

TEWKSBURY PLANNING BOARD MINUTES  
February 27, 2023

**Call The Meeting to Order**

Chairman Stephen Johnson called the meeting to order at 7:00 P.M. Present at the start of the meeting were Robert Fowler, Vincent Fratalia, James Duffy & Jonathan Ciampa.

(A) **Approval of Minutes – January 23, 2023**

**MOTION** – Mr. Duffy made a motion to approve the 1/23/23 minutes. The motion was seconded by Mr. Fratalia and unanimously voted 5-0.

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

(B1) **Committee Reports**

(B2) **Town Planner’s Reports**

**Resident Concern – “Lee House”**

Ms. Lowder stated she received an email from a resident regarding the status of the Lee House – see attached. She can confirm that the restoration of the Lee House was a condition of the special permit approval for the adjacent development. Building permits were issued in 2004 for the restoration of the Lee House, but the work has not yet been completed. Ms. Lowder noted they are holding a \$10,000 bond on that project.

Mr. Johnson clarified that they are approaching 20 years so if nothing is being done the board is going to have to bring them in and push the process along.

Mr. Fowler stated the original plan was nice, they were going to reconstruct the property & put a couple additions on the back and it started but then it stopped, it is an eyesore. Mr. Fowler asked Ms. Lowder if the owner has contacted her about what they are doing, Ms. Lowder stated they have not, she believes there have been discussions with the building commissioner about the progress & status of the building permits and whether they are active or not. Ms. Lowder stated she would reach out to the developer to ask what the plan of action is & report back to the board.

Mr. Fratalia asked for clarification on the location asking if it was on Lee St. across from Farmer & Dee, Ms. Lowder confirmed that was correct.

**1775 Andover Street – 40B Conversion**

The owners of 1775 Andover Street received their Project Eligibility Letter (PEL) from the Massachusetts Housing Partnership – see attached. I have spoken with the owner and their representatives, and they are working diligently to put together a complete submission package before presenting to the Zoning Board of Appeals. We should expect to see that in the late spring/early summer timeframe, as of latest discussions.

(B3) **1009 Livingston Street – As-Built Acceptance**

Continued to 3/13/23.

(B4) **255 Salem Street/Border Road – As-Built Acceptance**

Continued to 3/13/23.

(C) **171 Cardigan Road – Paul O’Keefe on behalf of Nick Leone - Family Suite Special Permit**

**MOTION** – Mr. Fowler made a motion to waive the public reading. The motion was seconded by Mr. Duffy and unanimously voted 5-0.

Paul O’Keefe & Nick Leone appeared for the Family Suite Special Permit for 171 Cardigan Road. Mr. O’Keefe referenced the plans given to the board and stated they are looking to build an in-law suite for elderly family members to

## TEWKSBURY PLANNING BOARD MINUTES

February 27, 2023

move in. Mr. Johnson asked the proposed square footage for those that did not have plans in front of them, Mr. O'Keefe stated 995.

Mr. Fratalia asked if the brick building on the right was staying, Mr. Leone stated it was. Mr. Fratalia asked for further clarification on where this was being added, Mr. O'Keefe offered additional plans, Mr. Fratalia declined and asked where it was going, Mr. O'Keefe stated on the right of the property. Mr. Fratalia reiterated it would be 995 square feet, 2 bedrooms & stated he didn't have a problem with it.

Mr. Duffy confirmed the house is already connected to sewer and stated he didn't have a problem with it and thanked Mr. Leone's in laws for their public service as a state trooper & a nurse.

Mr. Ciampa asked if the garage on the plans was existing, Mr. O'Keefe stated it was not and was being built along with the in law. Mr. Ciampa asked if the garage space was included in the 995 square feet, Mr. O'Keefe stated it was not. Mr. Ciampa then asked about the egress and any comments from the building department, Mr. O'Keefe stated its all been looked over and is just waiting for the board's approval.

Mr. Fowler made sure Mr. O'Keefe knew the electrician had to make the fire alarm system contiguous.

Mr. Johnson stated they encourage these as long as the requirements are met, the building department will give the approval.

There were no comments from the audience.

