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Town of North Reading
Massachusetts

Community Planning

TOWN CLERK
NORTH READING, MA

MINUTES

Tuesday, April 20, 2021

Mr. Warren Pearce, Chairperson called the Tuesday, April 20, 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
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.

Mr. Hayden 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.

Minutes

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

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

239 North Street – plan endorsement

Mr. Pearce stated that Billy Schneider, Benevento Companies sent an email stating that they will extend the sidewalk to the State parcel.

Mrs. McKnight stated that the planning department has not received a new plan showing the proposed sidewalk. If the board would like to hold off on the plan endorsement pending that final detail, it won't hold up their building permit.

Mr. Pearce stated that based on the email he thinks that the board can vote tonight and when the new plan is submitted the board can sign off.

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

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

that the Community Planning Commission vote to endorse the plan entitled "Proposed Office/Warehouse Building, 239 North Street, North Reading, Mass." dated 4/27/2020; revised 11/5/2020, 12/22/2020, 1/26/2021 and 4/22/2021; drawn by Dana F. Perkins; as amended this evening.

Main & Winter Street - discussion

Mrs. McKnight stated that a letter was drafted two weeks ago, to go out, first to all of the owners in that vicinity and the next phase of that would be to abutters. She has heard back from two of the owners who would be interested in meeting to have a discussion about the future property. Mr. Heffron who owns 66 Winter Street and the other is John Lucci who owns the Papa Gino's property. She has tried to follow-up for those who have an email address, but she doesn't have an email address for everyone, Stop & Shop in particular, she doesn't have a great contact for, but she is still working on trying to find someone there.

Mr. Pearce stated that they talked about talking to John Lucci, just by himself and we've already talked to Ken Heffron, but he wants to come in and have a sit down with the CPC and the Select Board.

Mrs. McKnight stated Mr. Heffron would meet with a representative of the Select Board which would be the town administrator, who is willing to meet with him, along with some of the CPC.

Mr. Pearce stated that his last conversation with Mr. Heffron was that he is offering to put a building up for the Multi-generational Center. Mr. Heffron has changed what he wants to do there, a bit. He has his own reasons for doing it, but again, he's been very upfront about what he wants out of that site, he wants to build something that becomes a memorial to his father and he's willing to work a bunch of different ways. Mr. Lucci might be influential in this and we thought it might be a good idea if we had a chance to sit with him and talk about what his feelings are about this and it would probably be advantages to spend a little bit of time with him because, obviously, as you know he's developed the property at 20 Main Street and he's familiar with it, he's not a stranger to it and he'll give us some insight as to what he thinks.

Mrs. McKnight stated that Mr. Lucci was also interested in speaking to us about his property on 20 Main Street, so while that might not be directly related to this project, she thought it would be interesting to hear from him about what he has in mind for both of his properties in town, in thinking about the future.

Mr. Pearce stated that this is a different format than what we had originally thought about. We thought about having a meeting where everybody showed up and we got a chance to show them pictures and things and all that stuff, even if we did a zoom meeting. But, we didn't get the kind of response from the people that we thought we would get, so far.

Mrs. McKnight stated that we have six owners and we've heard from two of them, and one of them is a huge corporation, so she thinks that she could do a little work to find a person there to reach out to, because years ago we did have a contact at Stop and Shop, and that person is no longer there.

Mr. Pearce stated that there is still some marketing going on at the 97 Main Street property. They're still trying to market the other part of the building, so there has to be a marketing guy somewhere or a marketing person.

Mr. Hayden stated that when they spoke with someone from that property a few years ago it was from a Property Management Arm.

Mr. Pearce stated that he went down and met with them once and walked around the building and talked and made a list about different things that could be done. I gave him the list, but then nothing ever really happened with that. Mrs. McKnight is correct in that we do need to find somebody a little high up in the organization to have a meaningful conversation with.

Mr. Rich Wallner of the Select Board stated that he did some math on the current tax revenue for those properties and the revenues about \$200,000 a year, but if we were to build it out, close to what we're talking about it has a potential to be \$1.6 million per year for that property just based on the residential. So, just something to keep in mind, there could be a good upside to doing this work and making it happen.

