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**Town of North Reading**  
Massachusetts

*Community Planning*

TOWN CLERK  
NORTH READING, MA

## MINUTES

**Tuesday, April 2, 2019**

Mr. Warren Pearce, Chairperson called the Tuesday, April 2, 2019 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.

### MEMBERS

#### PRESENT:

Warren Pearce, Chairperson  
William Bellavance, Vice Chairperson  
Christopher Hayden., Clerk  
Ryan Carroll

### 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. Hayden moved, seconded by Mr. Bellavance and voted 4-0:

that the Community Planning Commission vote to approve the minutes of March 19, 2019 as written.

Mr. Bellavance recused himself from the public meeting.

### **Zoning Board of Appeals**

10 Linwood Avenue – On the petition of Charles and Tammy Grabar for a variance for a deck, per the setback requirements, per the dimensional and density regulations, North Reading Zoning Bylaws.

The Community Planning Commission has no concerns about the proposed deck.

38 Eames Street – On the petition of Jeffrey Foley for a variance for a 6'x9' mudroom addition to the left side of the residence per the setback requirements per the dimensional and density regulations, North Reading Zoning Bylaws.

The Community Planning Commission recommends considering impacts to the neighboring properties.

205 Main Street – On the petition of Steven Tonelli, Tonelli Realty, LLC for a special permit to do work within the Aquifer Protection District and a variance from Sec. 200-74, 75 – to reduce new parking spaces from 10'x120' to 9'x18', and Sec. 200-39 – to allow paved parking within 25' to the front setback of the North Reading Zoning Bylaws.

The Community Planning Commission has no comment at this time.

Mr. Bellavance returned to the Public meeting.

### **77 Elm Street/9 Fairview Street – cont. Public Hearing 7:45PM**

Mr. Hayden moved, seconded by Mr. Carroll and voted 4-0:

that the Community Planning Commission vote to grant the requested continuance of the public hearing for 77 Elm Street/9 Fairview Street until Tuesday, May 21, 2019 @ 7:45PM.

### Planning Administrator's Update

#### Charles Street Update

Mr. Pearce stated that he went to visit the site and found no activity and the property was very disheveled. He was impressed to see that the drainage is working because there were always water issues in this area. He did ask if there was a time frame of when this project should be finished.

Mrs. McKnight stated that the only time frame was two years to complete to the point of lot release which he did. They are holding a bond, so after a point if it doesn't look like he is going to complete the development the town could take it.

#### Additional Engineering Firms

Mrs. McKnight stated that she would like to hire two more engineering firms to help with the on-going work in the town. Even though there are not a lot of new projects happening all at once there are a lot of reviews that need to take place with older subdivisions, bond reviews, etc. The turn-around with Design Consultants is taking longer than expected to do the work. She will work with the Town Engineer to look for a couple of firms.

#### Master Plan

Mrs. McKnight stated that she received a copy of the draft Master plan report. She will do the first review in case there are any glaring things because she doesn't want everyone to pick out the same things. She will then share it out to the CPC and working group members and get it to a place where everyone is comfortable having it publicly released, for public comment.

#### Warrant Articles

Mrs. McKnight stated that they are being given an opportunity to give recommendations on the warrant articles. She wanted to know if the CPC would like to review the articles at the April 16<sup>th</sup> meeting and give recommendations.

#### Electronic Permitting

Mrs. McKnight stated that the E-permitting is underway. They are starting with the building department, she is helping them to set it up, but they probably won't be up and running for a couple of months.

#### Peapod Trucks

Mrs. McKnight stated that Mr. Hayden asked her if the trucks being used by Peapod at the Stop & Shop site should be considered as another use. She spoke to the building inspector, Gerry Noel and from a zoning perspective he is fine with it, and considers it as a part of the retail operation of the supermarket.

Mr. Hayden stated until recently supermarkets were not delivering groceries.

Mr. Pearce stated that they would have to look at other establishments that are delivering their items.

Mr. Pearce stated that it would be the same as going to a furniture store and having your furniture delivered, delivery is part of the operation.

Mr. Hayden stated that it's not just delivery for that store; it's the regional delivery for all of the stores surrounding this town. A furniture store usually delivers from a warehouse.

Mr. Pearce stated that he would have a difficult time rationalizing that that would be a different business. We would need to make everyone else get a special permit if they do deliveries, or it could be considered selective permitting.

#### 66 Winter Street/Hefferon Property

Mrs. McKnight asked if she should set up a meeting with the owner and CPC to discuss developing the site.

Mr. Pearce stated that yes.

