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Town of North Reading  
Massachusetts

Community Planning

TOWN CLERK  
NORTH READING, MA

## MINUTES

**Tuesday, March 2, 2021**

Mr. Warren Pearce, Chairperson called the Tuesday, March 2, 2021 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 or access online at <http://us02web.zoon.us/j/9854009260>).

### MEMBERS

PRESENT: Warren Pearce, Chairperson  
Christopher Hayden, Vice Chairperson  
Ryan Carroll, Clerk  
David Rudloff

### STAFF

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

Mrs. McKnight read: 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, video <https://us02web.zoom.us/j/9854300926>.

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

### **5G Cellular - discussion**

Mike Lynch of the City of Boston DoIT presented a PowerPoint (see attached). He stated that they post the locations for all the small cells that they have in Boston and it's been growing over the past five years. There are a lot of companies out there doing it. 5G is a very small impact, it only runs about 300 feet in terms of coverage, so these things are put in kind of as a stopgap in areas where there's either very high demand and they can't take care of smartphone needs or there was a lack of coverage. They started doing 5G in Boston for about 15 years, the last five years, it has really heated up. The industry can be pushy and demanding, it's really hard to work with. They spend a lot of time going to Congress and the FCC complaining about cities and towns. One of the reasons he likes talking to other towns is it's nice to have allies in this fight. We're all trying to just basically do our job to take care of the public good and take care of the public roadway and it's a little tough to be getting beaten up for trying to protect our own assets, so it gets a little confusing. We have shared goals, the public wants this stuff, but we also need to take care of things like historic preservation and landmark areas. If you have made investments he's assuming North Reading has a significant number of their own street poles, as opposed to a utility poles with street lights on them. So, they're going to come in and they're going to be on your asset and that creates a whole different issue. What they do in Boston is that they actually say okay, you want to use our street light, we don't have conduit for you. We don't have power that we can give to you, our State law prohibits it, and you have to bring in your own fiber. So, quite literally, they remove all street light poles and they put in their own street light pole which reverts to us in terms of ownership. But, they have to do this because they've got to put all these pre-drilled attachments in there. They've got to put cooling units and radios and now it gets pretty convoluted and complicated very fast. If you have any area of your city that you're trying to protect the aesthetics of it, you have a right to do that. So you can say no, and tell them that theirs is going to look like what they replaced, and he would encourage the town to keep going down that road. He sent Mrs. McKnight a cheat sheet from a group called Ntoa which he is active in. That sheet will give you a breakdown on some of the Federal restrictions. He thinks that the town needs to have a lawyer look over the documents. A lot of people ask what is 5G, this is the best definition that he ever

heard, and it was last year on CNN, when somebody just said "It's a myth." 5G is really the fifth generation phone service by itself. That's all it really means, it has no high special technology to it and this is sort of the normal pathway, if you will, of a cell call, you'll remember this from when you were looking at the macro cells. All the small cell was doing is replacing the macro cell. The macro cell tower may have a reach of 10 miles, the small cell has a reach of about 300 to 400 feet. That's the distinctive difference, but it still needs all of the other components in the pathway. What's being used in this fifth generation, this 5G of cell phones, are different radio frequencies. The last five or six years, so the FCC reallocated a lot of spectrum, they pushed TV stations off of the analog channels, forced them up to some digital channels, so they can open up some spectrum space and they sold it to the wireless carriers because high demand for wireless service was exceeding the capacity of the frequencies available, so they offered some new ones to them, and now they have, sort of three big buckets. A low, mid and high band of service, that's sort of where the high band is. The high band is very, very fast so it's good for things like autonomous vehicles and fast computing, so there's very little latency. The downside is it freaks people out and we end up dealing with as local government. He showed a snapshot that they got from the Government Account Office and it's a snapshot of a New Your City map, of the propagation of the frequencies and 5G. The map on the right is mid band and those are lower frequencies, so they propagate well, they go through walls and stone, etc. The 5G is very fast, but very light, it bounces off of walls and they can direct the signals. So, a lot of times what you see in 5G is it'll actually just shooting down the street, it's not shooting into the building. This is the slide he'll often share with citizens who get concerned when a small cell is in front of their house and they say, "Well, what about me? I'm sleeping near that thing and I don't like it." Especially in Boston where you might have a row house that's 10 feet from one of these poles, they get very concerned and rightfully so. The Government Accounting Office has put out probably three or four different reports on 5G and wireless propagation over the last year and a half. They're very good, they're very informative and their information is much better than what you get from the FCC or the State. In Boston they do something they call licensing, but talking to Mrs. McKnight he didn't have a sense that anybody was clamoring at the doors right this second, but you know what's going to happen soon if it hasn't already that people are introduced to wireless carriers or neutral host like Crown Castle, American Tower or Extranet are coming to you and saying they want to do business with the town. He assumes some sort of overtures will be made.

Mrs. McKnight stated that she has not been made aware of any, but they're trying to prepare because they know that it's coming.

