

TEWKSBURY PLANNING BOARD MINUTES  
March 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** – February 13, 2023

**MOTION** – Mr. Ciampa made a motion to approve the 2/13/23 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**

**HPP Approval**

The Housing Production Plan will be presented to the Planning Board for approval on Monday, April 24 and the Select Board on Tuesday, April 25. The most recent housing workshop was held on March 16, and was very successful.

**Zoning Articles for Town Meeting**

The proposed zoning changes discussed in recent months will have a public hearing at the next meeting, Monday, April 10.

(C) **2504 Main Street – Steve Doherty: Site Plan Review (continued from 3/13/23)**

Meera Cousens appeared for the Site Plan Review for 2504 Main Street. Ms. Cousens stated they had changed the name on the application and submitted it to the town planner. Ms. Cousens continued that they had requested a fee in lieu of installing the sidewalk, but they received a letter from the DPW requiring the sidewalk to be constructed, the revised plans have been submitted and will require a DOT permit. They also submitted revised exhibited that highlight the existing & proposed impervious areas. Ms. Cousens addressed the DPW comment regarding vehicle access to the last parallel parking spot, they have no issue removing that space.

Mr. Ciampa offered a better option for removing a parking space.

Mr. Johnson agreed with Mr. Ciampa's suggestion and stated it is not to become a snow storage area.

The whole board then agreed on the space that should be removed.

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

**MOTION** – Mr. Fowler made a motion to approve the waivers from 6.2.10 H. The motion was seconded by Mr. Ciampa and unanimously voted 5-0.

**MOTION** – Mr. Fowler made a motion to approve the Site Plan Review for 2504 Main Street with the conditions agreed upon. The motion was seconded by Mr. Fratalia and unanimously voted 5-0.

(D) **118 Lumber Lane – 118 Lumber Lane, LLC: Site Plan Review, Special Permit, Land Disturbance Permit (continued from 3/13/23)**

Meera Cousens, Dick Cuoco & Joe Phalen appeared for the Site Plan Review/Special Permit/Land Disturbance for 118 Lumber Lane. Ms. Cousens stated they continued the last 2 meetings in order to address the DPW's comments, she believed

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they have all been addressed. One of the main changes made was adding a drainage easement on abutting lot 120 Lumber Lane in order to maintain the existing drainage flow path.

Mr. Fowler stated he was satisfied that this could be resolved this evening.

Mr. Duffy confirmed they would come back for a sign special permit. Mr. Cuoco stated they would probably be putting up a complaint sign due to the area this is in.

Mr. Ciampa asked if the drainage easement resolved comment 3. Ms. Cousens stated they sized the basin and don't anticipate and overflow on to Industrial Ave, if it does happen, they will address it. Ms. Lowder stated she spoke with the engineering division and the recording of the drainage easement will satisfy both comments, she would like to include the condition that the applicant has to record the easement prior to land disturbance activities.

There were no questions 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. Fowler made a motion to approve the Land Disturbance. The motion was seconded by Mr. Duffy and unanimously voted 5-0.

**MOTION** – Mr. Ciampa made a motion to approve the waiver for section 6.2.10 H. The motion was seconded by Mr. Fratalia and unanimously voted 5-0.

**MOTION** – Mr. Fratalia made a motion to approve the Site Plan Review & Special Permit with 4 conditions agreed upon. The motion was seconded by Mr. Ciampa and unanimously voted 5-0.

**(E) 2 Radcliff Road – Ecology MA V LLC on behalf of Thermo Niton Analyzers LLC: Site Plan Review, Special Permit**

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

Michael Shelter, Julia Magliozzo & Kate Nota appeared for the Site Plan Review/ Special Permit for 2 Radcliff Road. Mr. Shelter presented the proposed solar canopy & battery energy storage system project. Mr. Shelter continued by giving background information, presenting existing conditions, proposed site plan & tree removal. Mr. Shelter also included a rendering of the proposed solar canopies, maneuverability report, battery fire protection, emergency operations plan & decommissioning plan. Mr. Shelter ended by saying they were currently working through the comments they received from town offices and will include them in their next submission.

