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Town of North Reading
Massachusetts

Community Planning

TOWN CLERK
NORTH READING, MA

MINUTES

Tuesday, April 6, 2021

Mr. Warren Pearce, Chairperson called the Tuesday, April 6, 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.

MEMBERS

PRESENT:

Warren Pearce, Chairperson
Christopher Hayden, Vice Chairperson
Ryan Carroll, Clerk
David Rudloff
Jeremiah Johnston

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.

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.

27 & 29 Burroughs Road - ANR

Mr. Luke Roy of LJR Engineering stated that two plans needed to be done for this ANR because 27 Burroughs is registered land and 29 Burroughs is recorded land, so the land court didn't want the regular land part of this, on their plan.

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

that the Community Planning Commission vote to approve the plan entitled "Plan of Land, North Reading, Massachusetts"; dated 3/1/2021; drawn by LJR Engineering, Inc.

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

303 Main Street – plan endorsement

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

that the Community Planning Commission vote to endorse the plans entitled "Site Plan, Building, Parking and Access Revisions, #303 Main Street, North Reading, Ma.; dated 1/27/2021; drawn by Williams and Sparages.

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

239 North Street – plan endorsement

Mr. Hayden stated that he reviewed the plans and only saw proposed sidewalk from town hall the applicant's property, but it was supposed to be constructed to the state owned property at the corner of North Street and Lowell Road.

Mrs. McKnight stated that the Conditional Approval describes where the sidewalk is supposed to go and it doesn't add the additional sidewalk to the state property. Also, the board did not vote on the additional sidewalk, so she doesn't think that they are going to be able to add this, at this point. She can call them tomorrow and ask them if they would agree to do the additional sidewalk.

The consensus of the CPC is to move this plan endorsement to the next meeting, and for Mrs. McKnight to ask if the applicant could add the sidewalk segment.

92 Concord Street – discussion

Mrs. McKnight stated that the Gerry Noel, Building Inspector is concerned about some zoning and building code violations on that property. There are also instances of not complying to their site plan, so the building inspector, has been working with town council on this and he asked her if she would document what all the instances of non-compliance with the site plan were, and he's going to be enforcing everything together. When she was looking at the site, there were really quite a few things that were not done, or maybe they had been done at one point, but are now changed. 1) The storage on the site that had not been approved as part of their site plan 2) Relocation of the dumpster 3) Not marking pavement areas, 4) removal of parking spaces.

Mr. Pearce stated that basically this is a discussion to inform the CPC of what is going on and the building inspector is our enforcement officer. He's not sure how they got an occupancy permit without everything being signed off.

148-150 Park Street – Rezone – P.H 8:00pm

Mrs. McKnight read the public hearing notice into the record.

Mrs. McKnight stated that the proposal would be to allow for a multi-family residential in the local business district, which does not normally allow that. This would be an overlay that would be over these three properties that would allow for that. The zoning was designed specifically to accommodate a particular project that Mr. Bruce Wheeler has in mind for his properties and the yield of that would be, a maximum of 50 units and there is an affordability provision with the 8 affordable units. The affordable units will be in perpetuity and it will be on the site. The project is proposed as 55 and older, so at least one occupant of each of the units would need to be 55 and older. It's a zoning district covering four acres over three parcels. This would be just for residences and not for nursing home or hospital. It does have a mixed-use component in the zoning allowed by the CPC because Mr. Wheeler's offices will remain on the site, and we have had several informal workshops and the applicant has presented their plans before several other town boards. They do need to have permission from the Historic District Commission and this is a project that after they've developed the CPC decided that they would

like to sponsor at town meeting. It does relate closely to recommendations made both in the town's Housing Production plan and in the Community Master plan. Specifically, the need for affordable senior housing

Attorney Chris Latham stated that the proposed Senior Housing Overlay District is consistent with the Master plan and the town's Housing production plan and serves a public purpose to provide senior housing which is a noted objective of the town. It provides a net increase in affordable housing, also a town objective, provides a greater diversity of housing which is also a town objective, revitalizes the town center, likewise a town objective and it's compatible with the area. The overlay district is genuine public benefit to several specifically identified public needs and they have presented this. Obviously, they've been working with the CPC on this for quite a while and they have appeared before the Historic District Commission at least twice and they've appeared twice before the Finance Committee, and the Senior Housing Overlay District as a tool to address some of the serious demographic issues that are facing North Reading, as well as give North Reading seniors more housing options via a special permit procedure through CPC. As part of a Site Plan Review process it's a proposal like many other overlay districts in town. It's designed with three warrant articles, the overlay district was drafted using applicable definitions under State and Federal law, the Commonwealth Smart Growth models and good land use criteria to provide independent housing units for seniors over the age of 55 and allow aging North Reading seniors options to downsize and remain in town. Simultaneously revitalize the downtown and preserve the character of the town. To achieve these objectives, the overlay is designed as a senior housing project that must consist of four or more acres of land within the walking distance of 250' to a public park, public common or public library, and at least have 250' of frontage and specifically as 146, 148 and 150 Park Street which consists of three separate lots. It allows for multiple buildings, including mixed-use and a senior housing project, so long as all principal buildings have a minimum site distance of 20' between buildings, the buildings do not cover more than 40% of the gross site area. New buildings for senior housing have setbacks of 25' from the front lot line, 20' from the sideline line and 20' from the rear lot line, maximum height of 45' and the project have minimum open space of at least 20% of the total site area and new buildings must be in harmony and design with a neighborhood including use of peaked roofs and end gables. A senior housing project must also have on site senior common area amenity for the use of senior residents, elevators for all new multi-floored residential structures which must also have handicapped access from the parking garages to dwelling units. Density would be limited, so that a dwelling unit cannot have more than two bedrooms and the total number of dwelling units in a senior project does not exceed 50 dwelling units. In addition, the applicant for senior housing development must contribute to the stock of the town's affordable homeownership units, equal to 15% of the market rate residential units. Importantly, the affordable units must be located in the project, they cannot be located off site and they are to be consistent with the Commonwealth's exclusionary zoning model bylaw, subject to affordable housing restrictions in the bylaws and the DHCD's regulations and these affordable unit would be in perpetuity. They would request that the CPC, who has decided to sponsor this project, that they also report to the town meeting.

