

PLANNING BOARD MINUTES
NOVEMBER 17, 2014

Call The Meeting to Order

Chairman David Plunkett called the meeting to order at 7:05 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 – October 6, 2014, October 20, 2014 and November 3, 2014

MOTION - Mr. Fratalia made a motion to approve the Planning Board minutes of October 6, 2014 as submitted. The motion was seconded by Mrs. Reed and unanimously voted 5-0.

MOTION - Mr. Fratalia made a motion to approve the Planning Board minutes of October 20, 2014 as submitted. The motion was seconded by Mrs. Reed and unanimously voted 5-0.

MOTION - Mr. Fratalia made a motion to approve the Planning Board minutes of November 3, 2014 as submitted. The motion was seconded by Mrs. Reed and unanimously voted 5-0.

(B) Committee Reports/Administrative Actions

(B1) Zoning Bylaw Subcommittee

Mr. Sadwick stated that they did not have a quorum on November 10th so they will try to hold a meeting on November 24th at 7:30 PM at the DPW.

(B2) Master Plan

Mr. Sadwick stated that the small group interviews are going on as well as interviews with the Department Heads. They would like to interview the Planning Board as a group. Mr. Plunkett stated that perhaps meeting an hour before the next meeting.

(B3) Committee Reports

There were no committee reports.

(B4) 357 Old Boston Road – Non-Substantial Determination

Michael Mullaney of McKenzie Engineering appeared for a non-substantial determination request for 357 Old Boston Road. Mr. Mullaney stated that they would like to increase the approve structure by 12' to fit more vehicles underneath. There will be no impact to setbacks or change in height of the original approved structure.

MOTION - Mr. Fowler made a motion to approve the increase in 12' to the approved structure and noted that this change is non-substantial. The motion was seconded by Mr. Johnson and unanimously voted 5-0.

(C) 1 Radcliff Road, VTH 7, LLC – Continued Site Plan Special Permit

MOTION - Mrs. Reed made a motion to continue the Site Plan Special Permit for 1 Radcliff Road until December 15, 2014 at 7:20 PM. The motion was seconded by Mr. Fratalia and unanimously voted 5-0.

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(D) Laurier Avenue, Brian J. Smith and Donna Walsh Definitive Subdivision Continued

Mr. Sadwick stated that the applicant has requested a continuance until the next meeting.

MOTION - Mr. Fratalia made a motion to continue the definitive subdivision for Laurier Avenue until December 1, 2014 at 7:00 PM. The motion was seconded by Mrs. Reed and unanimously voted 5-0.

Old Business

Mr. Sadwick stated that Town Counsel received a letter from Attorney James Cutelis in regards to 464 Woburn Street but they never responded to the Planning Board letter and he asked how he should proceed. Mr. Plunkett stated that this should be a dual process, with this Board and the Building Commissioner. The revocation process should be started and he will call Attorney Cutelis. Mr. Fratalia stated that the letter from the Planning Board should be forwarded to Attorney Cutelis. Mr. Sadwick asked if the public hearing notification should be started. Mr. Plunkett stated that we should request Attorney Cutelis to come before the Board first. Mr. Fowler stated that he is upset that with all the conversations and letters that have been sent there has been no response from the applicant until this.

(E) 743 Main Street, Tewksbury Village Condominiums, LLC Site Plan Special Permit/Village Residential Overlay District (VROD) Special Permit Continued

Dick Cuoco, Jeff Rider, Kim Hazarvartian, Lorraine Black, Robert Pondelli and Joseph Laliberte appeared for the continued Site Plan Special Permit/VROD Special Permit. Also joining the meeting was Ken Cram, traffic consultant for the Board. Mr. Cuoco stated that the plans have been updated to add large trees along the back of the property and the fence has been cut back at the corner. The traffic concern has been one of the biggest issues and they are looking at right hand turn only on both sides versus a one in/one out option.

