

## TEWKSBURY PLANNING BOARD MINUTES

March 13, 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 – No minutes for approval

(B) Committee Reports/ Administrative Actions

(B1) Committee Reports

Mr. Ciampa Stated the Elementary School Building Committee is still dealing with some punch list & warranty items for the new school. The principal and staff have had a few requests for additional desks & furniture. Generally everything seems to be going well, they have about 6-8 months of commissioning, closeout, msba review but they are looking very good.

(B2) Town Planner's Reports

#### HPP Presentation 3/16

Join us on Thursday, March 16, 5:30 pm – 6:30 pm, via Microsoft Teams, to discuss the results of a recent housing survey, the housing production plan process, and how the Town can work toward better, more affordable housing.

The Town is working with the Northern Middlesex Council of Governments (NMCOG) to update its Housing Production Plan, a plan that guides the Town's decisions on how to support affordable housing, what kinds of housing development or redevelopment the Town hopes to create, and how the Town and its partners can work toward making sure all kinds of families and people can afford a home that meets their needs.

At the workshop, the NMCOG housing planning team along with Town staff will present findings from a recent housing survey and proposed action items to address local housing needs. Participants are encouraged to discuss possible strategies to create a vision for equitable, affordable housing in Tewksbury.

Links for registration are on the Town website under news alerts.

#### Lee House Correspondence

I sent a letter to the owner of the Lee House on March 1, 2023. I spoke with the owner the next day and he said he would submit information to the Board about his plans to move the project forward. Nothing has been received to date. Correspondence attached, for your reference.

#### Stretch Code Updates

The Stretch Building Code updated this year. The new residential codes were effective January 1, 2023, and the commercial changes will take effect July 1, 2023. The goal of these changes is to help reduce emissions from energy demand in end uses through electrification, fuel switching, efficiency, and flexibility. While anyone considering new construction or renovations should consult with a licensed architect about how to comply, the Town has posted a one-pager with some guidance on the Community Development webpage. Some highlights include residents will not be required to update their existing homes, but any extensive renovations require lower home energy ratings.

#### Welcome La Vita Dolce!, Eco Auto to open 3/17

La Vita Dolce (1866 Main Street) had their soft opening on Saturday, March 4. Their official grand opening will be Saturday, March 25. Their initial opening went so well that they sold out! I had the pleasure of trying some of their pastries, and I hope folks will stop by and try them.

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Eco Auto (623 Main Street) has scheduled their grand opening for Friday, March 17 and Saturday, March 18. We are excited to have them part of the Tewksbury business community, and I encourage folks to stop by and see what they have done with the place.

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

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

Ms. Lowder stated there were no additional submissions for items B3 & B4, her understanding is that they are both still under review between the engineering department and the engineer of record & they're working on revisions. Mr. Johnson stated they would leave these 2 items for the next meeting.

**(C) 999 Whipple Road – Town of Tewksbury - Site Plan Review/Land Disturbance Permit (continued from 2/27)**

Kevin Hardiman & Tony Wespiser appeared for the Site Plan Review/ Land Disturbance Permit for 999 Whipple Road. Mr. Wespiser went through a presentation with the board highlighting changes that have occurred since their last hearing including shifting the entrance of the front parking lot, adding a bike rack, removing the expansion of the existing employee parking lot & no longer requesting a waiver for the native plant species. Mr. Wespiser continued to say they will still be requesting the waiver for the dead-end parking & the requested variance for building height was approved by the ZBA.

Mr. Fowler asked if they were still in the appeal period for the ZBA variance, Mr. Wespiser stated they were, it will be concluded on March 20<sup>th</sup>.

Mr. Fratalia stated that not putting another entrance on Pine St makes all the sense in the world & that he trusts Mr. Hardiman will do what is in the best interest for the town when building this.

Mr. Duffy asked for clarification on the ZBA approvals. Mr. Hardiman confirmed that both the building height and front setback were approved by the ZBA and are currently in the 20-day appeal period. Mr. Duffy stated he did not have a problem with the waiver or land disturbance.

Mr. Ciampa stated he liked the new plan with the 3-point turn for the fire apparatus & he also has the upmost confidence in Mr. Hardiman that this project will be designed and monitored to the utmost standards.

Mr. Johnson asked what they were doing with the area they no longer plan to use for parking. Mr. Hardiman stated it's already vegetated; they are going to leave it untouched.

There were no comments from the audience.

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

**MOTION** – Mr. Fratalia made a motion to approve the waiver for section 6.1.8.C with conditions 1-3 as listed. The motion was seconded by Mr. Ciampa and unanimously voted 5-0.

