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Massachusetts

Community Planning

TOWN CLERK  
NORTH READING, MA

### MINUTES

**Tuesday, February 21, 2017**

Mr. Warren Pearce, Chairperson called the Tuesday, February 21, 2017 meeting of the Community Planning Commission to order at 7:02p.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  
Christopher B. Hayden  
Joseph Veno

#### 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 and televised.

Mrs. McKnight read the public notice into the record.

**Recreation Marijuana Bylaw – Public Hearing 7:00pm**

Mr. Pearce asked Mr. Prisco if he would like to inform the board and the public the position that the Board of Selectmen will be taking in regard to the Recreational Marijuana.

Mr. Michael Prisco, Board of Selectmen stated that Recreational and Medical Marijuana has been discussed at great length at the Board of Selectmen meetings. It was pretty clear with all of the Board of Selectmen members that it is not in support of recreational marijuana. They felt that it was not right for the town and it also failed at the town election, but passed overall in the State. They believe that they should take advantage of the law as it is currently written and based on Town Counsel's opinion they have the right to vote on this warrant to prohibit recreational marijuana and then take it to a ballot vote following the Special Town Meeting.

Mr. Pearce opened the public hearing to the public.

Mr. George Chabot of 2 Eugley Park East stated that he against the legalization of recreational marijuana and is not completely convinced that medical marijuana is a good thing either. He does not know why the town has to entertain the question when we are dealing with a substance that is illegal at the Federal level.

Mrs. Kathryn Manupelli, Board of Selectmen, stated that the legalization was enacted by the State, so even though it is still prohibited federally, the State regulations that are in place, but there is an opt-out provision that allows towns to say no to sales. A number of residents have stepped forward asking the Board of Selectmen to prohibit the sale of recreational marijuana in the town.

Mr. Chabot stated that he did not realize that State regulations superseded Federal regulations.

Mr. Pearce stated that technically he does not believe that it does supersede. There are so many States that have enacted this legislation, up to and including recreational use that it is very difficult to see how the Federal government takes their stance. This goes back to the revolutionary war days when the States had all the power and the Federal government was very weak and this is how our Forefathers had it figured out. States do have some pretty powerful rights, and so far the Federal government has not superseded in any of these States that have allowed this. The Federal government should either recognize this or remove the stipulation.

Mrs. Manupelli stated that if the town does not step forward and attempt to get the bylaw on the ballot, anyone will be able to come into the town and sell marijuana, if it is not regulated.

Mr. Prisco stated that the disconnect between the State and Federal Government is another reason that the town should take this action now, and take advantage of this ability to opt-out because they do not know what might be coming down the road. Senator Tarr attended the last Board of Selectmen meeting and commented that the town is going in the right direction. This could be superseded anyway, so they should take advantage of what they can while the legislature is working this out.

Mr. Cody arrived at 7:12pm.

Mr. Pearce stated that he agrees to a point, but we can also do a one year moratorium which is what other communities have done. He is bothered by the fact that the State has not issued a final rule yet that could supersede anything that we do right now.

Mr. Prisco stated that he would like to clarify the Board of Selectmen's position is on this: If the Planning Commission elects to take that stance, and go in that direction, and not support this Warrant Article, the Board of Selectmen will then take the step to carry it forward themselves. The Board of Selectmen discussed a moratorium, but they felt strongly that they should take advantage of the position now, because they may not get another chance.

Mrs. Manupelli stated that the one specific in the legislation is the ability for each community to opt-out which is the path we are looking to embark upon. Creating the bylaw and putting it to a vote will let them know what the residents of the town want to do with it.

Mr. Pearce stated that it does have to be an elected vote to bring it forward. This board has not made a decision on it, at this time. They have been receiving information from Town Counsel and will make their decision at Town Meeting.

Mr. Veno stated that he leaning towards agreeing with the Board of Selectmen's position.

