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Community Planning

TOWN CLERK  
NORTH READING, MA

## MINUTES

**Tuesday, September 15, 2020**

Mr. Warren Pearce, Chairperson called the Tuesday, September 15, 2020 meeting of the Community Planning Commission to order at 7:30p.m. via Virtual Meeting (Zoom, participants may call 1-301-715-8592, meeting code 9854300926.

### MEMBERS

PRESENT: Warren Pearce, Chairperson  
Christopher Hayden  
David Rudloff

### STAFF

PRESENT: Danielle McKnight, AICP  
Town Planner/Community Planning Administrator

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

Mr. Pearce read the Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, this meeting of the North Reading Community Planning Commission IS BEING CONDUCTED VIA REMOTE PARTICIPATION. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings as provided for in the Order. A reminder that persons who would like to listen to this meeting while in progress may do so by calling in 1-301-715-8592 and meeting code 9854300926.

#### **148-150 Park Street – discussion**

Mr. Bruce Wheeler of Habitech Inc. stated that he has entered into an agreement and has a due-diligence period to purchase 148 and 150 Park Street. He expressed interest in developing an age-restricted housing development, tying all the historic features of North Reading into the project. It will be a 44-unit building with mostly 2 bedroom units

Mr. Larry Reeves of Reeves Design Associates stated that there has been no discussion of demolition to the McLean home. They would like to keep a very real separation and historic setting of the existing house. The proposed building is large, but they do have a lot of depth to work with, so they took advantage of that by pulling that back of the building into the rear corner, but from the street, coming from the west they created an open courtyard, with drop-off and approximately 15 parking spaces, but kept significant distance from the house and the front entry of the proposed building. To the easterly side, past the automotive building there are existing Victorian era homes with a colonial front and shapes. The front façade of the new building that borders Parks Street will be kept very much to the same scale and character as the adjacent houses, with the goal of keeping the scale down, especially at the street front. They have also taken advantage of the grade changes and will use the existing driveway to enter onto the site. Leaching fields will be located in the front area and past that the grading will drop down, so that parking will be under the building, with 2 cars per unit which translate to 88 spaces, with one in and out for the vehicles. There is a blocked out area on the "Site Concept A" plan showing a potential addition that would include a three car garage to the McLean home with the driveway being connected to the drop-off area.

Mr. Pearce asked if they were going to be considered as market rate units.

Mr. Wheeler stated that he is envisioning it as market rate.

Mr. Hayden asked if the roof line is the same as the McLean house.

Mr. Reeves stated that it is a little higher.

Mr. Pearce stated that there will need to be a zoning change for this area.

Attorney Brad Latham stated that he reviewed the zoning bylaw and looked at the existing sections and overlays and in each of those there are one or two features that won't make it work. If the board is inclined to think that this is worth proceeding on, he could work with Mrs. McKnight and give her some ideas and see how she reacts to them and then come back to the board with a more definitive, as to how to approach it from a zoning perspective.

Mr. Pearce stated that Mr. Wheeler has due-diligence to act on this. To make a zoning change would require a town meeting vote and town meeting has been a little chancy lately and the Select Board has been hesitant to put items on the agenda that would drag it on, or would create a situation where people would be in close proximity for an extended period of time. So, getting a zoning change through could be something that may not happen until we get some resolution to this pandemic. So, he doesn't know how this would work with Mr. Wheeler's time-frame.

Mr. Wheeler stated that he wasn't making it contingent on accomplishing a zoning change, but he wanted to make the rounds and do some due-diligence communication and if everyone hated the idea, he wouldn't pursue it, but if people like the idea and see value in that for the town then he would be interested in pursuing it.

Attorney Latham stated that it was felt that this would revitalize area, as far as use is concerned and the age restricted feature, not addresses a certain need in the community, it is also a positive cast feature for the town. Obviously, there are no demands on the school system and things of that nature.

Mr. Pearce stated that they have a housing production plan that might figure into this, a little bit. Whereas, we might be pushed to provide a low income unit or make some kind of contribution to that situation.

Attorney Latham stated that with a condominium concept and age restriction and an affordable component, you end up with a questionable market unit.

Mr. Wheeler stated from his stand-point, if they found some linkage that the town is interested in getting done, he feels that that would be a lot more efficient than trying to create affordable units. If it becomes problematic, they will try to find a way to make it work.

