



## **NORTHBRIDGE PLANNING BOARD MINUTES**

Tuesday, August 28, 2012



Barbara Gaudette, Chair called the meeting to order at 7:00 PM. Richard Griggs, Janet Dolber, Edward Palmer and Brett Simas were in attendance. Cindy Key, Associate Member and R. Gary Bechtholdt II, Town Planner were also present.

The following members of the public were in attendance: Deb Gauthier (Northbridge Daily Voice); Normand Gamache (Guerriere & Halnon, Inc); Mark Mastroianni (Pulte Homes); Reid Blute (Pulte Homes); Sue Green; Roy Uthoff; Henry Lane; Mike Pelkey; Mike Guertin; Ken Guertin; James Shuris (DPW Director); Kenneth Konicki; & Joyce Augustus

### **I. CITIZEN FORUM**

None

### **II. FORM A'S**

None

### **III. COMMON DRIVEWAY SPECIAL PERMIT / MENDON ROAD -PUBLIC HEARING**

Section 173-27 E (4) / Assessor Map 31 Parcel 91

The Planning Board voted to waive the reading of the public hearing notice and opened the hearing. Mr. Bechtholdt noted it was his understanding legal advertisement and notification was satisfied.

Normand Gamache of Guerriere & Halnon, Inc provided the Board with an overview of the subject property and proposed access (for common drive) off Mendon Road. Mr. Gamache explained as part of proposed site development (2 frontage lots) they mapped out constraints, which includes wetland resource areas, site access (guardrails along Mendon Road) and US Army Corps Flowage Easement Area. Mr. Gamache explained in an effort to minimize impacts to the wetland area a common driveway is being proposed for the two proposed frontage lots; access will be via the old layout of Old Mendon Road, which was abandoned in the 1950's similar to portions of West Hill Road. Mr. Gamache noted the sight distances at the proposed access point are very good.

Mr. Bechtholdt asked about the status of Old Mendon Road and the need for documentation to be provided as part of an ANR plan submittal for the proposed 2 lots. Ms. Dobler asked about the 269' flowage easement elevation. Mr. Simas inquired about the existing grades of the site (at proposed driveway location) and asked if the US Army Corps needs to approval of the driveway location and if the common driveway could be elevated above the 269' elevation; expressing concern of access/egress during potential flooding. Mr. Gamache indicated proposal will require review and approval from the US Army Corps and may require compensatory storage areas.

Mr. Bechtholdt noted as part of the application a (draft) Declaration/Agreement was provided however needs to be amended and shall include provisions describing maintenance, snow removal, etc

shall not be the responsibility of the Town of Northbridge. Mike Guertin (on behalf of Guertin Family Trust) noted he was a direct abutter, stating no concerns with the proposal.

Mr. Bechtholdt suggested the Planning Board continue its hearing to provide additional time for the applicant/engineer to revise the Declaration/Agreement and opportunity for the Safety Committee to review the sightlines of the proposed common driveway.

*Upon motion duly made (Palmer) and seconded (Dobler) the Planning Board voted (5-0) to continue the public hearing to Tuesday, September 11, 2012 at 7:15PM. The Town Planner was directed to prepare draft conditions of approval.*

Planning Board received copy of Special Permit application for Michael Pelkey of 660 Mendon Road to allow common driveway servicing lots #3 & #4 (proposed) -Assessor Map 31 Parcel 91 as shown on plan entitled “Special Permit Plan Common Drive” prepared by Guerriere & Halnon, Inc of Whitinsville, MA dated June 07, 2012; letter dated July 09, 2012 from Guerriere & Halnon, Inc.; (draft) Declaration of Common Driveway and Utility Easement; and memorandum dated August 09, 2012 from Conservation Commission.

