

TEWKSBURY PLANNING BOARD MINUTES
February 28, 2022

Call The Meeting to Order

Chairman Stephen Johnson call the meeting to order at 7:00 P.M. at the Town Hall Meeting Room. Present at the start of the meeting were, Jay Delaney and Vincent Fratalia.

Vice Chairmen Robert Fowler and Clerk Eric Ryder were not in attendance.

Mr. Johnson let the audience know that 1788 Main Street was continued to the next meeting.

(A) Approval of Minutes – February 14, 2022

Mr. Fratalia stated he would like to table the minutes until the other members are present. He asked that Nancy Reed's name be added to the minutes.

(B) Committee Reports/ Administrative Actions

(B1) Committee Reports

No committee reports

(B2) Town Planner's Reports

Ms. Lowder stated 1788 Main Street, the Balance Spa Sign Special Permit will be continued to March 14, 2022, due to the lack of special permit granting authority quorum. To remedy the inconvenience, she recommends hearing their application as the first item because they will probably be pretty quick and there are four other things on the agenda that day.

Ms. Lowder stated she did receive an estimate from an engineering consultant, GCG Associates from Wilmington, dated February 18, 2022. That was to get a price for the design and permitting for the proposed sidewalk additions at 1788 Main Street and 1866 Main Street, which will close the sidewalk gap. It includes the signal updates and is a survey of existing conditions, 100% design and permitting, the price came to \$45,750. That is inclusive of the signal updates and all work necessary to get construction ready. Ms. Lowder stated that where 2 members were not present she understand if they don't want to make any motions relative to approving funds from the Sidewalk Fund to move forward with this, but she did want to bring it to their attention today.

Mr. Johnson stated he wanted to wait until the other members were there at the next meeting.

Mr. Fratalia asked if they needed other bids to be able to grant this or if they could get one bid and move forward. Ms. Lowder stated they could move forward, but if they would like a comparative bid, she could do that as well.

Mr. Fratalia asked if the Town had used this consultant before. Ms. Lowder stated they had. Mr. Fratalia asked if Kevin Hardiman was familiar with them. Ms. Lowder stated yes, they are on the rolodex of engineers. They try to not use the same firm every single time, these consultants have been responsive and reasonable in price.

Mr. Fratalia stated he would like to table this until the other members are present.

Mr. Johnson stated if Ms. Lowder could get a quote before the next meeting that would be great, but it was ok if she did not.

(C) 1788 Main Street – John Peterson of Metro Sign on behalf of Joseph Aubut c/o Nan T. Vadaro – Sign Special Permit

MOTION- Mr. Fratalia made a motion to waive the public reading. The motion was seconded by Mr. Delaney and unanimously voted 3-0.

MOTION- Mr. Fratalia made a motion to continue the Sign Special Permit for 1788 Main Street until March 14, 2022, at 7:00 PM. The motion was seconded by Mr. Delaney and unanimously voted 3-0.

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(D) 60 Highland View Road – Highland View Realty Trust – Site Plan Special Permit, Special Permit & Land Disturbance Permit

MOTION- Mr. Fratalia made a motion to waive the public reading. The motion was seconded by Mr. Delaney and unanimously voted 3-0.

Matt Hammer appeared for the Site Plan Special Permit, Special Permit & Land Disturbance Permit for 60 Highland View Road. He stated the clients would have liked to be present but they are located in the Netherlands and Tennessee and he felt that they did not need to fly in for the meeting at this point. Mr. Hammer stated at this point they have had 2 IDR meetings, been to Conservation already and received a variance from the Zoning Board of Appeals for a dimensional setback from the side lot line. Mr. Hammer stated the site is currently an empty lot, referenced plans showing the dimensions of the lot and explained they would be building what he calls a high-tech greenhouse which will have a robotics nature on the inside of the greenhouse. It will be a research and development facility to grow fruits. Mr. Hammer then reviewed the building plans with the Board and stated there will be 4-6 people at the most on the property at one time. The facility will not generate much traffic at all, the vehicles that will be coming to the facility to take strawberries out will be pickup trucks or very small box trucks. Mr. Hammer stated that he informed the client that he needed more definitive architectural drawings to show the Board as to what the facility is going to look like, he then went over said drawings in detail with the Board. Mr. Hammer then went over the sewer and drainage system plans in detail for the Board. He pointed out that Engineering requested snow storage not be on the side, so they have dedicated an area in the back of the building. Engineering also requested they restrict the two curb cuts in the front to be no wider than 35' so they will be making that change to the plan as well. They reviewed all the comments and feel there will be no material changes, other than the entrances, that will affect the look and feel of the site from Highland View Road. Mr. Hammer stated they had a productive meeting with the Conservation Commission, the hearing was continued the make sure when the plans are finalized, they make it into the order of conditions with the Conservation Commission. They did not have any additional comments other than a dewatering area they want in the back which will be added to the sedimentation and erosion control plan.

