

PLANNING BOARD MINUTES
AUGUST 11, 2014

Call The Meeting to Order

Chairman David Plunkett called the meeting to order at 7:03 P.M. in the Town Hall Auditorium. Present at the meeting were, Stephen Johnson, Robert Fowler, Nancy Reed, Vincent Fratalia, Director of Community Development Steve Sadwick and Recording Secretary Dawn Cathcart.

(A) Approval of Minutes – July 14, 2014

MOTION - Mr. Fratalia made a motion to approve the Planning Board minutes of July 14, 2014 with the correction made by Mrs. Reed, in the motion for 940 Main Street, #1, change to read: “The 2 new units to be added in the basement will be affordable as defined by DHCD and will count toward the Town’s subsidized housing inventory in perpetuity”. The motion was seconded by Mrs. Reed and unanimously voted 5-0. Mr. Plunkett stated that he approves the minutes except for the portion of the meeting that he stepped down for.

(B) Committee Reports/Administrative Actions

(B1) Master Plan

Mr. Sadwick stated that they met with Judy Barrett last Monday night and they hope to hold a large visionary session on October 15th. Ms. Barrett hopes to meet with Department Heads by the end of August and appear before the full Board on September 27th.

(B2) Committee Reports

Mr. Fratalia stated that the Green Committee received a \$161,000 grant award. The money will be spent on external lighting at the Dewing School, DPW, Fire Department, North Street School, the Ryan School, the Wynn School, the High School, and the Senior Center. There is also \$5,000 for the DPW weatherization. Mr. Plunkett asked how much money will be saved by these improvements. Mr. Sadwick stated that he can get that information.

Mrs. Reed asked if the Town Hall renovations are starting this week. Mr. Sadwick replied yes.

(B3) 1877 Main Street, Airport Industrial Condominium Trust ANR

Tom Gillis, Trustee at 1877 Main Street appeared for an ANR. Mr. Gill stated that this ANR is to subdivide the access road for tax purposes only. Airport Road parcel will be a separate parcel. Mrs. Reed asked if this was a private way approved by the Town. Mr. Gillis stated that it was there was the parcel was built. Mr. Gillis stated that Robert Scarano is supposed to be here and would like to wait for him.

MOTION - Mr. Fowler made a motion to table agenda item B3. The motion was seconded by Mr. Johnson and unanimously voted 5-0.

PLANNING BOARD MINUTES
AUGUST 11, 2014

(B4) 715, 721 and 731 Livingston Street, Arnie Martel - ANR

Dick Cuoco and Arnie Martel appeared on an ANR at 715, 721 and 731 Livingston Street. Mr. Cuoco stated that these three lots shown on the plan are existing and there were some errors on an old recorded plan. A retracement survey was done and fixed points were placed when Eddie's Way was done. Mr. Plunkett asked if this should be an 81x plan. Mr. Cuoco replied no, an ANR will fix the problem and also freeze the current zoning. Mr. Plunkett asked if the only changes are in the rear of the lots. Mr. Cuoco replied yes, all lots are over an acre and there will be no frontage change. Mr. Plunkett asked that a note be added to the plan to reflect this. Mr. Cuoco replied he would add the note.

Mr. Fowler, Mr. Johnson, Mr. Frataglia and Mrs. Reed had no questions.

MOTION - Mr. Fowler made a motion to endorse the ANR with the addition of a note that the lots are over an acre and this ANR will not change the frontage. The motion was seconded by Mr. Johnson and unanimously voted 5-0.

(B5) 1590 Main Street, Tidal Wave Car Wash - Discussion

Dick Cuoco and Mark Ginsburg appeared for discussion of 1590 Main Street. Mr. Cuoco stated that during a previous meeting there was a lot line relocation of this parcel which included a triangle piece of the land that swapped with the abutting property. Their closing attorney had a question if this land swap would compromise the Special Permit issued to the car wash.

Mr. Plunkett stated that this could be done by a non-substantial change. Mr. Ginsburg stated that we have not discussed that with them yet.

MOTION - Mrs. Reed made a motion that the previous land swap is a non-substantial change to the existing Special Permit at 1590 Main Street. The motion was seconded by Mr. Frataglia and unanimously voted 5-0.

