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TOWN CLERK
NORTH READING, MA

Community Planning

MINUTES

Tuesday, July 19, 2016

Mr. Warren Pearce, Chairperson called the Tuesday, July 19, 2016 meeting of the Community Planning Commission to order at 7:00p.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.

Main Street Zoning Changes

Mrs. McKnight stated that following their workshop of July 12, she revised the proposed zoning changes to the HB zoning district.

- In the vicinity of Rt. 28 between Lowell Rd. and Winter St. (the properties included in the focus area of the MAPC study), create a new district (HB 2), and leave the rest of HB unchanged (to be discussed).
- Add mixed-use development to the purpose statement
- Allow more than one primary use on a lot, as well as more than one primary use within the same building, through the site plan review process (without requiring an additional special permit)
- Eliminate the maximum FAR (currently 2.0 is allowed), and the corresponding opportunity for a higher FAR if excess parking is provided
- Clarify that permission to do drive-up windows and outdoor storage of materials is given by the CPC as part of the site plan review process (currently it's not specified)
- Keep the maximum height of buildings at 60 feet, but eliminate the limitation to 4 stories
- Eliminate the following from the list of Prohibited uses:
 - Adult book stores (this is allowed by special permit under certain conditions and with mandatory setbacks from sensitive uses within HB, so it should not be listed as "prohibited")
 - Operators of apartment buildings
 - Operators of dwellings other than apartment buildings (531110 is defined as "Lessors of Residential Buildings and Dwellings...establishments ...engaged in acting as lessors of buildings used as residences or dwellings, such as single-family homes, apartment buildings, and town homes. Included in this industry are owner-lessors and establishment renting real estate and then acting as lessors in subleasing it to others. The establishment in this industry may manage the property themselves or have another establishment manage it for them.")
 - Eliminate nude dancing as it falls under the Adult Uses bylaw
 - Private households
 - Cloud seeding; weather modification (rain makers)

- Add the following to the list of Prohibited uses:
 - Self-storage
 - Single Resident Occupancy units (SRO's)
- Eliminate the following from the list of Special Permit uses:
 - Automobile repossession service (already listed in Prohibited uses)
- Add the following to the list of Special Permit uses:
 - Adult uses as specified in §200-45, Adult Uses, of the Zoning Bylaw
 - Hotels, rooming houses, camps and other lodging places (and eliminate from Permitted Uses)

The following still need to be discussed:

- Adding Multi-family dwellings (MAPC recommending allowing both multi-family and townhouse development. However, our zoning definition of DWELLING, MULTI-FAMILY covers both, as follows: "A building or group of buildings containing four (4) or more dwelling units and including apartment house, garden apartment house and townhouse. Each unit may be owned by a separate owner."). Multifamily could be allowed on all or a certain percentage of sites.
- Assisted/senior living, 55+ etc. as a special permit use
- Discuss the following recommendations from MAPC study:
 - Consider reducing front and side yard setbacks
 - Consider requiring a greater proportion of parking in the rear of buildings (this may be difficult to achieve on 28 at the present time but could be a good goal for the future – or we may simply want to address this in site plan review)
 - Provide density bonuses for consolidation of lots that are less than 20,000 SF; and creation of usable open space with seating along the streetscape
 - Amend the minimum open space requirements to be 30% for townhouses, 20% for mixed use/multifamily residential and 10% for retail/office. The current requirement is listed not in the HB zoning but in the Main Street overlay and is 50% of landscaped green space.
 - Allow for shared parking strategies for complimentary uses (daytime and nighttime parking; weekend and weekday parking)
- In §200-69, Off Street Parking and Loading, change the requirement for parking calculations for mixed uses to simply be the total of the need for the various uses computed separately. Currently, mixed use seems to require an extra spot for every 600 SF of development in addition to that, though the wording is unclear.

Changes to I/O Zoning

Mrs. McKnight stated that following their discussion at the July 12 workshop, she has edited the list of changes to reflect the zoning changes as we are now considering proposing them:

- Create a new I/O2 zoning district (or other name) including the Lowell Rd. section of I/O only
- Allow more than one use to occur on each lot and within individual buildings by right but with site plan review
- Eliminate the maximum 2.0 FAR requirement
- Eliminate the requirement that uses are restricted to closed buildings
- Eliminate the maximum stories (currently 4)
- Increase the maximum height to 80 (currently 50 feet)
- Allow for a maximum building area of 65% with the ability to go up to 75% with a special permit from the CPC (currently 50%)
- Leave mobile homes on the list of prohibited uses
- Eliminate the following from the list of prohibited uses and add to the list of permitted uses: Drive-in motion picture theaters, Bowling centers, Commercial sports, Membership sports and recreation clubs, Archery ranges, bowling instruction, day camps, water slides, Residential care, Bars and restaurants owned and operated for members of organizations only. (Also remove amusement parks because they are already also allowed by special permit, and "amusement and recreation services" is allowed by right.)
- Add to the list of special permit uses (or permitted uses): medical office.
- Add to §200-69, Off Street Parking and Loading an appropriate parking space requirement for medical offices.
- Add self-storage to list of prohibited uses
- Eliminate the provision that "all uses or combinations of uses within this division (G) must occupy a minimum 50,000 square feet of building space. No shopping centers or malls with less than said 50,000 square feet are permitted in the I/O District," and keep all of the uses listed after that in the list of permitted uses.
- Clarify B. 2 (notes) to say that 1.5 stories of garage parking counts toward the height requirement

Still for discussion is whether residential is to be allowed, and if so, on what portion of sites. Specifically:

- Eliminate the following from the list of prohibited uses and add to the list of permitted uses OR special permit uses (for discussion): Operators of apartment buildings, Operators of dwellings other than apartment buildings, Condominium managers/cooperative apartment manager, Services to dwellings and other buildings; Private households. (Also for discussion: discuss whether any affordability component should be required for multi-family residential.)
- Add to the list of permitted uses (in addition to those uses listed above): all residential uses, including multi-family housing and apartments, senior living, 55+, assisted living.

Mrs. McKnight stated that she did make changes that were discussed from the workshop meeting, but she did not change anything that was discussed at last night's meeting with the Board of Selectmen. She forwarded the items that there was a consensus on, but forwarded another section that they still need to discuss, the key question being residential. Should they allow any component, any type or none? She thinks in terms of putting out an RFP for the Berry property, they talked to their broker about this whether they want to make zoning decisions right now. She does believe that they should go to Town Meeting to make the site less restrictive. It may turn out that they get a proposal that does not have everything in it allowed by the zoning already.

Mr. Pearce asked if the broker is waiting for the commission to give more direction if it is decided to send these recommendations to Town Meeting.

Mrs. McKnight stated that the broker understands that they are looking at most likely taking most of this to Town Meeting, but that we really have not fully discussed the question of residential, and that may not be something that we take to Town Meeting yet. From the broker's perspective, he can go ahead and write the RFP. His proposal should be open, so that proposals for many things are allowed.

Mr. Pearce took a poll from the commission to see what they think about open residential or limited residential.

Mr. Cody stated that he prefers limited residential. He would like to limit it to assisted living or 55 and over.

Mr. Veno stated he also prefers assisted living or 55 and over.

Mr. Bellavance stated that he would say no residential, but assisted living would be the maximum that he would like to see there.

Mr. Hayden stated that he does not want to see residential or assisted living.

Mr. Pearce stated that the majority of the board would say 55 and over or assisted living. With two members thinking that assisted living would be the only residential. He goes along with the 55 and over because MAPC identified this as something we should look into.

Mr. Hayden stated that he also read the recommendations from MAPC and he interpreted it as being more of Main Street to bring more customers in.

Mrs. McKnight stated that she needed more clarification. Does the board think that the uses should be for a portion of the site?

Mr. Pearce stated that they are not looking at it being the whole site, only a portion.

Mr. Bellavance asked how this would be written in. We cannot go with a percentage because if the parcel gets cut in half, then that becomes a percentage.

Mrs. McKnight stated that it can be done but it would apply to all of the parcels in that I/O.

Mr. Hayden stated that maybe we drop it out, but then we would end up with spot zoning.

Mrs. McKnight stated that she would not want to go the route of spot zoning on purpose. The commission could potentially leave the Benevento property out of it because that is something unique. It is enormous.

Mr. Hayden stated that someone could take the whole site.

Mr. Bellavance stated that it would not be a bad thing.

Mr. Hayden stated it is high water use and high waste water.

Mr. Cody stated that this is going to restrict the potential buyer from wanting to go there anyway because we already have restriction on the property without restricting.

Mr. Hayden stated that that will go away in two years.

Mr. Pearce stated that it is in our protection area, so the waste water treatment plant that is put there has to be of tertiary quality.

Mr. Cody stated that the potential buyer is going to look at the streets and find that access and egress are not adequate.

Mr. Pearce stated that the assisted living is also going to increase drained resources on our fire and ambulance department. The infrastructure may increase real estate tax flow, but not economic growth and we need to have something in there that will promote economic growth.