Mr. Lynch stated that they did something called a license, the town may not need to, but later on in the presentation, the FCC has gotten very strict with local government and they put a lot of shot clocks in here, so that when you get an application don't just leave it till somebody has a chance to look at it. Review it almost immediately, find out what it's missing and convey that back in an email, because if you do not, the clock ticks. In the 90 days that you have to make a decision or used up while you're waiting for someone to come into the office or for this town,



to have a meeting. Whatever the case may be, he thinks it's a regulatory trick by the FCC to do it to local government, but the way they set it up was they put these shot clocks in, so that if you do not approve something in 90 days it is deemed to be approved, so it's just the one warning, if nothing else, he wanted to leave this town with that one piece of advice.

Mr. Pearce stated that they did something similar to that with the Telecommunications Act where they put all of the pressure on to allow this to happen and saying that the providers were given a mandate and you couldn't interfere with a mandate.

Mr. Lynch showed a snapshot of the different types of poles that the town might see in Boston. In Boston, we said that they can go on the streetlights, we're not letting them do their own freestanding poles or slim line poles or anything like the one shown on the right. They can go on the utility poles and the streetlights. If they go on the streetlights they have to replace them, on the utility poles they have a process for that anyway, so they're fine. But it is a little chaotic, particularly if you have a nice quality streetscape that you want to protect if somebody comes in and says, "I want my pole right here." To put a pole out of sequence with others, is a glaring disruption, if you will, to the aesthetics of your streetscape, so don't let it happen, if you can avoid it.

Mr. Pearce stated that the town has a historic district that we put all of the electric and everything underground. Our subdivision control law requires that a subdivision have all of the utilities underground and the only thing that will be there are streetlight poles. So, this is an important point, as to how we, and again it's all the newest subdivision, and some of the higher end subdivision, where they would most likely be looking for this 5G are going to be the places where there are only light poles.

Mr. Lynch stated that they do cooperative designs and if somebody comes up with a design and we agree to it, any of them can use it. On the left side of side of the slide is a historic district pole and because it's a dual they really don't know what to do. It has a slim line type of antenna and it's put in the middle, on the bottom there's both power and fiber. They don't really love it, but they don't have a lot of those poles. If they're on a utility pole it's a different issue. If it's on a streetlight pole that the town owns, they're going to have to bring their own power and fiber, so this is more than one project. They're not going to just replace the pole, so that they can put their equipment on it, they're also going to have to trench the street, without a source or on their own, in order to bring in fiber and power. The reason he's showing this slide is because as he mentioned earlier, there's going to be radios, fans, different network cards, etc. They need a cabinet that is either going to be at the bottom, as it is in the middle two shown on the slide, or up in the air. The town has a voice and can say where they want it to be put, depending on how crowded the sidewalk is. If someone comes to the town and says that they want to put in 5G, the town should go with a neutral host because they can carry up to three carriers. Verizon and AT&T are not going to host another carrier, so that means that someone else is going to come in right behind them and say they also want to a pole and



wanted to be treated the same as those that are already there. FCC makes a big deal about level playing field and want all of the telecom companies to be treated equally, so you cannot give preferential treatment to one over another.

Mr. Pearce asked if Mr. Lynch could give an example of what he would consider to be an independent contractor.

Mr. Lynch stated that the neutral host are the tower companies. They use a form online and the town can do the same thing. A workflow sheet can also be found on the website that will let the town know if too many activities are going on at once and if they're impacting the light system, underground by bringing in conduits for power, for fiber. So, it's worth looking through this process and then trying to figure out, if the town is going to live within the mandates of the FCC. When a carrier or a neutral host comes to the town and ask if they can use the town poles, remind yourself that at that point the town is acting as a permanent authority, but also acting as a landlord. They owe the town a little bit of rent and the town has a little more flex to say how they treat the town's property.

Mr. Pearce stated that the majority of the town's properties that were properly build have a pretty good set of front yard setback of 40'. He has seen in some places where they've done underground bunkers. Is that not normally something they would do because of the moisture?

Mr. Lynch stated that they're actually putting switching equipment in and it needs fresh air. So, the underground vaults don't work. There is a webinar in a couple of weeks where they'll discuss some of these issues.

Mrs. McKnight stated that Town Council has prepared a draft policy which would be for the Select Board in their purview to decide what goes in the public right-of-way and another would be on a draft zoning bylaw for the CPC to decide how to regulate what goes on private property, and what Town Council left blank is for the CPC to decide what the recommendations need to be for aesthetics.

Mr. Pearce stated that there are too many places in town where the poles are in the middle of sidewalks, so it's probably not viable to place the base at the bottom of the poles. Mr. Lynch showed them sketches of these bases at the top of the poles, but he would prefer to see a real life photo.

Mr. Lynch stated that the base is approximately the size of a dormitory refrigerator. That's a minimum of how much space they need that's a new installation, they can come back later and increase that installation by 50%. That's the second part of the same orders and private property is treated somewhat differently. The danger we're in right now is that they're actually giving up to a 30' expansion on those units, so, in other words if you're in a portion of a roof, it could be the entire roof.

Mr. Pearce stated that they will need to look at what kind of installations will be acceptable to us on town owned properties which would have to be approved by the Select Board and what kind of installations on private properties which is the zoning bylaw that the CPC would create. He's unsure how they would regulate what goes on the top of someone's building if they're willing to rent for some level of income.

