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Town of North Reading
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TOWN CLERK
NORTH READING, MA

Community Planning

MINUTES

Tuesday, May 31, 2016

Mr. Warren Pearce, Chairperson called the Tuesday, May 31, 2016 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.

MEMBERS

PRESENT:

Warren Pearce, Chairperson
William Bellavance, Vice Chairperson
Jonathan Cody, Clerk
Joseph Veno
Christopher B. Hayden

STAFF

PRESENT:

Danielle McKnight, Planning Administrator
Debra Savarese, Administrative Assistant

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

Minutes

Mr. Cody moved, seconded by Mr. Hayden and voted 5-0:

that the Community Planning Commission vote to accept the minutes of May 10, 2016 as amended.

Chester Road/Discussion for Modification to Determination of Access

Mrs. McKnight stated that she is waiting for a letter from the owner of the property authorizing the prospective buyer to discuss the project.

Zoning Board of Appeals

26 Oakhurst Terrace – On the petition of Angelique Kim for a home occupation special permit, providing business services through four focus areas: employers, colleges/universities, job seekers and professional development.

63 Central Street – On the petition of Loretta Martinez for a home occupation special permit for a pet treat making business.

Planning Administrator's Update

Charles Street Ext.

Mrs. McKnight stated that another contractor (Bill Linsky) has submitted an application for a drain layers license with the DPW. There are some items missing from the bond that he should be submitting. The town engineer was very satisfied with his references/experiences.

MAPD Conference

Mrs. McKnight stated that she attended the MAPD Conference. She did post to the dropbox some of the materials (ethics code and land use cases) that she picked up.

Wren Circle

A pre-construction meeting will be held on June 9, 2016.

Housing Authority

Mrs. McKnight stated that they have been working with the Housing Authority to use funds from the North Shore Home Consortium. The town receives money every year, but most of the time the money is not used because it is difficult to find a project that it fits with where the town would not have to put up its own money. But, the Housing Authority wants to rehab two of its units that it owns, one is at the Park Colony and the other is at 40 Main Street. So, they are working on an application that she and Regional Housing Service have been giving support.

Complete Streets

Mrs. McKnight stated that the Board of Selectmen voted to adopt the Complete Streets policy. She has made the final edits and uploaded it into the DOT system. They are now waiting to see if it is approved or if there are any questions. The town engineer and she are going to continue working on the prioritization plan, on the assumption that the application is approved.

Town Meeting

Mrs. McKnight stated that there are two items on the Town Meeting warrant. 1) Adoption of a provision in the subdivision control law that needs to be adopted before the planning board can make full use of bonds. 2) Request funds for various studies (transportation, enhance affordable housing study)

Town Owned Land

Mrs. McKnight stated that she has had a few discussions with the Town Administrator and he has asked her to contact Applied Geographic to see what type of analysis they could do on town-owned land.

4 Hancock Street & 23 Devens Road – Determination of Access – P.H. 8:00PM

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

Mr. Paul O'Leary of Tower Hill Road stated that he submitted an application and plan. He has had numerous meetings with the Town Engineer, Mike Soraghan to design a plan that would be acceptable to the town. The plan would be to pave a portion of the in front of 4 Hancock Street and 23 Devens Road. A catch basin will be added to the bottom end of Hancock Street to help with the water run-off. The existing situation is that the water currently runs onto the property at 23 Devens Road that was basically created by the town's DPW by putting a hole inside of a berm on the property, which they do not have an easement for. The town engineer is hoping to correct

this with the construction of the roadway. He asked that Mr. O'Leary be responsible for this, by placing a catch basin in that area and discharging it to where it is now going. The town would then work with Paul O'Leary by doing the grading and paving the roadway on Hancock Street up to and across Dix Street to Devens Road. Another problem that will be fixed by re-doing the roadway is that Devens Road currently runs across Everett Chesley of 15 Devens Road property and the water currently runs onto his property because of the condition of the existing road. He has spoken to the Town Administrator who spoke to Town Counsel and this work with the town and he will be in the form of an agreement.

Mr. Pearce read the Town Engineer's memo dated (5/31/2016) into the record.

Paul O'Leary stated although there is a 40' layout and the regulations require that is be 24' of

pavement. The town engineer would like pave an 18' width on Hancock Street to be consistent with Devens Road and the other roads within the area.