**MOTION** – Mr. Ciampa made a motion to approve the Land Disturbance Permit for 999 Whipple Road. The motion was seconded by Mr. Duffy and unanimously voted 5-0.

**MOTION** – Mr. Fratalia made a motion to approve the Site Plan Review for 999 Whipple Road as submitted. The motion was seconded by Mr. Duffy and unanimously voted 5-0.

**(D) 1 Main Street – David Plunkett on behalf of C&M, LLC - Site Plan Review**

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

David Plunkett, Jesse Moberg, Ken Cram & Matt Hamor appeared for the Site Plan Review for 1 Main Street. Mr. Plunkett then stated that they were proposing a retail marijuana location, the footprint of the building will remain

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unchanged & they are going to utilize the existing layout of the lot as it exists today, however there will be improvements made to the building and to the parking to meet the towns requirements. Ms. Moberg then presented the proposed renderings of the interior and exterior, stating they will not be changing the footprint of the building at all, making it about 1,600 sq. ft total. Due to the small size of the building they plan to have a couple storage sheds in the rear to store paper products. Ms. Moberg then continued by presenting the photometric study they had done. Mr. Cram discussed the traffic study that was done for the location. Mr. Cram stated they plan to request open hours of 10 AM to 8 PM Monday – Friday & 12 PM to 6PM Saturday so they will not affect peak morning traffic hours and also the applicants agreed to prohibit left turns out of the site to avoid “courtesy crashes.” Mr. Hamor continued the presentation with the proposed on-site traffic flow. Mr. Hamor stated they were proposing line striping to demarcate the site, they plan to have 2-way traffic in the front of the building and one way traffic going around the building. Mr. Plunkett concluded by stating this type of business will fit in with the surrounding businesses in the area.

Mr. Johnson reminded those present that they were not there to relitigate if this use is appropriate for the site, that has been determined, the town voted this is a by right use. They are there to discuss the site plan and issues about traffic or building design only.

Mr. Fratalia asked if there was a lease or purchase agreement in place, Mr. Plunkett stated he was not sure. Janice Cooper approached the podium to state they do have a long-term lease agreement with an option to purchase at the end. Mr. Fratalia asked if they would be able to do all they need to do with the small existing square footage. Ms. Moberg stated yes, it is not the smallest she has designed to work functionally, she’s done as little as about 900 sq.ft. and still have it up and running with all the proper staff areas and room for customer flow. Mr. Fratalia then stated in his opinion this is one of the busiest spots they have with potential sites coming in for marijuana retail & asked how many cars they project will be coming and going on a daily basis total. Mr. Crum stated 185 on a weekday & 227 on a Saturday. Mr. Fratalia then asked if the fire department would be going around the building or turning around, Mr. Hamor referenced a plan showing how the fire truck would go around the entire building.

Mr. Duffy asked if the right-turn-only would put cars into the exit only lane for 495 south, Mr. Crum stated no it puts cars in the through lane because the ramp is beyond the signal. Mr. Duffy asked if the current propane tank was above ground or if there were any underground components that required further remediation. Mr. Hamor stated he did not know but will look into it further. Mr. Duffy stated asked if the bike rack would be blocking the sidewalk where they currently plan to place it, Mr. Hamor stated that area was not meant to be a pedestrian path just a bike staging area. Mr. Duffy stated he thinks there may be a better place to put that for safety reasons, Mr. Hamor stated they would look into that.

Mr. Ciampa asked about the sheds mentioned earlier, Ms. Moberg stated they aren’t permanent structures and are for weather protection for supplies. Mr. Ciampa then stated he was trying to determine if the sheds were taking away from parking spaces or impacting traffic at all, Ms. Moberg stated no they are in the receiving area and not visible from the public side. Mr. Ciampa showed concern for the two-way traffic in the front of the building and how that may impact people entering. Mr. Crum stated there will be 2 choices when entering the lot, either straight into the site to circulate around the building or look to the 12 or so spaces in the front, he doesn’t foresee a problem.

Mr. Fowler asked if there was currently a curb cut to the right of way, Mr. Hamor stated there was and showed the location on the plan. Mr. Fowler asked if that would be filled in with curbing, so no one comes in there, Mr. Hamor stated that was the intention. Mr. Fowler asked if they would vegetate the right of way, Mr. Hamor stated he doesn’t think they can restrict that, Mr. Plunkett stated it hasn’t been used since 1967 when the plan was created but they don’t want to assert any right to create an issue. Mr. Fowler stated that it needs to be maintained, Mr. Plunkett stated that it’s currently paved and would continue to be maintained as a paved area. Mr. Fowler asked if Mr. Crum could foresee a problem at the Clark Rd intersection with headlight wash obstructing the cars coming out of Clark Rd. Mr. Crum stated that he doesn’t think so.

