

PLANNING BOARD MINUTES
DECEMBER 1, 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) Committee Reports/Administrative Actions

(A1) Zoning Bylaw Subcommittee

Mr. Sadwick stated that the subcommittee met last Monday and some mapping needs to be done for the Woburn Street rezoning. This will take some time to do. Mr. Sadwick stated that he would send out some proposed meeting dates.

(A2) Master Plan

Mr. Sadwick stated the consultant will be meeting with the Board at 6:00 PM on December 15th before the next Planning Board meeting. They will also be taking a tour of the municipal buildings on December 4th.

(A3) Committee Reports

There were no committee reports.

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

(C) Laurier Avenue, Brian J. Smith and Donna Walsh – Map 10, Lots 45, 54 and 73 – Special Permit

(D) Laurier Avenue, Brian J. Smith and Donna Walsh – Map 10, Lot 56 – Special Permit

Mr. Plunkett stated that they will take Agenda Items B, C and D together.

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

MOTION - Mr. Fowler made a motion to waive the reading of the public hearing notice for Agenda Item D. The motion was seconded by Mrs. Reed and unanimously voted 5-0.

Attorney Richard O'Neill and Matt Hamor appeared for the continued definitive subdivision and two special permits for Laurier Ave. Attorney O'Neill stated that they have had multiple meetings with Town staff and the consulting engineers. The main question was could they use a plan that was recorded at the registry pre-subdivision control of 1953 for access. He has done the legal research and the paper streets shown on this plan can be used for access. This is similar to the situation at Kansas Road where the Board issued an adequate access determination for two house lots. In that case, the Board issued the approval based on the roadway being built out as per the Planning Board approval and approved by the DPW and consulting engineer. A street access plan has been provided for this project.

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Attorney O'Neill recapped the plan. There will be two lots constructed on the paper street of Laurier Avenue. The new street name will be Day Street. There will be 400' of linear roadway constructed. Town water and sewer will service these lots. There will be a utility agreement that this road will remain private with a homeowner's association. The right of way will be 40'. The lots are in a split zone of Heavy Industrial (HI) and R40, so a Special Permit is needed for a residential home in the HI zone.

Attorney O'Neill stated that they were anticipating the Town Engineer response letter today but did not receive it. Mr. Hamor spoke with the Town Engineer today and he has no issues other than a possible street opening on Astle Street. Mr. Hamor stated that the Town Engineer did not receive the initial plan so the comments from the consulting engineer letter dated December 1, 2014 were confusing. Attorney O'Neill stated that they are not blaming the Town Engineer for the lack of response because he did not get all the materials in a timely fashion.

Mr. Hamor stated that in the December 1, 2014 memo from his office, they are confident in the lot representation on the plan to address item #4. Mr. Plunkett asked if the Assessor's map is different from what was presented. Attorney O'Neill replied no, the Assessor's map matches our plan.

Mr. Plunkett asked if the Town Engineer is in agreement with the waivers requested. Mr. Sadwick replied stated that he is in agreement with the majority of the waivers but has some safety issues with the storm water management issue. Mr. Plunkett asked if the 18' roadway is standard. Mr. Sadwick stated that for a public way we have been requiring 22' – 24' but for a private way, 18' has been acceptable. Mr. Plunkett asked if there would be a contribution to the sidewalk fund if the waiver were granted. Attorney O'Neill replied yes.

Mr. Sadwick asked if the second lot would have the house in the HI zone. Mr. Hamor replied yes. Mr. Sadwick asked what setbacks would be used. Attorney O'Neill replied that they would be using the setbacks for the R40 zone with the special permit, 25' from the street and 15' side and rear.

Mr. Fowler asked if any other lots could tie into the sewer line. Mr. Hamor replied he is not sure, but they could add a lateral if needed. Mr. Fowler asked what the stub size is out of the manhole. Mr. Hamor replied 8". Attorney O'Neill added that the likelihood of expansion is very small.