Mr. Hayden asked if shoulders would be added.

Paul O'Leary stated that as far as the grading, some of the work will be determined by the town engineer on site.

Mr. Hayden stated that the board usually likes to have a foot of shoulder on each side of the road for snow storage.

Mr. O'Leary stated that there will be plenty of room on the side for snow storage. It will be his responsibility to construct the drainage.

Mrs. McKnight stated that the town engineer and she did take part in some of the conversations with Town Counsel. They were advised that the board's role would just be to determine if any improvements were need to make the road safe and adequate in order to function as frontage for the house lot, but in terms of any agreement between Paul O'Leary and the town, that the board does not need to weigh in on that.

Mr. Pearce asked if the board just needs to agree that these improvements be made and make it part of the approval, or, make it contingent on an acceptable agreement.

Mrs. McKnight stated that the board does not need to make it contingent on the agreement. Paul O'Leary as the applicant would be responsible for ensuring that those improvements are done.

Paul O'Leary stated that the occupancy permit would not be granted until the improvements have been made. In this case the 16,000. Sq. ft. lot which contains a single family house would be exempt from this portion of the bylaw because it now exists. As far as the agreement goes, it is clear in the bylaw that the occupancy permit would not be granted if he does not uphold his end of the deal which is the drainage. He does not want to be held to the standards of when the pavement has to be in because he does not know when the DPW is going to do it. It clearly makes sense to do it after the site work has been competed on the two lots.

Mr. Pearce stated that this is the way it would need to work. Everything that needs to be done will be a parceled of the approval and then this would be worked out with the town engineer. If anything should arise that Paul O'Leary completes the work that he is obligated to and the work that the town has agreed to do is not done the board will find out why it has not been done and when it would be. There is really no other way to give an approval. It does not endanger Paul O'Leary in anyway, other than meet what Town Counsel says and that the board is not parceled to the agreement.

Mr. O'Leary stated that if he installs the drainage, he has met his obligation to the town.

Mr. Pearce stated that Paul O'Leary's obligation is for the entire project.

Paul O'Leary stated that part of the reason the town is involved in this, is because they created some of the problems. So, if he meets his obligation and wants to receive an occupancy permit, although the road has not been paved and the town does not know when it is going to be paved.

Mr. Pearce stated that what precedes all of this is the agreement that he has with the town engineer that would be approved by Town Counsel, is a contract. The board would not think it fair to hold up the occupancy permit because the town has not paved the road.

Roberta Sanchez of 17 Bliss road stated that she is concerned with the water run-off.

Paul O'Leary stated that the road is going to be improved to have the water run into the catch basin. No changes will be made to the water on Bliss Road.

Jaqueline Murphy of 14 Bliss Road stated that the roadway washes out every time it rains.

Paul O'Leary stated that the road is going to be pitched to allow the water to run in the direction of the catch basin.

Tom Sanchez of 17 Bliss Road stated that he is concerned that because improvements are being made to this area, more improvements will be made and wanted to know if there was any way to stop this.

Paul O'Leary stated that he has no control over other properties. If the owners of these properties want to build they have a right to do so.

Mr. Pearce stated that if there was any additional work is done in this area the board would require that road improvements and drainage be made to stop the wash out.

Everett Chesley of 15 Devens Road stated Paul O'Leary had done a lot of work and is going to make a lot of improvements to the road. He has sent two letters to the town engineer within the past year describing how bad the road is in need of repair. When the water comes down it brings the gravel with it. The gravel gets to the part of the road that was paved by the town and dries out. People come around the road really fast and when they try to stop the vehicle slides in the gravel. The road that was originally on all of the plans in the town is not a curve. It comes down and is cornered. He asked in his letters that the road be returned to its original state, so people would have to physically come to a complete stop. He is concerned that if they leave the curve people will continue to take the corner at a high rate of speed.

Paul O'Leary stated that he would be happy to sit down with Mr. Chesley and the town engineer to see if there was a way to correct the curve of the road.

Sean Delaney of 7 Dix Road stated that this is going to be a welcome improvement to the neighborhood. In terms of the concerns from the abutters at the other end of Hancock Street, it is not Paul O'Leary's responsibility, but if the town is going to take responsibility to pave from where the road turns from Devens to Hancock and up to Dix, it is an opportunity as us, as neighbors to get together and approach the town to ask that they continue the paving because there are still going to be wash outs, that will not be eliminated.

