



RECEIVED
BARBARA STATS

2016 FEB -3 AM 8:37

Town of North Reading
Massachusetts

TOWN CLERK
NORTH READING, MA

Community Planning

MINUTES

Tuesday, January 19, 2016

Mr. Christopher B. Hayden, Chairperson called the Tuesday, January 19, 2016 meeting of the Community Planning Commission to order at 7:18p.m. in Room 14 of the North Reading Town Hall, 235 North Street, North Reading, MA.

MEMBERS

PRESENT: Christopher B. Hayden, Chairperson
William Bellavance, Vice Chairperson
Patricia Romeo, Clerk
Warren Pearce
Joseph Veno

STAFF

PRESENT: Danielle McKnight, Planning Administrator
Debra Savarese, Administrative Assistant

Mr. Hayden informed all present that the meeting is being recorded.

Charles Street Ext. – status of construction

Mrs. McKnight stated that over the past few weeks there have been issues with the construction which resulted in damage to the town's water system, as well as not making timely enough connections that caused a resident's basement to flood, along with other damages. The DPW Director Dick Carnevale has revoked the street opening permit for Ivester Construction. He is also requesting that the CPC use some of the bond funds from Mr. Bruno's account, to pay for the work that the DPW did to fix the water system and to also discuss an emergency fix that the DPW needed to make to Charles Street to prevent any further basement flooding for homes that are connected to the system because the drain has been very compromised in the course of the construction, and to talk about what the plan should be for completing the construction including the Cross Country work that needs to take place across 3 Charles Street where the town has an easement.

Mr. Carnevale stated that the town has had plans to pave the existing part of Charles Street for several years. They have given great latitude to the developer and contractor to get the work done. The work was not completed in 2013, 2014 and on March 24, 2015 a letter was sent to the developer putting him on notice that the road was going to be paved in the Spring and to please get the work done. They estimated that it should have taken 30 days to do this. The construction started in November 2015 and it is now the middle of January and the work has still not been completed. So, the developer is not making reasonable efforts to get the work done. The rainstorm that happened two weeks ago led to back up of the drainage system that caused a surcharge into the street and then into an abutter's property. Based on this emergency situation they had to call people in. He also had a discussion with the Town Administrator and told him that it is unreasonable to have this health and safety impacting the neighbors continuously. They then revoked the street opening permit on the current contractor. They have investigated and found numerous deficiencies and are making limited fixes on the system to make it operable. They found downstream that the drain is clogged with crushed stone and leaves that led to the backup. During construction there have been numerous damages to the existing water system and based on his twenty years of experience, this is highly unusual for this to happen and is usually indicative of sloppy work. They are currently completing the emergency repairs tomorrow and that involves connecting the existing drain and the part of current drain to make a functioning water/drain system. Two homes are not connected to the new pipe or drain system and they are connecting them. The town's costs to date are \$5,300.00 for the broken water main, two broken water services and surcharging in the street.

Mr. Hayden stated that they did receive a spreadsheet for the cost of the water issues, but this was for manpower not the materials.

Mr. Carnevale stated that they are stabilizing the site and the cost to do this is going to be approximately between \$15,000.00 and \$20,000.00. Further, there is additional work to complete the development. Based on Design Consultant's schedule (see attached Notice of Intent plan) the yellow pipe has not been installed and the blue is the existing pipe and coming from the subdivision into the street there is a section of pipe that was never installed. Usually when you put in a drain pipe you start at the lowest position and work your way up hill. The developer chose to start in the middle, so it is not connected at either end, so water comes out of the detention pond in the existing 18" pipe and goes to the current catch basin in front of Mr. Doyle's home, it's going to be connected to go over to the yellow pipe at that point because everything downstream of there, half of that pipe has been compromised, collapsed, damaged. It will then go down the existing yellow pipe, until it ends and connect back into the blue pipe and then out to the outfall, cross country piece. The work is approximately 50% done and they would like to be reimbursed. Their intent is to stabilize the site so that it is safe and does not flood the street. If the flooding of the street that they had two Sundays ago came in a cold weather period the road would have been a sheet of ice and a public safety issue and the flooding of the abutter's basement is a health issue.

Michael Bruno stated that he is not a street contractor.

Mr. Hayden stated that they know that they were pressuring him to get it done because once his contractor was able to get into the ground, it should have been done.

Mr. Bruno stated that he is not going to dispute that it should be done. He has not been party to all of the exchanges of communication between the town and his contractor. He is not here to defend anyone or throw anyone under the bus. He just wants to get the project done. He does know that Kip Ivester wanted to get in there to do work on December 28th and 29th and was told that he could not work that week because it was school vacation. Had he gotten in that week he would not be here.

