender) want the road bonded.

Mr. Bechtholdt questioned if this was really the case and Mr. Murray suggested if its not then it is on the developer; that would be their problem. Mr. Marinella (Frank) suggested the Planning Board set the bond and not release the lots. Mr. Bechtholdt explained typically when a developer posts a performance bond they also seek lot releases from the covenant. Mr. Marinella (Joe) stated if they give the town the \$200k for the bond he would be able to get financing for the construction of the houses that were already released. Mr. Bechtholdt corrected Mr. Marinella stated that the Planning Board has not granted any lot releases; the Board has allowed for the issuance of building permits with the condition of withholding occupancy until the sewer work is completed.

Ms. Gaudette understands the position JF Marinella Development is in and does not want to put the responsibility on the Planning Board, noting the developer initially asked for five (5) house lots for building permits and now looking at ten (10).

Ms. Dolber explained she understands the current residential market and knows of house lots within the Camelot subdivision that may be under agreement and if home construction is delayed they (JF Marinella Dev) may lose those potential buyers. The Marinellas (Frank & Joe) reviewed with the Planning Board lots under agreement and others that may be considered for potential purchases within Phase 1A. Ms. Dolber suggested if they (JF Marinella Dev) are not seeking lot release concerns of the Board would be diminished. Mr. Bechtholdt agreed, as long as the lots are not released from the covenant the lots would still be restricted to the covenant agreement; Mr. Bechtholdt noted that he would be concerned if lots were released and then sold, where then new homeowners could potentially find themselves in a bad situation if the subdivision (specifically the sewer) was not completed and sufficiently bonded.

Upon motion duly made (Gaudette) and seconded (Palmer) the Planning Board voted (3-0) to establish a performance bond (secured by deposit of money) in the amount of \$200,000.00 for Phase 1A – Camelot with the condition no lots shall be released from the covenant or sold by the developer until such time the Planning Board releases the lots within Phase 1A -Camelot.

Upon separate motion duly made (Gaudette) and seconded (Dolber) the Planning Board voted [2-1 (Palmer voting against)] to allow the issuance of building permits for two (2) additional lots; for a total of seven within Phase 1A, specifically: Lot(s) 7, 8, 60, 61, 62, 63, and 65. In making said determination the Planning Board noted all lots shall remain restricted to the Covenant, not subject to lot release and shall not be sold by the developer (JF Marinella Dev).

### **OLD/NEW BUSINESS**

Spring Annual Town Meeting (SATM) –Tuesday, May 01, 2012

Point of information –no discussion.

### Adjournment

Having no additional business the Planning Board adjourned its meeting of Monday, April 30, 2012 at or about 8:00 PM.

Respectfully submitted,

Approved by Planning Board –

R. Gary Bechtholdt II  
Town Planner

Cc: Town Clerk