Mr. Pearce stated that this particular engineer has been very pro-active in working with neighborhoods to do things like bring water mains in and pave roads. The past DPW director wanted to pave every road that he possibly could because of the costs for grading all of the unpaved roads.

Dean Delaney stated that he approached the DPW two or three years ago.

Mr. Pearce stated that the DPW does have an issue as to where the money is going to come from to improve the roads. They receive highway funds and if they have enough to pave some roads they will, but if they don't have enough money to take care of the obligations for grading and repairs they cannot pave roads, but he would encourage the neighbors to approach the DPW and ask if there is any way to get the road paved.

Sean Delaney stated that this seems to be an opportune time to do the road.

Jane Krieger of 22 Cherry Street stated the fire and police department did not really have a comment for this improvement. The fire department did state that they thought the road was 20', not 40'. So, generally in a town, the engineering department has plans and she was wondering if anyone submitted plans to fire and police departments because it is next to a school.

Paul O'Leary stated that they did receive a plan.

Jane Krieger asked if they did receive a plan why did they not comment.

Paul O'Leary stated that there were comments from the police and fire departments.

Jane Krieger stated that they thought the road was 20', not 40'.

Bill Bellavance read the Fire Department's memo dated (5/18/2016) into the record. Deputy Galvin saw 40' on the map, but it is the right-of-way.

Mr. Pearce stated that there is a national and state standard that a roadway be 18' wide. If the town provides this to them, they are satisfied. The police department is able to get their vehicles down the road and this is why they had no comment.

Mr. Pearce closed the public hearing.

Mr. Pearce stated that if in the process of discussions with the town engineer there is any change in the design of the roadway it should be relayed to this board as soon as possible. The board will probably consider this a minor modification. The board would want to know that it was approved with these changes.

Mr. Hayden asked if the 18' width for the roadway should be included in the approval because it is not on the plan.

Mrs. McKnight stated that there is no date on the plan. She will do the standard Conditional Approval. If the applicant would like to submit a new plan showing the 18' width, with a typical title block and date, she will have something to refer to.

Mr. Cody moved, seconded by Mr. Veno and voted 5-0:

that the Community Planning Commission vote to approve the requested Determination of Access application and hold contingent upon receiving a new drainage improvement plan with the 18' width reference; drawn by LJR Engineering, Inc.

4 Hancock Street & 23 Devens Road – ANR

Mr. Cody read the courtesy notice into the record.

Mr. Cody moved, seconded by Mr. Bellavance 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, Mass. (Middlesex County)"; dated April 21, 2016; drawn by LJR Engineering, Inc.

291 Main Street/Multi-tenant Retail bldg.

Mr. Tony Capachietti of Hayes Engineering stated that there were very few modifications to the plan. The stone wall was changed to a vinyl post-two-rail fence. The lighting was revised to show the new lighting with the existing. The proposed sign was removed, but left the existing sign. A "Do Not Enter" sign was added to the plan as requested. The Water Department's memo requested that a private tap be installed, but they informed Mark Clark that the water line was put in place when the foundation was constructed and Mark Clark was okay with the existing line being left as is.

Mr. Pearce stated that he still has concerns with the Dunkin Donuts site when it comes to vehicle queuing.

Mr. Pearce closed the public hearing.

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

that the Community Planning Commission vote to approve the plan entitled, "Site Plan Modification for Retail Plaza, 291 Main Street, North Reading, MA 01864"; dated 12/28/2015; revised 5/2/2016 and 5/24/2016; drawn by Hayes Engineering, Inc. Subject to the terms and conditions of the Certificate of Conditional Approval dated May 31, 2016. As amended this evening.

383 Park Street – Definitive Subdivision – cont. P.H. @ 8:16pm

Mr. Cody moved, seconded by Mr. Hayden and voted 5-0:

that the Community Planning Commission vote to grant the requested continuance of the public hearing for Shay Lane/383 Park Street subdivision until Wednesday, June 8, 2016 @ 8:00pm.

Adjournment at 9:00PM

Respectfully submitted,



Jonathan Cody, Clerk