

# 2024 APR 10 AM 9: 11

Town of North Reading

Massachusetts

TOWN SLEAVES OFFICE ROATE STADING, MASS.

Community Planning

## MINUTES

Tuesday, March 19, 2024

Mr. Warren Pearce, Chairperson called the Tuesday, March 19, 2024 meeting of the Community Planning Commission to order at 7:32p.m. in Room 14 of the North Reading Town Hall, 235 North Street, North Reading, MA and via Virtual Meeting (Zoom participants may call 1-301-715-8592, meeting code 9854300926, or visit <a href="http://us02web.zoom.us/j/9854300926">http://us02web.zoom.us/j/9854300926</a>).

**MEMBERS** 

PRESENT:

Warren Pearce, Chairperson

David Rudloff, Vice Chairperson

Ryan Carroll, Clerk

Jeff Griffin

Jeremiah Johnston

STAFF

PRESENT:

Danielle McKnight, AICP

Town Planner/Community Planning Administrator

Debra Savarese, Administrative Assistant

Mr. Pearce informed all present that the meeting is being recorded.

## 146-150 Park Street - Senior Housing Authority - endorse plan

Mr. Rudloff moved, seconded by Mr. Griffin and voted 4-0: (Mr. Carroll absent)

that the Community Planning Commission vote to endorse the plans entitled, "Site Plan, 1818 on the Commons, (Senior Housing Facility), 146-150 Park street, North Reading, MA 01864"; dated August 23, 2022, last revised August 28, 2023; drawn by Hayes Engineering, Inc.

Roll call vote: Mr. Johnston, Mr. Rudloff, Mr. Griffin and Mr. Pearce favor, none opposed.

### 210 Main Street - discussion

Mr. Charlie Watson of Pinnacle Carpentry stated that he is the general contractor that applied for the permit to redo the facing at 210 Main Street. (Sample was shown to CPC – veneer stone with variations). There are three or four owners for this property and one of them wanted it to look more like a castle. He does have rendering (see file) and he is trying to keep it as tasteful, as possible because the building is located on Main Street.

The consensus of the CPC is that they approve the rendering shown this evening.

### Minutes

Mr. Rudloff moved, seconded by Mr. Griffin and voted 4-0: (Mr. Carroll absent)

that the Community Planning Commission vote to accept the minutes dated February 6, 2024 as written.

Roll call vote: Mr. Johnston, Mr. Rudloff, Mr. Griffin and Mr. Pearce favor, none opposed.

Mr. Carroll arrived at 7:55PM.

### **Zoning Board of Appeals**

122 Marblehead Street – On the petition of Laurie Truesdale for a special permit to raise chickens.

- The CPC does not object to the application but recommends considering any impacts to neighbors.
- No rooster should be allowed.

22 Wright Street – On the petition of Sean O'Halloran for a variance from the side yard setback to build an attached two-car garage with second floor master suite addition.

- Is the addition over the leach field? This should be vetted by the Board of Health.
- The proposed addition goes nearly to the property line, which is excessive.
- Is there a hardship?
- 8 Burditt On the petition of Nicholas Catino for a home occupation special permit to run his office for his junk removal business out of his residence.
  - The CPC does not object to the application, provided all provisions of §200-42, Home Occupations, are adhered to.
- 2 Fieldcrest On the petition of Joseph Mustone on an appeal of the decision of the building commissioner for the denial of rehabilitating the second dwelling on the property.
  - The CPC supports the decision of the Building Inspector.

# Lucas & Abigail Way - OSRD Special Permit Permit - P.H. 8:00PM

Attorney Jill Mann stated that presented a PowerPoint. (See attached)

Mr. Pearce asked Attorney Mann how they can keep vehicles from entering onto Amber Road and parking in front of the Romeo property.

Attorney Mann stated that they do not have any right to do that. The property in front of the Romeo's dwelling does not belong to them and never has. That property belongs to DCR.

