



NORTHBRIDGE PLANNING BOARD MINUTES

Tuesday, March 11, 2014

Brett Simas, Chair called the meeting to order at 7:00 PM; Janet Dolber, Barbara Gaudette, 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: Normand Gamache (Guerriere & Halnon, Inc); Robert Cherrier; and Brian Cherrier.

I. CITIZEN FORUM

None

II. FORM A'S

None

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

§173-49.1 -Site Plan Review

Mr. Simas welcomed Normand Gamache of Guerriere & Halnon, Inc who informed the Planning Board that the Conservation Commission has concluded its review and has issued an Order of Conditions for the site development proposal. Mr. Gamache noted the plans have been revised to address all known concerns and requested the Board close its public hearing. Mr. Bechtholdt suggested rather than close the hearing the Board should review with the Applicant/Engineer the draft conditions of approval prepared by the Planning office as instructed by the Planning Board.

Mr. Bechtholdt reviewed with the Planning Board and the Applicant/Engineer conditions of approval included in the draft. Rather than reviewing general conditions Mr. Bechtholdt reviewed conditions specific to the site development proposal (conditions 15–22); such as providing for a minimum queue of nine (9) vehicles and overflow stacking of three (3) addition cars for the drive-thru service lane.

Mr. Murray suggested a condition be added regarding directional signage “to be installed within the subject property as reviewed”. As part of the site development approval, the Owner/Applicant agreed to subsequent and secondary reviews of the Planning Board specific to the queuing of vehicles (drive-thru service lane) and the traffic circulation in and around the subject property. Mr. Gamache noted the Conservation Commission’s Order of Conditions included a similar provision.

Mr. Simas solicited further input from the Board members concerning any remaining issues. After seeking additional input from the public in attendance and having none the Planning Board, upon motion duly made (Murray) and seconded (Dobler) voted 4-0-1 [Key abstained] to close the public hearing.

Upon motion duly made (Murray) and seconded (Dolber) the Planning Board voted 4-0-1 [Key abstained] to approve with conditions site development plan as revised (through March 12, 2014) for a gas service station, Dunkin Donuts (donut/coffee shop) and convenience store as presented and reviewed by the Planning Board.

Conditions of Approval include: Owner/Applicant shall comply with all applicable laws, bylaws, rules, regulations, and codes and shall obtain all the necessary permits and approvals; including but not limited to blasting, water/sewer, street excavation, and/or access to public-way (curb cut), if so required; Planning Board approval shall be subject to conditions, if any imposed by the NORTHBRIDGE ZONING BOARD OF APPEALS; Planning Board approval shall be subject to conditions, if any imposed by the NORTHBRIDGE FIRE DEPARTMENT; including 527 CMR 5.00 and 527 CMR 9.00; Planning Board approval shall be subject to recommendations, if any suggested by the NORTHBRIDGE SAFETY COMMITTEE; Planning Board approval shall be subject to conditions, if any imposed by the NORTHBRIDGE CONSERVATION COMMISSION; Planning Board approval shall be subject to conditions, if any imposed by the WHITINSVILLE WATER COMPANY; Planning Board approval shall be subject to conditions, if any imposed by the NORTHBRIDGE BOARD OF SELECTMEN regarding the licensing of the underground storage tanks; A copy of this CERTIFICATE OF APPROVAL, endorsed SITE DEVELOPMENT PLAN and CONSERVATION COMMISSION Orders of Conditions shall be maintained onsite during construction. The Planning Board and/or its designee shall be permitted to access the subject project for the duration of the project; Changes to the site development either prior to or during construction shall be administered through the Planning Board in accordance with Section 173-49.1 H of the Northbridge Zoning By-Laws. Any amendments to this CERTIFICATE OF APPROVAL shall require a written description of the proposed modifications submitted to the Planning Board for review/approval. A significant alteration deemed by the Planning Board shall require the filing of a new site plan review; Any illumination, including security lighting shall be arranged so as to reflect away from abutting properties; lighting shall be directed in a manner to avoid glare onto adjacent properties and to limit the amount of light trespass onto the abutting properties; The site contactor shall work with the WHITINSVILLE WATER COMPANY and the DEPARTMENT OF PUBLIC WORKS to ensure that the water and sewer service lines are installed properly; Improvements to Arcade Street, North Main Street and Main Street including extending/replacing sidewalk, driveway aprons, curbing and repaving shall be done under the direction of the DEPARTMENT OF PUBLIC WORKS; Utility installation shall be permitted pursuant to the town's Road Opening Permit Rules & Regulations obtained from the DEPARTMENT OF PUBLIC WORKS; Signage associated with the site development shall comply with the Town of Northbridge Zoning Bylaws [Article VII –Signs]; As part of site development, Owner/Applicant agrees to incorporate stone veneer & decorative siding on the building façades as provided for and discussed during the site plan review; On-street parking shall not be permitted on Main Street, North Main Street or Arcade Street. Owner/Applicant shall install "No Parking Here to Corner" (or similar) signs on the easterly and westerly sides of Arcade Street. Such installation shall be done as directed by the DEPARTMENT OF PUBLIC WORKS; Directional signage shall be installed as shown and as approved on the site development plan; Turning-movements in and out of the site development shall be restricted as recommended by the NORTHBRIDGE SAFETY COMMITTEE and as shown on the plan; egress onto North Main Street shall be restricted to right-turn only; the curb cut on Main Street shall be entrance only (not an exit). Reference is made to Safety Committee meeting minute(s) of January 16, 2013 and January 15, 2014; As part of the CERTIFICATE OF APPROVAL (site development plan) the Planning Board authorizes three (3) curb cuts/driveways on Arcade Street as shown on the site development plan. All curb cuts for the site development shall include concrete