(B6) 416 and 434 Main Street, Wamesit Lanes - Discussion

Dick Cuoco, Donald McLaren, Steve Bourgeois, and Kim Hazaratain appeared for discussion of Wamesit Lanes. Mr. Cuoco presented a progress print. They have an aggressive time table and would like to expedite the process and have the consultants start the review prior to the opening of the public hearing. Mr. Cuoco stated that this project will consist of the two properties, the one with the Motel Caswell and the one with the Miracle Ear building. These two properties will consist of 4.37 acres and are zoned commercial and heavy industrial. They have obtained the variance in June so they could position the building in the back due to the location of the Tennessee gas line. They are proposing a 36 lane bowling alley including 10 candlepin lanes. The parking regulations require 234 parking spaces and we have provided 236. The facility will be serviced by town water and sewer.

Mr. Cuoco stated that the drainage has been challenging. The runoff from Tewksbury Florists drains onto this property. The floor in this facility will only be 1 ½' lower than Main Street and a cross access easement will be needed.

PLANNING BOARD MINUTES
AUGUST 11, 2014

Mr. Hazaratain stated that he has created the traffic study based on a 36 lane bowling alley and a 160 seat restaurant. It is noted that this facility will not be open during the AM traffic peak hours. There is an increase of 30 trips in the PM but the AM trips decrease by 16. The site distance is appropriate. Mr. Plunkett asked if a peer review has been done yet. Mr. Cuoco replied not yet, but they would like to start now with the traffic, elevations and drainage information that is available. Mr. Johnson asked if the AM peak trips account for deliveries. Mr. Hazaratain replied yes.

Mr. Fratalia asked what the hours of operations will be. Mr. McLaren replied it open at 9:00 AM with deliveries being done from 9:30 to 11:00 AM. It would close at 10:00 PM Sunday through Wednesday and close at 1:00 AM Thursday through Saturday.

Mr. Plunkett asked if there have been discussions with Mass DOT. Mr. Cuoco replied yes, they spoke with them back in July. The sidewalks are on our property. Mr. Plunkett asked if they could discuss closing up the open area at the Jade East and discuss a dedicated left turn lane. Mr. Sadwick stated that Mass DOT has a project to pave and add sidewalks to Astle Street.

(B3) 1877 Main Street, Airport Industrial Condominium Trust ANR

MOTION - Mr. Johnson made a motion to take agenda item B3 off the table. The motion was seconded by Mrs. Reed and unanimously voted 5-0.

Tom Gillis, Trustee at 1877 Main Street and Attorney Robert Scarano appeared for an ANR. Attorney Scarano stated that this ANR is to create a separate lot for the access road for tax assessment. In 1964 and 1984 the property was transferred into condos. The condo owners cannot be taxed for the property unless it is a separate parcel. The roadway was adequate during construction. There is 40' of frontage and is marked as a non-buildable lot.

Mr. Fratalia stated that this is for tax purposes only. Attorney Scarano replied that was correct. The condos out back and the abutters are supposed to share maintenance of this roadway but that cannot be done without making this a separate parcel.

Mrs. Reed asked if this was approved as a private way. Attorney Scarano replied that this was approved prior to the subdivision. Attorney Scarano stated that with condos, all common areas are assessed as one owner.

Mr. Fowler asked if it was more or less beneficial to the one owner or the other. Attorney Scarano stated that this is not an 81L, there is no subdivision and they are entitled to an endorsement. Mr. Plunkett stated that this ANR is creating two lots. Attorney Scarano replied that one is not buildable. Mr. Plunkett stated that now the back lot has no frontage. The purpose of an ANR is that the parcels have adequate frontage and acreage. The front lot is the only access and now the back lot would have six acres with no frontage. A subdivision plan could be done showing the frontage and waiving the build out. Attorney Scarano replied he would agree if they were proposing additional building or development but they are not. There is no change in ownership and the note on the plan prevents it from becoming a separate building lot. Mr. Plunkett stated that if this is a separate lot, it could be conveyed in the future. Lot 1 would have to be marked as non-buildable. Attorney Scarano stated that he will provide a memorandum to give to Town Counsel.