Mr. Pearce stated that one of the things driving Mr. Heffron is a point that he made when we we're talking about the building with the stores on the bottom and apartments, and he pointed out that the things that we've done so far haven't fully filled up, in other words the spaces are all empty, there are no takers for those locations. The new storage facility at 35 Main Street, also has store fronts, but there still empty.

Mr. Hayden stated that the storage unit opened approximately six months before the pandemic hit and that slowed everything down. The other building at 25 Main Street didn't even get its driveway put in until last summer because he didn't have water and also needed a curb cut. There are eight or nine spaces and that's kind of an anomaly because who's renting right now and that's the thing.

Mr. Pearce stated that he thinks the project that they're proposing is self-supporting and by putting all of the residential units there they've also provided customers for those stores. That's an important point, but one would hope there would be some kind of demand for those, so he thinks that's coloring some of the decision making that's going on. Mr. Heffron is looking at doing something different, but leaving a piece of land available so that, if the other project moved along he'd still be able to participate in some way to some extent. He asked the members what their feelings are about talking to Mr. Lucci and all of them. Should we bring them in and have a face to face before doing a public meeting.

Mr. Pearce stated that Mr. Lucci could be influential and then he comes to the meeting and says, he knows what he's doing and sees a future in this, he may be able to sway some people.

Mr. Hayden stated that Mr. Lucci is a pretty big landowner and he doesn't see any harm in giving him his own space, and speaking to him may be the right thing to do, and he may help in the end, but we won't know until we talk to him.

Mr. Rudloff stated that he agrees with Mr. Hayden and doesn't see anything wrong with meeting with him.

Mr. Johnston stated that he is in agreement with meeting with Mr. Lucci.

Mr. Pearce stated that it should be him, Mrs. McKnight and another member to meet with Mr. Lucci.

Mrs. McKnight asked if she should invite the people from Abacus Architects.

Mr. Pearce stated that they may be able to answer some questions that the CPC can't.

Mrs. McKnight stated that she would inquire about setting up an in-person meeting in Room 14. If not, they can do a ZOOM meeting.

Mr. Wallner stated that Mrs. McKnight should send out a second letter to the abutters of the properties in discussion and let them know that we're actually starting to get some meetings going with some owners, because people don't want to be left behind. He also said that he would be able to attend the meeting, if needed.

Mr. Stuto stated that if there is going to be Select Board representation, per some of the rules it will have to be him as liaison. He doesn't think at this point the Select Board needs to be there because he thinks that the CPC is doing a great job.

Mrs. McKnight stated that Abacus Architects is continuing to reach to some representatives in the development community, to get a sense of how people are receiving the idea of the project, and they'll collect feedback and give it to the CPC. They're happy to help with any owner meetings or to discuss the project. She thinks that getting a few meetings, together with the owners is definitely the next step.

Mr. Pearce stated that he is in Greenwood, Indiana and he has been observing the growth out there and it's unbelievable. So, he's thinking is the economy that strong here, is that demand so high here, but not in the Northeast. There appears to be a fairly strong forward moving economic system, so it would indicate to him that perhaps the project that we're trying to do may get a more favorable review as the economy improves or as the whole thing spreads out.

Mr. Stuto stated that he can give a pretty reasonable response to Mr. Pearce's question just based on what his clients are doing. It does seem, though, right now, when you look at a lot of the building, especially for the types of units we're looking for, for Winter Street luxury is key. Meaning that developers right now, because of the market are fetching \$700,000 to \$800,000 for condos and townhomes, so he thinks that if you pitch them any idea where it's senior housing or affordable where things need to be around the \$500,000 to \$600,000 range, he thinks that, right now, they have no incentive to do it. Right now, people are paying some really big money because single family homes have become so expensive. He thinks that North Reading is very attractive, but the question becomes, based on the market, are we willing to change the idea of some of the projects to be more straight luxury townhomes or units for everyone, so that's not just based on data, that's based on clients. Right now, he can charge \$800,000 or \$900,000 for a townhome, he's not building anything for \$600,000.

Mr. Pearce stated that he understands that and the only other way, we could get them in and this was mentioned before, is if the town got involved, put some money in and provided some part of the project to incentivize somebody to build the real nice ones, but also to build a few affordable units.