Mr. Hayden stated that he doubts that.

Mr. Bruno stated that Kip Ivester was told by Design Consultants that there would be no one available to do inspections.

Mr. Hayden stated that they had no inspectors, but he had 2 ½ months prior to get the job done. Normally, work on the roads stop on November 15th, but the DPW allowed it to happen because there was abnormally warm weather and they allowed Kip Ivester to work and it was not taken advantage of. Now we need to get this finished and the options would be to get another contractor or have the town finish it.

Mr. Bruno stated that he is not going to have the town finish it because the costs estimates are ridiculous.

Mr. Hayden stated that the cost is not ridiculous because that is what it cost to do the job. That is what the bond is all about.

Mr. Bruno stated that the cost estimates that they are proposing do not correspond to what the bond says.

Mr. Hayden stated that if the job was done in the right sequence it would probably be less. He does not know how many approved licensed drain layers there are on the town list.

Mr. Carnevale stated there are between five and ten.

Mr. Hayden stated that Mr. Bruno needs to come up with a plan within the next two weeks and get someone that can get their license through the town. He does not believe that there are going to be any more street openings after this repair is done for this winter.

Mr. Bruno stated that his understanding is that there is no longer any work to be done in the physical street it is just on the easement portion at 3 Charles Street.

Mr. Hayden stated that the pipes still need to connect and anywhere on the easement is still North Reading. He asked Mr. Carnevale when the road was going to be paved.

Mr. Carnevale stated that they will be paving the road in April and because the developer has delayed they need to put flowable fill, which is a form of concrete and this has made the cost go up.

Attorney Charles Gill representing Mr. Bruno asked if no more off-site work or in the easement could be done until April.

Mr. Hayden stated that that is correct.

Mr. Pearce asked what the condition of the existing piping is.

Mr. Carnevale stated that they found that the contractor with his machine ripped a hole in the big pipe that they fixed today. There is a dip in the pipe because it was not installed correctly and some connections that were not connected correctly.

Mr. Pearce asked if they were going to be fixed now or in April.

Mr. Carnevale stated that the hole in the pipe was fixed today and the connections to make it work were done and more work will be done tomorrow, including the connection of the two homes.

Attorney Charles Gill stated that Mr. Bruno needs to know from the town/DPW what is required to be done to execute the cross country easement.

Mr. Hayden stated that there have been on-going issues with this development. He understands that there were some delays beyond Mr. Bruno's culpability, but in the past 3 years it should have been completed. There have been numerous calls made to the department inquiring about the subdivision, so he sees this as a loss for Mr. Bruno.

Mr. Hayden asked Mr. Carnevale if Mr. Bruno should get in contact with him or Design Consultants to see what he needs to do to get this finished.

Mr. Carnevale stated respectfully it is Mr. Bruno's job and he should know the condition and he does not want to tell him how to do his work.

Mr. Bruno stated that anytime he has been contacted by the planner he has reacted. Unless contacted, he is not in contact with anyone else at town hall. He has tried to speak to Dave Giangrande of Design Consultants, but he will not speak to him. He has tried to do whatever he can for the project. He is responsible for the contractor, but he is only responsible for what he knows.

Mr. Hayden asked the planner if she would set up a meeting with Dave Giangrande, Mr. Bruno and herself to see what needs to be done.

Mrs. McKnight stated that the town engineer has overseen and documented some of the issues that have occurred.

Mr. Carnevale stated that he is bothered by Mr. Bruno's statement "that he doesn't know". He is in charge of the project he should know everything and he does not want to use his resources or staffs time doing Mr. Bruno's work.

Mr. Pearce stated that he is concerned with the work being done in April. He is very familiar with this area and if they think that there is a lot of water now, wait until they see it in April. It is going to be a disaster.

Mrs. McKnight stated that she would like to know what the board consensus is on reimbursing DPW for the repairs.

Mr. Hayden stated that they would like a more formal total on the emergency repair cost from the DPW.

Mr. Pearce asked if the repairs are permanent.

Mr. Carnevale stated that when they do it, they do it right. The original design probably did not include some of the work that they did, so they will delete those from the cost.

Mr. Bruno asked if he could also receive a copy of this invoice.

Mrs. McKnight asked if Mr. Bruno would prefer to reimburse the town from out of pocket or would he prefer that the money come from the bond that is being held.

Mr. Bruno stated that he did receive a spreadsheet of the (water) work that was done by the DPW, but would prefer to have more details because some of what he saw on the spreadsheet is questionable.

