

PLANNING BOARD MINUTES

January 25, 2016

Call The Meeting to Order

Chairman Stephen Johnson called the meeting to order at 7:00 P.M. in the Town Hall Auditorium. Present at the meeting were, Robert Fowler, Nancy Reed, Vincent Fratalia, Keith Anderson, Director of Community Development Steve Sadwick and Recording Secretary Dawn Cathcart.

(A) Approval of Minutes – July 21, 2015, November 16, 2015, December 7, 2015, December 21, 2015 and January 11, 2016

MOTION - Mr. Anderson made a motion to approve the Planning Board minutes of July 21, 2015, November 16, 2015, December 7, 2015, December 21, 2015 and January 11, 2016 as submitted. The motion was seconded by Mr. Fratalia and unanimously voted 5-0.

(B) Committee Reports/Administrative Actions

(B1) Committee Reports

Mr. Johnson stated that the Common Vision of the Town Center Master Plan Draft was submitted. This will be discussed later.

(C) 298, 308 and 312 Pine Street, Marc P. Ginsburg & Sons Inc, Special Permit, Definitive Subdivision, Open Space Residential Design

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

James Hanley, Marc Ginsburg and Dick Cuoco appeared for the Definitive Subdivision and Open Space Residential Design for 298, 308 and 312 Pine Street. Mr. Hanley stated that they had the preliminary review on December 7, 2015 and the formal review was submitted on December 22, 2015. There are three lots along Pine Street that contain 11 acres and have over 300' of frontage. There is also 35' of frontage off of Aprils' Way, which was developed about five years ago. There is about a half-acre of wetlands on the property. They are proposing a ten lot OSRD subdivision. Eight of the lots will come off of Aprils Way and two will come off of Pine Street. There are currently three houses on Pine Street. One will remain, two will be razed and a new house will built. The average lot size will be between 20,000 to 27,000 SF. They will also be implementing Low Impact Development (LID). Mr. Hanley stated 52% or 5.6 acres will be dedicated as open space. All of the disturbances will be outside the 100' buffer. Test pits have been done twice and this meets the State criteria for storm water management. The calculations of 11 acres with only .04 acres of wetlands allow for ten lots.

Mr. Hanley stated that an IDR was done on January 7, 2016 and the DPW reviewed letter was issued. The plans have been updated to reflect the changes. Mr. Johnson stated that the latest DPW review letter has a few more issues. Mr. Johnson asked if the intention is to comply with the DPW recommendation. Mr. Hanley replied yes, they will comply.

Mrs. Reed stated that the review letter is straight forward and the issues do not seem major.

Mr. Fratalia asked why there are no sidewalks and is the plan to do a fee in lieu option. Mr. Ginsburg stated that Aprils Way has no sidewalks because they would be sidewalks to nowhere. He would rather donate to the sidewalk fund and have them constructed near a school or busy street.

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Mr. Anderson asked if the Fire Department has approved the turning radius. Mr. Hanley replied yes. Mr. Anderson agreed with not adding sidewalks in this area.

Mr. Fowler also agreed with no sidewalks on this new street

Mr. Johnson stated that he likes the reduction of lots along Pine Street and how the subdivision is split into two different areas.

Mr. Sadwick stated that an issue was brought up during the IDR about adding permanent markers for the open space that are similar to conservation markers to be added to the back of the lots. Mr. Ginsburg stated that he would be agreeable to install these markers. Mr. Cuoco stated that he would get some samples but would most likely be a 4' x 4' PT post or added to a substantial tree.

Jacqueline Poisson of 21 Maureen Drive – Ms. Poisson stated that she would like to see shrubs or fences added to the back of her lot so people cannot walk through her property. Mr. Ginsburg stated that there is currently a fence there. Ms. Poisson replied yes, but it is in disrepair. Mr. Ginsburg stated that he will take care of the fence.

Ed Flanagan of 278 Pine Street – Mr. Flanagan asked how the open space would be accessed when it is turned over to the Town. Mr. Hanley stated that there is a small strip of land that will be accessible from all lots. Mr. Ginsburg stated that there will be some grading required for the open space. Mr. Cuoco stated that the open space will be used for passive recreation.

Jennifer Griffin of 90 Aprils Way – Ms. Griffin stated that she would like privacy trees planted behind her lot and would give permission for them to be installed on her lot if necessary.