Mr. Pearce asked that the correspondence and plans be put onto the screen, so that everyone who is in attendance of this public hearing will be able to view them.

Attorney Latham showed the proposed zoning bylaw, the Housing Production plan, the plan to of land to be re-zoned to senior housing overlay zoning district, an aerial photo of the property and the abutting properties and renderings of the proposed development. The proposal is to move the historical McLean house, so it can be put on a permanent foundation, right now, it has a rubble rock foundation, and that is potentially not viable for the long term, also it's going to be moved in such a way that would increase site distance going up Rte. 62.

Mr. Pearce opened the public hearing to the public.

Linda Boniface of 136 Park Street stated that it seems very good, right now. She asked how long the project will take because they are abutters and they like being outside in the yard. She is concerned about the construction and the time element, what time it starts and finishes and how would it impact her as an abutter.

Mr. Bruce Wheeler stated that the construction time frame would be 12 months to construct the building. The permitting process would be six to eight months, if everything goes smoothly they would start construction in the late spring. They work within the town's time guidelines and they will be preparing a screening and buffer planting for the eastern side of the building which he'll be sharing with the neighbors and abutters, to that side and will be looking for feedback with regard to that.

Mr. Carmine Petrosino of 15 Shasta Drive stated that he is the owner of 144 Park Street. As far as rezoning goes, or the special permit for zoning, he thinks that this would be great for the center of the town, much better than what's there now and he has no issues with it. Mr. Wheeler was kind enough to reach out to see what his concerns were and they spoke and he feels confident that moving forward, he will address those concerns and do his best to do what's right for the neighborhood.

Mr. Vincenzo Stuto stated that he is asking this question in his capacity as liaison to the Select Board. At some point, maybe between now and the town meeting, after the article presentation, maybe Mr. Wheeler could present that to the Select Board, because they do have a number of people asking about the environmental impact.

Mr. Wheeler stated that he can send Mr. Stuto the reports tomorrow and he will request time on the next Select Board's meeting, so that they can have the reports ahead of time. He will include in the email the consultant's email address that did the environmental study, so that they can have a complete dialogue with regard to the findings. The site is very clean and they went into it expecting it to be very clean relative to the history of the wagon factory in the Turner truck and in just being this more historic and industrial location. But, they did a phase

one and phase two study, and those were all conditions upon their financing and their closing, so it wasn't just a simple phase one, it was actually a very elaborate phase two study.

Mr. Stuto stated that having this information so other people can see it in the community, and especially with the Ipswich River it's kind of a sensitivity point and it would be nice to hear it from Mr. Wheeler.

Mr. Wheeler stated that they want the information out and shared with people, and then they want to have a dialogue to address questions and concerns, so that everyone has a thorough and complete understanding of what was done and what was found.

Mr. Hayden asked Mr. Wheeler to also send the report to Mrs. McKnight.

Mr. Pearce closed the public hearing.

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

that the Community Planning Commission vote to support the change in the map amendment at the June 2021 Town.

Mr. Pearce asked for a roll call vote: Mr. Hayden, Mr. Carroll, Mr. Johnston, Mr. Rudloff

Mr. Stuto asked that someone from the CPC should attend the Select Board meeting to give a brief summary of the article that they are sponsoring.

4, 12 & 14 Concord Street – Rezone – P.H. 8:15pm

Mrs. McKnight read the public hearing notice into the record.

