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**Town of North Reading**  
*Massachusetts*

*Community Planning*

## **MINUTES**

**Tuesday, June 20, 2023**

Mr. Warren Pearce, Chairperson called the Tuesday, June 20, 2023 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 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:** Warren Pearce, Chairperson  
David Rudloff, Vice Chairperson  
Ryan Carroll, Clerk  
Jeremiah Johnston  
Jeff Griffin

### **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. Johnston moved, seconded by Mr. Rudloff and voted 5-0:

that the Community Planning Commission vote to accept the minutes dated May 16, 2023 as written.

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

Mr. Johnston moved, seconded by Mr. Rudloff and voted 5-0:

that the Community Planning Commission vote to accept the minutes dated June 6, 2023 as written.

Roll call vote: Mr. Carroll, Mr. Pearce, Mr. Johnston, Mr. Rudloff and Mr. Griffin in favor, none opposed

### **180 & 194 North Street - ANR**

Mr. Johnston moved, seconded by Mr. Rudloff and voted 5-0:

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 March 10, 2023; drawn by LJR Engineering, Inc.

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

### **MBTA Communities Housing - discussion**

Mrs. McKnight stated that at the June 12, 2023 Town Meeting they were given an appropriation of \$25,000.00 to hire a consultant to help try to figure out how to meet the regulations. She has also been working with the Department of Housing and Community Development to try to get some guidance on how they should deal with the Aquifer Protection District areas and the area they had talked about targeting 100 and 104 Lowell Road, which is within the APD. Initially, she was given a model to run and after putting all the information in on these two properties what came out was that they almost had enough capacity left to build on those two areas, but didn't have quite enough. It came out at 721 units, and they have to be able to zone for 750. The day after Town Meeting she and the town planner in Wilmington

were contacted by DHCD because they have a very similar issue with the Aquifer Protection Districts. DHCD said that they made an error in how to calculate that and instead of using an open space number, we need to use a lot coverage number. So, she reran the model and if they were to choose those two properties for the district, it would work. They would have well over the capacity that is called for.

Mr. Pearce stated that this is property that the town can rezone, or designate to multi-family housing.

Mrs. McKnight stated that 102 Lowell Road is not included because it is town owned land. She does think it's important to plan a meeting or two so that they can advertise as widely as they can, and ask people their opinion before going to the October Town Meeting. They are going to be asking for a zoning amendment at town meeting because they are going to have to change it from multi-family special permit to multi-family by-right.

Mr. Pearce stated that there's going to be a lot of questions about how many bedrooms, how many kids, what's the school impact and how many units do they think will get built.

Mrs. McKnight stated that using the State's formula, it would be 750 units, and in fact, those two properties are permitted for 900 because they have allowed for more building in the Aquifer Protection District and this would just be by-right.

Mr. Rudloff asked what the calculator per area that is being used is.

Mrs. McKnight stated that she doesn't know because that's not something that the State gives them. If they do have public meetings she will present and go through the model that is being used.

Mr. Pearce stated that he thought that in the beginning DHCD would massage this a little bit, because there are too many communities that had no space, no place to build, and they are built out at their transportation hubs and really didn't have any place to go.

Mrs. McKnight stated that DHCD doesn't care about what can actually be produced, but they do care about meeting the zoning requirements.

Mr. Rudloff asked if Mrs. McKnight to explain the point 5 – proximity to a train station.

Mrs. McKnight stated that they don't have to meet that provision because the Town is more than a half mile from the nearest train station.

Mr. Pearce stated that they should meet with the school committee to give them input on this, so that they will be more informed and possibly vote on this at town meeting.

Mr. Rudloff stated that it sounds like the town really can't oppose this law.

Mr. Pearce stated that the town can't oppose this law, but they can oppose the zoning change. He suggested requesting a meeting with the School Committee to discuss this.

Mrs. McKnight explained stated that using these two properties would have the least possible impact to the town and potentially the school district.

Mr. Pearce stated the public meetings should be schedule on the 12<sup>th</sup> and 26<sup>th</sup> of September, so that they may get more participation from the town.

Mr. Rudloff asked what the role of the consultant is.

Mrs. McKnight stated that initially she's not sure because it was going to be that the consultant help solve the problem that they had which was running the model for Martin's Landing and Lincoln Properties yield enough capacity, but now it does with the change in guidelines.

Mr. Pearce stated that the problem is that DHCD could make some adjustment to the rule which would put the town back in jeopardy again and if they do the town will already have a consultant.

