



Town of North Reading
Massachusetts

Community Planning

MINUTES

Tuesday, November 16, 2021

Mr. Warren Pearce, Chairperson called the Tuesday, November 16, 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

TOWN CLERK
NORTH READING, MA

2021 DEC - 2 AM 10:06

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BARNSTABLE
STATS

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

Shay Lane Subdivision – Runoff Discussion

Mrs. McKnight stated that at the last meeting they talked about some remediation and some possible solutions. Such as, check dams to try to address the runoff going from 9 Shay Lane, onto the abutters on Nutter Road.

Mr. David Giangrande of DCI, a registered professional engineer in the Commonwealth, introduced himself. He described DCI's involvement in reviewing the original subdivision design. He noted that with the changes introduced by the development of 9 Shay Lane, including a lot of grading, we are seeing runoff into the properties of three different abutters on Nutter Road. He has recommended the developer provide drainage comps so they can be evaluated. He feels strongly we need to understand the grading and slopes on lot 9, and also understand when the pond is discharging. We have been out at times when the pond is not discharging, but there still is runoff. He has recommended some measures to be taken, and some have been taken already including that the downspouts and gutters be added and connected into the infiltration system, along with the level spreader being constructed, as shown on the subdivision plan. So, with all of these elements, they're hopeful that they will see a drastic improvement, and then everybody needs to keep in mind that the runoff characteristics on the property are still different than they will be in a couple of years when the grass and trees are growing, and the curving is in, and they've got an even greater opportunity to direct the water.

In summary, his recommendations are:

- Level spreader installed correctly
- As built plan provided for evaluation of grades as compared to the subdivision plan
- Drainage computations to be redone (reanalyze entire watershed that contributes to this area), done by a professional registered engineer
- Connect downspouts and gutters to the infiltration system

Mr. Pearce opened up the discussion to the public.

Mr. Peter Tassi of 20 Nutter Road asked if the drainage around Lot 9 could be addressed.

Mr. Pearce stated that Mr. Giangrande is requesting that an as-built plan be submitted because it will show the current conditions, as they exist, and then we can compare those to the original design, and any flaws in that would have to be fixed. There is a lot that has to be done to bring that site into compliance with the original subdivision plan.

Mr. Tassi asked stated that the issues on his property where the mud and silt has washed through, and washed out his lawn and mud on his side of the stone wall and old silt fence and wanted to know who would be responsible for cleaning, loaming, grading and reseeding.

Mr. Pearce stated that that would be a civil issue with whoever owned the property and contributed to that.

Mrs. Kathleen Lally of 24 Nutter Road stated that all they/re interested in is making sure this gets addressed, and not keep putting bandaids on it. When she listed to the last meeting what she heard was that it was better, but it's not better. She's never had water flowing across her property and now it seems every single time it rains. Now she's listening to them say the runoff will be different in a couple years. Does that mean that for the next couple of years she will continue to have streams, debris and puddles all over her property?

Mr. Pearce stated that that is not their intention. The work that was done there does not match the originally approved subdivision and the developer needs to correct what's wrong with the existing situation.

Mr. John Doyle of 20 Nutter Road stated that they purchased the property a year ago and the water is still an issue.

Mr. Pearce asked Mr. Murray if he was able to get an engineer for this project.

Mr. David Murray stated that he spoke to Luke Roy of LJR Engineering Inc. and he told him that he was going to submit an as-built plan for lot 6 and show that the grading had been substantially completed according to the subdivision plan, but he hasn't seen the plan, yet. The 96 elevation is exactly to what Mr. Roy shot and they're both the same. They did bring the swale up a little bit, but there was no existing grade on a Topo down in the last contour at the corner of the stone wall. He said that they completed the swale to the exact elevation as the subdivision plan.

Mr. Pearce stated that the abutter's sent pictures showing the water still running onto their properties.

Mr. Murray stated that he visited 9 Shay Lane and the gutters are still not tied into the infiltration system and they're supposed to be, so that's part of the problem.