Mrs. McKnight stated that the zoning bylaw would regulate it because it would be private property.

Mr. Lynch stated that what you initially approve as new installation, they can come back later and expand on another 30' and, if you think 30' on a roof is a lot of space or if it's on the ground, around a pole, but on private property, that's 30' of somebody's front yard. He's assuming that the town is active in the Mass. Municipal Association, so through Mass. Municipal that ties the town into National League of Cities. About a year ago Ntoa and the National League of Cities put out a guide to small cell siting and a suggested ordinance for local government use and he will email it to Danielle to share with the CPC.

Mr. Pearce asked how tall the antenna on the pole is.

Mr. Lynch stated that it's as tall as they're allowed. There's a couple of things going on with the antenna height, it depends on what type of antenna, most of them are cone shaped and they put it inside a drum. What gets a little complicated is when there are maybe three carriers on a neutral host pole, those are multiple radios and they have to be some distance from each other, so it could be up to 12 or 16 feet.

Mr. Pearce stated that from what he understands there is a fairly high level of power requirements for these systems as well. Obviously, the provider has to lay the lines and provide the power for the units that are on the poles.

Mr. Lynch stated that they are going to have to turn to the electric company to get a stub out to bring their own power to that pole because they can't use the towns. If the town is using them as their municipal company, the town may be able to sell it to them. There's a State Law that prohibits Boston from reselling power, but they may be different for this town.

Mrs. McKnight stated that RMLD did reach out to us to say that they wanted to coordinate closely because their expectation that most of the request for installations would be their poles, so this is something that she thinks they will be working on with them. But, of course it could be anywhere, it might not just be on their poles.

**Minutes**

Mr. Carroll moved, seconded by Mr. Hayden and voted 4-0:

that the Community Planning Commission vote to approve the minutes of February 16, 2021 as written.

**239 North Street – Plan endorsement**

Mrs. McKnight stated that there is information still needed before the plan can be endorsed. This will be rescheduled to another meeting.

**148-150 Park Street/Senior Housing Overlay - discussion**

Mrs. McKnight stated that she wants to take this opportunity for the CPC members to see the draft that would be submitted before the warrant closes, just in case there was any discussion or concern and there would be time to make these changes. The proposed date for the public hearing could be April 6<sup>th</sup>.

Attorney Chris Latham stated that they met with the Finance Committee on February 17<sup>th</sup> and made some revisions to the bylaw. The committee wanted all the affordable to be very clearly cut and dry located on the premises, so they revised what's going to be theoretically known as 200-171 that would basically reflect that fact, so basically it removes the ABCD. A screen share of the changes to the bylaw was presented.

Mr. Pearce stated that this was discussed at the Select Board's meeting last night and it was made clear that they would rather see this as an all-inclusive situation.

Mr. Hayden stated that the Finance Committee really doesn't have a lot of say in that, and they don't make recommendations on zoning articles.

Mr. Pearce stated that they seemed to echo what most of the other people wanted in the room.

Abigail Hurlbut of the Finance Committee stated that at the meeting last night she made it very clear that this was not a finance decision. Mr. Wheeler and his retinue were looking for feedback of what they thought. One of the things that was suggested was that five affordable unit could be put on this piece of property in a standalone building, but the their feeling was that it kind of sounds like a ghetto, and none of us were too excited about it, but we're fully aware that this is not our decision. However, it does involve money at some point, and we do have to vote at town meeting.



Mr. Vincenzo Stuto of the Select board stated that he would like to get clarification and then he would like to make a statement. In the zoning bylaw this project is for 10% affordable, correct?

Mr. Hayden stated that it is.

Mr. Stuto stated that it will come to the Select Board, but he would like to convey that during the board member report this came up briefly and there were some members who suggest that all project going forward, we should require a 20% affordable housing, so he thinks that everyone on this call should be aware that that was said.

Attorney Latham stated that the 10% is shown on page 4, section 200-171. He doesn't know at what point a project of this size doesn't become economically feasible if pushed up to a 20% mark. The Finance Committee did not make any vote or decision, but what they did, here is a number of the Finance Committee members, basically expressed what they interpreted as a preference for having the affordable unit actually located on the premises and so, they revised section 200-171. They removed the language that would have otherwise allowed it to potentially be located elsewhere and they removed A through E that means that the property thus has to have the senior housing development has to have the 10% located on the premises and they added this language because there was a concern with compliance with the HCD, so they added this particular sentence and took out the factional language.

Mr. Pearce asked the CPC members what they thought of just keeping the 10% in the units.

Mr. Carroll stated that he is not in opposition to be outside of the units, but if that's the direction their going with, he has no objection to it.

Mr. Rudloff stated that if it was being done as the 20%, then it might open it up to outside, but he thinks the 10% is fair in keeping it inside and is keeping it focused where it should be.

