



NORTHBRIDGE PLANNING BOARD MINUTES

Tuesday, February 11, 2014

Brett Simas, Chairman called the meeting to order at 7:00 PM. Barbara Gaudette, Janet Dolber, Mark Key and George Murray were in attendance; R. Gary Bechtholdt II, Town Planner was also present. Cindy Key, Associate member was absent.

The following members of the public were in attendance: Joseph Williamson; Jane Williamson; Joan Blodgett; Dave Blodgett; Bruce Caissie; Brian Massey; Joseph Leonardo (Terreno Realty, LLC); Marianna Guilbeault; Roland Guilbeault; Jack Gillon (Gillon Associates); Jamie L. Roberti; Robert Cherrier; Brian Cherrier; Normand Gamache (Guerriere & Halnon, Inc); and Stephen O'Connell (Andrews Survey & Engineering).

I. CITIZEN FORUM

Mr. Simas sought comments during Citizen Forum –having none; Mr. Simas asked Board members if they would, over the coming months put together a list of priorities; things they may be passionate about in town or things they feel as a Planning Board feel should be done in the community; proactive planning like the open space plan, Mumford Riverwalk, addressing areas of blight, mill usage, thinking about ideas and have conversations to create opinions; think creatively. Mr. Simas offered as a suggestion for future agenda items; Board members agreed.

II. FORM A'S

None

III. LEONARDO ESTATES –CONT. PUBLIC HEARING

§222-9 Definitive Subdivision (603 Highland Street)

Planning Board welcomed Stephen O'Connell, Andrews Survey & Engineering on behalf of the Applicant; Mr. O'Connell provided the Board with and update and reviewed his response letter dated February 06, 2014, noting revisions to the plan will be done once additional comments are received. Mr. O'Connell updated the Board on status of review with the Conservation Commission, scheduled to meet again February 12, 2014.

Mr. O'Connell indicated they are awaiting input from the Safety Committee concerning waiver requests and other matters that may require revisions to the plan. Mr. O'Connell noted arrangements have finally been made to meet with the Sewer Superintendent and DPW Director later in the week to review sewer for the subdivision development. Mr. Bechtholdt noted he as well as a representative from JH Engineering Group will attend the meeting; Mr. Murray from the Planning Board may also attend.

Mr. O'Connell revealed they are exploring the possibility of eliminating the low pressure sewer system (individual sewer pumps) as originally proposed in favor of utilizing a gravity sewer system for the entirety of the project as preferred by the Sewer Superintendent; Mr. O'Connell explained to do so they would need to alter the route of the sewer line to avoid low points within the subject property, resulting

in the sewer line to be sited in the rear of some of the proposed house lots and back onto Highland Street via a cross-country sewer easement (short of the proposed site entrance). Mr. O'Connell suggested this alternative would eliminate the need for a homeowners association to maintain the line. Mr. O'Connell indicated he would present and review this option to DPW at its upcoming meeting and hopes to submit revised plans and supplemental information soon thereafter. Mr. Simas asked if the Conservation Commission has reviewed this alternative (proximity to resource areas); Mr. O'Connell suggested the Commission will be asked to review same at its next meeting, noting proposed location is within previously identified land disturbance areas.

Mr. O'Connell sought direction from the Planning Board on incorporating the originally proposed open space parcels into the individual house lots; reviewing options of conveying to the town or land trust and establishing a homeowners association. Including the open space into the lots would make the lots bigger and would not necessary encourage land development and eliminate the burden of a homeowners association, etc; Mr. Bechtholdt added, the thought being the majority of the open space is wetland resource area providing no real recreational value to the town, obviously there is value for habitat protection and preserve land, if the open space was combine with the proposed house lots the towns local wetland bylaw would still provide for safeguards and regulations for what can and cannot happen within or adjacent to a wetland resource area; protection for habitats. Mr. Bechtholdt noted there is at least one certified vernal pool and two (2) potential vernal pools within close proximity of the site development. Mr. O'Connell confirmed the location of the certified vernal pool (just beyond the subject property) and noted the two potential vernal pools have since been ruled out for certification; however all remaining within resource areas under the jurisdiction (protection) of the Conservation Commission.

Mr. Bechtholdt suggested the way the open space is currently delineated (along the rear of properties) may create concerns after the subdivision is completed and should recognizes issues in the past (within other subdivisions) where property owners eventually over time (abutting homeowners) encroached onto the town's open space; became difficult for the town to enforce, if land was to remain private the Commission could issue a cease and desist with the property owners. Combining the proposed open space with the house lots may help eliminate this concern; noting again the open space is not useable in the sense of providing for recreational purposes. Mr. Bechtholdt asked the Applicant/Engineer to review same with the Conservation Commission to gain an understanding of what their position or preference would be. Mr. Bechtholdt suggested for this specific project he would recommend not requiring open space parcels and incorporate remaining land into the proposed house lots. Mr. Bechtholdt noted the town has a provision in its subdivision rules and regulations where a percentage of land may be dedicated for open space; in some instances the land may be a value recreationally but does not necessary have to be a ball field could be passive recreation such as walking trails, etc. in this instance due to the amount of wetland and resource areas a recreational component may not be appropriate; incorporating into the house lots will offer some protection of the habit areas through the town's wetland protection bylaws.

