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**Town of North Reading**  
*Massachusetts*

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*Community Planning*

**MINUTES**

**Tuesday, May 13, 2014**

Mr. Christopher B. Hayden, Chairperson called the Tuesday, May 13, 2014 meeting of the Community Planning Planning board to order at 7:30p.m. in Room 8 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  
Debra Savarese, Administrative Assistant

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

### **Minutes**

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

that the Community Planning Planning board vote to approve the April 29, 2014 minutes as amended.

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

that the Community Planning Planning board vote to approve the April 29, 2014 Executive Session minutes as amended.

### **Subdivision Regulations – discussion (see attached Planner’s memo 5/7/2014)**

Mrs. McKnight stated that there has been some discussion over the past several months about some of the subdivisions that have been previously approved and under construction now. A few little issues have been noted and she thought that it might be a good idea to discuss them and make changes if necessary.

Septic Systems: Description of when a lot should be released.

Mrs. McKnight stated that. The wording states that “the septic system has to be installed on the lot”, but what they are talking about is that the approved septic plan has to actually show that the septic system will be installed on the lot because it cannot be installed because the lot has not been released

Mr. Mills stated that the word located should be changed.

Mr. Pearce stated that it is almost a matter of common sense, the intention is to make sure that the plan shows it that way.

2) Grading: An approved subdivision clearly shows that the grading is going into the neighboring lot.

Mr. Pearce stated that the grading is done because of the water table or septic system and this is usually why the grading crosses the line. Generally, the grading is advantageous to the second lot as well. So, does the grading cross the line or do these grades meet at the line.

Mrs. McKnight stated that she has seen both situations and does not see this as a problem, in real life, she does think that it becomes a problem when the covenant states “that this lot cannot be released until the planner is absolutely satisfied that the grading is completely on the site”. She is unsure if there is any room to loosen this provision given that it does not always work that way.

Mr. Pearce stated that he does not think that they should loosen the provision because there could then be situations where it is not just the septic system that allows the grading to cross the lot line. It's better to have the regulation in place and give some leniency than to have the leniency and not be able to stop them with a regulation.

Mrs. Romeo stated that she has seen this happen before.

Mr. Pearce stated that this happened on Boxwood Road where two septic systems came together. They talked about putting a wall between them, but the wall was going to be buried, so the planning board said no to the wall as long as they graded the two of them consecutively.

Mrs. McKnight stated that she does not completely understand.

Mr. Hayden stated that this is what happened at John Bickford Way.

Mr. Pearce stated that the master grading plan would make the whole thing work for the sake of catchment areas and water control.

Mr. Hayden stated that it also included the current run-off.

Mr. Mills stated that topography was also included.

Mr. Pearce stated that Charles Street is a good example. There was a lot of grading done because there is a lot of water in this area. The grading was done and then the lot lines, so the grading is going to cross the lot line.

Mr. Mills stated that what they are referring to is specific to "Title V".

Mrs. McKnight stated that when she gets a request for a lot release, she looks at the subdivision plan and compares the topo with the septic plan. She asked the board if she should be signing off on the release even if there is a situation where the sloping seems to be going onto another lot, if it is shown on the originally proved plan, with the grading plan.

The consensus of the planning board is that she should sign off on the release.

Mr. Mills asked if this was a separate septic plan and is it proposed or existing.

Mrs. McKnight stated that it is a proposed septic plan that has been approved by the Board of Health.

Mr. Mills stated that it would be a concern if the proposed grading is going onto an adjacent lot.

Mr. Pearce stated that the proposed grading is shown on the master grading plan of the original subdivision approval. As long as the design comes in with a lot that matches the grading, this becomes the new grading.

Mr. Hayden stated that it would become a problem if they moved the septic system.

3) Binder:

Mrs. McKnight stated that there should be a regulation that does not allow a lot to be released until the road is up to binder.

Mr. Pearce stated that the justification would be safety, and if there was a special situation they could waive it.

Mrs. McKnight stated that safety is #1, and the frontage does not exist

Mrs. Romeo asked what they meant by no house will be built without its frontage.

Mrs. McKnight stated that a house should not be built without having established frontage which they should not be able to acquire without the road being to binder.

Mr. Hayden asked if they could also add something to the regulations in regard to a road being built (Pine Forest) outside of a subdivision.

Mrs. McKnight stated that this is an unusual situation and it is not part of the subdivision and therefore should not be added to the regulations. It would probably be better to add it to the conditional approval.

4) Blasting notification:

Mrs. McKnight stated that Chief Warnock suggested that a courtesy notice be sent to abutters within 500' of a scheduled blasting.

