



**Town of North Reading**  
Massachusetts

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*Community Planning*

**MINUTES**

**Tuesday, September 5, 2023**

Mr. Warren Pearce, Chairperson called the Tuesday, September 5, 2023 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 and via Virtual Meeting (Zoom participants may call 1-301-715-8592, meeting code 9854300926, or visit <http://us02web.zoom.us/j/9854300926>).

**MEMBERS**

**PRESENT:** Warren Pearce, Chairperson  
David Rudloff, Vice Chairperson  
Ryan Carroll, Clerk  
Jeremiah Johnston  
Jeff Griffin

**STAFF**

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

RECEIVED  
2023 DEC 11 PM 12:35  
TOWN CLERK'S OFFICE  
NORTH READING, MASS.

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

### **Minutes**

Mr. Carroll moved, seconded by Mr. Rudloff and voted 5-0:

that the Community Planning Commission vote to accept the minutes dated August 1, 2023 as written.

Mr. Pearce asked for a roll call vote: Mr. Johnston, Mr. Carroll, Mr. Pearce, Mr. Rudloff and Mr. Griffin in favor, none opposed.

Mr. Carroll moved, seconded by Mr. Rudloff and voted 5-0:

that the Community Planning Commission vote to accept the minutes dated August 15, 2023 as written.

Mr. Pearce asked for a roll call vote: Mr. Johnston, Mr. Carroll, Mr. Pearce, Mr. Rudloff and Mr. Griffin in favor, none opposed.

### **Eaton Circle – Street Acceptance – P.H. 7:45pm**

Mr. Carroll moved, seconded by Mr. Rudloff and voted 5-0:

that the Community Planning Commission vote to endorse the As-built and Acceptance plans for the Eaton Circle and that the Community Planning Commission recommend acceptance as a public way, and that the article be forwarded to the Select Board for inclusion in the October 2023 Town Meeting Warrant.

Mr. Pearce asked for a roll call vote: Mr. Johnston, Mr. Carroll, Mr. Pearce, Mr. Rudloff and Mr. Griffin in favor, none opposed.

### **Zoning Board of Appeals**

15 Shore Road – On the petition of Jessica Jaffe for a home occupation special permit to run her office for her dog training business out of her home.

- The CPC does not object to the application, provided all provisions of Section 200-42, Home Occupations, of the Zoning Bylaw are adhered to.

20 Williams Road – On the petition of Stephen W. & Deborah Buell, for a variance from the left side setback to construct a 20' x 15' addition and a 12' x 16' deck.

- The CPC recommends considering any impacts on abutters.

85 North Street – On the petition of Derek Laverriere for a special permit to raise chickens.

- The CPC recommends considering any impacts to abutters.

**66 Winter Street – SPR – cont. P.H. 8:00PM**

Attorney Jill Mann of Mann and Mann, P.C. stated that they recently received the GM2 comments, but they didn't have enough time to revise the plans, or the stormwater report in time to get it back to GM2. However, they did want to talk about the waiver for the traffic impact assessment and GM2 agreed that there was not a need for this type of use, in this area, given that there's an existing building and what they're proposing didn't give rise to a traffic impact assessment. However, they did ask a few questions that the Luke Roy of LJR Engineering is responding to and then GM2 can send a response to this board. So, she would like the board to consider this evening whether or not they accept that because it would give them the opportunity if they had to get something, to do that before the next meeting. The second item would be that Mr. Rudloff asked about putting in sidewalks and GM2 commented that it would be unsafe to do so because it just stops. So, people would be walking and there would be no other sidewalk and no way that they could extend it, because the abutter doesn't have one. It's her understanding that the board's real concern is that Signart allow their tenants and occupants to actually walk from that property to Heavenly Donuts. Presently, there are stepping stones and what they're thinking of doing is putting stepping stones along the frontage and all of the landscaping, not the right of way, which would require a tremendous amount of excavation. They have also discussed this with the abutter and they are amicable to putting up a living screen between the properties.

Mr. Pearce stated that a sidewalk may not be practical for this area, but they need to find another way. The people that are going to be walking from that site and the abutting property will need to walk in the street if the live screening is too dense. A crosswalk should be added to allow them to travel towards the opening.

Attorney Mann stated that they will leave an opening for the people to walk through.