Mr. Bechtholdt asked the Board if they prefer having separate dedicated open space or agreeable to allowing remaining land to be included in the individual house lots. Ms. Gaudette expressed concerns of protecting natural view sheds and preserving resource areas, through a homeowners association; Mr. Simas asked what percentage of open space is required to be reserved (no less than 10% -reference

made to Community Planning & Development memorandum dated December 19, 2013/December 23, 2013 comment 12). Mr. O'Connell suggested incorporating the open space back to the lots would provide the protection Ms. Gaudette is looking for (via the wetland protection bylaw). Mr. Simas summarized regardless of ownership there will be some protection; the question is, is there value in having more open space in the town's inventory that is less usable versus keeping it private. Board members Dolber, Murray and Gaudette supported incorporating the open space (wetland recourse area) increasing the size of the house lots; larger lots equal potentially higher tax dollars to the town with protection of the resource area governed by the town's wetland bylaw regulations. Mr. O'Connell noted the Conservation Commission has required "buffer zones" from resource areas to be staked out on the property (private house lots) with permanent markers to indicate limits of the wetland areas; to prevent potential "yard creep".

Mr. Bechtholdt offered an example (issue) where a tree located on town open space fell onto private property; citing difficulties for the town removing tree, became more of a burden, but not to discount the importance of open space; need to weigh options and benefits.

Mr. Key asked who enforces encroachment onto wetlands; Mr. Bechtholdt noted the Conservation Commission is the regulatory body that enforces the town's wetland bylaw; they don't necessary look or seek violations, typically will receive a phone call or inquiry from abutters, etc. Mr. Key agreed it seems to make sense to incorporate remaining land (open space) into the house lots. Mr. Simas noted consensus of the Board would be to incorporate land into the house lots.

Mr. Bechtholdt asked if the drainage basin, as noted in Community Planning & Development memorandum would also be incorporated into house lots; Mr. O'Connell confirmed that the basins would be contained within the house lots, noting depending how the lots are redefined will determine which lots and how many (1 or 2 separate lots). Mr. Simas suggested if the drainage easement can be contained on one lot may be simpler, however if not practical should not be a concern.

Mr. O'Connell then reviewed comment 19 of the planning memorandum and JH Engineer report concerning the wetland-crossing retaining wall (approximately 13-feet in height); Mr. O'Connell asked the Planning Board if the design of the crossing (arch-culvert) could be reviewed and approved prior to construction, noting it was his hope that the Conservation Commission would allowing for the same providing the flexibility as long as they stay within the confines of the limit of work; reason being when contractors start to spec and price out for the construction of a road they may be familiar with other types of arch-culverts, adding the detail provided in the definitive plan set is a good design casted in place another contractor may use a different type of wall; when it comes to construction the crossing will require a separate building permit to be issued by the Building Department at which time the DPW Director and others may review and provide comments prior to construction; suggesting final wall design to be presented to the Planning Board (its consultant) and the Department of Public Works for approval prior to seeking a building permit for its construction. Planning Board members agreed as long as everyone is kept in the loop and ultimately the town (DPW, Conservation Commission, etc) has the opportunity to review and approve the crossing prior to construction.

Mr. O'Connell explained to the Planning Board that the Conservation Commission has asked for sloped-granite curbing along certain section of the roadway for migration of turtles, etc. Board members

expressed a willingness to work with the Conservation Commission and would support those requested changes.

Mr. Bechtholdt noted that the Applicant/Engineer has not reviewed with the Board all comments received to date, just items they are looking for input from the Planning Board on; they will make the appropriate revisions to the plan once all comments are received. Mr. O'Connell confirmed same and advised the Board after he meets with Conservation Commission, the DPW Director, and Sewer Superintendent and hopefully the Safety Committee (soon) he will look to address remaining issues on a set of revised definitive plans.

Mr. Murray asked if extending the sewer would allow for and permit existing homes to connect at the intersection of Highland Street/Benson Road; Mr. O'Connell confirmed homes would be able to connect to the gravity line and suggested he has been in contact with homeowners within the area. Mr. Bechtholdt expressed concern with the revised location of the gravity line where the sewer line is now proposed to terminate prior to the subdivision entrance on Highland Street and then travel via a cross-country easement through the property; Mr. Bechtholdt stated the gravity line should also be extended to the subdivision roadway on Highland Street as originally proposed to allow opportunity for others to connect if they so choose. Mr. Bechtholdt suggested extending the gravity line at the manhole (where the line cuts through the property) line should also extend in Highland Street as originally shown on the plan, noting residents during the first public hearing expressed concerns of shortcutting existing properties; the proposed gravity line would end short (some 100 to 200 feet of the subdivision entrance) making it difficult or excluding some property owners from connecting to the gravity sewer line. Mr. O'Connell, after reviewing elevations etc. indicated the gravity line could be extended on Highland Street as originally proposed however would not directly benefit the subdivision; Mr. Bechtholdt indicated that he was okay with that as he was looking out for the interests of the existing properties owners; does not want to shortcut an opportunity to connect others. Mr. Bechtholdt also questioned sewer service for the two (2) proposed frontage lots on Highland Street.

Mr. Bechtholdt explained to the Planning Board (& Applicant/Engineer) that he provided a supplemental memorandum to the Director of Public Works (dated January 23, 2014) requesting information and input; in talking with Mr. Shuris a response letter is expected to be received within a few days, prior to the next scheduled hearing date.