Mr. Mills stated that Mass. D.O.T. follows a standard procedure for blasting. "The proponent must provide advanced notice to all businesses, residents and other occupied facilities within 250' of any proposed blast and should provide additional, advanced notice to all affected facilities within 1000' of such blast".

Mrs. McKnight stated that she would check with the Assessor's office to see how far they can go with the range.

The consensus of the planning board is that the abutters should be notified.

5) Time limits:

Mrs. McKnight stated that there is a time limit provision in the subdivision regulations, but it does not have an or else clause. The regulations state that when an applicant comes in and files

for a definitive subdivision plan, they need to tell the planning board what the time frame will be to complete the subdivision and the board needs to agree or whatever they think is appropriate.

This decision should be added to the conditional approvals, which she does not think has been done in recent years. Some cities and towns do have regulations that state if the subdivision is not completed within two years the permit is rescinded, unless extended for good reason by the planning board. When any new subdivision comes in for approval the applicant should be told that there is a time frame and the expectations from the planning board and that it will be added to the Conditional Approval.

Mr. Mills asked if the time restriction would only apply to roadways and utilities.

Mrs. McKnight stated that yes, nothing to do with the building of the house.

Mr. Hayden stated that they cannot build the house without the roadway.

Mr. Pearce stated that there was a subdivision that wanted to build the road before the houses were completed. The planning board allowed them to do this, but they had to post a bond for every lot, so that if any damage was done to the road they would need to fix it.

Mrs. Romeo asked what happens if legal action is ensued on a subdivision (ie. Charles St. Ext.)

Mr. Hayden states that it stops the clock until it is resolved. The problem with Charles St. Ext. is that legal action stopped the clock, but then the State extended all of the permits.

Mrs. McKnight stated that at some point their lawyers had contacted the planning department and asked if there was an expiration date on this project, at which time the planning department could have made reference to the subdivision regulations and told them that there was an expiration time of two years.

Mrs. McKnight asked if the planning board would like to add "If the subdivision is 80% or less complete, the planning board may require bonding for each lot.

Mr. Hayden stated that recording fees for the plans, deeds and easements of street acceptance should also be added to the bond.

Mr. Pearce stated that they should add it, even if it is an interim bond. There are two reasons for the bond: 1) before street acceptance, if the street was damaged there was a bond to fix it. 2) the subdivision would need to be complete before the roadway was completed. If the applicant wants to do finished pavement prior to completion of the subdivision that the planning board would require bonding of each individual lot until street acceptance.

Mrs. McKnight asked what would happen if the developer just wants to put in the roadway and utilities and sell of the lots.

Mr. Pearce stated that if the Town accepts the street, now the people that build the lots would need to bond with the DPW. If they don't want to have the road accepted, then they will need to bond for every lot.

#### Digital Files

Mrs. McKnight stated that she would like to ask applicants to pay the cost of incorporating new subdivision plans into our GIS.

Mr. Hayden stated that he okay with this, but it should also state that the rate may change to stay current.

Mr. Pearce stated that he is unsure if we can force them to use the same company, if they are able to find a place that is cheaper.

Mrs. McKnight stated that fees are different everywhere. The fee does not have to be based on what the GIS consultants would charge, it will be a Town fee.

Mr. Hayden asked if fee changes needed to be voted on.

Mr. Pearce stated that he believes that the Board of Selectmen has to approve the fees.

Mr. Pearce asked where the money would go after it is collected. It cannot go into the general government because the GIS consultant still needs to be paid.

Mrs. Savarese stated that a specific account would need to be set up for GIS or they could pay the consultant directly.

Mr. Pearce stated that the fee will be determined the same way that a peer review would be determined.

Mrs. Savarese stated that the way they handle the advertisement costs, is that the invoice is sent to the planning department and then forwarded to the applicant to pay directly to North Reading Transcript.

#### **Planning Administrator Update**

##### Industrial Office

Mrs. McKnight stated that the zoning map is in need of revisions for Industrial Office and the 40R Overlay District. They can wait until they receive more money for GIS or they can take it out of the Professional Services account.

Mr. Hayden stated that they should take it out of the Professional Services account.

97 Main Street

Mrs. McKnight stated that the proprietor (Stop & Shop) is requesting a modification to their sign permit. They would like to request that the price display on the canopy be changed to LED; this will make it computerized and easier to change the price of gas.

Mr. Mills stated that the planning board is not generally in favor of having LED lights.

Mr. Pearce stated that the sign is on their property and he does not think that they have any say about LED on the site.

