

TEWKSBURY PLANNING BOARD MINUTES

March 28, 2022

Call The Meeting to Order

Vice Chairman Robert Fowler called 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.

Stephen Johnson and Eric Ryder were not present for this meeting.

(A) Approval of Minutes – March 14, 2022

MOTION– Mr. Fratalia made a motion to approve the March 14, 2022, minutes. The motion was seconded by Mr. Delaney and unanimously voted 3-0.

(B) Committee Reports/ Administrative Actions

(B1) Committee Reports

Mr. Fowler stated on April 11, 2022, they are going to have the Zoning Bylaw committee there presenting the new Zoning Bylaws to be acted on at town meetings. He is on the subcommittee, but he will not be able to attend, and he feels bad about that, but he will not be on this hemisphere, quite a way away. He'll find out what happens at the meeting afterwards.

(B2) Town Planner's Reports

Ms. Lowder stated Mr. Delaney had asked her to speak with Representative Robertson or the state delegation regarding the state's possible involvement in installing sidewalks in front of 1788 & 1866 Main Street as discussed, including the Livingston Street signal update. Ms. Lowder stated she had a discussion with Representative Robertson on the 18th and he was going to reach out to Mass DOT because he does know that they have some projects in the pipeline and they wouldn't want to act on installing those sidewalks prematurely because there a chance they could get ripped up during other work. He's going to see what they have going on in their schedule to see if there's a time they can best position this, she did also forward him the estimate hey received from GCG so he could get an idea of how much they'd be looking for. She plans to follow up with him this week. Mr. Fratalia asked if Ms. Lowder thought it was worth following up with Mr. Feingold and Representative Tram to get some help on their end too, the more the merrier. Ms. Lowder answered absolutely, she was just starting with Representative Robertson because she knows he has also been fielding calls about this, she can absolutely reach out to Representative Nguyen & Senator Feingold.

Ms. Lowder stated that the day of the last meeting the 30 East Street mixed use project was appealed by and abutter on March 14. Town council has been informed and will be representing the Board. There's no action here, she jus wanted to let them know that that is kind of frozen in time at the moment.

Ms. Lowder stated that the third item she wanted to discuss may not matter tonight since they don't have all the members present but she was looking to propose the Planning Board waive the Sign Special Permit Fees for the remainder of 2022 in an effort to incentivize businesses, particularly along Main Street, to get new signs. They saw how nice the Mac's Dairy one came out; they have Balance Spa that just got theirs. To be clear these companies would still have to pay for the building permit to have the sign put up but possibly saving some money could alleviate some of the burden for them and she thinks they are really well positioned where they have Starbucks coming to town soon, the new bakery is supposed to be coming, new fire station, new schools, they have a lot of exciting redevelopment going on in the town and she thinks this could be a great way for some businesses to piggyback on this, but she happy to table this until they have everybody present. She wanted to kind of put that out there and she provided some data from the last 5 years of the number of sign permits granted, how many along Main St. and how the percentage overall of the special permits they grant and generally is only about 20, so it's not like they'd be giving away everything, particularly where Sign Special Permits are easy to process administratively and typically only take one hearing. It's just something she wanted to put in front of the Board for consideration, they can certainly discuss it next time.

Ms. Lowder stated the last item, as Mr. Fowler mentioned, they have the Zoning Bylaw rewrite submitted for consideration at the annual town meeting and the scheduled Planning Board hearing is for Monday April 11th. Because the zoning bylaw rewrite failed at the annual town meeting last year it does require a positive endorsement from the Planning

TEWKSBURY PLANNING BOARD MINUTES

March 28, 2022

Board to be able to move forward to town meeting this year. Last year it was great that everybody was on board, and it could go to town meeting regardless of what the Planning Board endorsed but this year they do require the endorsement so that's just something to keep in mind and also as Mr. Fowler mentioned he's not going to be at the next meeting so if anybody else is not going to be there she's like to know sooner rather than later.

(B3) 984 Main Street – Non-Substantial Change Determination

Chief Kearns & Deputy Guttadauro appeared for the Non-Substantial Change Determination for 984 Main Street. Chief Kearns stated they are seeking a non-substantial change to the plans that were approved for the new fire station. As the plans are set right now there's a concrete rumble strip down the middle of the driveway that planned, what they would like to do is change that out to have a painted striped island. He provided the Board an overhead picture of what they'd like to do with that. Its going to be the same size as the concrete its just he thinks its going to look better with the painted area rather than the stamped concrete and the damage he thinks it will do to the plows and they try to plow the driveway. They are in the station right now, they moved in there last Tuesday with the temporary occupancy permit, the outside work should be getting started, probably around mid-April, they are waiting for DOT to issue their permits so they can do work close to 38. When that work is done mid-April, they'll have that middle island striped hopefully. They are also going to have stenciled on the pavement 'NO PARKING' to make sure people are aware of that.