John Bobrek stated that some barricades could be left in that area.

Mr. Pearce suggested that they petition DCR.

Mr. Rudloff stated that he has a question regarding the OSRD and bylaws. Section 10, item 1— "Residential structures shall be oriented toward the street servicing the premises and not the required parking area. When the open space residential development will include a mix of housing types, the developer shall seek to place single-family houses towards the perimeter of the site, especially where it abuts residentially zoned and occupied properties." He would like Attorney Mann to respond to this regarding the proposed duplexes.

Attorney Mann stated that essentially it does try to get us to use the interior, so where they're putting the multi-families that is the desired area to try achieve this.

Mr. Rudloff stated that he is talking about the four duplexes to the south that are upfront. There is a buffer of some degree to the north with the ledge cropping.

Attorney Mann stated that is why they did it and they brought the houses completely forward on the roadway and they thought they were providing such deep lots (over 300' deep) that they were providing enough separation and would even be willing to increase the buffer behind. The point is to truly maintain as much distance as possible and that was the whole intent with the multis because they felt that those were more differentiated use than the duplex units, such as this. The Arsenault property located across the street will have a whole row of trees to create a buffer between that home and then the use. If they were to put more multi-families in the back the amount of traffic would be exactly the same thing.

Mr. Griffin asked if the southernmost property, all the way to the left, appears to be a lot smaller than the other properties.

Attorney Mann stated that it is smaller. In the definitive they may be able to alter the shape, but right now it gives them more flexibility.

Mr. Carroll stated that he is still trying to understand the use and rights around Amber Road. What is by-right-for the public.

Attorney Mann stated that she had to go through the title for it because for them to proceed she needed to be sure that Mr. Bobrek had certain rights to the road. Amber Frey owned all of the property and she granted DCR Amber and Priscilla Road. Amber thought that DCR would create the ways and she would not have to do that, or pay for it and she would then have all of these ANR lots. Amber required that she had access rights and the right to develop. But, DCR didn't put the roadway in. Amber and her successors had the right to put the roadways in however they saw fit in order to create a subdivision, but, it's subject to getting permits from DCR and all the other requisite permits from the Town. She never looked at the title for Arsenault and Romeo, but when she looked at the decision. It would appear that they were given full rights to use Amber Road in whatever way they see fit. But, DCR has the right to maintain it as open access, so no one has the right to block the way.

Tom Romeo owner of 253 Haverhill Street stated that he is concerned with the following:

• Yield Plan - No waivers are necessary.

Attorney Mann stated that waivers are requested under the OSRD because the whole intent is to create lots that are much smaller than required, so the Yield plan and OSRD plan are two totally separate animals. The Yield plan which is a Conventional plan shows full compliance with a dimensional requirements of the RA District.

• The Health and Conservation regulations are all within the Town's bylaws?

Attorney Mann stated that they are part of the bylaw. With a Yield plan a wetland can cross a wetland. It's called a limited project especially subdivisions. It's a policy that was enacted in 1997.

• Have the 22 lots all passed the perk tests?

Attorney Mann stated that they have not passed perk tests because each of the lots are not perked. They will be done when the definitive plan is submitted to the CPC.

• No rights to Amber Road because DCR will not let them.

Attorney Mann stated that they have rights to restore the road, but cannot alter it.

• Yield plan shows Amber and Priscilla Road being developed. How can the Yield plan show 22 lots on road that cannot be improved?

Attorney Mann stated that the actual subdivision plan will not show or have anything to do with these two roads. They have the right to use those roadways to develop subdivision roadways.

• His conversation with DCR is that they are not happy with the current owners of the properties and were reluctant to issue construction permits.

Attorney Mann stated that it's the same situation as a subdivision approval. They don't have to have subdivision approval for a Yield plan, they just need to show that they comply. DCR cannot deny them the right to that permit.

• Who will maintain Amber and Priscilla road?