Attorney Jill Mann stated that she was going to display the general plan of land showing each of the lots that are subject to this amendment. This property is owned by Sergio Coviello via an LLC entity called 12 to 13 Concord Street (lots 2 & 3) and also owned by Paul Magliozzi. Mr. Magliozzi is the owner of lot 1. However, Sergio does have the right in an option to acquire that property. The plan shows the current property with all of the buildings on it that used to be Seven Acres farm. Lot 3 is currently a vacant parcel of land. She then showed a zoning map of the properties that are subject to rezoning. This zoning map also shows Residence A located across the street and to one side of the property. The industrial office is located, to the other side, so what they're trying to do is expand the industrial office a bit over to this area, near Bobcat of Boston and the property to the right is a horse farm. So the proposal, as noted in the petition that had been submitted by Mr. Coviello had secured 100 signatures of town residents, to rezone these particular parcels for the RA zone to Industrial Office zone. By doing so, instead of having more land developed as residential subdivision within the Town of North Reading it

will give them the opportunity to actually develop the parcel for an industrial and office purpose. Mr. Coviello has a business in town and does have one building that he does use presently and he would have the same type of uses on this particular area which are permitted in the industrial office zone. They did give notice to the direct abutters and had talked to some of them.

Mr. Hayden stated that when we build zones within any town or city, we try to put buffers between business industrial areas and resident area and originally that was a farm and there's another one next to it. He knows the person next to this property is really in favor of this going to industrial office space and it does tie into it so it's not an orphan little zone, a spot zone. As we extend these properties now we're going to be hard against. The farms were in Residence A, but it was rezoned Residence A when it was a farm, so it was grandfathered and a farm would be grandfathered in there anyways. Once we rezone this, then, there's going to be a change to rezone the next property and then we're getting right on top of real resident's homes and it moves it right down and increases the traffic flow in this area and, once you go around that corner at the stop sign from Concord to Park Street it gets a little bit more difficult and it's already difficult now to negotiate that during heavy traffic times in the morning and in the evening, so he's just concerned about extending that industrial office area, one more set of lots towards residents.

Mr. Pearce stated that Mr. Hayden is right, except that one of the things that will happen on the site plan, which is what this would have to have if the rezoning goes through, and then you'd still have to do a site plan and in the process of doing the site plan that's when the screening and the buffering of the associated properties would happen and we've seen enough of these to know that probably would require some kind of buffering.

Mr. Hayden stated that a whole lot is better than just a little bit. It's a different environment when you're in industrial office space. There are dumpsters being picked up or dropped off early in the morning, and lots of traffic in and out. He's sure that the farmers and the turkey made noise, too, but it's not the same.

Mr. Pearce stated that this is something that's more likely to be dealt with in the site plan hearing, so right now we're primarily talking about the rezoning.

Attorney Jill Mann showed more plans of the property and stated that Ipswich Street can't be built on and it's approximately 40' wide and 45' long, and acts as a natural buffer.

Mr. Hayden stated that the issue is if one property is rezoned then the next property will want the same thing and that's, on the other side of that buffer and it's not spot zoning because it's contiguous.

Attorney Mann stated that is right and that is true, however, this particular property does at least share some of its southern border, and the other properties do not. This property is kind encapsulated because the land in the rear is wet. At the same time, this particular property does have more than one of its boundaries adjacent to industrial office.

Mr. Pearce opened the meeting to the public.

Mr. Stephen Vitale o 11 Concord Street stated that he has been living in North Reading for 52 years and over the years he has seen businesses not to be proud of and it's been getting worse as years gone by and now you want to expand the business zone further up Concord Street and this will worsen the traffic. He has a home on Concord Street and deserves respect form the town to protect his property and the town is not doing this by allowing a business to be built across from his house. There should be no more business zones on Concord Street. They have cars and trucks come up and down Concord Street all day and night. The trucks should not be allowed to use Concord Street, they should use Rte. 62. When he tries to pull out of his driveway he needs to wait, or sometimes turn around in his driveway because the traffic is so bad. The people on Concord Street should have rights, his taxes are \$22,000.00 and he doesn't think that a business should be put across the street from his home. Concord Street is falling apart from all of the heavy traffic, it has more traffic than Rte. 28.

Mrs. Rose Vitale of 11 Concord Street stated that she is sick and tired of what's going on here, like her husband stated they've been here for over 52 years and this town has done nothing for the residents on Concord Street. They try to keep their property clean and she is nervous for her husband when he is close to the street because of all the traffic going by. They hardly get any sleep at night because of the trucks and cars coming by, and the lights shine right into their bedroom, no matter with the shades down, the lights still come in. The traffic runs 24 hours a day, first with the smell coming from the farm, and every time they would call the police station or town hall all they heard was that the farm had grandfather rights. Well, were are their rights. Both she and her husband have been ill and they can't even get a decent night's sleep here. They always pay their taxes, what are they paying for. No one oversees anything that goes on, on this street.

Mr. Vitale stated that there should always be a two-thirds vote, it shouldn't be a majority vote. It was a big mistake that the town did not take over the property without the consent of the people. They should have taken that property and put homes there, instead of a business.

Attorney Jill Mann stated that she appreciates Mr. and Mrs. Vitale's comments and she understands, but she thinks that this particular type of use actually ends up being less burdensome than a residential subdivision. It probably yield less traffic, less noise and at times when people want to enjoy their property, the businesses are closed. This isn't going to be a heavy industrial zone, its highway office and the uses are similar to what's across the street with Bobcat. There is such a burden with a residential development and that's what this would

be if it weren't being developed as an industrial or office development. Mr. Coviello is an exceptionally thoughtful person and when it comes time to actually come in for the site plan approvals, she thinks that Mr. and Mrs. Vitale should absolutely participate to ensure that their property which is across the street doesn't have an issue with cars and lights. What they're experiencing now has nothing to do with the property across the street and any development of it is going to change. They're doing away with that farm use and the unpleasant odors, because of the type of farm it was when you have a poultry farm. They truly do believe that their use is going to not be noxious. It's going to create tax revenue, they're going to be good neighbors and the most appropriate thing in this area is that they're going to try to mitigate for the traffic is actually this type of business which is low traffic impact.

