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**Town of North Reading**  
Massachusetts

*Community Planning*

## **MINUTES**

**Tuesday, May 16, 2023**

Mr. Warren Pearce, Chairperson called the Tuesday, May 16, 2023 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 and via Virtual Meeting (Zoom participants may call 1-301-715-8592, meeting code 9854300926, or visit <http://us02web.zoom.us/j/9854300926>).

### **MEMBERS**

**PRESENT:** Warren Pearce, Chairperson  
David Rudloff, Vice Chairperson  
Ryan Carroll, Clerk  
Jeremiah Johnston  
Jeff Griffin

### **STAFF**

**PRESENT:** Danielle McKnight, AICP  
Town Planner/Community Planning Administrator  
Debra Savarese, Administrative Assistant

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

### **Reorganization of Officers and Liaisons**

#### **Officers**

Mrs. McKnight called for nominations for the Chair.

Mr. Rudloff moved, seconded by Mr. Johnston and voted 4-0:

that the Community Planning Commission vote to elect Mr. Pearce as Chairperson for a one year term.

Mr. Pearce asked for a roll call vote: Mr. Johnston, Mr. Pearce, Mr. Rudloff and Mr. Griffin in favor, none opposed.

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

Mr. Pearce moved, seconded by Mr. Johnston voted 4-0:

the Community Planning Commission voted elect Mr. Rudloff as Vice Chairperson for a one year term.

Mr. Pearce asked for a roll call vote: Mr. Johnston, Mr. Pearce, Mr. Rudloff and Mr. Griffin in favor, none opposed.

Mr. Pearce called for nominations for clerk.

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

the Community Planning Commission voted to elect Mr. Carroll as Clerk for a one year term.

Mr. Pearce asked for a roll call vote: Mr. Johnston, Mr. Carroll, Mr. Pearce, Mr. Rudloff and Mr. Griffin in favor, none opposed.

#### **Minutes**

Mr. Pearce moved, seconded by Mr. Johnston and voted 4-0: (Mr. Griffin abstained)

that the Community Planning Commission vote to accept the minutes dated April 4, 2023 as written.

Mr. Pearce asked for a roll call vote: Mr. Johnston, Mr. Carroll, Mr. Pearce and Mr. Rudloff in favor, none opposed

**15, 17 & 19 Crestwood Road - ANR**

Attorney Jim Lyle stated that he is a lawyer at ArentFox Schiff in Boston and is representing Mr. Driscoll as one of the abutters to 17 Crestwood Road. The other abutter is actually Mr. Driscoll's brother and sister-in-law. So, these are the easterly and westerly abutters to 17 Crestwood Road. After a trial in Land Court, the land Court Judge determined that certain portions of the common boundaries need to be adjusted. So, the ANR plan is effectively a boundary line adjustment, wherein the Land Court has determined the ownership has been acquired by adverse possession. The Land Court has made the decision and Mrs. Thornton, who owns 17 Crestwood has accepted the decision through her counsel with the approval of a boundary line adjustment on an ANR plan. It's been ruled that the abutters have along these areas of land, and he doesn't know how else it could be drawn on the plan. A subdivision is not zoning, and he can appreciate that the CPC may have some concerns about the status of the 17 Crestwood Road property. He doesn't represent that owner, but the law is that the Driscoll's have acquired ownership possession to the areas shown in that plan. This is a mere boundary line adjustment. It's been a very costly and lengthy process to get to this point. It is a practical matter because of the use of the properties, which is how the Driscoll's acquired ownership. Nothing practically will change. The people will still use the lawn area, the play area as they always have for the last 30 plus years. He's happy to answer any questions the CPC may have, but they feel this is a relatively perfunctory exercise, at this point. The Land Court has ruled, and ownership has been vested to his clients.

Mr. Rudloff asked Attorney Lyle to explain to the public what adverse possession is, and how it's enacted in the context of this ANR.

Attorney Lyle stated that in the State of Massachusetts if someone has open exclusive and possession and use of appearance of property for 20 or more years they have a claim to title by adverse possession and the problem is that the deeds and Registry of Deeds do not match up with the reality that somebody has acquired through their use for 20 or more years ownership to that property, and the ANR plan is merely an effort to get the registry record to now conform with the actual ownership of the property, in reality.

Mr. Rudloff asked who put the fence up on the west side.

