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Town of North Reading
Massachusetts

TOWN CLERK
NORTH READING, MA

Community Planning

MINUTES

Tuesday, June 29, 2021

Mr. Warren Pearce, Chairperson called the Tuesday, June 29, 2021 meeting of the Community Planning Commission to order at 7:30p.m. in Room 14 of the North Reading Town Hall, 235 North Street, North Reading, MA.

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.

Rte. 28 – TEC discussion - traffic study survey design

Liz Oltman, Director of Transportation Planning with TEC Engineering stated that they've been retained by the town to start looking into improvements along Rte. 28. So she wanted to come and introduce herself and the project because it seems like it's been a little while since North Reading has had a major transportation improvement project. They're talking about a fairly substantial project from one end of town to the other, along Rte. 28. A complete evaluation of the entire corridor. She is going to review the planning and designing of a major transportation program like this. First, they identify the project itself and the goals that they're trying to achieve, of the project. At the same time they try to understand the schedule of the design and the permitting of the project. They develop the alternatives, and they have a major public outreach campaign, and then they move into securing the funding, design and hopefully, then move into construction. Where they are right now is just the project identification phase and that is where they're going to put out the brief public first blush survey, to try to get the feel from the town that Rte. 28 is where they want to spend their money. She has heard from Mrs. McKnight, Town Planner and John Klipfel, Town Engineer that they have heard from the town that the town would like a friendlier feel along Rte. 28. Safer for pedestrians, safer for vehicles, slow traffic down, so those are some goals that have been heard anecdotally, but what they would like to do is this first, flash survey, to see if this is what the town wants to do. Do they want sidewalks, do they think it's a valuable expenditure of the town's money to move forward with a design. Doing a project like this, the design and permitting will probably take eighteen months to two years, and during that time they will try and position it for funding through the State and Transportation Improvement Program (TIP), and those are typically five years out, so if we put together a good concept and get some public approval in the next eight months, so we're looking at construction probably in 2028. The town is also in a challenging MPO, in the Boston region, there is lots of money, but lots of competitors for that money. So, you want to have a really good project that addresses pedestrians, bicyclists and safety concerns of all roadway users. TEC has also been retained to start looking at those design alternatives and what they are doing right now is in the data collection and evaluation phase, looking at what the right-of way is, what the existing issues are, and coming up with several alternative concepts for the entire corridor. They will bring these to the public in a more formal type of feedback program. Maybe some public meetings, as many as we need to do to kind of get some buy-in and then we'll move on to the design phases and securing the funding.

Mr. Pearce asked if they decided that they wanted to decrease the speed limit on Rte. 28 as it goes through the town, but the D.O.T. considers it to be a connected road between Reading and Andover, and they set the speed. How successful is TEC in a situation like that?

Ms. Oltman stated that the State has a specific procedure for setting speed limits and right now it is based on the 85th percentile speed which is where 85% of people are going at or below. So people are probably going between 40 and 45 mph on some stretches of Rte. 28, in town, on average. So, from that standpoint they're not just going to lower the speed limit. However, if we come forward with a campaign of pedestrians, bicycles, the road diet, maybe like they did in Reading, the three lane section instead of a four-lane section, we might be able to convince MassDot they we need to design for a lower speed limit. Then they would come back in after it was designed and lower the speed limit. What the State did in Reading was narrow the travel lane and brought out the shoulders to make it more comfortable for people on the road that were not vehicles. She hasn't seen any results from that, to see if it has succeeded in slowing any traffic in that area. That is what they would do in one scenario and another scenario would just be providing for bicycles and pedestrians outside of the travel lanes, but there are a lot of commercial businesses along that area.

Mr. Pearce stated that when they put bicycle lanes in on a certain section of Haverhill Street, going into Reading and they ultimately lowered the speed limit by five miles an hour. He doesn't think that's D.O.T., that's a local road, so he imagines they have the authority to do that without having to consult anybody.

Ms. Oltman stated that all posted speed limits have to go through the State.

Mr. Rudloff stated that the Town lowered the speed limit, but the State told them that they couldn't do that and they had to change it back to the original speed.

Mr. Hayden stated that the Town did go back to the State and they allowed them to go to 35mph.

Mr. Pearce stated that he is concerned with the speed limit being 40mph on Rte. 28 and interacting with bicycles, it could get to be a tenuous situation.