Mr. Vitale stated that if they didn't want to put homes there they could put a town hall. That would be a good spot because town hall doesn't have that much traffic.

Mr. Pearce stated that there are times that you can't get into the parking lot at the current site of town hall. He has had to park on the grass because there's no place to park. He does agree with Attorney Mann that if a development was put there, there are going to be a lot more cars than there will be for this commercial buildings.

Mr. Vitale stated that Mr. Coviello has over 30 trucks and they're going to be parking their trucks in the parking lot and there will be 5 people working in the office that makes 35 cars that are going to be in and out of that site.

Mr. Pearce stated that this street is zoned I/O and the reason that it's zoned that way is because the town doesn't have enough and if the town doesn't have some kind of industrial office or commercial development it ends up affecting the taxes on everyone's house. Some towns have huge areas of industrial, and up against residential. This town doesn't have that much and he's sorry that's where they live. He agrees that Concord Street is a mess and it does need to be fixed. There will be proper buffering and screening on this property, it's part of the site plan review to protect the neighbors and everybody else from any impact of it. So, that will be considered, and of course on the west side if it, all there is, is another commercial property, so, there's not going to be any issues there, and a farm on the other side. He thinks that Mr. Vitale will find that Mr. Coviello will do a good job and the limit of vehicles that are coming down there now is probably the limit of what he'll ever have because he probably won't even notice this.

Mrs. McKnight stated that she does have a motion prepared, to support this, if the CPC would like to make one this evening, or they can wait until town meeting.

Mr. Pearce asked Mr. Stuto if the Select Board would be making a motion at town meeting.

Mr. Stuto stated that this has not been discussed at the Select Board meetings, so he is assuming that that is what it will be. Up until this point it has been a CPC and ZBA issue, so that's why there hasn't been any commentary on it. He can get back to Mr. Pearce and let him know what the Select Board will be doing, but CPC can also ask when they go to the warrant article meeting.

Mr. Pearce stated that it might be better to wait and hear what the Select Board has to say and this will give the CPC more input and be the best time for CPC to make a decision.

Mr. Hayden stated that he is going to vote not to support it.

Mr. Rudloff stated that there are two processes to this, first the zoning change and then the site plan review and during that process that's when we can talk about building siting, paving siting and all the other changes. It is really important thing for the CPC to know, and he then thinks for people like the Vitales', is to understand what this thing is going to look like. So, if Attorney Mann has any kind of images that she can show, they're conceptual, they're not binding, but they must be thinking about the siting of it, at this point, and where they're going to put the building and paving. He thinks having some comfort of what they're going to actually do and how much buffer there could be, because if you go down Concord Street there's some buildings, primarily on the right where Mr. Coviello is right now that are set back enough and the activities in the back, and there's really not a lot of activity happening on those buildings if there set back enough. He doesn't want to pass judgement on it without knowing what it looks like.

Mr. Pearce stated that they're just dealing with the zoning article, not with the site plan, so if the zoning article doesn't go through then that would mean there would be no site plan.

Mr. Rudloff stated that this puts Mr. Hayden in the same position as all of us. We just want to know, maybe what it's going to look like. It does make good sense, it is part of, and it neighbors Bobcat, but he doesn't think with how narrow Concord Street, in that section too, he should have a pretty decent buffer, and it looks like those parcels could provide that buffer, but he doesn't know conceptually he can see it in his head, but he doesn't know exactly what is being planned.

Mr. Carroll stated that he shares Mr. Hayden and Mr. Rudloff's sentiment on that. For him it's a good example, what they just look at with the overlay districts and the added benefit of seeing the plan and kind of getting a feel for what the intention was to support that in here. Without seeing that he feels as though they're kind of letting the Trojan horse in if the approve this at this point, without having any idea. He knows that there is a site plan review, but they only have so much leverage at that point and he feels like getting some sort of commitment for what the layout is going to be and understanding of the amount of vehicle traffic, the amount of parking spots would obviously impact that and the size of the building and he thinks all those

things he'd have to take into consideration for supporting. For all the reasons that Mr. Hayden mentioned, the creep of this industrial zone it's difficult to justify unless you can make the case that this is truly going to be less impactful than what it's currently zoned as and with the information we have today, he doesn't think he can definitely say that it can be told that. But, it still leaves the door open for things to change and for the concerns that Mr. Vitale brought up to be realized, if we don't have some sort of commitment.