aprons as may required by the DEPARTMENT OF PUBLIC WORKS; The drive-thru service lane shall include stacking for a minimum of nine (9) vehicles; such queue shall also include overflow stacking for three (3) additional vehicles. Drive-thru service shall not block or conflict with vehicle traffic on the public ways; As part of site development, Owner/Applicant shall extend sidewalk along Arcade Street from current terminus through the corner of Arcade Street/Main Street. Vertical & sloped-granite curbing shall be installed along the westerly side of Arcade Street as directed by the DIRECTOR OF PUBLIC WORKS with Cape Cod berm installed along the easterly side of Arcade Street as required by the CONSERVATION COMMISSION; As part of this site development approval (CERTIFICATE OF APPROVAL), the Owner/Applicant hereby agrees to subsequent and secondary review(s) of the Planning Board specific to queuing of vehicles (drive-thru service lane) and traffic circulation in and around the subject property. If so determined by the Planning Board, the Owner/Applicant shall submit plan revisions and make physical alterations to the site entrances/exits determined to improve and promote safe pedestrian and vehicular travel on the public ways. Such alterations may include but not limited to increasing vehicle queuing (drive-thru service lane) and/or altering Arcade Street access/egress (curb cuts); Site development plan shall be prepared for Planning Board endorsement to include the following: Reference Planning Board Certificate of Approval, Reference Conservation Commission Orders of Conditions, Reference Zoning Board Special Permit(s), and Show required traffic queue for drive-thru service lane and overflow stacking; Landscaping/screening shall be provided pursuant to Section 173-27 F of the Town of Northbridge Zoning Bylaw. Site development shall provide appropriate screening (landscaping/fencing) to offer a visual buffer of the subject property and abutting residential properties. Owner/Applicant/Engineer shall provide the Planning Board with alternatives to proposed “honey locust” prior to planting; Erosion control measures to prevent siltation into wetlands, neighboring properties and roadways during construction shall be implemented. The Erosion Control plan and documentation submitted shall be implemented and followed during construction. During construction, if these plans are found to be inadequate by the Planning Board or its designee, a new erosion control plan shall be submitted to the Board for review and approval. In the event erosion and sedimentation problems arise during construction, the Planning Board may require that all work cease until measures necessary to ensure prevention are implemented; Outstanding invoices for services rendered by JH Engineering Group, LLC shall be satisfied prior to the ISSUANCE OF BUILDING PERMIT. The Owner/Applicant shall be responsible for satisfying payment of the Planning Board’s engineering through the duration of project completion; In order to secure the completion of the required landscaping as shown on the approved site development plan, the Owner/Applicant may post a PERFORMANCE BOND in an amount to be reasonably determined by the Planning Board and Owner/Applicant. Such bond shall be posted with the Town Treasurer and shall be released upon certification by the Planning Board that all required landscaping improvements associated with this Certificate of Approval have been satisfied. In the event any landscaping does not survive the Owner/Applicant shall be responsible for its replacement; within 60-days of notice from the Planning Board, unless not feasible or practical due to weather conditions. Failure to comply with this requirement shall result in a violation of this Certificate of Approval; Prior to the ISSUANCE OF OCCUPANCY invoicing for services rendered by JH Engineering Group, LLC shall be paid in full by the Owner/Applicant. Remaining funds, if any shall be returned to the Owner/Applicant; Prior to issuance of a BUILDING PERMIT the Applicant/Engineer shall submit the following to the Planning Board: five (5) complete prints of the endorsed Site Development Plan, two (2) fifty-percent (50%) reduced prints and one (1) electronic copy; Prior to the issuance of a CERTIFICATE OF OCCUPANCY the Applicant’s Engineer shall provide the Planning Board written certification/verification that drainage system has been

constructed as approved and working as designed. Said documentation shall be in the form of a letter signed/stamped by a PROFESSIONAL ENGINEER certifying and demonstrating that the drainage system has been constructed as approved and working as designed. Copy of same shall be provided to the BUILDING INSPECTOR, DEPARTMENT OF PUBLIC WORKS and the CONSERVATION COMMISSION; Prior to the issuance of a CERTIFICATE OF OCCUPANCY all conditions of approval noted herein and improvements described in the Site Development Plan shall be satisfied. Applicant/Engineer shall provide the Planning Board and BUILDING INSPECTOR with a letter describing status of the site improvements; Pursuant to Section 173-49.1 I (2) of the Northbridge Zoning Bylaw this site plan approval shall lapse in one (1) year, if a substantial use thereof has not commenced, except to good cause, which shall not include such time required to pursue or await the determination of an appeal; Violation of any condition(s) noted herein or failure to comply with this site plan development approval shall subject the Owner/Applicant to zoning enforcement action in accordance with the remedies set forth in M.G.L. c. 40A and as otherwise provided in the Northbridge bylaws. Based on its finding the Planning Board WAIVED the Development Impact Assessment, Section 173-49.1 E (2) (p) of the Northbridge Zoning By-Laws, specifically sub-section(s) [2] –Environmental Impact Assessment; [3] Fiscal Impact Assessment; & [4] Community Impact Assessment. As provided for in Section 173-49.1 E (3) of the Northbridge Zoning By-Law the Planning Board may waive any requirements if it believes that the requirement is not necessary based upon the size and scope of the project.

