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**Town of North Reading**  
*Massachusetts*

*Community Planning*

## **MINUTES**

**Tuesday, August 1, 2023**

Mr. Warren Pearce, Chairperson called the Tuesday, August 1, 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  
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.

### **Minutes**

Mr. Rudloff moved, seconded by Mr. Griffin and voted 4-0: (Mr. Carroll absent)

that the Community Planning Commission vote to accept the minutes dated June 20, 2023 as written.

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

### **33 & 35 Shady Hill Drive – ANR**

Mr. Rudloff moved, seconded by Mr. Griffin and voted 4-0: (Mr. Carroll absent)

that the Community Planning Commission vote to endorsed as “Approval Not Required”, the plan entitled “Plan of Land, 33 & 35 Shady Hill Drive, Assessor’s map 30, parcels 68 & 69, North Reading, Massachusetts (Middlesex County)”; dated May 31, 2023; drawn by LJR Engineering Inc.

Roll call vote: Mr. Johnston, Mr. Griffin, Mr. Rudloff and Mr. Pearce in favor, none opposed

### **Zoning Board of Appeals**

12 MacArthur Road – One the petition of Stefan Dhima, for a variance from the front setback to construct an 8.6’ x 10’ addition to allow for a front porch and additional room in the foyer to the existing dwelling.

- The CPC does not object to the request as long as neighbors do not object.

92 Concord Street – On the petition of Robert Moran, on the appeal of the decision of the building commissioner according to the provisions outlined in the approved Master Deed, section 7.

- The CPC supports the decision of the Building Inspector in this matter.

148-150 Park Street – On the petition of D. Bruce Wheeler Trustee of J.B. McLean House Realty Trust and 148 Park Street Realty Trust, for a variance to allow parking within the setback.

- The CPC supports the petition for a variance.

299 Main Street – On the petition of Above The Line Production Rentals, LLC for a special use permit for cleaning of their fleet (interior/exterior cleaning & Vacuuming) of associate business Flush, LLC.

- The CPC recommends asking the applicant what exactly will be cleaned) portable toilets, trucks, etc.) and what will be done with the water during this process. Vacuuming would not have much impact, but if this will be closer to a car wash use, that would be a very different situation.
- The CPC recommends if a Special Permit is issued, that the ZBA consider placing a one year time limit on that permit in order to ensure there are no adverse impacts.

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

Mr. William Hall of Civil Design Consultants, Inc. stated that they've made some minor changes to the plans that they've outlined in a revision letter. Those were limited to adding the location of the abutting soil absorption system for 15 Anthony Road and adding the distance between that and the closet detention basin, adding some additional plantings and specifying the number and type on the same sheet, and also on sheet C5 they revised that to add an additional note to provide swale along the property line with 19 Mohawk Rd. They do have a handful of comments from the water department that they have to address. It's with the locations of the curb stops, they want those pulled off just a little bit and then they want one water line feed, so it should be no problem for them to handle. At the last meeting they had just received a review letter from GM2 and the commission was going to take a look at that and provide some input.

Mr. Pearce stated that one of the questions was about creating a swale to bring the water down behind Mohawk. He didn't see any changes in the drainage calculations from the engineer.

Mr. Hall stated that it's not so much that it was a change in the swale, it was the way it was graded out. It was already creating a swale in that area, so it was taken into account and they just added some labels to that, just to make it extra clear when it's installed that that's the intent on the plan.

Mr. Rudloff stated that it's more of monitoring with the back and forth between GM2 and Civil Design, as far as changes and clarifications. There some abutter communications that create some questions that we have to consider, too. He asked if Mr. Hall received the letter from the attorney.

Mr. Hall stated that he did receive the letter this afternoon and didn't have a chance to go through it, but he believes it touches on a few items that have been addressed through peer reviews.

Mrs. McKnight stated that she needs to circle back to GM2 just to be sure that she gets a final letter saying that all outstanding issues have addressed before they close everything.

Mr. Rudloff stated that the water loop needs to be addressed because it's an opinion that it endangers the public.

Mr. Pearce stated that they would normally ask the water department because the amount of water line that's being added on exceeds the footage of what's being installed for the basic water line. The water department is the one that's going to end up owning and maintaining this and they may say that it's such a short loop that they may not be happy with having all that extra infrastructure. He's not sure if that's been presented to the water department, yet.