In an effort to address concerns/questions raised during the first public hearing regarding municipal sewer and required hook-ups for existing homes Mr. Simas read out loud the town's sewer connection policy [Section 10-102 Sewer connections required when possible]: The sewerage of every building shall be connected with the public sewer when such sewer is located in a street, way or other land adjacent to the lot on which the building is located, if the sewer is so located as to take the sewage there from. If the public sewer becomes available after a residence has been constructed and a private waste water treatment system installed the connection to the public sewer shall be made within two years, or at the time of any transfer of title to the property, if sooner. The time for connection shall be extended for up to five years in cases where a new on-site septic system has been installed, provided a Title V certificate of compliance has been issued and the system remains in satisfactory condition. The Board of Health may, after a public hearing and for good cause shown, extend the time for compliance. Mr. Simas noted

within 2-years homeowners may be required to comply however the Board of Health may provide for extensions upon requests (not an automatic requirement).

Mr. Simas sought additional input and comment from the Planning Board, Applicant/Engineer and then solicited input from residents in attendance; having none the Board looked to continue the public hearing.

Mr. Bechtholdt explained that he is still waiting to hear back from the Fire Chief on the scheduled date of the next Safety Committee meeting, suggesting if the Board was to continue the hearing to its next meeting (February 25, 2014) may not be a productive meeting in the sense that if the Safety Committee was not able to meet prior to; Mr. Bechtholdt stressed part of the Safety Committee's review is to provide recommendations on certain waivers; which will likely necessitate revisions to the definitive plan; may not have those answers in time for February 25th would like reviews to keep moving along more importantly like to keep these meetings productive. Mr. Simas suggested the Board may look to continue the hearing to March 11, 2014.

Upon motion duly made (Murray) and seconded (Dolber) the Planning Board voted (5-0) to continue the public hearing for Leonardo Estates, definitive subdivision plan to Tuesday, March 11, 2014 at 7:05PM.

The Applicant/Engineer consented to continuing the public hearing to March 11th noting plan revisions will need to be made addressing comments received to date, adding the sewer location may also be altered (gravity line) based upon discussion/input from the Sewer Superintendent and Director of Public Works.

IV. 4 & 16 NORTH MAIN STREET –CONT. PUBLIC HEARING

§173-49.1 -Site Plan Review

As a result of not being present during the last scheduled continued public hearing (January 28, 2014) Mark Key will abstain for voting, however participated in the discussions.

Mr. Bechtholdt informed the Board of the receipt of a response letter from Guerriere & Halnon, Inc dated February 04, 2014; revised site plan set and supplemental information from the traffic engineering (Gillon Associates) letter dated January 25, 2014. Mr. Bechtholdt also noted receipt of second review from JH Engineering Group, LLC (the Board's consultant) report dated February 10, 2014.

Normand Gamache, Guerriere & Halnon, Inc (G&H) on behalf of the Owner/Applicants reviewed with the Planning Board response letter dated February 04, 2014, noting receipt of JH Engineering Group's report earlier in the day, indicating that all items of concerns have been addressed. Mr. Gamache continued reviewing with the Board three (3) main changes to the plan since the last meeting: (1) as mentioned before the size of building increased slightly to 2,339-square feet (parking requirement satisfied); (2) as requested by the DPW Director the proposed grass strip along Arcade Street has been eliminated due to concerns of the town's inability to maintain the grass strip, sidewalk (5-feet in width) will be at the curb line (vertical granite); and (3) revised discharge point to pond (flared -end revised to headwall). Mr. Gamache noted the Conservation Commission meeting scheduled earlier in the month was postponed; the Commission will review plans of February 12, 2014.

Mr. Gamache reviewed with the Board alternatives to the driveway locations/circulation as requested by the Planning Board; concluding based upon his analysis and review the layout should remain unchanged (as originally proposed); altering driveways will create additional conflicts within the site. Ms. Dolber noted she appreciated the process of reviewing the alternatives and recognizes the layout as proposed to be the most reasonable. Mr. Simas expressed concern with location of certain parking areas suggesting; becomes a function of traffic flow versus parking. Mr. Bechtholdt asked about the sightlines; Mr. Gamache indicated sightlines are favorable along North Main Street. Mr. Bechtholdt questioned if it was advisable to locate a driveway so close to an intersection (North Main/Main Street). Mr. Simas felt that was something that was discussed in the past and something people felt comfortable with. Mr. Simas added the solution presented in the site layout appears to favor better traffic flows but the resulting parking design will be problematic (turning movements in & out of parking spaces).

Mr. Gamache noted the Town Planner, at the last meeting suggested including as a condition provision where the Planning Board would have the authority to require a subsequent review of the traffic flow (drive-thru queuing) if needed. Mr. Gamache explained his client would be agreeable to such condition, noting JH Engineering also made a similar condition. Mr. Gamache reviewed with the Board the possibility of restricting access (middle curb-cut on Arcade Street) during peak-hours; exit only. Mr. Gamache felt the queuing provided was adequate but is willing to work with the Board if it becomes problematic. Mr. Bechtholdt suggested revised plans would need to be required for review and physical alterations to the site layout may be necessary, more than simply placing orange cones during peak-hours to alert drivers. Planning Board members felt adding a condition to reevaluate was reasonable.