Mr. Hayden stated that there are a couple of things to consider. This is going to be a 55 and over, so those affordable units are looking towards the older folks and none of the younger people are going to want to go there and they're not going to be allowed to buy. If there off site they could be a different style house or a townhouse, less people around them and different ages of people could go there. He doesn't mind it being off site, as long as we get the affordable units. If they are off site, or they have the possibility of putting some off site, it opens up that up to a larger stream of people and how they may think about them.

Mr. Pearce stated that his concern is that they would then have to pick a location, either that we bought or already own and the construction of those may be a ways off as we try to work our way through the logistics of getting those outside units built as opposed to having them incorporated into the existing system which would be built along with everything else.

Mr. Rudloff stated that he agrees with Mr. Hayden, but if it is open to all ages, when it's moved outside of that area or that footprint then it's kind of not accomplishing what we're trying to do here, which is to provide affordable housing for 55 and over.

Attorney Latham stated that they will do whatever the board thinks is appropriate in terms of the location. They met with the Historic District Commission on February 3<sup>rd</sup> and they had made some plan rendering revisions. They are hoping to go back to the Historic District Commission, hopefully, within the next couple weeks to that they can review them and see what their take is on them, and hoping to get back before the Select Board. At that point, if they go before the Select Board which they thought would be appropriate after they've met with the Historic District Commission. They are hoping that a member of the CPC could be present as well to discuss the CPC's general position on some of these matters.

Mr. Pearce stated that since they just got this change in the proposed zoning overlay bylaw that they should all read through it and, at the same time, get a chance to look at those renderings again. We can spend a little time discussing the final review at the next CPC meeting.

Mrs. McKnight stated that they can discuss it at the next meeting, but she needs to submit the warrant article the day before that.

Mr. Pearce doesn't think that it's an issue if the warrant article is submitted and then have to make a minor change to it, or reference a later plan.

Mr. Dan Mills of the Finance Committee stated that some may not see this as a financial impact, he thinks there is, and one of is not locating the affordable units on site, places a burden on the CPC to manage those and those funds given to them, to locate housing, then find the appropriate project. The burden seem to be shifted towards the CPC to administer that so that's why he thought it was a good idea to have it kept internal to the project itself. If it wasn't within the project he doesn't think that there would be an immediate accomplishment of the goal and the objective to have affordable housing readily available. The other point that he has is the density of the project which he thinks is about 10 units per acre and that pushes the limits of a 40B project. They might actually even be considered a 40B project with that high of a density. He knows many other projects are much less than that. The JT Berry (40R) project was about 10 units per acre and the Martins Landing project is over 10 per acre. We consider those really large projects. He thinks there's also some of a misnomer that the new housing will go to North Reading residents, for a couple of reasons. One is the disclaimer is in there that says what is permissible by law, they will be a local preference. He's not sure that there is a law that allows local preference and just wants to make that clear if they are to be on the subsidize inventory list that they need to meet a lot of objectives that needs to be certain 100% that they the two bedrooms will meet and be allowed to be on that affordable inventory, that the age restriction, even though it's on there will still be allowed, it won't disqualify from being on the subsidized housing list and that the new housing will be for North Reading Residents. He

thinks, less than 10% of the units that have been sold at Martins Landing right now are less than 10% have been for North Reading residents. 150 have been sold and less than 15 have been to North Reading residents. This would compete with some other projects that North Reading has in mind. The Carpenter Drive project, Town Center project and, obviously, those are not immediate projects, but it will compete with those. In the affordable required component to this again, is that this is being compared to more luxurious Martins Landing project, so we're trying to accomplish affordable smaller scale housing for seniors and he doesn't think that the product being sold here is going to meet those objectives. He's not against the project, these are just some of his concerns with regards to the project.

Mr. Hayden asked what the Historic District's feeling on this project was when they spoke with them.

Attorney Latham stated that their feeling is that they were somewhat supportive of the project. Obviously, as part of the project, the McClean house is going to be moved and put on secure foundations to that's part of the project. In regards to Mr. Mills, the Master Plan which he knows very well, better than I, because he was a member of the drafting of it, but it does call for more senior housing in North Reading. You can't have senior housing for people in North Reading to remain, if you don't build it and here is an option for it to be built. The revised bylaw, as her stated does have affordable and is now located completely on the site. It just has to be on the site that's the way it's written right now with the revision based on our comments from the Finance Committee. The density of 10 units he can't verify that that would be an engineering question in terms of units per acre, but a 40R under the statute is basically 20 units per acres, so it's not anywhere close to a 40R and there is local preference that is allowed and has happened in many communities and there is an affordable component and the affordable component to this actually allows this project to be economically feasible. If we start jacking up that number with having lower density, because this does have a lower density, this is not a 40R, and this is not a 40B and, if you jacked up that density you're going to make this project infeasible and you're not going to have anybody that's going to be able to build a project like this.

Mrs. McKnight stated that the local preference would be a percentage of the affordable units. It doesn't apply to the market rate units, and Martins Landing has no affordable units which is why anyone can purchase there. There's no local preference requirement.