Mr. Fratalia asked if they could bring renderings for the public to view at their next hearing & asked about potential hazards to the community. Ms. Magliozzo stated there were none from the canopy systems or solar panels themselves, the only chemical materials on site will be in the battery energy storage system which is a lithium-ion system which is self-contained. Mr. Fratalia asked about planned security features, Ms. Magliozzo stated they could install cameras on their own system, she believes the owner of the site has cameras in their own parking lot. Mr. Fratalia confirmed the height of the proposed canopies is 13.6' high, Mr. Shelter confirmed that was correct.

Mr. Fowler asked if the planner's comments would be addressed by the next meeting, Mr. Shelter said they would.

Mr. Ciampa asked if it was redundant containment or were they saying because it will be in a box its contained, Ms. Magliozzo stated she would have to ask the engineering team and get back to him. Mr. Ciampa stated he would like to see leak detection inside the containment that would send a remote signal to outside resources. Mr. Ciampa asked who was responsible for property damage, Ms. Magliozzo stated Ecology carries insurance on the entire system. Mr. Ciampa asked if first responders would need any special equipment if there were a chemical fire, Ms. Magliozzo stated she did not believe so, but she would have to take that question to their engineers and probably Tesla to confirm. Mr. Ciampa asked if the

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trees being removed would be replaced elsewhere, Ms. Magliozzo stated they could look into that if it's a requirement although given the arrangement of this lot that might be very difficult.

Mr. Duffy stated he would like to see the wind load calculations and liked these projects. Mr. Duffy then asked who the recipient of the decommissioning bond was, Ms. Magliozzo stated that they have placed them with property owners and directly with the towns, it depends on the jurisdiction and their preference. Ms. Lowder stated the bylaw requires that the town hold it. Mr. Duffy asked if the electricity was going to the grid or if the customer was using the electricity and the excess was going back into the grid. Ms. Magliozzo stated the latter, the meter would be behind the existing customer meter so they would be the primary user of the electricity & if it outweighs their load at that moment, it will go back into the grid.

Mr. Johnson stated they should take a look and see if they can put some of the trees back. They are a green community, so this is something they want as long as it works.

There were no questions from the audience.

**MOTION** – Mr. Fratalia made a motion to continue the Site Plan Review/Special Permit for 2 Radcliff Road to April 10, 2023, at 7:20 PM. The motion was seconded by Mr. Duffy and unanimously voted 5-0.

**(F) 770 Main Street – Butler School, LLC on behalf of The Carciofi Realty Trust: Site Plan Review, Land Disturbance Permit (continued from 3/13/23)**

Ben Osgood appeared for the Site Plan Review/Land Disturbance permit for 770 Main Street. Mr. Osgood recapped what was covered at the previous meeting and stated that he spoke with the owner about reducing the size. The current plan reduces the size of the daycare from 10,000 sq. ft. to 9,000 sq. ft. They also reduced students to 150. This allowed them to add 5' to the depth of the parking lot making driveways wider for maneuverability. Mr. Osgood continued that the reduction in students also reduced the parking requirement so they now have the 36 required parking spaces and will not need that waiver. He then showed the updates on a plan.

Mr. Fratalia stated he was happy with the downsizing of the building but did not see any sidewalk area for people to navigate the parking lot. Mr. Osgood stated they talked about adding striping along the rear of the parking spaces like a crosswalk, it's hard to make a sidewalk, it would squeeze everything in. He then showed the planned area for striping on the plan. Mr. Osgood added that they will have one way circulation around the building going counterclockwise.

Mr. Duffy appreciated the decrease in density and thinks it would be good to add striping like he showed.

Mr. Ciampa suggested connecting the planned striping to the ADA ramp in the front to show clear access.

Mr. Fowler and Mr. Johnson had no additional comments.

There were no questions from the audience.

**MOTION** – Mr. Fratalia made a motion to continue the Site Plan Review/Land Disturbance Permit for 770 Main Street to April 10, 2023, at 7:25 PM. The motion was seconded by Mr. Duffy and unanimously voted 5-0.

**Bob**

**MOTION** – Mr. Ciampa made a motion to table agenda items at approximately 8:00 PM. The motion was seconded by Mr. Duffy and unanimously voted 5-0.

Mr. Johnson shared sentiments thanking Mr. Fowler for his commitment to public service over the last 6 decades.

Senator Feingold & State Representative Robertson shared their sentiments about working with Mr. Fowler, Mr. Feingold stating he had made the community better and did it with such class. Mr. Robertson thanked Mr. Fowler for the younger generation that got to enjoy growing up in the community he helped create. They both then presented Mr. Fowler with multiple citations.

