



RECEIVED

2022 JAN -3 PM 2:41

Town of North Reading
Massachusetts

TOWN CLERK'S OFFICE
NORTH READING, MASS.

Community Planning

MINUTES

Tuesday, December 7, 2021

Mr. Warren Pearce, Chairperson called the Tuesday, December 7, 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
Ryan Carroll, Clerk
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.

Minutes

Mr. Carroll moved, seconded by Mr. Hayden and voted 3-0: (Mr. Rudloff and Mr. Johnston absent)

that the Community Planning Commission vote to accept the minutes dated November 2, 2021 as written.

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

Mr. Carroll moved, seconded by Mr. Hayden and voted 3-0: (Mr. Rudloff and Mr. Johnston absent)

that the Community Planning Commission vote to accept the minutes dated November 16, 2021 as amended.

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

4, 12 and 14~~th~~ Concord Street - ANR

Mr. Hayden Read the Courtesy Notice into the record.

Mr. Pearce asked if the 160' on the lot is grandfathered because the frontage in the commercial district is 200'.

Mrs. McKnight stated that she discussed it with Gerry Noel, Building Inspector and Attorney Mann. The building inspector did agree that it became non-conforming when the zoning was passed at town meeting in June. So, it's just retaining a non-conformity.

Attorney Jill Mann stated that when there is a non-conformity which occurred as soon as the project got rezoned. Lot 1 has 267' of frontage, but after the ANR it has 200' of frontage because she can't not have it have 200', but the middle lot had 160' of frontage at the time it was rezoned, and 40,000 sq. ft. of area. So, she must retain 160' of frontage in order to maintain that non-conforming status, and the reason they're allowed to kind of shift frontages is because the property is already developed and used, so it is a pre-existing, legal lot for residential purposes, and the size of it (i.e. – the lack of frontage was protected because the non-conformity arose with regard to that lot, do to the rezoning).

Mr. Pearce asked if they decided to use that particular lot for a commercial purpose would it then have to go to the 200' frontage.

Attorney Mann stated that it's still a residential lot, but she can't imagine how they could not do that. It can't just all of a sudden change, it's within there, and the lot is legally existing non-conformity, so yes it would still be protected, so they could.

Mr. Pearce stated that it would no longer be residential, it would be commercial.

Attorney Mann stated that it's the use, so it's a little different. So, when it's non-conformities, for example: Merger doesn't apply when they have a use on the property and that's why that lot just stays where it is.

Mr. Pearce stated that the three lots are owned by the same owner, so theoretically they would not be able to keep the non-conformity because they own the abutting properties.

Attorney Mann stated that they are allowed because it's an existing lot with an existing use. The reason for merger is to avoid overburdening a property, so you don't have that concept because there is 200' of frontage on either side of it.

Mr. Pearce asked if the middle lot is changing.

Attorney Mann stated that they did shift the line, but it's maintaining the 160' of running frontage which they're also allowed to do because they're not increasing the non-conformity. She could have brought in this ANR before they did the rezoning and done exactly what they are looking at now, and it would be the same result.

Mr. Hayden stated that then it would definitely be a non-conformity once it was rezoned.

Attorney Mann stated that it's the same application of logic and that's why the middle lot is protected and the end lot has to have the 200' of frontage because it had more than the 160' before it was rezoned.

Mr. Hayden stated that having it explained to him, it now makes sense. He does have a request that the owner, put some rebar or some steel in the ground at the corners of parcel B.

Mr. Pearce stated that they should be iron pipes.

Mr. Sergio Coviello stated that he would put the iron pipes in to stake the property.

Mr. Pearce stated that there's a lot going on with this property and he's now wondering if this is going to restrict this to residential use.

Attorney Mann stated that Mr. Coviello is keeping the front property as residential and if he ever wanted to convert it, her guess is that he would merge all of the properties because he can have more than one building on a lot.

Mr. Carroll moved, seconded by Mr. Hayden and voted 3-0: (Mr. Rudloff and Mr. Johnston absent)

that the Community Planning Commission vote to endorse as "Approval-Not-Required", the plan entitled "Plan of Land in North Reading, Massachusetts (Middlesex County); dated October 26, 2021; drawn by LJR Engineering, Inc.

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

Accessory Dwelling Unit Bylaw - discussion

Mrs. McKnight stated that she has nothing new to discuss at this time.

Small Wireless Facilities – discussion

Mrs. McKnight stated that she has nothing new to discuss at this time.

Mr. Johnston joined the meeting at 7:47pm.

35 Main Street – discussion

Mrs. McKnight stated that Mr. Hall had been in front of the CPC six months ago to change the retail into storage space because he has not been successful in finding occupants for the retail space.

Mr. Pearce stated that the CPC did ask him to try to market the retail space for another six months and to come back to the CPC if he still had no occupants.

Mr. Hayden stated that he doesn't think that much marketing is going on. He's been looking into the marketing being done by Atlantic Realty and LoopNet had it on their site for a while, but they're not even advertising it anymore. Zillow picks it up, but they pick it up as a single family home. He doesn't see a lot of effort into advertising the retail space.

Mr. Pearce stated that one of the considerations for this particular situation is that anything the CPC does now, kind of becomes forever. One of the things that can play into this is the propensity of people to do a lot of their shopping online now, and whether or not they'll go back to the brick and mortars once the whole Covid goes away.

Mr. Hayden stated that he still thinks that there will be a need and a want for people to be out there, and this retail area doesn't need to be stores they could be anything.