Joe Nickerson of 70 Aprils Way – Mr. Nickerson stated that he doesn't oppose the project but is concerned with access off of Aprils Way. This will increase traffic congestion and asked if access directly from Pine Street was considered. There are a large number of children waiting at the end of Aprils Way for the bus along with the parked cars and eight additional houses would increase the number of vehicles. Mr. Hanley replied it was considered but would add more impervious surface and they would have to cross the wetlands buffer. Mr. Ginsburg added, the all the utilities for this new subdivision are stubbed off of Aprils Way. The plan was always to have access off of Aprils Way. Mr. Nickerson stated that with the proposed clearing, he is also concerned with the fragile trees that are currently there. He would also like a landscaped privacy buffer. Mr. Nickerson stated that there are around twenty school age children on Aprils Way.

Mr. Fowler stated that perhaps the residents could contact Mr. Libby at the School Department and have a bus stop half way down at the new street but people need to realize that they cannot stop at every house. Mr. Ginsburg stated that he would speak with Mr. Libby.

Nadine Barron of 40 Aprils Way – Ms. Barron stated that she has been maintaining the area of the access way as her property and would like the dead trees taken down. Mr. Ginsburg stated that if the Town grants him permission, he will clear the dead trees. Ms. Barron is also concerned with the curb cut and proximity of the electrical box for her house. Mr. Ginsburg stated that the electrical box is 10' off the road and they will be installing granite curbing.

Jonathan Parisi of 80 Aprils Way – Mr. Parisi stated that he is concerned with the trees on his property line. Mr. Ginsburg stated that he will plant a line of 12' white pines along the property lines. Mr. Cuoco asked if the trees could be planted on Town land. Mr. Sadwick stated that the Town would not be opposed to that. Mr. Parisi stated that there are fourteen school age kids on

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Aprils Way. He is concerned with the added traffic and stated that the only reason for not coming off Pine Street is the cost. Mr. Ginsburg stated that all the utilities have been stubbed off Aprils Way. Mr. Johnson also stated that the regulations require developers to look at low impact development. An additional 400' of roadway would not be low impact and would require more maintenance for the Town.

Kelly Sjostedt of 51 Maureen Drive – Ms. Sjostedt asked how will the open space be access and what are the hours of operation for construction. Mr. Ginsburg stated that each lot will have access to the open space and trees will be added. The bylaw allows for construction from 7:00 AM to 7:00 PM Monday through Saturday.

Joseph Dunn of 100 Aprils Way – Mr. Dunn asked if the homes are going to be similar to the homes on Aprils Way. Mr. Ginsburg replied yes, they will be single family homes but may be a little bigger due to the increased lot size. They will be similar to the homes on Settlers Way.

Mr. Cuoco stated that they will hold a pre-construction meeting and will work with the Town and abutters regarding the location of the planting for the new trees and removal of dead trees. They could perhaps do most of the work before the open space gets turned over to the Town but they would need an agreement for doing work in the open space for Aprils Way.

Mr. Ginsburg asked if the Town could speak with Mr. Libby about the bus stop.

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

MOTION - Mrs. Reed made a motion to approve the requested waivers as outlined in memos dated December 22, 2015 and January 25, 2016 from Civil Design Consultants. These include:

1. Waiver #1 – Section 8.1.13 – Increase in the maximum dead-end length from 1,000' to approximately 1,350'.
2. Waiver #2 – Section 8.1.5.c – Eliminate the landscape center island.
3. Waiver #3 – Section 9.3.1 – Monumentation at center of cul-de-sac.
4. Waiver #4 – Section 9.5.1 – Sidewalks – Contribution to the sidewalk fund for both sides of the street.
5. Waiver #5 – Table I – Reduction of cul-de-sac from 90' to 80', reduction of cul-de-sac diameter from 110' to 100', reduction of minimum right of way from 50' to 35'.
6. Waiver #6 – Table I – Reduction of minimum pavement from 26' to 24'.

The Board also supports the waiver of Chapter 19 from the Town Bylaws and Section 13.1 of the Rules and Regulations Concerning Permission for Use of Town Roadways of the DPW.

The motion was seconded by Mr. Fratalia and unanimously voted 5-0.

MOTION - Mr. Fowler made a motion to approve the Definitive Subdivision and Open Space Residential Design Special Permit for 298, 308 and 312 Pine Street as submitted subject to the following conditions:

1. Final approval from the Tewksbury Town Engineer.
2. Permanent markers added to demarcate the Open Space, with the style to be determined.

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3. A pre-construction meeting with Town and Abutters to determine where the tree line will be placed and the removal of dead trees.
4. Donation to the sidewalk fund in the amount of linear feet of sidewalk for both sides of the street.

