

PLANNING BOARD MINUTES
DECEMBER 15, 2014

Call The Meeting to Order

Chairman David Plunkett called the meeting to order at 7:00 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 – November 17, 2014

MOTION - Mr. Fratalia made a motion to approve the Planning Board minutes of November 17, 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 there still needs to be some analysis done on Woburn Street and the map still needs to be updated. Mr. Sadwick asked when the committee would like to meet next. Mr. Plunkett stated that we should meet after the new year.

(B2) Master Plan

Mr. Sadwick stated the group interviews are complete now that the Planning Board met tonight. They received the economic development piece from NMC GO and they need to integrate that with the other piece. They are speaking with the DPW and Police regarding the transportation piece of the Master Plan. Mr. Plunkett asked what the new completion date is. Mr. Sadwick replied March 31, 2015.

(B3) Committee Reports

There were no committee reports.

(C) 40 Bonnie Lane, Eric Mantey – Family Suite 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.

Ken Lania from Cornerstone Engineering and Eric Mantey appeared for the family suite special permit. Mr. Lania stated that a family suite was originally approved earlier this year for this address that included 888 SF and two bedrooms. They are proposing changing the layout and increasing the square footage to 996 SF with one bedroom.

Mr. Johnson stated that that on the original plan, the common room had 334 SF, this plan shows less. Mr. Lania responded that they are modifying the space by moving in the wall and relocating the kitchen.

Mr. Fowler stated that this plan is confusing and asked if the square footage considers the internal walls because the existing square footage is 554 SF and 334 SF, which equals 888 SF. This does not include the 128 SF of storage which will now be included that will put it over the 1,000 SF. Mr. Lania stated that the total square footage was calculated by an engineer and will be 996 SF. There will be an interior wall between the family suite and common area that will be moved. Mr. Fowler asked if any construction has been done yet. Mr. Lania replied not yet, they have been painting and cleaning up. Mr. Fowler stated that the plan does not reflect how they would make it conform.

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Mr. Fratalia stated that as long as you comply with the bylaw and building regulations, he is fine with the plan.

Mrs. Reed stated that she was all set.

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 - Mr. Fowler made a motion to approve the family suite special permit modification with a condition that a building permit is required for any construction being done to the unit. The unit cannot be over 1,000 SF. The motion was seconded by Mr. Johnson and unanimously voted 5-0.

(D) 883 Main Street, BP Gas Station, Lehigh Gas Wholesale for Leemilt's Petro Site Plan 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.

Carolyn Parker appeared for the Site Plan Special Permit for 883 Main Street. Ms. Parker stated that they are requesting to install a 30' x 48' overhead canopy above the fueling station. It will have a 3' fascia and will be 18' in overall height. There will be two illuminated signs on the canopy. Ms. Parker stated that they are also going before the ZBA for relief from the front setback.

Mrs. Reed asked if there would be any landscape improvements. Ms. Parker replied none were planned but they could add something in the spring. Mrs. Reed stated that landscaping in part of the requirement for a Site Plan Special Permit. Ms. Parker stated that this is an existing site and was not aware of this requirement. Mr. Plunkett stated that when a Site Plan Special Permit is applied for, it gives the Board the ability to address deficiencies in existing sites.

Mr. Fratalia stated that he doesn't have a problem with the proposed canopy but wants to see improved landscaping on the site.

Mr. Fowler stated that he agrees with Mrs. Reed in regards to the landscaping. Mr. Fowler asked if this proposal was submitted to the Fire Department for approval. Ms. Parker stated that they would be using the existing system and the plans were submitted 12 years ago. They will take it down, install the canopy and reinstall the system so the Fire Department already has it. They will need to pull a permit to replace the dispensers anyway. Mr. Fowler stated that the Fire Department has to be notified when there is any change to a suppression system.

Mr. Johnson asked if only the starburst will be lit. Ms. Parker replied that was correct. Mr. Johnson asked if there were any plans to clean up the existing building. Ms. Parker replied no. Mr. Johnson agreed that a landscape plan is needed and the site should have upkeep.

