



Town of North Reading
Massachusetts

Community Planning

MINUTES

Tuesday, November 2, 2021

Mr. Warren Pearce, Chairperson called the Tuesday, November 2, 2021 meeting of the Community Planning Commission to order at 7:30p.m. via Virtual Meeting (Zoom, participants may call 1-929-205-6099, meeting code 985 430 0926.

MEMBERS

PRESENT:

Warren Pearce, Chairperson
Christopher Hayden, Vice Chairperson
Jeremiah Johnston
David Rudloff

STAFF

PRESENT:

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

2021 DEC - 2 AM 10:06
NORTH READING, MA

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

Mr. Hayden stated that he listened to the YouTube video and read all of the documentation for the October 5, 2021, CPC meeting.

Minutes

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

that the Community Planning Commission vote to accept the minutes dated October 5, 2021 as written.

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

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

that the Community Planning Commission vote to accept the minutes dated October 19, 2021 as written.

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

Shay Lane Subdivision – Runoff Discussion

Mr. David Giangrande of DCI presented the approved subdivision plan for Shay Lane. He stated that he has received a lot of feedback for both detention ponds. The detention pond that backs up to Gloria Lane is located in the rear, left corner of the subdivision. This detention pond seems to be functioning well, considering that the subdivision is still under construction and these basins tend to get silted up. He thinks there was some confusion, there are two forebays in this particular area. The forebays are used to settle out silts, and as a result they're doing their pre-treatment, the forebays get a little clogged, so they tend to retain water a little bit longer, but the large portion of that base is draining and, it's draining reasonably well. He does think that before they wind up this subdivision they need to go in and make sure it's scraped clean and then re-vegetated because it's clogged up some from all of the silts on the site. The other basin that they're focused in on is located at the rear, right side of the subdivision. The overflow for this basin, called for a level spreader. The two homes that are abutting this area are probably set at the lowest point in that whole neighborhood. So, the way it was designed there was supposed to be a level spreader, here. If you think of this in terms of that there used to be a larger watershed and the water would naturally drain off, and that's what we call a sheet flow condition and we want to emulate that sheet flow, so what they did is, they designed this level spreader, in this area. The problem is that the level spreader is not installed,

so that it dissipates energy coming out of the pond. The water that runs out of the pond then sits, and then overflows evenly all at one elevation to emulate that sheet flow that exists today. What's happened is they extended this and made it a swale and delivered it to the rear, right corner, which is the low spot. He would recommend that there be some remediation done, here, and he never wants to overstep as the CPC representative and it's not up to us to design something, but to insist that the developer or builder do their due diligence and give us.....

Mr. Pearce stated that they need to correct any problems that come up.

Mr. Giangrande stated that they've approved the level spreader and they don't have a level spreader here, right now. What we have is a swale that delivers the water down here. So, by taking this off at a higher elevation and letting it sheet flow along this entire boarder (points to section on the plan) and then they'll have a little bit more natural flow over the existing topography, rather than delivering a point source down to the bottom, here. (points to section on the plan) At least three times this fall, when there has been significant rainstorms, he's taken it upon himself to stop by and make sure that he's seeing this in adverse conditions. So, he thinks that they need to ask Mr. Murray and the builder of this lot to create a level area as it's shown on the plan to more closely emulate what was approved.

Mr. Pearce asked Mr. Giangrande if he is saying that the level spreader had not been constructed.

Mr. Giangrande stated that it's been constructed as a swale. From the outlet, instead of being leveled for let's say 25' or 30', its running downgrading, and delivering point discharge down in this general area.

Mr. Pearce asked Mr. Giangrande if it would be possible to bring that low area up ever so slightly to keep the water from leaving the level spreader, although it was not constructed as a level spreader.

Mr. Giangrande stated that it's his opinion that there should either be a check dam, at this point. He was out there and witnessed some of these test pits with respect to drainage, not with respect to Title V and they have very good soils down in this general area.

Mr. Pearce stated that he thinks the soils down there are sandy and they're a silty sand.

Mr. Giangrande stated that they're a fine sand with some trace silts. The whole site has significant silt on it.