IV. LEONARDO ESTATES –CONT. PUBLIC HEARING

§222-9 Definitive Subdivision (603 Highland Street)

Mr. Simas read into the record letter dated March 11, 2014 from Andrews Survey & Engineering, Inc (on behalf of the Applicant), regarding a 90-day extension of the decision period and request to continue the public hearing to the next scheduled meeting.

Mr. Bechtholdt explained the period of decision of the Planning Board (135-days from date of filing definitive application) is provided for in the Subdivision Rules & Regulations and Mass General Law; Mr. Bechtholdt recommended granting the extension and suggested rather than continuing the meeting to the next scheduled meeting (March 25, 2014) as requested the Board continue the hearing to Tuesday, April 22, 2014 (7:05PM).

Upon motion duly made (Murray) and seconded (Dolber) the Planning Board voted (5-0) to GRANT a 90-day extension of the decision period pursuant to Section 222-9 H (4) [Planning Board action and written decision] of the Town of Northbridge Subdivision Rules & Regulations. In taking such action the time for Planning Board action for the Leonardo Estates Definitive Subdivision has been extended to Tuesday, July 16, 2014.

Upon separate motion duly made (Gaudette) and seconded (Murray) the Planning Board voted (5-0) to CONTINUE the public hearing for Leonardo Estates to Tuesday, April 22, 2014 (7:05 PM) to afford additional time for Applicant/Engineer to address comments and to allow additional opportunity for public review and comment.

V. REGISTERED MARIJUANA DISPENSARY -PUBLIC HEARING

Zoning Bylaw Amendment(s) §173-18.4 & §173-12

Mr. Simas read the public hearing notice: “In accordance with MGL CH 40A SEC 5, the Northbridge Planning Board will hold a public hearing on Tuesday, March 11, 2014 at 7:35 PM in the Board of Selectmen Room, Northbridge Memorial Town Hall, 7 Main Street, Whitinsville, MA to AMEND the Northridge Zoning Bylaws by (1) deleting in its entirety §173-18.4 [Temporary Moratorium on Medical Marijuana Treatment Centers] and replacing therewith §173-18.4 [Registered Marijuana Dispensary] and (2) adding Registered Marijuana Dispensary to §173-12 [Table of Use Regulations] to be permitted by Special Permit (Planning Board) within the Industrial-Two (I-2) Zoning District. A copy of the proposed zoning amendment article is on file at the Office of the Town Clerk (7 Main Street –Town Hall) and with the Community Planning & Development Office (14 Hill Street –Town Hall Annex) 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 the legal advertisement and public notification requirements had been satisfied. Upon motion duly made (Murray) and seconded (Dolber) the Planning Board voted (5-0) to open the Public Hearing.

Mr. Bechtholdt reviewed with the Planning Board the two (2) zoning amendment articles for Registered Marijuana Dispensary, which is to be considered at the 2014 Spring Annual Town Meeting. Mr. Bechtholdt explained the first article is two-fold: first to delete in its entirety the zoning provision for Temporary Moratorium on Medical Marijuana Treatment Centers (Section 173-18.4) and to replace with a new zoning provision entitled Registered Marijuana Dispensary (RMD) for Section 173-18.4. The second zoning amendment article is to add RMDs to the Table of Use Regulations (Section 173-12) to be allowed by Special Permit of the Planning Board within the Industrial-Two (I-2) Zoning District.

Mr. Bechtholdt reminded the Planning Board when the town adopted the temporary zoning moratorium (May 2013) the Department of Public Health (DPH) had not yet finalized the state regulations; the Northbridge zoning moratorium was approved by the Attorney General to provide the town with additional time to review the newly enacted state law and the DPH regulations (105 CMR 725.000) and an opportunity to undertake a planning process to review local zoning to address the potential impacts of medical marijuana in town. Mr. Bechtholdt explained since adoption of the zoning moratorium he has held multiple meetings with the Board of Health Administrator, Police Chief, Building Inspector and Town Manager to review and draft zoning provisions for the potential siting of RMDs in Northbridge.

Mr. Bechtholdt explained to the Board that towns cannot outright prohibit the use; suggesting absent a zoning provision specific to RMDs one could be located within any non-residentially zoned property presumably by-right. Mr. Bechtholdt reviewed with the Planning Board the proposed sub-sections of the draft provision entitled Registered Marijuana Dispensary, which includes: Purpose (regulate and safeguard siting within Northbridge); Defines Registered Marijuana Dispensary; Siting requirements (I-2 Zone, 500-feet from a school, library, playground, church, etc); establishes lots size and setback requirements; and Procedures for Special Permit Granting Authority (Planning Board).