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

**MOTION** – Mr. Fratalia made a motion to approve the Family Suite Special Permit for 171 Cardigan Road. The motion was seconded by Mr. Duffy and unanimously voted 5-0.

### **(D) 623 Main Street – Metro Sign & Awning on behalf of Eco Auto: Sign Special Permit**

**MOTION** – Mr. Duffy made a motion to waive to public reading. The motion was seconded by Mr. Ciampa and unanimously voted 5-0.

John Peterson, Michelle Salas & Al Salas appeared for the Sign Special Permit for 623 Main Street. Mr. Peterson stated they are proposing a wall sign that would exceed the square footage allowed by 34 sq. ft. & will be internally illuminated.

Mr. Fowler stated he liked the plan, welcomed them to Tewksbury then reminded them they aren't allowed to have the sign lit all night. Mr. Peterson stated they were aware of the hours.

Mr. Ciampa asked for clarification on how the square footage of the sign was measured, if it included the dead space between the letters so you draw a boundary around it and that's the sign. Ms. Lowder confirmed that was the case. Mr. Ciampa then stated that they are overshooting by about 50%, which seems like a lot & asked if it would be a huge loss to cut back on the slogan or what would the sign look like if it were compliant. Mr. Peterson stated they would have to move everything closer together, shrinking all the dead space between the pieces. Mr. Ciampa asked if it would comply if they took out the slogan piece, Mr. Peterson stated that is part of their branding they would like to keep that with the Eco Auto sign. Ms. Lowder stated that even without the sign is still slightly more than allowed & noted that if the building were set further back this would be allowed.

Mr. Duffy stated he thinks the sign is perfectly appropriate for the size of the façade and asked how far the building was from the street, Ms. Lowder stated approximately 25'-30'.

Mr. Fratalia stated that he isn't a waiver guy, but the sign looks good, but if they shortened the length would that have changed much. Mr. Salas stated they are willing to do whatever it takes to work with the town. Mr. Salas stated they are just trying to make it safe and clear that there is a dealership there, it's no longer the abandoned Nissan building, they want visibility from the road. Mr. Fratalia stated he has no problem allowing this waiver, he just wanted to set a precedent that applicants should be coming in with a compliant option if they are able.

TEWKSBURY PLANNING BOARD MINUTES

February 27, 2023

Mr. Johnson stated he doesn't have an issue with the sign, waivers are a part of the bylaw, the board needs to look at if it looks right & if it's something beneficial. In this case the front of the building is rather large & he doesn't see how leaving it blank would be productive for either the applicant or the town.

Mr. Johnson opened the hearing up to the audience.

Mark Kratman, 101 Merrimack Meadows – Mr. Kratman spoke in favor of the sign stating it was a poorly lit area.

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

**MOTION** – Mr. Duffy made a motion to approve the requested waivers. The motion was seconded by Mr. Fratalia and unanimously voted 5-0.

**MOTION** – Mr. Fowler made a motion to approve the Sign Special Permit for 623 Main Street as submitted with waivers. The motion was seconded by Mr. Fratalia and unanimously voted 5-0.

**(E) 2504 Main Street – Steve Doherty: Site Plan Review (continued from 2/13/23)**

**MOTION** – Mr. Ciampa made a motion to continue the Site Plan Review for 2504 Main Street to March 13, 2023, at 7:15 PM. The motion was seconded by Mr. Duffy and unanimously voted 5-0.

**(F) 2122 Main Street – The Stories Company, LLC on behalf of Donuts Village, LLC: Site Plan Review & Land Disturbance**

**MOTION** – Mr. Duffy made a motion to waive the public reading. The motion was seconded by Mr. Fowler and unanimously voted 5-0.

Valerio Romano, Ian Ainsley, Davis Patel & Ed Davis appeared for the Site Plan Review & Land Disturbance permit for 2122 Main Street. Mr. Ainsley stated they are proposing a 5,400 sq. ft. commercial building, 2,700 sq.ft. will be for a recreational marijuana retailer & the remainder will be commercial space for either office, retail or quick service restaurant. Mr. Ainsley then gave some background on the property and reason for applying. He stated the applicant is also in front of the select board for his license which can not be granted without planning board approval. They also filed for a land disturbance permit for the stormwater. Mr. Ainsley then presented the site plan & stormwater plan to the board in detail.