Mr. Lyle stated that Mrs. Thornton put the fence up to surround her pool and everyone thought the fence was the boundary line. It was a mutual mistake on both sides.

Mr. Rudloff asked why this commission has to abide by an ANR that basically violates three zoning bylaws.

Attorney Lyle stated that there's no other way to draft the plan to conformity with what the court has ruled.

Attorney Lyle said that he thinks the zoning issues are a little bit nuanced and a little more complicated than that.

Mr. Rudloff stated that this is pretty straightforward. There is over 40,000 sq. ft. for lot 17, now it's under 39 on both sides and on the east side it went from 25' compliance for side setback and now it's down to 7.2'. The other side went from 27' to approximately 17'. Did the judge know that this would violate the zoning bylaws?

Attorney Lyle stated that the judge was aware of the changes.

Mr. Pearce stated that the judge did protect himself in this because he said that to provide a plan that was acceptable.

Mr. Rudloff stated that the hardship that Mr. Lyle is trying to describe is one that was created by both owners on both sides. They went onto another person's property and built a playset and basically seized 467 sq. ft. of their neighbor's property, and then, through a legal maneuver calling it adverse possession.

Mr. Pearce stated that they should ask Town Counsel's opinion on what the CPCs responsibility is based on what has been presented.

Petitioners for 15, 17 & 19 Crestwood Road ANR hereby agree to an extension of time for final action on the submitted Form A and plan, until June 8, 2023.

### **9 Fox Run Lane - ANR**

Mr. Rudloff moved, seconded by Mr. Johnston and voted 5-0:

I move that the Community Planning Commission vote to endorse as "Approval-Not-Required", the plan entitled "Plan of Land, 9 Fox Run Lane, North Reading, MA.; dated July 5, 2022; drawn by Boston Survey, Inc.

### **Accessory Dwelling Unit bylaw - discussion**

Mrs. McKnight stated that she doesn't have anything new to add, but she put it on the Agenda in case the board wanted to discuss the last draft, and Mrs. Gonzalez asked at the last meeting if she could have a copy of the working draft and she did send it to her.

Mr. Johnston stated that it was his understanding that the CPC has brought it to the Select Board for them to review and make a decision.

Mr. Pearce stated that they did send it the Select Board and are waiting for comments or questions from them.

Mr. Rudloff asked if they were going to vote on it.

Mr. Pearce stated that he wants to wait until they hear from the Select Board.

**17 Anthony Road & 346R Haverhill Street – Definitive Subdivision – cont. P.H. 8:00PM**

Mr. Carroll moved, seconded by Mr. Rudloff and voted 5-0:

that the Community Planning Commission vote to continue the public hearing for 17 Anthony Road & 346R Haverhill Street until Tuesday, June 6, 2023 @8:00PM.

Mr. Pearce asked for a roll call vote: Mr. Ryan, Mr. Johnston, Mr. Pearce, Mr. Rudloff and Mr. Griffin in favor, none opposed.

**Amber & Priscilla Road - discussion**

John Bobrek of Bobrek Engineering and Construction, Danvers, MA. stated that he has spoken to Mrs. McKnight and department heads to get a general idea of what the town is thinking about the project. He is under agreement with the current owner to purchase and develop the property. They wanted to talk to the board to see if there were any opinions or things to think about as they develop their design.

Mrs. McKnight stated that she did share the information with the CPC that was provided by Mr. Bobrek.

Brendan Pyburn stated that in 2005 there was a standard subdivision conceptual drawing, so as a baseline, this project originally got going on DCR owning Amber and Priscilla Roads. Halchek Development got permits through DCR and a Notice of Intent through DEP to construct these roads with the intention of eventually creating a subdivision. So, over time, two abutting properties have been acquired which is part of this overall plan. There are two conceptual options and they're trying to see which one is feasible, because Article 97 takes a lot of time.

**Option A – Amber Way & Priscilla Road**

This subdivision option will utilize the existing cleared fire roads, which are currently owned by DCR to lay out the subdivision. This option will require an agreement with DCR for the Town to operate & maintain the roadways in the future. This layout will include a 20 lot Open Space Residential Development subdivision. The subdivision will provide a fire hydrant at each connecting location abutting Harold Parker State Forest for fire suppression. Additionally, since the current fire-roads are utilized as access to the park a small parking area will be provided for

users to park vehicles and enter the park where the road enters the park. This layout will complete the partial roadway construction wetland crossing on Amber Road for the fire road access road and will not adversely impact any other wetlands. The site lines for vehicular traffic entering and existing the intersection at Amber Road and North Street may require a traffic signal and this consideration will be made while the design is in development.