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Mr. Plunkett asked how big the curb cut is. Ms. Parker stated that it goes along the front property line so it is about 225'. Mr. Plunkett asked if there was any discussion with Mass DOT regarding curb cut reduction or sidewalks. Mr. Sadwick stated that is usually discussed with Mass DOT when there is a request for access permits which is not the case here. Mr. Plunkett stated that this canopy would only be 5' from Main Street and he is concerned that this canopy may interfere with any improvements that Mass DOT may want to do in the future in this area. Ms. Parker stated that the canopy couldn't be cut back due to the coverage of the fire suppression area. Mr. Plunkett asked if there was an IDR done on this project. Mr. Sadwick replied no. Mr. Plunkett stated that the Petroil site at the corner of Main and Shawsheen Streets interfered with the potential improvement of that intersection and he doesn't want that to happen on this site with the canopy being only 5' from Rt. 38. Mr. Plunkett stated that an IDR should be conducted due to the size of the canopy and it being located so close to Rt. 38 as well as a required landscape plan.

Mr. Fowler stated that there are three outstanding items, including variances needed from the ZBA, a Fire Department review and a landscaping plan as well as discussions with Mass DOT. Mr. Plunkett stated that regardless of what the ZBA determines, this still falls under the jurisdiction of this Board.

MOTION - Mr. Fowler made a motion to continue the Site Plan Special Permit for 883 Main Street until January 12, 2015 at 7:20 PM. The motion was seconded by Mr. Fowler and unanimously voted 5-0.

(E) 1 Radcliff Road, VTH7, LLC Continued Site Plan Special Permit

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

Steve Cox and Ting ? appeared for the Site Plan Special Permit for 1 Radcliff Road. Mr. Cox stated that they have met with the Conservation Commission twice and hopefully they will be getting an Order of Conditions issued.

Mr. Cox stated that building 3 was empty until Thermo Fisher occupied the space. This application is to expand the parking lot.

Mr. Fowler stated that there is no way to get out the back of the parking lot due to the wetlands. Mr. Cox replied that was correct.

Mr. Johnson asked where the responses to the comments stand. Ms. ? stated that the comments from staff and engineering have been incorporated into the new design. Mr. Johnson stated that a waiver is being requested for the buffer so what will be in the buffer between the parking and adjacent lots. Mr. Cox stated that the elevation change is at least 20' to 30'. The North Street properties are higher and there is existing vegetation that will remain.

Mrs. Reed stated that she would wait for engineering. Mr. Fratalia and Mr. Plunkett agreed to wait for comments.

MOTION - Mr. Fratalia made a motion to continue the Site Plan Special Permit for 1 Radcliff Road until January 12, 2015 at 7:30 PM. The motion was seconded by Mr. Johnson and unanimously voted 5-0.

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(F) 890 East Street, Compass Packaging International for 890 East, LLC 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.

Attorney Richard O'Neill, Joseph Phelan and Phillip Copelas appeared for the Special Permit application for 890 East Street. Attorney O'Neill stated that this is the former Accusphere site. They have had about 50% occupancy rate for the last five years. Compass Packaging has submitted an offer to buy the building. This is an existing facility in a Heavy Industrial zone. The present uses include office space and Extra Innings Baseball. The Special Permit is for use D9. The building is 58,000 SF and Compass Packaging will use 15,000 SF, which will basically fill the building to capacity.

Mr. Frataglia asked what the hours of operation would be. Mr. Copelas replied they have normal operating hours, 9:00 AM to 5:00 PM. They have ten staff, three office and seven warehouse workers. They also have a 24' box truck for deliveries because they have a lot of direct ship to customers.

Mrs. Reed stated that there is only one truck. Mr. Copelas replied yes. Mrs. Reed asked if there would be deliveries to the site. Mr. Copelas replied yes, they would have deliveries from FedEx or UPS and there is usually about 2-3 per day. Mrs. Reed stated that a limit of number of deliveries could be a condition of the permit. Attorney O'Neill stated that they could limit the number of deliveries to twenty and if it goes over, then they would have to come back for review.

