

MINUTES

Tuesday, December 2, 2014

Mr. Daniel Mills, Chairperson called the Thursday, December 2, 2014 meeting of the Community Planning Commission to order at 7:30p.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.

Minutes

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

that the Community Planning Commission vote to accept the minutes of November 18, 2014 as amended.

Pedestrian Committee

Mr. Mills stated that Barbara Stats, Town Clerk has asked him for a status update in regard to the Pedestrian Sidewalk Committee. When this commission established the committee, three members were appointed: Joseph Bertolino, Margaret Robertson and Monica Gregoire. Since that time, Mr. Bertolino resigned and Monica Gregoire moved out of Town. The Town Clerk informed him that because there was no stipulation that the members had to be a resident, she could still participate on the committee. He has not spoken to Monica Gregoire, but assumes that she is no longer interested in being on the committee. He has tried to contact Margaret Robertson, but has not been able to speak to her. The committee was set up to promote pedestrian amenities and safety in Town. One of his goals was to have a sidewalk inventory done, which was partially completed, but was superseded by the DPW. They held a few meetings with the public to identify gaps and other misc. improvements to sidewalks that were documented and given to the DPW.

Mr. Pearce stated that it was superseded with some programs and the DPW did start their own inventory. He would not object to having this tabled for a while and see how they make out with the studies that were done and DPW's responds to the studies. If they do not see anything being accomplished they can reinstate the committee.

Mr. Hayden stated that the Board of Selectmen requested that this committee be established. He believes that they should be notified and asked if they would prefer that it be reenergized.

Mr. Mills stated that this is what the Town Clerk is requesting. If the Board of Selectmen wants this committee to continue they will need to go through the proper channels of advertising for new members.

The consensus of the commission is to ask the Board of Selectmen if they want to dissolve or; repopulate the committee.

Mr. Mills stated that if the committee is restarted they should have stipulations for the following: 1) must be North Reading resident 2) appoint a 3 year term, this should be staggered, 3) Mr. Mills should be appointed as a member.

Mrs. McKnight stated that she would speak to Mr. Prisco and ask him to speak to the other members of the Board of Selectmen.

Mr. Pearce stated that if the Board of Selectmen wants to repopulate the committee they should be asked what direction they would want for an agenda.

Economic Development Committee

Mrs. McKnight stated that Mr. Prisco has brought up the idea of restarting the Economic Development Committee. He has been trying to recruit members and wanted to know who from this commission would be interested.

Mr. Hayden stated that he was on the original committee and would commit to this one.

Mrs. McKnight stated that he also wanted to know if there was anyone else that might be possible recruits. She suggested the applicants that applied for the Community Planning Commission vacancy.

Planning Administrator Update

Amber Road

Mrs. McKnight said she did not want to have a full discussion about this tonight, but simply wanted to update the commission that the Town Administrator received a letter from Mr. Halchak requesting a meeting, to discuss possible different scenarios for development of the property. They met with Mr. Halchak and his Attorney, Brian Gallardo this morning. She does not have a filing or a plan to show to the commission, but the Town Administrator suggested that they meet again with a member from the Board of Selectmen and Community Planning Commission.

Mrs. Romeo stated that there has been no resolution from the court case she has against Mr. Halchak and therefore there should be no discussion.

Mr. Hayden stated that because there is an appeal, he also agreed that there should be no discussion.

Mrs. McKnight stated that she is unsure if there can be a discussion or not because of the appeal.

Mr. Hayden stated that this is probably why nothing has been done for a while, but now that there is a new Town Administrator who is unaware of the history behind this project, they are pursuing it.

Mrs. McKnight stated that she asked the attorney if they are able to file if there is an appeal going on and he answered that they could.

Mr. Pearce stated that this is somewhat of a confusing question, because it insinuates that the town does not have a good subdivision control law, any laws, rules or zoning bylaws that govern

the development of property, but they do. Or, is it just that they do not understand the laws and it needs to be explained.

Mrs. McKnight stated that they may not want to do a subdivision

Mr. Hayden asked what it is that they want to do. They still need to discuss it with this commission.

Mr. Pearce stated that nothing can be done unless they file, and they have every right to speak to the Town Administrator.