Mr. Pearce stated that he can see why, not only the silt is getting to the abutting properties, but it's also why it's not being accepted into the soils as quickly as what they would hope. So, he's assuming that the detention ponds have been designed with a slower perk in mind. So, it

sounds like basically what needs to happen is a reconstruction of that level spreader, as a level spreader, and he does think that a check dam is not a bad idea and it probably should have been done a long time ago to prevent this water from getting down to those people's homes.

Mr. Giangrande stated that he does think that it's fair, but again, he thinks what they can do is enforce this plan and insist that something be done.

Mr. Pearce stated that they need to bring the developer in for a meeting and ask him why he hasn't built this level spreader as designed and if he doesn't think he can control this then we're going to require that he put a check dam in, and add it onto the approval.

Mrs. McKnight stated that the developer, Mr. Murray is in attendance at this meeting.

Mr. Pearce asked if the developer is building this level spreader, or is this piece of property now in the hands of a contractor, or somebody else.

Mr. Giangrande stated that he would say that it's part of the easement and part of the covenants of the acceptance of this subdivision, so he would say that it's the responsibility of the developer. He believes that the pond is sized accordingly, but again it's silted up. There is a significant amount of silt and erosion that went into that particular pond.

Mr. Pearce stated that he is familiar with the soils in that area and that's how he knew what was going on there. So, what we want to do is make some kind of repair or change, whether it be the build out of the level spreader, a check dam, or some other methodology used to stop everything going down that low point/corner.

Mr. David Murray stated that he thinks the only way to do it is to put a check dam through there, because if he continues that level spreader, the grade drops off significantly, so if he tries to make level like all the existing grade on the plan, if he tries to level it where the FES comes out, it'll be six feet higher than the abutting property, with stone, it's just going to leach out and the follow the same path that it's going. There's no way for him to change the topo of the land going down towards the abutter's property without a check dam.

Mr. Pearce stated that that begs the question of is this design faulty?

Mr. Murray stated that the pond itself it working perfectly. The rate of runoff is reduced, but everybody knows that we've broken records with the amount of rain that we've received this year. His answer to Mr. Giangrande's comment is when he sold lot 5 to a builder and he had some problems. He made the builder build a swale and the builder actually connected it to his swale. The builder took the water and dragged it further down. Not that the water wasn't going to go there anyway because that's the way the site is. There is a 46' difference between

the original grade from the top of Shay Lane to the abutter on Nutter Road. The water has always been going that way. Even if he controls the water and blocked the pond, the surface/sheet flow, as Mr. Giangrande mentioned, is still going through that property that way. It's just the way it is. The existing conditions plan shows the topo and it's impossible for him to change what the glaciers have put there.

Mr. Pearce stated that he understands what Mr. Murray is trying to do there. He's trying to replicate the sheet flow that existed prior to development.

Mr. Murray stated that they actually reduced a lot of the water by raising the cul-de-sac 8' which took the original plan that was graded down towards Nutter Road, which changed all of the grading along the end of the cul-de-sac, which significantly helped all of those people on Nutter Road. He agrees with Mr. Giangrande that they have to do a check dam because he doesn't think he could do a level spreader that will actually work because the water is going to go through the stone and find its way, eventually, to where it's going now.

Mr. Pearce asked if that's something that could be done sooner, than later.

Mr. Murray stated that it can be done. He just didn't want to do anything until he had the approval from the planning board.

Mr. Hayden stated that it has been quiet since the beginning of Shay Lane when there were a bunch of problems, but nothing was built out, yet.

Mr. Pearce stated that these changes can be added to the as-built plan.

Mr. Giangrande stated that it is better to have a 3rd party involved where this is an existing issue with some abutters. He's fine reviewing these elements, but he is not the designer of record, so he'll do whatever the board instructs him to do, and will work with Mr. Murray, but his preference would be to have another engineer take a look at this to make sure it's correct, but if the board would like him to just work with Mr. Murray, he will.

Mr. Pearce stated that his preference would be to have the engineers draw something up overnight, and submit it to this board, because his primary concern is to take care of the abutters.