Mr. Johnston stated that he knows that stretch of road well and he has to admit that when he first looked at that it was difficult to conceptually see how that fit. Particularly given the series of houses, on the other side of the street. If this parcel of land was further west and south and we're dealing with more industrial, on the other side of the road would make it a simple determination. But, that is a unique stretch of road with the unique intersection and having gone to that farm many times, himself, he struggles to imagine how that would work. He understands the arguments for it, he also understands the CPC's ability to help shape it through the next phase of the process to kind of reach the goal of mitigating those issues, so he can't picture it until he can kind of see how this could conceptually work.

Mr. Pearce stated that's why he said they could wait until we either have another hearing ourselves, or to take a look at something, or we can wait for the Select Board meeting because by that time they'll be an opportunity to bring a lot more information forward if they can generate it, so that might make it easier for us to make a decision then, or at town meeting. Whichever works, the best. Is this acceptable to all the board members.

Mr. Hayden agreed with Mr. Pearce's suggestion.

Mr. Pearce asked Mr. Coviello if he wanted to make any comments tonight.

Mr. Sergio Coviello stated that there are currently two houses, on the site. His plans are not to do anything with them at this point only because if it's industrial, they would do one thing and if it's residential they will do another. So, he didn't want to spend a lot of money to get all kinds of plans to show everybody what was going to happen, because if it goes residential it's totally different plans. So, that the people understand the driveway for that land is very close to Bobcat of Boston. So, the driveway is going to be inside, to the left of those two houses that are there now. The Seven Acre Farm had a lot of traffic going in and out of there because people came in bought stuff and left. He doesn't think that he'll even have half of the traffic that would entail for his business because we just don't have that kind of volume goes in and out. It's not a business, you need to buy something and walk out again. The business we go there in the morning, the trucks go out and then come back in the afternoon. The driveway is very, very close to Boston Bobcat because that's where the entrance is for that piece of land. He does wish that he could have a plan, so that everybody could see, but he doesn't think it's appropriate at this time because he is only asking for it to be rezoned. Obviously, if it gets approved as far as the Select Board is concerned, if they feel that they want to meet with us, he

will be glad to have Attorney Mann set up a meeting with the CPC and Select Board and talk to them to see what their input is, or see what they feel they want to do.

Mr. Pearce stated that he thinks that was one of the concerns was being able to see some kind of a conceptual idea of what might happen there, might make the difference between whether people who are comfortable with the rezoning and he thinks that's what the comments were.

Attorney Mann stated that they may be able to give a very rough concept plan showing where they're going to retain the two homes. She put a 1991 plan on the screen for all to view. Basically, what is going to be a continued buffer for the project is the existing homes and there's no intent to take these down. They have to reconfigure the lot line somewhat, because of the fact that residential lots have to maintain 160' of frontage. But, in this particular district, these have to have 200' of frontage, so they have to actually work out some issues with regard to how they break up the lot. But, the way it would work, they would retain these structures. She doesn't recall if Mr. Coviello is going to keep the barn. The barns that are actually chicken coops are not being kept. But these would be, so you'd have that natural buffer, and then because these current homes exist here because of the setbacks, they would not be able to even locate a building until somewhere in the vicinity of lot 3, which is 200 or 300 feet back from Concord Street, so there's going to be the opportunity to properly buffer and relative to the left side of the property there is a 40' automatic anyway, plus the setback. During the process of the site plan approval process the CPC can require them to even give a greater setback, because they abut residential zone. So, because of that, there's that additional setback that the CPC has the authority to require, and that would push them back into this lot 3 area and their intent is definitely to hug the Bobcat area. So, the whole point here is that the effects on the neighboring properties that are residential is being mitigated tremendously just by the existing nature of the property and how the access will be formed.

Mr. Hayden stated that everyone has missed his point. The reason why he doesn't want to rezone this property is it pushes the zone into residential, makes it larger and it allows it to go, the next step when the next piece of property is sold or they decide to take it from being a farm. That's his problem, he knows they have restrictions and he knows there's a site plan review, but he hasn't seen a good reason to take this property and make it a business property, yet. He hasn't been convinced and what Attorney Mann is telling him is that the CPC has control if it's ever changed from a Residence A and he knows they have control over what that becomes as a Residence A also, because it would have to come in as a subdivision. He's been doing this a long time, he understands that. He's looking at what the zoning that you're asking to change is. You're asking to change to put business against another piece of residential property which then is going to be able to allow that one easily to go to the next one and suddenly we're on top of the homes. Right now we're not on top of homes, if you put in a multi-family in there, they choose to move there, these other people are living there now and we're moving the zone into their backyards, and then there's no way to stop it, that's not spot zoning because it's connected and it doesn't matter if there is one lot line or two lot lines in the

Industrial Office zone, it matter that you have a lot, but it doesn't give it more strength that it has two lot lines like Attorney Mann said before, as far as he's concerned. Everybody seems to be missing that. You're all talking how we're going to design this stuff and we don't know what they've even though about putting there, other than a business.

Attorney Mann stated that they definitely understand it, it's the position that creating a residential subdivision here is more tax negative, more traffic impactful than would be an industrial zone.

Mr. Hayden stated relatively speaking it is not. If you get 50 cars going in there, half of them are coming from Main Street and the other half come from the highway. So, you're going to impact that whole length of traffic, if you put nine houses in there by the traffic engineers between seven and nine you're going to have maybe 10.