Attorney O'Neill stated that the Special Permit requires a finding of fact that the lot was in existence prior to the adoption of this section of the bylaw.

Mr. Fowler asked if there are still engineering issues. Mr. Sadwick stated that he would want to see the memo from the Town Engineer first to see if the storm water management issues have been addressed. Mr. Hamor stated that an infiltration detention basin was originally proposed so they did additional test pits that the Town Engineer witnessed. Mr. Fowler stated that one of the lots originally had a house on it a long time ago.

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Mr. Johnson asked if the Town Engineer has seen the proposed sewer connection. Mr. Hamor replied yes, we would be following the Town's guidelines. Mr. Johnson asked how the R40 dimensional will be used in a Heavy Industrial zone and how do we approve that. Mrs. Reed stated that under Section 4200, a special permit can be granted and we can specify the setbacks in the special permit as R40 setbacks. Mr. Johnson stated that for the record he doesn't have a problem with using the R40 setbacks, he just wants to make sure it can be done.

Mr. Plunkett asked if there has been a Chapter 40A, Section 6 determination yet. Attorney O'Neill replied no, they need a determination of adequate access prior to applying for a 40A, Section 6 finding but the package is ready to go. Mr. Plunkett stated that could be a condition. Mr. Plunkett stated that it appears that the "T" turnaround takes away from the frontage. The plan could be laid out as a cul-de-sac and remove the "T" turnaround then you won't have to deal with frontage issues. Mr. Hamor replied that was a good idea and they will revise the plans. Mr. Plunkett asked how the Homeowner Association would be dealt with. Mr. Sadwick stated that he would check with Town Counsel. Mr. Plunkett stated that should be part of the submission. Mr. Plunkett stated that he could send documentation of a recent Homeowners Association he dealt with. Attorney O'Neill replied that would be very helpful.

MOTION - Mr. Fowler made a motion to continue the Definitive Subdivision, and two Special Permits for Laurier Avenue until December 15, 2014 at 7:30 PM. The motion was seconded by Mr. Johnson and unanimously voted 5-0.

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

Dick Cuoco, Robert Pondelli and Joseph Laliberte appeared for the continued Site Plan Special Permit/VROD Special Permit. Mr. Cuoco stated that based on the previous comments, they have provided two proposed revisions of the plan. The first option removes two residential units above the commercial building and increases the parking spaces by nine. The second option removes two residential units above the commercial building and changes the layout in the back to five townhouses on one side and three on the other instead of four on each side. This option will increase the parking spaces by six.

Mrs. Reed asked if there were any comments from staff. Mr. Sadwick replied no. Mrs. Reed asked if this affects the impervious surface. Mr. Cuoco stated that we are using porous pavement so it doesn't matter. Mr. Cuoco added that we are performing a fire flow test on December 5th with the DPW.

Mr. Fratalia stated that both proposals would change the residential units over the commercial from four to two units. Mr. Cuoco replied yes.

Mr. Fowler stated that he likes option #2.

Mr. Johnson stated that either option is fine, but he would prefer option #1 because of the three extra parking spaces. Mr. Cuoco stated that option #1, has 9 extra spaces, extra snow storage and the dumpster is moved away from the residences.

Mr. Plunkett stated that he likes option #2 and asked that the radius be changed at the exit to force the right hand turn only.

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Ben Morey of 6 Jerome Road – Mr. Morey stated that with either option, there would still be a right hand turn only on Jerome Road. Mr. Cuoco replied that was correct.

Mr. Plunkett stated that for the record they received an email from Dohn Bowden that will be part of the record. Mr. Plunkett took a poll of the Board and Mr. Johnson liked Option #1, and Mr. Fratalia, Mrs. Reed, Mr. Fowler and Mr. Plunkett liked Option #2.

MOTION - Mr. Johnson made a motion to continue the public hearing for 743 Main Street until January 12, 2015 at 7:00 PM. The motion was seconded by Mr. Fowler and unanimously voted 5-0.