Mr. Cram stated that he was concerned with traffic coming off of Main Street onto Marshall Street with the entrance to the property being so close. Mr. Cram stated that the dumpster should be relocated due to a line of sight issue. Mr. Cram stated that he watched the traffic from 4:00 – 6:00 PM and the cars are coming at a high rate of speed taking a right onto Marshall Street and the proposed entrance is only 60’-70’ away. Mr. Cram stated that he was also concerned with the tree locations and the line of site. Mr. Cuoco stated that the trees will be canopy trees and the branches will start 4’ to 5’ up. Mr. Rider stated that they did look at different locations for the dumpster but they would lose parking spaces. They could slide it back 2’. Mr. Plunkett stated that if they only have a one in/one out option, then there would only be a right turn only at Jerome Road. Mr. Sadwick stated that he spoke with the Town Engineer and the Safety Officer and both had concerns about a right turn out onto Marshall Street. Mr. Cuoco stated that we can shrink the exit coming out onto Jerome.

Mr. Cram stated that the applicant should speak with Mass DOT. Mr. Cuoco stated that they will have to file with Mass DOT for the sidewalks.

Mrs. Reed stated that after the last meeting she drove around the site. This project is asking for almost double the number of units that is allowed in an MFD site. There would be no off street

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parking so something would have to give. The number of residential units seems high. The neighborhood can't handle the amount of units proposed on this site.

Mr. Fratalia stated that he also thought the number of units was high and drove to the site today but it seems like the area could handle the units. The sight distance seems ok but asked what the actual distance will be from Main Street to the driveway. Mr. Rider stated that it is 30' to the current driveway and we are proposing the entrance into this property to be 78' from Main Street.

Mr. Johnson agreed that it seems like a lot of units for this site and the exit/entrance problems show this.

Mr. Fowler stated that at the last meeting it was clear the residents don't want traffic going down Jerome Road and we are uncertain to what the commercial aspect will be. Mr. Cuoco stated that in the overlay, there can only be 1,200 SF per use so the uses will be limited. Mr. Fowler stated that as far as the dumpster location is concerned, it has to be placed in an area that it can be emptied.

Mr. Plunkett stated that as far as the traffic is concerned, the one way in/one way out is the option preferred by our traffic consultant, the Town Engineer and the safety officer. Mr. Plunkett stated that he does not believe there will be a significant traffic creation by this project. He does not believe that removing one or two units would have a huge impact on traffic.

Mr. Plunkett stated that for the record, we received an email from Dohn Bowden that will be submitted as part of the hearing.

Ben Morey of 6 Jerome Road – Mr. Morey asked what the plantings will be at the end of the building. Ms. Black stated that there will be six large green arborvitaes. Mr. Morey stated that he likes the plan of having a right turn only onto Jerome Road and asked that the exit be designed to emphasize the right turn only and requested that it be moved as close to Main Street as possible.

MOTION - Mr. Johnson made a motion to continue the public hearing for 743 Main Street until December 1, 2014 at 7:10 PM. The motion was seconded by Mr. Fowler and unanimously voted 5-0.

(F) 265 Main Street/Cumberland Farms Concept Discussion

Attorney Don Smolak, Philip Henry, Jeff Dirk, and Beverly Wood appeared for a conceptual discussion at 265 Main Street. Attorney Smolak stated that this parcel is 1.88 acres and zoned commercial and is within the Interstate Overlay District. This is a vegetated site. They are proposing a 4,600 SF convenience store and six fueling dispensers. This site will line up with the existing traffic lights and half of the site will remain vegetated. Mr. Plunkett asked if a landscape plan will be provided. Attorney Smolak replied yes, they will provide a landscape plan in conjunction with storm water management. There will be two 20,000 gallon underground storage tanks for gasoline and 25 parking spaces. The entrance to the north will be right only, there will be an entrance/exit at the light and at the south of the site there will be a right only exit.

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Mr. Plunkett asked if they have contacted Mass DOT yet. Attorney Smolak replied yes, they have contacted Mass DOT with traffic counts and the proposed improvements. The existing traffic signal will have to be updated. There is a 15' change in grade so a retaining wall will be added. There will be trees as well to shield the residents. They will use ivy on the stone wall to soften the look and the nearest abutter is 160' away. They will have a "New England" style architecture for the building. Attorney Smolak stated that the photometric plan has not been finalized yet, but they are proposing 14' high shielded LED light posts. The signs will comply with the bylaw and this site will be ADA compliant with pedestrian access.

Mr. Fowler stated that it is a nice looking building and asked what space would be used for the loading area. Mr. Henry replied they will use the space in front of the dumpster. Mr. Fowler asked if they could look at moving the fill tanks back so the fueling trucks don't block the parking space. Mr. Henry stated that they could make those spaces employee only. Mr. Henry added that Cumberland owns the fueling trucks so we can schedule the delivery during off peak hours.

