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Town of North Reading
Massachusetts

Community Planning

MINUTES

Tuesday, January 6, 2015

Mr. Daniel Mills, Chairperson called the Tuesday, January 6, 2015 meeting of the Community Planning Commission to order at 7:33p.m. in Room 14 of the North Reading Town Hall, 235 North Street, North Reading, MA.

MEMBERS

PRESENT: Daniel Mills, Chairperson
Christopher B. Hayden, Vice Chairperson
Patricia Romeo, Clerk
Warren Pearce
William Bellavance

STAFF

PRESENT: Danielle McKnight, Planning Administrator
Debra Savarese, Administrative Assistant

Mr. Mills informed all present that the meeting is being recorded.

Mrs. Romeo arrived at 7:33pm.

Minutes

Mr. Hayden moved, seconded by Mr. Pearce and voted 5-0:

that the Community Planning Commission vote to accept the minutes of December 2, 2014 as amended.

Pluff Avenue (discussion)

Michael Kushakji of 1 Fairway Road stated that he is concerned with the current neighborhood that he resides at being commercially zoned and would like to initiate a petition to rezone the area to residential.

Seth Pasakarnis of 7 Fairway Road stated that this has come about because he and the residents believe that the area was commercially zoned because of Main Street and they recently discovered that their homes are also commercially zoned.

Mrs. McKnight stated that the purpose for this discussion is to discuss the process of rezoning; she already discussed this with Michael Kushakji. The reason for this discussion is to gauge whether there is any support from the commission; if there is, then she would advise the residents to pursue the petition with the commission initiating it for Town Meeting.

Mr. Pearce stated that the homes are zoned commercial because the developer built the homes under a 40B plan. He does not believe that this would allow someone to put a commercial business on one of these properties.

Mr. Mills stated that a 40B allows a developer to bypass the Town's bylaws.

Michael Kushakji asked if an existing commercial business wanted to expand to the adjacent property, they would not be allowed to do so.

Mr. Mills stated that Fairway Road was developed under the 40B, not Pluff Avenue.

Mr. Hayden stated that the homes on Pluff Avenue were rezoned in 1968 to commercial. This allowed the property owners to sell their home as commercial, which could be beneficial to them.

Seth Paskarnis stated that there is a home on Pluff Avenue that was built as part of the 40B.

Mr. Hayden stated that if the Town keeps rezoning commercial property to residential, there will be no commercial in the Town. He does not believe that someone could raze a residential home and place a commercial building on the developed 40B property, unless they make a deal to replicate a 40B home somewhere else in the Town.

Mr. Pearce stated that he does not think that they can touch the property at all.

Seth Paskarnis stated that there is currently a home at the corner of Pluff Avenue and Main Street that is running as a commercial business and they are concerned that the adjacent property will be sold to this business for expansion.

Mr. Hayden stated that the issue is if the Town keeps allowing commercial property to be changed to residential, there will be no commercial for the Town.

Mr. Pearce stated that what was done was called a new form of depth zoning. The attempt was to allow for a commercial entity to have enough space to be productive for the Town. The Town is already so heavily residential that it affects the tax base. He does not think that it would be a good idea for the Town to give up commercial property.

Jean Kirby of 5 Pluff Avenue stated that her property is adjacent to the Dunkin Donuts and she is concerned that the commercial businesses will be allowed to move into this area, creating more commercial than residential.

Mr. Hayden asked the residents if they checked the zoning for their homes before they purchased them. He assumes that they did not, because this happens a lot.

Michael Kushakji stated that they have a majority of the residents ready to sign a petition to rezone. He understands that they moved there and thought that it was a great neighborhood and they do not want it to change.

Mr. Pearce stated that the residents have every right to do a petition. He would suggest that they try to find out how much support they would get from the Town. They may find that they are already protected by the 40B.

Mr. Mills stated that this is one of negatives/disadvantages of a 40B – housing development often takes place in inappropriate places.

Seth Paskarnis stated that the business at the corner of Pluff Avenue and Main Street is not appropriate for the neighborhood. The business is constantly blocking Pluff Avenue with trucks and the residents are unable to get to their homes.

Mr. Mills stated that the business could be in violation and they should definitely not be blocking the road. He will have Mrs. McKnight speak to the building inspector to find out if there are any outstanding violations.

Mr. Hayden stated that this business should not be blocking the access.

Seth Paskarnis stated that they did think that rezoning would possibly solve this problem, but it seem that there may be another way to do this and they are receptive to any possible suggestions that the commission may have.

Mr. Pearce stated that zoning cannot be used to take away the rights of a property owner.

Paul Cammarata of 6 Fairway Road stated that he understands what is being said about the rezoning, but they would like to be able to stop the commercial from coming down Pluff Avenue.

Zhang Zhiqiang of 2 Fairway Roadway stated that if the commercial is allowed to continue down the road it will affect the value of their homes. He is also concerned with the safety of the children when they walk to the bus stop at the end corner of Main Street.

Mrs. McKnight stated that she would just like to clarify that this commission is not responsible for making the ultimate decision on the rezoning. It will need to go to Town Meeting for a vote.