Mrs. McKnight stated that they can also put out an RFP to get someone on board for assistance. She also had an informational call with a consultant that Lexington used and they have their approval. If the town wants to put affordability requirements in it they have to have a consultant do a financial analysis of it, and there are consultants out there that do this.

#### **215 & 217 Main Street – Site Plan Review – P.H. 8:00PM**

Mr. Pearce recused himself. Mr. Rudloff, Vice Chairperson continued the meeting.

Mr. Rudloff stated that he has seen the plan and thinks that most of it has been complaints from the building department for different violations, over a period of time. He has also read the department memos for the plan that was submitted. To summarize this, it's basically a reorganization of materials on-site and screening the fencing. There is a 10' fence in the one area, more towards the front and the standard fence size is 8' x 6'.

Michael Rocca of 215-217 Main Street stated that the building inspector requested a 6' x 8' area behind the little yellow building, in the front because it can be seen from Main Street. The plan is to have slats for the screening.

Mr. Rudloff asked what has been the reason for the excess amount of materials on the site.

Mr. Rocca stated that there were a few jobs that got delayed and he was not able to put the materials inside. When he received the violation from the building department he moved approximately 95% of the material into other spots.

Mr. Rudloff asked what fence would be used for screening and how quickly would it be put in place.

Mr. Rocca stated that all of the fences will be screened. He received quotes from three different companies who asked if when this would be approved. It would then be at least 2 to 3 weeks before it was done.

Mr. Rudloff asked if the CPC approves the 8' fence, or is that something that the building department does.

Mrs. McKnight stated that the CPC can approve it through the site plan, but the reason that they're here is because the only way that outdoor storage is allowed to have a business, is through site plan review and the screening could be added.

Mr. Rudloff stated that his only other concern is the dumpster and he wanted to know if there was an area with a concrete pad and fencing for it.

Mr. Rocca stated that he is going to pour concrete pads for the dumpsters and they will be placed opposite of where they are now.

Mr. Rudloff stated that the only other item is the storage of a vehicle.

Mr. Rocca stated that he moved the vehicle to the side of the building.

Mr. Rudloff suggested that some members of the CPC should do a site visit. Mr. Griffin volunteered to do the site visit with Mr. Rudloff.

Mr. Johnston moved, seconded by Mr. Griffin 4-0: (Mr. Pearce recused)

that the Community Planning Commission vote to continue the public hearing for 215 & 217 Main Street until Tuesday, June 20, 2023 @8:00PM.

Roll call vote: Mr. Griffin, Mr. Johnston, Mr. Carroll and Mr. Rudloff in favor, none opposed

**17 Anthony Rd. & 346R Haverhill St. – Definitive Subdivision – cont. P.H. 8:15PM**

Mr. Pearce stated that he does not like to see the abutters come to the meeting when it is only going to be continued and he would like to have the applicant come to the next meeting to discuss "Withdrawing without Prejudice" unless they can bring updated information in.

Mr. Rudloff moved, seconded by Mr. Griffin and voted 4-0: (Mr. Pearce recused)

that the Community Planning Commission vote to continue the public hearing for 17 Anthony road & 346R Haverhill Street until June 20, 2023 @ 8:30PM.

Roll call vote: Mr. Carroll, Mr. Pearce, Mr. Johnston, Mr. Rudloff, Mr. Carroll and Mr. Griffin in favor, none opposed

#### **Accessory Dwelling Units - Bylaw**

Mrs. McKnight stated that the last time they spoke about the ADU Bylaw the CPC had said that they would like to bring it to the Select Board to get some feedback. She spoke to the Town Administrator, Mike Gilleberto and he asked about the CPC's plans for this given that the composition of the board has change with the new member (Jeff Griffin). So, she is asking the board if they would like to have further discussion.

Mr. Pearce asked Mr. Griffin he had time to review the ADU bylaw, and if so, does he have any specific suggestions or questions. There is a certain amount of this that the building inspector can do by-right, but there is also a certain amount that the CPC can have control over. They have looked at a number of different bylaws from other towns and tried to model some of this bylaw after those.

Mr. Griffin stated that one of his questions would be pertaining to family members and not having that language because that seems to be one of the main reasons people get involved with this stuff, and he doesn't see any of that language.

Mr. Pearce stated that he would still like to present it to the Select Board and let them comment on it, and will give Mr. Griffin a little more time to review it thoroughly.

Mr. Rudloff stated that he does not object to sending this bylaw to the Select Board, but one thing he has seen over the last 2 plus years, and it's very rare that they have the full commission at a meeting, and he thinks that they should take a vote now to accept it as it's currently written.

