



RECEIVED
BARBARA STATS

2017 NOV 15 AM 11:56

Town of North Reading
Massachusetts

Community Planning

TOWN CLERK
NORTH READING, MA

MINUTES

Tuesday, October 24, 2017

Mr. William Bellavance, Chairperson called the Tuesday, October 24, 2017 meeting of the Community Planning Commission to order at 7:33p.m. in Room 14 of the North Reading Town Hall, 235 North Street, North Reading, MA.

MEMBERS

PRESENT: William Bellavance, Chairperson
Warren Pearce, Vice Chairperson
Jonathan Cody, Clerk
Christopher Hayden

STAFF

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

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

184 Main Street – minor modification-docking area

Scott Audette of Scott V Company, Wilmington, Mass. stated that when the original building was constructed they made the loading dock area too small. The proposal is to extend this platform by 8' by the width of it, which is 16'.

The consensus of the board is that an "As-built" plan be submitted to the planning department on completion.

Mr. Cody moved, seconded by Mr. Hayden and voted 4-0: (Mr. Veno absent)

that the Community Planning Commission vote to approve the minor modification for 184 Main Street to extend the dock as shown on the sketch plan entitled "184 Main St. North Reading". All other terms and conditions of the original approval, dated April 28, 2005, and subsequent approved modifications on file with the Community Planning Commission, remain in effect.

Minutes

Mr. Cody moved, seconded by Mr. Pearce and voted 4-0: (Mr. Veno absent)

that the Community Planning Commission vote to accept the October 10, 2017 minutes as amended.

Mr. Hayden stated that he read the minutes from the meetings that he was unable to attend.

Zoning Board of Appeals

1 Bigham Road – On the petition of Sarah Dardeno for a variance for a shed per the setback requirements.

- Abutters do not object

6 Gould Street – Liane & Greg Cook for a variance for an above pool per the setback requirements.

- Abutters do not object

7 Frontier Avenue – On the petition of Samantha Watson for a home occupation special permit for a photography business.

- Abutters do not object
- Requirements of 200-42-must be adhered to

8 North Street – On the petition of Cummings Architects on behalf of Valerie Moschella & Gina Palmer for a variance for an attached garage with a room above per the setback requirements.

- Abutters do not object

59 Central Street – On the petition of Katherine Prall for a home occupation special permit for photography business.

- Abutters do not object
- The requirements of 200-42 must be adhered to

Old & New Business

Follow-up letter to the Board of Selectmen

Mr. Bellavance asked the board if they reviewed the letter in regard to the meeting they had with Rich Wallner that would be sent to the Board of Selectmen, if the board was in agreement.

The consensus of the commission approved the submittal of the letter to the Board of Selectmen.

Dogwood Lane subdivision – bond renewal discussion

Mrs. McKnight stated that she has been contacted by some of the property owners on Dogwood Lane in regard to the renewal of the bond. They would prefer that the bond not be renewed again because they would like to have the developer finish the road. At a meeting held in 2015 the board's decision was not to do a "Clerk of the Works" because there was not much work that needed to be completed. The bond expires December 31, 2017 and she would like to know what the commission might do at that time.

Mr. Pearce asked to see the DCI bond report and also wanted to know how much is the bond amount. If there is not that much left to be done then they really don't need to burden the developer with a "Clerk of the Works".

Mrs. McKnight stated the amount being held is \$28,193.00.

The consensus of the commission is to contact the developer, Dana Rowe and ask him what his intentions are in regard to the bond/road. Inform him that if he is going to ask for an extension, a new bond estimate will be required by DCI. He will be responsible for the payment of this request and will need to provide a bond in the amount that is required.

9 Cottage Street/109 Marblehead Street – Determination of Access – P.H. 8:00PM

Mr. Cody read the public hearing notice into the record.

Rich Williams of Williams & Sparages stated that they prepared an ANR plan and attempted to submit it to the planning department but was told that because this is a gravel road and not a full width that they needed to come before the board for a Determination of Access. This road has other homes on it, for some time with frontage on Cottage Street. Mr. Smith built a house at the end of Cottage Street around 2009-2010 which was determined by the Zoning Board of Appeals to be eligible for a building permit. The proposal is to not alter the street, but to keep the construction that is there. At this time, a single house that takes access from Cottage Street would be subdivided to allow another lot that would have access and frontage off of Cottage Street. It is of their opinion that even without this process the plan qualifies under Massachusetts State Law as an ANR because it has frontage on a way that is used by the public and maintained by the town. In addition, given that the ZBA determined that a building permit could be issued for the lot at the end of the street, it only makes sense that this additional lot be afforded the same privilege.

Mr. Bellavance stated that he drove on this road today and it is tight and tiny. He wasn't on the board at the time Mr. Smith came in for the lot at the end of the road and it doesn't matter to him what was built down the road. Things change and now Mr. Smith wants to add another property which will add more traffic. He had a tough time driving down that road today and had to drive backwards because there was nowhere to turn around. So, he cannot see adding another house without doing some type of improvement to the road.

Rich Williams stated that they will be adding a driveway that will provide a vehicle to turn around. There is also the law which governs subdivision control that needs to be considered.