Mr. Simas felt in terms of traffic there is a big difference between Route 122/Providence Road (existing Dunkin Donuts) and Arcade Street; Mr. Simas does not think vehicles will be queuing in the street (Arcade Street) often, and if so impacts will be minimized (less traffic) and if needed the Board can revisit.

Mr. Gamache reviewed with Mr. Key the traffic flow for the underground storage tanks and rear parking areas. Mr. Simas asked about the number of employees (3 to 4). Mr. Gamache reviewed the interior layout of the building; joint-venture operation with Dunkin Donuts & convenience store/gas station. Mr. Bechtholdt noted the revised plan no longer illustrated the queuing for the drive-thru service lane and asked that the site plan show the required queue and overflow stacking locations. Mr. Bechtholdt suggested the sign “caution pedestrians” may no longer be necessary as the driveway has been revised to entrance only; replace sign with “not an exit” or similar. Mr. Bechtholdt asked if the “right turn only side” would be installed across the street on North Main Street; Mr. Gamache indicated the sign would be installed on the property alerting drivers of this restriction –no additional sign proposed for across the street. Mr. Gamache briefly reviewed siting of the speed bump at the end of the drive-thru and along pedestrian crosswalk within the site to slow the traffic for pedestrian safety (interior controls). Mr. Bechtholdt suggested the two (2) proposed drive-thru signs for Arcade Street be replaced with one double-sided sign.

Mr. Gamache reviewed with the Planning Board layout of the sidewalk at the corner of Main Street and Arcade Street (existing utility pole); extending sidewalk along Arcade Street. Installation of sidewalk will be coordinated with the Department of Public Works. Mr. Gamache continued, reviewing existing and proposed sidewalk and curbing along Main Street, North Main Street and Arcade Street.

Mr. Gamache informed the Board that the Conservation Commission is scheduled to review the application again on February 12, 2014; noting comments received by JH Engineering Group and other correspondence received has been addressed in the revised plan set (including traffic concerns).

Mr. Bechtholdt asked the Planning Board if they had any remaining outstanding issues that may need to be addressed; Mr. Simas noted his biggest concern was reviewing the alternatives to the traffic flows and appreciated the presentation by Mr. Gamache which helped visualize things; satisfied with locations. Other Board members noted that had no additional concerns.

Mr. Simas sought input from residents in attendance; having none the Board directed the Town Planner to draft conditions of approval for the site plan to be reviewed at the next scheduled meeting.

Upon motion duly made (Murray) and seconded (Gaudette) the Planning Board voted (4-0-1 [Key abstained]) to continue the public hearing site plan review for 4 & 16 North Main Street to Tuesday, February 25, 2014 (7:05PM).

V. CAMELOT SUBDIVISION –REVIEW/DECISION

Rebecca Road –Stone wall (Right-of-way)

The Planning Board met with Brian Massey (192 Rebecca Road) to discuss options for addressing concerns specific to a stone wall he constructed within the right-of-way of Rebecca Road, an unaccepted subdivision roadway. Mr. Massey had previously attended the Planning Board meeting of January 28, 2014 during Citizen Forum.

Mr. Bechtholdt reviewed with the Planning Board correspondence dated January 13, 2014 sent to J&F Marinella Dev, Developer of the Camelot subdivision (with copy to the DPW Director and Brian & Annette Massey) noting the Board had identified two possible options to address concern (1) relocate the stonewall beyond the limits of the right-of-way or (2) revise the width of the right-of-way. In talking with Mr. Massey after the January 28, 2014 Planning Board meeting, Mr. Bechtholdt noted Mr. Massey suggests the Board consider a third option –do nothing, as there are countless other existing examples in town where stonewalls, retaining walls, fences, etc have been permitted and installed within the public right-of-way.

Mr. Massey informed the Board that he has done some significant research since the last meeting and has begun to inventory numerous examples where a stone wall, fence or retaining wall has been constructed within the right-of-way of town roads; identifying the decorative stonewalls along the entrance of Shining Rock Golf Community as one example, where street acceptance was not delayed or voted down because of a stonewall installed within the right-of-way (back side of sidewalk).

Mr. Bechtholdt reminded the Board concern was raised by another homeowner within the Camelot subdivision questioning if the location of the stone wall (constructed within the right-of-way) would impact or delay street acceptance of the subdivision roadway. Mr. Simas asked Board members if they understood what was to be discussed; Mr. Key questioned why the Board was reviewing matter and Ms. Dolber felt it was a non-issue as there are numerous existing examples where these has not been raised as a problem in the past. Mr. Murray disagreed and questioned why and what the process of approval

was for installing the stone wall (did Mr. Massey seek permission from the developer, etc). Mr. Massey reviewed with the Board his approach (checked on the setbacks, limits of the right-of-way and other inquiries) he was under the impression based upon the number of examples in town anything constructed within the right-of-way (walls, fences, etc) would be his responsibility; if the wall was to be damaged he would be responsible in fixing it; has had sprinkler system damaged at his previous house due to plows –never complained just repaired the line.