Mr. Johnson stated he has no issue with the design of the building. As far as the flow of traffic is there any negative to them having it just be a one way to avoid any potential issues. Mr. Plunkett stated that hasn’t been explored but could be reviewed for the next meeting. Mr. Johnson asked how they would have the right turn only, Mr. Hamor stated they would discuss with the traffic engineer, there is a no left-hand turn sign. Mr. Johnson stated because of the importance they will probably need the yellow marking on the ground & then asked if they felt they had enough snow storage for the size lot they have. Mr. Hamor stated yes and showed the areas they planned to use on the site plan. Mr. Johnson reminded them it had to be removed if it grew in excess of the shown areas.

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Mr. Fratalia asked where someone would go if they pulled in to the left and there were no available spaces. Mr. Hamor showed an unused area that could be utilized in that situation. Mr. Fratalia expressed concern for drivers having to do a 3-point turn and asked if they felt it may be better to just have people drive around the building and park, Mr. Hamor said they might. Mr. Fratalia then asked if they considered 2 means of egress, one in and one out, Mr. Hamor stated they do have 2 curb cuts they were going to remove the one closest to the light improving the current situation and utilizing the curb cut that's furthest away from the light.

Mr. Johnson stated he thinks Mr. Fratalia's point just highlighted his suggestion of just having one-way, he wouldn't advocate a second curb cut.

Mr. Ciampa asked Ms. Lowder if they created a de facto dead-end driveway, Ms. Lowder stated she had the same concerns and answered literally speaking no but she thinks a lot of the concerns could be addressed through the peer review discussed, she can engage a 3<sup>rd</sup> party reviewer the next day. Mr. Hamor stated the reason for the 24' aisle is because you are able to do a 3-point turn in that amount of space. Mr. Johnson stated that unless they have some specific reason one way around doesn't make sense to them, he suggests they look into it. Mr. Hamor stated they were just trying to maximize the parking at the site, it's a good suggestion and they will take it into consideration to reconfigure that if need be. He then quickly spoke with the owner and reported back that they have no problem with the one-way configuration.

Mr. Duffy stated the board and public would benefit from clear answers and a peer review because of the unknown component with these establishments.

There were no comments from the audience.

**MOTION** – Mr. Fratalia made a motion to continue the hearing to March 27, 2023, at 7:10 PM. The motion was seconded by Mr. Ciampa and unanimously voted 5-0.

**(E) 118 Lumber Lane – 118 Lumber Lane, LLC - Site Plan Review/Special Permit/Land Disturbance Permit (continued from 2/13)**

Applicant requested continuation to 3/27/2023.

**MOTION** – Mr. Duffy made a motion to continue the hearing to March 27, 2023, at 7:00 PM. The motion was seconded by Mr. Fratalia and unanimously voted 5-0.

**(F) 30 Commerce Way – Rhino Capital Advisors, LLC - Modification to Site Plan Approval (SPR/SP/LD 2022-19)**

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

Christine Hung, Tyler Murphy, Dan Dumay & Greg Debona appeared for the Modification to Site Plan Approval for 30 Commerce Way. Ms. Hung gave a refresher of what was previously approved and stated they were proposing to reduce the size of the building from 87,000 sq. ft. to 65,000 sq. ft. to make parking compliant and bank an additional 6 loading docks. Ms. Hung stated these changes to the plan reduce impacts to the building from traffic & site conditions. Mr. Murphy stated they are trying to meet tenant demand as best they can & that is what is driving the changes. By shrinking the building down, they will now meet the parking requirement and the proposed loading docks are to create more flexibility, they still don't have a tenant and are trying to cast a wider net. Mr. Debona then showed side-by-side site plans to show the proposed changes, the main points being the parking, loading docks and stormwater management.

Mr. Johnson asked if they don't have a tenant and don't know if they are going to want the additional bays how are they sure it's not going to generate more truck traffic. Mr. Dumay stated they looked at the land use which is a general warehouse type category, the user themselves and the square footage of the building is what dictates the amount of traffic generated, if they came in with Amazon or something, which they are not, that would generate more traffic with the same number of docks.

Mr. Fratalia asked where they were with the comments from the town engineer. Mr. Debona stated he had no problem addressing all of the comments. Mr. Fratalia stated he liked the changes making it smaller.