Mr. Michael Gilleberto, Town Administrator, stated that he would like to make one point relative to the developing situation regarding the recreational marijuana issue in Massachusetts. Attorney Jonathan Eichman of Kopelman & Paige had some discussion with the Assistant Attorney General charge with approving town bylaws. The feedback that he received in terms of a prohibition, such as the one being discussed this evening, is that the type of zoning bylaw that has been submitted would be the course of action that they would anticipate a town would proceed with.

Mr. Pearce closed the public hearing.

Mr. Pearce stated that they did a moratorium for Medical Marijuana and it worked out. It gave them an opportunity to watch what other communities did and what worked better.

**Minutes**

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

that the Community Planning Commission vote to accept the minutes of January 3, 2017 as written.

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

that the Community Planning Commission vote to accept the minutes of January 30, 2017 as written.

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

that the Community Planning Commission vote to accept the minutes of February 7, 2017 as written.

**Zoning Board of Appeals**

28 Lowell Road - On the petition of Grace Washburn for a special permit to have fifteen to twenty-five chickens.

- The CPC recommends a condition that there be no roosters allowed, and that the proper Board of Health permits be obtained and proper facilities maintained.
- The CPC also recommends inquiring as to whether egg sales are planned, since the request is for a large number of chickens.

35-37 Main Street - On the petition of Arenhall Corp. for a variance from Article XXII, Section 200-69 (A) (7) of the North Reading Bylaw. Pursuant to Article VI, Section 200-27 for relief from the minimum parking and loading requirement.

- The project is currently before the CPC for site plan review. The CPC supports the petition for parking and loading relief.

108 Central Street – On the petition of Richard Moyette for a home occupation special permit for a hot sauce business D/B/A Big Rich's hot sauce.

The CPC recommends asking about how deliveries and shipments will be handled, and whether the Board of health will have oversight of the cooking facility.

127 Elm Street – On the petition of Steven Liechti for a variance for an addition per the setback requirements.

- The CPC notes that the addition is larger than the original house and recommends considering impacts to the neighbors.

- Is there a hardship?
- Can this addition be designed differently to be more sensitive to the zoning bylaw.

**Zoning Bylaw Amendments – Public Hearing 7:30pm**

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

Mrs. McKnight presented a PowerPoint presentation. (See attached.)

Mr. Pearce stated that these zoning changes are being made to accommodate the proposal that was submitted to the Town of North Reading for the purchase of a portion of land at the JT Berry Center.

Mr. Pearce asked for public comment; hearing none, he closed the public hearing @ 7:43pm.

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

that the Community Planning Commission vote to support the Amendments to the Zoning Bylaw and that the article be forwarded to the Board of Selectmen for inclusion in the March 13, 2017 Special Town Meeting Warrant.

Mr. Prisco stated that he would like to thank the Community Planning Commission for taking such quick action on these zoning changes.

**Planning Administrator's Update**

- 1) The informational hearing for warrant articles will be on March 6<sup>th</sup> @8:00pm.
- 2) Citizen Planner Training Collaborative is March 23<sup>rd</sup>.
- 3) We discovered for the local Brownie Troop that the town colors (green & gold) were inspired by Notre Dame. They are now asking when the street signs were changed to green & gold.

Consensus was that they changed the colors approximately 10 to 15 years ago.

**20 Main Street (SPR) cont. Public Hearing 8:00PM**

Mr. Brian Dundon of R.J. O'Connell & Associates, Inc. stated that site plans and supporting technical reports have been updated in response to comments received at the December 20<sup>th</sup> Planning Board hearing and the Town's Peer Review Consultant, DCI's comment letters dated December 14, 2016 (traffic comments) and December 7, 2016 (stormwater comments)

- 1) An eight (8') foot high noise attenuation fence is proposed to be installed along the rear property line of the residential properties that directly abut the site.
- 2) Modify the parking and circulation driveway associated with the small store parking area to improve on-site traffic circulation and alleviate existing traffic conflicts with the existing curb cuts which access onto Main Street (Rte. 28)