Mr. Fratalia asked if they would be provided better renderings going forward. Mr. Hammer stated that they had hoped the ones he had would suffice along with a packet that had been provided. Mr. Fratalia then stated that he was not aware they were planning on producing more than just strawberries, he mentioned blueberries and other earlier tonight. Mr. Hammer stated they are in the business of processing fruits, this is a research and development facility that is going to have robotic manufacturing techniques within the building itself to grow, process, clean strawberries. He found out last week that the same process could be applied to a blueberry, raspberry, or something of that nature. This company is going to be building a much bigger facility one they refine that process. Mr. Fratalia stated they had only mentioned strawberries, but he has no issue with any additional fruits, he just wants the public to know. Mr. Hammer stated it is specific to berries, he believes there is a rotating contractor that helps wash the berries. Mr. Fratalia asked if there was any feedback from the neighbors or any disgruntled neighbors. Mr. Hammer stated no, they have always been offering up a fence if the neighbors wanted. Mr. Fratalia asked if they had sufficient parking for the 4-6 employees mentioned earlier. Mr. Hammer then showed they had enough parking on the plan.

Mr. Delaney asked how much room they actually have for snow storage. Mr. Hammer stated it was a lot. Mr. Delaney stated his concern was the snow storage and to make sure it does not go on the neighbors' property.

Mr. Johnson referenced a letter from Ms. Lowder stating that there are several things noted on it they did not get that they would normally be looking for or the size of what they received wasn't what they normally require so some things he may need to ask for waivers for if they are not supplying them. Mr. Johnson asked if they have a maintenance plan in place for the greenhouse. Mr. Hammer stated it is made of structural glass, with a large frame, it will be a fancy looking greenhouse. Mr. Johnson stated it may take a little more thought to keep it looking the way its supposed to, as opposed to your typical bunker like industrial buildings tend to be. He wants to make sure it is kept in a good condition in an ongoing manner since it has residential neighbors right next to it. Mr. Hammer stated they have some internal screening within the building so they can try to get addition growing seasons out of the summer period. He will get their plan for regular maintenance. Mr. Johnson stated that any type of artificial illumination has to stay on site. Mr. Hammer stated his first

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question to them was, is this going to be glowing? He said they will provide additional information regarding the light, internal working of the screen inside the building and their maintenance plan to maintain the outside of the glass. Mr. Johnson stated whether the neighbors ask for the fence, they should plan on installing it rather than having it be an after problem. Just because the neighbors haven't complained it doesn't mean there aren't concerns, is not a fence with four corners around the place, it's just for one side. Mr. Hammer stated they want to put the fence down that one side, they have even talked about putting a fence around the entire facility. They have some security concerns that they want to insure, this is going to be a very expensive facility and run professionally that way. He'll make sure to get back to the Board with the plan. Mr. Johnson stated either way he would like to know what it is going to look like, does it make things better or worse depending on what it looks like. Mr. Hammer stated initially they were going to do a white opaque fence 6' in height down the residential side and they were still deciding if that would be around the whole facility, if they would go to chain link around the other 2 sides, he did let them know they could not close in the front, they need full unrestricted public access. Mr. Johnson stated he would rather have something in hand for what they may do rather than chase this afterwards. Mr. Hammer said absolutely.

There were no questions from the audience.

Mr. Fratalia stated he has a couple more questions he forgot to ask. On the new plan they were given tonight, how high are the panels? Mr. Hammer stated that the building is 26' high so the dark green bottom panels are 5' and the rest are large 6' panels, this is going to be a very unique building. Mr. Fratalia stated that Mr. Hammer had stated that most of the comments from Mr. Hardiman have been addressed, then asked if he was going to finish with him this week. Mr. Hammer stated they are going to make a submission back to the Town this week and hopefully they will receive comment back by the Friday before the next meeting.

Mr. Johnson stated this will be continued to March 14, 2022, at 7:20 PM.

MOTION- Mr. Fratalia made a motion to continue the Site Plan Special Permit, Special Permit & Land Disturbance Permit for 60 Highland View Road until March 14, 2022, at 7:20 PM. The motion was seconded by Mr. Delaney and unanimously voted 3-0.