Mr. Duffy asked them to go over the concerns raised by the engineering department and where they were with addressing those issues. Mr. Ainsley stated they had a Zoom meeting to discuss concerns but just received the actual letter a few days ago, they will do the turning analysis requested by the fire department and anything else requested of them he does not think there's anything that is not doable. Mr. Ainsley then went through the major items listed in the letter & stated they have not responded in writing or sent in revised plans but they are working on them & he doesn't think anything is insurmountable. Mr. Duffy asked if there was state approval needed as well, Mr. Ainsley stated yes, approval will be needed from MassDOT to construct the entrance as well as tie into any utilities. Mr. Duffy asked about the issue with the turning radius for the fire engine entering the property, Mr. Ainsley stated there's been some changes in the fire codes that they will take into consideration when running that analysis. Mr. Duffy stated it's a very good looking building on the rendering but they end up with a lot of empty spaces along Main Street and they would like to see something that goes in simultaneously to the other project, he would like to see them work diligently until they have another tenant. Mr. Duffy reminded them restaurants require grease traps and asked if they were willing to install one, Mr. Ainsley stated they were.

Mr. Ciampa asked if they were planning to ask for waivers for any of the items listed. Mr. Ainsley stated, as of now, they are not requesting any waivers or zoning variances, he read through which ones could be waived but he doesn't think there's a benefit to waiving them rather than just complying. Mr. Ciampa asked if there would be any additional signage besides what is shown on the façade. Mr. Ainsley referred to the plan showing a freestanding monument sign at the entrance and stated the requested master signage plan would have all the signage in as much detail as he is able to provide. Mr. Ciampa suggested they consider putting in some EV charging for one or two parking spaces, Mr. Ainsley stated they would certainly consider that especially where they have excess spaces, it's a good opportunity to have some diversity in the type of spaces that are there. Ms. Lowder informed everyone that is going to be required by the building code for commercial properties & encouraged the applicants to review the stretch energy code that the town adopted.

## TEWKSBURY PLANNING BOARD MINUTES

February 27, 2023

Mr. Fowler asked if they felt that 2 handicap spaces on the property was sufficient for two businesses. Mr. Ainsley stated that is all that is required by the ADA but he doesn't think there would be any harm in adding more.

Mr. Fratalia asked if they felt traffic would be an issue, Mr. Ainsley stated that when these were first opening & there were fewer of them there was extreme traffic happening because it was brand new for the state. Now that there's so many widespread throughout the state that demand has shrunk as each retailer opens, their experience has been not having the kind of traffic experienced in the early days so he would not expect a significant issue. Mr. Fratalia asked if he has been there at 4 PM with traffic backed up waiting for that light, Mr. Ainsley stated he had been there and they will be having a traffic study done. Mr. Fratalia asked if he felt having a cannabis store would deter a tenant from moving into the second space. Mr. Romano stated they were trying to put the cannabis retailer in before so they could find an appropriate use to go next to it. Depending on the appropriateness of the use they can put next door it could actually be something of a boom for that business. Mr. Fratalia then asked about the fence in the back, Mr. Ainsley stated they have already determined they are either going to put new ones in on their property, or if the neighbors wish, replace or rehabilitate the ones that are there. Mr. Fratalia asked if they ever entertained the idea of separating the properties into 2 buildings rather than 1. Mr. Ainsley stated they did look at that early on but to get the parking they felt they needed & meet all the zoning requirements this was something that did all of that so they abandoned the 2 building approach.

Mr. Johnson stated he thinks the landscaping is going to be important, especially in the back section, between the fence & the landscaping, the more the better in terms of trying to separate themselves from the residents as best they can. The more landscaping the less he's going to bring up the back of the building to make sure it's not just a blank wall to stare at from the resident's back yards. It's either going to be they can't see it because they've done a good job with the fence and landscaping or what are we going to do with the back of the building because it needs to look visually pleasing. Mr. Ainsley added it could be both. Mr. Johnson then asked if there was any reason to consider making traffic one way through the site, Mr. Ainsley stated they would look at that. Mr. Johnson impressed the importance of the upkeep of the vacant half while it is empty. Mr. Romano stated that is an absolutely reasonable condition of the site plan, they want their customers to come to an inviting place, they don't want it to look run down.