Attorney Mann stated that she doesn't know what North Reading's position is, but in any town where the public is not permitted to utilized the road, the town is not allowed to Massachusetts Finance Law does not allow them to maintain the road and use public money, unless the public has access rights. If the town does not maintain then it would be the responsibility of the people who live on the road to maintain it.

- Suggests to the CPC that there are a lot of unanswered questions to access, maintenance and rights to build.
- Vernal pool close to one of the proposed roads.

Attorney Mann stated that if they are too close and the Conservation Commission wants them to move the road further away they will do that.

Mr. Carroll moved, seconded by Mr. Rudloff and voted 5-0:

that the Community Planning Commission vote to continue the public hearing for 7 Charles Street and 249 Haverhill Street until Tuesday, April 2, 2024. @ 8:00PM.

# Planning Administrator Update

3A/MBTA Communities - warrant article (vote re: submittal)

Discussion moved to Select Board meeting.

Sewer update

Select Board meeting on April 1, 2024

Adjournment at 10:03PM

Respectfully submitted, Ryan Carroll, Clerk

# HAVERHILL STREET CHARLES STREET OPEN SPACE RESIDENTIAL SUBDIVISION

SPECIAL PERMIT - Article X

- 26 Unit Open Space Residential Subdivision
- 14 Lots with a mix of single family, two family and multifamily homes



### **RESPONSES TO BOARD COMMENTS:**

- 1. Petitioner realigned the intersection of Haverhill Street and Lucas Lane to further enhance the existing safe sight distance.
- 2. The OSRD is in keeping with the intent and spirit of the Open Space Residential Development Regulations, to create and protect conservation areas, wildlife habitat, and forested areas. The development shows smaller lot sizes, reduced setbacks and more compact style of homes such as duplex structures and multifamily structures.
- 3. The OSRD will protect in perpetuity more than 65% of the land area of the Property as open space.
- 4. Petitioner revisited the conventional subdivision rules and regulations and modified the Yield Plan to eliminate the need for waivers.
- 5. During the Subdivision approval process, Petitioner will provide a full stormwater management plan and report for the OSRD.
- 6. Petitioner will restore the wetland areas that were disturbed during the clearing and grading of the DCR's property and will restore the active portion of Amber Road to its prior condition.
- 7. The Petitioner will create access to open space and to Harold Parker Forest over its trails.
- 8. Petitioner will create a condominium association to own, manage and maintain all open space, public parking areas, and trails and will grant a conservation restriction over the Open Space to the Town.
- 9. The OSRD will maintain a 50' no disturb strip along all lots that abut land of others.



# **RESPONSES TO ABUTTER CONCERNS:**

- 1. Amber Road and Priscilla Road will <u>not</u> be used by the Petitioner. and will <u>not</u> be part of the OSRD. Notwithstanding, Petitioner is proposing to restore Amber Road from its intersection with Haverhill Street to the end of the active portion of Amber Road.
- 2. Petitioner will restore the surface of Amber Road to redirect stormwater to the exiting catch basin that is maintained by the Town.
- 3. Petitioner will fix the driveways that intersect with Amber Road and the roadway apron for Haverhill Street.
- 4. During the Subdivision approval process, Petitioner will provide a full stormwater management report for the OSRD demonstrating that it will not redirect water to the abutters located at 255 and 253 Hayerhill Street.
- 5. The clearing of Amber Road and Priscilla Road was conducted under the auspices of DCR and an Order of conditions.
- The trailer on Amber Road does not belong to the Petitioner, Petitioner will ask for it to be removed.
- 7. The fencing at the end of the active section of Amber Road is not controlled by the Petitioner.
- 8. The public parking area located off of Lucas Lane will be maintained by the condominium association.