Mr. Pearce stated that the amount of water that he saw in the pictures, coming off, exceeds what he would anticipate coming off the roof of that house, so there's obviously more water getting down there than should. That swale needs to go away and the grade needs to come across so the level spreader can actually send any water that comes that way. It appears the detention pond is working perfectly and it's not contributing to this.

Mr. Murray stated that he thinks what's happening is that it's collecting the water on the right side of the house, and on the rear side he thinks the grade needs to be brought up because it's catching water and the stones are pointing it that way. It wasn't supposed to tie into the subdivision detention pond, either.

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 December 21, 2021 @ 8:00PM.

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

66 Winter Street - ANR

Attorney Peter Caruso, Sr. stated that he is representing the Heffron Asphalt Group. The ANR will create two conforming lots. They both have frontage on a public way. Lot 2 will have a driveway on to Winter Street. He also submitted to the CPC a driveway plan to show how the driveway is going to be implemented on Lot 2, and has the proper frontage. Mrs. McKnight explained that the driveway is shown to demonstrate the lot is accessible through its frontage, and that the frontage isn't illusory due to the steep grade.

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

that the Community Planning Commission vote to endorse as "Approval-Not-Required", the plan entitled "Plan of Land, 66 Winter Street, North Reading, Mass."; dated September 29, 2021; drawn by Andover Consultants Inc.

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

Small Wireless Facilities Policy - discussion

Mrs. McKnight stated that the only thing that has changed is that the Attorney General's office did approve the zoning amendment passed at town meeting in June. So, at this point they would be free to set up a public hearing to vote on the policy. (See attached draft)

Accessory Dwelling Units

Mrs. McKnight stated that she brought this to the Development Team meeting as suggested and each person who attended the meeting has some feedback and comments. She had some specific question on a few issues that she would like them to focus on, and she got some decent feedback and she wrote it up and included it in the ShareFile. There was not a lot of support for detached which on this board also not a lot of support for detached accessory dwellings, but within a house, there was not really anyone at the meeting who had any object to having a process to allow those, but, police and fire their bottom line is they just want to know where these are, so that they know where people live, so that in an emergency, they can find them. That's really their main concern. Everyone agreed that a Special Permit process would be preferable, so that each one of these really could be revised individually. Size was talked about, the assessor thought that it should be a larger size and the other didn't quite agree and thought that they should really be limited to a bit smaller, more in the maximum 900 sq. ft. range.

Mr. Rudloff stated that limiting it to one or two people then getting up into 1500 sq. ft. is quite more than enough to put in three bedrooms.

Mr. Pearce stated that limiting the size of it might contribute to the ability of more people to take advantage of it because of the septic system.

Mr. Johnston stated that if you go back to the point to limitations on residents on these kind of things because that's going to define what kind of spaces are necessarily made from that point forward. If you're saying that it's only going to be family members, an au-pair, or a nanny, kind of limitations, we can say that a certain tight little footprint can be appropriate, but he doesn't think it's beneficial to find out without defining the other question first.

Mrs. McKnight stated that the Board of Health Director, Bob Bracey said that these would also have to be reviewed by his department because they're assuming septic upgrades would be required. He also suggest that they put the requirements for what needs to be submitted for the septic plans, right into the bylaw and on the application, so at the time that someone is applying for this, they know right away that a septic review and upgrade will be needed for the adding of bedrooms.

Mr. Pearce stated that's going to create some issues for a lot of them because if you increase the number of bedrooms, anything that you do has to go full compliance now. There is no variance unless we write something in that allows the variance, but from a code point of view if you increase the number of bedrooms the system has to be full compliance, which means that has to be enough room for the new system and a reserve area of the same size, so we're talking about a substantial amount of real estate will get used up, and it has to be available in order for that to happen.

Mr. Johnston stated that if we eliminate detached we really put a premium on how those little footprints can work when it comes to the septic. If they have a big enough property and they can have a septic system to support it detached, forcing it to be attached creates potentially unnecessary complications in there. If we want to make it workable it seems an unnecessary kind of restriction. The other thing of this stands out on that point to him is that from aesthetics. When we look around town there's enough ranch houses that have an attached, and not enough other kind of houses that have interesting standalone kind of architectural features and there are some that do, that are value adding in his opinion. So, to him it's one of those limitations that poses aesthetic limits and creates complications when it comes to all that septic kind of planning.