Mr. Rudloff stated that he would like to have them do a Cape Cod berm, or just from the edge of the island on the east side.

Attorney Mann asked if the board was all set with traffic impact assessment.

The consensus of the board is that they are satisfied with the traffic assessment.

Mr. Carroll moved, seconded by Mr. Rudloff and voted 5-0:

that the Community Planning Commission vote to continue the public hearing for 66 Winter Street until Tuesday, September 19, 2023 @ 8:15PM.

Roll call vote: Mr. Johnston, Mr. Carroll, Mr. Pearce, Mr. Rudloff and Mr. Griffin in favor, none opposed

**17 Anthony Rd. & 346R Haverhill St. – Definitive Subdivision – cont. P.H. 8:15PM**

Mr. Bill Hall of Civil Design Consultants, Inc. stated that they received the response letter from GM2, but did not have time to respond back. Since the last meeting they've made a handful of plan revisions which they've addressed in an August 18<sup>th</sup> letter that was sent to both the commission and GM2 for review. It had a couple of comments that GM2 had, one being to direct a little more flow to the wetland that's located on the site and that revision was made. Also, the pipe overflow connection going down into Anthony Road should be 12" and they made that change. They have a review letter back from GM2 with no more comments, so they're done with them. The other comments were made by the Water Department that they discussed in the last year, and they made those changes that involve a few notes for the hydrant connections, and then also having the water circuit shut off one foot behind the right of way line. They've done all that and those were the only changes that they made between now and then.

Mr. Pearce asked if they're replacing the 10" pipe with the 12" pipe.

Mr. Hall stated that this is on site going down the proposed road and then connecting down Anthony Road. So, they were proposing a 15" though there, but where they're connecting a 12", and then a 10" that is already existing and they're not proposing to replace that currently, but what GM2 has suggested since that's the restriction and their pipe. What GM2 had suggested since that's the restriction and not their pipe upstream was that they reduce it from 15" to 12", because it doesn't make a difference when the downstream connection is the one that's restricting flows.

Mr. Pearce stated that perhaps GM2's thought process was that perhaps if it slows down what was getting there, there wouldn't be a backup at the 10" pipe. Mr. Pearce asked if that was just GM2's recommendation and they didn't give any verbiage on it.

Mr. Hall stated that he doesn't have GM2's review letter with him, but those are the recommendations that they made.

Mr. Griffin asked how far the 12" pipe will go and where does it exit.

Mr. Hall stated that it's a little more than 200'. It goes into another catch basin that eventually goes down Peter Road.

Mr. Pearce asked what they're still working on going forward.

Mr. Hall stated that they needed a clean review from GM2 and they need a recommendation from this commission for the Conservation Commission, so they can close that hearing.

Mrs. McKnight stated that what the Conservation Commission really needed from the CPC was to know that the peer review was concluded. A letter from GM2 was received that stated from their end all of the stormwater issues had been resolved. She did forward the letter to the conservation commission and told her that the CPC was waiting for conservation to make their decision and the conservation agent thought that would be fine with them.

#### GM2 – Suggested Special Conditions:

1. Upon completion of utility work in Anthony Road, a 1" mill and overly of the roadway shall be provided for the length of the road impacted by utility trenching. The mill and overly limits shall be curb to curb and 5 feet beyond the limits of the utility trenching.
2. Due to the importance of the stormwater basins all being constructed per plan, the Town of North Reading shall be notified of when the basins are under construction and completed for inspection insuring conformance with the proposed design.
3. The town may defer the maintenance of the stormwater controls outside of the roadway to be handled by a homeowner's association. If so, the Town may wish to require inspection reports to be provided twice a year to ensure the stormwater facilities are properly maintained.
4. Until the site is fully stabilized, protection measures shall be implemented ensuring no sediment is directed to the infiltration basins. These measures include silt sacks installed in catch basins and erosion control barrier around the perimeter of the basins.
5. Notify the Town of North Reading DPW to be present when the drainage connection work is completed into the Anthony Road catch basin. The contractor is responsible for any damage to this structure and shall make any repairs if required or directed to the approval of the Town of North Reading DPW.

Mr. Pearce stated that he would like to see the road restored to what it is right now.