Mr. Hall stated that it's about equal.

Mrs. McKnight stated that she would follow up with Matt Prince of the water department and see what his thoughts are on it. If he does have concerns she'll ask him to write a memo to the CPC. She's working on a draft approval and asked the board if they wanted to discuss the waivers, so that she would know what to put into the approval regarding them.

Mr. Pearce stated that they usually wait to discuss the waivers after everything else has been completed, and he would also like to hear back from the water department regarding the loop.

Attorney Luke Legere of McGregor Legere & Stevens, PC stated that he is representing David and Lauren Cook of 346 Haverhill Street. The issues that he will be discussing are mostly directed towards water concerns and more specifically wetlands, stormwater and water quality, or drinking water supply. There have been a lot of proposals on this property over the last decade or so, trying to develop this property and it always seems to run into trouble and it seems that it always comes back to water. The stormwater management design as currently proposed is not going to work. It is not going to be able to manage and control stormwater especially in larger stormwater events. The CPC has heard from the neighbors of the Anthony Road neighborhood and beyond that flooding is an incredible problem down in this area, under the existing conditions. What they're seeing right now is a stormwater management plan which essentially proposes to either to direct stormwater to the existing drainage along Anthony Road which is obviously problematic where there's already flooding there, or direct it to wetlands on the property which is also problematic. Not only is that going to exacerbate flooding as well, it's going to have environmental impact. We don't know the nature and extent of those impacts to the environment because the Conservation Commission hasn't completed its review.

Mr. Pearce stated that is a key point that the Conservation Commission hasn't completed their review. It's pretty difficult to say whether it's good or bad, or whether it will work, or not. So,

that would be subjective, taking the decision out of the hands of the Conservation Commission which we're going to let them make their decision. They want to see as much possible done with the completion of the plan, because conservation could make changes and then send the plan back to the CPC. They are charged with maintaining the rate of the pre-construction rate of run-off back to the site. He's suspect of that because they never really addressed quantity to all these rates.

Attorney Legere stated that they should also be addressing volume too.

Mr. Pearce stated that addressing volume is not in the code.

Mr. Hall stated that he's not really sure why volume is not in the regulations, but he thinks it probably has to do with downstream capacities of different waterways and pipes. If they control the rate then the waterway has the capacity to pass that.

Mr. Pearce stated that the drainage calculations have been identified and reviewed by the design engineer and peer review engineer that say it's going to work. So, unless you are an engineer and have engineering proof that it's not going to work he's not sure where Mr. Legere is going with this information.

Attorney Legere stated that he reads the peer review letters as saying exactly what he just said. That as designs for the stormwater - essentially the choice is either directly into the Anthony Road existing stormwater system, or the wetlands. He's not asking the CPC to step into the shoes of the Conservation Commission and would like them to finish their discussion before the CPC finish things up. He also knows the Con Com would like the CPC to wrap things up before they finish. He's simply raising the point for the CPC that that is essentially the choice that is being presented and it's not a good choice. Either one of those choices is going to exacerbate existing flooding along this road and potentially have unacceptable impacts to the jurisdictional wetland areas on the property. The CPC regulations call for the Con Com process to be wrapped up first, and he thinks that's a big part of the reason why this commission can understand exactly what the wetland resources on the property are and where they are.

Mr. Pearce stated that this is the Conservation Commission's job and he's not going to try to second guess them. This project could also be stopped by National Grid and that is why he's asked the applicant to maintain communication with them.

Mrs. McKnight stated that the Conservation Commission pretty much always waits for the CPC to vote first, no matter what the regulations may say. If the CPC wants to issue an approval there is always this period in between the recording of the decision and the endorsement of the plans and there usually are some items that need to be checked before endorsement of the plans, so one of the conditions could be that the Conservation Commission needs to issue an approval that is consistent with what the CPC approves.

Mr. Pearce stated that because of the complexity of this whole situation he thinks that the CPC needs to get as far as they can and then give conservation the chance to render their decision, so the applicant can take whatever decisions they get, back to National Grid, to see if they are going to let them continue with the project.