#### Railroad Avenue

Mrs. McKnight stated that there are a couple of dilapidated structures on Railroad that were recently purchased. The owner of these properties would like to speak to the CPC to discuss development of the properties. The building inspector did speak to them in regard to zoning and he will attend an upcoming CPC meeting.

#### **205 Main Street – Site Plan Review – Public Hearing 8:00PM**

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

Mr. Luke Roy of LJR Engineering stated that the proposal is for a building addition and parking expansion at the above site. The applicant proposes a 1,600/-s.f. (footprint) addition to the north side of the existing building and development of expanded parking area in the northeast portion of the site. The entire building is currently and will continue to be used as a dental practice office.

Mr. Hayden stated that he is concerned about an 18' light being placed on the property. He would prefer that 2 shorter poles with shielding be placed along the northern perimeter. He also asked if the current parking on Plymouth Street is in the right-of-way.

Luke Roy stated that any new lighting will be shielded. The parking is in the 40' right-of-way and beyond the roadway width it's approximately 17' and where it opens up to the site it's 20'.

Mr. Hayden asked that he visited the site and the parking is tight and all of the parallel parking is being removed along Main Street. The Fire Department also asked that a fire lane be put on the right side of the building. A "No Parking" sign should be placed at the rear of the building. He also asked if a sidewalk could be constructed along Main Street.

Luke Roy stated that he is going to be submitting a request to Mass. D.O.T. for a permit to do the re-alignment and can also request the sidewalk.

Mr. Bellavance stated that he would also like a sidewalk constructed and he is also concerned with the proposed lighting and would like to review a plan.

Luke Roy stated that he would add this to the plan.

Mr. Bellavance stated that the snow storage was added to the plan, but not a lot of area was given for this and he believes that the snow will be pushed out onto Main Street.

Luke Roy stated that the snow will probably need to be removed from the site.

Mr. Bellavance stated that he would like a "Stop" sign placed at the northwest corner. If there is any new signage added he would like it to be externally lit.

Mr. Hayden stated that the lights should not be on 24/7.

Mr. Pearce asked if there was a separator for the run-off from the parking lot.

Luke Roy stated yes. It's both for suspended solids, but also for oils and floatables. There is a deep sump hooded catch basin that will serve some initial pre-treatment then the 4-sentry unit.

Mr. Hayden asked how high the retaining wall is going to be.

Luke Roy stated that they maintained it at 4'.

Mr. Pearce asked if there would only be 9'x18' parking spaces.

Luke Roy stated yes.

Mr. Hayden moved, seconded by Mr. Bellavance and voted 4-0:

that the Community Planning Commission vote to grant the requested continuance of the public hearing for 205 Main Street until Tuesday, April 16, 2019 @ 8:00PM.

**325 Main Street – Site Plan Review – Public Hearing 8:30PM**

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

Mr. Jon Hurley stated that the proposal is to use two spaces at the above address. The first floor will be used as a retail store to sell comic books, baseball cards and games. The lower level will be used for his customers to trade comic books, baseball cards and play games and for service of snacks/prepackaged food. The plan submitted tonight is an old plot plan that he added 18 parking spaces too. He has since discovered that he made an error in the number parking spaces on the site. There are actually 16 parking spaces in the main area of the parking lot. The building inspector did speak to him about handicap spaces and he will stripe 4' wide buffer aisle on 4 spots for handicap parking. The Board of Health inspector has concerns with the septic system and he will work with him to try to resolve the issue. He believes that he will have to file an application with the State to determine what he needs for septic because the Board of Health has him classified as a fast food restaurant and he believes that this is a little extreme for the type of food he will be serving. (candy bars, chips, water and soda)

Mr. Hayden stated that some of the current occupants in this building are a landscaper and housepainter and they have a lot of vehicles. There are two dumpsters on site that are not fenced or located on concrete pads and this is a requirement. This would be the responsibility of the owner.

Jon Hurley stated that there a few offices in this building, landscaper, painter, engineer and photographer. There are a lot of construction materials being stored in the rear of the building, along with the vehicles which he did not include as available parking spaces.

Mr. Bellavance stated that he is concerned that the owner of the property did not attend this meeting, but sends the proposed tenant without ownership to this site.

Mr. Pearce stated that they are not proposing any changes to the building, just a change in use.

Mr. Bellavance asked what the percentage of the building is that he would be taking over.

Jon Hurley stated that downstairs is 750' sq. ft. and upstairs is 875' sq. ft. – a total of 1625'. He is at this meeting without the owner because he was told by the building inspector to come in for parking spaces, but was okay with the change of use.

Mrs. McKnight stated that the use is allowed in the Highway Business District, but the change in use triggers a Site Plan Review.

