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Town of North Reading
Massachusetts

TOWN CLERK
NORTH READING, MA

Community Planning

MINUTES

Tuesday, September 2, 2014,

Mr. Daniel Mills, Chairperson called the Tuesday, September 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

STAFF

PRESENT: Danielle McKnight, Planning Administrator

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

Town Administrator

Mr. Michael Gillberto stated that he wanted to introduce himself to the commission and ask them if they had any questions. He has been in contact with Mrs. McKnight, with a number of different things that are going on and she has been very responsive. If the commission has anything to offer or questions for him they can reach him by email, telephone or set up a meeting.

Mr. Mills stated that Mrs. McKnight has informed him of the interactions she has had and that Mr. Prisco is the liaison for the Board Selectmen and attends a majority of the planning meetings.

70 Main Street/Joe Fish Restaurant – Approval

Mr. Mills stated that the public hearing was closed at the last meeting.

Mrs. McKnight stated that she spoke with Mr. Cassidy who informed her that the estimates he received are as follows: 1) as-built plan \$1,500.00 2) landscape areas: \$3,855.00 and \$3,379.00. She was going to check with the Town Engineer to see if he agreed with the estimates, but did not receive the figures in time. She does believe that the estimates are reasonable and that \$8,735.00 should be sufficient to complete the work.

Mr. Cassidy stated that he reviewed the Conditional Approval and has no issues. He did want to let the commission know that the reason why he broke the two areas out is because the area around the patio won't go into effect until a later date.

Mr. Hayden asked how they would trigger the second one.

Mr. Pearce stated that he will need to pull a building permit for the second part of construction which will need to be approved by the planner.

Mr. Cassidy stated that it does not matter to him if the bond is separated or not, because he did not think that the bond issues would come into play until the actual construction permit was pulled for each phase.

Mr. Mills stated that item 10 (hrs. of operation and deliveries) should be removed because it is not needed for this approval. Also, the page numbering needs to be corrected.

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

that the Community Planning Commission vote to approve the site plan entitled, "Joe Fish Seafood Restaurant & Bar, 70 Main Street, North Reading, MA 01864, Office Space/Enclosed Patio Area/Updated Landscaping"; dated April 3, 2014; Site Layout Plans with elevations entitled "Joe Fish Seafood Restaurant & Bar, 70 Main Street, North

Reading, MA 01864; dated July 25, 2014 and Plot Plan entitled "Joe Fish Seafood Restaurant & Bar, 70 Main Street, North Reading, MA 01864 (A1-1)"; dated April 3, 2014. All plans prepared by TNT Build/Design/Consultant, 10 Grove Street, Middleton, MA 01949. Subject to the terms and conditions of the Certificate of Conditional Approval dated September 4, 2014 as amended this evening.

Limited Frontage Lot (discussion)

Mrs. McKnight stated that this is more of a general question that she would like answered by the commission for future reference. A customer came into the planning department to inquire about doing a limited frontage lot on Marblehead Street, but it could be anywhere. The Zoning Bylaw states "No more than two limited frontage lots shall have contiguous frontages". However, it is up to the building inspector to decide whether a limited frontage lot qualifies as a limited frontage lot. In this situation the building inspector stated that the customer is not creating three limited frontage lots, only one, so he would consider this acceptable. The end result is that there will be three in a row, because two lots already exist. Her question is: When the commission reviews an ANR, frontage is considered, but the commission does not necessarily determine if a lot qualifies as a limited frontage lot, so she thought this was a bit of a gray area.

Mr. Pearce stated that this is not something that the commission has dealt with before and is wondering why they would have it in the Zoning Bylaws.

Mrs. McKnight stated that she feels that if the commission interprets the zoning bylaw the same that the building inspector does, then there is no problem, but if they interpret it differently, we will need to resolve it.

Mr. Hayden stated that this would cause there to be very long driveways.

Mrs. Romeo stated that off Central Street, near the Benevento Ball field there are a couple of lots where the houses are located in the rear and look like they are accessed by the same driveway.

Mr. Hayden stated that two lots are accessed by the same driveway. He believes that one lot may be limited frontage. When they came to the commission with an ANR, the commission told them that they wanted each lot to have its own driveway, but the Conservation Commission only wanted one bridge to cross the wetlands, so it is only one when crossing and then it becomes two driveways.

Mrs. McKnight stated that the building inspector has interpreted the bylaw as meaning that two limited frontage lots can be created by the same developer.

Mr. Pearce stated that the ANR handbook shows a diagram with six or eight long skinny lines as an example of this and states that this is not "good planning".

Mrs. McKnight stated that she thinks that the commission's interpretation of this is different from the building inspectors'. For instance, when an ANR is submitted the commission does look at the frontage, but the commission does not determine if it is a limited frontage lot.

Mr. Pearce stated that they do look to see if it qualifies as a limited frontage lot. It has to have the requisite of the 50' frontage on a public way, the 250' circle and the 120,000 sq. ft.

Mrs. McKnight stated that when she reviews a limited lot plan, she does check to be sure that there are not three in a row because she always assumed that two in a row is the limit. She could speak to the building inspector again and see if they can come to a mutual decision.

Mr. Pearce stated that he is unclear why they came to that number, but he does know that once precedence is set there is no going back.

Mr. Mills stated that he is concerned because one applicant may build limited frontage lots and then another applicant comes in and does the same, and the next thing you know, you have a row of limited frontage lots.