- 3) Bicycle racks have been added to the southern end of the small store retail shops and the southern end of CVS.
- 4) The CVS dumpster and compactor have been relocated to the southwest corner of the rear access drive. Dumpster/compactor was relocated to alleviate site line conflicts with vehicles exiting the pharmacy window.
- 5) Site photometrics plan has been updated to depict an LED light fixture to be installed on the existing site light poles associated with the small store parking area.
- 6) Green Giant (Tahula) Arborvitae trees have been added along the westerly property line to enhance the screening from the residential abutters.

They received a draft summary report from the Planning Administrator and concur with the findings of the report. The application for site plan approval did not include a signage package. They acknowledge that they need permits for the signs, but would like to keep this as a separate permit application and approval process because it is going to take a little time to come up with a comprehensive package. He would like to suggest that the Conditional Approval be amended from (A separate signage package be approved prior to construction) to (signage package will be prepared and approved prior to an Occupancy Permit).

Mr. Veno asked how high the plantings would be on the traffic islands and Park Street.

Mr. Dundon stated that they would be 6' high branching trees. There will be a minimum of a 6' clear line of site.

Mr. Pearce stated that proposed bike rack at the Autozone store should be moved further down (North) on the strip.

Mr. Dundon stated that he would review this option.

Mr. Pearce stated that the on the northern most exit is going to have a problem with queuing.

Mr. Hayden stated that he is unsure how they expect the travel behind the building. He understands the travel to the pharmacy pick-up window, but then there is the bypass lane and he is not sure what this is going to do. He does not want regular passenger cars driving behind the rest of the building. Is that so they can leave?

Mr. Dundon stated that there are two reasons for the bypass lane. One is for emergency access (fire & police apparatus) around the small store building. The other means is that there are some smaller store tenants and typically their deliveries are done by a UPS or FedEx truck, so this gives them a conduit to be able to get to the back of these small stores.

Mr. Hayden asked if all of the travel around the existing building is going to be travel south to north, or a two-way.



Mr. Dundon stated that it is clock-wise (south to north).

Mr. Hayden stated that getting in and around the pharmacy from the south corner where the dumpsters are located there is only 12' before the vehicle gets to the concrete pad. Where is the fence around the dumpster pad? He does not believe that there is enough room near the dumpster.

Mr. Dundon stated that the fence goes around the dumpsters. This is a standard CVS design.

Mr. Hayden stated that the photometrics show spillage into 24 Main Street.

Mr. Dundon stated that these are existing conditions, but will be replaced with LED lights.

Mr. Hayden stated that the three (3) wall packs on the CVS will impact abutters. He would like to have some technical designs for the wall packs submitted.

Mr. Dundon stated that an 8' high fence and trees are going to be placed in the rear of the property. The lights will be turned off at 10:00pm when the store closes.

Mr. Bellavance stated that the dumpster area is a little tight, but the drive-thru has great site lines. The photometrics do not show lights on the rear of the building, at the northwest corner. He understands that the abutters do not want lights, but he would prefer that LED or wall packs be installed for the safety of employees.

Mr. Pearce stated that the proposed fence is going to be 8' in height, therefore, they should place the lights at 7'.

Mr. Cody stated that he approves of the placement of the dumpster, but also had concerns with no lighting in the rear of the building.

Mr. Pearce read the Geraldine Gleisberg's (1/23/2017) and Nancy Omogrosso's (2/1/2017) letters into the record.

Mr. Dundon stated that the existing stockade fence will need to be removed because during construction trees and stumps will need to be removed and in doing so, the fence is going to be broken down. They are going to plant Frasier trees and arborvitaes and then the construction of the 8' fence.

Mr. Hayden stated that a variety of trees is better than just one type of tree because if there is blight or animals that eat a certain variety, there will still be other trees remaining.