Attorney Legere stated that another point that he really wanted to stress in respect to stormwater and what he's going to call segmentation on this project. What is currently before the commission in this application is a six lot subdivision proposing five single residences. Yet, the commission has no details about the residences, the driveways and the septic systems. None of those aspects of what ultimately would be built out on this property are part of stormwater design or calculations, and to them it is a massive omission.

Mr. Pearce stated that they did calculate all of the impervious and added it into the drainage calculations.

Attorney Legere stated that if the commission is moving towards an approval, then he suggests some form of a condition that makes it crystal clear that is all because his concern is whether there's been some accounting for those numbers, or not. This property does sit in the Aquifer Protection Overlay District, so to the extent that water is being recharged to the ground water, to the extent that stormwater is being directed wetlands and ultimately to groundwater that has very real impacts on the drinking water supply. They see no justification for the waiver requests.

Mr. Pearce stated that this board does care a lot about it. They try really hard to make sure that whatever they approve is something that's been vetted properly and as completely as possible, so that they don't have a problem with these subdivisions. If you look at the past 30 years of subdivisions that have been built in this town the vast majority operate precisely as there supposed to and there are no negative impacts in these areas because the engineering was done correctly.

Joanne Herook of 43 Anthony Road stated that there is no drainage past 39 Anthony Road that turns onto Peter Road. Because there is no drainage at the end it runs directly into the Skug River.

Mr. Pearce stated that this is an existing condition, so bringing that to conservation they may say that they want the developer to do a little something to improve this because the CPC cannot ask the developer and the developer cannot do it on his own.

Mr. Hall stated that according to the DPW records that they were provided with for the direct connection it goes towards Haverhill Street and then goes across another side street and then down across through a wetland that eventually gets to the Skug River, but it's a wetland. He

believes the drain that they're talking about is where there's a culvert between two abutting parcels that connects in and the wetlands that are on their property eventually overtops into that culvert and goes there, but they're reducing peaks and volumes to that design, in particular.

Joanne Herook asked if it doesn't and gets worse, then what? Do they sue the engineering firm?

Mr. Pearce stated that if your neighbor caused all the water on their property to run onto your property that would be a civil matter between you and the neighbor.

Mr. Rudloff asked if the plan could be put on the screen, so that they will know what Joanne Herook is referring too.

Mr. Hall stated that it is shown on the second sheet (existing conditions). He then pointed to the area of concern, on the plan.

Attorney Jamy Madeja of Buchanan Associates stated that she is representing abutter at 19 Mohawk Drive, Andover and sent a letter (dated 8/1/2023) to the commission regarding their concerns which she then reviewed at this meeting.

Mr. Pearce stated that a lot of the issues have been dealt with. It's a requirement that all of the impervious areas are included in the stormwater management. The calculations were done and agreed on by both engineering companies, he does not think a third engineer is going to find anything different unless they use a different metric.

Mr. Hall stated that everything was included in the calculations because it is a tight subdivision it's almost a necessity.

Michelle DaSilva of 19 Mohawk Road, Andover stated that had the opportunity to go onto the CPC website and read the Mission Statement. She then reviewed this at the meeting.

Mr. Pearce stated that a lot of the statement being made are not supported by an engineer and what is happening now is an existing condition.

Michelle DaSilva stated that she is not an engineer, but wanted to discuss the existing conditions on her property. The abutters that are here are stating what is happening to their properties and she doesn't want this to happen to hers if this subdivision is approved. The elevation that is going to go up 5' near her property is going to cause a run-off.

Mr. Pearce stated that the water is not going to go on her property because it's going to follow the swale. If the engineer that was hired by her attorney says that it's not going to be enough, documentation from that engineer should be submitted to the CPC to review.

Michelle DaSilva would ask that the waivers and this project be denied as it's proposed.

Mr. Rudloff asked Mr. Hall to address the point being made about the height being excessive.

Mr. Hall stated that it's to accommodate the septic systems because they have a separation that they need to meet, it's at 4' because of seasonal high water. In every way possible we're supposed to make an effort to use a traditional stone and pipe system is how the regulations read.