Ms. Oltman stated that MassDot does have specifications for designing for 40mph roadways. It's also over 10,000 vehicles a day on Rte. 28, so that's another step. So, the bicycle facilities either have to be buffered, so there has to be striping between the vehicles and the bike lane, or they have to be physically separated on a curve, in a shared use path.

Mr. Hayden stated that one of his concerns is that this survey monkey was really heavy on bicycles, more than walking. People that are riding bikes do it more for exercise, they're going from point A to point A, or they're going to work. It just doesn't seem like it made a lot of sense. We've had surveys done before and the results of the surveys made him feel that they were more confusing than helpful for what they were looking for. He read this survey again, and it was much better, but the one confusing question is when we're asking "What about importance".

Ms. Oltman asked if he was referring to #4, the three questions regarding transportation.

Mr. Hayden stated that it is #4, and it's all grouped together which was difficult to understand and also, what we are getting out of it. That could probably be more than one question.

Ms. Oltman stated that what they were trying to get from that questions was the people's vision of Rte. 28. Is it just a place for people to get from point A to point B? She will reword that question if that's what the CPC wants her to do.

Mr. Hayden stated that he understands the issue of having bicycles and bicycle access, but being really heavy on that he thought was an issue, and he thinks that it should be backed off, a little.

Ms. Oltman stated that in order to get any kind of Federal or State funding, you have to provide for both bicycles and pedestrians on the roadway.

Mr. Hayden stated that he doesn't have a problem with bicycles. It's just how do we do it and do it right.

Mr. Pearce stated that there are places where bicycles are an actual form of transportation, but he thinks it's foreign out here where they're just a form of enjoyment. So, when you're designing it for transportation, your designing to allow as many people as possible to get to work and back, to do their traveling without using a car. When you do it in a town like this, the money being spent doesn't decrease the level of transportation that we have, so it's not a win.

Mr. Hayden stated that he thought there was something noted in the survey about public transportation, and he doesn't think this town is ever going to get that. The town used to pay into it and had none. The bus would go down Main Street and never stopped.

Ms. Oltman stated that she doesn't believe that's listed in the survey. It is something that we have to work with MassDot on because they have their standards and they apply that unilaterally across the state.

Mr. Pearce stated that what Ms. Oltman is saying that we have to leave the bicycle information in the survey because that's going to be a requirement, or a commitment. Just to providing that kind of transportation area is going to be part of the approval. Even though we realize that it's not totally, but almost strictly a recreational situation.

Ms. Oltman stated that the people that would use a 40mph road to bicycle on are usually more experienced bicyclists. We're not going to put bicycle lanes on Rte. 28 and expect the high school kids will use that.

Mr. Rudloff asked Ms. Oltman if she had any examples of where they've been successful getting that past the State with speed limit reductions, for projects.

Ms. Oltman stated that they are in the process of a couple of corridor studies that they're trying to do that with. They have been successful in evaluating the safety of a corridor and petitioning the State too lower speed limit based on the character of the roadway, and she thinks they know the 85th percentile speed, but can't remember it. They did a couple of automatic counts that record the speed.

Mr. Rudloff stated that it sounds like a challenge unless we do it the Reading way.

Mr. Pearce stated that they are looking at developing some kind of a town center on Rte. 28 and if we actually got that accomplished that would be a good reason for them to slow that speed limit down.

Ms. Oltman stated that she has hear that they're trying to be more context sensitive and think about the design speed.

Mr. Pearce stated that he thinks it's going to be a rough go because he knows that the D.O.T. from dealing with them many years ago on different things that they consider that to be a connector road and they don't consider that to be a downtown road or a town square road, so without having some kind of a designation such as that, they're not going to hear it.

Mr. Rudloff stated that this needs to run kind of parallel with the development that we want to do on Rte. 28 and make it more friendly and dense, and so again with the durations it takes to engineer it to get through and we have to start this process and it just needs to symbiotic with what we're doing on the development side with Winter Street and Rte. 28.

Mr. Pearce stated that his concern is that if for some reason the marketplace doesn't accommodate that development that we could go through this whole redesign and end up with just exactly what we still have.

Ms. Oltman stated that the goal would be to make it safer and more efficient for all the roadway users whether the design speed is 40 or 35mph. We have to design it right now for the 40mph road, to make it as safe as possible, so there's no downside to doing this project because it will improve the signals, it will put sidewalks on the road, at a minimum.