Mr. Hayden stated that he is concerned that they can change the intensity of the lighting.

Mrs. Romeo stated that she is not in favor of lit signs.

Mr. Pearce stated that an LED light is on the outside, not the inside so that makes it an externally lit sign that is allowed.

Mrs. McKnight stated that she does think that it is allowed with a sign permit from the building inspector.

Mr. Pearce stated that they need to find out how many lumens they will be using so that they will be able to make changes to the sign bylaw.

Mrs. McKnight stated that their second request is to alter the sign that is currently located on Main Street. The alteration would allow them to show the pricing for the gas station.

Mr. Hayden stated that he is against this.

Mr. Pearce stated that all of the other gas stations show their prices. If they do not do this now, they will do it when they come in for the approval of Big Lots.

Mr. Hayden stated that the building inspector should find out if the lights will be dimmable on the canopy in case they receive complaints from abutters.

Mrs. McKnight stated that she would ask the building inspector to make this request.

Mr. Pearce stated that they would not deny them the opportunity to do it, but it may not be easy.

Mr. Hayden asked if it is an accessory building.

Mrs. McKnight stated that she would check the bylaw.



### Sidewalk Priorities

Mrs. McKnight stated that she met with Dick Carnevale, Mike Soraghan and BETA to review the draft sidewalk survey. They discussed what the priorities for funding should be moving forward. There will be a map showing where there are currently sidewalks on both sides of the street, sidewalks on one side, need for repairs and where there are no sidewalks. They would like the planning board's opinion. They are looking at areas that are within a ½ mile from elementary schools and a mile from high schools.

Mr. Hayden stated that there is an area on Haverhill Street (Hood School) where the sidewalk ends.

Mr. Pearce stated that the engineering has been completed for this area.

Mr. Mills stated that it is getting too detailed. Are kids actually walking in that area, are there already sidewalks in that area. The areas that he would like to see are Central Street, Main Street, Haverhill Street and what he calls a triangle which is from North Street to Lowell Road to Main Street.

Mrs. McKnight asked if they should be prioritize the busier roads where people walk.

Mrs. Romeo stated that she has seen so many studies be done on sidewalks. She believes that they have enough information to move forward without another study.

Mr. Pearce stated that the one project that stands out is Edgewood. When that large complex was built a sidewalk should have been included in the plans to allow the residents to walk Lowell Road and North Street safely. Another point he would like to make is that subdivisions only need one sidewalk, not two and tis would also save on maintenance costs.

Mrs. McKnight stated that it makes perfect sense to clean up the pedestrian route at Edgewood.

Mr. Mills stated that Main Street and Lowell Road should be a priority.

The consensus of the planning board is that the Haverhill Street area (North Street to Foley Drive) should be completed.

### 327 Main Street

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

that the Community Planning Commission vote to endorse as "Approval-Not-Required", the plan entitled "Proposed Structure, 327 Main Street, North Reading, MA 01864"; dated 12/10/2013; drawn by JM Associates.



Executive Session

Mr. Hayden informed all that they would be entering into Executive Session and would return to the regular meeting.

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

that the Community Planning Commission enter into Executive Session pursuant to Mass. General Law Chapter 39, section 23.B.8 for the purpose of discussing personnel issues.

Mr. Pearce - Aye  
Mr. Mills - Aye  
Mrs. Romeo - Aye  
Mr. Hayden - Aye

Re-Organization of Officers

Mr. Hayden handed over the gavel to Mrs. McKnight who called for nominations for the Chair.

Mr. Mills was nominated.

the Community Planning Commission voted to elect Mr. Mills as Chairperson for a one year term and voted 4-0: (Mr. Rooney absent)

Mrs. McKnight then handed the gavel to Mr. Mills who called for nominations for Vice Chair.

Mr. Hayden was nominated.

the Community Planning Commission voted elect Mr. Hayden as Vice Chairperson for a one year term and voted 4-0: (Mr. Rooney absent)

Mr. Mills called for nominations for clerk.