Mr. Fowler asked what the Special Permit would be for. Attorney O'Neill replied that there is currently a Special Permit for indoor recreation for the baseball and office, but they are requesting a warehouse and distribution use. Mr. Copelas stated that he provides third party logistics, so they store some customer's parts, they assemble and ship other components. Mr. Fowler stated that perhaps the Use Special Permit should also be for manufacturing. Attorney O'Neill stated that both uses have principle and accessory uses so they are requesting to amend the Special Permit application for the use #D7 manufacturing as well as #D9 warehouse.

Mr. Johnson asked if the space to the left is where Extra Innings is. Attorney O'Neill replied yes.

Attorney O'Neill stated that there is an active P&S on the property and they are hoping to close in January.

Mr. Plunkett asked if there is sufficient parking onsite. Mr. Phelan replied yes.

There was no one in the audience.

MOTION - Mr. Fowler made a motion to close the public hearing for 890 East Street. The motion was seconded by Mr. Johnson and unanimously voted 5-0.

MOTION - Mr. Fowler made a motion to amend the Special Permit application to include #D7 manufacturing as well as #D9 warehouse. The motion was seconded by Mrs. Reed and unanimously voted 5-0.

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MOTION - Mr. Fowler made a motion to approve the Use Special Permit as amended with the following conditions:

1. The use will be located within the 15,000 SF designated on the submitted plan.
2. The incoming deliveries to the site will not exceed 20 per regular business day. If the number of trips is exceeded, the applicant will need to return to the Planning Board.
3. The hours of operation will be 7:00 AM to 7:00 PM.

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

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

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

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

Mr. Plunkett stated that they would take Agenda Items G, H and I together.

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 at the last meeting there were a few outstanding issues. The first was the documentation for the homeowners association. Attorney O’Neill stated that Mr. Plunkett forwarded him the Lowell homeowner ‘s association language and thanked him. The other issue was a redesign of the turnaround. There was also the issue with the agreement to extend the roadway, drainage, sewer and water connection as well as a sewer extension agreement. Attorney O’Neill stated that he was sent the template from the Town and they have provided Exhibit B but it doesn’t address that the road is to remain private and never be submitted for street acceptance. Mr. Sadwick stated that was just a template but it will be in there going forward.

Mr. Plunkett asked if the homeowners’ agreement would be a separate document. Attorney O’Neill replied yes.

Mr. Hamor stated that a revised T turnaround was submitted today to engineering and the Fire Department. Mr. Hamor stated that Mr. Hardiman picked up a labeling error that will be fixed and Deputy Vasas called at 5:00 PM today saying he approved the new T turnaround. They also submitted the updated drainage report. The drainage did not change, it just was moved. Mr. Sadwick stated that they are so close on the issues that this could be approved subject to or the Board could keep the hearing open. Attorney O’Neill stated that if it is closed, he asked that the subject to have a time frame associated with it. Mr. Johnson stated that we don’t have to approve it subject to, but we try to be accommodating.

Mr. Plunkett stated that the homeowners association document could be submitted later and be subject to Planning Board review and approval as well as the extension agreement to be reviewed by Town Counsel.

Attorney O’Neill stated that the R40 dimensional setbacks are requested on the plan and are required for the 40A, Section 6 submission condition.

There was no one in the audience.

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MOTION - Mr. Johnson made a motion to close the public hearings for Agenda Items G, H and I for Laurier Ave. The motion was seconded by Mr. Fratalia and unanimously voted 5-0.

MOTION - Mr. Johnson made a motion based on the scope of the project, the reduction in impervious surface and that this will remain a private road, to approve the following waivers:

1. Section 8.1.7 – A minimum of 25’ radius sideline at street intersections shall be maintained, 20’ is proposed.
2. Section 8.1.8 – Curves of street sidelines at street intersections must have a radius of not less than 25’, 20 is proposed.
3. Section 8.1.9 – Per Table 1 Horizontal Design Standards, a minimum centerline radius of 150’ shall be maintained, 30’ is proposed.
4. Section 8.1.10 – The following are design standards for “dead end” streets considering residential zoning (as shown on zoning map) with respect to Table 1 Horizontal Design Standards and Table 2 Vertical Design Standards:
 - Paved surface minimum width is 24’ for a dead end street servicing 1-4 lots, proposing 18’.
 - A cul-de-sac turnaround is required for a proposed dead end street. The outside diameter of turnaround shall maintain a 110’ right of way radius and 90’ pavement radius. A hammerhead of T-type turnaround is not in compliance with this regulation, a T-Type turnaround is proposed.
 - The street traveled shall be 22’ wide, 18’ is proposed.
 - A minimum K Value of 30’ shall be maintained for a chest vertical curve, and 35 for a sag vertical curve, 20 is proposed.
5. Section 8.1.15 – Cul-de-sac requirements – waiver required.
6. Section 8.2.1 – Street drainage shall be designed to include a system of catch basins and manholes to intercept runoff from roadway and adjoining land. Typical street cross section shows a main drain line laid in the street, shoulder infiltration trench proposed.
7. Section 9.1.1 – This section requires compliance with standard detail shown for streets. The proposed plan variations shall be addressed, or waiver sought for deviations from standard section detail including pavement and traveled way width, curbing, sidewalks and landscaping and are listed under consecutive sections, waiver requested.
8. Section 9.4 – Curbing requirements are listed under this section. These shall be reviewed or addressed or a waiver sought, no curbing is proposed.
9. Section 9.5 – Sidewalk requirements are listed under this section. These shall be reviewed and addressed or a waiver sought, no sidewalk is proposed. A donation will be made to the sidewalk fund for the linear footage.

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10. Section 9.6 – Street signs and lampposts shall be in conformance with this section and noted on plans, no lampposts are being proposed.
11. Section 9.7 – Tree and vegetation requirements are listed under this section. These shall be reviewed and addressed or a waiver sought, no landscaping is being proposed.

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

MOTION - Mr. Fowler made a motion to approve Agenda Item G, the Street Access Plan as submitted and incorporation of all approved waivers, subject to final Town Engineer approval, subject to the homeowners association document being reviewed and approved by the Planning Board and the extension agreement including road, drainage and utilities to be submitted and approved by Town Counsel. The motion was seconded by Mr. Johnson and unanimously voted 5-0.

MOTION - Mr. Fowler made a motion to approve Agenda Items H & I, the Special Permits for Map 10, Lots 45, 54 and 73 and Map 10, Lot 56 as submitted with incorporation of all approved waivers and subject to the acceptance and approval from Town Counsel for the Chapter 40A, Section 6 lot and approval of the dimensional requirements for Residential as shown on the plan. The motion was seconded by Mrs. Reed and unanimously voted 5-0.

(J) Victor Drive at Main Street Conceptual Layout Plan

Marc Ginsburg and Jim Hanley appeared for a second conceptual layout plan for Victor Drive. Mr. Hanley stated that the number of units would remain at 192. The new layout will have four buildings with 48 units in each. There will be a clubhouse, a pool, a trash compacting area and walking trail around the site.

Mrs. Reed asked where the state land is located on the plan. Mr. Ginsburg replied at the top of the plan. Mrs. Reed asked if the walking trail could be connected to the potential commercial project in the front. Mrs. Reed asked if there would be affordability. Mr. Ginsburg replied yes, they would include the 15% affordability.

Mr. Fratalia stated that he likes the four building design and likes the walking trail concept.

Mr. Fowler asked if these would be rentals. Mr. Ginsburg replied yes. Mr. Fowler stated that he likes the recycling area.

Mr. Johnson agreed and stated this plan is much better than the one large building.

Mr. Plunkett asked if there would be sidewalks. Mr. Ginsburg replied yes, they would do the landscaping and sidewalks and cut back the sidewalks when the commercial portion goes in. Mr. Ginsburg stated that they would have the same architectural features.