In addition, a letter being sent to the Tewksbury School Department requesting that a bus pickup be added at the new street and Aprils Way.

The motion was seconded by Mrs. Reed and unanimously voted 5-0.

(D) 300 Marston Street, Michelle and Erik Szostek Family Suite Special Permit

Mr. Fratalia stepped down from this hearing since he is an abutter.

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

Michelle and Erik Szostek appeared for the family suite. Ms. Szostek stated that they bought this property in December and want to add a kitchen sink with cabinets for her in-laws. There will not be a stove right now. Mr. Sadwick explained that the elements are there for the family suite, so that is why they are here.

Mr. Fowler stated that they need to comply with the building code and get a building permit. Ms. Szostek replied that they understood that.

MOTION - Mrs. Reed made a motion to close the public hearing. The motion was seconded by Mr. Fowler and unanimously voted 4-0.

MOTION - Mr. Anderson made a motion to approve the family suite for 300 Marston Street with the stipulation that they apply for a building permit and comply with all applicable building codes. The motion was seconded by Mrs. Reed and unanimously voted 4-0.

(E) 1201 Main Street, James Wu, New Horizons Realty Group Special Permit, Site Plan Special Permit, Groundwater Protection Special Permit, Town Center Overlay District

MOTION - Mr. Fowler made a motion to continue the Special Permit, Site Plan Special Permit, Groundwater Protection Special Permit and Town Center Overlay District for 1201 Main Street until February 8, 2016 at 7:30 PM. The motion was seconded by Mr. Anderson and unanimously voted 4-0.

Mr. Fratalia returned to the meeting.

Mr. Anderson stated that he would not be available for the February 8, 2016 meeting.

Old Business

Mr. Fratalia asked what the status of the DiStefano project. Mr. Sadwick stated that he will get an update from Town Counsel.

New Business

Mr. Sadwick stated that there is an ANR not on the agenda. This is for Livingston Street and the recreation field. This has been going on since 2010. They met with the State two weeks ago and DPH said that in order to transfer the land to the Town, they would need an ANR to parcel off

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the cemetery. There will be 25 acres being conveyed to the Town. The cemetery use and maintenance plan was given to the public health office. DCAM produced the ANR and it was transferred to DPH on Friday. The crash gate needs to be approved by public safety. The Town is the applicant and the State is the owner, so he requests that the fee be waived.

MOTION - Mr. Fowler made a motion to waive the application fee. The motion was seconded by Mrs. Reed and unanimously voted 5-0.

Mr. Sadwick stated that Lot B has 150' frontage but that is where the cemetery is.

Mrs. Reed stated that she thought the cemetery was more of an "L" shaped that was parallel to the ball fields. She doesn't remember it in that location.

MOTION - Mr. Fowler made a motion to endorse the ANR as submitted. The motion was seconded by Mrs. Reed and unanimously voted 5-0.

Mr. Sadwick stated that the draft version of the Tewksbury Town Center Master Plan has been submitted. There are some revisions that will be made and an updated copy provided.

Director's Report

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

Mr. Johnson stated that the working session will occur after the next Planning Board meeting.

Adjournment

MOTION - Mr. Fowler made a motion to adjourn the meeting at 8:35 PM. The motion was seconded by Mr. Fratalia and unanimously voted 5-0.

Approved on: 2/22/16

*List of documents for 1/25/16 Agenda
Documents can be located at the Community Development Office*

- A. 7:00** Approval of Minutes
 - July 21, 2015
 - November 16, 2015
 - December 7, 2015
 - December 21, 2015
 - January 11, 2016

- B. 7:00** Committee Reports/Administrative Actions
 - 1- Committee Reports

- C. 7:00** 298, 308 & 312 Pine Street, Marc P. Ginsburg & Sons, Inc.
Special Permit, Definitive Subdivision, Open Space
Residential Design
 - Application packet dated 12/23/15.
 - IDR held on 1/12/16
 - Memo 12/30/15 fr Health Director
 - Memo 1/15/16 fr Town Engineer
 - Memo 1/12/16 fr Safety Officer
 - Letter 1/20/16 from Civil Design re: Response to DPW letter dated 1/15/16

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including revised plans dated 1/19/16.

- D. 7:10** 300 Marston Street, Michelle and Erik Szostek
Family Suite Special Permit
- *Application packet dated 12/22/15.*
- E. 7:20** 1201 Main Street, James Wu, New Horizons Realty Group
Continued Special Permit, Site Plan Special Permit, Groundwater
Protection Special Permit, Town Center Overlay District
(Applicant requesting to be continued to 2/8/16.)