Mr. Massey installed the wall with the understanding for some reason if the town had to dig up the right-of-way to install a sidewalk or extend the road he would be responsible for removing the wall; majority of stone wall is outside of right-of-way; portions of the returns (both sides of driveway) 2 to 3-feet are in the right-of-way. Based upon his understanding Mr. Massey noted he was willing to take on that responsibility and decided to install the stone wall outside of the right-of-way with the returns within; later on (after construction) realized his assumptions were not necessarily the case. Mr. Massey noted after doing research in town suggested there are hundreds if not thousands of examples of stone walls, retaining walls, fences, etc built within the right-of-way; the boards have been approve roads in town with things in the right-of-way; had assumed if the town is approving roads (Shining Rock, Heights of Hills, Hills at Whitinsville) it is not an issue; its okay. Mr. Massey explained to the Board that he has spoken with three (3) different homeowners about when they installed their stone walls; all indicated when the house was built prior to street acceptance. Mr. Massey continued noting he has pictures of numerous other examples where clearly the stone wall is in the right-of-way (Shining Rock Golf Community) suggesting his walls is not as significant as the ones along Shining Rock Drive.

Mr. Murray asked the Town Planner how roads were approved in the past when stone walls were located within the right-of-way; Mr. Bechtholdt does not recall an issue raised during street acceptance consideration. Mr. Bechtholdt explained when a roadway is ready for street acceptance the Planning Board's consultant along with the various town departments (including DPW) have an opportunity to review the subdivision as well as the as-built plans; the concerns relative to the placement of stone walls has not been something that precluded or delay acceptance (using Shining Rock Drive entrance as an example). Mr. Murray suggests the Board should reassess how they review subdivisions where decorative walls are proposed within right-of-way. Mr. Simas and other Board members agreed.

The Planning Board and Town Planner briefly reviewed what a right-of-way is; what a setback is (zoning) and what the town receives for street acceptance (an easement –not the fee of the road); noting homeowners may technically own to the centerline of the road; the town only receives an easement within the right-of-way. Mr. Simas asked if there was anything in the town's bylaws that would preclude or prohibit someone from constructing something within the right-of-way; Mr. Bechtholdt was unsure, however noted if something such as a wall or fence was installed that obstructed passage within the right-of-way that would likely not be permitted. Mr. Simas suggested if there is nothing in our regs to prohibit then it may be a moot-point of the Planning Board.

Mr. Bechtholdt reminded the Planning Board during the site visit (August 2013) an abutter raised the initial concern, questioning if the presence of a stone wall in the right-of-way would delay street acceptance. Mr. Bechtholdt also reminded the Board that the DPW Director has also begun an effort to make sure the town's right-of-ways are free of obstructions; may be an element of dealing with the property owners along Sutton Street (in preparation for the comprehensive roadway improvements

planned) an opportunity to make sure residents are aware; has provided the Planning Board with a copy of his Public Right-of-way Policy hopefully he has included this online and has made the public aware of this as well. Something the DPW Director is pursuing in educating the public the limitation as what can be located in the right-of-way. Mr. Bechtholdt suggested in the future when the Planning Board reviews a subdivision plan that includes a decorative wall they should be aware as to where it is proposed to be located. Mr. Murray suggested there was a difference between plan approvals (subdivision with a developer) that may include retaining walls in the right-of-way versus a homeowner constructing a stone wall after the fact without approval. Mr. Murray expressed concern and asked how the Board can guarantee a road gets approved; Mr. Bechtholdt suggested there is never a guarantee; it is up to a Town Meeting vote. Mr. Simas added someone could raise a concern about the stone wall within the right-of-way; the Board needs to be aware of what is the concern what is the liability accepting a road having a stone wall (or similar) located within the right-of-way. Mr. Bechtholdt agreed, that's the question; if the homeowner may be willing to take responsibility for the wall that is all well and good but we don't know until we get a legal opinion; perhaps the homeowner could indemnify the town of any liability as Mr. Massey suggested (if someone hits it).

Mr. Simas and Ms. Dolber did not feel the location of the stone wall was necessarily an issue. Mr. Key felt the Planning Board should arrive at a decision; Mr. Murray agreed. Mr. Key felt if the Board did not make a determination they are leaving everyone out to dry; if it is an issue and it not have been built in the right-of-way then is it a violation which needs to be dealt with. Mr. Simas agreed; its letter of the law, spirit of the law versus enforcement. Mr. Key stated if the Planning Board wants to address it the opportunity to do so is before the Board now. Figure out now how to deal with it; Board members agreed. Mr. Bechtholdt noted the DPW may have jurisdiction as to what is placed within public right-of-ways (public); this road (Rebecca Road) is currently considered an unaccepted was so DPW may not have jurisdiction, they can provide direction to the Board and the developer. Mr. Bechtholdt noted an instance where a subdivision includes a proposed stone wall, etc. it is important for the DPW to review and provide comments to the Planning Board. Mr. Simas noted the presence of a stone wall located within the right-of-way has not been a concern in the past; Mr. Massey noted he wants to be treated in the same manner as others who have been allowed to build in the right-of-way. Mr. Bechtholdt reminded Mr. Massey enforcement would be up to the DPW Director to implement his policy not something the Planning Board has authority on once a road is accepted. Mr. Bechtholdt informed the Planning Board the Jeff Howland (consultant) has included in the punchlist for the Camelot subdivision the stone wall within the right-of-way, suggesting reviews from other consultants in the past for other project may not have noted the same.

