

PLANNING BOARD MINUTES  
APRIL 27, 2015

**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.

**Reorganization – Continued**

**MOTION** - Mr. Fowler made a motion for the following subcommittees:

- Nancy Reed as member of the Community Preservation Committee, NMCOG and Local Housing Partnership
- Stephen Johnson as a member of the Economic Development Committee, and Town Center Master Plan Committee (to be appointed by the Board of Selectmen).
- Vincent Fratalia as a member of the Green Committee
- Keith Anderson as a member of the Economic Review Process Committee (to be appointed by the Board of Selectmen).

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

**(A) Approval of Minutes – January 12, 2015, February 23, 2015, and March 23, 2015**

**MOTION** - Mr. Fratalia made a motion to approve the Planning Board minutes of January 12, 2015 as submitted. The motion was seconded by Mr. Fowler and unanimously voted 4-0. Mr. Anderson abstained from voting.

**MOTION** - Mr. Fratalia made a motion to approve the Planning Board minutes of February 23, 2015 as submitted. The motion was seconded by Mr. Fowler and unanimously voted 4-0. Mr. Anderson abstained from voting.

**MOTION** - Mr. Fratalia made a motion to approve the Planning Board minutes of March 23, 2015 as submitted. The motion was seconded by Mr. Fowler and unanimously voted 4-0. Mr. Anderson abstained from voting.

**(B) Committee Reports/Administrative Actions**

**(B1) Zoning Bylaw Subcommittee**

Mr. Sadwick stated that Town Meeting is next week and there was a decision made to delete this subcommittee. Mr. Johnson stated that they will have working sessions when there are issues to discuss.

**MOTION** - Mr. Fowler made a motion to dissolve the Zoning Bylaw Subcommittee. The motion was seconded by Mr. Fratalia and unanimously voted 5-0.

**(B2) Master Plan**

Mr. Sadwick stated that we met last Tuesday and they went over goals. He would like comments back from the Board by May 15, 2015.

PLANNING BOARD MINUTES  
APRIL 27, 2015

**(B3) Committee Reports**

There were no committee reports.

**(B4) 90 River Road, St. Mary Cemetery Expansion Annual Renewal Land Disturbance**

Mr. Sadwick stated that there is a requirement for annual renewal. There have been no issues with this project.

**MOTION** - Mrs. Reed made a motion to continue the Land Disturbance for 90 River Road for two years. The motion was second by Mr. Anderson and unanimously voted 5-0.

**(C) 205 Washington Street, New England Power Company d/b/a National Grid Continued Site Plan and Use Special Permit, Land Disturbance**

Mr. Anderson stepped down from this hearing.

Attorney Joshua Lee Smith, Richard Jones and Dan McIntyre appeared for the continued Site Plan and Use Special Permit for 205 Washington Street. Mr. Jones presented clarification of substation 22 and 22A. They were able to reduce lighting by 40% and still provide safety at substation 22 to address residents' concerns. They have also added security lighting for 22A. The lights will be 8' above finished grade and they will point down.

Mr. McIntyre stated that the storm water management plan was updated and submitted. Mr. Sadwick stated that the Town Engineer told him he was agreeable with what was submitted. Mr. McIntyre stated that the Fire Department review discussed the inside fire suppression system and this will be handled during the building permit process. The Fire Department has deferred the review to the State Fire Marshall. Mr. McIntyre added that the conceptual landscape plan was submitted and he handed out proposed plantings.

Mr. Fratalia asked when the landscape would be started. Mr. McIntyre replied that they would need two permits from Mass DOT and Conservation Commission. If approved, they will start planting in the fall.

Mr. Fowler asked if the plantings would be on the DOT right of way. Mr. McIntyre replied that the bulk was in the right of way. Mr. Fowler stated that he is upset with National Grid for calling the Police and telling them that this Board told them to shut off the lights and this Board never said that.

Attorney Smith stated that this project would increase the tax base and there will be a building permit fee collected. There will be no impacts to Town services or traffic. This was approved through Conservation and the culvert study will be funded.

Mrs. Reed stated that she likes the proposed landscaping and asked what the status of sidewalks is. Mr. Sadwick stated that on April 22<sup>nd</sup>, he, Kevin Feeley, Town Counsel and National Grid met to discuss this. National Grid has agreed to contribute \$57,000 to the sidewalk fund that could be specified for Rt. 38.

Mr. Fratalia asked what type of lighting would be on substation 22A. Mr. Jones stated that there would be wall packs mounted on the side of the building. Mr. Fratalia stated that the suggested height is 50' to 60', will they work at 8'. Mr. Jones replied yes.