# 2013

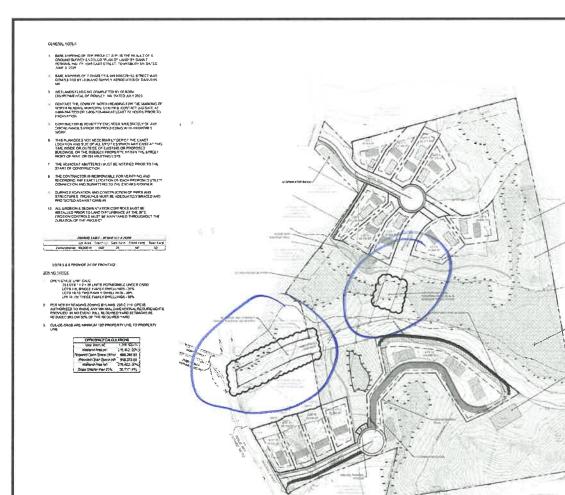
DCR – ROWs Amber Road & Priscilla Road



2013-2014 Aerial Imagery Property Tax Parcels



2021 Aeriai Imagery Property Tax Parcels





BOBREK

PO SOX 2168 CANVERS, MA 01929 WWW.godowna COM

ABIGAIL WAY & LUCAS LANE OSRD

MERCOLOUS OFFICERAS



OPEN SPACE CONCEPT PLAN

C-300

CR BY, RTP

80 0 100 804,6 11,100

CHK 8", JPB PROJ NO. 23-1 SCALE 17100



Intersection of Haverhill Street and Amber Road





255 Haverhill Street

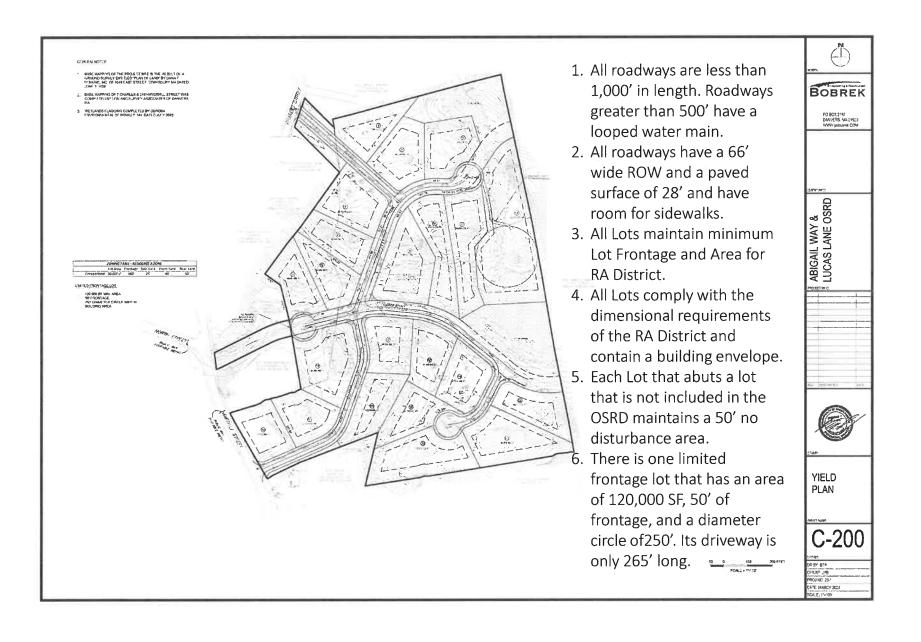


View looking toward Haverhill Street just beyond driveways for 253 and 255 Haverhill Street