#### **IV. ZONING AMENDMENT -PUBLIC HEARING**

##### **Zoning Overlay Districts Map**

Ms. Gaudette read the Public Hearing notice: In accordance with M.G.L. Ch. 40A Sec. 5, the Northbridge Planning Board will hold a public hearing on Tuesday, August 28, 2012 at 7:15 PM, in the Selectmen’s Room of the Northbridge Town Hall, 7 Main Street, Whitinsville, MA to consider zoning article to amend Section(s) 173-16.1 A [Forest Product Overlay District]; 173-18 B [Floodway and Floodplain Districts]; 173-72 A [Aquifer Protection Districts]; 173-91 A [Open Space Development Overlay District]; 173-99 A [Route 146 Overlay District]; and 173-125 [Historic Mill Adaptive Reuse Overlay District] by incorporating reference to a new Zoning Overlay Districts Map for the Town of Northbridge. A copy of the proposed zoning amendment is 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 noted it was his understanding legal advertisement and notification was satisfied. Planning Board opened the hearing.

Mr. Bechtholdt explained the purpose/intent of the zoning amendment is to create one comprehensive Zoning Overlay Districts Map for the town; noting presently there are six (6) Overlay District zoning provision with six (6) different overlay maps; some hand-drawn and most hard to read and interpret. The zoning amendment would create a color-coded digitized map similar to the town’s recently updated Zoning Map. Mr. Bechtholdt noted the amendment would not alter any designations or boundaries; simply change the format how the Overlay Districts are shown and described. Mr. Bechtholdt added the State’s recent Flood Map Modernization initiative included digitizing the Flood Rate Maps; having the Overlay Districts shown on one comprehensive map will be more accurate and easier to read. Because each overlay district has its own separate zoning provision the amendment

article includes amending each existing provision to reference the new overlay map to be titled “Zoning Overlay Districts” prepared by CMRPC and to be dated October 2012.

Ms. Gaudette thanked Mr. Bechtholdt for putting the amendment together and agreed the new map will be a lot more user-friendly and will allow people to go to one source for information.

Mr. Bechtholdt explained that Town Counsel has reviewed the zoning article and indicated Counsel recommends adding the word “a” in front of the word “map” to read: shown on a map entitled ....; otherwise Town Counsel is satisfied with the proposed language of the warrant. Having no additional comments the Planning Board closed the public hearing.

*Upon motion duly made (Griggs) and seconded (Dobler) the Planning Board voted (5-0) to RECOMMEND zoning amendment article to adopt a new Zoning Overlay Districts Map for the Forest Product Overlay; Floodway and Floodplain; Aquifer Protection; Open Space Development; Route 146; and Historic Mill Adaptive Reuse as described in the 2012 Fall Annual Town Meeting warrant.*

Planning Board received copy of (draft) Overlay District Map, draft zoning provisions and copy of letter dated July 27, 2012 regarding Planning Board vote to sponsor zoning amendment article (overlay district map).

Mr. Bechtholdt advised the Planning Board that he would attend the Finance Committee meeting scheduled for Wednesday, August 29, 2012 to review the Planning Board sponsored articles. Mr. Bechtholdt will present the Planning Board’s recommendation to the Board of Selectmen on Monday, September 10, 2012.

#### **V. STREET ACCEPTANCE –SANDTRAP COURT -REVIEW/DECISION**

Recommendation –Vote to Layout

The Planning Board welcomed Mark Mastroianni and Reid Blute of Pulte Homes. Mr. Bechtholdt thanked Mr. Mastroianni for providing a very well organized and comprehensive street acceptance packet. Mr. Bechtholdt informed the Planning Board Town Counsel has reviewed conveyance documents and is satisfied with its form.

Mr. Shuris, DPW Director reviewed with the Planning Board memorandum dated August 10, 2012 recommending acceptance of Sandtrap Court as a public way. Mr. Shuris explained to the Board roadway is complete, unit construction is complete, landscaping is complete, topcoat is done, the catchbasins have been cleaned and inspected; the roadway is ready for acceptance.

Mr. Bechtholdt suggested to the Planning Board, if they are prepared to vote on Sandtrap Court they may (1) vote to recommend its layout (to the Board of Selectmen) and (2) vote to recommend street acceptance (for Town Meeting).

*Upon motion duly made (Simas) and seconded (Dobler) the Planning Board voted (5-0) to RECOMMEND THE LAYOUT OF SANDTRAP COURT.* Mr. Bechtholdt will present the Planning Board’s recommendation (vote to layout) to the Board of Selectmen on Monday, September 10, 2012.