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Mr. Duffy expressed concern about the lighting for the additional parking in the back. Mr. DeBona stated 25 of the spaces on the back are bank spaces that will be used for snow storage. Mr. Duffy asked what would trigger those spaces having to be used, Mr. DeBona clarified that they don't plan on just building them arbitrarily, it's going to be based on tenant need. Mr. Duffy stated if there is that level of parking in the back, he'd like to see a fence blocking headlights. Mr. DeBona stated they have moved all the activity in the back that residents were concerned about, back towards the middle of the site so they are able to have activity and not have light trespass. Mr. Murphy stated originally, they proposed the gate scenario, but they now have a guardrail they could mount something to.

Mr. Johnson asked how much further back the road was with the new plan, Mr. DeBona estimated 50' -75'.

Ms. Hung asked if they could conditionally approve their permits. Mr. Johnson stated they have tried to get away from doing that but will ask the board. Mr. Duffy stated he would rather not, if they are small items to take care of they should get it done and come back. Mr. Fratalia stated he didn't have a problem; they've worked with the applicants before and they always comply. Mr. Ciampa stated he agreed with Mr. Fratalia and Mr. Fowler echoed both Mr. Fratalia & Mr. Ciampa. Mr. Johnson reminded them once they closed the hearing if they have issues with the town engineer they can't come back to the board. Ms. Hung stated that she understood.

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

**MOTION** – Mr. Ciampa made a motion to approve the Modification to Site Plan Approval for 30 Commerce Way (SPR/SP/LD 2022-19) contingent upon conformance with the town engineer. The motion was seconded by Mr. Fowler and voted 4-1 with Mr. Duffy voting nay.

### **(G) 2504 Main Street – Steve Doherty: Site Plan Review (continued from 2/27)**

Blake Mensing, Jim Hanley & Ron Mueller appeared for the Site Plan Review for 2504 Main Street. Mr. Hanley recapped past events before this meeting, went through the DPW comments and described updated plans given to the board. Mr. Hanley then stated that this is an existing lot approved years ago and they are not able to get the ladder truck through the site, they do, however, have access on 3 sides. He continued by stating in regard to the sidewalk he is requesting a fee in lieu of option. Mr. Mueller then went over the traffic comments stating a state highway access permit is not required and then explained why the comparison chosen was used. Ms. Lowder provided context on the fire truck turn around stating it was similar to when another existing property came for redevelopment, while it is a tough site, they don't expect any material changes to the site since it's been operating that way for a long time. Mr. Johnson asked if they could have that in writing, Ms. Lowder said she would ask.

Mr. Fowler stated he wished they would see if an engine could get through knowing that the ladder truck can't & that the sidewalk is an issue with the DPW. Mr. Johnson then asked if they would run it with an engine or comparable vehicle. Mr. Hanley responded by saying they aren't reducing access to the site or making it more difficult to get around, they did look at a 30' vehicle and they aren't able to get around the entire building. He stated they look at that specific size for trash pickup and deliveries and described how they will have to access the site.

Mr. Fratalia asked if this was a lease or purchase agreement, Mr. Mensing stated his client owns the property and will be leasing it to the to be licensed entity. Mr. Fratalia asked if it would be a long or short-term lease, Mr. Mensing clarified his client would be renting it to himself. Mr. Fratalia then stated he doesn't see how there isn't going to be significant traffic based on the number of trip generations proposed. Mr. Mueller stated that the number comes from an ITE manual which he suspects the numbers for MA will be significantly lower than due to the fact there are over 150 dispensaries in MA now. Mr. Mensing stated he owned part of the store in Holyoke, they see about 350 customers on their busiest day, there are now about 270 stores in MA and with Tewksbury allowing 3 there won't be that crush on one location to cause extreme traffic. Mr. Fratalia asked the planned hours of operation, Mr. Mensing stated he believed 8AM-8PM, whatever the maximum allowed hours are. Ms. Lowder stated the earliest allowed opening is either 10 or 11 AM.

Mr. Duffy stated he feels ok with the ITE number because the changes being made are inconsequential. Mr. Duffy then stated he would like to see a sidewalk in there but that is the DPW purview.

Mr. Ciampa stated his preference would be to see a sidewalk go in rather than the in lieu of money.

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Mr. Johnson reiterated that the sidewalk is ultimately up to the DPW but he agrees with the other members that he would like to see one put in. Mr. Mensing stated if the sidewalk were a decision touch point that would make this a yes his client is happy to put the sidewalks in.