Mrs. Romeo was nominated.

the Community Planning Commission voted to elect Mrs. Romeo as Clerk for a one year term and voted 4-0: (Mr. Rooney absent)

**Re-organization of Liaisons****Board/Committee:**

Board of Selectmen  
4<sup>th</sup> of July Committee  
Conservation Commission  
Zoning Board of Appeals  
Housing Partnership Committee  
Metropolitan Area Planning Council  
Historic District Commission  
Historical Commission  
Finance Committee  
J.T. Berry Committee  
Land Utilization Committee  
School Committee  
Recreation Committee  
Wastewater Advisory  
School Building Committee  
secondary, elementary  
Pedestrian Committee

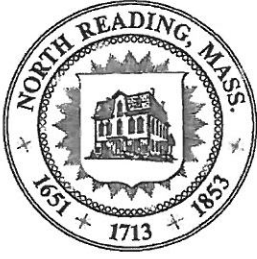
**Representative:**

Daniel Mills  
Neal Rooney  
Christopher Hayden  
Patricia Romeo  
Warren Pearce  
Daniel Mills  
Patricia Romeo  
Christopher Hayden / Patricia Romeo  
Warren Pearce  
Warren Pearce  
Christopher Hayden  
Warren Pearce  
Christopher B. Hayden  
Warren Pearce  
Daniel Mills  
  
Daniel Mills

Adjournment at 10:00PM

Respectfully submitted,

  
Patricia Romeo, Clerk



Town of North Reading  
Massachusetts

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Community Planning

TO: Community Planning Commission  
FROM: Danielle McKnight, Planning Administrator  
DATE: May 7, 2014  
RE: Subdivision Regulations

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With the commencement of construction of the Charles Street extension, the continuing of construction of 3 Gifford Way, and the recent approval of Nutter Road, a few issues have arisen that warrant a discussion of our subdivision regulations. At this workshop, I would like to discuss these issues, and the possibility of scheduling a public hearing to make a few changes.

Lot Release – Septic Systems

Currently, the bylaw reads, “No lot will be released from the statutory covenant unless the Planning Administrator is satisfied that the entire septic system accessory to the principal dwelling is located entirely on the principal use lot, including any slope grading as may be required by Title 5 of the State Environmental Code (310 CMR 15.00). A plan sheet to be recorded shall contain a note that the entire septic system, including any required grading, shall be located entirely on the same lot as the principal dwelling. [Amended 5-24-1994].”

A developer’s attorney called me a few months ago, concerned that this meant the septic system had to be installed prior to lot release. This wouldn’t be possible, since the lot can’t be built on until released. However, he was right that the language seems to suggest this. I would suggest changing the wording to state that the approved septic system *design* shows that the entire septic system *will be located* entirely on the principal use lot.

No lot release prior to binder

I would like to add a section d. under “Lot Releases” that stipulates that no lot is to be released until the roadway is installed to the binder course. There have been a few instances of this that I am aware of, and it is extremely difficult to enforce our approved plan for a private roadway once a lot is released for building. Additionally, no house should be built without its frontage.

### Blasting notification

In their regulations, the Fire Department currently does not require abutter notice, beyond the coordination with abutters affected by pre-blast survey requirements, which would be anyone within 250 feet of the blasting. Chief Warnock suggested to me, when the Charles St. project began, that the CPC consider asking developers to notify abutters in a slightly larger area as a courtesy, which seemed to me like a reasonable idea. I spoke with Deputy Chief Galvin yesterday, and he agreed this would be helpful. We thought perhaps asking developers to notify abutters within 500 feet would be reasonable. If this is something we agree to, I would recommend placing it in our standard conditions for all projects (not just subdivisions) rather than actually making it part of our subdivision regulations.

### Digital files of subdivisions

I would like to discuss the possibility of asking applicants to pay the cost of incorporating new subdivision plans into our GIS. Applied Geographics estimates it costs about \$37.50 per lot (at their rate of \$75 per hour) to bring a new subdivision into our system. This is if the plans are submitted electronically and done according to MassGIS standards. The cost is about double for paper plans.

### Time limits

The conditions in every subdivision decision should contain a timeframe for completion of the roadway and associated utilities. This appears to have been standard in older subdivision decisions, but many in recent years have lacked any timeframes. Our regulations require the applicant, at the time the application is made, to agree to a timeframe to complete a particular project. Once agreed to, this should be stated in the conditional approval.

There appears to be a difference between requiring a timeframe for construction of a subdivision, as we already do in our regulations, and stating that if the construction isn't complete within a certain amount of time, the approval will be rescinded. If we are interested in doing the latter, we should state it in the conditional approval. It appears the CPC dealt with this issue in the early seventies – I found two court cases from North Reading. The CPC's use of time limits was upheld in *Costanza & Bertolino v. Planning Board of North Reading* in 1971. In that case, the CPC stated in its conditional approval that if the subdivision wasn't constructed within two years, approval was rescinded. The CPC could still extend the timeframe of a project if it felt it was appropriate, though repeated extensions could be viewed as waiving the timeframe entirely; this was the case in *Bigham v. Planning Board of North Reading* in 1972.