Mr. Veno asked what would be the harm in leaving residential.

Mr. Pearce stated that if you leave residential in, then a possible user of the entire site is going to spend a lot of money and doing the calculations and looking into the demographics and coming up with a plan that proves to them that this is a viable option and their going to use that option to make an offer.

Mr. McKnight stated that the town has a right to choose the whatever development we want, but if we change the zoning, so that we now allow assisted living that property owner could then sell it to another property owner and they will be able to do whatever they want within the zoning.

Mr. Hayden stated that the board was steering away from allowing it by Special Permit, but what if the board required it for this site.

Mr. Pearce stated that this is not going to help because all it will do is allow the board to put restrictions and controls, but it does not allow this board to say no to residential.

Mr. Bellavance stated that the market study showed that that area is not good for residential.

Mr. Veno asked if they did put in residential and it was purchased and the owner came to the town and said they want to put residential, we would have to allow it.

Mr. Pearce stated that they would have to allow it. So, we can put reasonable control on the property, but if we put unreasonable control the town could be sued. They can put the restrictions on the property with the first buyer, but if the first buyer sells to a second buyer the town would have no say over what they can or can't do on the property.

Mrs. McKnight stated that Mr. Prisco wanted to attend the meeting, but was unable to do so. She was asked to pass along a comment from him. With regards to concerns about senior housing, he wants to go ahead and put out an RFP to develop the property at 3 Carpenter Drive.

Mr. Pearce asked if everyone was in agreement that residential should be left out.

The consensus of the board is to leave out residential.

Mr. Pearce asked the board if they were comfortable giving up the area for the wastewater treatment plant.

Mrs. McKnight stated that it cannot be built on.

Mr. Hayden stated that wording should be added that parcel B being able to discharge on it.

Mr. Bellavance stated that he agrees with Mr. Hayden.

Mrs. McKnight stated that she would add that they will reserve an easement and discharge area for wastewater treatment on Parcel B.

383 Park Street/Shay Lane Definitive Subdivision – cont. P.H. 8:10pm

Mr. Ben Osgood of TTI Environmental stated that there were a few additional items that needed to be resolved. The type of wall block that will be used is Roman Pisa. It will be a 2 terrace wall, the bottom and top wall are approximately 3½' in height that are separated by 12'. So, as long as they have twice the distance between the walls they can actually go 3½' without any geo grid reinforcement or engineering. The upper wall will start away from Park Street. It is a shorter wall that gets a little higher because they are dealing with a nob and then it steps down and follows the roadway grade.

Mr. Pearce asked what would be happening between these walls.

Mr. Osgood stated that it is a landscaped area, so they will probably plant Blue Rug Junipers.

Mr. Pearce asked who would maintain this area.

Mr. Osgood stated that it would be the lot owners of 1 and 9.

Mr. Pearce stated that a covenant would be needed for this lot owner.

Mr. David Murray stated that a covenant would be created for this.

Ben Osgood stated that the other issue is the drainage at the entrance of the subdivision. They spoke to Design Consultants and will be developing two tree filters. There is a catch basin at the edge of the curb and a tree will sit approximately 2½' back. The water will go into the catch basin, will fill up and overflows into the soil matter that is around the tree that will filter it and then drain out. There is also an overflow in case it can't filter and that is how they get there

stormwater treatment. They also built a an underground detention area, 30' x 44' stone area with some infiltrator and storm check chambers that will go into a manhole before it goes into the street. It will back up and go into what acts like a detention pond area, but is buried. As it fills up there will be a small outlet inside of a manhole that is an outlet control structure. It is lined with a liner because it may possibly be in groundwater sometimes in the year. So, there is a liner around it so that it doesn't drain into the groundwater or out of the groundwater. There is infiltration out of the tree wells because they are open bottom, so they will get some recharge there. This system is designed just to control flow.

Mr. Pearce asked if the system could be in groundwater as well. Is there a test hole?

Ben Osgood stated that there could be some groundwater. There is not a test hole there, but they know that the groundwater is about 4' down.

Mr. Pearce asked if the Town Engineer had reviewed it.

Ben Osgood stated that the Town Engineer and Design Consultants have reviewed.

Mrs. McKnight stated that Design Consultants submitted a detailed letter with all of the outstanding issues they identified and noting what has been resolved. The only outstanding issues have been added to the Conditional Approval.

Mr. Hayden stated that the abutters sent a request for a no-cut zone. There will be a no cut zone and the developer will abide by this, but there is no guarantee that the new homeowners will not cut down the trees.

Mr. Pearce stated that if the new homeowners want to cut down trees on their property they have every right to do it.