Mr. Griffin asked if they have to push this forward to the Select Board, or is this something that the CPC has jurisdiction over. If the CPC does have jurisdiction why would they send it to the Select Board.

Mrs. Lianne Gonzalez stated that she would also like to see the consensus of the CPC before it is discussed with the Select Board. She does not see the point in bringing this to the Select Board if the CPC is not all in agreement with it.

Mrs. McKnight stated that neither board has jurisdiction over it; Town Meeting does. The CPC is required to have a public hearing and also let the Select Board know about it, in the form of a submittal to the warrant. The Select Board then refers it back to the CPC, they have a public hearing and then it goes to Town Meeting for a vote. Also, the question regarding family members had been in the bylaw, but the CPC asked her to take it out, so she did.

Mr. Rudloff stated this has gone on for quite a while and he has been a big skeptic of it. He has had a lot of conversations with people and he doesn't get the sense from the people that they want it.

Mr. Pearce stated that the reason they have been working on this is because Gerry Noel, Building Inspector has asked for their help. Mr. Noel has seen a lot of this happening without a town bylaw Mr. Pearce has also seen this being done even though they're not allowed, they keep getting built.

Mr. Johnston stated that it's not allowed, yet, the building inspector is saying that his hands are tied, for the most part. If they already have a prohibition, can't they just edit that to cover what Mr. Noel believes are loopholes. His position on this is that he is pro-ADU, so if they're going to do this, then don't do it to make it so impossible.

Mrs. McKnight stated that Mr. Noel is enforcing the "no in-law units allowed". The problem is that people are allowed to have multiple kitchens, they just can't have a completely separate entrance and exit, in a single-family dwelling because that's an accessory development. Passing a bylaw that allows ADUs is something that Mr. Noel would find helpful, because he wants to be able to give the people a legal alternative to what they're doing now.

Mr. Pearce stated that he is in favor of this bylaw because it gives a family the opportunity to keep a family together which is a positive thing. But, the big concern to him is that if the fire or police show up, they will know that there is a 2<sup>nd</sup> unit.

Mr. Johnston stated that he is in favor of this bylaw and balancing all of the perspectives and it kind of seals the little blurry areas of the regulations.

Mr. Carroll stated that he thinks they need to get some teeth around the existing condition in the town, and this relates to this, but he struggles with the differentiation between the ability to create a legal ADU and give Mr. Noel that power, and it's kind of Pandora's box that opens and in his mind this amounts to two-family housing. Leaving it unrestricted, he worries about future development taking advantage of that, and then kind of changing the fabric of neighborhoods as houses are being rebuilt. He's concerned that they are addressing a problem that's a problem worth addressing, with such a broad measure. He would have to take another hard read at it and get more specific comments. But, at this time he is probably a no.

Mr. Rudloff stated that he is a "no" with the bylaw in its current form.

Mr. Griffin stated that he has reviewed the bylaw and has talked to a lot of people about this. He knows and understands the argument of what's being presented. He has gone into a lot of homes and has talked to multiple local inspectors about this. Almost all the inspectors told him that they were unanimously against this because of the problems that arise and the governance that arises. So they seem to feel that people who need to do things for their family will do things for their family. He thinks the bylaw is messy and he is not in favor of it and he doesn't think the town will go for it. Maybe in a public forum is where they're going to find out, but he wouldn't even take it there. He doesn't like it at all.

Mr. Rudloff stated that while the liaison (Mrs. Gonzalez) to the Select Board is here, maybe she wants to bring it to the Select Board in general because they're the ones that have to support an Article, so what's their opinion.

Mr. Johnston stated that he thought they were notified by the Select Board that this was an important issue.

Mrs. Gonzalez stated that she does not want to bring this to the Select Board if there is not a favorable consensus on this.

Mr. Pearce asked Mr. Rudloff what he wanted changed in the proposed bylaw. Or, is it just plain no, period.

Mr. Griffin stated that it is a plain no, period, for him. This is a governance over people when we just don't need to do that. People take care of their own.

Mr. Johnston stated that a prohibition would be government heavy-handed and they are doing the opposite. If he wants to have an ADU for a nanny, or his wife's parents to live in, this is downright anti-American that he can't take advantage of his property, given all the other requirements that they have for protecting their neighbors.

Mr. Griffin stated that he understands that the inspector is looking for help, he just doesn't think with all that he has been shared with him and what he gets from the people he has talked to about this, he has got nothing but negative response. He wants to hear what the people of this town think and he has overwhelmingly heard that they don't want it.