Planning Board received copy of Community Planning & Development memorandum dated August 09, 2012 concerning Sandtrap Court –Street Acceptance; Conservation Commission memorandum dated August 09, 2012 concerning Sandtrap Court and Shining Rock Drive –Street Acceptance; copy of Planning Board vote to sponsor Shining Rock Drive and Sandtrap Court Street Acceptance (dated July 27, 2012); Sandtrap Court –layout plan, legal description(s), quitclaim deed of public way & acceptance deed (draft); Shining Rock Drive –layout plan, legal description(s), deed of public way and other easements, and letter dated July 05, 2012 from Attorney Joseph Pruell.

## **VI. STREET ACCEPTANCE –SHINING ROCK DRIVE -REVIEW/DECISION**

### **Recommendation –Vote to Layout**

Mr. Bechtholdt advised the Planning Board potential concerns with the roadway; curbing and sidewalks described by DPW (Director & Highway Superintendent) have materialized to a point where the roadway is no longer ready for acceptance. Mr. Bechtholdt advised the Board that the DPW Director has provided a memorandum (dated August 10, 2012) recommending not accepting Shining Rock Drive at this time.

Mr. Shuris, DPW Director explained to the Board his experiences with road acceptance in other towns and suggested street acceptance should only be considered when the majority of lot development (75%) is complete. Within the portion of Shining Rock Drive (cul-de-sac) there are 13 house lots; one house is built with two to three others with foundations in; others are vacant.

Mr. Shuris suggested for subdivisions under construction (which includes lot development) should be restricted to binder coat with drainage structures at grade.

Mr. Shuris continued, noting observation made recently on Shining Rock Drive; damaged aprons, saw cuts in the road, and altered curb cuts. The roadway has been compromised to a situation where the town cannot accept this road at this time; once the lots are developed and these issues are resolved street acceptance will be reconsidered.

Mr. Bechtholdt agreed with Mr. Shuris and suggested moving forward may want to incorporate provisions within its subdivision regulations on street acceptance and lot development (build-out). Board members agreed and noted requirement for drainage structures to be a binder is already a requirements. Mr. Bechtholdt recommended not laying out Shining Rock Drive and noted that he has already communicated this with Norwood Bank and they agreed with delaying street acceptance. Mr. Bechtholdt added that he was not sure if the bank was fully aware of what was happening on Shining Rock Drive with the lot construction. Mr. Bechtholdt advised the Board, if they vote not to layout they should also take a vote to withdraw the street acceptance article and not recommend acceptance.

*Upon motion duly made (Griggs) and seconded (Palmer) the Planning Board voted (5-0) NOT TO RECOMMEND THE LAYOUT OF SHINING ROCK DRIVE (remaining portion of), due to deficiencies in the roadway, curbing sidewalks, and driveway aprons.*

Board members thank Mr. Shuris for attending the meeting and for providing his reports. Mr. Bechtholdt will present the Planning Board's recommendation to the Board of Selectmen on Monday, September 10, 2012.

Planning Board received copy of Community Planning & Development memorandum dated August 09, 2012 concerning Sandtrap Court –Street Acceptance; Conservation Commission memorandum dated August 09, 2012 concerning Sandtrap Court and Shining Rock Drive –Street Acceptance; copy of Planning Board vote to sponsor Shining Rock Drive and Sandtrap Court Street Acceptance (dated July 27, 2012); Sandtrap Court –layout plan, legal description(s), quitclaim deed of public way & acceptance deed (draft); Shining Rock Drive –layout plan, legal description(s), deed of public way and other easements, and letter dated July 05, 2012 from Attorney Joseph Pruell.

## **OLD/NEW BUSINESS**

### Vote to reschedule September 25, 2012 meeting to September 18, 2012

Upon motion duly made and seconded the Planning Board voted (5-0) to reschedule meeting of September 25, 2012 to Tuesday, September 18, 2012.

### Approval of Meeting Minutes- July 10, 2012 & July 24, 2012

Upon motion duly made and seconded the Planning Board voted (5-0) to ACCEPT the meeting minutes of July 10, 2012. Upon motion duly made and seconded the Planning Board voted (4-0-1 [Griggs abstained]) to ACCEPT the meeting minutes of July 24, 2012.