Mr. Pearce stated that what TEC is going to do is evaluate Rte. 28 and then come up with some suggestions on how to make it friendlier, even though the speed limit might not be part of it, they're going to recommend things like sidewalks, bike lanes and all those things, so they would really like this survey to come out somewhat in favor of bike lanes because ultimately the goal of what they're going to produce is to get the State to give us money to fix it.

Ms. Oltman stated that if 95% of the town says there's no reason to put bike lanes on this road they can possibly try to use that to their benefit to steering the State to the design that the town is most in favor of because they do listen to the people and the municipalities. So, the more public outreach that we have and starting with this general survey helps because then we can say we heard this from the town, this is the data that we have and this is our concepts, and then we went back to the town and showed them our concepts and everybody liked this one which incorporates x, y and z, and then we move on from there with the State.

Mr. Pearce stated that he thinks things like sidewalks and a three-way with a turn lane are going to be well received and will get a positive review.

Mr. Johnston stated that when he reads this survey it's almost like self-fulfilling, in the sense that it doesn't capture a vision that people would have any imagination of how these things would improve their lives, like not having it tied into the plans from Main Street. He thinks that a lot of people just look at this and say none of this will improve my life right now because of the status quo, whereas if it somehow incorporates "imagine a world where, would you find these things valuable", he thinks would encourage people to have a forward-thinking imagination of how their life would be different, because if it's just the status quo of what we have right now, would be like why bother.

Mr. Rudloff stated that it's a big wide street. There are four lanes and there's sidewalks for a great portion of it, bare minimum five feet, so they're pretty broad already. He does like the idea of the three-lane, center turn and thinks that does slow things down. So, there's the challenge then, now there is 15 more feet to work with for a bike lane and more sidewalk, but as Ms. Oltman pointed out that one of the challenges along Rte. 28, at least where it's dense is that there are so many curb cuts that it's very dangerous.

Mr. Hayden stated that the three-lanes would make it easier for turns.

Mr. Rich Wallner of the Select Board stated that there have been studies done where there was some imagination that was done on Main Street could look like. If you do a survey that says what do you want to do with the current street, no one's going to imagine that. Andover and Reading have a quaint downtown and we actually have the ability that we're thinking about the ability of creating a downtown place and he thinks the same will find that very compelling because it's going to be around economic development, so it's going to be a lifestyle to develop and if people don't know that they wouldn't be able to comment about slowing traffic down, even in that particular area, just like any downtown we have. So, somehow the survey should reflect that possibility.

Mr. Rudloff asked Mr. Wallner if he what he meant is to show examples, being more visual. He wants the effort to show more. Example: These are five different sections, different cross sections of road, from sidewalk to sidewalk, or right-of-way to right-of-way and what these

possibilities are with greenery. Flesh them out because he thinks that's what people need to see is the possibilities.

Ms. Oltman stated that is the next phase, but we don't have to do this phase (the survey). What she's interested in is if people liked what they did in Reading with the three-lane section. So, maybe this is probably geared to that.

Mr. Rudloff stated that even if it's showing little vignettes of other projects that have the three-lanes, so in that question about traffic, you're showing examples of the three-lane because people are sometimes more visual.

Ms. Oltman stated that she would take another look at the survey and make some changes from what she heard this evening.

Workshop discussions

Accessory Development Units

Mr. Pearce stated that the CPC has been discussing ADU's for a while, trying to figure out what to do about them. It has all of the obvious issues: that is if you try to do it someplace and enable it in a million dollar neighborhood, they think that it devalues their property, and how do you control who's in there, and when does it become a rental as opposed to a family.

Gerry Noel, Building Inspector stated that they are finding a lot of full-blown kitchens being put in and he can't stop them because the State of Massachusetts Building Code says that we have to allow it. It's one of the Massachusetts General Law 143, so he doesn't have a choice. He has tried to find ways of maybe eliminating stoves, and they did come to a disagreement with one individual, and no matter what he did he couldn't stop these people from putting in the stoves. So, he went to the State and the State said that he can't do it that something has to be done within the town's zoning bylaws that shows the description/definition of what a stove is, or what a kitchen is. So, he reached out to one of our communities and they do have that description. He asked how it's working and was told that for some of the people it works, and for some it doesn't. If they fight it, they win. Would it be best to allow certain square footages for people to put in second kitchens? This is all conversational, it doesn't mean that what we should have and that's what we should do. When they put these kitchens in they're putting a small living room and a bathroom in. Well, if they're incorporating a bathroom and living room in a kitchen, and then they say this is an office, but we know it's a bedroom. So, if we say that we're going to limit this second kitchen and all of the amenities with it to 700 or 900 square feet and he knows that this is what the town of Dracut does.