PLANNING BOARD MINUTES
AUGUST 11, 2014

Mr. Johnson stated that if this was assessed before, why an amount can't be done now.

Mr. Sadwick stated that if this is going to be continued until the next meeting to get Town Counsel opinion, it needs to be clear that a constructive grant is not available. Attorney Scarano agreed to that and asked that this be continued to allow for him to get a memorandum ready to give to Town Counsel for an opinion.

(C) 1795 Andover Street, Circle K Mobile Sign Special Permit

MOTION - Mr. Fowler made a motion to waive the reading of the public hearing notice. The motion was seconded by Mr. Johnson and unanimously voted 5-0.

Peter March appeared for the sign special permit at 1795 Andover Street. Mr. March stated that they wish to change the "Mobil on the Run" logos to "Circle K". They have received building permits for two of this signs but the Building Commissioner stated that we would need Planning Board approval for two additional signs. The first was to change the yellow strip around the building to white with red stripes on six sides with only the front side illuminated and the second was to change the manual gas prices to LED with red and green numbers.

Mr. Johnson stated that he has no issue with changing to the LED numbers except the color of the numbers are to be amber, not red and green.

Mr. Fowler stated that he is also ok with the digital LED numbers in amber only but he is not in favor of the thick red stripes around the canopy.

Mr. Fratalia asked if the red stripes will be on all six sides. Mr. March replied yes but only the front panel will be lit. Mr. Fratalia stated that he is ok with the LED numbers as long as they are amber color and asked if the red striping could be reduced. Mr. March stated that we could look at only three sides.

Mrs. Reed stated she would agree with the LED numbers as long as they are amber.

Mr. Johnson requested actual pictures of existing Circle K signs elsewhere, not computer generated drawings.

Mr. Plunkett agreed with amber LED lights for the prices. Mr. Plunkett asked if only the front of the canopy would be lit. Mr. March replied that is correct. Mr. Plunkett asked if the illumination can be adjusted. Mr. March replied that the bulbs would need to be changed.

Mr. Fowler stated that he would like to see something less vivid. The red stripes are too big. Mr. Johnson stated that he would like real pictures of an actual building during the day and during the night. He would also like other options with the red stripes.

MOTION - Mr. Fowler made a motion to close the public hearing portion for the second request: LED price sign only. The motion was seconded by Mr. Johnson and unanimously voted 5-0.

MOTION - Mr. Fowler made a motion to approve the Sign Special Permit for 1795 Main Street to change the manual prices with LED prices of the same size with the condition that the numbers be amber color only. The motion was seconded by Mr. Johnson and unanimously voted 5-0.

PLANNING BOARD MINUTES
AUGUST 11, 2014

MOTION - Mr. Johnson made a motion to continue the Sign Special Permit for the first request, Circle K image conversion until September 8, 2014 at 7:10 PM. The motion was seconded by Mrs. Reed and unanimously voted 5-0.

(D) 1 Radcliff Road, VTH, LLC – Continue Site Plan Special Permit

MOTION - Mr. Johnson made a motion to table the continued Site Plan Special Permit for 1 Radcliff Road until October 20, 2014 at 7:10 PM. The motion was seconded by Mrs. Reed and unanimously voted 5-0.

(E) 1593 & 1605 Andover Street, FMP, LLC Site Plan Special Permit, Community Village Overlay District Continued

(F) 1625 Andover Street, FMP, LLC Site Plan Special Permit, Community Village Overlay District Continued

Mr. Plunkett stated that even though these are two separate filings they will take them together because they are inter-connected.

Frank Pollack, Matt Hamor, and Kim Hazarvartian appeared for the continued Site Plan Special Permits for 1593 and 1605 Andover Street and 1625 Andover Street. Town Engineer Kevin Hardiman also joined the meeting.

Mr. Hamor stated that the plan has been revised and they received the comments from Mr. Hardiman dated August 11, 2014. Under the Design Comments, #4 they are working on the snow storage issue with Mr. Hardiman. Item #17, they are working on the lighting plan but asked if this could be submitted for approval at a later date once the fixtures are finalized. Under Drainage Calculation Comments, #7 and #14 they are asking that these items be confirmed during site demolition. Under Additional Comments they are still working on the sheet flow issue.