Mr. Johnson asked if the trucks will use the left turn in. Mr. Henry replied yes. Mr. Johnson stated that he likes the right in and right out option. Mr. Johnson asked if the light will be intermittent. Mr. Henry replied yes, it will only trip if someone is waiting. Mr. Johnson stated that the area that is being left along may require additional landscaping.

Mrs. Reed asked the applicant to look at mimicking architecture of the Friendship Farm for the building.

Mr. Fratalia stated that this will be the only gas station on that side of the street from the center of town to Rt. 495. He would also suggest additional landscaping in the area to the right. Mr. Fratalia stated that this will be a gateway into Tewksbury.

Mr. Plunkett stated that he doesn't understand the right only exit. Mr. Henry stated that the right only exit would eliminate traffic at the light and prevent the light from cycling more. They will add signs and landscape.

Mr. Fowler stated that applicant could taper down the driveway to 16' and asked if the pedestrian walk way could go on the other side of the entrance. Mr. Henry stated that they would add a speed bump but the pedestrian access from Wal-Mart is on the right side of the entrance and they wanted that to line up.

Mr. Sadwick stated that a traffic study will have to be performed and it will have to have a peer review done.

Attorney Smolak asked if there is a landscape template we could look to. Mr. Sadwick stated that Shawsheen Animal Hospital was a site recently done on a smaller scale.

Mr. Plunkett stated that this is not a public hearing so testimony will not be taken but if there is someone here with any questions on the preliminary concept they can ask them.

Paul Pereira of 274 Old Main Street – Mr. Pereira stated that that his home is 160' away and he represents the neighborhood. He is concerned with crime, noise and headlights. This should not be allowed to be closer than 300' away from residential homes. There is also another gas station right down the street.

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New Business

Mr. Sadwick stated that there is no new business

Director's Report

Mr. Sadwick stated that there is no Director's Report.

Adjournment

MOTION - Mr. Fowler made a motion to adjourn the meeting at 8:50 PM. The motion was seconded by Mr. Johnson and unanimously voted 5-0.

Approved on: 12/15/14

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*List of documents for 11/17/14 Agenda
Documents can be located at the Community Development Office*

- A. 7:00** Approval of Minutes
October 6, 2014
October 20, 2014
November 3, 2014
- B. 7:00** Committee Reports/Administrative Actions
1- Zoning Bylaw Subcommittee
2- Master Plan
3- Committee Reports
4- 357 Old Boston Road
Non-Substantial Determination
- *Application for Approval of Non-Substantial Determination packet dated 11/13/14.*
- C. 7:10** 1 Radcliff Road, VTH 7, LLC
Continued Site Plan Special Permit
(Applicant requesting to be continued to December 15, 2014.)
- D. 7:15** Laurier Avenue, Brian J. Smith and Donna Walsh
Continued Definitive Subdivision
- *Memo 11/13/14 fr Town Engineer re: IDR comments.*
 - *Street Access Plan Set dated 9/9/14 revised 10/30/14 prepared by Robert Gill.*
- E. 7:20** 743 Main Street, Tewksbury Village Condominiums, LLC
Continued Site Plan Special Permit/ Village Residential Overlay
District Special Permit
- *Email dated 11/11/14 from abutter, Dohn Bowden.*
 - *Traffic Engineering Peer Review letter 11/13/14 fr Bayside Engineering.*
 - *Ltr 11/14/14 fr Cuoco & Cormier re: Town Engineer's comments.*
 - *Ltr 11/14/14 fr Cuoco & Cormier re: Response to GCG comments.*
 - *Ltr 11/14/14 fr Cuoco & Cormier re: Revised Waiver Requests.*
 - *Site Plan Tewksbury Village Condominiums, dated September 30, 2014 revised 11/14/14.*
- F.** 265 Main Street/Cumberland Farms
Concept Discussion
- *Letter dated 11/12/14 from Attorney John Smolak including Preliminary Plans dated 9/15/14 prepared by Civil Engineering, elevations and aerial locus plan, along with a fact sheet describing the proposed project dated 11/17/14.*

New Business

- Transmittal fax to Edward P Johnson,; from Charles Zaroulis; dated 11/4/14; re: DiStefano Realty Trust, Special Permit and Zoning Violation (2014)