Tim Corcoran of 37 Shady Hill Drive stated where his backyard meets the river is where it runs northwest towards Harold Parker State Forest and to the right it runs a little way down Shady Hill Drive and then runs left towards Martins Pond. When they bought the house 20 years ago, the Skug River was a little creek, now it's 30' closer to his back door. So, the ability of the wetlands to absorb additional water flow may be overestimated, the aquifer is full.

Mr. Pearce stated that the wetlands may be higher at this particular point. The prior town health agent was pretty knowledgeable and he told Mr. Pearce that they haven't had a normal rain year in 10 years, it's always been low, so when the water table started rising he said that it's back to normal.

Andrea Pagliuca of 15 Anthony Road stated that she hired an engineer in January when the first moved into the area to take a look at this plans to see if there would be any impact to their property. The letter was submitted to the planning department and she would like to know if the CPC had a chance to review it, and if so can that letter be documents somewhere on the record.

Mrs. McKnight stated that that letter would have been in the first packet from the opening of the hearing and Mr. Hall had addressed the points in that letter in his response. We don't typically ask our peer reviewer to also review, but if the CPC would like her to send it to be reviewed, she will.

Mr. Pearce stated that he supposes that it can be reviewed by GM2, but again, Mr. Hall addressed all those issues and then the peer reviewer that.

Mrs. Pagliuca stated that would be another engineer's review.

Jeff Jones of 16 Anthony Road state that there have been a few different people who have been involved with the development of this property and wanted to know who the actual applicant/developer is for this application and if they have experience building subdivisions

Joseph Cataldo stated that he is the current owner / developer of the property. He has been in the family business for 15 years and they recently finished in Andover and also Billerica.

Andrea Pagliuca asked Joseph Cataldo if he ever considered building fewer homes that would satisfy everyone involved.

Michele DaSilva stated that if they eliminated the proposed house that backs up to her property she would not have water draining onto hers.

Joseph Cataldo stated that this project has been held up for the past couple of years and they need to recoup the money that was lost.

Bruce Reynolds of 27 Mohawk Drive, Andover asked if the drinking water that will be flowing into the houses figured against its calculations because that going to more water being diverted into the wetlands.

Mr. Pearce stated that this was brought up at a prior meeting and he asked them if they removed the design criteria for the septic systems which is Title V separate from the stormwater standards.

Bill Hall stated that it's not the stormwater calculations. The stormwater calculations that they have to meet are recharge requirements for stormwater. There's no regulation for the stormwater standards that included taking into account septic system flows and there's no local regulation. So, they're designing septic systems to the State standards that are separate from the stormwater standards.

Ed Sapienza of 25 Anthony Road stated that compounding this and he thinks it's been left out of the discussion is the road. He believes it's an environmental hazard because they're going to be salting that road in the winter time. They're going to be pouring tons of salt into a very sensitive area (wetlands and aquifer protection)

Mr. Pearce stated that they would check with DPW because he thinks they use calcium chloride.

Mr. Rudloff asked Mr. Hall if a filtered unit address some of the water quality issues that are being raised.

Mr. Hall stated that he's not sure because he doesn't know what the town uses. He thinks that questions would be more for the DPW or engineering department. He knows that other towns started doing retrofits to some of their drainage systems to try to meet some of the requirements

Andrea Pagliuca stated that in talking about consulting with DPW, water department and peer review she's curious to know if the issue that was raised at the last meeting about a pipe coming down Anthony Road had been discussed with any of those three parties.

Bill Hall stated that the engineering department was involved in their discussions, so they went back and forth with GM2 to try to size that connection going into the drainage system, so they should be aware of it, but he hasn't seen a review letter come from GM2 since then.

Mrs. McKnight stated that this is one of the issues that she needs to get some follow up from the engineering department and GM2. She just wants to make sure that they are both on the same page. There are a number of issues that still need to be worked out and she wanted to ask the applicant if they would extend the deadline for a decision until September 8, 2023.

The applicant agreed to the September 8<sup>th</sup> extension.

Bruce Reynolds asked if National Grid has agreed to give up the easement.

Mr. Pearce stated that that is between the applicant and National Grid.

Nick DiGiovanni of 348 Haverhill Street stated that he is opposed to any waivers being granted.