Mr. Mensing stated they would request a minor amendment to the application just because of the way the CCC application process works, they would like to change it from the individual name to the entity name. Ms. Lowder stated she would just have to submit a revised application form with the name they plan to pursue with the license. Mr. Mensing then pointed out that the bylaw says that to apply for the building permit they need to have the final CCC license, but you can't get the final CCC license without a certificate of occupancy. Ms. Lowder asked him to send her the citation and she would take a look at it.

Mr. Johnson opened the hearing to the audience.

Dylan Sonatas, 2477 Main St – Mr. Sonatas stated he is already having issues with the litter from Hobarts, so he is concerned about opening this establishment so close to the liquor store. Mr. Mensing stated a lot of neighbors have expressed concerns about what a store will do to the neighborhood and provided a number of examples of why he doesn't believe there will be any issue. Mr. Sonatas stated that Hobarts was approved by the board and he and his neighbors are constantly picking up litter from that, Mr. Johnson corrected him by stating this board did not approve of them selling liquor. Mr. Sonatas continued that he doesn't feel this is going to attract the right crowd along with the liquor sales that are already taking place.

**MOTION** – Mr. Fowler made a motion to continue the hearing to March 27, 2023, at 7:00 PM. The motion was seconded by Mr. Fratalia and unanimously voted 5-0.

**(H) 2122 Main Street – The Stories Company, LLC on behalf of Donuts Village, LLC - Site Plan Review/Land Disturbance (continued from 2/27)**

Ian Ainsley, Kim Azardian & Valerio Romano appeared for the Site Plan Review/ Land Disturbance at 2122 Main Street. Mr. Ainsley stated they were still working on the technical comments given to them by the planning and engineering departments, they should be submitting a full package to address those this week. Mr. Ainsley continued by presenting the current landscaping plan including 6' fence, arborvitaes, mulch & junipers.

Mr. Fowler complimented the plan.

Mr. Ciampa asked that the junipers be maintained so they did not impede the sidewalk, Mr. Ainsley stated they could add that as a condition of the permit that landscaping will be adequately maintained.

Mr. Duffy asked for more details on the fencing, Mr. Ainsley stated there are existing fences that ownership is in question so they aren't sure if they have the right to remove those fences, their thought is the existing fencing will remain unless the neighbors want to take them down, Mr. Ainsley then demonstrated on the plan where they would be putting new fencing. Mr. Duffy asked the height of the junipers, Mr. Ainsley guessed 2'-3' at the largest.

Mr. Fratalia asked the height of the arborvitaes when they are installed and how high they would grow. Mr. Ainsley stated the ones they typically use can be up to 12'-15' tall and will be 6'-8' when installed.

Mr. Ainsley presented the changes made to the site plan thus far per request of the fire department & the board. There is now 20' around the building so the ladder truck can navigate the lot, they have added 2 more handicap spaces bringing the total to 4 & have added a pedestrian walkway for the spaces that are further away.

Mr. Azardian presented the findings of the traffic study, peak PM hours they estimated 70 vehicle trips & for Saturday peak hour they estimated 96 vehicle trips, under 100 trips is considered a low-impact use.

Mr. Fratalia asked for clarification on the number of cars per day, Mr. Azardian stated over the course of a weekday they estimate 717 and on Saturday 847 spread out over the hours of operation. Mr. Fratalia asked if a food establishment would be going in the adjoining retail space, Mr. Romano stated right now the goal is to have office or retail, food seems like the least compatible use. He continued that no matter what the use is they plan to come back to the board as a condition to get it approved. Mr. Fratalia questioned the low impact on the area and mentioned the traffic already going into Donna's Doughnuts. Mr. Romano stated they don't feel like they'll be competing with Donna's & adding any additional traffic

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because of the difference in peak hours. Mr. Fratalia asked if the owner was going to own the marijuana distributor, Mr. Romano stated yes, and they will lease it to themselves.

Mr. Duffy stated at the last meeting they stated they were willing to install a grease trap in case a restaurant went in the second space and asked if that had changed. Mr. Romano stated no, if the board feels it's important to install a grease trap to be prepared for whatever use may come, they will do that.

Mr. Ciampa stated on Saturday and Sunday mornings there will probably be some overlap with Donna's and their opening hours, their parking lot is packed until about 1 P.M. on the weekends. Mr. Ciampa then asked what their planned weekend hours were. Mr. Romano stated they would be requesting the maximum allowed hours 10 AM – 8 PM Monday-Saturday and 12PM-6PM Sunday. Mr. Ciampa stated he just wanted to state his traffic concerns & Mr. Romano stated they could take a closer look at the traffic situation to alleviate those concerns. Mr. Romano went on to state that something is going to go on this parcel, a retail marijuana business is probably a best-case scenario with all the oversight from the state and eagerness to please the town.