Mr. Rudloff stated that in the recent, September 1<sup>st</sup> letter from GM2 they do address the two abutter letters from 15 Anthony Road and 19 Mohawk Rd., Andover. He asked the abutters if they had read the letter in regard to their property.

Andrea Pagliuca of 15 Anthony Road stated that she did read the letter.

Michelle Martins of 19 Mohawk Road stated that she did not read the letter, but she believes that her attorney did.

Attorney Luke Leger stated that he did review the comments and does have a few comments, but is willing to hold these comments until the next meeting.

Mr. Carroll stated that he did have some comments concerning the September 1<sup>st</sup> letter. GM2 stated that 19 Mohawk Road doesn't meet the 15% threshold for filing for a special permit under the Aquifer Protection District. What is the amount of impervious area?

Mr. Hall stated that he believes that it's a 6.6%.

Jeff Jones of 16 Anthony Road stated that the engineer made it sound like there would be less water going to Anthony Road and more going to the wetlands. Could that be explained?

Mr. Hall stated that its less going down into Anthony Road, and then that drainage goes out towards Haverhill Street.

David Cook of 346 Haverhill Street asked what happens when the rain fall hits, where will that start coming in? Everything below the two detention ponds. So, structures from the site are being tied in and building overflow from the drainage system and there will be overflow from the drainage ponds that on the site. They are also asking for a waiver from the 500' water loop to 813'. Is this because of cost? Because this is a health and safety concern for the families?

Mr. Pearce stated that the waiver request would be given a recommendation from the water department.

Mr. Carroll moved, seconded by Mr. Rudloff and voted 5-0:

that the Community Planning Commission vote to continue the public hearing for 17 Anthony & 346R Haverhill Street subdivision until September 19, 2023 @ 8:15PM.

Roll call vote: Mr. Johnston, Mr. Carroll, Mr. Pearce, Mr. Rudloff and Mr. Griffin in favor, none opposed

### **Planning Administrator Updates**

Mrs. McKnight stated that the Select Board's informational hearing for warrant articles will be on September 18, 2023. The CPC warrant articles are for 1) Eaton Circle Street – street acceptance, 2) 7 St. Theresa Street – affordable housing overlay district.

Charles Street Ext. subdivision – update

Mrs. McKnight stated that she, the conservation agent and the town engineer went to the Charles Street subdivision recently. The erosion controls are in bad shape and the catch basins are full and growing grass. They are going to send a letter from the three departments and say that the following items need to be addressed, and if they are not addressed by a certain date they will request that the CPC pull a portion of the bond to cover town for the cost of cleaning the catch basins and maintaining the erosion control.

Mr. Pearce stated that they usually add a "Clerk of the Works" to the bond.

Mrs. McKnight stated that they've done that, but that would require getting more money from the developer, which she doesn't see how to do that. The bond money was given in cash and the Town Treasurer has it an account. There is no surety bond for this subdivision.

Mr. Carroll asked if these are temporary basins.

Mrs. McKnight stated that they're supposed to be the basins, for the drainage system, for the subdivision.

Mr. Pearce stated that the drainage system for this subdivision is very intricate, so to have it not be functioning properly is a bad thing.

Mr. Carroll asked if they could hold the building permits for the remaining homes.

Mrs. McKnight stated that they could, but the lots have been sold, so the developer is only responsible for roadway work.

Mr. Rudloff stated that there must be some language in the Purchase & Sales to say that all of this work needs to be completed.

Mr. Pearce suggested that the people who are building the homes could get together and file a lawsuit.

Mr. Griffin asked if the developer has an agreement with the town. Does the approval stated that he is responsible for maintaining these items?

Mrs. McKnight stated that he has an approval from the town and it does state that he's responsible.

Mr. Griffin asked if the town takes on the responsibility, can the developer be back-charged.

Mr. Pearce stated that they can take the bond to fix the problems, but they may have to give up some other items on the approval if there is not enough money in the bond.

Mrs. McKnight stated that Michael Bruno, owner and developer of the subdivision is asking that the two bond be returned. One is for offsite-work and the other is for the completion of the subdivision. She does not think that returning the bonds would be a good idea at this time. She will re-discuss this with the conservation agent and town engineer to see what they can come up with a proposal

Adjournment at 9:50PM

Respectfully submitted,  
Ryan Carroll, Clerk

Debra Savarise 