Mr. Hazarvartian stated that a traffic assessment was completed for these sites. The left turn leaving the site will experience some delay but the cars will be queued on site. The closest site driveway is 600' away for the traffic light and this will create gaps in traffic. The traffic study that was referenced is 9 years old but is still valid. They did not perform a complete traffic impact study for this site. The general traffic growth is slow and the field observation showed that the overall traffic flow was good.

Mr. Fowler stated that since the 9 year old traffic study, there have been three sets of lights installed to the west at International Place, Rt. 495 at Longhorn's and Ames Pond. This has stopped the long lines of traffic on North Street.

Mr. Johnson stated that he has no issue with the traffic assessment.

Mr. Fratalia stated that residents in this area have told him that traffic is tough to get through.

Mrs. Reed asked if the left turn lane can be used for this site. Mr. Hazarvartian replied yes, it goes right by the site.

Mr. Plunkett stated that the traffic may be light because Raytheon is only at 30% capacity and 495 Business Center is only at 50%.

PLANNING BOARD MINUTES
AUGUST 11, 2014

Mr. Hamor stated that some of the civil engineering questions can be dealt with during construction.

Mr. Hardiman stated that he did speak with Mr. Hamor about several items like snow storage and verification of groundwater separation during the site work. The only problem is if something happens that is contradicting to what is approved then they would have to come back so they are taking the risk. Mr. Hardiman stated that the infiltration trench is only a few feet from the Town sidewalk. He has asked them to look at enlarging the system or tie into the existing drainage system. This would require agreements with the DPW. Mr. Hardiman stated that the issue with the crosswalk could be investigated further perhaps look at the site in a year and see how it is functioning. Mr. Plunkett stated that it seems like this moving forward substantially and the loose ends are being tied up.

Mr. Fowler asked what the solution is for the water sheet flowing across the sidewalk. Mr. Hamor stated that either option is fine. They will look at both increasing the infiltration and tying into the system.

Mr. Fratalia stated that on the traffic count, Mass DOT requires that the count be within two years. Mr. Plunkett stated that we have a response from Weston and Sampson saying that the traffic information is acceptable. Mr. Hazarvarian stated that Mass DOT requires a traffic study count be within two years, but this was a traffic assessment which is different. Mr. Hardiman stated that if you look at this site as two separate uses then a traffic assessment would be fine but if you look at this project as whole it would require a traffic study. Mr. Johnson stated that these are two separate projects they are just hearing then together.

Mrs. Reed stated that there seems that there are some minor outstanding issues with traffic and engineering so we could hold a separate meeting so they don't have to wait another month.

MOTION - Mr. Fowler made a motion to continue the Site Plan Special Permits for 1593 & 1605 Andover Street and 1625 Andover Street until August 25, 2014 at 7:00 PM. The motion was seconded by Mr. Johnson and unanimously voted 5-0.

**(G) 495 Business Center, Network Center Drive, Verizon Wireless for CCI-B
Tewksbury, LLC – Special Permit**

MOTION - Mr. Johnson made a motion to open the public hearing and waive the reading of the public hearing notice. The motion was seconded by Mr. Fratalia and unanimously voted 4-0.

Matt Whitehead, James Fitzgerald and Arnet Levin appeared for the Special Permit for 495 Business Center. Mr. Whitehouse stated that this proposal is located in the Office/Research District and within the Wireless Overlay. They are proposing adding 12 antennas on the roof top of a building at 495 Business Center.

Mrs. Reed stated that she has no questions and is happy the wireless overlay district is being utilized.

PLANNING BOARD MINUTES
AUGUST 11, 2014

Mr. Johnson stated that the rendering is of the building only. Mr. Whitehead replied yes, the proposed antennas will be 5' high and set back from the edge of the building. Mr. Johnson stated that a rendering would be helpful. Mr. Whitehead replied that the existing HVAC system would be similar in size. Mr. Fitzgerald stated that most HVAC units are 4' in height and our antennas would be set 10' back from the edge of the building. Mr. Johnson asked if this would help the E911 system. Mr. Levin replied yes, all antennas will be tied in to the E911 enhancement.