(E) 85 French Street – CIL Realty of Massachusetts – Land Disturbance Permit

MOTION- Mr. Fratalia made a motion to waive the public reading. The motion was seconded by Mr. Delaney and unanimously voted 3-0.

Andy Baum of Sherman & Fredrick appeared on behalf of the applicant CIL Realty for the Land Disturbance Permit for 85 French Street. Mr. Baum stated they are proposing the construction of a 5-bedroom single family home as shown on the plan on a 1.5-acre lot. Mr. Baum then went over the plan with the Board in detail pointing out the wetland buffer, gas line, where the old septic system was before the previous owner switched to municipal sewer. He showed the footprint of the current home and lot. Mr. Baum informed the board that CIL cares for special needs people, so this is a housing facility for people with special needs. In order to do that they are proposing the flatten the driveway, to put a 10% driveway, this will reduce the amount of impervious flowing towards the street, there is no drainage he believes it all just flows into the woods. They created a high point by the front walkway so they could manage most of the stormwater through the roof system or parking area out the back toward the grass water quality swale. They've got a detention basin located in the back that's about 18- 24" deep. In the foundation area the propose some roof drain recharge inside the foundation. One of the comments from the engineer was having soil testing, he has not had the chance to discuss that with him. There are two blind driveway signs on the road, to try to address this they are proposing to cut the slope back about 8' off the edge of pavement with a 6-12" deep grass line swale to give some kind of drainage control for the benefit of the street and then cut that back at a three to one slope so an exiting vehicle has a clear sightline to the left. Mr. Baum stated that it is very important that this building be handicap accessible, even all the way around the building, so the grading is relatively flat around the building in the event of an emergency they can get people out of the building easily. They are proposing a new water service and new 2" fire suppression line from the street so they can have a sprinkler building. They also asked for a shed in the back and a dumpster to manage solid waste. Mr. Baum Stated they received quite a few

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comments from the Engineering Department, then asked the Board if they would like to go through them individually or if he should address them with the town engineer and provide appropriate revised calculations and site plans.

Mr. Johnson stated members may ask questions about them on their turn. He then asked if out of all 18 comments if he saw any as an issue that he will not be able to resolve. Mr. Baum stated no, the only one that he would request a waiver on is the soil testing.

Mr. Fratalia stated he went by the site and asked if he thought there was a sight line issue coming out. Mr. Baum stated that's why they cut the slope back about 8' off the edge of pavement and cut the slope back to a three to one so they've improved the site line quite a bit. Mr. Fratalia asked how they planned to cut the slope down because it's a pretty severe hill. Mr. Baum referenced the limits of grading on the plan. Mr. Fratalia stated that Mr. Baum mentioned retention ponds in the back and asked if they had plans to fence that in. Mr. Baum stated that it is very shallow. Mr. Fratalia stated considering the clientele that's going to be there maybe they should. Mr. Baum stated he would talk to the owner's representative.

Mr. Delaney asked if the water coming down from the driveway would go out onto French Street. Mr. Baum stated no they have the driveway pitched and cut so the water will go into the grass swale they are building, and part of the slope cut back. They will reduce the amount of impervious that's going from French Street from 6,000 sq. ft. down to 2,000 sq. ft. so they more than half reduced the amount of impervious going towards it. They also gave it a place to go by building the grass swale. Mr. Delaney asked about the erosion control plan in the front for the water going down to French Street. Mr. Baum stated Mr. Hardiman had mentioned that but was more concerned with the earthwork occurring in front of the street. He thought they may take and pitch a erosion control barrier at the top or the limit of the cut so any water coming off during construction is controlled and pitched off to the front and not being managed by the edge of the road. Mr. Delaney asked if it was just going to be a swale catching the water. Mr. Baum answered yes, it's just going to be a swale, like he said there is no existing infrastructure in French Street. Mr. Delaney stated they need to have something that says they cannot relandscape, the swale has to stay there. They have had problems in the past where the swale has been there but after a year they decide to change the landscaping and they do something else with it and get stuck with the water. There needs to be something that says they can't touch the swale that is down in the front. Mr. Baum asked if that would be done through a condition of approval, what's the Board's mechanism that they've used for that before. Mr. Delaney stated this is the first time he's come across the swale of a house, it's usually condos or something where they have it in the condo association agreement. In this particular case they don't so we just have to make point to the owners that they cannot relandscape the swale that is in front of it. Mr. Delaney asked if the erosion control would be taken care of by Mr. Baum and Mr. Hardiman. Mr. Baum answered yes. Mr. Delaney asked if there was a lot of parking in the back where they have to worry about snow. Mr. Baum stated they will have some plowing to deal with, they are not up against an abutting property where they would be pushing snow into someone else's property.