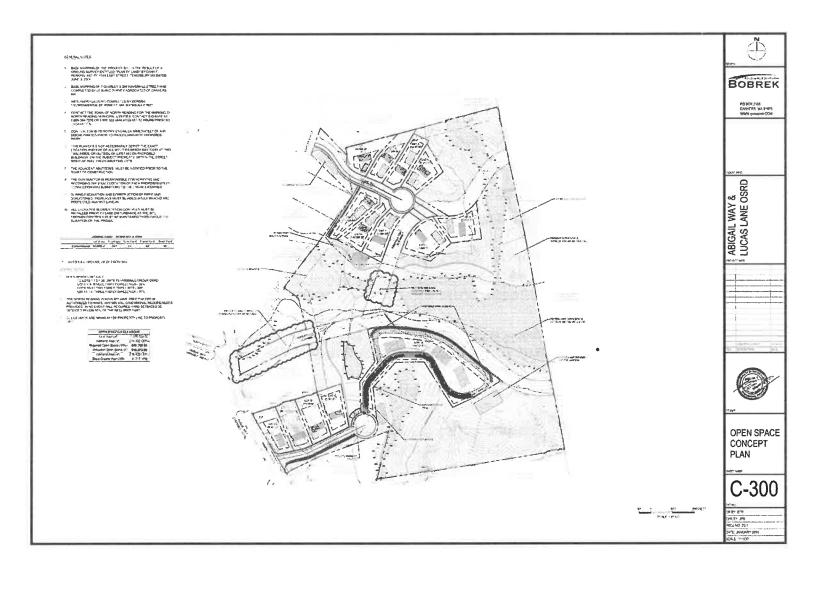
End of the active section of Amber Road





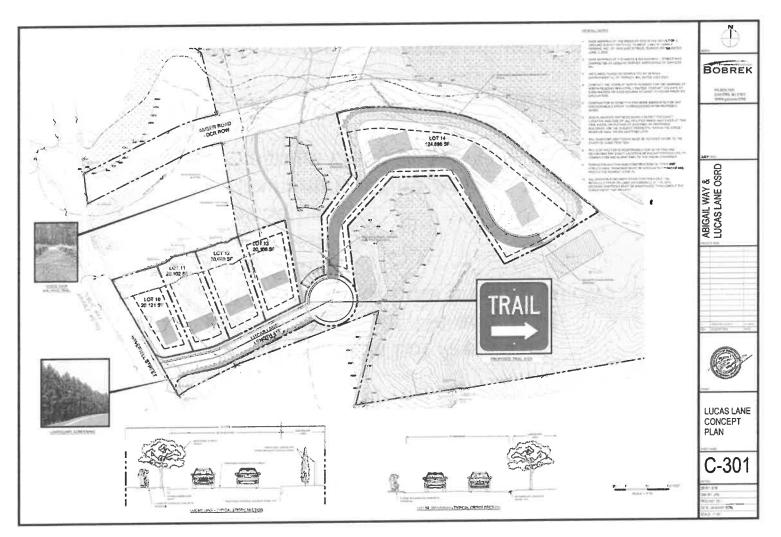
### **OPEN SPACE:**

- 1. More than 50% of the Property is included in the Open Space Parcel.
- 2. The Open Space contains no structures or exclusive use areas, it includes the common septic system for Lucas Lane and permitted Stormwater Management Systems and access trails.
- 3. The entire Open Space is contiguous and is separated only by ROW/Streets.
- 4. Substantially all Open Space is undisturbed and preserves all onsite wetlands and a substantial portion of the wetland buffers as well as the areas of the Property with steep slopes.
- 5. The Open Space provides connectivity and preserves wildlife corridors to the Harold Parker State Forest.
- 6. Create multiple points of access to the Open Space
- 7. Create enhanced access to Harold Parker State Forest
- 8. Provides 5 public parking spaces
- 9. The Open Space will be owned and maintained by a Condominium Association.
- 10. The Open Space will be protected in perpetuity by a Conservation Restriction granted to the North Reading Conservation Commission.