Mrs. McKnight reviewed the Conditional Approval.

Mr. Bellavance stated that at the last meeting it was discussed that the run-off was going to go down Park Street. He asked for the town engineer to review this, but he has not seen a response.

Mr. Hayden stated that the water is going to be captured with the changes that were made.

Wayne Hinckley of 387 Park Street asked how close the upper wall would be to the lot line.

Ben Osgood stated that it is going to be 10' from the lot line.

Peggy Gannon of 3 Southwick Road stated that at the last meeting she was very nervous about water coming onto her property.

Ben Osgood stated that it is going to be a swale.

Chris Simpson of 7 Southwick Road asked that a correction be made to the June 21, 2016 minutes. The correction to be made is in regard to the time that he has lived at this address, being 22 years, not 2 years. He feels that at the last meeting there seemed to be a sense of urgency to get the subdivision approved and there were a number of outstanding issues that he now sees progress being made. He does want the board to get all of the questions answered and rectified before the Conditional Approval is granted. He spoke to Michael Clark of Design Consultants yesterday who informed him that he had a number of outstanding questions/issues that he need to addressed and was waiting to hear from TTI.

Mr. Pearce stated that there is no urgency to approve this subdivision. There was an attempt to keep from continuing meetings and having people show up while they were trying to rectify all of the issues. The urgency was to not inconvenience the abutters, not the applicants. The list of concerns that Mrs. McKnight just read, is a very small list from Michael Clark which means that he has resolved all of the other issues and the few items that he has left he believes they can be put onto the Conditional Approval.

Chris Simpson stated that he does not mind coming to these meetings. He just wants to be sure that all issues are resolved. Even though he has lack of a covenant being abided by he would like the board to put one in for the west side of the property because the swale is running along that side and at least try to protect that with trees not being cut down.

Mr. Pearce stated that it might be more effective to put in a covenant to protect the swale. However, that is almost inherent in the situation. If somebody filled in part of the swale and it caused flooding on someone else's property that immediately is violation and the building inspector would come out and cite them for doing that and would have to fix it.

Rich Lytle of 5 Southwick Road asked what happens if the wall starts to fall apart and one of the children waiting for the school bus gets hit by the falling wall.

Mr. Pearce stated that the wall is only 3' tall and the care and maintenance is covenanted.

Rich Lytle asked what would happen if the owners of that property start taking down the wall.

Mr. Hayden stated that the town should be called because the wall is not to be removed.

Lori Lytle of 5 Southwick Road asked why somethings worthy of covenants and other things are not.

Mr. Pearce stated that the best way to explain it is that she would not be covenanted to keep the tree line in her backyard for the abutting property. The wall is a necessity for the grading.

Lori Lytle of 5 Southwick Road asked if the trees being put into the new subdivision, on the sidewalks going to be covenanted.

Mr. Pearce stated that they will be covenanted to be maintained. They are in the Subdivision Control Law and it is something that has always been done.

Dave Murray stated that the street trees that will be maintained by the town are on town property. The trees that the abutters are speaking about are on private property.

Chris Simpson stated that he has heard from these meetings that the wall is 3 1/2', but the letter from Design Consultants states that it is going to be over 4' in sections. Which one is it?

Ben Osgood stated that the wall is going to be 3 1/2'. He also wanted to comment on the fact that Michael Clark of Design Consultants has not heard from him since yesterday. On May 25th he submitted a full set of plans with all of the revisions that addressed every one of his comments. July 13th he received a response from that letter, so a month and a half before he responded, most of the issues were resolved. They had a few things that were discussed at a meeting that they were working on and they met with the Town Engineer after the July 4th week because the engineer was on vacation. They met with the engineer very close to the time that they received the letter from Design Consultants because they wanted to make all of the changes, if there was anything else major they would make those changes. There has been email correspondence back and forth and he would be happy to provide this correspondence.

Peggy Gannon of 3 Southwick Road wants to be assured that everything will remain as it has been on her property.

Mrs. McKnight stated that this is also a condition in the Conditional Approval "The deeds of conveyance for lots containing any detention areas shall contain and be subject to a restriction prohibiting altering or filling within the drainage easement areas."

Rich Lytle of 5 Southwick Road asked if they were going to leave a buffer of trees.

Mr. Pearce stated that the tree line as shown on the plan will remain.

Mike Marchand of 1 Gloria Lane asked if there are updated plans that they can see.

Mrs. McKnight stated that the planning department does have updated plans, but will be receiving a full updated set. She will email them to anyone that requests a copy.