Mr. Pearce stated that he would just like to let the residents know that if it goes to Town Meeting it will be at the will of the people and he does not think that they will be in favor of the change.

Paul Cammarata stated that the tax base for commercial is the same as residential.

Mr. Pearce stated that this is correct, but only for the tax base. Every house brings a negative situation because it costs more for children to attend school then they get in taxes. Businesses bring a net income.

72 Main Street/Walmart – minor modification/signage

Dan Backstrom of SGA Design Group, P.C. stated that Walmart is planning a remodel of their existing store located on 72 Main Street. As part of the remodel, they plan to remove the existing building signs and replace them with new signs to match the current corporate sign branding. The color of the font is proposed to change from white to blue and the new lettering is 4'6", and the new "spark" symbol's height is 6'6". The "spark" color is yellow. The new square footage will be 199.54 square feet. The new Walmart sign area is 9.54 square feet larger than the existing Walmart sign. The second sign is the Pharmacy sign. The existing sign is a dark blue plastic individual letter sign and it is not illuminated. The letter height is 2'-0" and the total sign area is 33.42 square feet. The proposed sign is also a blue plastic individual letter sign and it is not illuminated. The letter height is also 2'-0" and the total sign area is 33.42 square feet. The only real change to the Pharmacy sign is the shade of blue used for each letter.

Mr. Pearce stated that this is a straight forward change, with not much of an impact.

Mrs. Romeo asked if the color would be the same.

Dan Backstrom stated that it would be a lighter blue.

Mr. Mills asked if the sign would be changed on Main Street.

Dan Backstrom stated that the panel would be changed.

Mrs. Romeo stated that this commission does not abide by corporate image.

Mrs. Romeo moved, seconded by Mr. Pearce and voted 5-0:

that the Community Planning Commission vote to approve the minor modification to replace the new signage, as shown in the plan entitled, "Walmart"; dated December 22, 2014; prepared by Paul Thomas McManus, Architect.

230 Main Street/N.R. Transportation – bond release

Mrs. McKnight stated that the commission had already voted to release the surety bond (101,000) pending satisfactory resolution of the lighting problem on the site.

Mr. Mills stated that he felt the adjustment was acceptable and light was no longer being case onto the abutting property.

Mr. Hayden stated that he will visit the property this evening and give Mrs. McKnight his opinion.

265-271 Main Street/Starbucks – partial bond release

Mrs. Romeo moved, seconded by Mr. Hayden and voted 5-0:

that the Community Planning Commission vote to partially release the performance bond held for Federal Realty. The amount to be released is \$59,000.00. \$5,000.00 will remain to replace the plantings in the spring that have died.

Maple Road – accepted status and maintenance

Mrs. McKnight explained that the DPW is initiating paving a portion of Maple Road because of the maintenance issues. She also explained that the building inspector is looking into the possibility that the unpaved portion of Maple Road was accepted by the town in the 1930's or 1940's and will share a town counsel opinion with the commission when it is received.

Mr. Pearce stated that the issue had been researched by former planning administrator Bob Rodgers, and the commission believes the dirt road is unaccepted.

Lou Ferrazzani of 16 Maple Road stated that he now has drainage problems in his driveway due to the patching and building up of the road that has taken place over the years. He wants to ensure the new work is done so that the drainage is handled properly. He had been responsible for re-grading the road when he built his home. He believes the road is unaccepted.

The consensus of the commission is that they support the proposed paving work by the DPW, and asked Mrs. McKnight to ensure Mr. Carnevale knows about the drainage problems on Mr. Ferrazzani's property, and that any other improvements planned for the future should be done prior to the paving.

2 Mid Iron Drive – plan endorsement

Mrs. Romeo moved, seconded by Mr. Pearce and voted 5-0:

that the Community Planning Commission vote to endorse the plan entitled, "Site Plan of Land located in North Reading, Massachusetts, dated 11/6/2014, revised 12/2/2014; drawn by Engineering Land Services, LLC. Subject to the terms and conditions of the Certificate of Conditional Approval dated December 2, 2014.

Rahnden Terrace – Renew Tripartite Agreement

The commission signed the renewed Tripartite Agreement for Rahnden Terrace.

318 Haverhill Street – plan endorsement

Mrs. McKnight stated that the deed restriction was received today and needs to be reviewed by town counsel. She will place the endorsement on the agenda for the next meeting.

Flash Road – bond release

Mrs. McKnight stated that the Town Engineer had asked for changes on the plan and at this time she had not yet received the plans.

Planning Administrator Update

- 1) Mrs. McKnight stated that the phase I and II reports had been completed by Weston & Sampson
- 2) Mrs. McKnight stated that she had met with Ken Heffron to discuss future planning efforts along Main Street and possibilities for his property.
- 3) Mrs. McKnight updated the commission on efforts by the Selectmen to recruit for the Economic Development Committee. Mr. Hayden volunteered to participate as the CPC member.

Adjournment at 10:00PM

Respectfully submitted,



Patricia Romeo, Clerk