Mr. Johnston stated that one of the compromises that they talked about was by-right or special permit and the whole purpose of the special permit requirement is because it opens up a public hearing which gives the neighbors an opportunity to come in, and they're not going to be approved unless it goes through the CPC and the CPC is the one that looks at the equity of the situation of is it somebody trying to make something for their in-laws, they've talked to their



neighbors, they've mitigated all the risks, the architecture and the site plan review. If they go through all of that and this board says yes, to him, that meets all the checks and balances. But, an outright, just no is telling people to just do it yourself and that's exactly what Mr. Noel is frustrated about.

Mrs. Gonzalez stated it was mentioned earlier that the family provision was removed from the bylaw, so it doesn't make any sense that Mr. Johnston is saying he is for this bylaw with the family provision and he doesn't want a two-family being built beside his property.

Mr. Johnston stated that he is for it without those restrictions and the CPC has talked about these mitigating factors to help negate that kind of over-development and exploitation of it. This board is not going to approve the special permit unless the neighbors are saying that they're okay with it. If the this board gives the stamp that they're okay with it then they've done the community a service by helping somebody find a solution for their families in their home.

Mrs. Gonzalez stated that Mr. Johnston again stated family, but family got taken out of this. If they're coming to the CPC don't they have to show that it's family?

Mr. Johnston started that it was taken out because of all the complexity and logistics, such as how are they going to enforce it.

Mr. Rudloff stated what he's concerned about is opening it up a little bit more broadly like this current draft, and that's why he asked for a consensus on it today because if builders on new lots come to the CPC for a permit they don't know who is going to live there. So, what does this board say that they can't approve the permit to build? That's when it gets confusing and messy and the neighbors don't know who's coming in, but it can be up to ten people. So, he's always approached it that he's trying to protect the group of people which he thinks is pretty sizable that don't want these. There are some lots that are really big and could lend themselves to that, but the CPC is making this inclusive of all residential, including two business districts, so they're not restricting this.

Mr. Pearce stated that they did discuss different districts, but could not pick an area because some of the more expensive neighborhoods have more of them built in than some of the less expensive neighborhoods because they can afford it and they have the space.

Mr. Rudloff stated that he thinks it's more of the affordability than the space part.

Mr. Griffin stated that his concern is that if ADUs are allowed all over town there are going to be more vehicles and the driveways are not going to be large enough to contain all of them, and then when there is an ordinance in the winter time that the cars cannot be parked on the street, there's going to be issues in certain areas of town where the cars are out on the street

and it's also going to produce more traffic.

Mr. Johnston stated that this is a growing community, every community is growing. There is a housing crisis.

Mr. Griffin stated that the people he has talked to are just not interested in the ADUs. Mr. Rudloff, Mr. Carroll and he have spoken against it and he really feels that this should not go to the Select Board and he thinks that this should die.

Mr. Pearce stated this is why they're having the discussion to see where they're all at.

Mr. Johnston stated that he is open to alternatives, but nobody has offered up any alternatives. They have put a lot of effort into this path that they're on, so if three out of five are fundamentally against the sheer principle of this, then they have to go back to the drawing board of how Mr. Noel has a problem and how are they going to solve it. If that means that they have to bring in Town Counsel, or anybody else with how they go to Town Meeting with another proposal that does solve the problem. So, the problem like cars is a hyped up. They have rules in the ADU provision saying parking spots are required, and that and septic, alone, will eliminate 99% of people who want to do this. He has listened to the verb and he wants consensus.

Mr. Griffin stated concerns about more cars in yards and additional hot top on these properties.

Mr. Rudloff stated that this is when they pave the whole front yard in the smaller lots.

Mr. Pearce stated that out of the last ten single houses that he has been in there have been probably seven of them with no rights to have an ADU, and they all had an ADU of some kind, usually in the basement.

Mrs. Gonzalez stated that right now it's being said that it can't be policed. What if someone comes in to file a permit and told that they have to do a number of things and then they decide they are just going to do it without a permit. How is that policed even if there is an ADU bylaw?

Mr. Pearce stated that it's not so much policing the "after the fact". The idea was more along the lines of telling them that it was not outlawed so that they would actually pull proper permits and get inspections. The concept is that if they know they can do this legally, that hopefully they will follow the rules and get inspections. The way it is now we are encouraging them to provide unsafe lodging and that is why inspectors don't like it, and he agrees with them.

Mr. Rudloff stated that he originally approached it as putting more teeth into helping Mr. Noel with the accessory structure bylaw because it is just so vague, but Mr. Noel doesn't have anything else to work with. He's not looking at it as allowing ADUs.

