

MINUTES

Tuesday, July 22, 2014, 2014

Mr. Daniel Mills, Chairperson called the Tuesday, July 22, 2014 meeting of the Community Planning Commission to order at 7:33p.m. in Room 10 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
Neal Rooney

STAFF

PRESENT:

Danielle McKnight, Planning Administrator
Debra Savarese, Administrative Assistant

OTHERS

PRESENT:

Chief Michael Murphy, North Reading Police Department

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

Medical Marijuana Bylaw - P.H. 7:30PM

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

Mrs. McKnight presented a power point presentation. (see attached)

The changes made to the Registered Marijuana Dispensary bylaw during the public hearing were:

1. Remove the provision requiring fingerprint-based criminal history checks of dispensary agents (the town is developing a separate warrant article to address this at Town Meeting).
2. Remove the provision stipulating that special permits may require, in their conditions, inspections by the town's Board of Health. Town Counsel had advised that zoning is not the proper way to accomplish this – inspections could be required by a separate board of health license.
3. Clarify, in the provision that limits dispensary hours, that “open” means “open for business to qualified patients and caregivers, as authorized by 105 CMR 725,000” “as opposed to being open to the general public, which they will not be).
4. Change the provision that allows any necessary non-substantive renumbering and reorganization of portions of the zoning bylaw affected by this article to refer to a new Section 25.1, which will address the Board of Selectmen's ability to grant special permits, and not Section 26 (this was just a numbering error).
5. Change the “Purpose” section of the article to begin “The purpose, “rather than “This purpose.”

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

that the Community Planning Commission vote to close the public hearing.

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

that the Community Planning Commission vote to support the Registered Marijuana Dispensary Bylaw as presented this evening and that the article be forwarded to the Board of Selectmen for inclusion in the October 2014 Town Meeting Warrant.

291-293 Main Street – minor modification

Mr. Mills stated that he would like to make the following disclosure: His firm has worked with the Scrivanos Group and he has also worked with Scrivanos on matters unrelated to 291-293 Main Street.

Peter Blaisdell of Williams and Sparages presented the minor modification. He stated that due to difficulty entering the site, the owner Mr. Scrivanos is proposing to widen the driveway. The new driveway would allow vehicles to enter the site, bypassing the drive-through queue, in order to access the parking area.

Mr. Mills stated that the proposed sign “Drive-thru, keep left” can be confusing. Pavement marking would be more effective.

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

that the Community Planning Commission vote to approve the minor modification to the plan entitled “Concept Plan in North Reading”; dated 7/22/2014; drawn by Williams & Sparages, showing changes to the site driveway of Dunkin Donuts, 291-293 Main Street. As amended this evening and subject to approval by Mass. D.O.T. for the driveway.

Planning Administrator Update

Berry Property

Mrs. McKnight stated that Mr. Prisco arranged a meeting with DCAM at Senator Tarr’s office on June 24, 2014 to discuss the Berry Property. (see attached memo) During the discussion they seemed interested in allowing the Town to move forward and introduced a sale partnership model, which would allow the Town to take control of the sale.

Mr. Pearce stated that there may be an advantage with the Town being involved with the selling of the property, but he is concerned about how it will be facilitated. There are some resources that the State has, that the Town does not, to determine who will be a good buyer.

Mr. Hayden stated that the Board of Selectmen would probably have Kopelman and Paige handle it.

Warrant Articles

Mrs. McKnight stated that she wanted to discuss Retaining Walls. She had a conversation with John Goldrosen of Kopelman & Paige who reviewed what was proposed last year. (see memo)

Mr. Hayden asked where the 5’ setback from the property line came from.

Mrs. McKnight stated that this is just a suggestion for how to make fewer walls trigger this and she thought 5’ could be sufficient.

Mr. Hayden stated that this is better than what he saw before and this is only if they have a wall that is higher than 4’.

Mr. Pearce stated that if a wall is higher than 4’ it will require a building permit and will need to be structurally engineered. The building inspector would then send them to the commission for a special permit.

Mrs. McKnight stated that the commission would need to provide for this with a bylaw. She did ask Kopelman and Paige if this could be handled internally and was told a special permit would be preferable if design review was the goal.

Mr. Pearce stated that he believes that they should try to handle it internally.

Mr. Hayden stated that he does not agree with handling it internally and believes that there should be a bylaw.

Mr. Rooney stated that each case is different.

Mr. Pearce stated if they took the situation that happened on Bishops Way, and if, they had a bylaw in place that required them to step it back 5' to 10' and terrace it, it would be 20' back from the front. It would push the septic system back into the setback from the wetlands and the Conservation Commission says no. Essentially, Title V (State Law) allows them to do this type of wall, but the lot would become unbuildable. For all intents and purposes, the law that was created for beautification of the wall becomes a taking.

Mrs. McKnight stated that this was what she started with when speaking to Town Counsel; they felt it was possible to require such a special permit if we were very clear about the criteria.

Mr. Pearce stated that they would be forced to do a situation, to prevent a taking, to give a variance, to allow a wall similar to what was built to be built, but maybe out of different materials and notifications etc. Otherwise than that, it is a taking.

Mrs. McKnight asked if a memo "with guidance" would be a good idea to send to the departments.

Mr. Pearce stated that even if a bylaw was put in place, the Board of Health may not have any responsibility to support the bylaw.

Mr. Hayden stated that the responsibility would fall on the building inspector.

Mr. Pearce stated that if it was just a septic system replacement, the building inspector would not be responsible.

Mr. Mills asked if the raised septic systems go over the 4'.

Mr. Pearce stated that the basic Title V code requires a 4' separation of ground water and average, normal soils. A 3' variance is allowed for a replacement system, so to have a wall higher than 4' is unusual.

The consensus of the commission is to handle it internally with guidelines.

Wireless Communication Facilities

Mrs. McKnight stated that she has asked Town Counsel to review the current bylaw to help identify areas that need to be updated based on recent changes to the Federal Telecommunications Act. She would like to set up a public hearing for these changes in September.

The consensus of the commission is to have a public hearing in September so that this can be placed on the warrant for the October 2014 Town Meeting.

Swan Pond Road – Street Acceptance

Mrs. McKnight stated that at the last meeting they discussed the possibility of street acceptance for Swan Pond and the commission asked her to check the parcel sizes, zoning and ownership along the stretch from the Housing Authority to Adam Street, and from Adam Street to where Dogwood begins. (see attached memo) .

The consensus of the commission is to bring Swan Pond Road to the October 2014 Town Meeting for street acceptance.

Regional Housing Services Office

Mrs. McKnight stated that the Town of Reading put out the RFP and one bid was received from Community Opportunities Group, which everyone agreed was highly qualified for the project. However, the hourly rates submitted were significantly higher than expected. Therefore, the towns have asked COG to revise its scope to focus it more narrowly on the highest priorities. A new contract will have to be reviewed with the CPC and Selectmen, since the scope is changing.

Minutes

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

that the Community Planning Commission vote to approve the June 17, 2014 minutes as amended.

Adjournment at 10:00PM

Respectfully submitted,

Patricia Romeo, Clerk

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