

## MINUTES

**Tuesday, January 7, 2014**

Mr. Christopher B. Hayden, Chairperson called the Tuesday, January 7, 2014 meeting of the Community Planning Commission to order at 7:30p.m. in Room 5 of the North Reading Town Hall, 235 North Street, North Reading, MA.

### MEMBERS

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

### STAFF

PRESENT: Danielle McKnight, Planning Administrator

Mr. Hayden informed all present that the meeting was being recorded.

Mrs. Romeo moved, seconded by Mr. Mills and voted 3-0: (Mr. Rooney & Mr. Pearce absent)

that the Community Planning Commission vote to approve the December 3, 2013 minutes as amended.

Mr. Rooney arrived at 7:35PM.

Mrs. Romeo moved, seconded by Mr. Rooney and voted 4-0: (Mr. Pearce absent)

that the Community Planning Commission vote to approve the December 10, 2013 workshop minutes as amended.

### **303 Main Street – Bond Release**

Mrs. Romeo moved, seconded by Rooney and voted 4-0: (Mr. Pearce absent)

that the Community Planning Commission vote to release the Performance Bond in the amount of \$5,000.00 for 303 Main Street.

### **Planning Administrator Update**

#### 230 Main Street – All Star Fencing

Mrs. McKnight stated that she will send a letter explaining the concerns of the commission to the owner of the property this week.

#### 134 Park Street

Mrs. McKnight stated that the issue with the handicap ramp has been addressed. She will speak to the building inspector regarding the flashing sign in the nail salon window.

#### 1-3 MacIntyre Drive

Mrs. McKnight spoke to the building inspector in regard to the height of the new home and was told that it meets the height requirement.

#### 303 Main Street

Mrs. McKnight stated she will speak to the building inspector and request that the “OPEN” feather sign be removed from this address.

113 Haverhill Street

Mrs. McKnight stated that Giles Norton (abutter) contacted her because he was concerned with the exposure of tree roots. The Town Engineer, Mike Soraghan recommended an arborist, whom she met with on the site, at the applicant's expense. The arborist told her that there are four trees that would not survive and should be taken down before they fall down. There is another section of trees where the retaining wall has been constructed that are in jeopardy and steps need to be taken to protect them, so they don't die. The work on the retaining wall has been stopped at this time. She was asked to look at the site again, to see if there is any room to rearrange some of the items. The arborist told the applicant that he needs to proactively approach the abutter and make an offer to replace the trees, so that he does not get sued. The applicant is going to have LJR Engineering check the property line to be sure that the trees are not on his property, and are in fact, on the abutters property.

Mr. Pearce arrived at 8:05PM.

24 Dogwood Lane

Mrs. McKnight stated that Dane Rowe came to the Planning Department in December and stated that he mistakenly did not require a bond for the Developer, David McNee to post for 2 lots (lots have been released). The developer did some damage and wanted to know if the commission had any leverage to help him.

Mr. Pearce asked if this is on the first lot that was completed. Did the Conservation Commission sign off on the Certificate of Occupancy?

Mrs. McKnight stated that the C.O. was signed. There are some items that were not completed on that lot, but it may be because of the weather.

Mr. Hayden stated that the commission does not have any leverage on this.

Mr. Pearce stated that this is a civil matter.

2015 Budget

Mrs. McKnight summarized the proposed budget and the Community Planning Commission did not recommend any changes.

**31 Nutter Road – Definitive Subdivision – cont. P.H. 8:00PM**

Chris Sparages of Williams & Sparages Engineering stated that they have received Conservation approval to work within the buffer zone and submitted a septic design plan to the Board of Health.

- 1) The pavement along the R.O.W. was increased from 14' to 18', as requested.
- 2) A typical segmental wall detail was submitted for the retaining walls that will support the grading for the septic system.
- 3) A typical segmental block wall cross section was submitted showing the details of the retaining walls.

Mr. Hayden asked if the retaining walls would exceed the 4' zoning requirement.

Chris Sparages stated that a portion of the wall is at elevation 90, the bottom of the driveway portion on the private property is elevation 86, which is a difference of 4'. As they approach the driveway they will reach 5'.

Mr. Hayden stated that this will need to be supported with geo-mesh.

Chris Sparages stated that the applicants and abutter of 27 Nutter Road have worked out a plan for screening. The initial proposal for stormwater management was a simple grass lined channel or swale that would run the extent of the roadway and driveway, with a series of checked ends, but the Town Engineer wanted them to take it a step further and prove that they would not be increasing the rate of run off. So they fattened up the swale at the end and the Stormwater from the paved surface will run off into the grass swale. The Town Engineer also wanted them to verify the soils with the test holes which were done on December 7<sup>th</sup>. They have also discussed the name of the road and the abutter suggested Paradise Lane or Paradise Circle.

Mrs. McKnight stated that the Town Engineer did submit a memo (3/17/2013) confirming that he was fine with the changes that were made.

Mrs. McKnight stated that all of the issues have been dealt with, other than the street name. She did do a revised draft approval.

Mr. Rooney asked for more clarification on the spillway and soils.

Chris Sparages stated that the grass line channel is to collect the run-off from the roadway and driveway and the stormwater will flow into the Stormwater Management area. The test hole that was excavated in the vicinity of the small detention area is consistent with the other test holes that were excavated for the septic system, which is very fine sand.

Mr. Pearce asked if there was a plan to re-charge the roof run-off.