Attorney Mann stated that traffic generation reports are clear. Its nine to ten trips per day.

Mr. Hayden stated they're not cars they're trucks in an office area during the day and he thinks that's what he just heard from the neighbor across the street.

Attorney Mann stated that there is a tremendous amount of traffic generated along this street, because there's a lot of industrial traffic because there's businesses down one end and putting residents here is only going to increase it all day long and on the weekends. This is their position and she understands that the board has the obligation to review and make its recommendation to town meeting as to whether or not the zone should extend. Whether or not another property is going to be also part of that extension shouldn't really be part of the conversation, it should be limited to what they're looking at and this lot and if it's appropriate.

Mr. Hayden stated that he looks towards the future, he doesn't look for today. That's in our title "Community Planning Commission". We look for the plan, what's going to happen and what can we affect.

Attorney Mann stated that you can differentiate the fears for the future, though isn't part of it to think that something's going to be rezoned, we don't know. If you don't think this is a good plan that's one thing, but it is to determine it based on a possibility of a rezoning it's still subject to town meeting approval and if town meeting deems it to be a worthy change.

Mr. Hayden stated thats' right, but he doesn't have to agree with that change. But, if the town's people vote that way that's' a different story. He can't stop it and won't stop it.

Mr. Pearce stated that one thing that has occurred to him is if the plan that Attorney Mann was just showing, showed the properties across the street because then the people could see if there is an impact on them.

Attorney Mann stated that she has an aerial photo that shows the properties across the street and she put it up on the screen. She showed the area where the new construction would take place and it was shown to be behind the Bobcat property.

Mr. Pearce stated if the existing residential homes stay out front and basically they'll be residential across the street from residential.

Attorney Mann stated that there's no purpose to taking those buildings down. They're good buildings.

Mr. Pearce stated that the CPC has agreed that they're going to wait until after the Select Board's hearing, perhaps make a decision at town meeting.

Mr. Pearce stated to Mr. Hayden that the town has lost so much of the commercial land to residential, everywhere. It seemed like it wasn't such a bad idea to gain a little of it back. There are a lot of houses right now that abut commercial property because they wanted to, and they forced us to let them do it as opposed to having some say about whether there was residential up against commercial. So, adding this commercial is not a bad thing, in this particular case. The I/O District, which is a pretty benign district there's nothing heavy in that district which is kind of a nice district. It's better than some of the others that we would have.

Mr. Hayden stated that he agreed with Mr. Pearce about being forced to let them build residential up against commercial property.

Mr. Pearce closed the public hearing.

Zoning Map Amendment – P.H. 8:15pm

Mrs. McKnight stated that this zoning amendment is only needed if the citizen's petition for industrial office passes, we will also need an accompanying zoning amendment to update the date on the zoning map. The overlay district that Mr. Wheeler introduced already has that built in, but this one does not, so if one gets passed over or doesn't pass, we would also pass over this one. The proposed new date of the zoning map would become June 5, 2021 pending the Attorney General's approval of the industrial office rezoning map amendment.

Mrs. McKnight read the public hearing notice into the record.

Mr. Pearce stated that if the overlay district is approved that would also trigger the map amendment.

Mrs. McKnight stated that one already has a provision, because it was our sponsored article, we were able to write it so that it included a zoning map update. But, this one being a citizen's petition we had to add it as a separate article.

Minutes

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

that the Community Planning Commission vote to approve the minutes of March 2, 2021 as written.

5G/Small Wireless - discussion

Mrs. McKnight stated that there are two things that we need to look at and she tried to summarize this in the memo, but basically in order to have some regulation for small wireless facilities which come with a different set of timeframes and are a faster turnaround that the town is required to respond to and have less control over. Town Council has advised us to recommend a policy to the Select Board, the Select Board can choose to pass it or not, it's up to them, but the recommendation, she thinks from the CPC would be to have a policy for application procedures and for aesthetics, and it applies both to small cell installations and to utility installations in the right-of-way. The policy is basically written, it was mostly written by Town Council with some additions from her where she saw other communities had added certain provisions. Kopelman & Paige has reviewed the additions and are fine with them. They asked us to fill in the blanks of everything, having to do with aesthetics, height, pole diameter, things like that. She did as much research as she could, to see what other communities are doing and they're all very consistent. But, a key difference that we have to contend with is that RMLD believes that most of the installations that will be requested in town, are going to be on their poles on Main Street specifically. So, everything that we pass really should be consistent with what RMLD can do on their poles, because if we pass a set of regulations that's different it will impact not only small wireless installation, but it will also impact other utility installations on RMLD poles, and we really don't want to complicate what they already have in place. So, she looked at the specifications from RMLD and spoke with John McDonough at RMLD who was very helpful and is happy to review our policy and aesthetic recommendations for consistency. So, she created from Kopelman & Paige and herself a draft policy and the goal would be if we were to look at it and decide whether we were comfortable with what was in it, in order to recommend it to the Select Board, and then they could take it up. Their next meeting is April 12th and she's been told that they can have agenda time to devote to this. In terms of figuring out what these things look like it's very hard to find a community that has had a good set of aesthetic regulations and then look at what was actually installed in the town, because many of