Mrs. McKnight stated that while they don't have an inclusionary zoning bylaw that requires there to be affordable units, she does feel that it would be a missed opportunity. If a rezoning isn't successful, or if it's looking as though there might not be enough support and we can't get away with the "spot zoning" question, doing a friendly 40B might be a good way to do this use without doing a rezoning.

Attorney Latham stated that the whole concept of an overlay district is the way most people are getting around because depends how you define the pre-conditions to an overlay. The Attorney General doesn't look at that kind of an issue with any kind of scrutiny. If the overlay makes sense and they think it's in the betterment of the community, they don't look at the spot zone issue.

Mr. Rich Wallner of the Select Board asked if the Historical District Commission going to have any say about this.

Mr. Wheeler stated that they will be involved.

Mr. Peter Ogren of Hayes Engineering stated that they have looked into the septic system and it would be 150 gallons per unit and it looks like they have sufficient area.

Mr. Rudloff asked if they could have the affordability with the age restriction vs. affordable to all.

Attorney Latham stated that there are different regulations that come into play. Federally there can be a certain percentage that is not age restricted. Most people that buy into it want to have a higher percentage and most towns want it to be higher than the federal standards. They like to have at least one person in the unit be over the age of 55. Once you get into a requirement that the affordable has to be age restricted, it really affects the marketability of those because people of that age and meet the criteria tend not to want to tie up all of their assets in the ownership of their home.

Mr. Rudloff stated that he likes the massing and the design.

Mr. Hayden stated that he also likes the project.

Mr. Pearce stated that the rendition and colors presents itself well.

#### **4 New Street – discussion**

Mr. Alan Costa is considering acquiring additional property so that he could potentially have enough frontage to subdivide 4 New Street into two lots. He would like to have clarification of whether it would be possible to count the frontage along Haverhill Street, continuing onto New Street, as continuous frontage.

Mr. Pearce stated that he read Mrs. McKnight's memo and agrees that the two streets join at an obtuse angle, curving gently rather than making a right-angle intersection, but he does believe that it's a name change on the street, and as a name change on the street there is a

property line somewhere that may in fact bring out that it's not really a continuation of the frontage.

Mr. Hayden stated that to make two lots in the RA District you need to have 320' and he only counted 285', even around the corner.

Mr. Pearce stated that if he purchases the other property he will get the extra footage.

Mr. Alan Costa of 4 New Street stated that they may be missing some of the numbers, because they should total 317'.

Mr. Pearce stated that if there is not sufficient frontage on Street A or Street B, it doesn't work.

Mrs. McKnight stated that they zoning doesn't really define what you do when the street name changes. The definition for continuous street frontage, it makes it clear that it doesn't turn a hard corner, but when she thinks of examples of where there are other cul-de-sacs and other curves, it hadn't occurred to her that it might have anything to do with the street naming and whether that it could be an issue. She might be inclined to ask the Assessor's office whether that presents a problem. When she thinks of what the purpose of frontage is, for access, it makes sense that you would be able to have a gentle curve and still count all of that whether or not the street name changed because the frontage is still functioning. The frontage is there for safety and access, it's not really there for any connection to the assessor's office has to assigning lengths to the streets, but if it presents a problem in anyway, for assessing, it would be helpful to know that.

Mr. Pearce stated that at Martin's Pond, where they unbuildable lots, but they have the streets and the corners, if you took a couple of roads and put them together you could make enough frontage. Where do we draw the line?

Mr. Costa stated with that example you would be taking very tiny pieces of property and putting them together for frontage. He has 2.8 acres in the rear of his property that could be developed.

Mr. Pearce stated that he doesn't have a problem with the concept. His concern is the legality of it and also the precedent of it.

Mr. Hayden asked what the qualifications for a 50' right-of-way is.

Mr. Rudloff stated that it is 120,000 sq. ft. for a non-conforming lot.

Mrs. McKnight stated that this property doesn't qualify as a limited frontage lot.

Mr. Hayden stated that in the Subdivision Rules & Regulations the frontage has to go back to the front of the house, so that would definitely not qualify here.

Mr. Pearce stated that if Haverhill Street continued around the corner and didn't turn into New Street that would be different. Town Counsel may be able to give a better answer on this.

Mrs. McKnight stated that if we ask Town Counsel an opinion on this, because in the essence they would be giving the legal advice to someone that is not the town. She can check with the assessor to see if this would cause any problems with them, but the zoning may be a question for the building inspector and how he interprets it.