Attorney Charles Gill stated that his understanding from Kip Ivester is that many of the repairs were accomplished by him and his crew and that the town was there with a foreman and town representatives in a supervisory capacity. But, looking at the detail that Mrs. McKnight sent it would suggest that the town put in the work for \$5,300.00 and this is inconsistent with Kip Ivester's account.

Mr. Carnevale stated that the DPW had to show up on the site and that diverted them from other work that needed to be done in the town and this needs to be accountable.

Mrs. McKnight stated that it is entirely possible that Kip Ivester did the work, but the town crews needed to be there to oversee it and be sure it was done.

Mr. Bruno stated that he does not have enough detail to opine whether it is legitimate or not and would defer it to another discussion.

Mr. Hayden stated that this board needs to make a decision how to reimburse the town.

Mr. Bruno stated that he was not told that this would be on the agenda and he is not prepared to answer that question. He would like more information before he starts writing checks. He also stated that he is under the impression that his bond is not unilateral. The way he set it up was not to involve a third party (bank) and he should not be punished for doing it.

Mr. Hayden stated that they are not punishing him. A bond is put in place to be sure that the work is done properly on the road, or if a developer should walk away without completing the work.

Mr. Bruno stated that the bond is a bilateral agreement and both parties need to agree.

Mr. Hayden stated that bond is a guarantee that the work will be done correctly and completely.

Mrs. McKnight stated that a decision for the reimbursement can be placed on the next CPC meeting.

Mr. Pearce stated that the bond is posted in favor of the town. Regardless of how the bond is taken, whether the developer walked away or do to faulty work there is no way that the person that posted the bond can have us hold the bond, but not use it for what it is supposed to do. So, the board could easily vote to take the money from the bond tonight and then let Mr. Bruno review all of the paperwork and if he feels that it would be better to pay from out of pocket instead from the bond, he can do that. The idea of the bond is to protect the town.

Mr. Hayden stated that he does agree with Mr. Pearce, but he would like to give Mr. Bruno time to consider what to do until our next meeting of February 2, 2016.

Mr. Carnevale stated that until the DPW is fully reimbursed there will be no approval for a street opening permit.

3 Wren Circle – Definitive Subdivision - cont. Public Hearing 7:30PM

Mike O'Neill of Consulting Engineer Services stated that they changed the alignment of the entrance of the road as close as possible to an existing stone wall. They retained the utility pole because there is a stand of pines and shrubs and the abutter had requested that it act as a buffer. Another change was to relocate the sedimentation basin for the stormwater management system. The town engineer asked if they could try to put the roof leaders and the peer duration driveway into the stormwater management system, and they are able to this. The only other change made to the plans was to give an easement to the Herrick Family at 19 Francis Street for the water service across the Marino's property and the piece of property that they are taking has an existing water service for 4 Wren Circle.

Mr. Hayden stated that the town engineer's memo dated 1/19/2016 request that an O&M be submitted.

Mike O'Neill stated that an O&M was submitted with the application.

Mrs. McKnight stated that the town engineer requested that the O&M be added to the final plans. He also sent an email to her today stating that the drainage calculations revised January 8, 2016, prepared by Mike O'Neill for 3 Wren Circle met the intent of the North Reading Subdivision Regulations and Stormwater Management bylaw.

Attorney Mitchell Kroner representing Chris Herrick stated that they had a productive meeting with Mike O'Neill. Mrs. McKnight also did a good job and sent him a copy of the (Draft) Conditional Approval. The only other request is to have the easement for the water line granted.

Mr. Hayden stated that this is not a problem with the board and it has already been put on the plan.

Attorney Mitchell Kroner stated that he also wanted to be sure that the Herrick septic system is right where the road is coming in and he just wanted to be sure that a contractor does not come in and do damage.

Mike O'Neill stated that a note will be added to the plan.

Mr. Hayden stated that they need to have a name for the road even though it is private.

Mrs. Romeo stated that the list should be updated and she would be able to get a name for the next meeting.

Mrs. McKnight stated that she would feel more comfortable asking the fire and police department if they are okay with the name.

Mike O'Neill stated that the town has asked for an easement to the town owned property and the owners are okay with giving this to the town, but would like it to be dissolved if the property is ever sold.

Mr. Hayden closed the public hearing.