Mr. Pearce stated that he doesn't know why they can't get stores, unless it's so omnipresent as a storage facility that nobody would ever think that there'd be a store there. He's not sure if he's ready to make a forever decision on this.

Mr. Johnston stated that with the potential of sewer coming down the line it seems like the CPC should be more forward thinking and what the possibilities are under that alternate reality vs. where things are now. It's a long term decision that they're making so he's inclined to say that they should give it some time to breathe under that possibility because boutiques, or not, that's going to open up usages that could be long-term beneficial for the community and closing them off right now would not be the best idea.

Mr. Jonathan Hall stated that when they got permitted for this project there was nothing in the bylaw that says this had to be a multi-use property. They listened to the CPC on a couple of things that they wanted them to do. The CPC wanted them to incorporate the town colors in the logo, and they did that. They wanted them to entertain doing the retail and they said that they would try that. They've had a professional realtor, Atlantic, as was mentioned, and they've been marketing it for 2½ years. They had a couple of people that were interested before Covid hit, and they did have a couple of people come in during Covid, but never heard from them again. So, he knows that the CPC might want to see what options might be coming with sewer, and not sure when that will take place and that could definitely change the use of the units, but they've been pulling this dead space for 2½ years. The CPC told him to wait 6 months and see if there was any change, but they still have 10,800 sq. ft. of vacant space.

The consensus of the commission is to see what type of actual Marketing has been done and contact Atlantic Realty to get information from them to see how impossible it is to rent the units. Mr. Hall has been asked to come back in one month to be informed of the CPCs decision, at that time.

92 Concord Street – Site Plan Review – P.H. 8:30PM

Mr. Hayden read the public hearing notice into the record.

Mrs. McKnight stated that there are three trustees for this property and she heard from two of them that they were not in agreement with the application being submitted. Attorney Joe Keyes representing Atlantic Realty LLC is unable to get the two other signatures from the trustees. Town Council responded by telling her that all three signatures are required for this application.

Attorney Joe Keyes stated that on behalf of the applicant he would like to ask that the public hearing be continued.

Mr. Carroll moved, seconded by Mr. Hayden and voted 3-0: (Mr. Rudloff absent)

that the Community Planning Commission vote to continue the public hearing for 92 Concord Street until January 4, 2022 @ 8:00PM.

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

Zoning Board of Appeals

271 Main Street – November 18, 2021 public hearing continued.

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.

CPC – 1st response sent on 11/8/2021: The CPC supports the decision of the Building Inspector.

CPC – 2nd response sent on 12/6/2021:

The Community Planning Commission has reviewed the above-referenced application and objects to the granting of relief for the following reasons:

- Article XIV, Signs, of the North Reading Zoning Bylaw provides as follows:
 - § 200-80. Prohibited signs. Except as provided in § 200-81, signs that are not specifically authorized are expressly prohibited. These prohibited signs include, but are not limited to the following:
 - A. Moving or flashing signs; signs illuminated by or including any flashing or oscillating light; electronic billboards and reader boards; strings of pennants or so-called "whirlygigs" and the like. A sign which is designed, for structural reasons, to align itself with the direction of the wind shall not be considered a moving sign. Flashing or animated signs of any color shall not be permitted...
 - O. Internally and externally illuminated signs wherein such sign shall have any **animation**, flashing or **intermittent image** or illumination that includes an electronic, video, fixed, floating or moving text and/or picture that includes, but is not limited to **the use of television, plasma, digital screens and/or light emitting diodes**, liquid crystal displays, fiber optics, holograph or hologram displays; other than those erected by a public entity for public safety and/or traffic control purposes.

- In the original Site Plan approval for this shopping plaza, the CPC had a difficult time with traffic flow for this site, with many uses generating flows of traffic in different directions. Anything additional on the site of this nature could result in accidents and incidents, especially at this location on the site, where everyone exiting the parking lot must drive by the same point, and pedestrian crosswalks are nearby. The pedestrian crossing in that location increases the probability of incidents between pedestrians and vehicles.
- At issue is not the location of the charging stations, which the CPC reviewed, but the use of television/LED imagery and animation.
- The CPC feels that as a management company, the applicant should be aware of the bylaws in the town in which they are located.
- The CPC strongly encourages the ZBA not to approve the signage.

The CPC asked for further comment to be submitted:

- The CPC is in support of the Building Inspector's decision to deny the signage permit.
- The CPC does not believe a variance would be warranted, as there is no hardship in question.
- While the CPC approved the location of the charging stations through its site plan review, the nature of the signage was not explained or discussed during the presentation given by the applicant at the CPC's meetings.

Planning Administrator Updates

Shay Lane

Mr. Pearce stated that they had a meeting today to discuss the runoff. Mr. Murray has fixed some of the problems that were occurring on the site. Luke Roy of LJR Engineering is going to be the engineer of record. When Mr. Roy does the as-built he's agreed to do some of the topo surrounding the site to and give the CPC existing grades, so that they can get some kind of an idea if the runoff calculations are still valid. There was a small study done of the southwest side of lot 9, adjacent to the detention pond and that will be provided to Dave Giangrande to review the drainage calculations.

Capital Improvement Plan – Central Street

The Capital Improvement Committee is meeting tomorrow and they're going to be discussing the Central Street project and redesign money for Route 28. DPW has offered to submit the request as part of their different projects.

DPW – RFP study

Joe Parisi, DPW Director has put out an RFP for the finance/assessment/betterment sewer study with a response deadline of 12/21/21.

Adjournment at 9:13PM

Respectfully submitted,
Ryan Carroll, Clerk

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