Mr. Johnson opened the hearing to the audience.

Jim Lyons, owner of Dandelions – Mr. Lyons asked Mr. Johnson to clarify the zoning issue he mentioned in the beginning. Mr. Johnson stated that the just zoned this in the last town meeting & determined where these are appropriate & what zones they should go in so he doesn't want to get in a conversation of this shouldn't be here, that's not the question, as a town they decided it is zoned for that. If he wants to discuss what it looks like or traffic that's fair he just doesn't want to go back and forth about something that was settled at town meeting. Mr. Lyons mentioned that the town meeting passed it 165-35 & the town voted against it on the statewide issue in 2016. Mr. Johnson stopped him and stated that the town approved it at the last town meeting. Mr. Lyons stated he's been at his location since 1991, he didn't have an opportunity to speak at town meeting because he lives in Andover, he wants to make sure the board understands from his perspective why he objects to this. Mr. Lyons then started to list his issues, Mr. Johnson again stated that the most recent decision made by this town on this issue at the last town meeting, he doesn't want to get into a conversation of whether it belongs there because that was already determined by zoning it for that area so it's not a question of if they can bring it forward, if he has questions about what it looks like, traffic concerns, the type of issue they are discussing here then fine but if he's going to try to relitigate whether or not it's an appropriate business for the site, that's been determined by the town by saying this is one of the places it belongs. It'd no different than if you lived in an R40 district and someone wanted to build a single-family home & someone stated a single-family home doesn't belong there when that's exactly what it's zoned for. Mr. Lyons then stated he doesn't think it should be there, it impacts the entire neighborhood that is currently in existence in that area of Rt. 38, they are a family friendly business that sells flowers, ice cream & Christmas trees, 2 doors down is another family friendly business mini golf arcade, 1,000 ft away is a school. Mr. Johnson stopped him again for continuing to do what he just stated they are not going to do, they aren't going to litigate whether it can be there that was determined by zoning, he's asking if he has an issue with the way it looks, the traffic. Mr. Lyons asked if Mr. Johnson felt the planning board has the responsibility to protect existing businesses, Mr. Johnson answered within the context of their bylaws sure, but again he's asking Mr. Lyons what about this project, Mr. Lyons stated he was trying to say that before he was interrupted, Mr. Johnson stated that Mr. Lyons was not discussing what he was asked to which is a conversation about what's presented, not the thing itself. Mr. Lyons repeated his question about protecting existing business and Mr. Johnson repeated yes, within their bylaws on things like landscaping as he just did. Mr. Ciampa then asked Mr. Lyons if these gentlemen were proposing a candy store with this exact same package would he be protesting it,

## TEWKSBURY PLANNING BOARD MINUTES

February 27, 2023

Mr. Lyons stated its not a candy store and he's not going to answer hypothetical question, he continued that the traffic pattern discussed will have a negative impact on his business. Mr. Lyons again started discussing his family business & Mr. Johnson asked him to stick to the traffic issue, Mrs. Lyons approached the podium and started to speak, Mr. Johnson stated you can't just come up to the podium and start talking while someone is already up there, Mr. Lyons stated that Mr. Johnson interrupted him half a dozen times because he doesn't like what he's saying, Mr. Johnson, again, stated that its because Mr. Lyons is not listening to what he said they are not relitigating whether or not this type of business can go there, if he has a specific issue about the traffic patterns then ask those questions but voice those concerns in the context of traffic. Mr. Lyons stated that the traffic will impact his business because at busy times of the day people aren't going to want to drive to his business, he then asked what storm water treatment the town complies with. Ms. Lowder stated those are generally state law but here are some federal provisions within. Mr. Lyons asked if it conformed to the permit required by the core of engineers, Ms. Lowder stated at this time given that there are outstanding comments from the engineering division she would hazard a guess at not entirely but that's something the applicants will have to work towards full compliance. Mr. Lyons then brought up the occurrence of a backup in the area the past December & asked if this business would overwhelm the current system, Mr. Johnson stated they will get that answer from engineering once they've gone over everything. Ms. Lowder clarified that they are discussing the stormwater system not the sewer system, the stormwater guidelines for the state do not allow for stormwater to drain onto adjacent properties, sewer is a separate issue. Mr. Ainsley confirmed that they will be complying with all state and town requirements. Mr. Romano stated that it's not that they aren't complying with the federal requirement, there is no federal requirement for this lot because of its size. Mr. Johnson stated that there is going to be a traffic study, they can't have a detailed discussion about it until they have the reports to directly comment on. Ms. Lowder stated to follow the public hearing once it is continued, they will continue to a certain date and time and those agendas are posted on the town website. If there is something they would like to discuss outside of what this board is discussing they do have to have a license hearing with the select board and that may be more appropriate for some of Mr. Lyons' comments.