WAIVERS:

Mrs. Romeo moved, seconded by Mr. Pearce and voted 5-0:

1. §350-14: Width of right-of-way. The 50-foot right of way drops to 47.3 feet in one area, and 49.7 feet at another, as indicated on the plan. GRANTED

Mrs. Romeo moved, seconded by Mr. Bellavance and voted 5-0:

2. §350-14 E (4a): Turnaround at a dead end street. A hammerhead turnaround is proposed instead of a 100-foot diameter paved cul-de-sac. GRANTED

Mrs. Romeo moved, seconded by Mr. Pearce and voted 5-0:

3. §350-14 C (1): Width of traveled way. A 20-foot width is proposed, where 28 is required. GRANTED

Mrs. Romeo moved, seconded by Mr. Bellavance and voted 5-0:

4. 350-27: Curbing. Vertical granite curbs are required, but none are proposed (country drainage is proposed). GRANTED

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

5. 350-28: Grass plots. None are proposed, as the street shoulders are gravel for country drainage. GRANTED

Mrs. Romeo moved, seconded by Mr. Bellavance and voted 5-0:

6. 350-29: Trees (none proposed). GRANTED

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

7. 350-32: Street lights (none proposed). GRANTED

Mrs. Romeo moved, seconded by Mr. Bellavance and voted 5-0:

8. 350-26 B: Sidewalks are required on one side of a dead-end street; none are proposed. GRANTED

383 Park Street/Shay Lane – Definitive Subdivision – Public Hearing 8:00PM

Mrs. Romeo read the public hearing notice into the record.

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

Ben Osgood of TTI Environmental stated that he is representing 383 Park Street Realty Trust. There is approximately 10.8 acres of land that border Southwick (W), Gloria Lane (N), Nutter Road (E) and Park Street (S). The frontage is located on Park Street, approximately 200' from the intersection of Southwick Road. It rises up from the street at an elevation of 124 to 147, it then drops to an elevation of 96 in the Northeast corner. The front of the lot drains to Park Street where there is a municipal drainage system and the rear of the lot drains toward Gloria Lane to Nutter Road. It is currently a wooded lot with no conservation/wetlands.

Mr. Hayden asked how many lots would be developed.

Ben Osgood stated that there would be nine lots developed with a 950' long cul-de-sac roadway. It complies with all subdivision regulations: 30' of pavement, 50' right-of-way, 100'

diameter pavement with 120' right-of-way in the cul-de-sac. A 5' sidewalk on one side of the roadway and vertical granite curb. The municipal water will tap into the existing 12" water main on Park Street. The water main will loop through hydrants in the subdivision and then loop out the other side of the subdivision to Park Street. The property is located in the RA District and the lots will be at least 40,000 sq. ft. with 160' frontage. All lots will be serviced by their own septic systems. The utilities (gas, electric and cable) will be located underground. The proposed drainage system is a contained system within the roadway with catch basins. The drainage will be piped into two detention ponds located in the Northwest corner and South of the Northeast corner. Most of the drainage flows to the rear of the lot so they are maintaining that flow pattern and in the front they will tie into the existing municipal drain system. The drain system is designed to provide proper stormwater treatment and all of the infiltration that is required by DEP regulations. They have reduced the run-off, especially to the North of the property in all storms. A retaining wall was designed to address the slope issue. The height of the wall is 8' at its highest point, but they can make two 4' walls, with a 10' terrace, to make it more appealing. The site is primarily white pine and they will try to maintain as many trees as a buffer, but you do not want to leave a single or two pines. The developer will do landscaping along the outside, he will plant some evergreens and screening trees and in the subdivision there will be street trees.

Mrs. Romeo read the Town Engineer's (1/13/2016), Fire Department's (1/4/2016), School Department's (1/5/2016) and Conservation Commission's (12/30/2015) memos into the record.

Mr. Bellavance read the Planning Administrator's (1/13/2016) memo into the record.

Mr. Hayden read the Zoning Board of Appeals/Joe Keyes (12/30/2015) memo into the record that stated that he represents the seller and has no comment.

Mr. Hayden asked why they are doing 30' from the paved roadway, when they only need 28'.

Ben Osgood stated that he misread the bylaw and it will be changed to 28'.

Mr. Hayden stated that there is a detail on a retaining wall, but would like more information, such as what type of block and the size. He also believes that terracing the wall is a good idea.

Mr. Pearce asked if it would be constructed on the right side and who would be maintaining it.

Ben Osgood stated that it would be on private property, but they could give an easement to the town if they would prefer to maintain the wall.

Mr. Pearce stated that if the wall is terraced, there will be a maintenance issue and they should consider doing something that is low maintenance, such as stone.

Ben Osgood stated that they were going to do low growing junipers with an inch and half of stone.

Mr. Pearce stated that the maintenance will still need to be assigned and it should be put into the covenant.

Mr. Hayden asked what happened to the third detention pond. He was unable to find it in the detail.

Ben Osgood stated that there are only two detention ponds and there are sediment forbays.

Mr. Hayden asked if the detention pond located on the left/west side was one large pond.

Ben Osgood stated that it is one large pond with two inlets into it because of the grading and the slopes of the pipes.