Mr. Pearce asked Mr. Johnston if he likes detached better because it could have its own septic system. If you have a garage and you put an ADU above the garage and you don't want to increase your other septic, so you're going to put another system in for the one bedroom. The minimum design allowed by the code is three bedrooms, so you still end up with a fairly sizable system for that one bedroom. Some of the new systems are expandable so as long as the reserve areas are expandable there's a couple of ways that you could get around that. With the ADUs it's going to be the septic systems as Mr. Bracey, Board of Health director pointed out. This kind of a bylaw worked well in the Town of Reading because they have mostly sewer, but North Reading we have limitations that they never even thought of, and so the only other way to do it is to tie the detached unit into the existing unit and eliminate a bedroom in the house. If you have a four bedroom home, you eliminate one of the bedrooms, however, that could be done, so that you could put one in the garage that may be doable. If there is a couple who had a family and the family's gone and they want to do an ADU it would be easy for them to give up one of the bedrooms in the main house. But, how it gets done and certified is the question.

Mr. Hayden stated that if they sell the house, they have to get rid of that bedroom because the new people may want to have that fourth bedroom for the people that own the main house, and still want to have their rental unit there.

Mr. Pearce stated that maybe would turn two bedrooms into one master suite.

Mr. Hayden stated that they can put as many bathrooms as they want, it's the bedrooms that count because that says how many people can live there. Mr. Hayden stated that he likes Mrs. McKnight's idea of making it a minimum size of 900 sq. ft. for a small house, but do some percentage with a bigger house which may be on a bigger piece of property.

Mr. Pearce stated that this needs to be subtracted out of the square footage.

Mr. Hayden stated that some of these houses have very large basements.

Mrs. McKnight stated that a lot of these bylaws allow for three types:

- 1) detached
- 2) put it completely within the house
- 3) add an addition to the existing house just for the in-law apartment

Mr. Pearce stated that if it was done as an addition then a bedroom could be eliminated, or captured on the addition. This could possibly could bypass the Board of Health conditions. He found out that when the Assessor counts bedrooms, they do not count any that are in the basement.

Mr. Rudloff stated that Mr. Johnston's point about the aesthetics of a detached structure, for example a carriage house would look aesthetically nice. An addition is fine if it's attached to the main structure, but it's getting where the accessory structure is following the requirements of a shed and being allowed to be 5' from somebody's property line. That's where he has a problem with these detached structures. We have to remember that we're trying to provide housing in a means or a way to do that for people, but we're also trying to protect the person right next door, that maybe doesn't want to build an ADU, or doesn't want one next to them. He read the comments from meeting with the department heads and they captured almost every single one of his concerns that they all have the exact same one. The only one that he disagreed with was from the Assessor with the size. He thought that was a little large. He agrees that if it's a large enough property and large enough home then it does make sense that a percentage would overrule.

Mr. Pearce stated that he thinks that eliminating detached structures from our bylaw makes a certain amount of sense.

Mr. Hayden stated that he agrees that putting that septic right up the front of this, so that they see it, right away.

Mr. Rudloff stated that it's kind of a contradiction because they're building ADUs and we can't come up with a bylaw, for the building inspector to use, to stop them.

Mr. Pearce stated that this is an attempt to encourage this to happen more often and give them some direction because there's a lot of people that may want to do it, but have no clue what the rules are. It will give us some rules and regulations that we can hold them to and if they violate what we put forth, the building inspector has the ability to do something about it.

Mrs. McKnight stated that there are three kinds of ADUs that we have in town. 1) There are a few ADUs that were done legally. 2) There are ADUs that were done illegally that we don't know about. 3) There are ADUs that act like they are ADUs, but they don't have all of the elements that make it a true separate unit. (They share a common entrance, or can travel within the house from one to the other.) This bylaw is for true ADUs.

Mr. Johnston stated that he would prefer that they draft something that is open ended rather than unnecessarily restrictive for people who have the capability of doing it. He doesn't even think that his property qualifies, to be hypothetical. If he was sitting on a nice piece of land and has the capability, he shouldn't be restricted as long as he follows those rules.