PLANNING BOARD MINUTES  
APRIL 27, 2015

Mr. Fowler stated that he is pleased with the reduction in lights.

Mr. Johnson agreed that the reduction of lights is a positive and he is glad they listened to us.

Mr. Sadwick stated that he asks that a wetland seed mix be used. Mr. McIntyre replied that they would agree to that.

There were no questions from the audience.

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

**MOTION** - Mrs. Reed made a motion to approve the following waivers:

1. Section 5130 – Appendix C, Section 5140, 5170, 5424 and 5180: parking and loading requirements
2. Section 5410, 9470, 5413, 5414.a, 5422, 5428, 5429, 5440-5444, 5450 and 9432: landscaping, screening and buffer.
3. Section 9434: Master signage plan.
4. Section 9462 and 5332: Outdoor lighting design standards.

The motion was seconded by Mr. Fowler and unanimously voted 4-0.

**MOTION** - Mrs. Reed made a motion to approve the Site Plan, Use Special Permit and Land Disturbance for 205 Washington Street with the following conditions:

1. The landscaping presented tonight will be planted in the fall.
2. A donation to the sidewalk fund in the amount of \$57,000 will be made by National Grid with the understanding that it will be used along Rt. 38 as close as possible to this area as determined by the Planning Board.
3. The lighting is approved as presented tonight and will be included in the plan.
4. This is subject to final approval letter from the Town Engineer.
5. The Planning Board retains approval of the landscape by administration review.

The motion was seconded by Mr. Fowler and unanimously voted 4-0.

Mr. Anderson returned to the meeting.

**(D) 1777 Main Street LTD Partnership for W.E. Aubuchon Co., Inc. Special Permit and Site Plan Special Permit Continued**

David Faist and Barry Johndro appeared for the continued Special Permit and Site Plan Special Permit at 1777 Main Street. Mr. Faist stated that are proposing a 1,000-gallon propane filling station tank, a 10' x 50' outdoor storage area for lawn material and a reader board sign. The plan has been revised due to the IDR comments. The filling station has been moved closer to the building and moved back, they have eliminated traffic conflicts and added bollards and extra parking.

PLANNING BOARD MINUTES  
APRIL 27, 2015

Mr. Anderson asked if there would be security. Mr. Johndro stated that there are security cameras. Mr. Anderson asked if there would be lighting. Mr. Johndro replied that there will be a wall pack on the building that will remain on and there will be a light in the filling station area. Mr. Anderson asked if there would be a dedicated employee for the filling station. Mr. Johndro stated that the employees who handle the filling station have been certified. Mr. Anderson asked if there is a Knox box. Mr. Johndro replied yes.

Mr. Fowler asked where the damaged tanks would be stored. Mr. Johndro stated that they would be kept in the locked gated area until they are picked up. Mr. Fowler asked if tractor-trailers could get around the filling area. Mr. Johndro replied yes.

Mrs. Reed asked if there would be fence around the entire filling station area. Mr. Faist replied yes and it will have two gates at the request of the Fire Department.

Mr. Fratalia stated that this is a better plan and was at the suggestion of the Building Commissioner. Mr. Fratalia stated that he heard on the news that drug dealers are using propane tanks for making drugs and these tanks show a blue marking. Mr. Johndro stated that he had not heard that but every tank is inspected prior to filling.

Mr. Johnson stated that there would be no stacking of material outside of the fence. Mr. Johndro replied that was correct.

Mr. Anderson asked if the Blue Rhino would stay. Mr. Johndro replied that the Blue Rhino would go away once this station is completed.

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

**MOTION** - Mr. Anderson made a motion to approve the Sign Special Permit and Site Plan Special Permit for 1777 Main Street as presented. The motion was seconded by Mr. Fowler and unanimously voted 5-0.

(E) **715, 721 and 731 Livingston Street, KAJ, LLC Site Plan Special Permit and Special Permit**

Mr. Anderson stepped down from this hearing.

Attorney Richard O'Neill, Dick Cuoco, Jim Hanley, Arnie Martel and Ron Meuller appeared for the Site Plan Special Permit and Special Permit for 715, 721 and 731 Livingston Street. Mr. Hanley stated that at the April 13, 2015 meeting there were issues brought up about the trails, traffic, architecture and impacts to the schools. They met with the DPW last week and again this afternoon. There were eight remaining comments and two more of those have been addressed. Mr. Hanley stated that he is very comfortable that the remaining issues can be addressed within the week. The DEP comments are more book keeping items to address and these are being handled through Conservation. Mr. Hanley presented a map of the trails in this area and stated that the trails on their property have been moved back 75' to 100' from the residential homes.