Mr. Hayden stated that the town engineer also mentioned in his memo about drainage coming off the pond.

Ben Osgood stated that on the Existing Conditions plan it will show the existing drains, there are some high points, so part of the site all flows downhill into a corner. There is also a wall that channels everything and flows out over into a wetland area, crossing a driveway as it does. The other portion of the site has an easement and another wall that channels the water into a small catch basin that someone installed and then goes into the town's drainage system..

Mr. Hayden asked if the catch basin had been inspected.

Ben Osgood stated that they did look at it. It is not a regulation, up to current code catch basin.

Mr. Hayden asked how old the catch basin was.

Ben Osgood stated that he did not know.

Mr. Pearce asked what the capacity of the catch basin is.

Ben Osgood stated that they did not look at the capacity. They keep their drainage that is coming off site post-development which is less.

Mr. Pearce stated except it is now concentrated. What do they project the flow is coming out of the overflow pipe.

Ben Osgood stated that in regard to a 25-year storm its .27 cubic feet per second and that's with a pre and post and that matches. In a 100-year storm it is 2.25 is the pre and 2.13 is the post. The catch basin that is in an orifice condition can take 8 or 10 cubic feet per second. So, the catch basin has enough capacity with what he believes is a 6" pipe coming.

Mr. Pearce asked what the size of the outlet pipe is.

Ben Osgood stated that the outlet pipe is an 18" pipe, but they have a control structure with a control outlet. The one problem with the ponds is that the soil is very good, so when they run their pre-development numbers for a 2-year storm, 0 run-off. So basically it goes into the ground. Their ponds are designed to infiltrate water, so when they fill up and have a 2' sump below the low outlet, so the water will fill up and drain out, it takes less than 72 hours to drain out. In a 2-year storm they are containing all of the water that flows into it. In a 10-year storm they are maintaining most of it. The outlet is .4 cubic feet per sec. and they are .3 in the post. He believes that the outlet structure has a 1" outlet on the bottom, so 2' above there is a 1" outlet and further up there is a rim. They are holding back a lot of water in these storms because the site does have good soil. They are also doing the same thing to the other pond. They could put a level spreader that would spread out the water as it comes out the back side of the pond, but eventually they want it to go down into the catch basin area.

Mr. Hayden asked if there was an easement being shown on the plan.

Ben Osgood stated that there is an existing easement.

Mr. Pearce asked who the easement belonged to.

Ben Osgood stated that he believes it does belong to the town.

Mr. Hayden stated that this should be looked into because if it is not adequate, it will need to be made proper.

Mr. Pearce stated that the other pond has a pipe and they have mentioned a level spreader, but it comes out onto an abutter's property. It does collect and concentrate the water.

Ben Osgood stated that they could use a level spreader.

Mr. Hayden stated that it would be better if it was moved, but there looks like there is an easement.

Ben Osgood stated that he was not sure what it is, it was shown on the Assessor's map.

Peter Tassi of 22 Nutter Road stated that he owns 22a Nutter Road.

Mr. Hayden asked Mr. Tassi if this parcel was an easement or is it two separate properties. He also wanted to know if there was anything built on this parcel.

Peter Tassi stated that it was two separate properties and is used as a driveway.

Mr. Pearce stated that most of it looks pretty well done, but whatever is going to be piped down the edge of the property and don't finish it somehow, it could be a problem in the future. The upper left-hand corner has a good solution, but the upper right-hand corner needs to be looked at. Are there project flows for this pipe.

Ben Osgood stated that in the 25-year storm it is .2 cubic feet per second in the existing and .16 in the proposed. So they are lowering it by 20%.

Mr. Pearce asked for the calculation for a 100-year storm.

Ben Osgood stated that it is 1.67 cubic feet per second in the 100 year and 1.12 in the proposed.

Mr. Pearce stated that to bring 1.2 cubic feet per second out of the pipe, is a lot of water and it has to go somewhere. If you level spread you will be depending on infiltration, so you need to be sure that that is possible.

Mrs. Romeo stated that she would like to start doing site walks again and this property would be a good way to start. She also believes that the board should tag the trees that they think should be preserved and this would also help with water control. She also believes that this would be financially helpful to the developer for marketing purposes. She also believes that the street trees should be moved back onto the grass strip, so that the owners of the properties do not cut them down.

Mr. Pearce stated if the board does this then the trees should be a certain size and stock.

Mr. Hayden stated that the trees should be put on the back side of the sidewalk, instead of the curb and sidewalk, which will still be on town property.

Mr. Pearce stated that with 9 new lots, with 4 bedroom homes will require 9 septic systems and this will produce 440 gallons of water a day that will be going into the ground.