Mr. Bechtholdt noted the proposed zoning article was modeled after a draft prepared by Town Counsel (Kopelman & Paige). In describing the RMD use Mr. Bechtholdt added that a RMD may be solely a distribution facility but can also be a growing and manufacturing facility; more than just dispensing drugs like a CVS or other pharmacy. Mr. Bechtholdt reviewed with the Board potential zoning districts, noting the Police Chief felt strongly about not permitting RMDs within existing mills (zoned Industrial-One); given the potential manufactory (edibles, oils, etc), cultivation and other characteristics of a Registered Marijuana Dispensary the Industrial-Two Zoning District was determined to be the most appropriate for siting (not residential or business zones).

The zoning amendment articles specific to RMDs reads as follows:

REGISTERED MARIJUANA DISPENSARY

§173-18.4 Registered Marijuana Dispensary

A. Purpose

(1) To provide for the placement of Registered Marijuana Dispensaries (RMD), in accordance with the Humanitarian Medical Use of Marijuana Act, G.L. c.94C, App. §1-1, et seq., in locations suitable for lawful medical marijuana facilities and to minimize adverse impacts of RMDs on adjacent properties, residential neighborhoods, historic districts, schools, playgrounds and other locations where minors congregate by regulating the siting, design, placement and security of RMDs within the Town of Northridge.

B. Definitions

(1) Where not expressly defined in the Zoning Bylaw, terms used in this section shall be interpreted as defined in the Humanitarian Medical Use of Marijuana Act, G.L. c.94C, App. §1-1, et seq. and the Department of Public Health Regulations promulgated thereunder, 105 CMR 725.001, et seq., and otherwise by their plain language.

a. REGISTERED MARIJUANA DISPENSARY: also known as a Medical Marijuana Treatment Center, means a not-for-profit entity registered under 105 CMR 725.100, that acquires, cultivates, possesses, processes (including development of related products such as edible marijuana-infused products (“MIPs”), tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers. Unless otherwise specified, RMD refers to the site(s) of dispensing, cultivation, and preparation of marijuana.

C. Location

(1) RMDs may be permitted by Special Permit within the Industrial-Two (I-2) Zoning District of the Town of Northbridge.

(2) RMDs may not be located within 500-feet of the following:

- a. School, including a public or private elementary, vocational, or secondary school or a public or private college, junior college, or university;
- b. Child Care Facility;
- c. Library;
- d. Playground;
- e. Public Park;
- f. Youth center; or
- g. House of Worship

(3) The distance under this section is measured in a straight line from the nearest point of the property line of the protected uses identified in Subsection C (2) to the nearest point of the property line of the proposed RMD.

(4) The distance requirement may be reduced by twenty-five percent or less, but only if: a. The applicant demonstrates that the RMD would otherwise be effectively prohibited within the Town; b. The applicant demonstrates that the RMD will employ adequate security measures to prevent diversion of medical marijuana to minors who are not qualifying patients pursuant to 105 CMR 725.004. (5) RMDs shall have a minimum lot size of 40,000 square-feet with a minimum frontage of 150-feet. Structures shall be set back a minimum of 50-feet (front), 50-feet (side) and 50-feet (rear); where RMD sites abut a Residential Zoning District the rear and side setbacks shall be 100-feet.

D. Procedure

(1) The Planning Board shall be the Special Permit Granting Authority (SPGA) for a RMD special permit.

(2) In addition to the materials to be submitted required under Section 173-49.1 [Site Plan Review by Planning Board] of the Zoning Bylaw, the applicant shall provide the following:

- a. A copy of its registration as an RMD from the Massachusetts Department of Public Health (“DPH”);
- b. A detailed floor plan of the premises of the proposed RMD that identifies the square footage available and describes the functional areas of the RMD, including areas for any preparation of MIPs;
- c. A detailed site plan that includes the following information:
 - i. Compliance with the requirements for parking and loading spaces, for lot size, frontage, yards and heights and coverage of buildings, and all other provisions of this Bylaw;
 - ii. Convenience and safety of vehicular and pedestrian movement on the site and for the location of driveway openings in relation to street traffic;

- iii. Convenience and safety of vehicular and pedestrian movement off the site, if vehicular and pedestrian traffic off-site can reasonably be expected to be substantially affected by on-site changes;
 - iv. Adequacy as to the arrangement and the number of parking and loading spaces in relation to the proposed use of the premises, including designated parking for home delivery vehicle(s), as applicable;
 - v. Design and appearance of proposed buildings, structures, freestanding signs, screening and landscaping; and
 - vi. Adequacy of water supply, surface and subsurface drainage and light.
- d. A description of the security measures, including employee security policies, approved by DPH for the RMD;
 - e. A copy of the emergency procedures approved by DPH for the RMD;
 - f. A copy of the policies and procedures for patient or personal caregiver home-delivery approved by DPH for the RMD;
 - g. A copy of the policies and procedures for the transfer, acquisition, or sale of marijuana between RMDs approved by DPH;
 - h. A copy of proposed waste disposal procedures; and
 - i. A description of any waivers from DPH regulations issued for the RMD.