Mr. Lawrence Reeves produced a rendering of the plan that was shown at the last meeting with the CPC. They then had excellent input from multiple sources (Historic District and Finance Committee) everybody had a lot of good things to say and they then made a rather significant change to a much more collective group of buildings, as opposed to a large building with broken down forums and he thinks that something they were hearing very clearly was their new building was not as responsive to the McClean House as it could be and they couldn't agree more, and they took a much harder look at things. He then showed a new rendering of the



revised plan. So, they have essentially taken the right end of the building and giving it more of a barn utility feel to it and not a whole lot different in general character, though, from the general store down the street and the public building right next door, on the ends of those buildings. This is a similar, but they've picked up a sort of three-story version, but more of a kind of Newburyport and Salem, three-story hip roof colonial element here to play off of the McClean House and they've kind of ties together some of their elements in the middle, so that they don't really have a grouping of buildings.

Mr. Pearce stated that the CPC will review the change in the Overlay District Bylaw and spend a few minutes looking at the new rendering and will put this on the next meeting to give a final opinion on it.

Mr. Hayden stated that he would like to request that Mr. Reeves share those new drawings with Mrs. McKnight, so that the CPC could get a PDF copy online.

**110-124 Main St. /Reading Lumber – SPR/Floodplain Special Permit – P.H. 8:00PM**

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

Mr. Andrew Street of Civil Design Consultants, Inc. stated that he is representing RECR Realty, LLC. A PowerPoint presentation was given. The property is located in the Highway Business District. The wetlands have been flagged and there are wetlands on the site, as well. The majority of the site is in the floodplain and, in particular, the project that they're dealing with tonight, so they're seeking Site Plan Review for the construction of a new structure and a Floodplain Special Permit because most of this work takes place in the floodplain. The project itself involves the removal of approximately a 2600 sq. ft. storage shed. This current building is used for lumber for contractors and homeowners to purchase lumber. The new construction will consist of a 60' x 60' (3600) sq. feet which is a slight increase in footprint. The slab elevation is scheduled as of now to remain the same that's at 75.6 which is slightly below the floodplain elevation which is 76.5, so today it's slightly below the floodplain and what they're proposing it to leave it at the same elevation. There is a small gap between the existing storage shed and the one that exists today, the proposal is to have these two structures really bump up against each other. They won't be connected, there'll be no access between them. The run-off will pitch away from this gap and flow off the sides similar with the way it does today. Raising the slab to the floodplain elevation would actually result in more impact in the floodplain area and he thinks the structure itself, today, really doesn't have any flood mitigation measures in the floodplain, but what they're proposing is flood vents, so essentially acts as a flow through, so if this structure should flood the water will pass into the building and then can exit through those flow tubes and this has also been submitted to the Conservation Commission, as well. Clearly there's some impacts in buffer zones to the wetlands and in the floodplain. They will be meeting with Conservation on March 10<sup>th</sup> and they've also received some feedback, since this submission to the CPC. Gerry Noel, Building Inspector who expressed concerns over past issues

with the site and the owner of Reading Lumber has already reached out to him to try to resolve these issues and keep the project on track, by taking care of things that may have happened in the past. His understanding from speaking with Deputy Galvin is that he is generally fine with the proposal, as long as there's sufficient distance of 25' from the propane tanks, which we do provide. In order for the new building to comply with setbacks in the Highway Business District, they need to adjust the lot line which is for 124 property. The plan would be to prepare an ANR plan and formulate to adjust those lot lines and submit it to the CPC for the next meeting.

Mr. Pearce asked Mrs. McKnight what were the issues that were discussed with Mr. Street.

Mrs. McKnight stated that in order for the CPC to issue a Special Permit in the Floodplain District has to find that five criteria are met. She was unsure about one of them which was the location of the structure below the floodplain elevation and she was unsure if this provision could be waived or under what circumstances it could be allowed, or whether reconstruction triggered it also. She had some discussions with the building inspector who referred her to someone at DCR who explained that DCR actually has come control over the municipalities Special Permits for floodplain construction and so they deal with building permits. DCR advised her that the finished floor elevation has to be one foot above the base flood elevation and it doesn't matter if it was existing or not. So, what it depends on for this particular building is we don't normally deal with interiors with the CPC, but in this case, we would have to make sure we knew what the inside, would look like, because that finished first floor has to be a foot above the base flood elevation or it doesn't meet all of the criteria for a Special Permit and the CPC is not supposed to issue the permit. So, at some point we will need to have a recommendation from the building inspector once that detail is given that that criteria is met. We also need to get as a recommendation from the building inspector because the building code requires certain waterproofing materials and so those are things that don't normally go into our decision, but because this is the floodplain it does, so she doesn't think that's information that we have.

Mr. Pearce stated that his impression is that the reason they don't bring that floor up is because they'd have to do compensatory storage at 1½.

Mr. Street stated that they do provide compensatory storage for what they're doing and they provide almost 2 to 1 for what they're impacting and he's confident they can find a way to do that. It's just really more of how the site functions today and they're just trying to match what's out there and he thinks the applicant will be willing to work with that. The question isn't necessarily about this building, but as you make your way further down in the site it gets lower and lower. If in this case, they need to raise it he just wonders what that would mean for the future if they do come back with future buildings.

Mr. Pearce stated that it looks like the floor would have to be brought up about two feet.

Mr. Street stated that if they're one foot above, yes.