Mr. Bellavance stated that when he reviews a Site Plan he looks at safety which includes parking and he has not seen this site in a number of years. He needs walk the site to see what is actually there. He would like to be sure that there is adequate lighting in the rear of the building.

Mr. Pearce stated that he knows the property well, but it sounds like the members would like to view the site and possibly correct some of the issues with the owner of the property.

Mr. Bellavance stated that ultimately the board could put restrictions on this tenant and is going to put the cost on someone and it should be the owner.

Mr. Pearce explained that a Site Plan Review opens up the whole site for a review, not just the change of use. He is concerned that the site has not been properly maintained which has nothing to do with the change of use. He would like the members, owner and building inspector do a site walk.

Jon Hurley stated that the building inspector has already walked the site.

Mr. Hayden asked if the sign was going to be internally or externally lit.

Jon Hurley stated that there is no sign lighting intended. It's also going to be difficult for him to have the owner attend the meeting and wanted to know if it would be possible to send a letter asking that they attend.

Mrs. McKnight stated that if there were conditions that the CPC would like to list in the Conditional Approval that would require the owner to make changes, if those conditions were not amendable to the owner, they do not have to accept them.

Mr. Hayden moved seconded by Mr. Bellavance and voted 4-0:

that the Community Planning Commission vote to grant the requested continuance of the public hearing for 325 Main Street until Monday, April 8, 2019 @ 3:30PM.

#### **Demolition Delay Bylaw - discussion**

Mr. Hayden stated that Historical Commission has been working on a bylaw for the past ten years. The town is losing more and more historical homes, mostly because the buyer don't like the building or it would cost too much to rehab. Some of these homes are on lots that are



larger than an acre and the buyer may be able to get two lots from the one. To be a historic structure in North Reading they must be on the survey that was done and accepted at Town Meeting in 2002. If the house is falling down or the building inspector finds it to be structurally unsound it takes it out of the demolition delay. There might be a hold for a day, if there are some architectural and significant findings that they are able to take pictures and document it. Right now they are unable to do either unless the contractor gives them permission. They have lost four houses over the past five or six years and there are more. They are not trying to keep it from being changed only some semblance of what it was; this is why they are proposing a one year moratorium which will go with the owner, not the property. This would mean that if someone asked for a demo permit, it would be put on hold by the Historic Commission, if the house is sold within six months of this; the time starts all over again with the new owner. There is a \$300.00 fine if a house is demoed, but the one that makes a statement is a two year moratorium on a building permit. They are not looking at the money because once the house is gone, it's gone.

Mrs. McKnight suggested that they have the discussion on this because some of the demo delay bylaw involves the planning office. For example: In those situations where you need to have a public hearing there has to be some method for figuring out which properties actually trigger the requirement for a public hearing, there has to be an abutter's list made up and notice given. In terms of the detail of how that gets worked out, if it becomes the responsibility of the planning department she wants to make sure that it has been discussed amongst the CPC.

Mr. Hayden stated that the Historic Commission has always leaned on the planning department for assistance. They need to have the logistical hold in town hall.

Mr. Bellavance stated that he is in favor of it and would like to read more about it.

Mr. Hayden stated that they have always had this issue and there have been two surveys done. When the Historic Commission was formed there were 25 to 50 buildings and when the next one was accepted in 2002, 100 to 150 more buildings were incorporated, but it's very difficult to go through the list and find any of them. With the new GIS system and the new GIS Coordinator, Stephen Lutterman, an overlay can now be done.

Mrs. McKnight stated that she receives the building permits for all of the new houses, but she does not always get the demo permits which will have to change. She can login to see if it's in the floodplain, aquifer protection district, is it within the demo bylaw.

David Rudloff of 29 Duane Drive asked if this is any type of structure or just a house. Does the town have a check list when going for a demo list to ask if they have gone to the Historic Commission? Wouldn't this be a solution? When he went for a demo permit in Melrose they had to go through the Historical process to make the argument.



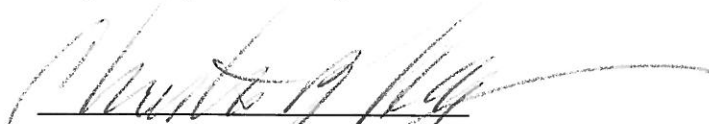
Mr. Hayden stated that it could be a barn, but it has to be on the list. There is no check list at this time and there has to be something in place to keep it.

**Plan Review Process**

Mrs. McKnight will set up a workshop meeting to discuss the process.

Adjournment at 9:50PM

Respectfully submitted,

  
Christopher B. Hayden, Clerk