Mr. Johnson stated he thinks they may be the ideal neighbor for Donna's and asked about the entrance. Mr. Ainsley then showed Mr. Johnson on the plan how they changed the entrance and added a stop sign & bar. Mr. Johnson then asked about his recommendation on making it one way around. Mr. Ainsley stated going around the back of the building is one way, they looked at the front of the building, he stated he would rather have cars getting out quicker than que around the back of the building. Mr. Johnson stated he still has the problem with that intersection, with this configuration they could possibly have backup onto 38, and more jam potential with people coming from 4 directions to an intersection that doesn't line up, it's a concern to him. He asked again that they look at making it one way all the way around, Mr. Ainsley stated they would look into that.

Mr. Johnson opened the hearing up to the audience.

Kim Mulligan, 23 Hill St. – Ms. Mulligan used the plan to show where her home was and stated prior to Donna's using the space for parking they had spillage onto Hill St where people would park and block driveways and questioned where there would be fencing. Mr. Ainsley used the plan to show where they planned fencing. Ms. Mulligan stated she would hate to see people using her street to access the new businesses because it already happens because of Donna's. Mr. Johnson stated that this property doesn't have access to Hill St, only Donna's does, Ms. Mulligan stated that the traffic affecting Donna's would affect Hill St as well. Mr. Johnson clarified that she was asking for fencing on the left side of the property, Ms. Mulligan stated she was and that she wanted them to consider that Hill St is going to be affected by this business. Mr. Fratalia disagreed with that because they have enough parking in this facility to allow plenty of cars to park. He doesn't think they should put a fence on the left side. Mr. Johnson stated it sounds like her problems are being caused by Donna's customers and that can't be a consideration with this property who only has access to Main St. He doesn't know what else they could possibly ask this business to do to solve her issue with Donna's. Ms. Mulligan asked if they were confident with the number of parking spaces, not knowing what business was going on the other side. Ms. Lowder stated they are willing to make it a condition of the site plan approval that they have to come back to the board regardless of what the future use is to ensure there is enough parking & traffic mitigation, they have planned for the most intense use. Mr. Johnson agreed with Mr. Fratalia about not putting the fence on the left side as long as the fence being proposed for her property does go up.

Ed Doucette, Hill St. – Mr. Doucette stated 10 spaces is not going to cut it for Donna's overflow right now. He asked if there was anything to be done on Hill St, maybe no parking signs. Mr. Johnson suggested he bring that to the Select Board. Ms. Lowder suggested he reach out to the traffic division of the police department. Mr. Doucette asked if the lighting would affect the people in the neighborhood. Mr. Romano stated they would be submitting a photometric plan; they will make sure to follow the bylaw and plan on using down shielded wall packs. Mr. Doucette suggested they match the height of the fence Donna's put up which is 8'. Mr. Johnson stated they talked about that at the last meeting, they said they would speak with abutters and find something agreeable. Mr. Romano stated he's been in communication with Ms. Mulligan and will continue to discuss with her, they don't mind going up to 8' if that's what the abutters want. Mr. Johnson asked if they could do a rendering of what it is going to look like from the abutters view on Hill St. Mr. Doucette asked who would be responsible for litter around the back of the building. Mr. Johnson stated the cameras required make these sites a little less of a place you want to be doing those things. Mr. Doucette asked if they would have security on site, Mr. Johnson informed him that was required.

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**MOTION** – Mr. Duffy made a motion to continue the hearing to March 27, 2023, at 7: 15 PM. The motion was seconded by Mr. Ciampa and unanimously voted 5-0.

**(I) 1693 Shawsheen Street – Community Care Collective, Inc. on behalf of Shawsheen St LLC - Site Plan Review (continued from 2/27)**

