



NORTHBRIDGE PLANNING BOARD MINUTES

Tuesday, November 27, 2012



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

The following members of the public were in attendance: Byron J Andrews, PLS (Andrews Survey & Engineering) and Normand Gadoury

I. CITIZEN FORUM

None

II. FORM A'S

COURT STREET -REVIEW/DECISION

Assessor Map 24A Parcel(s) 118 & 169 / 32-38 & 40-46 Court Street

Mr. Bechtholdt informed the Planning Board that in addition to the ANR Checklist and application a copy of an email communication from the Office of the Town Clerk concerning the status of Court Street /aka Pine Court and copy of letter dated August 24, 1990 from the Board of Appeals concerning the grandfathering/pre-existing nonconforming status of the Pine Court subject properties has also been provided for review. Mr. Bechtholdt advised the Board that he has reviewed the application with the Building Inspector, noting the Applicant/Engineer has filed the ANR application under the 81L exemption and item no. 4 of the town's Form A application.

Byron Andrews of Andrews Surveying & Engineering reviewed with the Planning Board ANR plan entitled "Plan of Land" for Court Street dated November 27, 2012. The purpose of the plan is to create two (2) separate lots each containing one of the two existing multi-family units (Circa 1891): Lot 1 (40-46 Pine Court) showing ± 43.53 feet of frontage, consisting of ± 1.97 acres; Lot 2 (32-38 Pine Court) showing ± 35.94 feet of frontage, consisting of ± 1.97 acres as described on the plan. Mr. Andrews reviewed with the Board his research of the property (deeds, etc) noting some discrepancies in the Deeds both currently owned by the applicant, Norman Gadoury. Mr. Bechtholdt explained that he met briefly with Attorney Robert Knapik and after reviewing documents and deed information feels an ANR endorsement under the 81L exemption is in order. Mr. Bechtholdt explained that he suggested that the applicant seek a finding from the Zoning Board, noting not only is lot pre-existing nonconforming but the structures (setbacks) and the use (Multi-family w/industrial zoned property) may also be considered nonconforming. Mr. Bechtholdt added preparing the subject parcels as shown on the plan may result in forfeiting some of the pre-existing nonconforming status as the "new lots" may no longer be considered grandfathered.

Mr. Simas inquired about the access to the individual structures; via an existing shared driveway from Court Street. Ms. Gaudette asked about the square-footage of the lots and if the lots may be further subdivided; Mr. Gadoury indicate that he has no plans to divide the lots further, has looked into what can be permitted, noting separating lots (structures) appears to be the best and only option. Mr.

Gadoury noted that he is looking to rehab both structures and comment on how well the buildings were constructed back in the 1890s.

Upon motion duly made (Dobler) and seconded (Palmer) the Planning Board voted (4-0) to GRANT ANR ENDORSEMENT pursuant to MGL CH 41 SEC 81L exemption, the division of a tract of land on which two or more buildings were standing when the subdivision control law went into effect in the city or town in which the land lies into separate lots on each of which one of such buildings remains standing, shall not constitute a subdivision.

III. FARNUM CIRCLE -DISCUSSION

Modification -MGL Ch 41 SEC 81W

Mr. Bechtholdt advised the Planning Board that he originally wanted to invite the developer (M. Lambert) and the two (2) property owners located on Farnum Circle to tonight's Planning Board meeting, however wanted to give them more time (advance notice) and suggested the Planning Board schedule discussion of Farnum Circle to its meeting of December 11, 2012. Mr. Bechtholdt reminded the Board such discussion would be to review JH Engineering's report and specifically the idea of waiving certain subdivision requirements in hopes of having the developer complete the work and get the roadway readied for street acceptance. Planning Board members agreed; Mr. Bechtholdt shall provide letters to the developer and homeowners inviting them to its next meeting.

OLD/NEW BUSINESS

Approval of Meeting Minutes –November 13, 2012

Tabled –no discussion.

2013 Planning Board Meetings–Vote Calendar

Planning Board member reviewed the (draft) 2013 meeting calendar. Mr. Bechtholdt advised the Board of the meeting dates for the Spring Annual (May 07) and Fall Annual Town Meeting (October 23). Upon motion duly made and (Dobler) and seconded (Palmer) the Planning Board voted (4-0) to set the following dates for the calendar year of 2013: January, 08; February 12; March 12; April 09 & 23; May 14 & 28; June 11 & 25; July 09 & 23; August 13 & 27; September 10 & 24; October 08 & 15; November 12 & 26; and December 10 & 17. In setting the Planning Board meeting calendar the Board decided to only schedule one meeting for the months of January, February and March; the Board will schedule additional meetings if needed, based upon filing of certain applications.

December 18, 2012 –Vote to Cancel Meeting

Upon motion duly made (Dolber) and seconded (Palmer) the Planning Board voted (4-0) to CANCEL its meeting scheduled for Tuesday, December 18, 2012.

Open Space & Recreation Plan –Scheduling of Public Workshop

Mr. Bechtholdt proposed the Planning Board may want to discuss the Open Space & Recreation Plan with the Board of Selectmen and look to establish a new Ad-hoc committee charged with updating the plan. Ms. Gaudette suggested she would talk with a couple of residents who served on the last committee to see if they are still interested in participating. Mr. Bechtholdt stressed the important of public participation and noted that the town (Planning Board) has hosted a number of public

workshops in the past geared towards updating the town's Master Plan and Open Space Plan. Mr. Bechtholdt mentioned that he may attend an upcoming meeting of the ad-hoc fields committee; Ms. Gaudette mentioned that she may also attend. Planning Board will look to schedule a public workshop sometime in January/February; Mr. Bechtholdt suggested the Board work with the Board of Selectmen in establishing a new ad-hoc committee, if those Ms. Gaudette is to speak to are still interested they too can submit a Talent Bank form to be on the update committee.