Mr. Simas asked board members if they would consider Rebecca Road for acceptance knowing there is a stone wall located within its right-of-way; Mr. Simas and Ms. Dolber indicated they do not have a concern, provided the regulations do not prohibit construction within the right-of-way. Mr. Murray agreed however stressed the need to be consistent. Mr. Key stated knowing what he knows he would be compelled to inform the voters at Town Meeting there is a stone wall located within the right-of-way, would feel bad for the homeowner(s) if the road was not accepted. Mr. Massey stated he acted under the assumption that others were permitted to construct walls, whether it be the builders or the homeowners they were allowed to construct within the right-of-way. Mr. Simas understood, however suggested DPW is under new leadership and is looking to enforce a right-of-way policy.

Mr. Bechtholdt recommended the Board seek a determination from Town Counsel, suggesting what they determine will need to be followed; adding it will be up to the DPW Director to enforce his policy not the Planning Board. Mr. Murray agreed; it would be a good idea to have Town Counsel offer a legal opinion. Mr. Bechtholdt noted it would be in everyone's best interested, including Mr. Massey's as he too wants to get the roadway accepted as some point in time. Mr. Bechtholdt indicated he would hate to have the Planning Board go through the process of preparing a road for acceptance and offer a positive recommendation only to be rejected because of an issue within the right-of-way. Ms Gaudette and other Board members agreed. Mr. Simas suggested it would be up to the DPW Director as to how he decides to enforce the right-of-way policy on previously accepted roads in town.

Mr. Massey indicated he would be willing to remove the stone wall if required however will look to the town to correct other examples in town the same way; Mr. Bechtholdt reiterated it would be up to DPW to enforce their policy not the Planning Board.

The Planning Board directed the Town Planner to solicit input from Town Counsel (Kopelman & Paige) concerning the potential liability and other concerns with accepting a subdivision road as a public way where a stone wall (fence, etc) is constructed by a homeowner within the right-of-way. The Board requests legal opinion to address this concern and potentially others in the future. This matter will be include on a subsequent Planning Board agenda upon the receipt of a legal opinion from Town Counsel.

OLD/NEW BUSINESS

Approval of Meeting Minutes –January 28, 2014

Mr. Bechtholdt noted minor changes made from the original draft provided. *Upon motion duly made (Murray) and seconded (Dolber) the Planning Board voted (4-0-1 [Key abstained]) to ACCEPT the minutes of January 28, 2014.*

Open Space & Recreation Plan –Schedule Public Workshop

Mr. Bechtholdt confirmed with the Planning Board scheduled Open Space & Recreation Plan Update Public Workshop for April 08, 2014 (beginning at 6:00PM –Town Hall)

2014 Spring Annual Town Meeting –Tuesday, May 06, 2014

Point of information –no discussion

2014 SATM Warrant Closes –Friday, March 07, 2014

Point of information –no discussion

Zoning Amendment Warrant Article(s) –Vote to Sponsor

Mr. Bechtholdt advised the Board the timing of scheduling of the zoning article(s) for medical marijuana has accelerated in an effort to coordinate with other boards and committees as they prepare recommendations for Town Meeting; do not want to create conflict with their scheduled deadlines. Mr. Bechtholdt provided the Board with memorandum dated February 10, 2014 regarding Registered Marijuana Dispensary, including documentation offered by Kopelman & Paige (Town Counsel); noting some information may have been provided previously. Mr. Bechtholdt briefly reviewed with the Board the process of reviewing DPH regulations with the Police Chief, Board of Health Administrator, Building

Inspector and Town Manger, as well as the information provided by Town Counsel in preparing draft zoning provisions for Northbridge. Mr. Bechtholdt offered the Board consider two (2) zoning amendment articles, the first being two-fold (a) delete in its entirety Section 173-18.4 [Temporary Moratorium on Medical Marijuana Treatment Center and (b) replace therewith a new Section 173-18.4 entitled Registered Marijuana Dispensary (RMD); the other article adding RMDs to the Table of Use Regulations (Section 173-12) permitting RMDs within the Industrial–Two (1-2) Zoning District by Special Permit of the Planning Board. Mr. Bechtholdt reviewed location of the town industrial zones; Route 146/Main Street (Walmart/Nation Grid facility) and Route 122/Providence Road (old satellite farm adjacent to the Wastewater Treatment Center and across the street which includes town-owned land and large undeveloped land). Mr. Bechtholdt mentioned he spoke with David Doneski from Kopelman & Paige earlier in the day; should receive comments prior to the public hearing. Mr. Bechtholdt suggested if the Board chooses to sponsor articles the required public hearing would likely be scheduled for Tuesday, March 11, 2014, to allow time for review and recommendations from other Boards (Selectmen) and Committees (Finance) in time for inclusion in the warrant booklets. Upon motion duly made (Murray) and seconded (Dolber) the Planning Board voted (5-0) to sponsor zoning amendment articles for Registered Marijuana Dispensary. Mr. Simas indicated he attended a recent CMRPC meeting specific to Medical Marijuana, noting the main speaker was an attorney from Kopelman & Paige; the draft offered for the Board's consideration seems to be in line with the information that was presented at the meeting. Mr. Simas asked the Town Planner about the process of seeking input and recommendations from the Board of Selectmen and Finance Committee; Mr. Bechtholdt explained the Selectmen and Finance Committee will receive a copy of the Planning Board's vote to sponsor the articles which will include the draft language; they will also receive a copy of the public hearing notice. Mr. Bechtholdt added once the Planning Board concludes its review and offers its recommendation a copy of same will be provided to them as well.