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David Plunkett reflected on his time on the planning board with Mr. Fowler stating it was an honor to spend 20 years on the board with him.

Nancy Reid echoed both Mr. Johnson's & Mr. Plunkett's sentiments and added she learned so much from him.

A former member shared that he appreciated Mr. Fowler's patience, generosity, and knowledge he shared when he first joined the board.

Mr. Krause shared a memory of his time on the planning board with Mr. Fowler and stated he was happy he got to work with him.

Mr. Ciampa shared that he had a deep appreciation of the legacy Mr. Fowler is leaving and will do his best to continue that legacy.

Mr. Duffy thanked Mr. Fowler for helping him along as a new board member & wished him the best.

Mr. Fratalia thanked everyone who showed up for Mr. Fowler and mentioned those in the audience who did not speak. He went on to thank him for his dedication to the town and wished him continued success and health going forward.

The board then presented Mr. Fowler with a plaque for his 40 years of public service. Mr. Fowler then commented, do the right thing, anytime you're looking at a plan, and get the job done, he's lived by that, and he hopes the rest of the board will too.

The board then took 2 minutes for Mr. Fowler to thank those that were in the audience.

**MOTION** – Mr. Fratalia made a motion to go back to the tabled items at approximately 8:30 P.M. The motion was seconded by Mr. Ciampa and unanimously voted 5-0

**(G) 1 Main Street – David Plunkett on behalf of C&M, LLC: Site Plan Review (continued from 3/13/23)**

**MOTION** – Mr. Fratalia made a motion to continue the Site Plan Review for 1 Main Street to April 10, 2023, at 7:15 PM. The motion was seconded by Mr. Duffy 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 3/13/23)**

Valerio Romano & Ian Ainsley appeared for the Site Plan Review/ Land Disturbance for 2122 Main Street. Mr. Romano complimented Mr. Fowler then continued to state they have provided a rendering from the resident's view, updated landscaping plan with trees & signage plan. He believes they have addressed all of the planner's comments and only have a couple DPW comments left to resolve. Mr. Ainsley then presented the renderings stating they have raised the height of the fence to 8', added doors & windows to the back side of the building and turned the front isle into a one way so now the entire building is encircled by a 20'+ wide one way. Mr. Ainsley continued to say the remaining couple of DPW comments should be easy to address as they are just water & sewer details and then presented the signage plan in detail.

Mr. Duffy asked if the traffic study had been peer reviewed, Mr. Ainsley stated he does not think it has but it has been submitted. Mr. Romano added he believes it was less than 100 trips during the peak AM hours.

Mr. Ciampa asked about placing a crosswalk, Mr. Ainsley stated they had.

Mr. Fratalia inquired about the color of the fence; Mr. Romano stated it was a dark brown. Mr. Fratalia commended them both on the package they submitted.

Mr. Fowler stated his questions had been answered.

Mr. Johnson asked Ms. Lowder about the traffic peer review. Ms. Lowder stated DPW did not find anything specific they wanted peer reviewed, that's up to the board discretion.

Mr. Johnson opened the hearing to the audience.

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Marc Kratman, 101 Merrimac Meadows Ln – Mr. Kratman questioned the 100 vehicles per hour evaluation. Mr. Romano explained based on the ITE data it's under 100 vehicle trips per hour at the peak hours for a cannabis dispensary. Mr. Kratman asked if that was combined in & out, Mr. Romano stated it was, so it was really 50 trips, the top dispensaries are averaging 150-200 so when that's combined over a 10-hour day they 50 vehicle trips makes sense especially if the town eventually have 3 locations. Mr. Kratman said he finds that hard to believe, he's seen the one that's in Lowell and watched the vehicles going in and out of there and saw 50 vehicles on a Wednesday morning in the rain. He would like to see as much traffic information as possible, that intersection is already backed up, he would like to see some mitigation to help the traffic enter and exit easier. Mr. Ainsley stated they do have a significantly higher amount of parking than is required by the town, they are required to have 28 spaces & they have 43 spaces. Mr. Johnson asked if the traffic study trigger mitigation, Ms. Lowder stated no more than any other development along Main St. Mr. Johnson then asked if they did attempt that kind of mitigation that would require Mass Highway, Mr. Ainsley confirmed that was correct. Mr. Johnson explained that the traffic study is what it is, they can't predict how much business they will do in the future and the number of cars that will be coming and going. Mr. Ainsley explained that MassDot does have to approve the access to Main St so they will be looking at this application. Ms. Lowder added that they could explore having the exit be right turn only to not stop traffic at high traffic hours. Mr. Romano agreed that made sense. Mr. Fratalia suggested a police detail, Mr. Johnson stated he wasn't comfortable forcing them to have a police detail. Mr. Romano stated he was sure it would come up again throughout the approval process, it's not unheard-of in the cannabis industry. Mr. Duffy stated having the right turn only lane may only create a problem elsewhere where customers use other properties to turn around. The board agreed to leave this as an open item, as is, if events cause them to revisit it they may require a right only lane in the future. Mr. Romano stated they were fine either way, Ms. Lowder added that typically they will reevaluate 6 months into business operation & if they find the condition needs to be acted upon, Mr. Johnson stated similar to what they have with Treehouse currently. Mr. Romano stated the cameras will cover a lot of that too, they will actually have video footage to go by.