(3) The SPGA shall refer copies of the application to the Building Department, Fire Department, Police Department, Board of Health, the Conservation Commission, the Highway Department, Board of Water Commissioners (Board of Selectmen), and the Planning Board. These boards/departments shall review the application and shall submit their written recommendations. Failure to make recommendations within 35 days of referral of the application shall be deemed lack of opposition.

(4) After notice and public hearing and consideration of application materials, consultant reviews, public comments, and the recommendations of other Town boards and departments, the SPGA may act upon such a special permit application.

E. Special Permit Conditions on RMDs

(1) The SPGA shall impose conditions reasonably appropriate to improve site design, traffic flow, public safety, protect water quality, air quality, and significant environmental resources, preserve the character of the surrounding area and otherwise serve the purposes of this section. In addition to any specific conditions applicable to the applicant's RMD, the SPGA shall include the following conditions in any special permit granted under this Bylaw:

- a. Hours of Operation, including dispatch of home deliveries.
- b. The permit holder shall file a copy of any Incident Report required under 105 CMR 725.110(F) with the Building Inspector, local Law Enforcement, Board of Health and the SPGA within 24 hours of creation by the RMD. Such reports may be redacted as necessary to comply with any applicable state or federal laws and regulations.

- c. The permit holder shall file a copy of any summary cease and desist order, quarantine order, summary suspension order, order limiting sales, notice of a hearing, or final action issued by DPH or the Division of Administrative Law Appeals, as applicable, regarding the RMD with the Building Inspector and SPGA within 48 hours of receipt by the RMD.
- d. The permit holder shall provide to the Building Inspector and Chief of the Police Department, the name, telephone number and electronic mail address of a contact person in the event that such person needs to be contacted after regular business hours to address an urgent issue. Such contact information shall be kept updated by the permit holder.
- e. The special permit shall lapse within five years of its issuance. If the permit holder wishes to renew the special permit, an application to renew the special permit must be submitted at least 120 days prior to the expiration of the special permit.
- f. The special permit shall be limited to the current applicant and shall lapse if the permit holder ceases operating the RMD.
- g. The special permit shall lapse upon the expiration or termination of the applicant's registration by DPH.
- h. The permit holder shall notify the Building Inspector and SPGA in writing within 48 hours of the cessation of operation of the RMD or the expiration or termination of the permit holder's registration with DPH.

F. Exemption from RMD Special Permit Requirement:

- (1) RMDs that demonstrate that they are protected pursuant to the agricultural exemption under G.L. c.40A, §3 are not required to obtain a special permit, but shall apply for Site Plan Approval pursuant to Section 173-49.1 of the Zoning Bylaw.

G. Prohibition Against Nuisances:

- (1) No RMD use shall be allowed which creates a nuisance to abutters or to the surrounding area, or which creates any hazard, including but not limited to, fire, explosion, fumes, gas, smoke, odors, obnoxious dust, vapors, offensive noise or vibration, flashes, glare, objectionable effluent or electrical interference, which may impair the normal use and peaceful enjoyment of any property, structure or dwelling in the area.

H. Severability

- (1) The provisions of this Bylaw are severable. If any provision, paragraph, sentence, or clause of this Bylaw or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Bylaw.

Mr. Bechtholdt noted certain safeguards and buffers have been included in the draft provision; limiting RMDs to be located a minimum of 500-feet from a school, library, child care facility, playground or church (etc). The zoning amendment also includes lot size and dimensional requirements for RMDs which will be allowed by special permit of the Planning Board. Mr. Bechtholdt indicated creation of a special overlay district was considered initially however based up the fact Northbridge has a multiple-

zone industrial (I-1 & I-2) the I-2 zoning district was determined to be the most suitable for the siting of RMDs. Mr. Bechtholdt mentioned after establishing the draft (regulations & buffers) it was important to review potential locations in town to make sure an RMD could in fact site a facility if applied; did not want to make bylaw too restrictive and risk potential annulment of the zoning provisions (also includes a severability section). Mr. Bechtholdt reviewed with the Planning Board areas in town zoned Industrial-Two; Valley Parkway/Route 146 and property along Providence Road/Route 122 (excerpt of zoning map provided).

Mr. Bechtholdt provided the Planning Board with Community Planning & Development memorandum dated March 10, 2014 which included a working draft of the bylaw provision reviewed by Town Counsel. Mr. Simas asked for clarification on the proposed setbacks, consistency with other uses. Mr. Bechtholdt noted setbacks proposed to be increased when RMD abuts a residential zone. Mr. Murray noted the Board may need to determine when the special permit may lapse; 3 or 5 years. Mr. Bechtholdt indicated he is not sure how the Office of the Attorney General (AG) will review this section (subsection F -Special Permit Conditions of RMDs) suggesting the Board set a 5-year period, noting if the AG determines this section to be stricken the Severability provision in the bylaw would allow the zoning provision to remain absent any subsections the AG's office deems illegal or excessive.