Mr. Pearce stated that he has recently seen real estate stuff where they're encouraging people to put in accessory ground units with examples of a person who put one in and started renting

it out making money, so they put another one in and started making more money, enough to cover the mortgage. But, he thinks the answer is a bylaw that allows them with whatever restrictions the building inspector decides, so that he won't be fighting the stove deal. He'll be making sure they meet the requirements of the bylaw.

Mr. Noel stated that would work for him. His position is that he just wants to protect the town. His job is to make sure that the people that are going to be in this town are going to live here peacefully and not be encroached by everybody, and the encroachment is starting to happen with all of these additional kitchens being put in. Instead of seeing two cars at this property, he's seeing three or four, and it's going to tax the infrastructure.

Mr. Rudloff asked what the number of permits are, that are coming into the building department for these accessory units and are they pretty much across the board for the districts they're in.

Mr. Noel stated that since he has started working here there have been approximately 25 permits and they are in different districts. He approached the State and asked what other communities are doing relative to this and was told that they have deed restrictions. He asked the State for a sample of the deed restriction and sent it to Kopelman & Paige. They sent back a revised deed and it was so restrictive that the people were looking at it and saying that they were not signing it. He also had attorneys telling him that they were not going to let their clients sign it and they're just going to put these kitchens in. He then took that deed restriction and took out a lot of the language that Kopelman & Paige put in, and sent it back to the State and talked to a couple of the State officials and he was able to draft something that's pretty close to what a lot of the other communities are doing, such as Middleton, and people are actually signing this deed restriction and attaching it to their deed. So, he waits for it to be recorded and then they issue the permit.

Mr. Pearce asked what the deed restriction says.

Mr. Noel stated that it basically saying it's a covenant saying that they are maintaining this home as a single family and that they are not renting any of these rooms. It's a 99 year covenant on this deed restriction and right now he's not having any of the people pushing back on it.

Mr. Pearce stated that when the CPC was discussing this they were planning to go a little further, that is actually creating an overlay district or a zone, or perhaps just a bylaw that would allow someone to have an ADU as an in-law.

Mr. Noel stated that works, if that's what the town wants to do. He doesn't have an issue with that.

Mr. Pearce stated that there was a time the bylaw did not get renewed and during that time some of the ADUs went in. Then they renewed the bylaw and zoned the ADUs out again.

Mr. Noel stated that there are four legal ADUs in the town.

There are four ADU's in the town that are legal.

Mr. Rudloff stated that the Fire and Police chiefs have confirmed they do not know where any of these ADUs are and whether they're the ones that are legal.

Mr. Pearce stated that is why creating a bylaw we make it possible for them to do it legitimately. They would then let the town know and then police and fire would know.

Mr. Noel stated that this now ties into the accessory structures because we have detached accessory structures that people are putting kitchens and bathrooms and he's telling them to take it out and they're basically arguing with him and telling him that there not going to take it out. There is a property on Spruce Street that went to the ZBA and was given an ok to build a garage. The owner then decides that he wants to put a bonus room within this garage. This bonus room has pretty much turned into a second house.

Mr. Rudloff asked why they went to the ZBA and was the garage already built?

Mr. Noel stated that the garage was partially built. They went to the ZBA for a variance for setbacks, but then he caught him on the height of the garage.

Mr. Rudloff stated that he has seen this happening in town where people go to the ZBA to get a variance to build a detached garage/shed and then they go to the building department and say that they've changed their mind and that they're going to make it a bonus room. He's not opposed to an attached apartment, it's the detached that need to be zoned.

Mr. Pearce asked if there are plumbing code issues, and doesn't this affect the size of the septic system? It doesn't have to be a bedroom it could be triggered by square footage. When they come in for a building permit they should also have to have a review to see if this construction is going to have an impact on the septic system, and if it is overtaxing the system the Board of Health would then have the ability to stop the construction.

Mr. Noel stated that they have the right to put plumbing and electrical in. The septic system is also triggered by the amount of rooms. There is only supposed to be one primary structure on the property. There are some people that have the contractor come in on the weekends and at night to do the work and the only way that he would be able to see what has been constructed is if he got a search warrant.