Mr. Fratalia asked if a generator is required. Mr. Whitehead replied yes, only for emergencies. It is cycled once a week for 30 minutes for routine maintenance.

Mr. Fowler asked if this antenna would be installed closer to the parking lot or Rt. 495. Mr. Whitehead replied they will be on different parts of the roof. Mr. Fitzgerald stated that there are two sheds with four antennas on the 495 side and one shed with four antennas near the parking lot side.

There was no one in the audience.

MOTION - Mr. Fowler made a motion to close the public hearing. The motion was seconded by Mr. Johnson and unanimously voted 5-0.

MOTION - Mrs. Reed made a motion to approve the Special Permit for Verizon Wireless at 495 Business Center as submitted with the addition of the standard wireless language. The motion was seconded by Mr. Fowler and unanimously voted 5-0.

(H) 2122 Main Street, Naser Jewelers - Discussion

Matt Hamor and Elia Simone appeared for discussion for 2122 Main Street. Mr. Hamor stated that this is a one acre parcel and they are proposing two buildings. One will have Mr. Simone jewelry store and the other will hold four retail spaces. All parking requirements will be met.

Mr. Fowler asked if this is the location of an existing beauty salon. Mr. Hamor replied yes. Mr. Fowler stated that he would like to see sufficient landscape detail when the time comes.

Mr. Fratalia asked if there are wetlands issues. Mr. Hamor replied no. Mr. Fratalia asked if the abutters have been notified. Mr. Simone stated that they had not thought of that but will do so but his direct abutters are a donut shop and another business. Mr. Fratalia stated that he likes the rendering.

Mr. Johnson agreed that the rendering is nice and will wait to see a submittal.

Mrs. Reed suggested talking with the residential abutters that are behind the business and talk about screening.

Mr. Sadwick stated that this will be coming in under the SVOD so they should look at internal sidewalks to the retail building as well as to the jewelers building. Mr. Plunkett agreed and also inter-connecting sidewalks from the jewelers building to the other retail building and additional landscaping.

Mr. Fowler asked if both buildings will be constructed at the same time. Mr. Simone replied that he is not sure yet.

PLANNING BOARD MINUTES
AUGUST 11, 2014

(I) **Zoning Bylaw Subcommittee**

(II) **CVOD-1**

Dick Cuoco and Arnie Martel appeared to discuss a zoning article for the Special Town Meeting. They would like to add an overlay at the Livingston Street parcels that are currently zoned HI. They are looking at possibly creating a CVOD-1 which is the CVOD district with most of the business uses removed. There could be a possibility of a small retail business in conjunction with the Rails and Trails. The only other change is they would like to change the maximum height to 3 stories or 35'. Mr. Cuoco stated that there is a second option and that is if they should include the parcels across the street also. Mr. Plunkett stated that the focus should be on the lots that Mr. Martel owns and it should be kept at CVOD, not CVOD-1 because it would be less confusing.

Mrs. Reed stated that we have the ability to waive the height. Mr. Cuoco replied then they would keep the height at 2 ½ stories. Mrs. Reed asked why it can't be the standard CVOD. Mr. Cuoco stated that we could leave it as CVOD because the Planning Board has the discretionary approval of uses allowed.

Mr. Johnson suggested that whichever way you chose to move forward with, make sure that everyone is made aware of this change so everyone is on the same page prior to Town Meeting. Mr. Cuoco stated that they will go to the Board of Selectmen's meeting and they have already started talking with the Tewksbury State Hospital representatives.

Mr. Sadwick stated that the numbering system needs to be looked at.

Mrs. Reed stated that a concept plan should also be ready in case there are any questions. Mr. Martel stated that they will have one prepared.

(I2) **Woburn Street Corridor Study**

Mr. Sadwick found the original marked up map so they have a starting point to work with.

Old Business

Mr. Sadwick stated that there were a few subcommittees that did not have a vote for the Planning Board representative.

MOTION - Mrs. Reed made a motion to appoint David Plunkett as the Planning Board representative to the Economic Development Committee. The motion was seconded by Mr. Johnson and unanimously voted 5-0.