Mr. Costa stated that he's got 20' on the curve which would give him 15', if he purchased 35' from a neighbor would that give him the two lots even though the entrance would be on New Street.

Mr. Pearce stated that with an ANR, you technically need to access from your frontage.

### **13 Edgewood Terrace – discussion**

Mr. Pearce asked what the basis that we are discussing this is. He knows that the neighbors at 11 Edgewood Terrace are using the parking area, even though some of it is on #13.

Mrs. McKnight stated that it came to the board because there is a request to purchase the property, or at least a portion of it. The Select Board is reluctant to sell it because the CPC has shown it in the affordable housing overlay district. The owners of #11, also own #15 and if it was to make it easier on them, then something to consider would be a land swap of a few feet on each side of the property.

Mr. Ty Cornwall of 11 Edgewood Terrace stated that there driveway which was pre-built before they purchased the property. The driveway is 2' onto the property of #13.

Mr. Pearce stated that he is personally doesn't have an issue with doing a land swap because #13 is a small piece of land with the only possibility of putting a road in. He asked if there was any intention to build on #15.

Mr. Cornwall stated that he bought #15 for two reasons. 1) is the strategy for this discussion and 2) is if he loses the ability to park, he will have #15 to park at.

Mr. Pearce stated that Mr. Cornwall should go to the Select Board and let them know that the CPC is in agreement to do a land swap, possibly 5'.

Mr. Cornwall asked if the board would be in agreement to sell all of the property to him if he was to provide an easement to the town.

Mr. Pearce stated that easements are tough because they would preclude you from putting anything on it. He doesn't think that this would be the best deal for Mr. Cornwall because he would be paying taxes for the property and the town would be using it.

Ms. Melissa Campbell of 11 Edgewood Terrace stated that the only problem doing a land swap especially if it's only a small amount of footage is that they then have a piece of property that they can't do anything with.

Mr. Pearce stated that is what you basically have now.

Ms. Campbell stated that they can park on it.

Mr. Pearce stated that the town is probably not going to want to sell the land because that is the best land for access to the property behind it because on the other street (Homestead) the wetlands come up to close.

Mrs. McKnight stated that if a land swap were to go ahead, it looks like a very small sliver of land taken from the property in the middle and combined with 11 Edgewood Terrace, so that that property of 4800 sq. ft. would increase to 5300 sq. ft. and the property at #15 would just be smaller. We're talking about a small shift, but the affordable housing zoning district is only on those properties that are highlighted, it's only on #13, it doesn't extend to the properties on either side. So, if we were to use it to access, it's possible we might need to rezone the new parcel, in its new configuration.

Mr. Hayden stated that he doesn't think that would change the zoning because there is more than 90% in the original geographical area.

The consensus of the board is to agree to a land swap.

#### **Longhill Lane – bond release**

Mr. Hayden moved, seconded by Mr. Rudloff and voted 3-0: (Mr. Carroll & Mr. Bellavance absent)

that the Community Planning Commission vote to release the performance bond in the amount of \$64,274.64, leaving \$5,000 to secure completion of the as-built plan; and to release the site opening bond in the amount of \$5,000.00 for the Longhill Lane subdivision.



Mr. Hayden moved, seconded by Mr. Rudloff and voted 3-0: (Mr. Carroll & Mr. Bellavance absent)

**20 Main Street/CVS – bond release**

I move that the Community Planning Commission vote to release the As-built bond in the amount of \$4,800.00 for 20 Main Street.

**Norcam – discussion**

Mrs. McKnight stated that Norcam contacted her to see if the board would be interested in recording and broadcasting the meetings.

The consensus of the board is that they are fine with Norcam broadcasting.

**Public hearings during emergency - discussion**

Mr. Pearce asked the members if they would be okay with holding public hearings through the Zoom process. His concern is that they may not get all of the people that would normally attend a public meeting.

Mrs. McKnight stated her concern is that when the emergency ban is lifted the board will only have 45 days to, not only to open a hearing, but to open it, advertise it, hear it, decide it and file the decision. This will be a problem if we have a tremendous number of projects backing up and would not be possible.

Mr. Pearce stated that they should revisit this in a month.

Adjournment at 9:35PM

Respectfully submitted,

  
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Ryan Carroll, Clerk