ABIGAIL WAY is a 450' long subdivision roadway with 9 single family home lots

- 2 lots have 20' of frontage that cross over a DCR right of way
- 2. All lots require a waiver from dimensional requirements
- 3. Access to the Open Space Parcel



<u>LUCAS LANE</u> is a 417' long subdivision roadway with 5 lots

- 1. 4 duplex townhouses lots
- 2. 1 lot with three (3) multifamily buildings with three (3) residential dwellings

The Multifamily lot is accessed by one common driveway and will be designed with a fire access that provides 360° access to the Buildings

- 3. All lots require a waiver from dimensional requirements
- 4. One common septic system for all Units
- 5. Access to the Open Space Parcel

# **WAIVERS:**

§200-50(B)(3)[j] to allow slopes with a grade of 25% within the Open Space

§200-50(C)(7) allow a reduction of all dimensional requirements (subject to 50' perimeter buffer and no waiver for lots bordering on existing home sites) as follows:

20,000 SF minimum Lot Area

80' Lot Frontage Lots 1-4 and 7-14

20' Lot Frontage for Lots 5 and 6 (allows reduce disturbance)

20' Front Setback

12.5' Side Setback

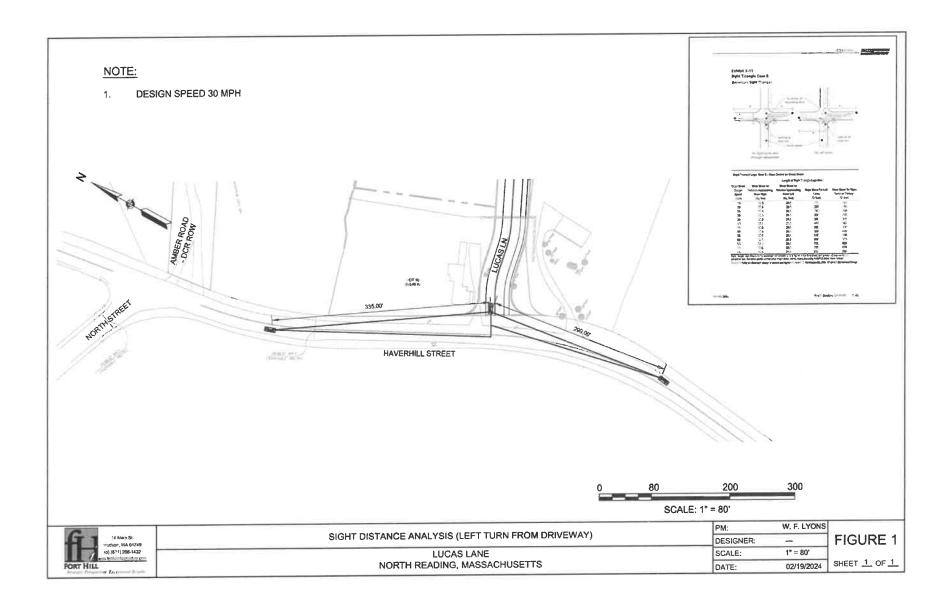
25' Rear Setback

10% Maximum Building Area

30% Minimum Open Space

§200-51(A)(7)(b)[2] allow 35% Multifamily Structures (3 Unit Buildings)

§200-50.B.3.i allow a greater percentage of wetland in the Open space than the percentage on the Property (Required if the Primary Open and the Secondary Open Space are combined.)



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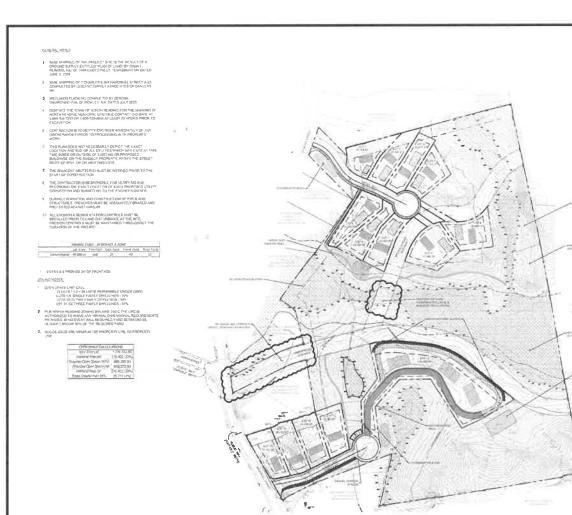
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BOBREK

