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Town of North Reading
Massachusetts

Community Planning

MINUTES

Tuesday, February 28, 2023

Mr. Christopher B. Hayden, Chairperson called the Tuesday, February 28, 2023 meeting of the Community Planning Commission to order at 7:32p.m. in Room 14 of the North Reading Town Hall, 235 North Street, North Reading, MA and via Virtual Meeting (Zoom participants may call 1-301-715-8592, meeting code 9854300926, or visit <http://us02web.zoom.us/j/9854300926>).

MEMBERS

PRESENT: Christopher B. Hayden, Chairperson
David Rudloff, Vice Chairperson
Ryan Carroll, Clerk
Warren Pearce
Jeremiah Johnston

STAFF

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

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

Minutes

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

that the Community Planning Commission vote to accept the minutes dated January 24, 2023 as written.

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

Zoning Board of Appeals

2 Sumner Street – On the petition of Harold F. Bueso for a home occupation special permit for his painting business.

- The CPC does not object to the proposal as long as the Home Occupation regulations in the Zoning Bylaw are adhered to (Section 200-42).

Mr. Johnston joined the meeting.

Planning Administrator Updates

Wastewater (Sewer) Project

Mrs. McKnight stated that few dates are coming up related to the sewer project.

- March 2nd at the Middle-High School Distance Learning Lab
- March 6th – Town meeting – Citizen's petition to appeal the Betterment bylaw.
- The dates following the above can be seen on the attached sheet.

Housing Choice - deadline

Mrs. McKnight stated that she has been working on the Housing Choice Designation application which would enable the town to access additional funding from the state and it also allows the town to get better bond rating in some cases, for certain types of borrowing. She plans to submit the application and they've already met the criteria which is that they have increased their building permit activity for housing by more than 5%, over five years.

Budget meeting

Mrs. McKnight stated that the budget meeting will be either March 13th or the 27th. When she get clarification of the date she will let the board know.

EDC appointments

Mrs. McKnight stated that the Select Board and CPC are also hoping to do some EDC joint appointments for the members whose terms are expiring, on the same night as the budget meeting.

146-150 Park Street – Senior Housing Overlay District – cont. P.H. 8:00PM

Mr. Hayden stated that they need to wait for Mr. Rudloff to join the meeting, so that they will have a quorum to vote.

Attorney Brad Latham stated that they the CPC can schedule them for the next meeting.

Mr. Bruce Wheeler stated that he does not mind waiting a little longer for Mr. Rudloff.

Mr. Rudloff joined the meeting.

Mr. Carroll stated that he did watch the January 24th CPC video regarding this project.

Mr. Hayden asked if there was any public input, he then closed the public hearing.

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

that the Community Planning Commission vote to approve the plan entitled, "Site Plan, 1818 on the Commons (Senior Housing Facility), 146-150 Park Street, North Reading, MA 01864"; dated August 23, 2022; last revised January 24, 2023; drawn by Hayes Engineering, Inc. Subject to the terms and conditions of the Certificate of Conditional Approval dated February 28, 2023 as amended this evening.

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

17 Anthony Road & 346R Haverhill Street – Definitive Subdivision – cont. P.H. 8:30PM

Mrs. McKnight read the public hearing notice into the record.

Mr. Bill Hall with Civil Design Consultants stated that he is representing the applicant, Joe Cataldo. They've received a number of comments from town departments and a peer review and they are in the process of addressing those, as well as addressing comments from the Conservation Commission meeting that they had a few weeks ago. So, they are in no position to make any sort of decisions tonight. The existing conditions plan shows the frontage and access at 17 Anthony Road. They also have 346R Haverhill Street which contains a strip that goes to the site. The approximate size of the combined area is 15.2 acres. There is a 200' wide power easement that starts at the abutting properties of Anthony Road and goes into the property. They've been working with National Grid for the past year to 18 months to get the plans to a point where National Grid is ready to approve them. They think they're pretty close to that, but they won't make decisions until they have an approval from the CPC and the Conservation Commission. In addition to the wetlands and that restriction they also have Zone 2 on the property. All of their drainage and septic systems will be outside of Zone 2, there is a very minor limit of grading that goes within there.

Mr. Hall said the proposal is for a six lot subdivision of which there will be five new single-family dwellings. Lot 5 goes out to the back and it's either all within the power easement, or within wetlands. Obviously, there's a restriction they can't build in wetlands and National Grid will not allow them to build anything through there at this time. The only way anything would get built is if National Grid they relinquishes that easement. They have asked about that and it doesn't seem likely that they'd be willing to do that. The site will be served by town water. They're proposing a water main that connects into the main on Anthony Road and runs up into the end of the cul-de-sac terminating with a hydrant, and each lot has its own on-site septic system. Drainage is collected through a series of catch basins and manholes that drains down through the subdivision and discharges into the infiltration basin. The detention basin is intended to pick up runoff that runs from the abutting parcel directed over to the infiltration basin. There's a small portion of runoff down at the roadway that gets picked up by a stormceptor that is a hydrodynamic separator in order to treat the runoff before it discharges into the drainage system within Anthony Road. Individual roof drywalls are also included on lots 3, 4 and 6. There was not enough room do to the septic systems being so close and the high ground water table on Lots 1 and 2. All of the drainage has been designed to meet the storm water handbook, as well as the local regulations and the post-development rates can exceed the pre-development rates and that's the standard meeting with this.