Mr. Pearce stated that would mean that if you did go to the next building over and begin to do it, you'd have to bring that one up too, so you can grade everything in, so they match.

Mr. Street stated that they could likely accommodate that. He thinks it's interesting in this case because it's an existing situation too, because anything they do to raise building in the floodplain means more impacts in the floodplain which is kind of the opposite of what conservation is likely going to tell him to do.

Mr. Pearce stated that if the floor was brought up to the required elevation, the flood mitigation structures in the back could be eliminated.

Mr. Street stated that they would have to look at that, but there's a good chance they wouldn't have to have the flood vents and just have more compensatory storage.

Mr. Pearce stated that if it was brought up to the requisite elevation that you could find the compensatory storage around the back, a little more south of the lot.

Mr. Street stated that right behind the building it slopes up quite a bit. It's not a wall but its earth and it's pretty steep and could be carved out.

Mr. Pearce stated that it would also require some filling in the front and create a driveway access to get into that building, so it's more than just a square footage of the building times the height, it's the additional access driveway that you'd have to create compensatory for.

Mr. Rudloff asked if there is any relief on this floor requirement if it's an accessory use. Knowing that they're in the floodplain again with the flood vents and stuff like that they would have lumber stored at a prescribed height and not a lot on the floor for that reason. Is it applying the rules as far as that finished elevation to what amounts to a shed. It's not like it's a living quarters, it's a place of business, a lot of this is not only to protect the environment, but it's also to prevent financial loss that sometimes would occur from a flood, so if we're putting in there, that they would have to store it at a minimum height so there'd be a minimum off the floor wouldn't that achieve kind of what we're trying to do by raising the elevation as a finished floor.

Mrs. McKnight stated that's why we need to know where the finished floor is, and if there is one. DCR advised her that if there is no finished floor area, if it really were just constructed just like a shed and it was just storage and that storage was above a certain elevation then there's no issue. The issue comes when there is a finished first floor, if there's an office area, if there is something that is considered a finished floor. That's why we need to know what's inside



because building the structure, the way its shown might not be a problem at all does depend on the interior and the fact that it's accessory doesn't matter. It is a structure based on the size, of more than 3000 sq. ft.

Mr. Pearce stated that biting the bullet now and getting it right means that in the future, any use of that would be unrestricted as opposed to the restrictions you're under now and he doesn't know that there's any ulterior to go around to make sure that everything is kept at the right elevation, although it could be self-preservation to keep the stock out of the water.

Mrs. McKnight stated that she doesn't think it matters where they keep it, it's how it's constructed. So the plans for the building permit have to match what the special permit issued says so, we can't just tell them to keep a log or keep them above a certain level, it's how it's built inside, so it wouldn't be a condition that we would put on it.

Mr. Rudloff asked if Mr. Street knows what they plan to do inside, is the same thing. They just want to expand how much it can hold.

Mr. Street shared a picture of the current shed that the new shed will butt up against. The new shed will be a little smaller, he believes that there will on be one door instead of two. But, the intent is really to match this. The current shed is several feet of concrete foundation coming up from the slab and then it's just really material stored inside, it's a steel structure and there's no plans for an office. They just want more space, so there is no change in use, no plumbing, they may have some electrical for lighting.

Mr. Rudloff stated that Mrs. McKnight stated 3000 sq. ft. and he wanted to know what that refers to.

Mrs. McKnight stated that it's just the size of the proposed one which is 3600 sq. ft.

Mr. Rudloff stated that the reason that he asked is because the definition in IBC, IRC, International Building Code, the accessory buildings used to be a maximum up to 2000 sq. ft. came out in 2005, went to 2009 and it used to be a maximum of 3000 sq. ft., on the 2015 it went to unlimited and also it went up to three stories in height, so sometimes a lot of people still refer to the 2009 National Building Code, so it has changed. That size building it's an accessory to the primary use of that business, it is considered an accessory building, meaning a shed if you want to call it that. The reason why they changed that nationally is because it really isn't made for more urban or semi-urban places. It's made for farms in rural areas, because people used to be limited, when they owned a farm, up to a 3000 sq. ft. building, they couldn't put tractors and other kind of accessory type vehicles and trucks into a structure so that the national building code changed that in 2015, so that would be unlimited in seeing that most towns in more dense urban places have zoning bylaws restricting sizes, but our zoning bylaws would override that. He also stated that as they talked about Winter and Main Street, so this

has enough that we have led to it is I'm not a big fan of that jog in the back there for that future lot. It concerns him a little bit that if that lot was ever to become available we'd have this weird jog. Do we have to have that setback, isn't that a ZBA?

Mr. Pearce stated that if you want it to go to the ZBA for a variance of the setback and they have come to us in the past, primarily for residential. But, obviously they're trying to do the best they can, to meet all of the code and they have enough issues to deal with, so if they can meet as many codes as possible it makes it easier.

Mr. Rudloff stated that he gets it, it's only because we're talking so much about these valuable lots that are all in this area that we're all looking to is make possibly future downtown North Reading. He just gets a little protective of just that little odd jog there, and what it could represent when you might get something built right there and have to deal with this triangle going into a lot.