PORCYCLIS EAVIEDS MARKET

THEAL MED

ABIGAIL WAY & LUCAS LANE OSRD

WALK TOPO



OPEN SPACE CONCEPT PLAN

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C-300

20.87, STP
CHEST JPS
PROJNC 25-1
CATE METHAT JON
SCALE 11-109



Intersection of Haverhill Street and Amber Road





# 255 Haverhill Street

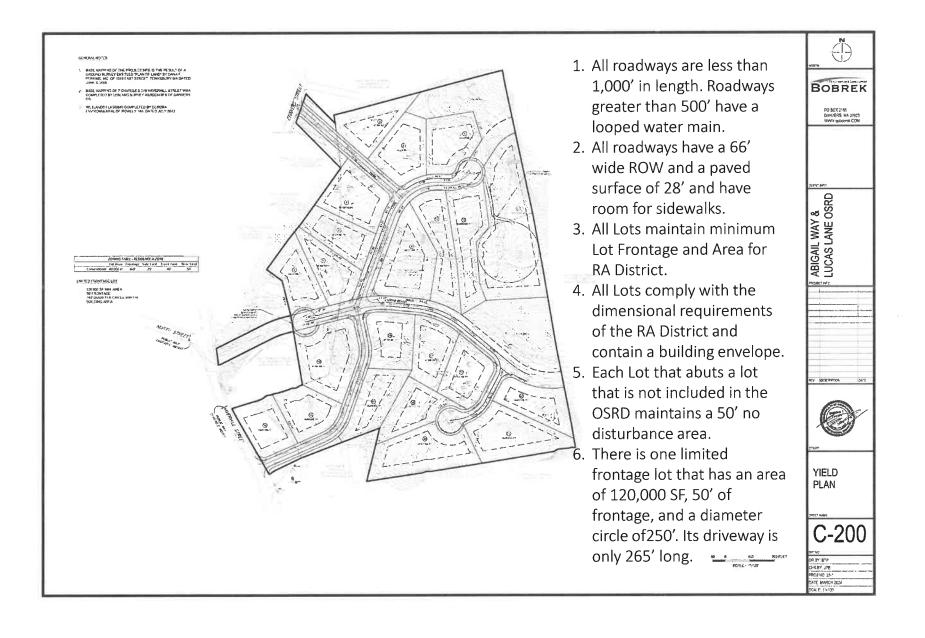


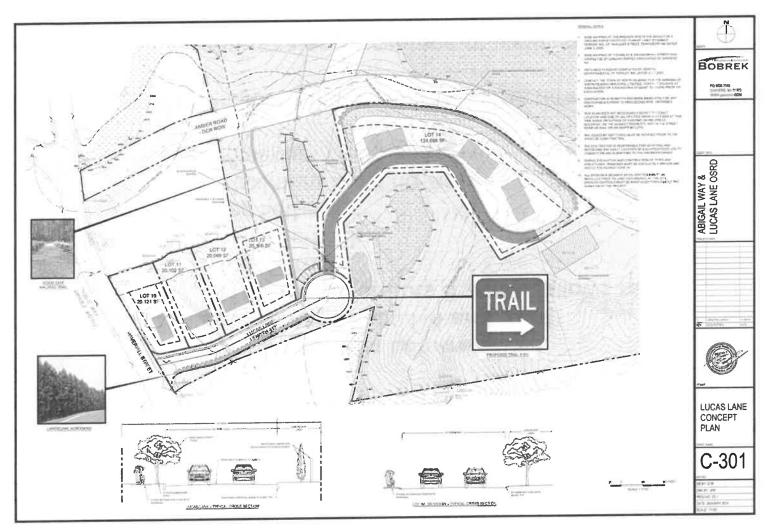
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O' Lot Frontage for Lots 5 and 6 in the alternative can create a private roadway extension to create frontage for Lots 5 and 6 (waiver allows reduced disturbance)

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