Mr. Murray stated that the problem is that he doesn't have an engineer of record anymore.

Mrs. McKnight stated that she has a couple of concerns. One is the engineer of record for this plan doesn't seem reachable and doesn't seem to be around. She doesn't know if there is some way that they can do something temporary, but they should probably have a properly

designed engineered plan that Mr. Giangrande reviews and approves. But, she completely agrees that something should be done as soon as possible to bring the abutters relief. It's really been quite a long time they've been putting up with it. She also noticed at least one of the abutters on Nutter Road is on the meeting this evening, and wasn't sure if the board wanted to give them a chance to ask any questions about what we're doing.

Mr. Pearce stated that he thinks they see what they're trying to do, to fix it. He's read all of the communications that they've sent and it's good that they wrote everything down, because it really helped him see what was going on, especially some of the videos. Before the abutter's comment he would like to know what kind of timeframe they are looking at to fix this problem.

Mr. Hayden stated that the frost is coming soon and it runs down the surface of the ground and it gets more difficult to put anything in.

Mr. Pearce asked Mr. Murray if he has a relationship with an engineer, of any kind, that he could get something they could just take a look at and just come up with a basic design for the check dam.

Mr. Murray stated that he could get an engineer, but it's probably going to take three months for them to even look at it, and that's why he was trying to do it between him and Mr. Giangrande. He can do a check dam and try to control it within the next couple of days, or next week.

Mr. Pearce asked Mr. Murray to do something as soon as possible and get a sketch, or a drawing of some kind, and all Mr. Giangrande is going to say is it looks like that will be okay. In the meantime, we probably need to look at getting an engineer to certify what it is that Mr. Murray has done. We're going to put the engineer on the end, they're not going to put Mr. Giangrande on the spot, because he's going to let Mr. Murray design it, because he has more than enough experience to do this. This keeps Mr. Giangrande out of it, other than the approving authority. If we can take care of these abutters, that would be good, and it will give them a level of comfort that everybody's taking care them.

Mr. John Davis stated that he and his wife Patty are in the process of purchasing 9 Shay Lane, so they've been intimately involved in everything that's been going on. They have been working with Dave throughout this process and he's been very helpful, but they're a little bit concerned, obviously in terms of the fact that they weren't expecting a swale to be installed in the first instance. They want to do what's right by their neighbors, but at the same time they want to be sure that they are being protected as well. Obviously, they are trying to buy a house, not a problem, and so they're wondering what protections they will have.

Mr. Pearce stated that the plan they have in place right now that they just discussed doesn't make for an immediate solution to the problem, and it may be temporary, and it may be permanent depending on how it goes. So, Dave Murray knows how to build a check dam, and Dave Giangrande, as their peer review engineer is going to review and comment on it. If his comments are that it needs to be done more differently than that's what they will take back to Mr. Murray. But, if it appears to him, in his professional opinion that it will do the job that's fine. When they get an engineer of record that's going to as-built this, and there's going to have to be one, they're going to lean on him a little about this level spreader, about whether or not the design of it is adequate, or whether it needs to be modified in some way. But, one way or another the water is going to go the way it's been going, and now he doesn't know if Mr. Davis understood the explanation that Dave Giangrande gave, and that is that the water sheet flow, down there, straight across onto that adjoining property before that's how it went because of the difference in grades, and so the level spreader was an attempt to take what was obviously reduced flow and spread it out over, so that it simulated the sheet flow that existed before the development. So, that was the concept, so it's not going to affect Mr. Davis, any. It's the changes that were made on that lot that contributed to this because they had a problem with water and they directed it over towards that detention pond and added to the problem. Originally, all that water sheet flowed across the lot line, so using the detention pond it floated down and they've controlled the range of release and it's just that the level spreader doesn't appear to be working the way it should and they lost the engineer that designed it, so we're going to have to work backwards on it.

Mr. Davis stated that he does trust that Mr. Murray and Mr. Giangrande know what they're doing and they just want to make sure that Peter Tassi is protected and they're protected. They appreciate the fact that the CPC is looking make sure that everybody is protected, so thank you.