David Giannetta & Brian Gaudreau appeared for the Site Plan Review for 1693 Shawsheen Street. Mr. Giannetta stated they would like to address any outstanding comments. He began with the planning board comments and stated the traffic report is pending submittal, it will be submitted in the next day or two. He then offered real traffic data based on population where he currently has an operational retail location. Billerica, 45,000-person population right of RT. 3 a high traffic area across from a gas station and Dunkin donuts, they see on average about 500 customers per day. Tewksbury is around 31,000 population, & Littleton is 12,000 population, in Littleton they see 200 customers per day, its very relative to the town's population. Billerica and Littleton only have 1 store in each of the towns. Tewksbury has 31,000 population among 3 stores that will be permitted their guesstimate is that their location would see about 350 customers per day, 35-40 customers per hour, and each customer is in and out in an average of 4 minutes. Traffic these days has not really become a thing. Mr. Johnson asked how the numbers would change, considering that people would be coming from Wilmington and the town that shall not be named, Mr. Fratalia added this would not be far from RT 93 either. Mr. Giannetta used his Billerica location as an example again stating it was right off RT 3 and the 4 surrounding towns do not allow stores within their towns. His Littleton location is right off 495 and similarly has 4 surrounding towns that don't allow retail marijuana. Mr. Giannetta clarified that they do intend on having a dumpster on site in their secured delivery area, Mr. Gaudreau showed the area on the plan. Mr. Giannetta stated by CCC regulations that dumpsters must be locked at all times. Mr. Giannetta stated because of existing grades they are proposing flushed curbing & bollards opposed to raised curbing. Mr. Duffy asked the reasoning for the flush curbing & Mr. Gaudreau stated it's an existing building with the concrete slab of the building at the grade of the parking lot. Mr. Giannetta then stated they would be looking for a waiver for the bike rack, Mr. Fratalia asked why. Mr. Giannetta stated he doesn't see many bikes being used in the area & in his opinion it welcomes unwanted circumstances. He continued that they would be asking for a waiver for the freestanding sign allowing it to be 10' from the right of way opposed to 15'. Mr. Giannetta then explained the DPW comments and their intentions and continued to the engineering comments stating that they are proposing all work be done at the same time instead of in stages to speed up the process for everyone, they will be requesting a fee in lieu of sidewalks and that they will provide answers to the other comments at the next hearing.

Mr. Ciampa asked how dead set against having a bike rack Mr. Giannetta was, Mr. Giannetta stated it's not detrimental, Mr. Ciampa then explained why he wasn't inclined to grant that waiver & stated he was fine with the sign waiver.

Mr. Duffy stated he's not typically in favor of bike rack waivers, he understands the reasoning why he doesn't like them but pointed out an employee may want to bike to work. Mr. Duffy continued he likes the flush curbing and bollards and is perfectly ok with the sign waiver.

Mr. Fratalia stated he doesn't know how someone would ride a bike in the area because of how busy it is. He then asked if the applicant was looking for a message board, Mr. Giannetta stated he was looking for a free-standing sign with a combination of the logo on top with the message board underneath. Mr. Fratalia asked if he has those at his other locations, Mr. Giannetta stated he did not because it was not attainable. Mr. Fratalia asked what would be advertised on the sign because he was under the impression he could not advertise to the general public; Mr. Giannetta explained the CCC regulations on advertising and stated he would put toy for tots drop off or refer to events such as car nights. Mr. Fratalia stated he would allow the basic sign but probably not the message board. Mr. Fratalia asked the details of the lease agreement, Mr. Giannetta stated it was a 10-year lease, 2 five-year options.

Mr. Johnson asked when he wasn't advertising a special event what would be advertised on the message board. Mr. Giannetta stated it would be sayings to attract customers they can't have sales per se & advertise that per regulation.

Mr. Duffy stated without knowing exactly what is going to go on the message board that it's hard to approve the waiver for it.

Ms. Lowder stated she was going to re-review the submittal because the electronic message boards have a different set of rules to them.

There were no comments from the audience.



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Mr. Fowler thanked Mr. Giannetta for sharing his insight and hands-on knowledge. Mr. Fratalia added it is a pleasure for him to give them actual numbers.

**MOTION** – Mr. Fratalia made a motion to continue the hearing to March 27, 2023, at 7:20 PM. The motion was seconded by Mr. Fowler and unanimously voted 5-0.

**(J) 770 Main Street – Butler School, LLC on behalf of The Carciofi Realty Trust - Site Plan Review/Land Disturbance Permit (continued from 2/27)**

Applicant requested continuation to 3/27/2023.

**MOTION** – Mr. Ciampa made a motion to continue the hearing to March 27, 2023, at 7:05 PM. The motion was seconded by Mr. Fratalia and unanimously voted 5-0.

**Old Business**

Mr. Duffy asked if the office had received any of the requested information for the sycamore tree, Ms. Lowder said they had not, and she would follow up the next day.

**New Business**

Mr. Johnson shared that the supreme judicial court of MA basically said during public comment people are allowed to say whatever they want to say, and the board can't stop them. Once they are up there, they can say whatever they want, call the board whatever they want, and the chair cannot stop them no matter how foul what they say is. Mr. Johnson stated he submitted to town council, for consideration, a 3-minute limit on public comment. Ms. Lowder stated they either continue to conduct business they way they have or implement the time limit and let them get through their questions/comments, the board or applicant can respond and that's when they could say you mentioned x,y,z but that's no applicable to this hearing.