Pat Tassi of 22 Nutter Road stated that they have a huge water issue in their basement and their property abuts lot 5. She wanted to know if the trees would be left as a buffer to control the water.

Ben Osgood stated that the trees will remain. The developer wants to keep as many trees as he can.

Mr. Pearce closed the public hearing.

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

that the Community Planning Commission vote to approve the plan entitled, "Definitive Subdivision Plan, Shay Lane, North Reading, Massachusetts 01864"; dated December 23, 2015; last revised July 19, 2016; drawn by TTI Environmental Inc. Subject to the terms and conditions of the Certificate of Conditional Approval dated July 19, 2016.

Planning Administrator Update

Main Street – zoning discussion

Mrs. McKnight stated that there are still some items that need to be discussed. The same residential issue that they had with the I/O, does the board want to deal with it the same way.

Mr. Pearce stated that Main Street is a different situation and he thinks that having a Smart Growth situation out there would work. The housing that is on Main Street does contribute to the economy and because the State and town have done some work on the sidewalks there is a relatively walkable Main Street.

Mr. Hayden stated that now that the town has signed off with the State they no longer have an issue building the sidewalks.

Mr. Pearce stated that because it is a fairly walkable situation now which encourages some level of housing, but he does not think that single or two family homes would be good. He does think that multi-family would be acceptable, but he really would like to see a smart growth type unit, but the only real problem is wastewater.

Mr. Hayden stated that Wilmington has buildings that have stores on the bottom with apartments on top. That is the type of building he would like to see on Main Street.

Mr. Bellavance stated that multi-family would work on Main Street, but he would like to see mixed use.

Mr. Cody asked what would be the level of mixed use.

Mr. Bellavance asked if there was a way to put a percentage of a building.

Mrs. McKnight stated that there is.

Mr. Pearce asked Mrs. McKnight to get some calculations to see what is already residential and use it to develop regulations.

Mrs. McKnight stated that that there are some areas of Salem restricted in this way. She is unsure if it was 40% or 50% that could not be exceeded when Salem set up the rules.

Mr. Cody stated that we could do 100% ground floor commercial

Mrs. McKnight stated that is not a good way to go, because it is financially difficult to build those in a place like North Reading. She thinks that they should allow and encourage it, but if you say that it has to be retail on the first floor with residential on the second floor they are not going to get anybody.

Mr. Bellavance stated that he would feel comfortable restricting it because they could end up with all residential on Main Street.

Mr. Cody stated that he thinks that regardless what they do everyone is going to be restricted by the lack of sewerage.

Mr. Pearce stated that it should be mixed use, with 80% residential and 20% commercial.

Mrs. McKnight asked the board if town houses, multi-family and senior living, 55 and over, should be added to be allowed by right or special permit.

The consensus was to allow these by right, with the same restrictions (80%) as for multi-family.

MAPC study

Mrs. McKnight stated that she wanted to follow up on some of the things that they had brought up. They suggested that the town reduce some of the front and/or side yard setbacks on Rte. 28 and also requiring more parking in the back.

Mr. Hayden stated that he prefers parking in the back.

Mr. Bellavance would go along with reducing the sidewalk setbacks.

Mr. Hayden stated that the Fire Department wants at least 20'

Mr. Cody stated that the Fire Department wants to be able to go completely around the building, but technically you only need the two sides.

Mr. Hayden stated that the fire truck needs to be able to go completely around the building without backing up.

Mr. Pearce stated that he does not see a reason to change the setbacks at this time.

Mrs. McKnight stated that as far as the suggestion to require a greater proportion of parking in the rear would be very difficult.

Mr. Pearce stated once again it would not be the right thing to do because of where the septic are placed on the property.

Mrs. McKnight stated one thing is that in the Main Street Overlay which is in the Site Plan Review regulation and is not a zoning regulation, but, has a requirement for 50% of landscaped green space, is a little tough. MAPC recommended the minimum open space requirement be 30% for townhouses, 20% for mixed use and 10% for retail office.

The consensus of the board is that landscaped green space should be 30% for townhouses and mixed uses, and 20% for retail space.

Mrs. McKnight stated that another recommendation was to allow for shared parking strategies, for complimentary uses: daytime, nighttime, weekend and weekday parking.

Mr. Pearce stated that before he worried about shared parking, he would look at some kind of bylaw that would require shared access with adjoining businesses.

The consensus was to change the front setback from 25 to 20 but leave the side and rear unchanged (2). Allow parking up to 10 feet from the front lot line.

Adjournment at 10:30PM

Respectfully submitted,



Jonathan Cody, Clerk