many of them have regulations and no installations. Many towns that have installations don't have any regulations they're just there. The coverage maps show some areas where you can find and pinpoint poles, but other coverage areas shown, there are no small cell installations. She doesn't know if that's because the coverage is achieved through regular tall cell towers. At the same time she's just not sure of that, but there were many instances where she thought she was driving to take a picture of a pole and there was no pole, and then she would be driving elsewhere, and she would say, "Oh there's one, so she tried to put in as many images, as she could. Typically, look the same they're tacked onto the tops of these utility poles and RMLD has provided many, many different types of equipment in their diagram, so she put that in the ShareFile to just demonstrate, there can be a pretty wide array. But, typically the ones that she was seeing were on the top and looked like a Q-tip on top of a wooden bowl. Or, the arrays that go straight up and down, vertical. She tried to put a few samples of images in there, but she doesn't think they have a tremendous leeway as far as making them look pretty, although we can prohibit them from being on our decorative light poles, we can restrict them further in the Historic Districts, etc. Part 2, is a zoning amendment and everything she just described, has to do with in the public right-of-way, utility installation in the right-of-way.

Mr. Pearce stated then we have what happens on private property.

Mrs. McKnight stated that's right. That's why we are also recommended by Kopelman & Paige to have a zoning amendment to govern what it was under private property. Most towns don't have this and it's good to have it in place, just in case. She has submitted an Article to town meeting to pass the zoning amendment that is a very simple zoning amendment and it refers back to an aesthetics policy. We don't have to have that policy written the day of town meeting, but Kopelman & Paige was recommending that it be consistent with whatever the CPC passes, the Select Board passes for their policy. We would use the same set of aesthetic regulations. So, what she is saying is there's urgency and there's not. There's urgency in the sense that tomorrow Verizon could come to RMLD and say they want to put installations on several poles on Main Street, and we don't have a plan in place, so they pretty much get to do it and RMLD will have their own guidelines and their own rules, but we won't have had any of our own aesthetics, which are aesthetics kind have to match what RMLD needs anyway. There's not too much more that we are going to be able to do on their poles, so her hope was that the CPC could make a recommendation to pass along the policy as its drafted, to the Select Board. They could choose to pass it or not. We would go ahead with our Warrant Article, with it, which is pretty simple zoning amendment that refers to aesthetics that the CPC will have on file, which we can develop on our own, and we would make sure they were consistent with whatever the Select Board passes. This is kind of how she was hoping, this would play out in terms of the timing and taking care of this issue, but, of course we can proceed anyway the CPC sees fit.

Mr. Pearce stated that the two latest proposals from Kopelman & Paige, for the right-of-way and private property are in the ShareFile. Does the CPC need to fill it in?

Mrs. McKnight stated that she filled it in and she tried to fill it in with what is pretty consistent, as far as what other communities have done. But, she also compared it to the RMLD specs. For example, a lot of communities say that you have to have your installation, everything pole mounted has to be between 8' and 10' off the ground. RMLD says 12', so she put in 12'. He suggested we fill in what the maximum pole diameter is, so, she asked RMLD and they said that they don't recommend that we do that as part of the aesthetics, because pole diameters are entirely dependent on what other equipment has to be on that pole. So, we choose our class of pole based on that and not based on what it looks like and we can't, they didn't really recommend that we do that, so most communities are not doing that, so she's recommending taking that out. So, she filled in as much as she could. She doesn't think that there's anything blank, other than where she recommended to delete.

Mr. Pearce stated that his concern about some of the things that they're doing and he's hoping that they have some engineers involved in this, because this equipment is relatively heavy and he doesn't remember what the weight of it was, but, further up the pole you put that, the more leverage it has on tipping the pole over, so the diameter, the pole then becomes rather important because, if the poles too skinny it won't carry the weight.

Mr. Hayden stated that he thinks RMLD is going to tell them that, if they've got to put something up there, bigger, than they're going to have to change pole. That's an expense and RMLD's got to control that that way. They're not going to let something dangerous go up there, and so it's kind of hard.

Mr. Pearce stated that he knows enough about physics, to know that they can get themselves into a bit of trouble if they're not careful.

Mr. Rudloff stated that the notes on the diagram from RMLD #6 – RMLD engineering will perform an engineering load analysis of each pole to determine appropriate pole height in class. So, he thinks this is how they approach it, for what's going to be mounted on it.

Mr. Pearce stated that if we've limited it, or they tell us, and we have to limit it to no lower than 12', that's a significant difference from 8' that everybody else was doing.

Mrs. McKnight stated that she put 12' into that provision, but pole diameter is different. Kopelman & Paige is recommending that. Of course they are required to show that they're structurally sound and they're not going to fall down. But, what RMLD was saying is don't make pole width an aesthetic recommendation because it's more important to be sure to properly support the equipment.

Mr. Pearce stated that he agrees it doesn't fit under aesthetics, but it would fit under engineering.

Mrs. McKnight stated that's covered.