### Carpenter Estates/Low Impact Development –Discussion

Henry Lane, representing the developer (Carpenter Estates) met with the Planning Board to review/consider implementing Low Impact Development (LID) techniques within the subdivision. Mr. Lane advised the Board that his client has talked with the DPW Director and Highway Superintendent; DPW has no concerns with the concept however would like to see the roadway remain private (maintained by a Homeowners Associate -HOA).

Mr. Lane explained that the State is promoting and is in support of LID initiatives; reduced pavement widths, reducing impervious, informal drainage swales as opposed to focused basin areas. Carpenter Estates may be a good candidate to implement LID to see if it would work, adding there may be just as much maintenance compared to conventional stormwater designs, perhaps reduced maintenance. The developers would like to implement concepts of LID but not with the restriction of remaining private.

Mr. Lane continued noting Douglas (MA) has a LID project which included rain gardens with Deed restrictions. Mr. Palmer commented, property owners don't always read or understand their deeds; suggesting if they fail to maintain swales and the roadway is impacted the town would have the burden of fixing things. Ms. Gaudette questioned what the consequences would be if a homeowner did not maintain their rain garden/swales, echoing Mr. Palmers concerns.

Ms. Gaudette felt there may be a town-wide failure of maintenance, landscaping etc. adding additional burdens on the town (DPW) does not make sense; need to focus on other issues; people's expectations are not being satisfied. Mr. Simas expressed concerns with eliminating sidewalks in lieu of LID; Board members shared same concern. Mr. Simas questioned how grass swales work. Mr. Bechtholdt noted that it was his understanding a development in Hopkinton, MA was recently approved with Low Impact

Development (LID) stormwater design, (Legacy Estates); a mixed-use development; curious how it functions and who maintains the stormwater systems (Town/HOA).

Mr. Bechtholdt asked if discussion could continue outside of the meeting, suggesting a representative meet with him, the DPW Director, Highway Superintendent, and the developer to review existing LID examples (nearby); noting in addition to educating property owners we also need to educate ourselves about LID techniques. Planning Board agreed to have Ms. Gaudette and the Town Planner meet with the DPW and the developer, after which they will report back to the Board. Mr. Lane will coordinate scheduling of the meeting.

Planning Board received copy of letter dated July 24, 2012 concerning Carpenter Estates –LID concepts.

#### Federal Brownfields Program (Phase II ESA) 2040 Prov. Rd

Mr. Bechtholdt showed the Planning Board the completed Phase II Environmental Site Assessment report for Northbridge Auto (2040 Providence Road) prepared by Fuss & O'Neil (July 2012). Mr. Bechtholdt explained the report includes several maps of the site with soil data, groundwater monitoring wells and calculations with certain thresholds; most of which he admittedly noted had no idea what they all meant, however according to the Environmental Engineer the site is not as bad as it could have been given the site's history. Copy of the report was also provided to the property owner, details the extent of contamination and procedures for clean-up/redevelopment.

Planning Board reviewed copy of email communication from Daniel LaFrance, Environmental Engineer for Fuss & O'Neil received June 25, 2012.

#### 2012 Fall Annual Town Meeting –October 23, 2012

Point of information –no discussion

#### Street Acceptance Article(s) –Recommendation

*Upon motion duly made (Palmer) and seconded (Dobler) the Planning Board voted (5-0) TO RECOMMEND STREET ACCEPTANCE AS A PUBLIC WAY SANDTRAP COURT within the Shining Rock Golf subdivision. In making said determination the Planning Board reviewed correspondence received by Town Counsel and reportings prepared by the Director of Public Works (see -Layout Discussion above). Upon motion duly made (Griggs) and seconded (Simas) the Planning Board voted (5-0) NOT TO RECOMMEND STREET ACCEPTANCE AS A PUBLIC WAY FOR SHINING ROCK DRIVE (remaining portion of). Upon separate motion duly made (Palmer) and seconded (Simas) the Planning Board voted (5-0) TO WITHDRAW THE STREET ACCEPTANCE ARTICLE FOR SHINING ROCK DRIVE, due to deficiencies within the roadway layout.*

#### Zoning Petition Article(s) –Status/Review

Mr. Bechtholdt advised the Planning Board, in communicating with the Town Manager's office no zoning petition articles were received and as such no additional public hearings required in preparation for the Fall Annual Town Meeting.