Mrs. McKnight stated that there are currently no provisions in the zoning bylaw for accessory dwellings. She believes that Mr. Noel is relying on the provision that there can only be one dwelling on a single family lot.

Mr. Pearce stated that if they don't have a bylaw in place then the people are going to keep doing what they're doing and there are so many ADUs already out there.

Mr. Griffin asked when the assessor goes out to assess the property don't they see that there is an additional unit.

Mr. Pearce stated that's only if the property owner allows them into the dwelling. If they don't allow access, the assessor gets the dimensions from the outside.

Mr. Rudloff stated that if they pass this bylaw it's only going to allow more of them to be built.

Mr. Griffin stated that it goes back to two things. Mr. Noel wants them to help him, but if the consensus of the people aren't interested then Mr. Noel's problem has become their problem and the CPC has spent a lot of time on his problem. He understands that Mr. Pearce wants a solution, but he looks at this and wonders why it has become so intertwined and entangled, and it's not the CPCs problem. Someone asked the CPC to help and they want to help, but is that not the right place to look for help. Isn't this something that they can do internally without the recommendations or bylaw? Is there a staffing issue? Is anybody looking at it on that end? If someone is upgrading their electrical permit, or whatever it is, there's the perfect opportunity for someone who probably works at a desk across from him that can say that it's not legal. That's their problem, not the CPCs problem.

Mrs. Savarese asked if it should be brought to Town Meeting give a better consensus of who wants it and who doesn't. Mr. Griffin has said that he has spoken to a lot of people that don't want it, but there are more people that he hasn't spoken to that may want it.

Mr. Griffin stated that he doesn't think that would even be necessary. That would be more aggravation and trouble for everyone.

Mr. Johnston stated that they are assuming it is a foregone conclusion that the appetite of the community is against it.

Mr. Rudloff stated that Mr. Johnston is making the foregone conclusion that the community is for it.

Mr. Johnston stated it should be explained to the town that the building inspector has an issue with these ADUs being built and the CPC is trying to come up with a solution. The people are afraid of the Reading bylaw and this board is giving them a very different one. This is a starting point to this entire topic that's already happening, next door. If he was someone that was against it and he's sitting there listening that his neighbors are already doing it and the building inspector wants to limit this, this is something that creates the framework, for now everything is kind of transparent and more easily enforceable, even somebody against it is going to know that this furthers their goal of their neighbors not doing it. So, let's get this out to the community and let them know that we've come up with a very narrowly tailored, Special Permit process that can begin to address this topic. If the CPC shows leadership and listens to the tenor of the community, we take those chances and if they come back with a no, then we know. We should trust the community to see who wants this, and trust ourselves to communicate the nuance of the topic. He is not going to stand up at town meeting to discuss this if there is not a consensus with this board and the Select Board.

Mrs. Gonzalez stated that she does not know where the Select Board stands on this issue, but she doesn't want to bring it to them without a consensus from the CPC.

Mr. Johnston stated that if there was a consensus from the Select Board that this what they want to do and told the CPC to figure it out, they'd be under more political pressure to figure it out.

Mr. Pearce stated that there are a lot of other towns that have an ADU bylaw and as far as he know it works for them. If the three no's are hard no's there is no need to continue on, but if the three no's are willing to bring back changes that they think would make it acceptable to them, then they could look at modifying it until they have a consensus on it.

Mr. Rudloff stated that asking the Select Board their opinion of what they think the town people would want is a good way to go.

Mr. Carroll stated that the public sentiment is certainly a key to this. They serve at the pleasure of the town people that elected them, so they're obligated to come up with something that makes sense, if that's what the town wants. He would like to get a little firmer grasp on whether or not it's actually something that people are actually pining for in the town, and think that would be a good adaption into the bylaws and he is not opposed the Select Board feeling that out and it's the best way to get a better consensus of what that is.

It was decided that she would reach out to the Mike Gilleberto, Town Administrator to meet with him, the town planner and building inspector to discuss his concerns, which she does want to make sure are addressed. The possibility of a joint meeting between the Select Board and CPC was raised, and Mrs. Gonzalez said that she would follow up.

**Planning Administrator Updates****Greens Community Program**

Mrs. McKnight stated that they may have an opportunity to participate in an evaluation of whether the town can participate in the Greens Communities program, concerning energy efficiency and greenhouse gas reduction. She has applied for a small grant to assist with that.

Adjournment at 10:00PM

A handwritten signature in black ink, appearing to read 'Ryan Carroll', is written over the text 'Respectfully submitted,'.

Respectfully submitted,  
Ryan Carroll, Clerk