PLANNING BOARD MINUTES  
APRIL 27, 2015

Mr. Meuller stated that a peer review was done on the traffic study from TEC. They have confirmed our traffic assumptions. They have several recommendations that they have agreed upon. The applicant has agreed to add sidewalks coming into the property as well as adding 5' sidewalks along Livingston Street from along the front of their project up to the existing sidewalk that is across the street and also install a crosswalk to connect to the existing sidewalk. The grass strip will be added in front of the property due to the right of way. The traffic to the trail shop will not be an impact during peak hours and any traffic will be during the weekend. In regards to the site distance, the applicant has removed the bushes in the right of way at the corner of Chandler Street. The stonewall will not interfere with the line of sight. TEC has also recommended bumping out the corner of Chandler Street and Livingston Street and they have agreed to that and will add curbing on the other side of the street where the shrubs were removed and they will be adding bike racks. They will work with the DPW on installing speed limit signs to the North and there is one slow sign that will be replaced.

Rebecca Brown of TEC joined the meeting. Ms. Brown stated that she agreed with what Mr. Meuller has said. Ms. Brown added that the trail shop will not generate heavy traffic but if the use changes then they should come back to the Planning Board.

Mrs. Reed asked if the site distance at the corner of Chandler Street is ok now. Ms. Brown replied yes, the shrubs have been removed and the site distance is now fine.

Mr. Fratalia asked if TEC agreed with the trip generation numbers. Ms. Brown replied yes, the method and numbers were agreed upon. They used a seven-year projection when they only had to use five years, so they were more stringent. Mr. Fratalia stated that TEC agreed that 85% of the trips would go left. Ms. Brown replied yes, the trip generation distribution was acceptable. Mr. Fratalia stated that for the record, he spoke with Officer Jennie Welch and they will put a cruiser on Livingston Street to monitor the traffic speeds.

Mr. Johnson stated that it is productive to have both the Town and applicant work together to address the issues.

Mr. Cuoco stated that they have recessed the stonewall in places to add benches and maple trees. Mr. Cuoco stated that they are proposing a donation of \$25,000 x 14 units for a total of \$350,000 for the affordable trust fund. Mr. Cuoco added with the site mitigation of curbing, sidewalks, landscaping and overlaying Livingston Street, the mitigation costs are around \$500,000 to \$550,000.

Mrs. Reed asked that additional trees be added along the property line. Mr. Cuoco stated that they could add Blue Spruces. Mr. Martel stated that he would add the landscaping before the buildings are constructed and the Board wants more, he will add them.

Mr. Fratalia stated that the renderings are very good and he believes they helped.

PLANNING BOARD MINUTES  
APRIL 27, 2015

Attorney O'Neill stated that they had a reason for not over planting the area, because they didn't want to take away from the fields and they wanted to show what the buildings would look like. Attorney O'Neill stated that at the last meeting, a resident spoke and said she didn't like apartment buildings and renters would diminish housing values, which simply is not true. Attorney O'Neill handed out a study titled Revisiting Rental Housing: A National Policy Summit, which disproves this train of thought. Attorney O'Neill stated that all kinds of people rent: college students saddled with debt, older people looking to downsize, young families, etc. There is still a stagnant economy. Attorney O'Neill stated TEC has agreed with their traffic study. As far as the impacts to schools, .25 is a real number. Attorney O'Neill spoke with the Superintendent and the number of students is going down. In 2010 there were over 4,000 students and in 2013 it was just over 3,600. In the data received from the Tewksbury schools in 100 single-family homes have generated 64 kids and with 100 apartments, only 29 kids have gone into the school system. Attorney O'Neill stated that this will be a gateway project.

Mr. Fratalia concurred that the number of school age kids are down.

Patricia Meuse of 551 South Street – Ms. Meuse stated that the affordable unit should not be waved. Ms. Meuse stated that the Board could only waive requirements if all six conditions in the Purpose are involved. This project doesn't meet all the criteria. Ms. Meuse stated that this is not a gateway and asked if the Board agrees all six items are met. Mrs. Reed stated that she believes each criteria has been met. Ms. Meuse stated that she doesn't believe b has been met which would preserve the historic value. Mr. Johnson asked if Ms. Meuse realizes that part of this project is zoned Heavy Industrial. Ms. Meuse replied yes, but this project is too big for this area. Ms. Meuse stated that builders assume the waivers would be given because this board always does for builders.

Attorney O'Neill stated that according to Section 8692 the Planning Board has discretionary authority to approve waivers and conditions.