The consensus of the Community Planning Commission is that no more than two limited frontage lots can be created, regardless of who the owners are.

Personal Wireless Service Facilities – P.H. 8:00PM

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

Mrs. McKnight stated that she would be doing a PowerPoint presentation this evening summarizing the proposed bylaw changes. (see attached)

Mr. Mills asked if a special permit would still be required for a new tower.

Mrs. McKnight stated yes, they would need to submit an application for a new tower.

Mr. Mills stated that he does not believe that a PowerPoint would be necessary at the October Town Meeting.

Mr. Hayden stated that he does not see a problem with a PowerPoint Presentation. How long would it take to do the presentation?

Mrs. McKnight stated that it would be approximately 5 minutes.

Mr. Pearce stated that he does not believe that there will be a lot of controversy on this zoning change and a two minute presentation is all that is needed.

Mr. Mills closed the public hearing.

No member of the public was present for comment.

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

that the Community Planning Commission vote to support and recommend passage of the proposed amendments to Section §200-46 of the Zoning Bylaw Personal Wireless Service Facilities to Town Meeting.

Country Lane – lot release

Mrs. McKnight stated that she did not receive the recommendation from Design Consultants, Inc. until late this day. Although the drainage will not be completed, the applicant has requested that once the roadway is up to binder they would like to apply for lot release. Dave Giangrande stated that this would be fine as long as they do a temporary swale system that will prevent drainage from impacting abutting properties and it would be preferable to construct the house before completing the drainage. He also recommends that a bond should be held.

Mr. Pearce stated that the temporary swale is not listed in the conditional approval and will need to be inspected. If the commission is going to make an agreement and bond this section of the work, then inspection money will also need to be held for these inspections.

Mr. Hayden asked if this was a large enough change that the Conditional Approval should be changed.

Mr. Pearce stated that the final outcome is not going to be affected and a bond is going to be held

Mrs. McKnight stated that she agrees that the Conditional Approval does not need to be modified.

Mr. Hayden stated that the Conditional Approval should be modified.

Mr. Pearce stated that if it is amended, the bond should be added. He does not believe that there needs to be another public hearing.

Mr. Hayden asked who would be building the temporary swale.

Mrs. McKnight asked if a plan should be submitted.

Mr. Pearce stated that if Dave Giangrande would prefer a plan, then we should get one. But he could also tell them which way he wants the swale directed in the field, and if they all agree and he inspects, it should be enough. The developer needs to know that there is going to be a cost for the bond estimate, inspections for the temporary swale and the bond.

Minutes

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

that the Community Planning Commission vote to accept the minutes of August 19, 2014 as presented.

230 Main Street/N.R. Transportation

Mrs. McKnight stated that she was told that the lights would be kept on for the commission to view this evening.

Adjournment at 9:30PM

Respectfully submitted,



Patricia Romeo, Clerk

Personal Wireless Service Facilities
 Proposed Changes to Zoning Bylaw
 CPC Public Hearing
 September 2, 2014

Changes to Telecommunications Act of 1996 (TCA)

- Middle Class Tax Relief and Job Creation Act of 2012, Section 6409 amended the Act: local zoning authorities "may not deny" and "shall approve" certain requests to modify to existing eligible wireless communications facilities

Changes to Telecommunications Act of 1996 (TCA)

- "Eligible Facilities Request": Modification of existing wireless tower or base station involving:
 - Collocation of new transmission equipment;
 - Removal of transmission equipment; or
 - Replacement of transmission equipment
- These facilities must be approved, but can be reviewed first
- A Special Permit cannot be required

Changes to Telecommunications Act of 1996 (TCA)

- Projects involving a substantial change in the physical dimensions of the tower or base station still may require a Special Permit
- According to Section I.C of the Nationwide Collocation Agreement, a "substantial increase in the size of the tower" occurs if:
 - 1. Antenna increases tower height by more than 10%, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet, whichever is greater (unless interference must be avoided)

Changes to Telecommunications Act of 1996 (TCA)

- 2. Antenna mounting involves installing more than four equipment cabinets or more than one new equipment shelter
- 3. Extension of more than 20 feet from the tower of the antenna or tower structure, or more than the width of the structure (except necessary for inclement weather accommodations)

Changes to Telecommunications Act of 1996 (TCA)

- Antenna mounting would involve excavation outside current tower site, defined as the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site.

Changes to Personal Wireless Service Communications Bylaw

- Changes threshold for Special Permits for wireless facilities to be consistent with FCC changes
- Special Permit still required with substantial changes or new facilities
- For those projects now exempted from Special Permits under the Telecommunications Act, applicants submit a building permit application, which is routed to CPC for comment and review at next meeting

Changes to Personal Wireless Service Facilities Bylaw

- CPC comments will be advisory and non-binding for exempt projects
- Building permit timeline (30 days) will require a prompt response

Changes to Personal Wireless Service Facilities Bylaw

- On Counsel's recommendation, the following changes are also proposed:
 - Eliminating the requirement that annual reports documenting noise be submitted or the Special Permit would be automatically revoked
 - Eliminating radiofrequency radiation filing requirements (wireless providers must comply with FCC regulations, but beyond this, towns cannot deny permits based on this information)

Changes to Personal Wireless Service Facilities Bylaw

- NO changes are proposed for siting/locating towers
- NO changes are proposed for the way the Town leases municipal property to wireless companies
- Special Permit/Site Plan Review is still required for new towers and major changes to existing towers and equipment