Mr. Pearce asked Mrs. McKnight if she thinks that they can resolve this requirement for it to be a foot above the flood zone, or do you think that's pretty much the cast in stone.

Mrs. McKnight stated that for the finished first floor it is. We don't have the ability to waive that, but she doesn't really know what's considered finished first floor and she doesn't know what's inside the whole proposed new structure.

Mr. Pearce stated that perhaps what we need to do, then, is Mrs. McKnight should take back some of what we just heard to the building inspector and see if it qualifies as a shed, in which case it may not be applicable.

Mrs. McKnight stated that from her conversation with DCR it doesn't matter if it's accessory, or not, it's that finished first floor is just for building in the floodplain, it doesn't matter what kind of building it is. We just need to know about the interior of the building.

Mr. Rudloff stated that he wonders if it's build at the same elevation as the grade, but that kind of violates a little bit of the building code rules with 8" rule, but he wonders if it is build a grade could it be considered grade vs. finished floor.

Mr. Pearce stated that they don't have a foundation plan for it, but his estimation is that they would do something similar to what was next door with a couple of feet to reveal and that's why they need to put the flood vents in, so that they will pass through or come in and go back out, however, it is that it works.

Mr. Rudloff stated that perhaps this is where is gives the building inspector the opening, because if you have what they show there, these four foot kick walls, and probably an 8" frost wall, so it's a four foot above ground kick wall just sitting on grade, the same elevation is what's

around it right now and this could just be an opportunity to allow that because typically what the problem is building a grade would be 8" too low for the building code. You supposed to have high, but if you build it up a kick wall, all the way around maybe you're accomplishing that, and so it gets it back again, so it's good practice, but then you get back to the whole issue of is that a floor considered grade or finished floor.

Mr. Street asked what would be more helpful to provide any more detail, from the owner about the construction materials. Does a meeting need to happen with the building inspector?

Mr. Pearce stated that we need a clear idea of what the inside of the buildings going to look like, so we'll know if it can be called a finished floor on the first floor. That's the definition that we're looking for right now and we don't have that, so some detail about what the inside of the building would look like would probably be step one. He would also encourage Mr. Street to look this over closely because if he can meet that code, if they can get that, so it's a foot above floodplain and think that it opens the door for a lot more future use for that building, then what you would have, with what you're proposing.

Mr. Hayden stated that we forgot about the lot next door (100 Main St.) and that we're going to take a bite out of. What it looks like, with all its storage of heavy equipment in the zone and the building inspector actually filed a violation this year, about what's stored there. How we're going to clean that up, this is our shot. The only place that looks good is the Reading Hardware building itself that faces Main Street. The lots on both ends are pretty bad and he thinks the south end was cleaned up a bit and this is where the violation was.

Mr. Pearce stated that they should defer to the building inspector temporarily and get a letter from him about what it is that needs to be cleaned up because we're going to have to hear this again after the they go through conservation and this will be our opportunity to bring any of these other issues to a head.

Mr. Pearce asked Mr. Street to speak to the property owners and encourage them to deal with the building inspector and make sure that they address any concerns he has that will make whatever he gives us as communication probably a little easier to deal with.

Mr. Carroll asked if they intend to reuse the existing slab and extend it to the new building, or demolish and put down a whole new slab. You're not minimizing disruption, just trying to maintain the elevation?

Mr. Street stated that they are demolishing the building and taking out the slab. They're concerned about their operations were there in conservation are, obviously, so they are mindful of debris, but they also have a company/business to run, so they're going to have to be trucking it out as soon as it comes down, but they will demolish the whole site and regrade it.



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

that the Community Planning Commission vote to grant the requested continuance for the public hearing for 110 – 124 Main Street until Tuesday, March 16, 2021 @ 8:30PM.

### **Zoning Board of Appeals**

7 Jacob Raynor Lane – On the petition of Taylor Morrison for a variance from the left side yard setback for a detached garage/shed.

The Community Planning Commission has reviewed the above-referenced application and has the following comments:

- The CPC recommends considering impacts of the proposal on neighbors.
- Insufficient information was shown on the plan for the CPC to make any further recommendations.

### **Planning Administrator Updates**

#### **Annual Report**

Mrs. McKnight stated that she has completed the annual report and wanted to know if anyone has any comments or feedback.

#### **Winter & Park Street - discussion**

Mrs. McKnight stated that she has some follow-up questions from the last CPC meeting. Abacus and she have been talking quite a bit to try to figure out follow-up and next steps. They asked her for a stakeholder list of the people that they should reach out to and how, on boards and committees, etc. so, she's working on that. She's drafting a letter with them that she also wants to have the Town Administrator look at because she wants to be sure that what we say about sewer is as accurate, as can be. And she thinks the plan would be to just send the letter to each of the property owners, abutter's right immediately around requesting that they contact us, asking if they'd be willing to have a virtual meeting over ZOOM. If the CPC would like to see the text of the letter once it's complete she can send it out to them.

Mr. Pearce stated that they should see the letter before it's sent out because he's hoping that they get a good response to it, but it's not the same as inviting them to an in-person meeting.