Dianna Martel of 752 Livingston Street – Ms. Martel asked if the trains were addressed in the new traffic study. Ms. Brown stated that a new study was not done; they reviewed the traffic report for compliance with the standards. The peak times were looked at and a field visit was conducted. They agreed with the traffic study submitted. Ms. Martel asked if trains were looked at. Mr. Cuoco stated that they can call Pan AM but they do not have a set schedule for the freight train.

Marie Hines of 20 Katie Way – Mr. Hines stated that people would take a right onto Pinnacle Street to get to Rt. 93. She wants to preserve the character of the neighborhood and asked if this will enhance the quality of life.

Mark Sheehan of 290 Lancaster Drive – Mr. Sheehan stated that this is an attractive property now. This is not a gateway area and there are no other 4-story buildings in the surround areas. He is concerned that this will influence upcoming projects.

Marissa Countie of 142 Carter Street – Ms. Countie stated that this project would compromise the integrity of the Livingston Street area and the historic aspects of it. Ms. Countie stated that Ames Pond is not fully occupied and what makes them think these apartments will be filled.

PLANNING BOARD MINUTES  
APRIL 27, 2015

Mr. Cuoco stated that they are not building on State owned land and there is approximately 400 acres of deeded Conservation land owned by the State. Mr. Cuoco stated that there are five story buildings right next door at the Tewksbury State Hospital. The Lodge at Ames Pond has high rents so that could be why there are vacancies. Mr. Cuoco stated that the applicant would not put up these buildings if we think that they are going to be vacant.

Ms. Countie stated that this project does not preserve the historic integrity of the area.

Ray Penny of 769 Livingston Street – Mr. Penny stated that he doesn't feel that this project will create problems and he is very impressed with the project.

Mr. Fowler stated that for the record, there are no elevators at Ames Pond so that means that very few elderly or handicap people can rent at Ames Pond.

Mr. Sadwick stated that the Town Engineer has three outstanding issues. One was approval from TEC, which was confirmed tonight. Another issue was test hole elevations and the required groundwater offset and the third was surcharging of storm water management. Mr. Sadwick recommended continuing this until the storm water management issue is worked out.

Mr. Hanley spoke with the Town Engineer today and he is more than comfortable to roll the remaining two issues with Conservation.

Mr. Johnson stated that for the record, this is a Special Permit so all four members present would need to approve this for it to pass.

Mr. Fratalia asked what happens if the trails do not connect. Mr. Cuoco stated that they still have the trails on site and the store will still be there.

Mr. Sadwick asked what would happen with the culvert. Mr. Martel stated that he will provide easements and will help how ever possible. Mr. Cuoco stated that we do not want to be involved with the permitting for the culvert.

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

**MOTION** - Mrs. Reed made a motion to approve the following waivers:

1. Section 8689.2 – allow 4 stories with a height of 51'
2. Section 4500 – waive the required landscape architect and allow final site inspection in the field by a Planning Board representative based on the applicants' reputation and past work.
3. Further, that the Board determines that all six criteria for approving this application have been met by the design, landscaping, traffic mitigation, sidewalks, bike trails and rental units as a diverse type of housing. These criteria include:
  - a) Encourage a mix of business, residential, cultural, educational and civic uses.
  - b) Promote compact development that is pedestrian-oriented and preserves the historic value and character of the area.
  - c) Minimize impacts on public services and maximizing the efficient use of public infrastructure.

PLANNING BOARD MINUTES  
APRIL 27, 2015

- d) Increase the Town's tax base by creating a thriving small business environment, attracting new investment and promoting economic development.
- e) Provide diverse housing opportunities; and
- f) Encourage the reuse of existing underutilized or vacant properties.

The motion was seconded by Mr. Fowler and unanimously voted 4-0.

**MOTION** - Mr. Fowler made a motion to approve the Site Plan Special Permit and Special Permit for 715, 721 and 731 Livingston Street with the following conditions:

1. Incorporation of all approved waivers.
2. In consideration of approval, the applicant agrees to donate \$25,000 x 14 units for a total of \$350,000 for the affordable trust fund.
3. The incorporation of mitigation including recommendations from TEC for curbing, sidewalks and crosswalks on Livingston Street. The overlaying of Livingston Street from East Street to their property.
4. The Board will maintain control over the landscaping and approve the installation in the field.
5. The storm water management is subject to the Town Engineer approval as an administration action.
6. If the trail shop use changes, the applicant would have to come back to the Planning Board.
7. The applicant would provide the required easements and assist the Town for the repair of the culvert.

The motion was seconded by Mrs. Reed and unanimously voted 4-0.

Mr. Anderson returned to the meeting.