Nancy Omogrosso of 9 Burditt Road stated that they prefer that only the arborvitaes are planted.

Mr. Dundon stated that the 8' high fence will be 1' inside the property located at 20 Main Street.

Kathleen Stegall of 357 Park Street stated that when they had the neighborhood meeting with the applicant it was stated that the 8' fence would be placed around this property, but it is not shown on the plan.

Mr. Dundon stated that he would evaluate this request and make recommendation.

Janice Brown of 15 Burditt Road asked what type of fence would be installed.

Mr. Dundon stated that it is a wood product, 8' sections, 4x4 pressure treated posts. On the residents side it is 1x6 pine board, two rows of 2x4 on the backside, and in between there is a 2" foam panel installation that will be covered with a sheen of plywood.

Tom Salemme of 9 Burditt Road stated that he is concerned with the truck patterns. It is already very noisy. He also wanted to know where the snow storage will be.

Mr. Dundon stated that they have designated snow areas on the site.

Mr. Pearce stated that because of the redevelopment of this property it gives this the board the opportunity to address the issues.

John Lucci, owner of the plaza, stated that he sent out certified letters to all of the tenants regarding town ordinances for deliveries and trash pick-up.

Mr. Stephen O'Leary of the Board of Selectmen stated that he would like to acknowledge Mr. Lucci and his team for taking the time to meet with the abutters to discuss their issues. He does believe that the 8' noise accentuation fence and trees will help alleviate the concerns of the abutters regarding noise.

Michael Gosine of 5 Burditt Road stated that if they are not going to leave the existing fence and will be placing the new fence at a lower elevation this is going to make the 8' fence lower and therefore the abutters will be losing privacy.

Mr. O'Leary asked how low the elevation will be with the new fence placement.

Mr. Dundon stated that the elevation drop would be 4'.

Mr. O'Leary stated that the proposed fence should be placed at a higher elevation, to lessen the impact for the abutters.



Lucille Ostoni of 7 Burditt Road stated that her arborvitaes are at a good height and does not want them cut down. Mr. Dundon assured that no trees on private property would be cut down.

The CPC returned to the question of signage. The applicant's request was for the signage package to be submitted for review and approval prior to issuance of a certificate of occupancy. However, after discussion, the CPC was concerned that the building would already be constructed to accommodate certain signage and then it could not be changed. The consensus was for the applicant to submit the signage package after issuance of a foundation permit, but before issuance of the full building permit. The CPC asked Ms. McKnight to check with the building inspector to be sure he could begin with issuance of a foundation permit.

The public hearing was continued to March 7, 2017 @ 8:30PM.

**Old/New Business**

Mr. Bellavance stated that he is very concerned with the signage that was placed on the building at the Hillview Country Club. It is in a residential neighborhood and is not allowed by zoning.

Mr. Cody asked if a permit was approved by the building inspector.

Mr. Bellavance stated that there is an approved permit. He spoke to the building inspector who told him that the board would need to appeal his decision if they would like to pursue the removal of this sign, or they could speak the Hillview Commission to see what their opinion is on this. The consensus of the CPC is that Mr. Bellavance would attend the next Hillview Commission meeting to bring up this issue with them.

Adjournment at 10:10PM

Respectfully submitted,

  
Jonathan Cody, Clerk



# Proposed Zoning Changes

Community Planning  
Commission  
Special Town Meeting  
March 2017

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## Article 6:Recreational Marijuana

- Proposal to prohibit recreational marijuana establishments in North Reading
- Does not change zoning for medical marijuana (Registered Marijuana Dispensaries)
- Zoning regulation would apply throughout the town