Mr. Stuto asked if a developer came in and said they would offer affordable units, but without age restriction, without the town putting in one dollar. Would we say no to that?

Mr. Pearce and Mr. Hayden stated they would absolutely not say no to that.

Mr. Stuto stated if somebody came in and said they can't guarantee 55 plus, but I'll do some affordable, but you have to let me do whatever I want with the rest of them, we'll take that.

Mr. Pearce stated that they would want to have some say over the layout and design. Also, there is the overlay district which they would need to put in some commercial on the first floor and that might slow them down because they're probably not going to get the money out of those units and they've got a couple of the cost of those in the sale of other units and that might be an issue. The next thing they need to do is talk to Abacus and see what they think about changing that concept. The housing production plan and the research done by MAPC indicated that we needed to build more affordable units or median income for the Town of North Reading.

Mr. Stuto stated that that was before a world where you could get a 30 year mortgage with 2.75 and free flowing money from the government. He feels any plan prior to 2019 is not really representative of the current economy.

Mr. Pearce stated that he agrees.

Mrs. McKnight stated that she thinks that both Housing Production plan and the Master plan, both mentioned the need for affordable housing, but usually the way affordable housing gets built is there's a portion of the units that are affordable and then the rest of the market units can be anything. Edgewood apartments is 25% affordable, but the rest are luxury, and they're marketed that way and that's often what you get. She doesn't think that they've ever talked about that as being something they would actively, not want. If someone can give us affordable units, there's a wide variety of kinds of developments that would be attractive that we want to consider.

Mr. Wallner stated that he thinks Abacus Architects said that, as developers look at this, they would help influence what the design would finally be and if there's a market for high end units that would be the first thing they come back because they would be the best offer. If they come back and say they can't build \$300,000 units, but are interested in this project and can do \$800,000 units and then the CPC can just assess from there. He doesn't think that Abacus was coming up with a final design, he thinks they were trying to come up with something just to get it going and then see how developers feel about it.

Mr. Pearce stated that his only other concern is how sustainable it this current situation and are we going to get halfway through this project, and then the value of these are going to drop to \$500,000 and suddenly we have nothing going on.

Mr. Hayden stated that he agrees with Mr. Stuto. There is nothing being built cheap and he doesn't know if they can bring the right people to North Reading, from where the people are going for places, like Marblehead and ocean views, etc.

Mr. Stuto stated that if the CPC is going to go for what some other communities are doing with these very high price townhomes, the 55 plus has to be ditched. He knows that this brings up the argument about the schools and whatever, but people buying 4000 square foot sing families aren't empty nesters, so that argument means a moot point. To make sure that even after this boom a developer sticks to the end, you can't make it a niche market. He knows plenty of people in their 40s that would put down a million dollars to live in North Reading. It only works if the developer knows that outside of the affordable units, if a 40 year old young professional making half a million dollars wants to buy it, they can.

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

Mr. Pearce commenced the continued public hearing.

Mr. Bill Hall of Civil Design Consultants, Inc. stated that he is representing the applicant and would like to give the CPC a quick update on the status of the project. He presented a screen share of a plan that the CPC has not yet viewed. The plan shows the same footprint from the previous plan. The biggest change was that they had previously had the slab elevation at 75.6

to match the storage building. After going back and forth with the building department on this, they were advised to raise that to the now proposed slab of 76.7 to bring that above the floodplain elevation. As a result of raising it that 1.1 feet, they had to do some additional grading along the front entrance to get into these garage doors, and then they had to provide a large compensatory storage area around the back and then grade it up to the elevated portion of the abutting site in the rear of the building. And then, along with that one other minor change they made is that they're proposing roof dry wells to capture and infiltrate some of this roof runoff and essentially what that's going to do is mitigate the increase in impervious run off that they have from this proposed storage building.

Mr. Pearce stated that it sounds like you are addressing the issues that the CPC has been going back and forth with the building inspector, so that's a positive move.

Mrs. McKnight stated that the Town Engineer, John Klipfel has asked for a peer review for the floodplain issues and the stormwater. Design Consultants is working on this request and should have it ready by May 18th.

