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Town of North Reading
Massachusetts

Community Planning

TOWN CLERK
NORTH READING, MA

MINUTES

Tuesday, January 16, 2018

Mr. William Bellavance, Chairperson called the Tuesday, January 16, 2018 meeting of the Community Planning Commission to order at 7:31p.m. in Room 14 of the North Reading Town Hall, 235 North Street, North Reading, MA.

MEMBERS

PRESENT:

William Bellavance, Chairperson
Warren Pearce, Vice Chairperson
Christopher Hayden
Jonathan Cody

STAFF

PRESENT:

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

Mr. Bellavance informed all present that the meeting was being recorded.

3 Spring Lane - ANR

Luke Roy of LJR Engineering presented the ANR plan.

Mr. Cody moved, seconded by Mr. Hayden and voted 4-0: (Mr. Veno 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 December 20, 2017, drawn by LJR Engineering Inc.

Signage Bylaw – workshop

Ilana Quirk of Kopelman & Paige presented a (verbal) powerpoint presentation. (see attached)

Mr. Pearce asked if someone painted a political message on their house, is this considered a sign and if the board limited these signs to 5 x 4, 20 sq. ft. and they exceed this size, are they in violation.

Ilana Quirk stated that it would be considered a sign. In answer to the second question it is a personal and political expression.

Mr. Pearce asked if they tell them that they can't have a sign that big, are they infringing on their free speech.

Ilana Quirk stated that it would be subject to challenge.

Mr. Bellavance stated that if the board sets the size to 20 sq. ft. in a residential neighborhood and someone paints a 40 sq. ft. sign, it would be a violation of a "content neutral bylaw".

Ilana Quirk stated that whether it is a peace sign, swastika, or wording it is a sign and if you have a bylaw that states the size, they are in violation.

Mr. Cody stated that the Lobster Claw restaurant has a large mural on the side of their building, and his opinion is that it is a form of advertising. How do you draw the line?

Mr. Pearce stated that this has been the motif for the side of the building for a long time.

Mr. Cody stated that someone could question why they cannot put up something as large as this mural.

Ilana Quirk stated that they are talking about new signs for these regulations, but they should talk about non-conforming. They do have case law for non-conforming that states if they are only changing the advertisement, not the size, then this is considered to be grandfathered.

Mr. Hayden stated that they did have an issue with awnings that were put up by the Joe Fish Restaurant. The building inspector told them that they could have awnings with pictures of fish, etc., but there could be no wording, otherwise it would be considered a sign and would not be allowed.

Ilana Quirk stated that even the colors used by a business can be considered a sign, but you need to be practical because businesses do need to advertise. As policy makers this board needs to think about what they bring to Town Meeting and state a clear purpose for the bylaw. Such as, the concerns: avoid clutter, size, setbacks and no disturbance of sight distance (vehicle and pedestrian traffic).

Mrs. McKnight stated that she and Mr. Pearce were discussing "the grand opening-temporary banner" provision in the bylaw that allows a new business, just opening, in the Highway District, to have a banner up for 14 days. She wanted to know if they would be able to make a case that there are certain types of commercial signs that serve a particular purpose and still treat them as content neutral.

Ilana Quirk stated that there could be a problem with allowing this because there could be a business that would transfer their business from one to another and this would allow them to put up a banner.

Mr. Pearce stated that the most problems he has seen is that after the 14 days the signs are still up.

Mr. Cody asked if the bylaw states "grand opening" would this be content specific.

Ilana Quirk stated that she cannot recall ever seeing a challenge to that type of provision. She thinks that it could be cast as "content neutral", with limitations. There are policies, but there are also enforcements that should be reasonable. There is no such thing as selective enforcement, but there could be claim made by someone that they are being singled out. (Religion, race, etc.)

Mr. Pearce stated that when he has travelled to New Hampshire he has seen at least 60 signs in one particular area.

Ilana Quirk stated that some towns have a specific place where a person can put whatever sign they like.

Mr. Pearce asked if this was a possibility if the town wanted to provide this.

Ilana Quirk stated that it is. The town's that already do this are hoping that if the people are giving a means to express themselves and people get used to the signs.

Mr. Bellavance stated that "content neutral" seems like the way to go.

Mrs. McKnight asked if it was okay to have a bylaw that says the town has the right, to put on its own property, to advertise its own events, such as a banner.

Ilana Quirk stated that usually governmental signs relate to "here's town hall, library" etc.

Mr. Cody stated that the banner they are speaking of is for the Parks & Recreation's annual barbeques at the Ipswich River Park. They do get permission from this board, but, what if someone that owned a restaurant wanted to put one up and is told no.

Mrs. McKnight stated that the park is also located in the Residence A, so what makes it different to approve a banner for the park and not for the resident.

Mr. Pearce stated that this is a small town; the event that's put on at the park is like a "meeting place" for the community. Most people look the other way because of the content of the sign. (ie. Town events)

Ilana Quirk stated that if the town puts up a banner it's in a designated area at a set time of year and the town sets the rules. The park has been doing this event for a number of years, anything else would be new. .