Mr. Hall said the roadway has also been designed to the standards of the subdivision regulations with two exceptions.

Waivers:

- Cover over a drain pipe. There's 3' required and they are proposing 2' in one location at the interchange of the structures in the cul-de-sac. This is to minimize fill through the outside edges of the cul-de-sac and it's not an area that's going to see a lot of traffic. The pipe is raised for a minimum of 1' of cover.
- To allow a dead-end greater than 500' without a loop water main.

They would like to get feedback from what was presented tonight and also the waiver requests.

Mr. Pearce stated that he read through the peer review and there are quite a few questions. So, rather than him picking through them he would refer the peer review to the engineer and let them see if they can clear some of these things up.

Mr. Hayden stated that there are quite a few questions that need to be resolved. This should be done outside this meeting.

Mr. Rudloff asked if an ANRAD was filed with the Conservation Commission, and when the wetlands were last flagged. He would also like to have the peer review questions answered.

Mr. Hall stated that they did not file an ANRAD, but they did file a Notice of Intent with the Conservation Commission. They met with the Conservation Commission approximately 2 weeks ago and had a site walk was scheduled for last weekend, but it snowed, so they tentatively have a new site walk scheduled for March 11th and they will be reviewing all the wetland lines.

Mr. Johnston stated that he also read the materials and would like to see some of those questions get resolved.

Mr. Carroll agreed with the comments made by the other members of the CPC.

Attorney Luke Legere of McGregor Legere & Stevens Law firm stated that he is representing David and Lauren Cook of 346 Haverhill Street, North Reading. He is very appreciative from what he has already heard for this Commission which is that the peer reviewer who has looked at this project has identified a host of issues that need to be addressed and hopefully the Commission had an opportunity to review his January 20th letter to the commission. He and the Cooks have outlined a number of issues and a lot of them do go to water which has been recognized. This is a very wet area and there are existing conditions which cause great deals of flooding for the residents who live in the area. So, stormwater, septic, provision of water itself are all going to be critically important aspects of this project for public health and safety reasons.

There have been many proposals in the past for the development of this property and those have all either been denied or withdrawn. What this reflects in his view are the numerous natural legal constraints that this property presents. The application that was submitted to the commission does seem to be lacking a great deal of information regarding wetlands, water supply, drainage, septic and the impacts to the neighborhood. At the Conservation Commission meeting it became clear that the wetlands on this property were last flagged in 2018 and one of the members asked what the status of the wetland delineation out there is, and the short answer is it's very old and not reliable. There have been a lot of issues stemming from the soils on the property and prior proposals were determined not to have appropriate soils to be able to support the septic systems that were proposed.

The request for a looped water main in their view is something that they would strongly urge the Commission to deny. Provision of adequate water supply is not a new issue out here. This has been flagged on past applications and it remains a major concern for his clients and their neighbors.

In regard to the stormwater management report that was filed, there is some critical lacking information there. There is a lot of work that needs to be done on that side of things to better understand whether Mass DEP's stormwater management policy is satisfied because it's not at all clear from what's been submitted.

Mr. Pearce stated that he read through all of the reports and there's a lot of duplication in all of the reports that were done, which is why he suggested that they try to get the peer review engineer information to the proponent and have them answer all those questions because it will limit the number of things that they might have missed and the number of things that the CPC will have to go after to make sure they're correct. This will also answer a lot of the questions that everyone has. There are things that happen in the neighborhood that the neighbors know all about and the CPC doesn't know until they are told.

Attorney Legere stated that this is a very sensitive site, in a very sensitive area. It is located in the Aquifer Protection Overlay District and there are town wells that are all nearby and affected by work that is going to be happening on this property.

Matthew Tiberii of 30 Anthony Road stated that he has two sump pumps in his basement that go off 24/7 and is concerned about additional water.

Fran Hachey of 7 Wyoming Avenue asked if the layout of the road would be consistent with the Rules and Regulations. Do the regulations still require two sidewalks? Is there any information about the rates of run-off? There's a lot of ledge and he wanted to know if they have any more information about dynamiting it.

Mr. Hayden stated that they would be in compliance with Town standards and they are trying to get the rates of run-off, now.

Mr. Pearce stated that it's a dead-end road and does not require two sidewalks.

Mr. Hall stated that they have done approximately 26 test pits out on the site for various reasons and they haven't encountered any ledge out there. There is a bit of a cut at the entrance and he knows that a previous proposal had an even deeper cut in that area, so perhaps that was the concern with ledge.