Planning Board –Vote to Schedule Meeting for March 18, 2014 & April 01, 2014

Mr. Bechtholdt asked the Planning Board if they were willing to schedule a subsequent meeting for March 18, 2014 and April 01, 2014 in the event additional meetings were necessary based upon the filing of petition zoning amendment articles for the Spring Annual Town Meeting. Mr. Bechtholdt indicated that he is not aware of any impending zoning articles but may not know until the warrant closes on Friday, March 07, 2014 (12:00PM). If a petition article (zoning amendment) is received the Planning Board will need to conduct a public hearing prior to Town Meeting and in advance Board of Selectmen and Finance Committee making its recommendations (printing of the booklets); if article(s) are received on March 07, 2014 arrangements will be made for April 01, 2014. Petition articles received prior to the deadline may be scheduled for March 18, 2014. Mr. Simas indicated that he would not be able to attend on March 18, 2014. Upon *motion duly made (Gaudette) and seconded (Dolber) the Planning Board voted (5-0) to schedule Planning Board a meeting for Tuesday, March 18, 2014 and Tuesday, April 01, 2014*. Scheduling the meetings now will allow the Town Planner to publish the required legal advertisements in advance of the next Planning Board meeting.

Camelot (Phase I) Performance Bond –Status/Update

Murray informed the Chairman that he will abstain from voting/participating on this matter. Stephen O'Connell informed the Planning Board that Andrews Survey & Engineering, Inc (ASE) has been hired by J&F Marinella Dev to assist on all aspects of the subdivision including lot development. Mr. O'Connell noted ASE has prepared lot plans, wetland delineations and performed some initial staking of

the roadway under construction. Mr. O'Connell reviewed with the Board letter dated February 11, 2014 requesting the elimination of subdrains within sections of Rebecca Road and Joseph Circle. Mr. O'Connell explained as a result of soil testing, site conditions and no evidence of groundwater or mottling subdrains at these locations are not required. Mr. O'Connell suggested, if the subdrains are to be eliminated as requested the construction estimate (bond held by the town) would need to be revised to reflect remaining punchlist items, adding once the bond amount was recalculated the amount held would be sufficient to allow for the formal release of lots acted on by the Planning Board at a previous meeting. Mr. Bechtholdt agreed, reminding the Board in December 2013 they voted to release lots 26, 41, 42, 57 & 58 subject to securing the necessary funding for remaining work within the phase; adding if the elimination of the subdrains and additional work completed is equal to or less than the amount to be held the Planning Office will provide the developer with the Form P –Lot Release form for recording of the lots. Mr. Bechtholdt noted the town is currently holding \$310,000.00 (cash bond). Mr. Bechtholdt explained to the Planning Board request to eliminate the subdrains is based upon site conditions, noting during the initial permitting of the subdivision subdrains are located on the plan in the event they are deemed necessary. In instances such as this if the developer (engineer) and the Board's consultant agree subdrains (in specific locations) are not necessary the Board may vote to eliminate the need to install them. Mr. Bechtholdt indicated that he has reviewed the matter specific to the subdrains with JH Engineering Group and it is his understanding that Jeff Howland (JH Engineer Group) will recommend elimination of the proposed subdrains. Mr. Bechtholdt suggested absent a report from JH Engineering Group the Board should only conditionally approve request subject to confirmation of the same by JH Engineering Group LLC. Mr. Simas asked if the Board will receive revised plans; Mr. Bechtholdt suggested the Board would not get revised plans specific to the elimination of the subdrains, however the as-built plans when completed should identify locations along the roadway where subdrains are installed. Mr. Bechtholdt suggested if the Board is agreeable to eliminate the subdrains the bond amount will be recalculated accordingly. *Upon motion duly made (Gaudette) and seconded (Key) the Planning Board voted 4-0-1 [Murray abstained] to eliminate proposed subdrains as requested subject to review and recommendation of JH Engineering Group LLC, the Board's consulting engineer.* Mr. O'Connell advised the Board that he is still getting up to speed on the project and has talked with the Town Planner; he agrees and recognizes the need to have a construction meeting with the various municipal departments (and consultant) to review outstanding issues and update everyone on the current phasing of the project (construction schedule, sequencing, protocols, required inspections, etc). Mr. Bechtholdt welcomes the opportunity to meet as a group and is encouraged that ASE recognizes the importance of coordinating with town, noting in addition to an update construction scheduled the Planning Board has requested a revised phasing plan to reflect what has been approved (modified) by the Planning Board. Mr. Bechtholdt suggested referencing lots and station numbers is sufficient, however having a plan showing the revised phasing is necessary and should be provided. Mr. Bechtholdt informed the Board that Conservation Commission recently received a Notice of Intent (NOI) for a house lot on Grace Street which is not included in the current phase, concerned the developer will continue to jump around from house lot to house lot; at some point there needs to be an end and stick to the phases; complete the next phase which includes looping the waterline and provides the second access/egress. Mr. Bechtholdt reminded the Board members of the saying "give an inch". Mr. Bechtholdt noted there is nothing wrong with submitting NOIs and getting lots permitting but the writing is on the wall where the developer will mostly likely be before the Board once again to seek permission (because he has a buyer) to deviate from the phasing plan. Board members agreed there needs to be an end. Mr. Simas explained one of the broad concerns of the Board, understanding the