Mrs. McKnight stated that Abacus wanted to know how we want to treat ownership of the project moving forward. Does it stay with the CPC as it is right now? Do we want a committee and how do we want to do that? She assumes the answer would be that it would stay with the

CPC, but did want to bring that question to the board because she doesn't want to answer without the board's approval.

Mr. Pearce stated that there are some other possibilities coming down the road, so we should keep it under the CPC for now.

Mr. Hayden stated that at some point they should bring the EDC in on it.

Mrs. McKnight stated that Abacus also mentioned, is whether we want to consider getting someone, for example: similar to when George Polk came to speak with use. Do we want to hire a development consultant, maybe, as a follow-up to be thinking, the future? He had recommended \$10,000.00 might be an amount of money if we thought we wanted to spend something like that, not immediately right now. But following this project, following our contract with them and I didn't put anything like that into our budget because she thinks that would be either a warrant article or something like that because it's not operating money. If the board thought, whether that was something she should submit to request for June Town Meeting or possibly for October. She just wanted to see if there was any thought about that, any interest.

Mr. Pearce stated that he really wants to see what happens at the stakeholders meeting because he thinks that's going to be key because if we get that high response then we're going to take that to the town meeting and that's how we're going to get the money.

Mr. Hayden stated that last night at the Select Board meeting Mr. O'Leary mentioned additional money for the CPC and that he could have meant for this.

Mr. Vincenzo Stuto of the Select Board stated that he would like to make a suggestion as liaison for the Select Board. He thinks that Mrs. McKnight should take the lead in getting the stakeholders together which was mentioned at the last meeting and the Town Administrator agreed. He doesn't think Abacus should be leading this charge and that's something where he's not the only person that thinks this outside of this CPC. He also thinks it's time that maybe a representative from the CPC and Abacus comes to the Select Board with their presentation because he feels that they're going to hear some very different opinions that have been discussed now and again. It's not a Select Board matter right now, but they do have five people and you're going to get a very different perspective on what Abacus presented than what you've heard so far.

Mr. Pearce asked Mr. Stuto if this meeting should take place before the stakeholders meeting.

Mr. Stuto stated it should happen after budget season. For something this big we're not going to agree on everything, but he just thinks at this point it's important for the CPC and Abacus to hear the full Select Boards opinion because there's some different views and they should be

heard before we get to the point where we're too far down the road and find out that others have concerns.

Mrs. McKnight stated as far as outreach goes she definitely didn't envision Abacus being in charge of outreach or leading the conversation with the stakeholders, but she does think they'd be important to have in terms of presenting. Is the board saying that they might not want to include them in that, or just that they should be the leader and presenter to the landowners.

Mr. Pearce stated that he would envision bringing them in if we get the landowners to come in and we will do an opening statement of some kind explaining what we've been doing and then sort of the way when a subdivision comes before us, we get the whole presentation from the attorney or from whatever and then the engineers fill in the blanks. We would explain the progress that we've done so far, and then we would let Abacus be the engineer and fill in the blanks and answer the questions.

Mrs. McKnight stated that as were talking about this, she's realizing the question is, are we thinking about individual meetings, but are we envisioning one or two meetings of lots of stakeholders, multiple landowners and abutters.

Mr. Pearce stated that he hadn't really thought about that, he kind of envisioned a meeting with all of them there, but now that you say that that could end up be convoluted after a while. Smaller groups might be easier to answer the questions, so we may want to do it in three phases, or something.

Mr. Hayden stated that the landowner should be first.

Mr. Rich Wallner of the Select Board stated that he agrees it should be individual conversations with the seven stakeholders to get started and then it can be opened up more. When it does go before the Select Board he thinks that Abacus would have the ability, after they get some feedback from the stakeholders to change the plan that they might see fit, so it's not going to be the exact same presentation that we've seen before, because it's a work in progress. Also, he thinks the other part of this is we do the presentation, where the Select Board or with the stakeholders and there's a lot of history that happened before we even got to this development part.

Mr. Stuto stated that he sorry to interrupt, but they have a legal opinion and Mrs. Gonzales is here. He as official capacity as liaison can answer any questions, even on behalf of Rich Wallner, but we're breaking open meeting law right now. Members (Rich) cannot give the opinion he's giving in the formulas.

Mr. Wallner stated that's actually not accurate. He can.

Mr. Stuto stated that you can speak in a public hearing, this is not a public hearing it's a discussion. I'm asking, on behalf of the Select Board.

Mr. Wallner stated that he went to speak with Barbara Stats, Town Clerk about this, and as long as the Chair acknowledges him, then he can speak and he's not deliberating. He's speaking just his own opinion and that was what she told him and that was written down in the open meeting laws and it was written down by Michael as well, so he's not deliberating, he's giving an opinion and that's it and, everybody knows who he is.

Mrs. Liane Gonzalez of the Select Board stated that she thought the 5G information was very informative and was glad that she was able to hear it before it comes to this town.

Adjournment at 9:55PM

Respectfully submitted,  
Ryan Carroll, Clerk

A handwritten signature in dark ink, appearing to be 'Ryan Carroll', written in a cursive style.