**MOTION** – Mr. Duffy made a motion to continue the Site Plan Review/Land Disturbance for 2111 Main Street to April 10, 2023, at 7:30 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 3/13/23)**

David Giannetta & Brian Gaudreau appeared for the Site Plan Review for 1693 Shawsheen Street. Mr. Giannetta congratulated Mr. Fowler. Mr. Gaudreau stated they still have some outstanding comments, they have reviewed everything & they have a level of confidence they will be able to address anything outstanding in very short order. Mr. Gaudreau stated engineering has 3 items in their letter, one that was misunderstood there is no additional stormwater required so that is noted on the plan, O&M records of the existing stormwater management were submitted to the office & sidewalks. They are not contesting the fact that sidewalks are being requested, they have offered a phased approach where they would construct them within 5 years or provide payment in lieu of, they haven't heard back yet but will work with them on that. Mr. Gaudreau continued that their traffic study was peer reviewed, and they asked them to expand the area which they did so the report is currently being revised, he added that Mr. Giannetta included a written memo for the board regarding the trip generation numbers. Mr. Gaudreau stated that Mr. Giannetta is creating a program to encourage employees to use bicycles or find ulterior motives of transportation to reduce the number of trips.

Mr. Fratalia stated, again, he was not in favor of the message board, otherwise he is all set.

Mr. Ciampa asked for clarification regarding the bicycle rack. Mr. Giannetta stated that last meeting they discussed having a bicycle rack, he provided reasons he wouldn't recommend that from an anti-diversion standpoint, so what they proposed is bicycle storage inside the secure delivery location so employees could store bicycles there. Mr. Ciampa then stated he would not be in favor of the message board. Mr. Giannetta clarified the key waiver request for the sign is with regard to the setback of the right of way, he is open to eliminating the message board in lieu of an approval of the actual waiver of the sign location.

Mr. Duffy asked why they would want to wait 5 years to put a sidewalk in. Mr. Giannetta stated there is a sidewalk directly across the street so their thought was if they added a crosswalk from their location to the sidewalk that would be somewhat of a compromise. Mainly it's the expense of it, if it comes down to it and they need to have this done during

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construction they will, he doesn't want to make it a big pushback on their end if it has to be done, they will do it. Mr. Duffy asked about the stormwater report, Mr. Giannetta stated they were submitted with the packet.

Mr. Fowler suggested he put the signboard in the background, he can always come back to the board after he's been in business.

Mr. Johnson agreed with Mr. Fowler's suggestion of revisiting it, but it is unlikely where 2 board members are already not in favor. Ms. Lowder clarified that the waiver being requested is to be able to construct within 10' of the right of way when the requirement is 15', the way the site is already built out they would have to put a pylon in the middle of parking spot or the middle of a drive aisle.

There were no questions from the audience.

**MOTION** – Mr. Duffy made a motion to continue the Site Plan Review for 1693 Shawsheen Street to April 10, 2023, at 7:35 PM. The motion was seconded by Mr. Ciampa and unanimously voted 5-0.

**(J) Administrative Items (continued)**

**1- 1009 Livingston Street- As- Built Acceptance**

**2- 255 Salem Street/Border Road – As-Built Acceptance**

**MOTION** – Mr. Duffy made a motion to conditionally approve the As-Built Acceptance for both 1009 Livingston Street & 255 Salem Street/ Border Road pending DPW approval. The motion was seconded by Mr. Fratalia and unanimously voted 5-0.