Mrs. Romeo asked Mrs. McKnight if she did not want to discuss with this commission what was divulged at the meeting.

Mrs. McKnight stated that they discussed different scenarios, subdivision, potential request to rezone, or a 40B. She does not really know what they are planning and they have not filed anything. She did ask them if they wanted to come to the commission to discuss these possibilities.

Mr. Hayden stated that there are not many routes that would not include them, even if it was a 40B.

Mr. Pearce stated that there is a process, by which a sub-committee is set up to work with a developer on a 40B, as far as what is going to happen, what the impact is going to be and it has worked extremely well, in the times that it has been used. However, the commission has designated properties in the town for 40B projects that they believe would be a good area. They have put these changes in place to control the process and be a partner in the process, rather than obstruct it. The commission has run into this before, where a developer comes in and throws the 40B around, when it is actually not what they want. In context to discussions that they have had in the past in regard to this property, we know that they are resisting following any rules that the Town may have in place. They need to be careful how they go about this and the Town Administrator should be informed about what has taken place in the past.

Mr. Hayden stated that the Board of Appeals would have control over the 40B, but they would send them to this commission to review the plans, for the engineering aspects of the plans.

Mr. Mills stated that the commission has an informal hearing process which he would prefer that they do it that way.

Mr. Pearce asked if they wanted to bring it to a Development Team meeting.

Mrs. McKnight stated that she does not know, she does not think that they have a plan yet.

Mr. Pearce stated that the Development Team should inform them that there is a process and should question the applicant as to why he does not want to follow this process.

Mrs. McKnight stated that she would inform the Town Administrator that Mr. Hayden and Mr. Pearce would like to meet with him to discuss the history of the project.

Flash Road

Mrs. McKnight stated that this item has been removed from the agenda because LJR Engineering is updating the as-built plan, based on some changes requested by Design Consultants, Inc.

265-271 Main Street (Starbucks)

Mrs. McKnight stated that the planning department is holding a \$64,000.00 Performance Guarantee bond and a \$2,500.00 Site Opening bond. The Town Engineer gave the estimate of \$64,000, but it was not itemized. The only issue that she is aware of is that some of the plantings have died and need to be replaced. Her recommendation would be that they release the bond; they could release it based on receipt of a letter that the plantings will be replaced in the spring.

Mr. Hayden stated that the Town Engineer should be sent to the site to estimate how much the planting will cost to be replaced and this amount should be deducted from the bond and held by the department.

Mr. Pearce stated that he agrees that money should be held for the replacement of the plantings.

Mrs. McKnight stated that the \$2,500.00 bond was to guarantee as-built plans be submitted to the planning department and at this time no plans have been submitted.

Mr. Hayden stated that the bond should not be released until the plans are submitted.

Mrs. McKnight stated that she will ask the Town Engineer to send a memo in regard to the price of the plantings and will put this on the next meeting agenda.

Planning Administrator Update

Charles Street Ext.

Mrs. McKnight stated that there have been some issues on the Charles St. project, but she believes that they have been resolved. There were complaints from the abutters that water was getting into the street, which was caused by temporary pumping from the site because a piece of the drainage system was not installed. A meeting was set up with the developer, Design Consultants, Inc. and the outcome was that this piece needed to be installed for proper drainage.

Mr. Pearce asked if someone from Hayes Engineering was at the meeting.

Mrs. McKnight stated no, because the contractor, Kip Ivester has been implementing Hayes Engineering's plan, but it was the DPW director who wanted it done differently.

Mr. Pearce stated that Hayes Engineering did an elaborate drainage plan for this area and for the record he believes that Peter Ogren did an amazing job and he would not second guess the design.

Mrs. McKnight stated that Kip Ivester is being allowed to tie into the town drainage system temporarily, until the pipe replacement takes place, which will probably be in the spring. The only field change that they would like to make and this is based on Design Consultants and DPW's recommendation, which Kip Ivester is in agreement with would be to have the pipe go down the street instead of the sidewalk.

Mr. Pearce stated that he believes initially that the commission wanted it to be in the street.

Mr. Mills left the meeting at 8:00pm and Mr. Hayden presided over the meeting.

2 Mid Iron Drive – Modification to a Planned Unit Development Special Permit – P.H. 8:00pm

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

Mrs. Romeo read the public hearing notice into the record.