Hillside Garden Estates –Construction change

Mr. Bechtholdt informed the Board that he (and Highway Superintendent) met with John Barges (developer) onsite to review the status/condition of the subdivision roadway; Mr. Barges indicated that he would fix/address the curbing issues before the roadway is compromised. Mr. Bechtholdt also briefed the Board on the stormwater runoff incident earlier in the month. The Planning Board then reviewed request to terminate the sidewalk at the bulb of the cul-de-sac rather than extending it all the way around. Board members informed Mr. Simas, sidewalks typically at the bulb; citing originally the subdivision was to be a senior living development. *Upon motion duly made (Palmer) and seconded (Dobler) the Board voted (5-0) TO CONSIDER AND ALLOW CONSTRUCTION CHANGE to terminate sidewalk at bulb of cul-de-sac; original approval provided for sidewalk around the entirety of the cul-de-sac (Deane Way –Hillside Garden Estates).* Planning Board TABLED request to alter granite curbing (opposite sidewalk side) and eliminate streetlight(s) to its next meeting; at which time the Board will review same with the developer.

Planning Board reviewed copy of Community Planning & Development memorandum dated August 06, 2012 concerning Deane Way –Hillside Garden Estates (provided to DPW for review/comment); letter dated August 02, 2012 from John Barges, developer requesting construction changes for streetlight & curbing and email communication between Town Planner and Mr. Barges (August 06/02, 2012) regarding construction changes.

Camelot Subdivision –Update/Status report

Mr. Bechtholdt informed the Board that according to the Sewer Superintendent the force main installation started August 06, 2012 and is within the easement area of Rumonoski Drive and in talking with Jeff Howland, the Board's consulting engineer the pump for the sewer pump station has yet to be installed. Mr. Bechtholdt noted once the force main is installed the line still needs to be pressure tested.

Planning Board received copy of email communication from Town Planner to Frank Marinella, developer concerning 549 Hill Street –landscaping.

Green Meadow Court –MGL CH 41 SEC 81U

See discussion item –Farnum Circle below.

Farnum Circle –MGL CH 41 SEC 81U

Mr. Bechtholdt reminded the Planning Board that the Planning office, over the past several months had attempted to contact the developer for Green Meadow Court and the developer for Farnum Circle for status reports and construction schedules for remaining work. Mr. Bechtholdt then reintroduced the Planning Board to Joyce Augustus and Kenneth Konicki of Farnum Circle. Mr. Bechtholdt suggested the Board may want to consider MGL CH 41 SEC 81U provisions to initiate calling in the bond for these two subdivisions. Ms. Augustus reviewed with the Board concerns of the unfinished cul-de-sac, overhead power lines and landscaping, suggesting the Board eliminate the roadway. Mr. Bechtholdt explained that the subdivision roadway likely could not be eliminated due to zoning requirements (frontage, etc) however suggested the Board may want to consider waiving its construction. Mr. Bechtholdt noted if the Board was to waive the construction the roadway would ultimately have to remain private. Board members agreed to initiate the calling in the bond for Green Meadow Court and

Farnum Circle. Mr. Bechtholdt cautioned the Board before doing so they would need to consider the modification to eliminate the roadway (cul-de-sac) beforehand, noting this may delay things further. Ms. Augustus and Mr. Konicki agreed this may be the best option at this time and understood potential for delays, noting it has been a number of years already. Mr. Bechtholdt will need to review the subdivision files and review same with the Board's consulting engineer and DPW. Mr. Bechtholdt suggested this topic will be included on subsequent agendas moving forward.

Planning Board received copy of MGL CH 41 SEC 81U and email communication from Planning/Conservation Administrative Assistant sent August 01, 2012 concerning status report requests –Green Meadow Court and Farnum Circle.

#### Subdivision Status Reports –Review

No discussion

#### FY2013 Goals –Review

Mr. Bechtholdt provided Board members the goals reviewed with the Town Manager for this fiscal year (July 2012 – June 2013). Planning Board received copy of Community Planning & Development memorandum dated August 02, 2012 concerning Fiscal Year Goals 2013.