**Old Business**

**New Business**

**Correspondence**

**Adjournment**

**MOTION** – Mr. Johnson made a motion to adjourn the meeting at 9:13 PM. The motion was seconded by Mr. Fratalia and unanimously voted 5-0.

**Approved on: May 8, 2023**

*List of documents for 3.27.2023 meeting*

*Documents can be found in the Community Development office*

**A. 7:00** Approval of Minutes: February 13, 2023

- **February 13, 2023**

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

- 1- Committee Reports
  - 2- Town Planner's Report
- **Memo from Alexandra Lowder dated 3/24/2023**

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- C. 7:00** 2504 Main Street – Steve Doherty: Site Plan Review (*continued from 3/13*)
- **Review letter from Kevin Hardiman dated 3/24/2023**
  - **Proposed waivers and conditions dated 3/27/2023**
  - **Impervious Area Exhibit dated 3/24/2023**
  - **Revised site plans dated 3/24/2023**
  - **Letter from Civil Design Consultants dated 3/27/2023**
  - **Memo from Alexandra Lowder dated 3/27/2023**
- D. 7:00** 118 Lumber Lane – 118 Lumber Lane, LLC: Site Plan Review, Special Permit, Land Disturbance Permit (*continued from 3/13*)
- **Response letter from Civil Design Consultants dated 3/20/2023**
  - **Revised site plans dated 3/20/2023**
  - **Memo from Alexandra Lowder dated 3/22/2023**
  - **Proposed waivers and conditions for approval dated 3/22/2023**
  - **Response letter from Civil Design Consultants dated 3/23/2023**
  - **Revised site plans dated 3/23/2023**
  - **Letter from Kevin Hardiman dated 3/24/2023**
- E. 7:00** 2 Radcliff Road – Ecology MA V LLC on behalf of Thermo Niton Analyzers LLC: Site Plan Review, Special Permit
- **Application package dated 2/21/2023**
  - **Additional documents dated 2/22/2023**
  - **Memo from Alexandra Lowder dated 3/22/2023**
  - **Letter from Andrew Stack dated 3/24/2023**
- F. 7:05** 770 Main Street – Butler School, LLC on behalf of The Cariciofi Realty Trust: Site Plan Review, Land Disturbance Permit (*continued from 3/13*)
- **Revised site plans dated 3/27/2023**
- G. 7:10** 1 Main Street – David Plunkett on behalf of C&M, LLC: Site Plan Review (*continued from 3/13*)
- **No new materials submitted**
- H. 7:15** 2122 Main Street – The Stories Company, LLC on behalf of Donuts Village, LLC: Site Plan Review, Land Disturbance (*continued from 3/13*)
- **Response letter from Meisner Brem dated 3/13/2023**
  - **Revised site plans dated 3/13/2023**
  - **Traffic Assessment dated 3/9/2023**
  - **Floor plans and signage plans dated 1/26/2023**
  - **Turning plan dated 3/13/2023**

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- **Site lighting plan dated 3/15/2023**
- **Landscape plan dated 3/15/2023**
- **Color renderings dated 1/26/2023**
- **Review letter from Andrew Stack dated 3/21/2023**
- **Memo from Alexandra Lowder dated 3/23/2023**

**I. 7:20** 1693 Shawsheen Street – Community Care Collective, Inc. on behalf of Shawsheen St LLC: Site Plan Review (*continued from 3/13*)

- **Response letter from Hancock Associates dated 3/15/2023**
- **Revised site plans dated 3/16/2023**
- **Letter from Collective Premium Cannabis to DPW dated 3/15/2023**
- **Message board proposal (undated; 1 page)**
- **Peer review of traffic report by Vanasse & Associates dated 3/22/2023**
- **Memo from Alexandra Lowder dated 3/23/2023**
- **Letter from Andrew Stack dated 3/24/2023**
- **O&M Logs for 2013-2022**
- **Letter from Collective Cannabis dated 3/27/2023 re: traffic review**

**J. Administrative Items (continued)**

1 – 1009 Livingston Street – As-Built Acceptance

2 – 255 Salem Street/Border Road – As-Built Acceptance

**Old Business**

**New Business**

**Correspondence**

**Adjournment**