Robert Grasso of Engineering Land Services, LLC stated that proposal is to replace the maintenance building that was destroyed by a fire. The existing slab still exists and they are just going to expand on top of the slab, with two additions of approximately 16' wide x 48' in the rear and a 26' x 12' addition. The building is serviced by private sewer and town water. The closest dwelling from the development is building #83 which is approximately 44' from the proposed addition and 53' from the previous building. The closest hydrant is approximately 180' from the building. There is existing pavement, but during the addition they will add some additional pavement for a 10' fire lane.

Mr. Hayden stated that the usual fire lane is 18' for a fire truck.

Mrs. McKnight stated that she spoke to Captain Nash today and they were not concerned about access.

Jeff Horne of Horne Construction stated that he spoke to Deputy Chief Galvin, who stamped the plans and he was not concerned with the access. They are also good with the fire alarm system.

Mr. Hayden stated that although they are not using a sprinkler system the fire department, the fire department does prefer it.

Jeff Horne stated that it is not a requirement and they did not ask for it.

Mr. Pearce stated that the point the fire department usually makes is that during new construction the cost of a sprinkler system is minimal, compared to putting it in afterwards.

Jeff Horne stated that the problem is that a big portion of the building is going to be unheated. They could do a dry system, which he will discuss with the owners.

Mr. Hayden stated that the plan shows that there are some small buildings on the site that are going to be removed.

Jeff Horne stated that these buildings house the water meter and diesel tank.

Mr. Pearce asked if the diesel tank will be relocated.

Jeff Horne stated that it is and he is working with Deputy Galvin to work out where it would be put on the site.

Mr. Pearce asked what was wrong with where it is now.

Jeff Horne stated that it would be in the way of the new construction.

Mr. Hayden asked what the exterior of the building would be.

Jeff Horne stated that it is proposed to be steel, to match the condos with light tan siding and a green roof.

Mr. Hayden asked if anything else would be changed on the outside of the site.

Robert Grasso stated no, and the tree line will remain the same.

Mr. Bellavance stated that the temporary structures shown on the plan only shows one being removed.

Jeff Horne stated that there was one change on the plan, it is a separate containment storage building that will remain.

Robert Grasso stated that he did bring in a revised plan tonight showing the building.

Mrs. McKnight stated that the only other issue is that the taxes have not been paid to date. She also wanted to know if a bond should be held to guarantee submittal of as-built plans.

Jeff Horne stated that they have cleared this up and has the documentation from the tax collector's office.

Mr. Hayden stated that \$1,500.00 should be submitted and held for the plans.

Daniel Collins of 1 Hayward Farm Lane asked if there would be any new uses on this site.

Jeff Horne stated that there will be no new uses, just more space.

Mr. Hayden stated that he believes that the placement of the structure for the diesel tank may have to come back to the commission for approval.

Mrs. McKnight stated that she was unsure and would check with the building inspector to see if this was required.

Jeff Horne stated that it would be on the as-built plan.

Greg Spano of 3 Hayward Farm Lane stated that he was concerned with the placement of the building for the diesel tank and wanted to know if they had any idea where it may be placed.

Jeff Horne stated that it would probably be on the back side of the building.

Mr. Pearce stated that it could be added to the conditional approval and if needed, a minor modification could be done at a later date.

Mr. Hayden closed the public hearing.

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

that the Community Planning Commission vote to approve the plan entitled, "Site Plan of Land located in North Reading, Massachusetts; dated November 6, 2014, revised December 2, 2014; drawn by Engineering Land Services, LLC

MDI Transportation

Mrs. McKnight stated that she wanted to know if anyone had any comments on the application. Mr. Mills gave her feedback; she made these revisions and will submit it tomorrow.

The consensus of the commission was that they had no comments.

Planning Administrator Update

Mrs. McKnight stated that she spoke to Mr. Heffron in regard to attending a meeting to talk about the grant programs and he would prefer to meet with her before attending a meeting.

Mr. Pearce stated that she should also get a list of the abutting property owners because Mr. Heffron may want to meet with them.

Adjournment at 9:00PM

Respectfully submitted,

Patricia Romeo, Clerk