Mr. Pearce stated that the Board of Health might have the right to go in and evaluate it, but the best course of action is to create a bylaw and bring it to town meeting for approval.

Mr. Rudloff stated that Reading has a bylaw that CPC could review to help to create one for this town.

Mrs. McKnight stated that the Reading bylaw is really thorough and it's a good one to start with, but the one criticism she has heard of is that it does allow for the accessory unit to go into a detached accessory structure and based on the other conversations that they've had in the past it seems to her that might be a concern, but if it's something the CPC would consider, she would ask Mr. Noel if there is a context where he would really not want to see them because they would be more problematic or dangerous.

Mr. Rudloff stated that a basement without proper egress could be a dangerous situation.

Mr. Noel stated that is a broad question and he really doesn't have an answer. He has to look through the building code and if he sees an accessory structure and it's within 10' from that house, that doesn't work because now there is a one-hour fire rating on that accessory structure and there is a one-hour rating on the house structure. Now the accessory structure is 5' away from their house and they can't have a window on that side where that accessory structure is because now there is a potential for a fire.

Mr. Rudloff stated that building code is something that Mr. Noel can use.

Mrs. McKnight stated that she will collect a few bylaws from other communities and review them and start working on a draft and include the points that the CPC would like to have added. They will need to have public hearings and then it could be put on the October 2022 Town Meeting.

Fencing for swimming pools

Mr. Noel stated that the State Building Code and the Board of Building Regulators told him that this does not give him the authority to tell people that they need to put a fence around their pool, if they have an automatic pool cover. The code states "In the exceptions for pools, spas and hot tubs with lockable safety covers that comply with ASTM-1346, section 2. He asked what happens if they lose power and they told him that they didn't think of that.

Mr. Hayden stated that there's also the chance that they forget to close the pool cover.

Mr. Rudloff stated that the code on the fence is that it's a lockable gate whereas on the cover there's no lockable, so this is a gap in the code.

Mr. Noel stated that the Board of Building Regulators told him there's going to be a time where it's going to be handed down and he wants to be sure that there are modifications within the town's bylaws that says they need a fence that goes all the way to the ground, either way and it needs to have an automatic closing gate with a plunger of 54 inches in height at the top.

Mr. Hayden stated that he was at a home where they could only access the pool from the house. What happens with something like that?

Mr. Noel stated that the door needs have an alarm.

Mrs. McKnight stated that they can do a bylaw for the October 2021 Town Meeting that list all of the items Mr. Noel has recommended and also include detention ponds that are put into the subdivisions.

Mr. Noel stated that the National Pool code says that 24 inches of water, or more has to have a fence around it.

Mrs. McKnight asked if they put a zoning bylaw together is that going to be a problem if it's different from the State Building code.

Mr. Noel stated that's the problem and we would need to get guidance because we need to make a modification to this, so it fits.

Mr. Pearce stated as a ground rule we're allowed to make a law that's more restrictive, but not less strict than the State. So, he doesn't think this is a problem.

Minutes

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

that the Community Planning Commission vote to release the Executive Session minutes dated August 25, 2015 as written.

200 Riverpark Drive – plan endorsement

Mr. Hayden stated that he reviewed the plans and found that they have only added one handicap parking space to the plans

Mrs. McKnight stated that she would send an email requesting that the second handicap parking space be added.

110-124 Main Street – plan endorsement

Mrs. McKnight stated that the planning department has not received updated plans for this property.

271 Main Street – plan endorsement

Mrs. McKnight stated that the planning department has not receive updated plans for this property.

Re-organization of Liaisons**Board/Committee:**

Select Board
Conservation Commission
Zoning Board of Appeals
Housing Partnership Committee
Metropolitan Area Planning Council
Historic District Commission
Historical Commission
Finance Committee
Land Utilization Committee
School Committee
Recreation Committee
Wastewater Advisory
Commission on Disabilities
Economic Development Committee

Representative:

Warren Pearce
Warren Pearce
David Rudloff
Jeremiah Johnston
David Rudloff
Christopher Hayden
Christopher Hayden
Warren Pearce
Ryan Carroll
Warren Pearce
Ryan Carroll
Warren Pearce
Ryan Carroll
Christopher Hayden

Adjournment at 9:20PM



Respectfully submitted,
Ryan Carroll, Clerk