Bernadette Lyons, owner of Dandelions – Ms. Lyons expressed her concerns about traffic because they have kids on bikes come all the time and there's going to be people across the street pop whatever they do and asked if they were going to be allowed to it in their cars & how will they prevent that. Mr. Johnson stated that is outside the board's realm again.

Kim Mulligan, 23 Hill St – Ms. Mulligan asked about dumpster location, Mr. Ainsley showed the planned location of the fenced in dumpster.

Mr. Ciampa asked if the dumpster & waste water be designed around the most intense use of the second commercial property, Mr. Ainsley stated it would be he would include on the plan that if that site is a restaurant a grease trap would be installed compliant with the town & state regulations.

Mr. Fratalia added that they have the ability to regulate the hours the dumpster is emptied.

Mr. Johnson asked about video surveillance of the building. Mr. Davis stated there needs to be a fence around the facility to facilitate security & that fence will be augmented by a sophisticated closed circuit television system that is regulated by the cannabis control commission and they will also do a security lighting survey. Mr. Romano added there will be 24/7 camera monitoring out back that will be available to Tewksbury law enforcement at any time.

Kim Mulligan, 23 Hill St – Ms. Mulligan asked if the rear fence would be lined with trees if there's going to be all that lighting she's not sure a 12' fence is going to block. Mr. Romano stated they are going to prepare a photometric plan, the lighting would be downcast & shielded and will not create a lighting nuisance to their neighbors.

Mr. Duffy stated in the past they've liked motion activated lighting opposed to bright light that may or may not be shining into the neighborhood. Mr. Romano stated light will be downcast& shielded not shining over the fence but maybe a combination of both will work best.

Mr. Johnson suggested meeting with the abutters to the rear regarding the fence height. Ms. Lowder stated separating commercial & residential the maximum height is 10' but they can exceeded that by special permits.

Mr. Fratalia stated he was made aware from attending informational meeting around town that security in the parking lot is first & foremost for the facility as well, he was under the impression that the lot is monitored by security to prevent anyone using products in the parking lot. Mr. Davis stated the normal configuration is one security inside, one outside to

## TEWKSBURY PLANNING BOARD MINUTES

February 27, 2023

deal with lines and things like that. Any usage of the product in the parking lot results in banishment from the facility as well as local authorities being notified.

**MOTION** – Mr. Fratalia made a motion to continue the Site Plan Review & Land Disturbance Permit for 2122 Main Street to March 13, 2023, at 7:20 PM. The motion was seconded by Mr. Ciampa and unanimously voted 5-0.

**(G) 1693 Shawsheen Street – Community Care Collective, Inc. on behalf of Shawsheen St LLC: Site Plan Review**

**MOTION** – Mr. Fratalia made a motion to waive the public reading. The motion was seconded by Mr. Ciampa and unanimously voted 5-0.

David Giannetta and Brian Goudreau appeared for the Site Plan Review for 1693 Shawsheen Street. Mr. Goudreau presented the existing conditions of the property including drainage & utilities. Mr. Goudreau then addressed the comment letter from engineering which stated the existing site does not match the as-built from 2014 due to a landscaped area being used for parking, they will be able to basically recreate the 2012 plan and get the landscaping back to approved condition while maintaining the 36 parking spaces as well as the fire apparatus turn around. Mr. Goudreau then stated they would like to hear the board's opinion on the request for a sidewalk along the frontage and then moved on to the planning comment letter discussing dumpster location, snow storage and signage.