market is good, low risk of developer skipping town –going out of business is less of concern given today's market versus say 4 to 5 years ago; the concern is making that required connection to Hillcrest Road which may be very expensive and does not include house lots along that stretch where the developer may help finance the work; the next phase is a very important connection to make for water, access, etc; we don't want to get this project 90% complete and not have that work and improvements done. Mr. Simas noted the Board has given some latitude in past to the developer for Joseph Circle understanding the sewer line was already in within that section (as part of the initial site construction; required sewer connection), but at some point not sure if the Board is excited or willing to allow lot development along Grace Street without first completing the Hillcrest connection. Feels like the line needs to be drawn and let the developer know he can build-out Joseph Circle but he has got to do the connection next. Mr. O'Connell suggested a lot of positive things have happened within the development; Mr. Simas and others agreed. Mr. Bechtholdt indicated one of the things he would like to review with the developer during the construction meeting is the long outstanding issues specific to the sewer pump station, completing the drainage ponds, etc. as well as stress the need to coordinate inspections (with the Sewer Superintendent and JH Engineering).

Linwood Mill (Pedestrian Crosswalks) –Status/Update

Tabled –no discussion; awaiting input from DPW

Hillside Garden Estates –Status/Update

Mr. Bechtholdt informed the Board, from an email communication the developer has expressed concerns with the Board not reducing the performance bond; noting frustrations. Mr. Bechtholdt explained a couple of punchlist items included in JH Engineering Group report are not required; for instance the walking trail was a requirement for the Senior Living Development originally permitted, the conventional subdivision being constructed (approved) does not require a walking trail. Mr. Bechtholdt mentioned the Board allowed for the sidewalk to terminate at the cul-de-sac JH Engineering's report noted the sidewalk should extend around the bulb as shown on the approved plan. Mr. Bechtholdt also noted it was his understanding that the street trees were planted some time ago; would double-check. *Upon motion duly made (Dolber) and seconded (Gaudette) the Planning Board voted (5-0) to confirm walking trails within the Hillside Garden Estates conventional subdivision was not a requirement of its approval; further the sidewalk shall terminate at the cul-de-sac and shall not extend around the bulb.* Mr. Bechtholdt will work with JH Engineering and the developer to update the remaining punchlist items. In taking such action the Board determined a bond reduction at this time is not warranted.

Farnum Circle (MGL CH 41 SEC 81W)

Tabled until after Spring Annual Town Meeting

Green Meadow Court –Status

Tabled –placeholder for future discussion

Mail –Review

In addition to the mail listed (see attached) the Planning Board noted receipt of the following communications: Planning Board (draft) agendas for February 25, 2014, March 11, 2014, and March 18, 2014; Email communication dated January 8, 2014 to Planning Board and Andrews Engineering from Town Planner regarding Sewer Connections; Letter dated January 14, 2014 to Town Clerk from Planning

Board concerning granting of certain waiver requests and not granting other waiver requests for Leonardo Estates; Letter dated December 9, 2013 to Planning Board from Andrews Engineering regarding Leonardo Estates Request for Waivers; Email dated January 15, 2014 to Town Planner from DPW Sewer Superintendent concerning Leonardo Estates Sewer Line; Letter dated January 13, 2014 to Town Planner from Building Inspector regarding Leonardo Estates; Memo dated January 23, 2014 to Public Works Director from Town Planner regarding Leonardo Estates Subdivision Review Comments; Memo dated December 19, 2013 / December 23, 2013 to Planning Board and Andrews Engineering from Town Planner regarding Leonardo Estates Definitive Subdivision; Letter dated January 27, 2014 to Town Planner from JH Engineering concerning Leonardo Estates Definitive Subdivision Peer Review; Letter dated February 4, 2014 to Planning Board from Guerriere & Halnon, Inc. regarding 4 & 16 North Main Street Site Plan Response to Review Comments; Letter dated January 25, 2014 to Town Planner from Gillon Associates concerning Traffic Response to JH Engineering Group Comments Regarding a Drive-Thru Window at 4 & 16 North Main Street; 4 & 16 North Main Street Site Plans; Letter dated January 13, 2014 to J & F Marinella Development Corp from Town Planner regarding Rebecca Road stone wall within right-of-way; Planning Board Minutes of August 13, 2103 regarding Site Visit of the Camelot Subdivision; Email dated January 30, 2014 to Whitinsville Water and Planning Board Chair from Town Planner regarding Camelot subdivision; Email dated February 4, 2014 to John Barges (developer) from Town Planner regarding Hillside Garden Estates; Letter dated January 24, 2014 to Town Planner from JH Engineering regarding Hillside Garden Estates Engineer's Construction Estimate; Planning Board Meeting Schedule; Open Space & Recreation Plan Update Committee Meeting Agenda.

Other

Planning Board noted receipt of site development application for Town of Sutton; pursuant to Route 146 Overlay District required to notify Northbridge of filing (subject property 72 Worcester Providence Turnpike); Board reviewed proposed elevation plan, reserving comment specific to the architecture of the building.

Adjournment

Having no additional business the Planning Board adjourned its meeting of Tuesday, February 11, 2014 at or about 9:40 PM.

Respectfully submitted,

Approved by Planning Board –

R. Gary Bechtholdt II
Town Planner

Cc: Town Clerk