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Old Business

Mr. Sadwick stated that he received a letter from Town Counsel regarding Woburn Street. There were a number of items on the Building Commissioner's letter that have not been addressed. There were good promises but not adequate. Mr. Plunkett stated that there are several items that have not been addressed. Mr. Sadwick asked if we should go point by point. Mr. Plunkett stated that they agreed to hold the parallel action while they addressed the outstanding issues. Mr. Johnson stated that we shouldn't have to go point by point. The violation letter was very specific and they know what they have to fix. Mr. Plunkett stated that this should be put on the agenda and a note should be sent to the applicant that all the items have not been addressed and based on the results of the meeting of what they agreed to do. Mrs. Reed asked why should we not move forward. Mr. Plunkett stated that there is an impact to our staff and a cost for filing the legal notice. Mr. Plunkett stated that they should be made aware that this would be on the next agenda at the request of Board members. Mr. Fowler asked if a letter will be sent or a phone call. Mr. Sadwick stated that Town Counsel would be calling their counsel to setup a meeting with the Building Commissioner. Mr. Fowler stated that we should follow up a letter pointing out all the items that they did not address in the violation letter. Mr. Fowler added that the sidewalks were required so no one would park there.

New Business

There is no new business.

Director's Report

Mr. Sadwick stated that the Planning Board was the only office to submit for the ENF for the Merrimack Valley Reliability Project. Mrs. Reed thanked the staff for submitting this.

Adjournment

MOTION - Mr. Fowler made a motion to adjourn the meeting at 9:25 PM. The motion was seconded by Mr. Johnson and unanimously voted 5-0.

Approved on: 2/11/15

*List of documents for 12/15/14 Agenda
Documents can be located at the Community Development Office*

- A. 7:00** Approval of Minutes – November 17, 2014
- B. 7:00** Committee Reports/Administrative Actions
 - 1- Zoning Bylaw Subcommittee
 - 2- Master Plan
 - 3- Committee Reports

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- C. 7:00** 40 Bonnie Lane, Eric Mantey
Family Suite Special Permit
- *Special Permit Application packet dated 11/14/14.*
 - *Memo 12/15/14 fr Building Commissioner.*
- D. 7:10** 883 Main Street, BP Gas Station; Lehigh Gas Wholesale for
Leemilt's Petro
Site Plan Special Permit
- *Application packet dated 11/12/14.*
 - *Memo 12/10/14 fr Director of Public Health.*
- E. 7:20** 1 Radcliff Road, VTH 7, LLC
Continued Site Plan Special Permit
- *Application packet dated 3/9/14. (Hearing never opened.)*
 - *IDR held on April 15, 2014.*
 - *Review letter fr Weston & Sampson dated 4/11/14.*
 - *Review memo fr Town Engineer dated 4/15/14.*
 - *Amended Site Plan, 1 Radcliff Road; prepared for VTH 7, LLC; prepared by Cuoco & Cormier; dated March 12, 2014; revised 12/3/14.*
- F. 7:25** 890 East Street, Compass Packaging International for 890 East,
LLC, Special Permit
- *Special Permit Application packet dated 11/25/14.*
- G. 7:30** Laurier Avenue, Brian J. Smith and Donna Walsh
Continued Definitive Subdivision
- H. 7:30** Laurier Avenue, Map 10, Lots 45, 54 and 73
Brian J. Smith and Donna Walsh – Continued Special Permit
- I. 7:30** Laurier Avenue, Map 10, Lot 56
Brian J. Smith and Donna Walsh – Continued Special Permit
- *Letter dated 12/10/14 from Robert Gill Engineering re: Laurier Avenue Extension (now "Day Street" Access)*
 - *Turning Radius Exhibit Plan, Day Street; prepared for Brian Smith & Donna Walsh; prepared by Robert Gill; date 12/9/14.*
 - *Street Access Plan Set; prepared for Brian Smith & Donna Walsh; prepared by Robert Gill; date 9/9/14 revised 12/9/14.*
 - *Roadway, Drainage, Sewer & Water Connection & Extension Agreement (draft).*
- J.** Victor Drive at Main Street
Conceptual Layout Plan
- *Conceptual Layout Plan prepared by Civil Design Consultants, Inc., for Marc P. Ginsburg & Sons, Inc., dated December 8, 2014.*