Mr. Murray inquired about the 500-foot restriction for RMDs (proposed) versus a one-thousand foot drug-free zone from schools; Mr. Bechtholdt suggested he would talk with Town Counsel, however was not sure if the two related; Mr. Murray agreed but was curious to find out. Mr. Simas did not feel that the RMD zoning provision would be in conflict.

Mr. Bechtholdt provided the Planning Board with copies of communications from the Police Chief and Building Inspector recommending their support of the zoning provision articles for Registered Marijuana Dispensary. Mr. Bechtholdt noted it was his understanding that the Board of Health will also provide its support and will likely look to adopt general town code provisions for medical marijuana later this spring.

Mr. Simas solicited additional input from the Planning Board members concerning any remaining issues. Mr. Key inquired about the potential for an agricultural exemption; Mr. Bechtholdt suggested the question is likely being considered by the state currently; adding the draft bylaw already includes a provision in the event the state recognizes certain RMDs as exempt in the future (at this point an unknown). Mr. Key felt the draft zoning bylaw was well written and comprehensive; Ms. Gaudette and other members agreed.

Mr. Bechtholdt explained to the Planning Board that the second zoning amendment article is a companion article to the Registered Marijuana Dispensary provision; the amendment would add RMDs to the Table of Use Regulations to be allowed in the Industrial-Two Zoning District by Special Permit.

USE	Zoning District											
Wholesale and Manufacturing:	R-1	R-2	R-3	R-4	R-5	R-6	B-1	B-2	B-3	I-1	I-2	H
Mining and quarrying	--	--	--	--	--	--	--	--	--	S	S	--
Construction activities or suppliers	--	--	--	--	--	--	--	--	--	S	S	--
Manufacturing and light industries	--	--	--	--	--	--	S	S	--	P	P	--
Railroad and railway express service	--	--	--	--	--	--	S	S	--	P	P	--
Trucking service and warehousing	--	--	--	--	--	--	--	S	--	P	P	--
Other transportation services (taxicabs)	--	--	--	--	--	--	--	S	--	P	P	--
Wholesale trade	--	--	--	--	--	--	--	S	S	P	P	--
“Registered Marijuana Dispensary”	--	--	--	--	--	--	--	--	--	--	S	--

After seeking input from the public; having none the Planning Board, upon motion duly made (Gaudette) and seconded (Dobler) voted 5-0 to close the public hearing.

Upon motion duly made (Murray) and seconded (Key) the Planning Board voted unanimously (5-0) to RECOMMEND Article #18; zoning amendment to (1) delete in its entirety Section 173-18.4 [Temporary Moratorium on Medical Marijuana Treatment Centers] of the Town of Northbridge Zoning Bylaw and (2) replace therewith a new Section 173-18.4 entitled “Registered Marijuana Dispensary” (subject to final cursory review and minor tweaking, if any by Town Counsel).

Upon motion duly made (Murray) and seconded (Key) the Planning Board voted unanimously (5-0) to RECOMMEND Article #19; zoning amendment to add “Registered Marijuana Dispensary” to the Table of Use Regulations (Section 173-12) of the Northbridge Zoning Bylaw; to be permitted by Special Permit in the Industrial-Two (I-2) Zoning District.

Mr. Bechtholdt indicated he would prepare the Planning Board recommendations as soon as possible and will provide copies of same to the Board of Selectmen and Finance Committee; Mr. Bechtholdt will confirm with the Town Manager upcoming meeting dates of the Selectmen and Finance Committee. The Planning Board shall provide its report & recommendation at the Spring Annual Town Meeting scheduled for Tuesday, May 06, 2014.

OLD/NEW BUSINESS

Approval of Meeting Minutes –February 11, 2014 & February 25, 2014

Mr. Murray reviewed with the Planning Board minor changes to the (draft) meeting minutes of February 11, 2014. *Upon motion duly made (Dolber) and seconded (Murray) the Planning Board voted 5-0 to*

ACCEPT the minutes of February 11, 2014. Upon motion duly made (Murray) and seconded (Dolber) the Planning Board voted 3-0-2 [Simas & Gaudette abstained] to ACCEPT the minutes of February 25, 2014.

Open Space & Recreation Plan Public Workshop –Tuesday, April 08, 2014

Point of information –no discussion

2014 Spring Annual Town Meeting –Tuesday, May 06, 2014 (7:00 PM)

Point of information –no discussion

Proposed Ground Mounted Solar Facility –Vote to Engage Engineering Services

Mr. Bechtholdt noted hearing date for the ground-mounted solar application is scheduled for March 25, 2014 (7:35 PM); Mr. Key will likely not be able to attend meeting. Upon motion duly made (Murray) and seconded (Dolber) 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 noted site development proposal. The purpose of JH Engineering Group, LLC services will be to provide the Northbridge Planning Board with an independent assessment/review of the proposed Solar Electric Generating Facility proposed to be located at 25 Oakhurst Road (Sutton, MA) /Lasell Road (Northbridge, MA); specific to stormwater management & erosion controls pursuant to state/local bylaw regulations. 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.