Mr. Johnson stated just to clarify, they only have a Land Disturbance permit in front of them, they are not granting a Special Permit, there's a lot of discussion of the building but that's not what they are focusing on with a Land Disturbance permit. There were just a lot of things discussed that don't have anything to do with a Land Disturbance Permit in and of itself. He stated he has nothing to add, a majority of the questions come out of the engineer's 18 points so before they go forward with this, Mr. Baum is going to have to satisfy Mr. Hardiman because a majority of what is being discussed is going to be deferred to him on what it is he wants or needs before it comes back to the Board.

Mr. Johnson opened the hearing up to the audience.

Elaine O'Callahan, 86 French Street, stepped forward to address the Board. Ms. O'Callahan stated she has a couple concerns. One is that it says five – bedroom, she's not against residential homes, but it says five – bedroom, how many residents are going to be in there because she has had a bad experience since this became a group home.

Mr. Johnson reminded Ms. O'Callahan that they were there for a Land Disturbance permit. Ms. O'Callahan stated she understood, Ms. Lowder had explained it to her. She stated that the other thing she is concerned about is water. The town took land from her by eminent domain for the town sewer the length and width of her property and once it happened it disturbed all the water table and she ended up with a lake. Billy Roper went to the town engineer and got them to agree to put a drain in at the bottom of her driveway to help with the water. She is still having problems, but not as bad, but she is concerned about the disturbance of a water table again. She stated that she has been in her home since 1971.

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Mr. Johnson stated, as to her second concern, that is part of what they will have to deal with with the town engineer to make sure everything they are submitting, and their calculations are all correct. Ms. O' Callahan stated Ms. Lowder was extremely helpful, she gave her all the contacts she would need. She is not against group homes, there is a great need for them, but there have been instances, she agrees with the fence because one girl escaped, and two workers had to go running after her and bring her back up to the home so not only for the safety of the neighborhood but the residents also.

Greg Tarion, 45 French Street, stepped forward to address the Board. He stated water wise, they have their retention basin shown with a wear outlet pointing directly at his property line which didn't seem to come across in their hydrocad analysis to show where that was directing towards and its going to do northeast, towards the wetland and flooding out the bottom part of his driveway even more than it already gets. Mr. Baum referenced the plans to point to the primary outlet, where the land is elevated and pitches down to French Street. He stated that they aren't altering the ultimate direction of the water, they are treating it and discharging it in the same function or manner of where the water was going. Mr. Baum stated Mr. Tarion's best bet would be to speak with the DPW because even when you drive down here you can see where there is frost heaves and damage to the pavement, there is something happening down there that is not allowing the water to drain properly through here. Mr. Johnson stated one of the requirements is they cannot increase what's coming off the property so that's one of the things that going to go through the engineer. Mr. Tarion stated that they are not showing the individual trees that are going to be cut down to construct the parking lot. He has a nice view from his deck that looks out to a nice backyard right now, this is going to turn into a large, paved area with a dumpster, shed, streetlights and they are going to cut down a bunch of nice big trees that do a lot of coverage there. Mr. Baum referenced the area on the plans he believes Mr. Tarion is referring to. Mr. Johnson asked that Mr. Baum make note of that for next time. Mr. Tarion stated that this may be a single-family home but it's a commercial development when it comes down to it, they are putting a parking lot behind a building. Mr. Johnson stated this is what he was trying to explain at the beginning. This is kind of a unique thing; it doesn't fall under their purview for special permitting the way you may think it would. He stated he understands Mr. Tarion has concerns, the problem is they're not the venue where they can be addressed because they are only dealing with a Land Disturbance permit, they are not dealing with the types of things they would normally address when they deal with a special permit, its not how this happens. Mr. Tarion stated it's a loophole that they get to put a long-term care facility in a residential area. Mr. Johnson stated its just under a different set of rules. Mr. Tarion asked if there was a zoning district specifically for alternate care facilities. Ms. Lowder stated that these are exempt from zoning, and they're regulated by the state, so the Board has no purview or enforcement as far as not allowing it in a residential neighborhood, but there is a state board that regulates these homes. It is similar to the same way they can't exclude daycare facilities and things like that that are regulated by the state and allowed kind of wherever they want to be. Mr. Tarion stated so they can just build a parking lot that's going to have direct impact on me, that's cool. Ms. Lowder stated that if that's how he's viewing it, yes, they address it through the stormwater management, its exempt from zoning. Mr. Tarion stated its deserving more than 60% of the property. Ms. Lowder stated that what this hearing is for. Mr. Johnson stated that its outside their purview because basically the state has determined that this is a use that is a need that they wouldn't want a Board like theirs to get in the way of, to be honest. It is hard to explain but they just aren't the body that deals with it, they just happen to be the body that hears the land disturbance. Mr. Tarion stated it's a commercial building in a residential neighborhood. Mr. Johnson continued, if it were a 40B being built it would be heard here, they would be the one who deals with it but because the 40B law takes that away from them and gives it to the Board of Selectmen & the Board of Appeals to deal with, the entity that would normally deal with exactly what you think you're getting is not the body that deals with it and that's simply a state law and nothing they can do about it, its not local its state they basically just are above us and they are just saying, not for you to deal with. Mr. Tarion stated he doesn't think the disturbance is appropriate for the area, he thinks its excessive, he thinks is going to cause undue impact on French Street drainage and the wetlands across the street.