Mr. Rudloff moved, seconded by Mr. Griffin and voted 4-0: (Mr. Carroll absent)

that the Community Planning Commission grant the applicant's request to extend the deadline to render a decision on the 17 Anthony Road / 34R Haverhill Street subdivision until September 8, 2023.

### **Planning Administrator Updates**

#### **Warrant Articles for October 2023 Town Meeting**

Mrs. McKnight stated that the warrant article closes on August 21<sup>st</sup> and the CPC sponsored Articles for this town meeting are:

Affordable Housing Overlay District

44 & 46 Oakdale, 57 Haverhill Street and 7 St Theresa Street – An appropriation was given at Town Meeting to delineate the wetlands and also do survey work on these properties, so that the CPC would have more information to discuss with the neighborhoods about the location of affordable housing on those properties. The delineation has been completed, but the survey work is still in progress because the engineer, Luke Roy told her that he's fallen a little behind and asked if the CPC had a priority for which of those properties the CPC would want to target first and he would do that one first, if the CPC wants to get it on this October's Town Meeting. The one that would require the most work would be 57 Haverhill St. and this was the one with the most opposition.

Mr. Pearce stated that he thinks it should be St. Theresa's Street.

Mrs. McKnight stated that that is the one that Habitat for Humanity was most interested in. She'll tell Luke that St. Theresa's is the one that he should prioritize. She's not sure if they'll have enough time to make it to the October Town meeting because the survey needs to be completed and in hand by the time the warrant closes. She will speak with Luke and they can discuss this again at the August 15<sup>th</sup> meeting.

Mr. Rudloff asked what makes this different than a year ago. Why can't they put them all on the warrant and work it out with the Select Board.

Mrs. McKnight stated what happened was that they put it on the Warrant without discussing it with the Select Board and they weren't comfortable with it because the wetland delineations were out of date and the Select Board wanted to have it surveyed. They also wanted the town to be in charge of the delineation and surveying. She thinks that the Select Board will be more comfortable if they have a surveyed plan.

Street Acceptance – Eaton Circle

Mrs. McKnight stated that an application was submitted for street acceptance on Eaton Circle. She requested that GM2 and the town engineer go out and do a final inspection.

Mr. Pearce stated that the water department should review the plan to be sure that the water gates for each house are on the plan.

Mrs. McKnight stated that the public hearing is scheduled for September 5<sup>th</sup>. It will then go to the Select Board's informational hearing on September 6<sup>th</sup>.

MBTA Communities Housing - discussion

Mrs. McKnight stated that they were trying to make the October Town Meeting, and talked about doing public meetings on September 12<sup>th</sup> and 26<sup>th</sup>. She has been discussing this with

the housing services office, including the consulting support that they would like to have regarding the analysis of whether they can include any affordability provisions. She did find out that there allowed to ask for 10% affordable beyond that they will have to do the financial analysis, this is something that they can look at for us. There is a joint meeting scheduled with the school committee on August 29<sup>th</sup>, then they would proceed with the September 12<sup>th</sup> and 26<sup>th</sup> to ask the public for input. She would like to know if the CPC is comfortable submitting a warrant article before they do those meetings, or do they want to put it in for the next warrant. The deadline for action on this is not until December 2024. So, if they want to take more time, they can.

Mr. Griffin stated that if they have that much time why rush to put it in if they don't have to.

Mr. Rudloff stated that they should wait and do it later, after public comment.

Mr. Pearce stated he would like to get it done at the October Town Meeting, but he isn't against doing it at the June Town Meeting. He wanted to know what the school committee was going to bring to the table on this because he doesn't see them giving anything other than some insight of what their plans are, but will have nothing that is going to affect town meeting.

Mr. Rudloff stated that it's more informational, possibly their state of affairs and what their tolerance will be.

Mrs. McKnight stated that when she reached out to the school committee she presented it as what the town needs to do to comply with this bylaw and we wanted to get their input on it.

#### Accessory Dwelling Units

Mrs. McKnight stated that this is not going onto the warrant, but she heard that it is possible that a joint meeting may be scheduled with the Select Board on August 21<sup>st</sup>.

Mr. Rudloff stated that he will not be available.

Adjournment at 10:15PM

Respectfully submitted,  
Ryan Carroll, Clerk