Mr. Bellavance asked how wide the road is.

Rich Williams stated that the layout is 16'. The gravel is about the same width, but varies.

Mr. Pearce stated that there are some areas that are very narrow, probably 10' to 11' wide. There is no way that two vehicles can pass each other especially in the winter time.

Rich Williams stated that they have no control of the width beyond this lot.

Mr. Bellavance stated that he would like to see some improvement done for safety reasons.

Mr. Pearce stated that there are questions in regard to grandfathering, but Town Counsel does not look at it differently and the opinion they received the last time was that it needed to be

submitted as a Determination of Access and this was also the board's opinion, but Mr. Smith went to the Zoning Board of Appeals and received an approval to build a house.

Mr. William Smith stated that this is as simple as it can get. These two lots, and there have been a lot of lots in town on small and big driveways and incorporates with the Fire Department turn-arounds. These two lots are as clean as you can get for this type of operation. Rich Williams was referring to Chapter 41, Section 81L, "When you divide a lot into two or more lots, if all of those lots front on a way that is on the ground that is maintained by the town, and if that way is maintained and used as a public way that all the lots on the division of the land qualify for an ANR". This does not fall under Subdivision Control; it falls under Chapter 41, Section 81L. When came in front of this board to get approval to do the house at the end of Cottage Street and it was a long process. He has checked with the police and fire departments and there has never been an accident or a complaint about people being able to get in and out. When he built the house at the end it was 1300' and this time it is only 212' from Marblehead Street. He feels that this should be able to be processed without any problems. He also spoke to the abutters of Cottage Street and was told that they do not want the road to be paved. They are going to run a 1½" water main from Marblehead Street and put an easement on lot 1, so that they don't disrupt the road at all.

Mr. Hayden stated that they have been through this before and Mr. Smith used a lot of never hazard then. This is in the past; they need to look in the future because if someone drives down there and goes off the road and there is also a fire at the same time, which can happen, now they have an issue.

Mr. Smith stated that that scenario is there whether he builds the house or not.

Mr. Hayden stated that is correct, but another house is now being added. Is the town going to be liable if there is a fire or accident and emergency personnel can't get to it?

Mr. Pearce stated that he agrees with the possibility of a problem happening in the future. The real problem is up the road. They do have an opinion from Kopelman & Paige stating that this is subject to a Roadway Improvement plan, so if they decide to deny, Mr. Smith will then go to ZBA to seek approval. There is another option that he would like to discuss: If Mr. Smith would agree to widen the leading part of the road to the end of their property, so that it has a little more width, to make it more accessible off of Marblehead Street.

Rich Williams stated that there is enough area on both of the lots to create an easement of 5'. Mr. Smith could also increase the width of the gravel, keep it out of the buffer zone, increase the radius and widen the roadway by 4' to 5'. They have a meeting schedule with the conservation Commission and will discuss this easement. If they are not okay with the easement, they will still grant it to the town.

Mr. William Smith stated that he is in agreement with these conditions.

Mrs. McKnight stated that they will need to have following items for the next meeting, but would like to know if the board would like to have the improvements to the roadway completed before construction of the homes begin.

The consensus of the commission is to have the roadway completed first.

- 1) Revised Roadway Improvement Plan
- 2) ANR plan submittal
- 3) Conditional Approval

Mr. Cody moved, seconded by Mr. Hayden and voted 4-0: (Mr. Veno absent)

that the Community Planning Commission vote to continue the public hearing for 9 Cottage Street & 109 Marblehead Street until Tuesday, November 14, 2017 @ 7:30PM.

Housing Production Plan

Mrs. McKnight stated that she put an updated survey for the housing production plan into the dropbox. She would like the board to review and let her know if there are any changes to be made, so that she can schedule a meeting.

Signage Bylaw - discussion

Mr. Bellavance stated that he made a list of all the issues he has with signage.

- 1) Banners on fences
- 2) No flashing signs, this includes signs inside windows
- 3) Any form of signage in windows – no more than 20%
- 4) Lighted signs – no more than 10%
- 5) Residential signage – full review for anything
- 6) Old and damaged signs – business no longer at site, signage to be removed, after 90-day notice.

Mr. Cody stated that he does not like to see banners on anything. A-frames should not be allowed at all. What about signs leaning against the buildings?

Mr. Pearce stated that one of the reasons for not doing this is because if the old sign does not conform to the current zoning bylaws it is usually grandfathered. If the sign is removed they lose the right to place it in that location.

Mr. Bellavance stated that they should at least remove the logo/name from the sign.

Mr. Pearce stated that some type of verbage would need to be added so that they do not lose their rights.

Mrs. McKnight stated that may be able to cause a person to lose their rights which is what they should explore with Kopelman & Paige.

Mr. Pearce stated that this is called the "Sunset Clause". When it comes to the A-frame signs he thinks that it is an old school way of doing it and he suggested that they be allowed with some level of restriction.

Mr. Hayden stated that there are always banner signs placed at the Haverhill and Park Street, school fence. There should be a time limit and a temporary permit issued for the banners.

Adjournment at 9:00PM

Respectfully submitted,



Jonathan Cody, Clerk