#### **Option B – Haverhill & Charles Access**

This subdivision option will utilize the abutting lots at 7 Charles Street and 249 Haverhill Street for access to two separate subdivision clusters. This complete layout will include an 18 lot Open Space Residential Development subdivision. This layout will not overlap the DCR fire roads, with the exception of driveway crossings. Option B will not allow the water main to be looped through these properties as this would require DCR agreements with the Town. This layout will require one wetland crossing to the south of the site for the roadway construction.

#### **Utilities, Landscape, and Signage**

The proposed subdivision will include standard utilities seen at recent subdivisions in town. The development will be connected to the water main on Haverhill Street, along with underground power, cable and street lighting. Sewerage will be private and remain on each individual lot in the subdivision. Lastly, stormwater is anticipated to be maintained on-site and not adversely impact the Town's stormwater systems in the area. Landscaping for the project and signage will be consistent with recent subdivisions in town which will create a sense of community for its residents. Layered plantings, New England stonewalls, and native species will all be incorporated with the design. It is our intention to maintain as much existing vegetation as possible and not clear the entire site to blur the distinction from a new to established subdivision.

Mr. Pearce stated that one of the primary concerns on Amber Road is the outcrop of ledge that can completely kill the sight distance.

Mr. Pyburn stated that he discussed this with the police chief and suggested that a stop sign and some pre-warning signs might be effective.

Mr. Pearce stated that even with a stop sign he thinks there is still going to be a problem.

Mr. Rudloff asked If Article 97 being a State action trigger other State policies and how long will it take.

Mr. Pyburn stated that it does and they are trying to work through them and it could take up to a year.

**Zoning Board of Appeals****142 Main Street**

The property sold last year and there are four landscaping businesses on the property. The loop was cut off for the 13 trailers located in the rear of the property and the fire department no longer had emergency access. The applicant put up a gate and a lockbox was given to the fire department. The use is not allowed in the Highway Business District, but at the ZBA hearing the owner told them that the CPC had approved a site plan. Mr. Rudloff spoke to Mrs. McKnight who told him that the CPC was never responsible for deciding whether or not those uses were allowed. The ZBA did continue this hearing, but will more than likely send them to the CPC for a site plan review.

**77 Elm Street**

The developer submitted an application for a variance from the rear yard setback for a single family dwelling to be constructed at 7 Woodcutter Road. There were quite a few abutters and they were all against it and most of the ZBA members said that they were not going to allow it. The applicant has since withdrawn without prejudice.

**Planning Administrator Updates****299 Main Street**

A site plan review is required for the outdoor storage of vehicles and materials.

**217 Main Street**

A site plan review is required for the outdoor storage.

**CPC appoint member to EDC**

Mr. Hayden is no longer a member of the CPC, and therefore, cannot be appointed to the EDC. The CPC will need to appoint someone else to the EDC.

**Select Board Meeting on May 22, 2023.**

Public hearings on warrant articles will be May 22, 2023.

Affordable Housing Overlay District

44 & 46 Oakdale Road, 7 Saint Theresa Street and 57 Haverhill Street have been surveyed by Norse Environmental and will be surveyed by LJR Engineering.

Charles Street Subdivision

The subdivision has improved from its prior status and the conservation commission agrees.

LiaisonsBoard/Committee:

Select Board  
Conservation Commission  
Zoning Board of Appeals  
Housing Partnership Committee  
Metropolitan Area Planning Council  
Historic District Commission  
Historical Commission  
Finance Committee  
Land Utilization Committee  
School Committee  
Recreation Committee  
Wastewater Advisory  
Commission on Disabilities  
Economic Development Committee

Representative:

Warren Pearce  
Warren Pearce  
David Rudloff  
Jeremiah Johnston  
David Rudloff  
Jeff Griffin  
Jeff Griffin  
Warren Pearce  
Ryan Carroll  
Jeremiah Johnston  
Ryan Carroll  
Warren Pearce  
Ryan Carroll  
Jeff Griffin

Adjournment at 8:15PM

Respectfully submitted,  
Ryan Carroll, Clerk