Noelle Angeli of 1 Anthony Road stated that this past year there hasn't been much rain or snow and wanted to know if this is taken into account with all of the water concerns.

Mr. Pearce stated that a hydrology test will identify catchment areas that collect water and bring it to a particular point then based on a 100 year storm they'll determine that so many inches of rain per hour and flood year and do a calculation on how that water will run. It has nothing to do with how much rain has recently fallen. Soil testing is not affected by rain either because the markings in the soil are there for many years.

Mr. Rudloff stated that there has also been discussion about the values being a little bit on the low side, as far as historic, and this applicant has also adjusted the calculations to the NOAA 14 or the NOAA Atlas 14 rates which are substantially higher values and he thinks that something they're looking at too. So, you're covered as far as the values are, even though it's a dry season, or a dry area.

Joanne Herook of 43 Anthony Road stated that she also has two sump pumps that are not keeping up very well, so she's going to install a 3rd pump. When the water gets high in the river which it did last month, it gets closer to her garage and shed. There is no drainage past 38 Anthony Road, so a lot of the run-off comes down into the cul-de-sac. She's very concerned about what this will do with the water levels.

Mr. Pearce stated that he has been to Anthony Road when the water was 2' deep.

Ryan Brooks of 2 Anthony Road stated that his concern is Victoria Road which seems to be the low point that gathers water.

Andrea Pagliuca of 15 Anthony Road stated that she recently moved in and learned through neighbors of the proposal to develop the lot next door. Her and her husband spoke to an engineer (See attached letter from Sullivan Engineering Group, LLC – dated 1/23/2023) She would like Mr. Hall to explain the the design of the second detention pond and its proximity to her leaching field. She would also like to know if a Special Permit is required, more information about the gravel road, street lighting, trees and plantings, and the grading of the street.

Mr. Hayden suggested that the engineer and applicant reach out to the abutters to discuss their concerns. He also wanted to know more about the 5' wide rip-rap overflow because it does look right at Andrea Pagliuca yard.

Mr. Hall presented a copy of the plan that shows the rip-rap overflow and the line detention basin and explained the process.

Mr. Pearce stated that the recording of the meeting can be accessed through the website and recommended that they take Mr. Hayden's advice because the CPC has found that taking time to speak to the abutters is the best way to get things solved.

Bruce Reynolds of 27 Mohawk Road, Andover stated that National Grid's previous comments at on previous plans is that if there is to be a roadway that they would allow it, but it would have to perpendicular, not at an angle and there would be no other things put underneath the easement and that's still up to the utility to decide, and he believes from the letter from the utility is that they really didn't want the detention pond put there, so why aren't the detention ponds running into the storm drains in Anthony Road. Also, in January the local paper showed a transfer of title on 17 Anthony Road. So, he wants to know what is going on with this transfer.

Mr. Joseph Cataldo, developer stated that there was two separate parcels, one owned by the Germano Family Trust and the other owned JCI Realty Trust and they added the back parcel into the Germano Family Trust. It was always the same owner, just two separate family trust.

Mr. Hayden stated that Kopelman & Paige, Town Counsel reviewed this application and the told the CPC that they can make a judgement on this, but it has to be in reference to National Grid accepting, or not.

Mrs. McKnight stated that the CPC was advised to simply review the application, and place conditions on it that any approval was subject to National Grid. National Grid has been pretty clear that they won't complete a review until local approvals are obtained.

Stephen Corsetti of 11 Anthony Road stated that he wanted to reiterate the concerns they have with the town water feed up into that site with the low flow and possible contamination back into the town water supply.

Ed Sapienza of 25 Anthony Road stated that there is nothing about the project as it is about the water and what came before with the Aquifer Protection, Wetlands and the topography of the site. A lot of this has to do with the run-off and the pitch of that road that is going in two different directions which is one to Anthony Road and one into the various holding ponds which is going to create an issue. He would suggest that this board look at some of the previous

history of the previous board and what their comments were back in 1987, as how the land should be deemed non-buildable and saved for environmental purposes. There have to be guarantees that this is not going to change one bit.

Greg Sawyer of 18 Anthony road asked who is going to own the land at 17 Anthony Road, besides the road.

Mr. Hayden stated that it's obvious that not all of the land is going to be used for the roadway and someone needs to own that, but they haven't got to that point of discussion yet.

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

that the Community Planning Commission vote to continue the public hearing for 17 Anthony Road & 346R Haverhill Street until Tuesday, March 21, 2023 @ 8:00PM.

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

Accessory Dwelling Units

Mr. Rich Wallner of the Select Board asked if the CPC was going to discuss the ADU bylaw, so that it can be put onto the June Town Meeting.

Mr. Rudloff stated that there are still some loopholes that he would like to discuss.

Mrs. Leanne Gonzalez stated that the Select Board does not want this rushed and there is no guarantee to put it on the June Town Meeting.

Mr. Hayden stated that the matter will be on the next CPC meeting agenda.

Adjournment at 10:00PM

Respectfully submitted,
Ryan Carroll, Clerk