Mr. Fratalia stated he would like to see more renderings and they asked for clarification on what part of the building they would be in. Mr. Giannetta stated that looking at the building it would technically be on the left-hand side, there are 3 existing contractor bays all of which will be enclosed with storefront glass & glass door entrances running along that left-hand side. Mr. Fratalia stated they would be asking for a traffic study, Mr. Giannetta used his Billerica location, which is in a high traffic area as an example stating that the average ticket time is about 4 minutes because a majority of the orders are placed online and prepared ahead of time to be picked up. They haven't seen any traffic backup, but they are totally open to it, it's something they are familiar with producing.

Mr. Ciampa asked about planned security measures, Mr. Giannetta stated it required by the cannabis control commission (CCC) & upon fitting out the space and receiving a building permit they have to submit a drawing & narrative of their security plan to the CCC to be approved before they can even start fitting out the space & after than they go through a lengthy process called the post provisional license inspection where they walk the CCC though the facility as a customer & take them into he back to show them all the different security measures they take as well as the physical security personnel they have on duty on any given shift.

Mr. Duffy asked for clarification on whether the current business was vacating the building. Mr. Giannetta stated no, he would consider it the left side of the building and then used the plan to show in detail what part of the building they would acquire and where the existing vendor would continue to occupy. Mr. Duffy then asked about the current pervious surface in the back of the building. Mr. Goudreau then used the plan to show the planned drainage system for the site. Mr. Duffy then stated some of the proposed impervious surface is where he would like to see some concrete sidewalks installed.

Mr. Fowler asked if they could provide Ms. Lowder with the addresses of his 2 current locations so he could visit. Mr. Giannetta offered a private tour, they are happy to take any officials through and show them the process.

Mr. Johnson asked if there was a plan to divide the parking between the 2 businesses. Mr. Giannetta referenced the parking chart which shows how they would be allocated based on the parking bylaw.. Mr. Goudreau then went over the parking plan in detail stating there are 36 spots, 24 of which are on the Collective facing side so they are basically broken out by use. Mr. Johnson asked if on the ground there would be some sort of indication to have the parking broken up business to business. Mr. Giannetta stated yes & they could indicate that through signage. It's in both companies' best interest to isolate parking. Mr. Giannetta then shared how this setup is very similar to that of his Littleton location and the configuration has just naturally worked out. He continued to state that they will have security outside to assist with traffic and parking if need be. Mr. Johnson stated a sign on the internal island might be a good idea, Mr. Giannetta agreed and stated he liked that idea.

There were no questions from the audience.

## TEWKSBURY PLANNING BOARD MINUTES

February 27, 2023

Mr. Fratalia asked the time frame for when they get the select board approval until they get approved by the CCC. Mr. Giannetta stated that from the time they sign the HCA with the select board they are likely looking at about 12 months, and that's because they are existing, any new construction will likely be 2 years. Mr. Fratalia stated the reason he asked was because the ordinance they have in place gives a 6-month window from the time they approve the HCA, so they have some work to do on that.

**MOTION** – Mr. Fratalia made a motion to continue the Site Plan review for 1693 Shawsheen Street to March 13, 2023 at 7:25 PM. The motion was seconded by Mr. Ciampa and unanimously voted 5-0.

**(H) 770 Main Street – Butler School, LLC on behalf of The Caricofi Realty Trust: Site Plan Review & Land Disturbance Permit (continued from 2/13)**

Ben Osgood & Louis Cioffi appeared for the Site Plan Review & Land Disturbance Permit for 770 Main Street. Mr. Osgood stated they have gone through the engineering review & have some very minor comments left.

Mr. Fowler stated the stop sign was not shown in his latest copy of the plan. Mr. Osgood stated they did talk about it with engineering and they can certainly make that a condition that a stop sign is added to the plan. Mr. Fowler stated he spoke with Ms. Lowder and looked onto the neighbor's set back, which is only about 2'. Mr. Osgood stated he was speaking with the owner, and they put the wall on the line so that it could be used for this property. Cioffi explained the reasoning for the retaining wall when it was put in.

