**TOWN OF NORTHBRIDGE**

**ZONING BOARD OF APPEALS**

**Aldrich School Town Hall Annex**

**14 Hill Street**

**Whitinsville, MA 01588**

**(508) 234- 0821**

 Approved on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**ZONING BOARD OF APPEALS**

**MINUTES OF MEETING**

**SEPTEMBER 14, 2023**

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This meeting was called to order at 7:00 P.M. by Chairman Robert Anderson. Other members present were: Randy Kibbe, Cindy Donati, David Potty, Damian F. Planas Merced & Brian Bradley Associate Member.

Also present was Jane Colonna, Administrative Assistant.

***A motion was made by Robert Anderson to approve the minutes of June 8, 2023 meeting. The motion was seconded by Cindy Donati and the vote was 6 – 0 in favor.***

**PUBLIC HEARING: (08-V-2023) Edward K Renaud Jr., Applicant**

**PUBLIC HEARING: (09-SP-2023) Edward K Renaud Jr., Applicant**

Robert Anderson opened both Public Hearings at 7:05 P.M. and motioned to wave the reading of the public hearing notice. Motion carried 5 – 0 in favor. Cindy Donati made a motion to postpone both Public Hearings and to reschedule to the October 12, 2023 Zoning Board Meeting at 7:05 & 7:15 respectively. The postponement was required due to the tardiness of the Notifications sent to the certified abutters. The motion was seconded by Randy Kibbe and the vote was 5 – 0 in favor.

**PUBLIC HEARING: (06-SP-2023) TJJ Development Corp, LLC**

Robert Anderson opened the Public Hearing and motioned to waive the reading of the public hearing notice. Motion carried 5 – 0 in favor. Assigned to the hearing were Randy Kibbe, Cindy Donati, David Potty, Damian F Planas Merced and Robert Anderson

Robert Lussier, EIT Project Engineer of CMG Engineering Services spoke on behalf of James Berkowitz of TJJ Development Corporation, LLC.

 (1)

Mr. Lussier provided a summary of the proposed site improvements on Douglas Road as depicted on the plans presented by CMG Engineering & Environmental Services entitled:

PROPOSED CONTRACTOR YARD – DOUGLAS ROAD, MAP 3, PARCELS 115,116,117,118 – WHITINSVILLE, MA 01588. Dated May 26, 2023.

The proposed improvements include three (3) metal buildings, paved storage areas (2) and associated paved parking, grading, utilities, and storm water management.

Mr. Lussier noted that this plan is being filed as a major modification of a plan that was previously granted a Special Permit from the Board dated November 11, 2021 (File # 18-SP-21).

The Board noted that as per Mass General Law, no special permit shall take effect until such time that a copy of the decision along with the Town Clerk’s Certifications are recorded at the Registry of Deeds, under the name of the owner of record. A copy of this decision has not been recorded to date, thus making the 18-SP-21 decision not valid. The applicant (James Berkowitz) stated that he would investigate this matter further.

Mr. Lussier also represented that there was an additional previously granted Special Permit dated August 23, 2022 (File # 06-SP-22), that has been officially withdrawn. The Board noted that decision had not been recorded at the Registry of Deeds either.

The Board expressed concerns with the fact that the Town of Northbridge is the benefactor of an approximate 2.7 acre drainage easement located on Assessors Parcel #118, in the middle of the proposed development. Mr. Lussier and Mr. Berkowitz explained that they were in the process of working with Town officials, attempting to rectify this situation.

***Cindy Donati made a motion to continue the Public Hearing until such time that the applicant can elicit from the Northbridge Town Council, at their own expense, satisfactory evidence that the easement issue has been resolved. At that time the Public Hearing will be continued upon the next regularly scheduled meeting.***

***The motion was seconded by David Potty, the vote was 5 – 0 in favor of continuance.***

 **PUBLIC HEARING: (07-SP-2023) TJJ Development Corp, LLC**

Robert Anderson opened the Public Hearing and motioned to waive the reading of the public hearing notice. Motion carried 5 – 0 in favor. Assigned to the hearing were Randy Kibbe, Cindy Donati, David Potty, Damian F Planas Merced and Robert Anderson

This Special Permit Application is for the same development as (06-SP-2023) but limited in scope to the proposed filling and compensatory storage taking place within the limits of the Floodway and Floodplain Overlay Districts.

(2)

Robert Lussier, EIT Project Engineer of CMG Engineering Services spoke on behalf of James Berkowitz of TJJ Development Corporation, LLC. and presented the plan by CMG Engineering & Environmental Services entitled:

PROPOSED CONTRACTOR YARD – DOUGLAS ROAD, MAP 3, PARCELS 115,116,117,118 – WHITINSVILLE, MA 01588. Dated May 26, 2023.

Mr. Lussier stated that they are proposing construction within the limits of the mapped FEMA Flood Zone AE to accommodate one of the proposed metal buildings. As a result of the filling proposed, they are required to provide additional compensatory storage on site. Mr. Lussier stated that the current proposal falls a bit short of the DEP’s desired goal of 1.5 to 1.0 cut to fill ratio, but he will continue to work to achieve that goal.

Due to the Boards ongoing concern regarding the legality of the proposed work within the Town owned drainage easement. The Board felt a continuance of this hearing was required.

***Cindy Donati made a motion to continue the Public Hearing until such time that the applicant can elicit from the Northbridge Town Council, at their own expense, satisfactory evidence that the easement issue has been resolved. At that time the Public Hearing will be continued upon the next regularly scheduled meeting.***

***The motion was seconded by David Potty, the vote was 5 – 0 in favor of continuance.***

(3)