Mr. Fratalia asked if it was presently a group home now. Mr. Baum stated he did not know. Ms. O'Callahan yelled from her seat they had moved out. Mr. Johnson stated that was not within the focus of what they had in front of them, what the use is or isn't now and what its going to be put it outside our ability to question.

Mr. Tarion stepped forward again to state that the R40 district building footprint coverage is 15% max, impervious coverage here is going to be up in the 17%, he knows its not building footprint but they are covering a tremendous portion of this property that was previously green, another reason why the disturbance is not appropriate.

Mr. Johnson stated the hearing will be continued to March 14, 2022, at 7:25 PM

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MOTION- Mr. Fratalia made a motion to continue the Land Disturbance Permit for 85 French Street to March 14, 2022, at 7:25 PM. The motion was seconded by Mr. Delaney and unanimously voted 3-0.

Old Business

No old business.

New Business

No new business.

Correspondence

No correspondence

Mr. Fratalia asked if the new administrative assistant would be attending meetings. Ms. Lowder stated no, she'll be doing minutes during office hours. Mr. Johnson looked ahead to the next meeting, currently at 7 hearings. Ms. Lowder stated the sign special permit should go fairly quickly; she discussed all their proposed waivers with them. 30 International Place has an IDR tomorrow morning, so hopefully that moves quickly too. The 2 use special permits are pretty straight forward, it's a lot of individual items but it shouldn't be too bad.

Adjournment

MOTION- Mr. Delaney made a motion to adjourn the meeting at 8:00 PM. The motion was seconded by Mr. Fratalia and unanimously voted 3-0.

Approved on: **March 14, 2022**

List of documents for the 2/28/22 meeting

Documents can be found in the Community Development Office

- A. 7:00 Approval of Minutes: February 14, 2022
- **Meeting Minutes February 14, 2022**
- B. 7:00 Committee Reports/Administrative Actions
- 1- Committee Reports
 - 2- Town Planner's Report
- **Memo from Alexandra Lowder dated 2/25/2022**
- C. 7:00 1788 Main Street – John Peterson of Metro Sign on behalf of Joseph Aubut c/o Nan T. Vadaro: Sign Special Permit – ***application continued to 3/14***
- **No materials submitted**
- D. 7:05 60 Highland View Road – Highland View Realty Trust: Site Plan Special Permit, Special Permit, and Land Disturbance Permit
- **Cover letter dated 1/27/2022**
 - **Application dated 1/14/2022**

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- **Site plans dated 1/21/2022**
- **Presentation entitled "Impression of the Tewksbury strawberry greenhouse" (undated; 9 pages)**
- **Floor plan (undated; 1 page)**
- **Memo from Alexandra Lowder dated 2/25/2022**
- **Letter from Kevin Hardiman dated 2/25/2022**
- **Architectural renderings (4 pages; undated)**

E. 7:10

85 French Street – CIL Realty of Massachusetts: Land Disturbance Permit

- **Cover letter with project summary dated 1/28/2022**
- **Application dated 1/18/2022**
- **Site plan dated 1/26/2022**
- **Letter from Kevin Hardiman dated 2/25/2022**
- **Site plan rendering dated 2/28/2022**

Old Business

New Business

Correspondence

Adjournment