Mr. Fratalia stated he has a problem with the 5' parking and listed his issues with giving that waiver, he would rather see a smaller building with more parking that meets the setbacks. Mr. Osgood stated they submitted a parking analysis to engineering, they came out with about 37 parking spaces being required, zoning is 42, they have asked for a waiver to add some snow storage. He feels they have plenty of parking spaces for the facility, he's been to various locations at various times and the lots are never full. Mr. Osgood continued they could eliminate 2 spaces and maintain 10' on both sides of the lot, that would make them lose occupancy by 16 students but the building would remain the same size, the building is a template & he knows they don't want to play with that.

Mr. Duffy stated he doesn't have an issue with waiver to reduce it from 10' to 5' and asked if drop off times were all at the same time or staggered, Mr. Osgood stated it is spread out over time, it's not like school when they all have to arrive by the same time and be in their seats. Mr. Duffy stated he shared Mr. Fratalia's concerns about the number of students in the daycare.

Mr. Ciampa stated he saw comments concerned about turning radiuses for fire & garbage trucks and asked if they were addressed. Mr. Osgood stated the garbage truck has to back up to get it but they do not cross over parking spaces to get through the site. Technically everything works but it's tight. Mr. Ciampa stated he's inclined to agree with the waiver on the credit union side but he's not inclined to do so on the other side. Mr. Osgood stated he's concerned about making the tight too narrow, Mr. Ciampa stated he may have to lose 4 spaces creating a snowball effect where one issue creates another, the plan just isn't working for him, he thinks it needs some more work.

Mr. Fowler asked if instead of having 2 islands with curbing to put a rumble strip. Mr. Osgood stated it is possible they would just have to change the lighting and they would have to put something around the fire hydrant.

Mr. Johnson stated they asked for the snow storage last hearing so the board knew he was coming in with less parking spaces. Mr. Johnson stated that he doesn't understand what the 5' on either side is going to do to back traffic up onto Main Street, losing the space in the front area seems counterproductive to not having people walk through the parking lot with children. Mr. Osgood stated they have a large handicap access, they may be able to squeeze that down. Mr. Johnson stated it doesn't make sense to him to lose the space in front of the building just to get to 10' on one side, he can see the middle spaces for trash pickup, if he loses the space in the middle their number goes down but it makes it easier for the fire apparatus to get around the trash pickup, have a lower student number drops the required parking number for space. Mr. Johnson asked if there was conversation about it being one-way, Mr. Osgood stated yes it will be one way and they can add pavement markings. Mr. Johnson stated he wanted to see it in the plans.

Mr. Johnson opened the hearing to the audience.

TEWKSBURY PLANNING BOARD MINUTES

February 27, 2023

Kim Welch, Main St. Learning Academy – Mr. Welch stated they are licensed for 20 students and don't have more than 10 students coming in a day, traffic would definitely be an issue, she sees it daily. Mr. Fratalia asked if their traffic backed up onto Main St, Ms. Welch stated it was not but with 185 students next door it will. Mr. Fratalia shared his concern about cars having to cross traffic and causing a backup. Ms. Welch shared that parents have complained about issues turning in.

Mr. Johnson asked Ms. Lowder if she remembered the capacity for the daycare that closed at 1497 and if there were any reported issues. Ms. Lowder stated she could ask and report back.

Mr. Fratalia asked how far the building was from the entrance to the end of the handicap spot. Mr. Osgood stated it was 90' from the edge of the handicap spot to the edge of the parking lot.

Mr. Johnson stated they would like to see different configurations at the next meeting. Ms. Lowder stated the traffic impact assessment the applicant submitted indicated that 37 was an appropriate number so perhaps keeping that 37 number in mind when proposing concepts & reconfiguration. Mr. Fowler's suggestion to put rumble strips instead of curbing may require a different waiver so they should keep that in mind. Mr. Johnson reminded him that islands are preferable. Mr. Johnson asked the board if they felt it was more important to try and get the number of students down by reducing the middle spaces or getting to the 10' on both sides. Mr. Osgood stated he would speak with his client to find their preferences moving forward.

**MOTION** – Mr. Fratalia made a motion to continue the Site Plan Review & Land Disturbance Permit for 770 Main Street to March 13, 2023, at 7:30 PM. The motion was seconded by Mr. Duffy and unanimously voted 5-0.