Mr. Pearce stated that it just sounds a little inconsistent.

Mrs. McKnight stated that it's not inconsistent because RMLD has their own requirements that they don't want any of our aesthetics, to be in conflict with. So, in some places it could be inconsistent, but she only addressed pole diameter because Kopelman & Paige suggested we do it as an aesthetic consideration, but no other communities are doing that and she thinks for good reason, because you really can't make it an aesthetic consideration, it's an engineering question. So, these are all the things that she just tried to research, each one of them, and she filled in those blanks to try to make sense of it.

Mr. Pearce asked if the CPC needed to vote on it and then send it to the Select Board.

Mrs. McKnight stated if the CPC thinks that it's ready, than yes. She has already submitted the Warrant Article, it's basically a placeholder with some details to be added, but it's basically written.

Mr. Pearce asked the CPC members if they wanted to bring this back to another meeting to vote on it, or if they feel comfortable with what they've read.

Mrs. McKnight stated that when she asked the Town Administrator when the Select Board could consider the policy he suggest April 12th would be a good time for them.

Mr. Hayden stated this is a Select Board's policy, so it doesn't have to go to town meeting.

Mrs. McKnight stated that the zoning does, but the policy doesn't.

Mr. Hayden stated that the zoning and this policy are not tied hand in hand, we could push the zoning on and we could give the Select Board a draft that we have not yet finalized, so that they have something to look at and we can continue on with the zoning amendment through town meeting in June. We can see if we can get that passed and in the code and by then the Select Board will be up to speed because they'll be looking at stuff on their own, and maybe at their next meeting they'll be able to look at the two items and vote on those make their policies, at that time. So, he doesn't think that it's out of line to hold off and make sure we know what's going on in these policies.

Mrs. McKnight stated that if the board wants to go ahead with the zoning article, which will be taken up at town meeting and which is basically all written, and then we can be working on an aesthetic policy in the meantime. The Select Board does not have to have passed their policy before town meeting. Kopelman & Paige was recommending that they do that at first, but then they told her that they just should be consistent.

Mr. Pearce stated that the Article that discusses the zoning is just to allow them into the residential zones.

Mrs. McKnight stated that they are already allowed. It's to give guidance for the application procedures, not fees, specifically, but to say that we can set reasonable aesthetic regulations, but those kind of regulations don't have to be worked into the text of zoning. They just have to be passed by the CPC at a public hearing, they can be amended, from time to time and will be on file with the Town Clerk, just like our site plan review regulation, so we really don't have much to discuss on this.

Mr. Pearce stated so, basically we just have to agree that we're going to support the zoning article and then if we get the rest of it put together that's fine if it happens, shortly thereafter that would be good enough.

Mrs. McKnight stated that she thinks that it would. The way the zoning article is setup is what the procedure that it creates is it creates a modified version of a site plan review. We can't require special permit, so it can't be our normal site plan review process which does require a special permit. Expedited, simplified special permit that would be inserted into the zoning with, as we said, our aesthetic regulations to be decided by the CPC and kept on file. We have to schedule the public hearing which will be May 18th. In terms of recommendation to the Select Board for the policy, she can just pass along to Vincenzo Stuto and Mike Gilleberto, Town Administrator that we're not really ready to recommend the aesthetics policy, yet, and that we would probably have to recommend that it take place, either shortly before, or shortly after town meeting.

110-124 Main Street – SPR and Floodplain Special Permit – cont. P.H. 8:30pm

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

that the Community Planning Commission vote to grant the requested continuance for 110-124 Main Street until April 20, 2021 @ 8:00PM.

Planning Administrator Updates

There will be no meeting on May 4th because of Election Day.

215 Main Street

Mrs. McKnight state that the owners of Bark & Roll located at 211 Main Street will be purchasing 215 Main Street to expand their business. It currently, or was a hair salon. The change of use would be to a dog grooming, boarding and various things related to caretaking for dogs. Normally a change in use does trigger a site plan review, there are also some exterior changes (exercise area and a fenced area). 211 Main Street did not go through a site plan review at the time. Mrs. McKnight does not know why, but thinks that it just wasn't sent to the CPC because it wasn't on the previous building inspector's radar. Both cases did have to go to the Board of Appeals for a special use permit, so we wouldn't be deciding the use. It would more of a review of the physical changes and also any changes to parking and how the site was to be functioning. She has been asked if this requires a site plan review. She initially told the applicant that it does, but wanted to know if there was any further discussion.

Mr. Pearce stated that it's a fact that it's a change in use and an original site plan review wasn't done and was supposed to have been done, because the other dog places did have to go through site plan review. We should at least take a look, and with the other ones, there were question and concerns about the noise, about the barking and what they had done to mitigate it. He thinks those two sites are radically different as far as physical barriers to the sound and everything is concerned, so it just seemed to him that in deference to the neighbors in that neighborhood that we should give them an opportunity to know what's going on there and not suddenly have barking dogs right next door to them when they weren't there before. That's why he thought that a site plan review would be a good idea because we did for the other ones.

Adjournment at 10:10PM

Respectfully submitted,
Ryan Carroll, Clerk

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