Mrs. Romeo stated that the other two issues would be roof drains, so the board should ask that rain gardens be put in place for the run-off.

Ben Osgood stated that they count for roofs as impervious area. There are a couple of ways that can get the same results as a rain garden and that would be to get infiltration and put it in the pond or rain gardens in individual small areas, on lots.

Mr. Pearce stated that the soil is pretty sandy on this lot, so they should not have any trouble even if they put a small recharge system to carry the main roofs.

Ben Osgood stated that he could pick out an area and put a depression over the side of the yard. The total recharge is 9300 cubic feet and they are only required to have 5000 cubic feet according to the Stormwater Management per the impervious area that they have.

Mr. Hayden asked if the name Shay is appropriate for the road.

Mrs. Romeo stated that it does because of Daniel Shay.

Mr. Bellavance asked if the road would be a private way.

Ben Osgood stated that it is private until the town accepts the road.

Mr. Hayden stated that the road is being built to the standards of the town and the private way shown on the plan should be removed because it will be accepted. He did not see a light on the plan and wanted to know if there would be a light in the cul-de-sac area.

Ben Osgood stated that there is going to be a light in the cul-de-sac and pointed to the area on the plan for the board to see.

Mrs. McKnight stated that the town engineer has recommended that a peer review be done by Design Consultants, Inc. and the cost of this will be paid by the developer.

Dave Murray, developer for the project stated that he expected this and is agreeable.

Mr. Vito asked if the board is required to ask that a bus stop be added for this subdivision.

Mr. Pearce stated that the school department will make that decision.

Regina Reilly of 2 Flash Road stated that she drives a bus for the school department and this is her route. She said that the bus would probably stop at Park and the new road to pick up middle and high school students. They would be required to go into the subdivision to pick up kindergarten children because they do a door to door pick-up and drop-off. There is an elementary school bus stop across from the proposed subdivision.

Mr. Hayden opened the public hearing to the public.

Richard Lytle of 5 Southwick Road asked what the dimensions are for the top left retention pond. It also looks like it is on the edge of his property and right in back of the Simpson's home at 7 Southwick Road. He also wanted to know if it holds standing water.

Ben Osgood stated that it is approximately 120' by 100', very shallow. If it rains it will fill up, but will drain within 72 hours.

Chris Simpson of 7 Southwick Road stated that during the thaw season/spring he has observed percolating water come up from the ground and create standing water on the property at 383 Park Street.

Mr. Pearce stated that if there is frost is somewhat permeable, but not very, so there can be water collecting. If it happens when the frost is out of the ground then there could be a water table issue. It would probably be easier to figure out by looking at soil testing.

Ben Osgood stated that they have done soil testing.

Mr. Pearce stated that there are probably a number of soil test logs that will tell what the water table is on that property.

Chris Simpson stated that in regard to the catch basin/retaining pond on the northwest side of the property, there is an easement that goes down through the east side of 9 Southwick Road to Gloria Lane and then into a basin that is on the sidewalk. It is covered by a metal cover that has never been maintained. It fills up with water and overflows into Gloria Lane and creates an ice collection. He has asked the town to look at this because there is something going on underneath the ground.

Mr. Hayden stated that they have a rim data for this, so the board will ask them to check it.

Ben Osgood stated that there is something going on and they will look at it.

Chris Simpson asked if they have looked at Gloria Lane to see where it is draining out. He also wanted to know if they have seen the actual drainage cover on the sidewalk on Gloria Lane.

Ben Osgood stated that they have and there is a pipe that heads toward Southwick Road. He is unsure if it actually gets there, but they will check.

Mr. Pearce stated that they will check to see if the easement is owned by the town and it will give the town permission to work in that area.

Chris Simpson asked who will maintain the basins and ponds.

Mr. Hayden stated that sometime it is the town and other times it is the developer.

Chris Simpson asked when they would know

Mr. Hayden stated that they will have the answer by the time the subdivision is approved.

Mr. Pearce stated that in the past, when the detention ponds were first being put in, the town assumed the responsibility because they only had two or three. When it go to be more than thirty, the town decided that it would be best to put it back on the development or have it funded, but the town would be responsible for the maintenance. They don't require a lot of maintenance, but they do occasionally.

Chris Simpson asked who feeds the fund.

Mr. Pearce stated that right now they have not done much with it, they have talked about and it would be the developer.

Michael Marchand of 1 Gloria Lane stated that most of the north quarter is his property. There are two grates, the one that is on the sidewalk has buckled and the other grate is near the rock wall, which is grown over and possibly is not functioning very well. He is worried about the detention basin, will this affect the water table or his septic system.