**Correspondence**

Public meeting notice for proposed retail marijuana site.

**Adjournment**

Mr. Duffy made a motion to adjourn the meeting at 10:58 PM. The motion was seconded by Mr. Ciampa and unanimously voted 5-0.

**Approved on: April 24, 2023**

*List of documents for 3.13.2023 meeting*

*Documents can be found in the Community Development Office*

- A. 7:00** Approval of Minutes: February 13, 2023
- **No materials submitted**
- B. 7:00** Committee Reports/Administrative Actions
- 1- Committee Reports
  - 2- Town Planner's Report
    - **Memo from Alexandra Lowder dated 3/10/2023 w/ attachments**
  - 3- 1009 Livingston Street – As-Built Acceptance
    - **No materials submitted**
  - 4- 255 Salem Street/Border Road – As-Built Acceptance
    - **No materials submitted**

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- C. 7:00 999 Whipple Road – Town of Tewksbury: Site Plan Review, Land Disturbance Permit (*continued from 2/27*)
- Response letter from Weston and Sampson to Community Development dated 3/6/2023
  - Response letter from Weston and Sampson to DPW dated 3/6/2023
  - Revised site plans dated 2/27/2023
  - Letter from Andrew Stack dated 3/9/2023
  - Memo from Alexandra Lowder dated 3/10/2023
  - Proposed waivers and conditions dated 3/10/2023
- D. 7:00 1 Main Street – David Plunkett on behalf of C&M, LLC: Site Plan Review
- Application package dated 2/9/2023
  - Autoturn Exhibit Plan dated 2/14/2023
  - Lighting Plan dated 2/28/2023
  - Letter from Andrew Stack dated 3/9/2023
  - Memo from Alexandra Lowder dated 3/9/2023
- E. 7:05 118 Lumber Lane – 118 Lumber Lane, LLC: Site Plan Review, Special Permit, Land Disturbance Permit (*continued from 2/13*) – **applicant requested continuation to 3/27**
- Response letter from Civil Design Consultants to Community Development dated 3/6/2023
  - Response letter from Civil Design Consultants to DPW dated 3/6/2023
  - Letter from McLane Middleton dated 2/6/2023
  - Revised site plans dated 3/6/2023
  - Letter from Kevin Hardiman dated 3/9/2023
  - Memo from Alexandra Lowder dated 3/9/2023
  - Waiver request letter from Civil Design Consultants dated 3/10/2023
- F. 7:10 30 Commerce Way – Rhino Capital Advisors, LLC: Modification to Site Plan Approval (SPR/SP/LD 2022-19)
- Application package dated 2/16/2023
  - Site plans dated 2/10/2023
  - Memo from Alexandra Lowder dated 3/9/2023
  - Letter from Andrew Stack dated 3/10/2023
- G. 7:15 2504 Main Street – Steve Doherty: Site Plan Review (*continued from 2/27*)
- Traffic analysis by Chappell Engineering Associates dated 3/1/2023
  - Letter from Kevin Hardiman dated 3/8/2023
- H. 7:20 2122 Main Street – The Stories Company, LLC on behalf of Donuts Village, LLC: Site Plan Review, Land Disturbance (*continued from 2/27*)
- Traffic Assessment Memorandum prepared by TEPP LLC dated 3/9/2023
  - Revised dimension and layout plan dated 3/10/2023

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- **Landscape illustration dated 3/13/2023**
- **Revised grading and utility plan dated 3/10/2023**
- **Fire turning template dated 3/10/2023**

I. 7:25

1693 Shawsheen Street – Community Care Collective, Inc. on behalf of Shawsheen St LLC: Site Plan Review (*continued from 2/27*)

- **Response letter from Hancock Associates to Community Development dated 3/7/2023**
- **Response letter from Hancock Associates to Department of Public Works dated 3/7/2023**
- **Revised site plans dated 3/7/2023**
- **Signage plan dated 3/3/2023**
- **Memo from Alexandra Lowder dated 3/9/2023**
- **Letter from Andrew Stack dated 3/10/2023**

J. 7:30

770 Main Street – Butler School, LLC on behalf of The Cariciofi Realty Trust: Site Plan Review, Land Disturbance Permit (*continued from 2/27*) – ***applicant requested continuation to 3/27***

- **Memo from Alexandra Lowder dated 3/7/2023**
- **Revised waivers and conditions dated 3/7/2023**

**Old Business**

**New Business**

**Correspondence**

- **Community Outreach Meeting notice for proposed retail marijuana facility at 2186-2196 Main Street**

**Adjournment**