#### Mail –Review

In addition to the mail listed (see attached) the Planning Board noted receipt of the following communications: copy of Planning Board memorandum dated July 31, 2012 to Zoning Board of Appeals concerning Linwood Mill Loft; Whitinsville Water Company letter dated August 06, 2012 concerning Church Street Extension –Office Park (proposed –ENF review); Technical Review meeting notes (July 24, 2012) for Church Street –conceptual plan; Planned Business Development; copy of letter dated August 07, 2012 from Community Planning & Development concerning Sandtrap Court –Performance Bond (release); Whitinsville Water Company letter dated August 07, 2012 concerning unauthorized use of fire hydrant (Camelot / Edmunds Circle); 2012 Planning Board meeting schedule; email from Sewer Superintendent received August 07, 2012 concerning Camelot –sewer installation; email communication between Town Planner and Tim Gordon (Shining Rock Golf Club) sent/received August 27, 2012 concerning landscaped boulevard entrance; email from Town Planner to Planning Board sent August 09, 2012 concerning September 25, 2012 (September 18) meeting; email communication from Town Planner sent August 23, 2012 concerning Zoning Amendment Article –Selectmen's meeting (September 10, 2012); email communication between Town Planner and Bob Madaio, resident of Shining Rock Golf Community (August 23, 2012) concerning appearance of open space lot (trail head parking area); email communication from Town Planner (August 24, 2012) concerning Deane Way – Hillside Garden Estates; email communication between Town Planner and Jarrad Smith, resident of the Hills at Whitinsville and email thread with DPW Director and Highway Superintendent concerning maintenance of Marston Road; Office of Attorney General letter dated August 12, 2012 concerning Spring Annual Town Meeting approval; and ZBA agenda (September 13, 2012).

#### Other

Mr. Bechtholdt informed the Board that he contacted Tim Gordon of Shining Rock Golf Club, reminding him of maintenance responsibilities (landscaped boulevard) at the entrance -Shining Rock Drive.



Ms. Gaudette reiterated her concerns with maintenance -landscaping and open space around town, citing concerns with the town's ability to maintain Shining Rock open space (trail head parking) and Marston Road; need to rethink how we approve things, consider putting street trees on private property not within right-of-way as one possible solution. Mr. Bechtholdt noted he thought Sutton may have required same within a recently constructed residential development (Lackey Dam Estates).

Mr. Bechtholdt provided the Board with site plan application for Douglas Road, noting arrangements shall be made for the Planning Board to consider same at its meeting of September 18, 2012. *Upon motion duly made (Palmer) and seconded (Dobler) the Planning Board voted (5-0) TO ENGAGE THE SERVICES OF JH ENGINEERING GROUP, LLC of Worcester, MA to perform consulting services on its behalf for the above noted site development proposal.* The purpose of JH ENGINEERING GROUP, LLC services shall be to provide the Northbridge Planning Board with an independent assessment/review specific to stormwater management & erosion controls pursuant to state/local bylaw regulations for site plan application of Douglas Road Industrial Realty Trust for proposed site improvements to include grading, site clearing, drainage and erosion controls to create a paved driveway and open 39,000 square-foot gravel storage area; the subject property (adjacent to 279 Douglas Road) includes Assessors Map 3 Parcel(s) 119, 120, 122 & 123 and is within the Industrial –One (I-1) Zoning District and as shown on plan entitled “Douglas Road Industrial Realty Trust –279 Douglas Road (adjacent to) Whitinsville, MA 01588” dated August 15, 2012 prepared by Andrews Survey & Engineering, Inc of Uxbridge, MA. As the awarded consultant, JH ENGINEERING GROUP, LLC shall provide written report(s) to the Planning Board. JH ENGINEERING GROUP, LLC may also be required to make oral presentation(s) at public meetings held by the Planning Board.

Planning Board members provided signatures for Worcester District of Registry of Deeds records.

#### Adjournment

Having no additional business the Planning Board adjourned its meeting of Tuesday, August 28, 2012 at 8:50 PM.

Respectfully submitted,

Approved by Planning Board –

R. Gary Bechtholdt II  
Town Planner

Cc: Town Clerk