Mr. Delaney stated he doesn't have a problem with what they want to do, he thinks it's a good idea because the rumble strip will only affect the plow when it goes up and down while the plow will knock the thinks that make everything vibrate off, so he thinks its actually a good idea, he's all for it.

Mr. Fratalia stated he met with Mr. Kearns and Mr. Guttadauro at the fire house and walked the site, he is in full agreement with the plans to remove the rumble strip. He was actually pleasantly surprised at the width of the driveway when he did the walk. Mr. Fratalia stated the plans show a 6' strip and asked if that is what they want to still have for a painted strip or is that too much. Chief Kearns stated he thinks its probably too much, he's going to talk with the designers. If they are going to switch it to a painted area to have 6' because its about 36' wide right now, if they knock that down around 4' he thinks that'd be a good-sized island going down the middle that will completely dominate 'IN' and 'OUT', so no one is confused. Mr. Fratalia stated he thinks 4' is plenty and walking the site, the driveway is a lot bigger than they had thought. Chief Kearns agreed, looking at the plans before and to actually see it in place now, he's pleasantly surprised at the width of the driveway, he thinks it accommodates exactly what they had planned. There was a concern about the apparatus going in and out with regular traffic going in and out and he thinks the width of that driveway certainly suffices to allow cars to get off to the side if they are pulling out. Mr. Fratalia stated he agrees, it would be enough room for a car to pull over in case the apparatus is coming behind them or coming in vice versa and he has no problem voting for the painted strip in the middle and doing away with the rumble strip.

Mr. Fowler stated he is all set with this obviously. He can understand it and it makes all the sense in the world. He has an unrelated question to ask afterwards. He thinks that if the Chief is in favor that they should amend the submittal from 6' to 4' now so that when they vote on it its done.

MOTION – Mr. Fratalia made a motion to approve the Non-Substantial Change for 984 Main Street, to amend the plans to show a 4' strip as proposed rather than a 6' strip down the middle of the driveway and removal of the rumble strips. The motion was seconded by Mr. Delaney and unanimously voted 3-0.

(B4) 15 Astle Street – Approval Not Required Plan

David Plunkett appeared on behalf of the homeowner for the Approval Not Required Plan for 15 Astle Street. Mr. Plunkett stated, clearly this on the private way, it has one plus acre on both lots and each lot has 150' of frontage so that's all the criteria, that's all the determination to be made and request that it be approved for endorsement.

Mr. Delaney asked how many houses are going in there or are they just changing the lot lines. Mr. Plunkett stated he's just looking for endorsement of the plan as presented, as it exists, this is what exists right now there's no proposal pending on this other than an ANR endorsement, that's the sole submittal.

TEWKSBURY PLANNING BOARD MINUTES

March 28, 2022

Mr. Fratalia stated its pretty straightforward, he knows what the applicants trying to do, identify the lot lines and he's fine with this.

MOTION – Mr. Fratalia made a motion to approve the ANR plans as submitted at 15 Astle Street. The motion was seconded by Mr. Delaney and unanimously voted 3-0.

(C) **940-960 Main Street – 960 Main Street Development, LLC on behalf of John D. Sullivan – Modification to Site Plan Special Permit**

Applicant requested continuation to 4/11/2022

MOTION – Mr. Fratalia made a motion to continue the Modification to Site Plan Special Permit for 940-960 Main Street to April 11, 2022, at 7:20 PM. The motion was seconded by Mr. Denaley and unanimously voted 3-0.

(D) **85 French Street – CIL Realty of Massachusetts – Land Disturbance Permit (continued from 3/14)**

Applicant requested continuation to 4/11/2022

MOTION – Mr. Fratalia made a motion to continue the Land Disturbance Permit for 85 French Street to April 11, 2022, at 7:15 PM. The motion was seconded by Mr. Delaney and unanimously voted 3-0.

(E) **30 International Place – Lowell Five Cent Savings Bank – Special Permit (continued from 3/14)**

Doug Housler appeared on behalf of the applicant. Mr. Housler stated they are respectfully requesting the right to withdraw the application without prejudice.

MOTION – Mr. Fratalia made a motion to withdraw the Special Permit application for 30 International Place without prejudice. The motion was seconded by Mr. Delaney and unanimously voted 3-0.