Mr. Pearce stated that he understands clearly what is happening here, and what they need to do. So, hopefully what they come up with will solve the problem quickly and then ultimately we'll get a certification on a permanent solution before the end of the subdivision.

Mr. Pearce asked if there was anyone else that wanted to speak, or are they all set. He doesn't hear anybody commenting. If anyone intended to comment, make sure that they unmute themselves, so that they can hear them.

Mr. Hayden asked if something should be read into the minutes on this, or a motion of some sort.

Mr. Pearce stated that no because they don't really have anything in front of them to make them.

86 Main Street – SPR – P.H. 8:00PM - Request to Withdraw

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

that the Community Planning Commission vote to grant the applicant's request November 2, 2021 to withdraw the Site Plan Review for 86 Main Street, without prejudice.

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

Sewer Planning - Discussion

Mr. Pearce asked the CPC members if they had a chance to study the draft, the scope of work.

Mr. Hayden stated that he didn't read the entire thing. He read most of it.

Mr. Rudloff asked Mrs. McKnight if this is for a bid, or a group that's going to do this.

Mrs. McKnight stated that it's a draft scope of work that the DPW director has drafted with some input from her and Mr. Pearce, last week. This is basically another expanded approach to what was done about a decade ago with FXM, and the scope of that study had been more about, just solely looking at what would be the projected increase in tax revenue. This is quite a bit more than that, and it is very focused on what financing scheme should the town embark on in order to fund sewer and what would the betterment and assessment process be like. How these properties would be bettered. How would assessments change? It goes into much more of the financial aspects of it, rather than just predicting new growth, but that is also a part of it. So, prediction of new growth, also trying to figure out what new development, redevelopment, a development of vacant land etc. could take place, based on having sewer and including consideration of what the market would allow and based on that providing some projections for the tax revenue generation is not the sole point of the study. It's just one of several points of the study.

Mr. Rudloff asked if this will go to a bid and do we have an engineering or consulting group that would do this.

Mrs. McKnight stated that it would be an RFP, so not necessarily lowest bidder.

Mr. Pearce stated that Joe Parisi, DPW Director does have a bunch of experience and doing this kind of work, so he seems very knowledgeable. When he read through it, he was impressed by the completeness of it. So, he thinks he did a great job and we did add a few points to it, at the time, but for the most part he nailed it right down, pretty good. If we get everything that we're asking for, we'll have a good basis for making decisions.

Mr. Rudloff stated that he would agree with that. It's very comprehensive as far as what will be studied and then whatever is the product that's delivered should cover the parts and that kind of concerns him, and again, this is just a scope of work. But, he is concerned that for those properties that are not on Main Street but just adjacent to it, those that could have the potential for sewer connection, could be assed at higher rates, just based on that potential. This could cause substantial costs for many property owners.

Mr. Pearce stated that companies responding to this RFP should have the experience to address this problem and offer solutions.

Mr. Rudloff stated that while he 100% supports the project, he remains concerned about assessments for those in proximity to Main Street.

Mr. Pearce stated that's why this is included in the project scope, so they can look at and address the problem.

Mr. Rudloff stated that what concerns him is how they define "connect-ability" with all the people that just bought a septic system and now they're getting dinged because they're 200' back from Main Street.

Mr. Pearce stated those are some of the answers they're looking for, for the RFP. His take-away from it was that we're going to get some input as to how that works.

Mr. Hayden stated that we have to ask the question during the RFP, so that we can get the answer.

Mr. Rudloff asked if someone could explain the Chapter 85, Section 15B reference.

Mrs. Pearce stated that it's an attempt to keep the towns from wasting the entire costs of the base infrastructure, pump stations, and so forth on a small group of people in the beginning, because you're building it for posterity and growth. That's why they only allow you to get half or take only half of those costs and apply them to the betterment and everything, because the rest of it is for the future people and they'll have to pay for it, and when it comes around. So, there is an investment that the town has to make, and there's no return on until you grow into the system.