MOTION - Mrs. Reed made a motion to appoint David Plunkett as the Planning Board representative to the Economic Development Process Review Committee. The motion was seconded by Mr. Johnson and unanimously voted 5-0.

Mr. Sadwick stated that the mulching has been done at 1497 Main Street and they would like the remaining bond. Mrs. Reed stated that she noticed that there were dead flowers. Mr. Sadwick stated that he will put this on the agenda for August 25th.

PLANNING BOARD MINUTES
AUGUST 11, 2014

New Business

Mr. Plunkett asked that during the public hearing process, if there are questions or issues raised by the Peer Review Consultant then they should be at the hearing or at the very least, there comments should be specific on whether it is a recommendation or a suggestion.

Mr. Fratalia asked that the “per linear foot” fee be established for the sidewalk costs so future projects know the costs at the beginning.

Mr. Fowler left the meeting.

Director’s Report

Mr. Sadwick stated that there was no Director’s Report other than the correspondence provided.

Adjournment

MOTION - Mr. Johnson made a motion to adjourn the meeting at 10:15 PM. The motion was seconded by Mrs. Reed and unanimously voted 4-0.

Approved on: 9/22/14

PLANNING BOARD MINUTES
AUGUST 11, 2014

*List of documents for 8/11/14 Agenda
Documents can be located at the Community Development Office*

- A. 7:00** Approval of Minutes – July 14, 2014
- B. 7:00** Committee Reports/Administrative Actions
- 1- Master Plan
 - 2- Committee Reports
 - 3- 1877 Main Street, Airport Industrial Condominium Trust ANR
 - *Application packet dated 7/30/14.*
 - 4- 715, 721 and 731 Livingston Street, Arnie Martel – ANR
 - *Application packet received 8/4/14.*
 - *Two photo renderings dated 8/11/14*
 - 5- 1590 Main Street, Tidal Wave Car Wash – Discussion
 - *Email dated 7/22/14 from Richard Bland, Esq. re: Land Swap 1550 to 1590 Main Street.*
 - 6- 416 and 434 Main Street, Wamesit Lanes – Discussion
 - *Wamesit Lanes Progress Print, prepared by Cuoco & Cormier, dated 8/8/14.*
- C. 7:00** 1795 Andover Street, Circle K Mobil Sign Special Permit
 - *Application packet dated 6/30/14.*
- D. 7:10** 1 Radcliff Road, VTH 7, LLC Continued Site Plan Special Permit (*Applicant requesting to be continued to October 20, 2014.*)
 - *Email dated 8/6/14 – requesting to be continued to October 20, 2014.*
- E. 7:20** 1593 & 1605 Andover Street, FMP, LLC Continued Site Plan Special Permit, Community Village Overlay District
- F. 7:20** 1625 Andover Street, FMP, LLC Continued Site Plan Special Permit, Community Village Overlay District
 - *Response letter 7/31/14 from Landplex.*
 - *Revised Permit Site Plan for Proposed Day Care Facility dated 5/1/14 revised 7/28/14.*
 - *Revised Permit Site Plan for Coffee Shop with Drive-Through dated 5/1/14 revised 7/28/14.*
 - *Weston & Sampson review letter dated 8/7/14 re: Traffic Assessment.*
 - *Weston & Sampson review letter dated 8/8/14 re: Peer Review.*
 - *Memo dated 8/11/14 fr Town Engineer re: IDR comments*
 - *Memo dated 8/11/14 fr TEPP, LLC re: Traffic Assessment*
 - *Memo dated 8/8/14 fr TEPP, LLC re: Traffic Assessment*

PLANNING BOARD MINUTES
AUGUST 11, 2014

- G. 7:30** 495 Business Center, Network Center Drive, Verizon Wireless for CCI-B Tewksbury, LLC – Special Permit
- *Application packet dated 7/10/14.*
- H.** 2122 Main Street, Naser Jeweler – Discussion
- *Letter dated 7/31/14 from Matt Hamor, Landplex, including Concept Plan dated 7/29/14 and Architectural Rendering.*
- I.** Zoning Bylaw Subcommittee
- 1- CVOD-1
 - *Draft Special Town Meeting Warrant Article.*
 - 2- Woburn Street Corridor Study