**(F) 841 Main Street – Conceptual Plan Discussion**

Dick Cuoco and Hugh Fitzpatrick appeared for a conceptual plan for 841 Main Street. Mr. Cuoco stated that in 2007 a Special Permit was issued for this property and Mr. Fitzpatrick would like to convert the back portion into two apartments.

Mrs. Reed asked if they could covert this into three or four apartments and make one affordable.

Mr. Fratalia stated that four parking spaces are shown on the plan but there are only three on site.

Mr. Cuoco stated that they would add an additional one.

Mr. Anderson asked if there could be a fence or shrubs added to the left side of the property. Mr. Cuoco replied that they couldn't because it is not their property. Mr. Anderson replied he no problem with the proposal.

Mr. Fowler asked if the building is sprinklered. Mr. Fitzpatrick replied no. Mr. Fowler added that it might have to be. Mr. Fowler asked if the handicap ramp would have to be extended. Mr. Cuoco replied yes.

PLANNING BOARD MINUTES  
APRIL 27, 2015

Mr. Johnson stated that he has no issues with the concept.

Mr. Cuoco asked if this would be a Site Plan or Use Special Permit. Mr. Sadwick replied it would be a Site Plan Special Permit but the Board could waive all the outside requirements.

**Old Business**

Mr. Anderson commended the work being done at 1777 Main Street. He would like to note that Aubuchon has recognized Tewksbury Paint and Hardware in their new store with the old sign. This was a business that was in existence for 68 years.

**New Business**

Mr. Sadwick stated that the Town Meeting is on May 4<sup>th</sup> at 8:00 PM and asked if the Board would like to meet before. Mr. Johnson replied no.

**Director's Report**

Mr. Sadwick presented correspondence from Mr. DeGennaro and Town Counsel will answer this.

**Adjournment**

**MOTION** - Mr. Fowler made a motion to adjourn the meeting at 9:30 PM. The motion was seconded by Mr. Anderson and unanimously voted 5-0.

*Approved on: 5/18/15*

PLANNING BOARD MINUTES  
APRIL 27, 2015

*List of documents for 4/27/15 Agenda  
Documents can be located at the Community Development Office*

- A. 7:00** Approval of Minutes  
January 12, 2015  
February 23, 2015  
March 23, 2015
- B. 7:00** Committee Reports/Administrative Actions  
1- Zoning Bylaw Subcommittee  
2- Master Plan  
3- Committee Reports  
4- 90 River Road, St Mary Cemetery Expansion  
Annual Renewal Land Disturbance
- *Letter 3/23/15 fr W.L. French Excavating Corporation.*
- C. 7:00** 205 Washington Street, New England Power Company  
d/b/a National Grid  
Continued Site Plan and Use Special Permit, Land Disturbance
- *Letter 4/23/15 fr National Grid including:*
    - *Tewksbury Substation No. 22A, 345KV Yard Lighting Plan.*
    - *Transmission Line Plantings.*
    - *Roadside Landscape Concept Plan*
    - *Tewksbury 22A GIS Substation Rebuild, dated 3/17/15 revised 4/22/15.*
- D. 7:10** 1777 Main Street Ltd Partnership for W.E. Aubuchon Co., Inc.  
Continued Special Permit and Site Plan Special Permit
- *Letter 4/14/15 fr Faist Engineering re: responses to Plan Review Comments.*
- E. 7:20** 715, 721 and 731 Livingston Street, KAJ, LLC  
Continued Site Plan Special Permit and Special Permit
- *Letter 4/15/15 from Civil Design including:*
    - *Traffic Impact & Access Study, 2/23/15.*
    - *Emergency Vehicle Turning Radius Plan, 4/9/15.*
    - *Lighting Plan, 4/2/15.*
    - *Architectural Plans and Rendering.*
    - *Site Development Plan, 4/14/15.*
  - *Town Engineer letter to be provided prior to 4/27 hearing.*
  - *Letter 4/24/15 fr TEC re: Traffic Peer Review Comments.*
  - *Summary, Overcoming Opposition to Multifamily Rental Housing, Mark Obrinsky and Debra Stein March 2007, prepared for Revisiting Rental Housing: A National Policy Summit November 2006*
  - *Photo of Chandler St intersection received 4/27/15.*
  - *Proposed Development for The Residence's at Joan's Farm; design by Gavin & Sullivan Architects Inc.; dated April 21, 2015.*
  - *Chart showing developments in Tewksbury; # of units; # of school age children, etc.*
- F.** 841 Main Street – Conceptual Plan Discussion
- *Letter 4/22/15 fr Woodland Design including Conceptual Plan dated 4/22/15.*