(F) 1201 Main Street, New Horizons Realty Group LLC Concept Discussion

Eric Gerard, representing Dr. Wu, appeared to discuss the concept plan for 1201 Main Street. Mr. Gerard stated that in 2008, an 8,000 SF professional office building was constructed. They are proposing another 8,070 SF office building with a 45 additional parking spaces. This site will have a total of 91 parking spaces.

The utilities are all on site except for the gas, which will require a street opening permit from Mass DOT. They will mimic the storm water management currently onsite and they will use rain gardens. They are in the process of submitting a new ANRAD with the Conservation Commission. There will also be flood plain impact. The architect will mimic the existing building and they will only be required to add two additional parking lot lights. The signage will be included in the existing free standing sign.

Mr. Johnson asked if a Phase II was proposed during the original proposal. Mr. Sadwick replied yes. Mr. Johnson asked if porous pavement has been looked at for this site. Mr. Gerard replied no.

Mr. Fratalia asked how many units were in Phase I. Mr. Gerard replied two, and they are proposing 3 in Phase II. Mr. Fratalia stated that he would be looking for a detailed landscape plan.

Mr. Fowler stated that he liked Phase I and asked if they have seen the Building Commissioner's letter regarding FEMA. Mr. Gerard replied that they would be filing with FEMA.

Mrs. Reed stated that she would look for some design details in the front of the site.

Mr. Plunkett stated that this seems like a good project and looks forward to the submission.

Old Business

Mr. Sadwick stated that they he will be meeting with Town Counsel, the Building Commissioner, the owners and owners counsel at 464 Woburn Street to tour the site. Mr. Plunkett stated that he would also be present. Mr. Fowler asked that he also be present. Mr. Sadwick replied that he would report back to the Board.

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New Business

Mr. Sadwick stated that there is a Merrimack Valley Reliability Project and comments are due by December 15th. National Grid is looking to build a power line from New Hampshire to the substation in Tewksbury through the existing right of way. Mr. Fowler stated that they are doing upgrades on Power Road. Mr. Sadwick stated that this is to add additional capacity. Mrs. Reed asked if we could send a comment regarding the landscaping. Mr. Plunkett asked if a permit is needed due to the total square footage of the structures. Mr. Sadwick replied he was not sure. Mrs. Reed asked if we could connect National Grid with the Bike Path Committee.

Director's Report

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

Adjournment

MOTION - Mr. Johnson made a motion to adjourn the meeting at 9:03 PM. The motion was seconded by Mrs. Reed and unanimously voted 5-0.

Approved on: 2/11/15

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List of documents for 12/1/14 Agenda

Documents can be located at the Community Development Office

- A. 7:00** Committee Reports/Administrative Actions
1- Zoning Bylaw Subcommittee
2- Master Plan
3- Committee Reports
- B. 7:00** Laurier Avenue, Brian J. Smith and Donna Walsh
Continued Definitive Subdivision
- C. 7:00** Laurier Avenue, Map 10, Lots 45, 54 and 73
Brian J. Smith and Donna Walsh - Special Permit
- D. 7:00** Laurier Avenue, Map 10, Lot 56
Brian J. Smith and Donna Walsh - Special Permit
- *Application packet dated 10/24/14.*
 - *Letter dated 11/19/14 from GCG re: Day Street – Review #3.*
- E. 7:10** 743 Main Street, Tewksbury Village Condominiums, LLC
Continued Site Plan Special Permit/ Village Residential Overlay
District Special Permit
- *Progress Print dated November 25, 2014 prepared by Cuoco & Cormier.*
 - *Review ltr 11/25/14 fr Mike Carter, GCG Associates.*
- F.** 1201 Main Street, New Horizons Realty Group LLC
Concept Plan Review
- *Memo dated 11/28/14 fr Building Commissioner.*
 - *Site Plan, Proposed Business Park Phase II, 1201 Main Street, Tewksbury, MA; prepared by TEC, Inc.; dated 11/14/14*