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

that the Community Planning Commission vote to grant the requested continuance for the public hearing for 110 – 124 Main Street until Tuesday, May 18, 2021 @ 7:30pm.

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

Town Meeting Warrant Articles - discussion

Rezone Concord Street – Mr. Pearce stated that they received three more letters from abutters. Six of these letters are in support of the zoning change and one non-supporting letter. Mr. Pearce stated that he did talk to Mrs. McKnight in regards to the statement made at the last meeting that the town has not done anything to help fix the situation on Concord Street. The paving situation, or how many trucking units used to be there, but when Mr. and Mrs. Vitale bought their home near that area, it was zoned Heavy Industrial. Realizing that we did not want the continuation of Heavy Industrial and more trucking companies which were on the way, they created and rezoned that area to Industrial Office. It was a successfully rezone and brought less intense uses to that street and perhaps more property development, as opposed to having a whole bunch more of trucking companies, which is what it would have ended up with, with its proximity to Route 93. So, we did make an attempt to improve their lives and they may not have realized it, because the change happened over a period of time. The CPC should bring the issue of repaving Concord Street because it is getting pretty bad.

Mrs. McKnight stated that she did speak to the Town Engineer, John Klipfel about repaving Concord Street and he told her that it's not on the paving schedule and probably won't be for some time.

Mr. Stuto stated that if the CPC wants to send him an email in regards to this he will put it in his Select Board report for their upcoming meeting. The majority of the Select Board wanted to buy this property and were told no by the town at the June Town meeting.

Mr. Pearce stated that if they took all the personalities and the politics out of it and they look at it as just a piece of property and what we want to do with it, and in the past we'd be fighting tooth and nail to keep it from being residential again because of the impact on the schools and the impact on our public services. If a multi-family dwelling was built there we would need more police and another fire engine and an ambulance to service those big units. The Planning magazine talks about it all the time now. If you're going to build something with that many people in close proximity to each other, you need to plan on increasing the public services to those places and consider the impact on the schools.

Mr. Stuto stated that the voters are going to vote again at town meeting to make this zoning change, or not.

Mr. Pearce stated that he is aware of Mr. Hayden's concern that this encroaches on the residential area.

Mr. Hayden stated that he understands, but it's just that we're losing that good buffer that planners suggest to have between residential and business and then it extends it more for the next little buffer that's there because he doubts that the horse farm is going to last long.

Warrant Articles

Mrs. McKnight stated that she attended the last Select Board meeting and the Town Administrator, Michael Gilleberto had asked her to go because the warrant was going to be discussed and, just in case there were some questions about any of the CPC articles, and one thing came up was that there were concerns about the 146-150 Park Street project, and Mr. Wheeler and his attorney had requested to be on the next Select Board agenda, which is Monday to talk about their project. There were a lot of questions, but because the project itself wasn't on their agenda, there wasn't a presentation that could be given to answer those questions, so the concerns that she heard was: Where is the septic system in relation to the riverfront area, is there an environmental impact in that way, and why isn't there a more developed engineer plan.

Mr. Pearce stated that MGL. 131, 40 which is the Wetlands Protection Act, has the same author as Title V, in other words DEP is the same author of both of those and basically it says unequivocally in MGL. 131, 40 that approval and the Title V code, CMR 1500 constitutes protection of all of the things identified MGL. 131, 40, so basically if the septic system design meets Title V code, it's considered to meet the requirements of MGL. 131, 40. That's the way it's written, so basically that's how the answer to that question would come out.

Mrs. McKnight stated that's helpful. The final concern had to do with the idea that a project could drive a request for a rezoning rather than, we should have thought of it first. She feels it would be helpful if Mr. Pearce attended the meeting. Even though the applicant's engineer will be present.

Mr. Stuto stated that in regards to the environmental front, it's more of a better explanation and only because it is being asked upon by that same group that is opposing the Yebba project at 20 Elm St., and he doesn't want a misunderstanding to kill Mr. Wheeler's project.

5G/Small Wireless - discussion

The public hearing will be held on May 18th.

Mrs. McKnight stated that the Select Board policy will have the aesthetics part built into it. It has been recommended that the CPC not build in all the aesthetics, because every time we need to make a change we'd have to go back to town meeting. The zoning bylaw is very simple, and creates a very simple review process and it refers to a policy that the CPC will have on file.