## Zoning Changes Relating to 104 Lowell Road Redevelopment

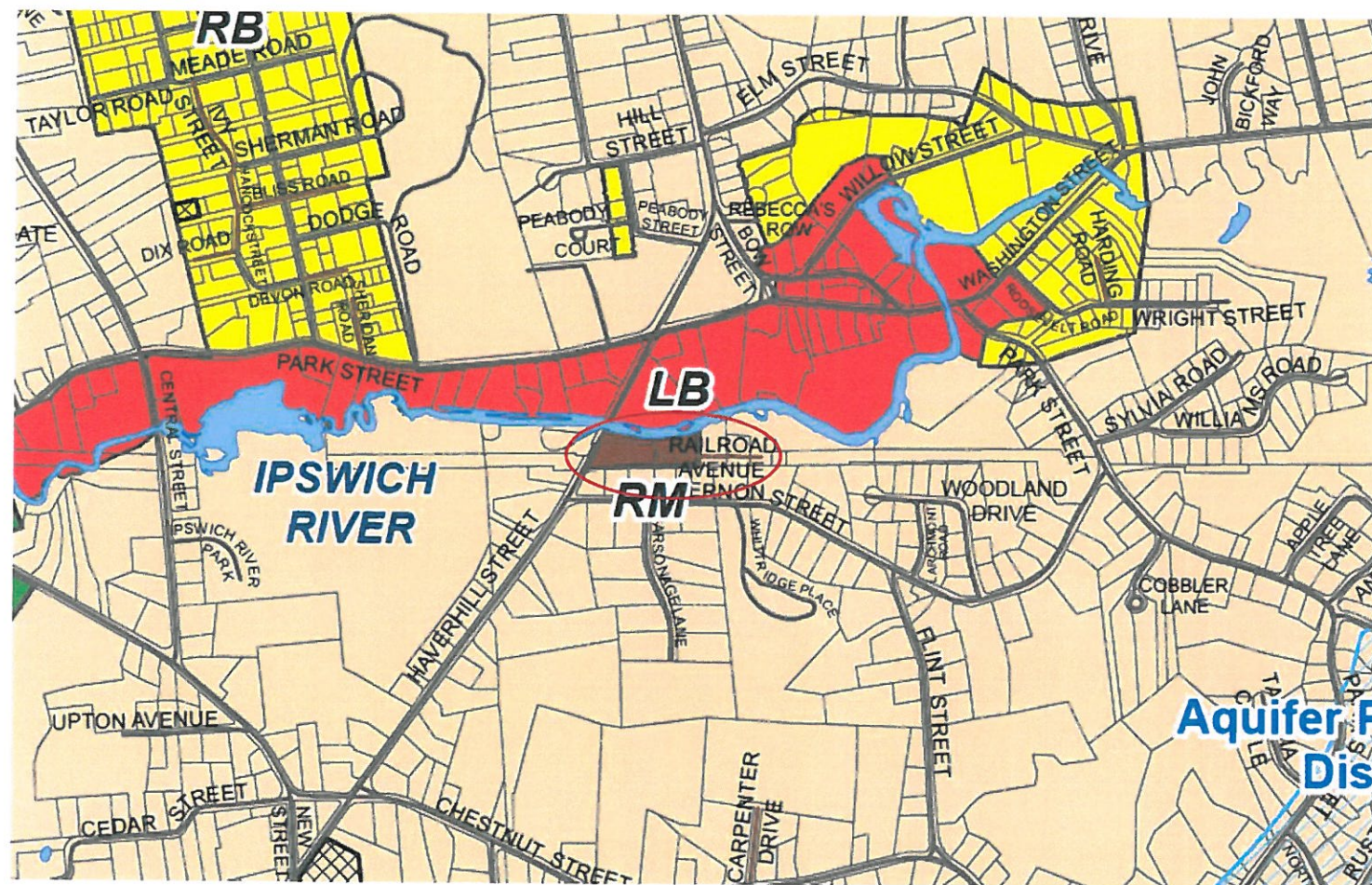
- Article 1: Changes to existing Residential Multi-family Zoning District (§200-90)
- Article 2: Establishment of new Multi-Family Housing Overlay District
- Article 3: Changes to Industrial/Office (§200-40)
- Article 4: Changes to word uses and definitions (§200-4)