Camelot (Phase I) Performance Bond –Status/Update

Mr. Bechtholdt mentioned shortly after the Planning Board voted to revise Phase 1 he spoke with Randy Swigor from the Whitinsville Water Company to update him on the changes to the phasing of the lot development within the Camelot subdivision; Board's decision to allow the completion of Joseph Circle before looping the waterline through to Hillcrest Road. Mr. Bechtholdt indicated the concern from the water company is not specific to water pressure however if the loop is not completed within the near future (next year or two) there is the potential for water quality issues (reference to email communication received January 30, 2014). Mr. Bechtholdt suggested concerns such as this should reinforce the need for this Board to draw a line in the sand and hold the developer (Joe Marinella) to complete the project as currently approved (no additional changes to the phasing). Mr. Bechtholdt felt the Board has been too willing to allow the developer to deviate from the approved phasing. Mr. Simas note the Board has permitted lot development through Joseph Circle cul-de-sac and the next phase would be the extension of the roadway to Hillcrest Road; Ms. Gaudette did not recall supporting Joseph Circle rephrasing. Mr. Simas and Ms. Gaudette agreed with the Town Planner about holding the developer to the current phasing as revised.

Linwood Mill (Pedestrian Crosswalks) –Status/Update

Mr. Bechtholdt reminded the Board he is still awaiting input from the Department of Public Works; he will look to the DPW Director to provide an update at the next Safety Committee meeting scheduled for March 19, 2014. Mr. Bechtholdt added that he has not received anything from the Highway Superintendent who was to provide the Board with some information as to why a pedestrian crosswalk could not be located in front of the Linwood Mill. Mr. Murray asked if EA Fish Development was planning on attending the Safety Committee meeting; Mr. Bechtholdt suggested he did not contact them as he would like to hear from the DPW first and does not want their presence (EA Fish) to create

an opportunity for DPW to complicate and confuse things; Mr. Simas agreed and expressed some frustration with DPW, noting the need for DPW to straighten things out first.

Hemlock Estates –Streetlights Status/Update

Mr. Bechtholdt informed the Board that he spoke with the Whitesville Water Company last month regarding concerns of the developer doing work (installation of water service lines) without notifying the water company; Mr. Bechtholdt noted he also was not aware that the developer was working in the next phase of Hemlock Estates (continued lack of coordination). The water company was concerned with the condition of the fill material (frozen soil, large rocks, etc) and issued a stop order. Mr. Bechtholdt explained that he arranged for and hosted a construction meeting with the developer (Joe Marinella); representatives from the water company, DPW Director, Sewer Superintendent, Jeff Howland (JH Engineering Group, the Board's consultant and George Murray all attended. Mr. Marinella was to conduct a site inspection with representatives from the water company and will also coordinate a walk-through with Mr. Howland in the upcoming weeks. Mr. Marinella will also provide the Planning Board with an updated construction schedule and look to address long outstanding issues specific to the sewer pump stations. Mr. Bechtholdt explained he is still looking to the developer to address the streetlight issues. Mr. Bechtholdt also noted prior to lot development within the next construction phase the developer is required to loop the waterline. Mr. Bechtholdt briefly reviewed with the Planning Board that the developer had proposed to loop the service via Adams Circle (Presidential Farms) rather than through to Smith/Gendron Street. Mr. Bechtholdt reminded Mr. Marinella of this requirement to loop the waterline prior to any additional lot release. Mr. Bechtholdt suggested if the developer does not loop the water line the lot development should end where it is. Mr. Bechtholdt also noted improvements to Smith and Gendron Street may also be required prior to the next phase. Mr. Bechtholdt will provide a copy of the Planning Board Certificate of Approval and construction changes once the developer provides the updated construction schedule. In regards to streetlights, Mr. Murray indicated that it was his understanding the developer did not install temporary service as he indicated when he spoke with the Town Planner (installed permanent lines); Mr. Murray suggested there are other factors that have delayed the activation of the streetlights. Mr. Bechtholdt proposed the Board make arrangements for the developer (J&F Marinella Dev) to attend an upcoming meeting to review with the Planning Board the status of this development (and others) and progress on long outstanding issues; Board members agreed.

Planning Board Initiatives –Discussion

Mr. Murray mentioned that it was his understanding the state may have recently passed a bill to allow for impact fees; Mr. Bechtholdt indicated he was not aware; suggested as part of the new Casino Bill perhaps this came to light. Mr. Murray would like the town look into for local adoption. Mr. Bechtholdt offered to look into it with Mr. Murray's assistance.

Farnum Circle (MGL CH 41 SEC 81W)

Mr. Bechtholdt suggested for the next scheduled meeting he will provide the Board with copies of the Planning Board decisions concerning waivers granted; during that meeting the Planning Board should review and create a list of additional waivers, if any to be considered during a public hearing for the modification. Mr. Murray asked if the JH Engineering construction estimate could also be provided.