Mr. Cody stated that he agreed most people do look the other way because the banners/signs that are put up by the town are for town events.

Ilana Quirk stated that she can only tell them the parameters in the event of a challenge.

Minutes

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

that the Community Planning Commission vote to accept the minutes of December 19, 2017 as amended.

Mr. Cody moved,

that the Community Planning Commission vote to accept the minutes of January 2, 2018 as written.

Zoning Board of Appeals

27 Duane Drive – On the petition of Christopher Capozzoli for a variance from the maximum height of a detached accessory structure.

- The CPC is concerned that granting the requested relief could result in another dwelling unit being created on the property.

Ipswich River Park/15 Central Street – park banners

Mr. Hayden moved, seconded by Mr. Pearce and voted 3-0: (Mr. Cody abstained, Mr. Veno absent)

that the Community Planning Commission vote to approve the placement of two “36” x 96” signs at 15 Central Street/Ipswich River Park, special event banners at the entrance of the Ipswich River Park during the period of 5/16/2018 to 5/15/2019.

J.T. Berry property – street name

Mr. Cody moved, seconded by Mr. Pearce and voted 4-0: (Mr. Veno absent)

that the Community Planning Commission vote to accept the name of Berry Way for the Lowell Road access drive, pending Town Counsel approval

4 Mid Iron Drive – minor modification to P.U.D.

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

that the Community Planning Commission vote to approve the minor modification for 4 Mid Iron Drive, to allow the unit to remain a residential unit, and to allow proposed renovations as shown in the submitted materials. All other terms and conditions of the original approval, dated November 10, 1981 and subsequent approved modifications on file with the Community Planning Commission, remain in effect.

104 Lowell Road – plan endorsement

Mr. Hayden moved, seconded by Mr. Pearce and voted 4-0: (Mr. Cody abstained, Mr. Veno absent)

that the Community Planning Commission vote to endorse the plans entitled "Site Plan for Martins Landing, Multi-Family Housing community, 104 Lowell road, North Reading, Massachusetts"; dated May 30, 2017, revised August 9, 2017; drawn by Civil Design Group, LLC.

Planning Administrator's Update
Budget

Mrs. McKnight stated that the CPC had recently discussed adding \$50,000.00 to \$75,000.00 for Economic Development related to consulting. She spoke to the town administrator about this and he did not think that the town does not have that amount of money and told her that \$20,000.00 might be more realistic, so this is what she put in the budget.

Housing Survey

The planning department is getting a good response back. There have been approximately 275 on-line applications completed and 300 to 400 paper copies returned. They will be scheduling a public meeting for late February.

174 Park Street/Post Office

Mrs. McKnight stated that she noticed at the post office they put up the "Do Not Enter" signs that the board had asked them not to do until they could get a report from the traffic engineer.

Mr. Cody stated that the signs were up before they even came to the last meeting.

Mr. Hayden stated that this is supposed to be a shared use. All of the traffic comes off of the post office, but no traffic is allowed to enter from the other sites.

Mr. Bellavance asked if the board can tell him to take the signs down.

Mrs. McKnight stated that Derek Howe of the police department asked what the follow-up was from the meeting. She told him that the board has asked that a traffic engineer be hired to look at the design of the site and get the information back to them. Bill Dunn, Postmaster told the board that he was going on vacation and would get back to them after he returned. She also told him that the board asked that signs not be put up until then, but noticed that the signs were put up.

Derek Howe has asked her if there was anything that he could do.

Mrs. McKnight stated that she would inform the board at the meeting tonight and get back to him.

Mr. Cody stated that he prefers the current setup. The other properties have and separate access and egress onto Park Street, the post office does not.

Mr. Bellavance stated his concern is that they made a change to the site without thinking about it that's why he asked them to get a traffic engineer.

Mrs. McKnight stated that they not received a letter from Bank of America stating that they are okay with these changes.

Mr. Cody stated that there should have been an easement.

Mr. Bellavance stated that shared access does not require an easement.

Mrs. McKnight stated that the pavement markings are not going to match the signs.

Mr. Cody stated that people will see the pavement markings without the signs.

Mr. Pearce stated that if this board tells him to take down the signs and there is a crash they will blame the board.

Mr. Bellavance asked if a letter should be sent giving them two months to comply.

Mr. Cody stated that they should leave the signs up and give three months to comply.

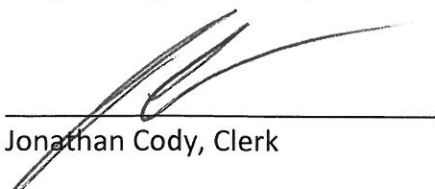
Mr. Pearce stated that this would also be a good trial period to see if it works.

Haverhill Street sidewalk meeting

Mrs. McKnight stated that the meeting to discuss the upcoming sidewalk bidding and construction went well. If there is enough money left the DPW would like to make minor changes, such as a crosswalk and bump out at North Street.

Adjournment at 10:00PM

Respectfully submitted,



Jonathan Cody, Clerk