## Changes to Existing RM Zoning District (§200-90)

- This bylaw applies to multi-family housing within the RM Zoning District, 113 Haverhill Street only (Ipswich River Townhomes)
- Currently proposed changes confirm that RM regulations apply only to the RM zone
- Other multi-family zoning exists with different regulations (such as Berry Center Residential Smart Growth Overlay 40R district)
- Newly proposed Multi-Family Overlay district contain different regulations



## Location of Existing RM Zoning District





A decorative green border surrounds the content area. A grey rectangular tab is located at the top center of the border.

## New Multi-Family Housing Overlay District

- New overlay district allowing multi-family housing, in addition to uses allowed by the underlying zoning
- Underlying I/O zoning remains

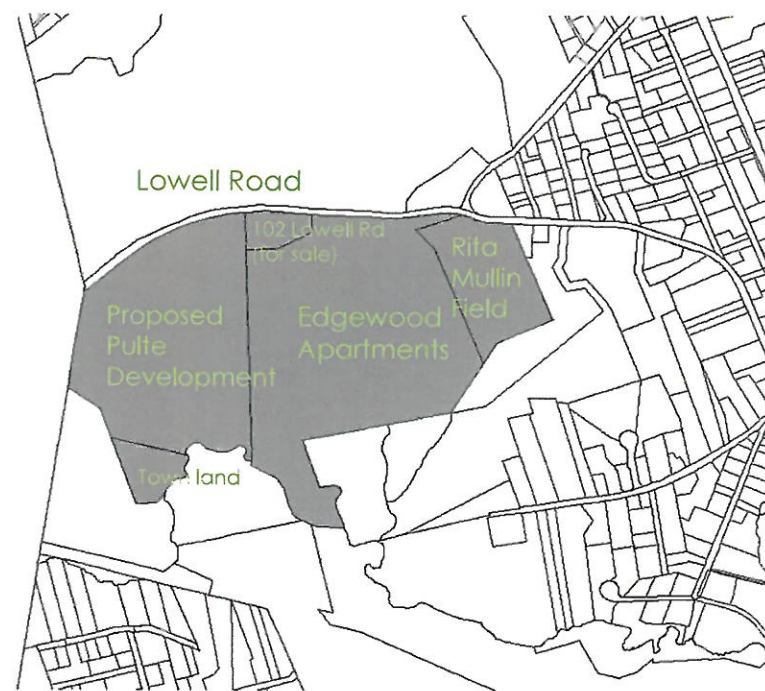
## New Multi-Family Housing Overlay District

- Dimensional and density controls of the underlying zoning apply, with a few exceptions:
- Building separation (must be twice the required side yard setback)
- Parking:
  - Indoor garage spaces may be 9'x18'
  - Two spaces per unit are still required – consistent with what is required elsewhere in zoning bylaw



## New Multi-Family Housing Overlay – Target Parcels

- Applies to 96, 96R, 100, 102 and 104 Lowell Road, ~98 acres
- All properties owned by the town except 100 Lowell Road (Edgewood apartments)



## Changes to Industrial/Office (§ 200-40)

- Minimum building height 60' (currently 50')
- Clarifies existing provision that 1.5 stories of garage parking don't count toward height limit; provides that 1.5 stories or 15 feet are not counted toward this limit
- Eliminates provision restricting certain commercial uses, such as retail, to 50,000+ square foot buildings



## Changes to word uses and definitions (200-§4)

- Removes provision that the more restrictive zoning applies in areas where overlays exist
- Overlays may be more restrictive (such as Aquifer Protection District) or less restrictive (Berry Smart Growth Overlay; Affordable Housing Overlay)
- Current provision is not consistent with zoning bylaw



# Questions and Comments