Green Meadow Court –Status

Tabled –no discussion (place holder)

Mail –Review

In addition to the mail listed (see attached) the Planning Board noted receipt of the following communications: Draft agendas for March 18, 2014, March 25, 2014 and April 1, 2014; Draft Certificate of Approval for 4 & 16 North Main Street; Email dated February 27, 2014 to Town Planner and Planning Board Chair from Andrews Engineering regarding Leonardo Estates review extension; Memo dated February 27, 2014 to Planning Board from Conservation Commission regarding Leonardo Estates status of review; Email dated February 14, 2014 to Town Planner from DPW Director concerning Leonardo Estates DPW Comments; Memo dated January 23, 2014 to DPW Director and cc: Planning Board from Town Planner regarding Leonardo Estates subdivision review comments; Public Hearing Notice for Amending Zoning Bylaws by deleting in its entirety the temporary moratorium on Medical Marijuana Treatments Centers and replacing therewith the Registered Marijuana Dispensary and adding Registered Marijuana Dispensary to the Table of Use Regulations to be permitted by Special Permit (Planning Board) within the Industrial Two (I-2) Zoning District; Letter dated February 12, 2014 to Town Clerk from Town Planner concerning the 2014 Spring Annual Town Meeting Zoning Amendment Article(s) – Registered Marijuana Dispensary; Northbridge Zoning Map; Memo dated February 18, 2014 to Kopelman & Paige from Town Planner concerning Registered Marijuana Dispensary Zoning Amendment Article(s); Draft wording for Zoning Registered Marijuana Dispensary bylaw; Map(s) showing the I-2 Zones in Northbridge; Draft minutes of February 11, 2014; Draft minutes of February 25, 2014; Zoning bylaw for Large Scale Solar Photovoltaic Installations; Email dated January 30, 2014 to Town Planner and Planning Board Chair from Whitinsville Water Company regarding the Camelot subdivision proposed phasing revision(s); Email dated February 20, 2014 to Planning Board and Planning Administrative Assistant with a cc: to DPW Director and DPW Superintendent from Town Planner regarding the Linwood Avenue pedestrian crosswalk; Email dated February 27, 2014 to Town Planner with cc: to J & F Marinella, Planning Board, and Planning Administrative Assistant from DPW Director concerning Hemlock Estates streetlights; Letter dated March 4, 2014 to Planning Board and Town Planner from Hillside Garden Estates LLC concerning Hillside Garden Estates evaluation of the road completion for Deane Way; Email dated March 4, 2014 to Hillside Garden Estates LLC from Town Planner regarding JH Engineering road evaluation; Email dated March 4, 2014 to JH Engineering from Town Planner concerning Hillside Garden Estates Answer to JH Engineering's report; Email dated March 4, 2014 to Hillside Garden Estates LLC from Town Planner concerning JH Engineering Road Evaluation; Letter dated February 24, 2014 to Kopelman & Paige from Town Planner concerning Subdivision street acceptance with stone wall within the right-of-way; Document dated February 26, 2014 announcing the Patrick Administration Downtown Revitalization Grants; Memo dated March 3, 2014 to Board of Selectmen with cc: to CMMPO Advisory Committee, Neighboring MPOs, CMRPC Delegates and Alternates, Central MA Transportation Planning Committee, WRTA Advisory Board, Community Engineers & Planners, DPW/Highway Superintendents, Area Legislators, Regional Stakeholders, and All Interested Parties from CMRPC Transportation staff regarding the annual development of the 2015 to 2018 TIP Project Listing; Planning Board 2014 Meeting Schedule; and Open Space & Recreation Plan Update Committee Agenda.

Other

Mr. Bechtholdt mentioned that he was contacted by John Barges, the developer for Hillside Garden Estates regarding the need to receive verification from the town (for National Grid) indicating the town

will assume responsibility of the streetlights once the roadway was accepted; Mr. Bechtholdt indicated he instructed the developer to contact the DPW. Mr. Bechtholdt also updated the Board on the status of reducing the performance bond and updating the construction estimate (eliminate the walking trail and terminating sidewalk at bulb of cul-de-sac not around it). Mr. Bechtholdt noted he has not received a response from Town Counsel regarding the inquiry concerning location of a stone wall within the right-of-way of an unaccepted subdivision roadway (reference to Community Planning & Development letter dated February 24, 2014); once received will include on future agenda for review. Mr. Bechtholdt informed the Planning Board that he learned Northbridge did not receive the technical assistance grant through the Massachusetts Downtown Initiative; Mr. Bechtholdt felt application was very strong and worthy of selection. Mr. Bechtholdt provided the Board with a copy of a press release from the DHCD webpage, noting Maynard had received a similar grant in 2009; Reading received the same technical assistance grant in 2012, whereas in the past Beverly received the grant in 2011 & 2013. Board members agreed that Northbridge's application was strong and questioned if we should include letters of support. Mr. Bechtholdt announced CMMPO is meeting on Wednesday March 12, 2014 for the Transportation Improvement Program. Mr. Bechtholdt also noted receipt of CMRPC assessment for FY2015 (\$3,975) more than half of the Planning office's operating budget.

Adjournment

Having no additional business the Planning Board adjourned its meeting of Tuesday, March 11, 2014 at or about 8:35 PM.

Respectfully submitted,

Approved by Planning Board –

R. Gary Bechtholdt II
Town Planner

Cc: Town Clerk