**(I) 999 Whipple Road – Town of Tewksbury: Site Plan Review & Land Disturbance Permit (continued from 2/13)**

**MOTION** – Mr. Fowler made a motion to continue the Site Plan Review & Land Disturbance Permit for 999 Whipple Road to March 13, 2023, at 7:00 PM. The motion was seconded by Mr. Ciampa and unanimously voted 5-0.

**Old Business**

Mr. Ciampa asked about information given at the ZBA hearing for Foster Lane. Ms. Lowder stated she would get the information for them.

**New Business**

**Correspondence**

**Adjournment**

**MOTION** – Mr. made a motion to adjourn the meeting at 9:55 PM. The motion was seconded by Mr. and unanimously voted 5-0.

**Approved on: April 10, 2023**

*List of Documents for 2.27.2023 Meeting*

*Documents can be found in the Community Development Office*

**7:00 p.m.** Call meeting to order

**A. 7:00** Approval of Minutes: January 23, 2023

- **No materials submitted**

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



TEWKSBURY PLANNING BOARD MINUTES

February 27, 2023

- 1- Committee Reports
- 2- Town Planner's Report
  - **Memo from Alexandra Lowder dated 2/24/23 w/attachment**
- 3- 1009 Livingston Street – As-Built Acceptance
  - **Letter from Kevin Hardiman dated 2/23/2023**
  - **Memo from Alexandra Lowder dated 2/24/2023**
- 4- 255 Salem Street/Border Road – As-Built Acceptance
  - **Letter from Civil Design Consultants dated 2/15/2023**
  - **Revised as-built plan dated 2/15/2023**
  - **Letter from Kevin Hardiman dated 2/21/2023**
  - **Memo from Alexandra Lowder dated 2/24/2023**

**C. 7:00** 171 Cardigan Road – Paul O’Keefe on behalf of Nick Leone: Family Suite Special Permit

- **Application packet dated 1/19/23**

**D. 7:00** 623 Main Street – Metro Sign & Awning on behalf of Eco Auto: Sign Special Permit

- **Application packet dated 1/26/23**
- **Memo from Alexandra Lowder dated 2/23/23**

**E. 7:00** 2504 Main Street – Steve Doherty: Site Plan Review (*continued from 2/13*) – ***continued to 3/13/23***

- **Letter from Civil Design Consultants dated 2/16/2023**
- **Revised site plans dated 2/16/2023**
- **Email from Deland and Krystle Senatus dated 2/13/2023**
- **Email from Brad Tosto dated 2/14/2023**
- **Memo from Alexandra Lowder dated 2/24/2023**

**F. 7:05** 2122 Main Street – The Stories Company, LLC on behalf of Donuts Village, LLC: Site Plan Review, Land Disturbance

- **Application package dated 1/9/2023**
- **Memo from Capt. Dan Sawicki dated 2/7/2023**
- **Letter from Andrew Stack dated 2/23/2023**
- **Memo from Alexandra Lowder dated 2/23/2023**

**G. 7:10** 1693 Shawsheen Street – Community Care Collective, Inc. on behalf of Shawsheen St LLC: Site Plan Review

- **Application package dated 1/26/2023**
- **Memo from Alexandra Lowder dated 2/23/2023**
- **Letter from Andrew Stack dated 2/24/2023**

TEWKSBURY PLANNING BOARD MINUTES

February 27, 2023

H. 7:15 770 Main Street – Butler School, LLC on behalf of The Cariciofi Realty Trust: Site Plan Review, Land Disturbance Permit (*continued from 2/13*)

- **Response letter from Ranger Engineering dated 2/20/2023**
- **Revised site plans dated 2/17/2023**
- **Review letter from Kevin Hardiman dated 2/24/2023**
- **Revised proposed waivers and conditions dated 2/27/2023**

I. 7:20 999 Whipple Road – Town of Tewksbury: Site Plan Review, Land Disturbance Permit (*continued from 2/13*) – ***continued to 3/13/23***

- **No materials submitted**

**Old Business**

**New Business**

**Correspondence**

**Adjournment**