Mr. Pearce that the policy is going to have the detail in it, that way we can modify the policy anytime we want.

Mrs. McKnight stated that the Select Board policy does have all the detail in it, because they can change the policy whenever they want. It's not zoning, it's just in the right-of-way, that's why we have all of the height and diameter and everything else. She tried to take that draft policy and just highlight in yellow the aesthetic part of it, because everything else is just process and we don't have to worry about it. She thinks the Select Board would be looking for the CPC to give them as a recommendation on the aesthetics, and so it's really hard to do this because, not a lot of towns have. She's tried to make sure that it's like what other towns have done, but also consistent with what RMLD says they need because, from what RMLD tells her, when 5G eventually does come to North Reading, if it does the interest will be in their poles on Route 28, specifically because that's the interest that's coming to the Town of Reading right now, and they believe that's where it will be in North Reading.

Mr. Pearce stated that looking at the policy it will cost \$235.00 per permit, per pole, and if there is going to be one every couple hundred feet, or every 300 feet, or every three poles, that's thousands times \$235.00 for the permit.

Mrs. McKnight stated that was what was given to her by Kopelman & Paige. She did not make any recommendations with regards to permitting fees, permitting process or contracts.

Mr. Pearce stated that he's wondering if the fee schedule is so onerous as to be considered an impediment.

Mrs. McKnight stated that they understand that we can't stop them. She thinks that Kopelman & Paige is trying to make us understand that we can't do things like that, so she doesn't think they would recommend a fee structure that would actually be an impediment.

Mr. Pearce stated that they have to certify that every pole can carry the load that's going to go on that pole, so every pole has to have its own sheet filled out. It seems onerous.

Mr. Perce stated that we don't want those poles to fall over. They're not just carrying the cell, they're carrying power.

Mr. Hayden stated that it's not just a drive-by. An engineer needs to look at these poles and determine if they are capable of holding the weight.

Mr. Pearce stated that he's not arguing against doing it, it's just that he didn't want to put a whole program together, a zoning bylaw and then put a bunch of policies in where they take us to court and say this is just a failed attempted to keep us from doing this.

Mrs. McKnight stated that Kopelman & Paige has been very clear with her that that's not something we can do, and they did write this policy.

Mr. Hayden stated that they could check with the Town of Reading to see what their fees are, if they're worried about it.

Mrs. McKnight stated that if the CPC is comfortable with what's in the aesthetics portion of it, which is the yellow highlighted part, then she thinks that they are in a place where they could recommend to the Select Board that they take it up and pass it. If the CPC is also comfortable with the aesthetics policy that's the piece that she would cut out and make it our policy.

Mrs. McKnight stated that she would ask Kopelman & Paige is the CPC thinks that it is too onerous.

Mr. Pearce stated that he doesn't want to second guess them. If they've already put this together and have already got it in place someplace else, so let's just go with it.

Mr. Hayden state that if they start going to court and start winning on the things that we have in ours, we then put in amendments.

Mrs. McKnight stated that Kopelman & Paige did mention that if there is a portion of the bylaw or the policy that's found to not be enforceable the rest of it still is, in effect, so if something is too onerous and there is some language in there saying things like there are some qualifications, to the degree possible it's not like a direct prohibition.

The consensus of the Commission is that it is acceptable and should be sent to the Select Board.

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

that the Community Planning Commission vote to recommend the draft for Small Wireless Facility policy be delivered to the Select Board for their adoption.

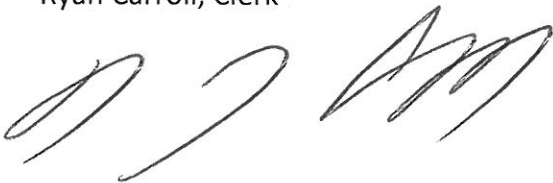
Mr. Pearce asked for a roll call vote: Mr. Rudloff, Mr. Hayden, Mr. Johnston, and Mr. Pearce in favor, none opposed.

Planning Administrator Updates

Select Board hearings for the warrant article will be held on May 24, 2021.

Adjournment at 9:00PM

Respectfully submitted,
Ryan Carroll, Clerk

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