(F) **160 & 170 River Road – Trull Brook Gold Course, Inc. – Site Plan Special Permit & Land Disturbance Permit (continued from 3/14)**

Applicant requested continuation to 4/11/2022

MOTION – Mr. Fratalia made a motion to continue the Site Plan Special Permit & Land Disturbance Permit for 160 & 170 River Road to April 11, 2022, at 7:10 PM. The motion was seconded by Mr. Delaney and unanimously voted 3-0.

(G) **60 Highland View Road – Highland View Realty Trust – Site Plan Special Permit, Special Permit & Land Disturbance Permit (continued from 3/14)**

Applicant requested continuation to 4/11/2022

Mr. Fowler stated the reason they are continuing this is because someone at one time put drainage devices underground on that site already, never been inspected, no test pits, nothing. Mr. Hardiman is concerned, obviously, what are they going to do, they can't use what's in the ground now because it wasn't inspected. They are going to have to decide what they want to do, either rip it out and start new or something else. Mr. Fratalia asked if it was right on site. Mr. Delaney stated the people that are building Highland View, they didn't put that. Mr. Fowler stated no, they didn't, it was done before. Mr. Delaney asked did they know they were there, and they were going to be able to use them. Mr. Fowler stated that they say no, he has a question he would like to ask the engineer but he's not here today.

MOTION – Mr. Fratalia made a motion to continue the Site Plan Special Permit, Special Permit & Land Disturbance Permit for 60 Highland View Road to April 11, 2022, at 7:05 PM. The motion was seconded by Mr. Delaney and unanimously voted 3-0.

Old Business

There was no old business.

TEWKSBURY PLANNING BOARD MINUTES

March 28, 2022

New Business

Mr. Fratalia stated he would like to extend Mr. Delaney a sincere good luck on Saturday's election. In the event it does not go in his favor it was a pleasure working with him on the Planning Board. Mr. Fowler stated Mr. Delaney has been there for 5 years and seen a progression of this Board with a lot of new things and he wants to congratulate him for being able to quickly grasp the necessity of knowing what's going on with this Board. Its not an easy board to be on because of the zoning bylaws, state laws, federal laws, town laws, he appreciates what he has done, and he looks forward to seeing him back here next meeting. Mr. Delaney stated he's enjoyed the 5 years he's been here.

Correspondence

There was no correspondence.

Adjournment

MOTION – Mr. Delaney made a motion to adjourn the meeting at 7:21 P.M. The motion was seconded by Mr. Fratalia and unanimously voted 3-0.

Approved on: April 25, 2022

List of documents for the 3.28.22 meeting

Documents can be found in the Community Development Office

- 7:00 p.m.** Call meeting to order
- A. 7:00** Approval of Minutes: March 14, 2022
- B. 7:00** • **March 14, 2022**
Committee Reports/Administrative Actions
- 1- Committee Reports
 - 2- Town Planner's Report
 - **Memo from Alexandra Lowder dated 3/25/2022**
 - 3- 984 Main Street – Non-Substantial Change Determination
 - **Application dated 3/24/2022**
 - **Revised site plan dated 8/7/2020**
 - **Overhead photo (1 page; undated)**
 - 4- 15 Astle Street – Approval Not Required Plan
 - **Application Form A dated 3/16/2022**
 - **Plan dated 3/16/2022**
- C. 7:00** 940-960 Main Street - 960 Main Street Development, LLC on behalf of John D. Sullivan: Modification to Site Plan Special Permit
- applicant requested to continue to 4/11/2022
- **Application packet dated 2/23/2022**
 - **Revised site plan dated 2/14/2022**
 - **Memo from Alexandra Lowder dated 3/25/2022**
 - **Letter from Kevin Hardiman dated 3/25/2022**
- D. 7:05** 85 French Street – CIL Realty of Massachusetts: Land Disturbance Permit
(continued from 3/14) - applicant requested to continue to 4/11/2022

TEWKSBURY PLANNING BOARD MINUTES

March 28, 2022

- Letter from Sherman & Frydryk dated 3/23/2022
- Revised site plans dated 3/22/2022
- Email from Kevin Hardiman dated 3/23/2022

E. 7:10 30 International Place – Lowell Five Cent Savings Bank: Special Permit
(continued from 3/14)

- No materials submitted

F. 7:15 160 & 170 River Road – Trull Brook Golf Course, Inc.: Site Plan Special Permit & Land Disturbance Permit (continued from 3/14)

- applicant requested to continue to 4/11/2022

- No materials submitted

G. 7:20 60 Highland View Road – Highland View Realty Trust: Site Plan Special Permit, Special Permit, and Land Disturbance Permit (continued from 3/14)

- applicant requested to continue to 4/11/2022

- Greenhouse floor plans and elevations dated 3/11/2022
- Email from Kevin Hardiman dated 3/24/2022

Old Business

New Business

Correspondence

Adjournment