Ben Osgood stated that it is not going to affect the ground water in the area. It will follow the water table.

Laura Trifone of 7 Southwick Road stated that there will be drainage coming down from the front of the property to Park Street and enter the municipal drainage system.

Ben Osgood stated that there is a small area that will go into Park Street.

Laura Trifone asked why they would not put the same type of drainage system in the rear of the property.

Ben Osgood stated that they need the detention pond to keep the flow the same in their post-development conditions before they develop. He does not know if they have the right to connect into the town drainage system and they do not have an easement, so they do not have a right to do that.

Mr. Hayden stated that if you took all of the water from that area, the property would dry up. They do not want to take the water away from the area, but put it back into the ground for re-charge.

Laura Trifone stated that she has the same impervious surface around her property, but they do not have a detention pond on their property.

Mr. Hayden stated that in the 50s and 60s they did not do detention ponds. The area probably did need it because the water goes out to the river and never gets put back into the ground.

Ben Osgood stated that the regulations require that they maintain the drainage characteristics of the site as closely as possible to what is there now. So, the whole system and requirements that they follow are to keep things the same and there are different issues, such as the re-charge and river.

Peggy Dannon of 3 Southwick Road stated that in the rear of her property there is an enormous hill and the water drains down to her home, so she installed a French drain. If they are going to level the area and get rid of the hill, what is she going to see?

Ben Osgood stated that it is going to get flattened out behind her property. The drain system is designed to take the water and they are also going to create a swale.

Regina Reilly of 2 Flash Road asked if the swale would run along the property lines. She also wanted to know how wide is the buffer going to be between Southwick Road and the property.

Ben Osgood stated that it will be on the property that is currently known as 383 Park Street. The swale will channel the water into a pond so that they can control it. He said that the buffer would be 10'.

Mary Street of 379 Park Street stated that there is a utility easement that runs along the side of 383 Park Street and it also looks like it may go over a septic system.

Ben Osgood stated that it is a water line and if it does go over a septic system they can adjust it.

Mary Street asked if the stone walls would be removed.

Ben Osgood stated that they are going to stay away from the stone walls.

Peter Tassi of 22 Nutter Road stated that he brought his engineer with him and would like to let him speak for him.

George Zambouras of 17 Noblehill Road, Beverly stated that he is a registered professional engineer and is speaking on behalf of Peter Tassi. He does have a lot of comments about the hydraulics and hydraulics report, but he will put together a letter and submit it to the planning department. He did state that the Tassi property at 22 Nutter Road has a gradual run-off on the whole easterly and northerly side of the property. The design they are proposing is putting a

concentrated point discharge on the property, and they cannot do that. The Tassis' and abutting properties experience high ground water and they all have sump pumps. One thing that the hydraulic report did not indicate is any infiltration of the ponds. It may be on a separate report. Mr. Osgood keeps talking about rate of run-off, but the volume of run-off coming off of this site is more than doubled from what the existing conditions are. Detention basin 1 has a 1" orifice and then the catch basins and the overflow on top. Catch basin #2 has a 1 in 4". 1" orifices don't work and they clog. They are putting trash grate in front of it, but it will require continuous maintenance and they are located on the backside of the detention basins and these devices have to be accessed during the worst part of a storm and you will be unable to get to them.

Sandra Quinlan of 20 Nutter Road stated that there is a stone wall at the rear of her property, but she is concerned with the tree line being disturbed. If the trees are removed and the detention ponds don't work who is responsible. She would like to ask that the mature trees not be taken down.

Ben Osgood stated that they are trying to keep a 10' buffer all along the property.

Dan Lally of 24 Nutter Road stated that his septic tank is located in the same area that the pipe is going.

Chris Hayden stated that the septic system is above the water table and he is pretty sure that they are not going to aim the pipe in that direction.

Sandy Paolucci of 3 Nutter Road asked if a traffic study was done because right now with the traffic from Southwick Road, Concord Road and Park Street it is a mess.

Ben Osgood stated that the sight distance allows you to see almost down to the intersection. He did not measure it out, but he will. As far as traffic is concerned there are only going to be 9 homes, 90 trips a day is what the traffic would be and generally a traffic study is not warranted unless it is 100 trips or more per peak hour.

Mrs. Romeo stated that she has had experience on Park Street, in this area and she believes that something should be done to make it safer.

Wayne Hinckley of 387 Park Street stated that getting the vehicles to slow down is more of an issue than the sight distance.

Mr. Pearce stated that this developer has done work in town and has done well. There was one in this area that was very sensitive and he went around finding out who was getting water and made improvements and many times this will happen. If you have issues with water and would like him to come and look at your property, I am sure that he will.