Chris Sparages stated no, they were not planning to do this because they are providing infiltration in the Stormwater Management areas.

Mr. Pearce asked if anything that runs off of the roof would be infiltrated.

Chris Sparages stated that he does not know what the final configuration of the home would be, but based on the topography, a quarter of the house will make it into the swale and the rest of it will probably go across the lawn.

Mr. Pearce stated that the State wants some quantity of the water to be infiltrated and the cleanest water is the water that runs off of the roof, although the water going through the infiltration system will be clean. This Town does not have a lot of the criteria that would make it a requirement, like other towns.

Chris Sparages stated that he could show on the final plan a collection spot for down spouts to be directed to the Stormwater Management area.

Mr. Mills asked if the wall along the abutting property would be less than 4'.

Chris Sparages stated that the top of the wall is approx. 90.5 and the existing ground elevation on the other side is 86 to 87, so it is less.

Mr. Mills stated that there is a line on the plan and wanted to know if this was a depiction of a proposed fence.

Chris Sparages stated that the line represents a pervious barrier that is required for Title V purposes. There is no fence proposed.

Mr. Mills stated that there is only one symbol on the plan showing a street tree, but there should be three trees.

Chris Sparages stated that they would like to request that condition 5 be eliminated from the approval.

Mr. Hayden stated that the roadway needs to be inspected because it is giving frontage.

Mr. Pearce stated that the scope of inspections can be limited. By defining the scope of work that needs to be inspected, they can define what needs to be bonded.

Chris Sparages asked for clarification on page 10, item a of the approval.

Mrs. McKnight stated that this is a Site Opening Bond that the commission can require or not. The bond is held for any damages that may be incurred on the right of way, but a single family house is usually \$1500.00.

Mr. Pearce stated that if they are going to bring the roadway to binder, they will be submitting a bond.

Mrs. McKnight stated that the Site Opening bond is required before the work starts, whereas, the bond required after binder will come later.

Mr. Pearce stated that it is almost redundant. If Design Consultants does the bond estimate, they can submit that now instead of later.

Mrs. McKnight stated that she would not want the bond to include the work being done prior to binder.

Mr. Pearce stated that the bond should only be done on what is participated.

Mr. Hayden stated that to open the site the will need to submit a \$5,000.00 check to the Planning Department. When all of the ground work and binder are completed and a building permit application is submitted, the applicant will need to bond the rest of the work. The \$5,000.00 can be applied to the bond if the applicant makes this request.

Mr. Pearce stated that this is a subdivision and would normally require both bonds at the same time, but because this is only one lot the commission will allow the transition from the public way to the site itself.

Mrs. McKnight stated that she will change the Conditional Approval accordingly. She would also like clarify that the type of bond the commission requires is a Tripartite Agreement, Letter of Credit or cash.

Chris Sparages stated that on page 3, item 8 of the conditional approval. He would like to propose that the entire road be deeded to lot 1.

Mrs. McKnight stated that it shows 50% because she was following the template from Rebecca's Row and she was unsure what the intent would be on this property.

Mr. Hayden stated that he does not have a problem with this change.

Mr. Pearce stated that he agreed with Mr. Hayden.

Chris Sparages stated on page 9, item e, should be deleted because the road is not going to be accepted by the Town.

Mr. Pearce stated that one item that is overlooked on most of the conditional approvals, is that the Town is not required to maintain the road. This should be included into Conditional Approvals from this point forward for private roadways.

Chris Sparages stated that he would like clarification on page 6, item 9f.

Mr. Pearce stated that this references an item that would require an inspection before backfilling, such as a water main.

Chris Sparages stated that they submitted a waiver that the lighting not be necessary.

Mrs. McKnight stated that she would remove this from the Conditional Approval.

Chris Sparages stated that on page 8, item h, there is a request for Autocad format. They as a rule do not release an Autocad without a waiver release.

Mrs. McKnight stated that this is for GIS input. She will change this item to read: In a format suitable for incorporation into the Town's GIS system.

Chris Sparages stated that he would be able to do this for GIS.

Chris Sparages stated that page 10, item 3 ask for a 21E Site Assessment. He does not believe that this is applicable for this site.

Mrs. McKnight stated that she was unsure if this should be on all Conditional Approvals.

Mr. Pearce stated that it is typically inexpensive.

Mr. Rooney stated that they do not know what was done on these properties 50 years ago.

Mr. Hayden stated that this protects the developer and homeowner.

Chris Sparages asked if this would in the planning rules and regulations.

Mr. Pearce stated that the commission does not hold any responsibility if there is hazardous waste on the property.

Mr. Rooney asked if this was required.

Mrs. Romeo stated that they do not know what could have been dumped on the property.

Mrs. McKnight stated that she would check to see if it is in the regulations.

Mr. Pearce stated that if it is not in the regulations, he would not have a problem removing it, but he does not think that it would be a smart move.

Mr. Rooney stated that he agreed.

Chris Sparages stated that they already has an agreement with the direct abutter and does not believe that the condition on page 12, item 17a should be in the Conditional Approval.

Mr. Hayden stated that this can be deleted from the condition.

Mrs. McKnight stated that she will make all of the changes as requested.

Mrs. Romeo stated that it is not a practice to name a street after local family names that are not historical. There is a list, but it has not been updated recently. There have been more names that have recently been brought to her attention and she will bring them to the next meeting.

Mr. Hayden closed the public hearing.

Adjournment at 10:20PM

Respectfully submitted,

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Patricia Romeo, Clerk