Mr. Vincenzo Stuto of the Select Board stated that the other thing is going to come up and Select Board haven't discussed yet, but because of that split and how much you can put on those that are going to receive direct betterment it does not stop town meeting from getting their money back on the debt financing side. We accept that we do a 50/50 split here, but we backdoor it by saying 90% of the financing cost is going to go on those that got the betterment

and 10% to everybody else. He thinks that backdoor is more consequential even on a home that is 200' away.

39 Chestnut & 9 Flint St/Crestview Estates – Definitive Subdivision – P.H. 8:30PM

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 of the public hearing for 39 Chestnut St. & 9 Flint St. until November 16, 2021 @ 8:00PM.

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

Zoning Board of Appeals

271 Main Street – On the petition of Michael Hershberg, representative for VOLTA, Inc. who are seeking to appeal the building commissioner's decision and request a variance to install two (2) new electric vehicle charging stations, each having scrolling signage on them, in the parking area of the existing Stop & Shop.

The CPC has reviewed the above-reference application and has the following comment:

- The CPC supports the decision of the Building Inspector.

33 Anthony Road – On the petition of Robert Wood for a variance from the front setback to construct a two-car garage.

The CPC has reviewed the above-reference application and has the following comment:

- 1) The application should contain more information, including an elevation drawing (to see what it will look like as well as number of stories) and grading plan (for proximity to the septic system), so what is proposed can be fully understood.
- 2) Hardship?

2 Tarbox Lane – on the petition of Brian E. Scott for a variance from the rear setback for a third bay to the existing two-car garage.

The CPC has reviewed the above-reference application and has the following comment:

- 1) The application should contain more information, including an elevation drawing (to see what it will look like to neighbors and from the street, as well as number of stories) and grading plan (for proximity to the septic system), so what is proposed can be fully understood.
- 2) Hardship?

Planning Administrator Updates**Accessory Dwelling Units**

Mrs. McKnight will be meeting with the Development Team to get their initial feedback and concerns. She shared with them the model bylaw for Massachusetts which has all the highlighted issues that different communities have considered and she will report back to the CPC.

North Reading Transcript Intern

Mrs. McKnight was approached by Allison who's the intern for the Transcript. She is interested in interviewing her towards the end of the month, about a couple of the town meeting warrant articles.

1. Sewer
2. Affordable Housing Overlay

Abacus Architects

Mrs. McKnight stated that David Eisen of Abacus Architects gave her some feedback on the presentation and she didn't know if anyone else had anything to add as Abacus works to refine that. The ultimate goal would be a presentation that we can give to the Select Board at a joint meeting with the CPC.

Mr. Pearce stated that he had nothing to add. Abacus did a good job of touching on all the things. They added that marketplace, in which they didn't have originally and he was really glad to see that because he thinks that's a selling point that people could get behind.

153 Marblehead Street/ Bradford Pond Estates – 40B

Mr. Hayden stated that he believes that the 40B house that was completed along with the subdivision is for sale.

Mrs. McKnight stated that she would find out if it is for sale. They are allowed to sell, but it has to be to another eligible buyer.

Mr. Hayden asked if they can only make 10% on the sale.

Mrs. McKnight stated that they can make a profit that is discounted and there's only a certain amount, but they are allowed to have some gains from the house.

Mr. Johnston asked if this 40B could be explained to him.

Mr. Pearce stated that it's an affordable house, based on median income, so people were allowed to buy it at a reduced rate. When a builder constructs a 40B they don't make a dime, it's basically just cost plus and it provides a level of affordable housing. When the State first started this they wanted 10% of everything and all of our subdivisions to be affordable. He doesn't believe that they've ever made 10%, but it gave us an affordable unit. There are rules about transferring ownership of that property. They're not allowed to buy into the next one at an affordable rate, based on their income and then make a big profit on it, and it does have to go to another qualified buyer.

Mr. Johnston stated that the one being sold is at 145 Marblehead Street.

Mrs. McKnight explained how eligible buyers qualify for a subsidized house.

Adjournment at 9:12PM

Respectfully submitted,
Ryan Carroll, Clerk

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