Victoria Flett of 12 Nutter Road asked how they are going to minimize noise, dust, trucks coming in and out. She has two small children and she is afraid they may wander onto the site.

Ben Osgood stated that the work hours are limited, but part of the erosion control plan will help eliminate dust and tracking onto the roadways

Dave Murray stated that he typically puts up a fence in the construction area, approximately 10' to 15' from the abutter's property line. This helps to keep the sub-contractors from veering off and gives a visual distance, along with keeping small children from entering the worksite.

Mr. Hayden stated that the hours are 7:00am to 7:00pm.

The public hearing was continued to February 16, 2016 @8:00PM.

291 Main Street – SPR (Multi-tenant retail bldg.) Public Hearing 9:00PM

Mrs. Romeo read the public hearing notice into the record.

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

Tony Capachietti of Hayes Engineering stated that the site is located on the eastbound side of Main Street, south of Pluff Avenue. There is an existing foundation with parking and a drive-thru. The applicant seeks to build a slightly larger building with additional parking for a multi-tenant retail building that could have between 1 and 3 tenants. The bulk of the increase in the site work includes the building and a small portion of parking in the front area. The site will be separate from the Dunkin Donuts. The site will also be required to change the use and go back to Mass. D.O.T. for a revised curb cut permit. Some of the department memos have requested a traffic study. The traffic study will be provided. The drainage study that was previously done shows the 100 year flood elevation in the sub-surface was at a 9th elevation at 99 on the previous development. There is approximately 2000 sq. ft. increase in the impervious area than what was previously proposed. That volume in the 100 year storm would not overtop the basin and there is additional storage above the sub-surface area that goes up to 105.

Mr. Bellavance asked if there would be shared access

Mr. Hayden stated that the previous decision does not allow a cut-thru for vehicles, but they could put a pedestrian connection.

Mr. Pearce stated the street number for the new building will need to change, so that the fire and police will know which building to respond to. He also wanted to if they don't know what type of business will be going in, then how do they know what size septic system will fit.

Tony Capachietti stated that they would be going with a septic system that would allow for a restaurant because this is one of the largest.

Mr. Pearce asked if a grease trap would be put in place

Tony Capachietti stated that it would be included in the construction.

Mr. Hayden stated that the architecture of the building does not conform to the country road design required for this area.

Tony Capachietti stated that they will make the changes to the architecture of the building.

Mr. Bellavance asked what type of mechanics would be on the roof of the building and how will they be hidden

Tony Capachietti stated that they will look into this and show it on the revised plan.

Mr. Hayden asked if they incorporated the change to the Dunkin Donuts entrance

Tony Capachietti stated that they have not done it on this plan, but they are speaking to the owner.

Mr. Hayden stated that they should probably have an answer to this question before they go to Mass. D.O.T. because the board is not happy with what is taking place at the Dunkin Donut site.

Mr. Bellavance stated that there are not a lot of areas for snow storage and he does not want to see the snow pushed up onto the sidewalk at Pluff Avenue and Main Street that has been done in the past.

Tony Capachietti stated that they can designate an area behind the building.

Mr. Veno stated that he does see that handicap parking is shown on the plan and he wants to be sure that the signs are put in place.

Mrs. McKnight stated that the snow storage should be added to the plan.

The public hearing for 291 Main Street was continued to Tuesday, February 16, 2016 @ 8:00PM.

291 Main Street – SPR (Kiosk) cont. Public Hearing 9:00PM

Mrs. Romeo moved, seconded by Mr. Bellavance and voted 5-0:

that the Community Planning Commission vote to grant the applicant's request of January 19, 2016 to withdraw the Site Plan Review for 291 Main Street (kiosk) without prejudice.

Planning Administrator Updates

Mrs. McKnight stated that they did not receive any submittals for the RFP on the J.T. Berry Center.

Minutes

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

that the Community Planning Commission vote to accept the minutes of January 5, 2016 as written.

Zoning Board of Appeals

15 Haverhill Street – On the petition of Mark Huntington for a Special Permit to restore Jackson Farm to a working farm with a garden, animals (goat, rabbit, and not less than 10 chickens) and possible horse boarding.

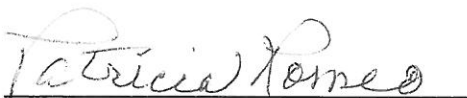
- The Community Planning Commission supports the application.

22 Dogwood Lane – On the petition of Christopher Mabbett for a variance for an addition per the setback requirements.

- The Community Planning Commission does not support the application.

Adjournment at 9:50PM

Respectfully submitted,



Patricia Romeo, Clerk