Mrs. McKnight stated that she would do a draft and they could discuss it at a meeting.

Planning Administrator Updates

153 Marblehead Street

Following up on a question asked at the 11/2/21 meeting, Mrs. McKnight stated that 153 Marblehead Street is not for sale.

Willis Woods Forum

Mrs. McKnight stated that a notice went on Town News about Willis Woods, and she's been a part of this project group. It's mainly Lynnfield's project, but it affects all the surrounding communities. What's interesting about this is that it would be a new large conservation land area and the connection to North Reading could potentially be a rail trail if it came to pass. Even if it doesn't, another thing that's interesting about this area is that it's adjacent to the old Smith properties, so it could potentially open up a means of having some type of walking, hiking access to that area that doesn't exist now. There's a public forum on Thursday and residents of all the towns involved are invited. She will be there with Phil Hertz. Phil is more involved with the rail trail because the LUC is doing that project. She'll be there talking about the importance of having a nice large piece of conservation land nearby to North Reading and accessible to North Reading, even connected to it.

Abacus Architects

Mrs. McKnight stated that David Eisen and she have been in touch, since he last attended their meeting and is putting the finishing touches on this presentation. On point that came up, is that they don't know what to call it. It can't be called the Town Center because North Reading already has a Town Center, so he was asking her how it should be referred to and she told him that she would as the CPC.

Mr. Hayden stated that the "The New Downtown" sounds nice.

Mr. Johnston suggested "Business District or Community District.

Mrs. McKnight suggested looking at the district names created during the Main Street Overlay process that is now part of the Site Plan Review section of the zoning bylaw. In this bylaw, the area called Lowell Crossing.

Mr. Johnston stated that is a good point because that is the kind of name that relates to invoke imagination in people, and it needs to be brand-able, genuine.

Mr. Hayden suggested "Shopping at the Crossings".

Mr. Pearce stated that the name should reflect what they want it to be made in to. There used to be a drive-in movie at that location, called "Starlight".

Mrs. McKnight asked if they should refer to it in the report as something generic like "Main Street", and she can tell Mr. Eisen that they're working on a permanent name once a development starts to take shape.

Mr. Pearce stated that if they want to be descriptive they could name it "The Main Street – Winter Street concept".

Mr. Hayden stated that Mrs. McKnight could tell Mr. Eisen that one of the suggestions is "Starlight", and maybe he could come up with something spiffy.

Mr. Johnston stated that any use of this would tie into Martins Brook and the natural resources in that area, so why not use Martins Brook as some kind of naming mechanism.

Mr. Pearce stated that they would have had to start out with that name because if they use it now, no one will know what they're talking about.

Mrs. McKnight stated that she can tell Mr. Eisen that's how they're referring to it as the concept, but she will share the aspirational names for what they might start calling it later, as it gets further along and more branded, along the lines of "Starlight" or using "Martins Brook". In terms of their final destination, to try to get this to a place where they would have a presentation that they could give to the Select Board and a joint meeting is still their goal. Does the CPC want her to mail the presentation to all the owners who haven't necessarily given less enthusiastic response, but maybe this will get their attention. If they go to the Select Board how do they address the question of the private owners who aren't really interested? Do they try to have a more public meeting?

Mr. Hayden stated that he likes the idea of sending it out to all of the owners, but then they would have to do something more public.

Mrs. McKnight stated that she also likes the idea of sending it to the owners because she feels as though, even though they didn't necessarily respond to her initial inquiries they may be owed some kind of follow up, even if they weren't interested.

Mr. Rudloff stated that he also thinks it's a good idea.

Mrs. McKnight stated that she spoke to Mike Gilleberto, Town Administrator and told him that they would still like the chance to meet with the Select Board to give them the presentation. She would also like to have Mr. Eisen attend this presentation. She will send the final presentation to the CPC for their review.

Adjournment at 9:02PM

Respectfully submitted,
Ryan Carroll, Clerk

A handwritten signature in dark ink, appearing to read 'Ryan Carroll', is written over the typed name.