Pre-Disaster Mitigation Plan –Action Items/Goals

The Planning Board reviewed the (regional) Pre-Disaster Mitigation Plan prepared by CMRPC –Central Mass Regional Planning Commission, specifically Northbridge's listed goals and action items. Mr. Bechtholdt advised the Board that CMRPC has been preparing this PDM plan for number of years working mostly with the previous DPW Director and Fire Chief. Mr. Bechtholdt added that Northbridge (Board of Selectmen) has been asked to adopt resolution accepting the town's action items; the Town Manager wanted the various individuals, departments, Boards and other responsible parties to review prior to the Selectmen taking such action.

Camelot Subdivision –Update/Status Report

Mr. Bechtholdt advised the Board that he has not heard otherwise and suspects that the Aurora pump (sewer pump) will be delivered as scheduled, December 21, 2012; provided the Board with copies of recent actions of the Planning Board and noted that the community mailbox was installed opposite the sidewalk, against the direction of the Planning Board. Board members were confused as to why the developer would go ahead with installation at this location after the Board specifically instructed him (Joe Marinella) to install the community mailbox on the backside of the sidewalk along Rebecca Road (ADA compliance). Mr. Bechtholdt expressed frustration with the Post Office not taking into consideration accessibility of the community mailboxes within other subdivisions (Shining Rock Golf Community). Mr. Bechtholdt will contact the developer to have the box relocated as directed by the Board previously. Mr. Palmer added the developer should also be told to install the required streetlights within the occupied areas.

Hillside Garden Estates –Status

Mr. Bechtholdt informed the Board that he has been in contact with the developer (on a weekly basis) concerning the installation of the remaining granite curbing however the developer (JM Barges) has failed to address this ongoing concern.

Mail –Review

In addition to the mail listed (see attached) the Planning Board noted receipt of the following: Form A application (Court Street); email communication from Town Planner (November 26 2012) concerning ANR plan; ANR Checklist (Court Street); copy of Board of Appeals letter dated August 24, 1990 concerning Court Street; email communication from Linda Zywiec (Town Clerks Office) received November 20 2012 concerning Court Street; Assessor Map info (Pine Court/Court Street); GIS parcel data/aerial (Court Street); ANR plan (Court Street); email communication(s) between Town Planner and Byron Andrews dated November 26 & 27, 2012 concerning Court Street ANR; Quitclaim Deed(s) – Court Street/Pine Court; excerpt from the ANR Handbook –Process for approving building lots lacking adequate frontage; ANR checklist for Rebecca Road; MGL CH 41 SEC 81W; JH Engineering report dated November 06 2012 regarding Farnum Circle; Farnum Circle Definitive Plan set; (draft) 2013 Planning

Board meeting calendar; town goals and action items from the (regional) Pre-Disaster Mitigation Plan prepared by Central Mass Regional Planning Commission; copy of Planning Board decision(s) dated November 19 2012 regarding Camelot subdivision –construction change (fence and sidewalk), revised phasing plan, lot release and issuance of occupancy; Community Planning & Development memorandum dated October 24, 2012 regarding Camelot –sewer pump station; email communication from Town Planner to DPW Director concerning Ashton Place drainage easement deed (draft) dated November 21 2012; (draft) Easement Deed for Ashton Place; copy of letter sent to Trish Settles of CMRPC dated November 20, 2012 concerning the 2013 Community Innovation Challenge Grant Program –Housing Production Plan.

Other

Mr. Bechtholdt briefly showed the Board proposed ANR plan for Lot #3 Camelot, questioning why the Applicant/Engineer are proposing conveyance differently than the layout presented to the Zoning Board as part of a variance request. Mr. Bechtholdt explained that David Brossi has provided the town with (draft) Easement Deed (drainage) for the Ashton Place site development, copy of same forwarded to the DPW Director for review and approval. Mr. Bechtholdt provided the Planning Board with a copy of article entitled “Medical Marijuana Meets Zoning: Can you grow, Sell and Smoke that Here?” dated August 2010 by the Albany Law School; noting recent ballot measure regarding medical marijuana town may want to consider zoning bylaw or local ordinance to regulate; suggesting towns (like Melrose, Reading and other have attempted to do) can simply prohibit dispensing facilities outright; adding not sure how one can make the distinction between a pharmacy (like a Walgreens or CVS) that currently sells prescription drugs (Oxycontin, etc) with a dispensary providing prescriptions of medical marijuana. Mr. Bechtholdt noted that Department of Public Health will be drafting some guidance documents in the upcoming months for the state; in the meantime he will be meeting with the Police Chief, Board of Health Administrator and Inspector of Buildings to discuss medical marijuana.

Adjournment

Having no additional business the Planning Board adjourned its meeting of Tuesday, November 27, 2012 at 8:00 PM.

Respectfully submitted,

Approved by Planning Board –

R. Gary Bechtholdt II
Town Planner

Cc: Town Clerk